

#2 Revised - REQUEST FOR REVIEW: RA21043 / Double T Cattle Co. Ltd.

Filed By:

Shane Campbell

Deadline for RFRs:

June 8, 2022

Date RFR received:

June 3 and 8 (attachment), 2022

Status of party as per Decision Summary:

Directly Affected Party

REQUEST FOR BOARD REVIEW
SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD

Application No:	RA21043
Name of Operator/Operation:	Morris Thalen and Double T Cattle Co. Ltd.
Type of application (<i>check one</i>):	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration Authorization
Location (<i>legal land description</i>):	NE15-42-25W4M
Municipality:	Ponoka County

I hereby request a Board Review of the Approval Officer’s Decision and have the right to request a Board review because (*please review all options and check one*):

- I am the producer seeking the approval/registration/authorization.
- I represent the producer seeking the approval/registration/authorization.
- I represent the municipal government.
- I am listed as a directly affected party in the Approval Officer’s Decision.
- I am not listed as a directly affected party in the Approval Officer’s Decision and would like the Board to review my status.

IMPORTANT INSTRUCTIONS

1. You must meet the specified 10-day timeline; otherwise your request will not be considered.
2. Section 1 of this form must be completed only if you are requesting that the Board review your status as “not directly affected”. Sections 2 to 5 must be completed by all applicants.
3. This form must be signed and dated before it is submitted to the Board for its review.
4. Be aware that Requests for Board Review are considered public documents. Your submitted request will be provided to all directly affected parties and will also be made available to members of the public upon request.
5. For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.

1. PARTY STATUS

(IF YOU ARE NAMED A DIRECTLY AFFECTED PARTY IN THE APPROVAL OFFICER'S DECISION, YOU DO NOT NEED TO COMPLETE THIS SECTION)

Party status (“*directly affected*” or “*not directly affected*”) is determined pursuant to the provisions of the *Agricultural Operation Practices Act (AOPA)* and its regulations. Upon receipt of an application, the Approval Officer must notify any affected parties. Affected parties include municipalities and owners or occupants of land as determined in accordance with the regulations. To obtain directly affected status, the owner or occupant notified in the above process must provide a written submission to the Approval Officer during the stage at which the Approval Officer considers the application. The Approval Officer will then determine who the directly affected parties are and include this determination in the Decision Summary.

Under its governing legislation, the Board can only consider requests for review submitted by directly affected parties. If you are not listed as directly affected in the Approval Officer’s decision, you must request that the Board reconsider your status (*please note that under the provisions of AOPA, the Board cannot reconsider the status of a party who has not previously made a submission to the Approval Officer during the application process*).

In order to request your status be reconsidered, you must explain why your interests are directly affected by the decision of the Board. Please list these reasons below:

My grounds for requesting directly affected status are as follows:

2. GROUNDS FOR REQUESTING A REVIEW

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to approve an application, NRCB Approval Officers must ensure the requirements of AOPA have been met. Your grounds for requesting a Board review should identify any requirements or specific issues that you believe the Approval Officer failed to adequately address in the Decision.

My grounds for requesting a review of the Approval Officer's decision are as follows:

Approval granted to change a swine CFO to a beef feedlot: 1. It is my understanding, that there has been no swine operations for a number of years. 2. Approval to grant a beef feedlot operation, using modified swine facilities should not occur; that swine facility should be removed and a proper beef facility constructed. As per the Construction Conditions, point #2 Concrete; who is the qualified third party preparing the report; if it comes from Eagal Builders, it is my understanding that the Thalen family are involved with this company; how is that a qualified third party? 3. Synthetically lined catch basin; what third party will be monitoring this construction???? 4. Post Construction Inspection; does the NRCB have qualified construction inspectors???? 5. WaterWell Monitoring; all wells throughout the area should be tested prior to any construction and then yearly if this approval proceeds. What will happen if there is another "Walkerton, Ontario" situation in Ponoka County, if as a result of unqualified third party inspection, cutting corners to save construction costs and understaffed NRCB??? 6. Dead Stock Plan; what is the applicant planning to do with any dead stock? 7. I have heard that the land for this feedlot, was once tiled due to drainage issues, if this is true, the ground water table must be very close to the surface; does the ground water eventually reach the aquifer? I think more research needs to be conducted, by a qualified third party. 8. Poor Air Quality; due to intensive farming practices, large agricultural operators have removed trees and fencelines, resulting in wind events that transfer large quantities of soil and material; I have attached two photos, taken on May 13, 2022, looking north from my house towards the proposed feedlot location; where will the wind take this proposed feedlot operation contaminants? 9. How can the NRCB approve CFO's, if you are funded by large agricultural organizations that support CFO's???

3. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to support your reasons for requesting a review, please explain how you believe you would be affected by the Approval Officer's decision.

I believe that, as a result of the Approval Officer's decision, the following prejudice or damage will result:

My health and the health of my family, neighbors, and potentially my livestock will be affected by this operation. My quality of life will be affected by this operation; if the value of my property decreases, my retirement will be affected.

4. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

I would like the Board to take the following actions with the respect to the Approval Officer's decision:

- Amend or vary the decision
- Reverse the decision

Please describe why you believe the Board should take this action:

If my health is affected, or the quality of my life, or my water well, or the value of my property; will the Double T Cattle Co. Ltd. cover all my costs and expences???

If the Board decides to grant a review (*in the form of either a hearing or a written review*), all directly affected parties are eligible to participate. The Board may consider amending the Approval, Registration, or Authorization on any terms and conditions it deems appropriate. **Please note the Board cannot make any amendments unless it first decides to grant a review.**

If a review is granted by the Board, are there any new conditions, or amendments to existing conditions, that you would like the Board to consider? It is helpful if you identify how you believe your suggested conditions or amendments would address your concerns.

5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: Shane Campbell

Address in Alberta: [REDACTED]

Legal Land Description: SE 10-42-25-W4

Phone Number:

Fax Number:

E-Mail Address:

Signature: _____

Optional

Date: _____

June 3, 2022

Required

If you do not meet the timeline identified, your request will not be considered.

If you are, or will be, represented by another party, please provide their contact information (Note: If you are represented by legal counsel, correspondence from the Board will be directed to your counsel)

Name:

Address:

Phone Number:

Fax Number:

E-Mail Address:

When you have completed your request, please send it, with any supporting documents to:

Laura Friend, Manager, Board Reviews
Natural Resources Conservation Board
John J. Bowlen Building
#901, 620 - 7 Avenue SW
Calgary, AB T2P 0Y8

Phone: 403-297-8269

Email: laura.friend@nrcb.ca

Please note, Requests for Board Review are considered public documents. Your submitted request will be provided to all directly affected parties and will also be made available to members of the public upon request.

For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.





From: [REDACTED]
To: [Laura Friend](#)
Cc: [REDACTED]
Date: Fwd: Part 2 Arguments continued for the Request for review
Wednesday, June 8, 2022 1:47:54 PM

Laura, please add the following several attached emails, to my letter requesting a review of the NRCB approval process of the proposed CFO for Double T Cattle.

Thank you,
Shane Campbell

Sent from my iPhone

Begin forwarded message:

From: [REDACTED] -
Date: June 8, 2022 at 1:02:55 PM CDT
To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Part 2 Arguments continued for the Request for review

Would one of the impacted families include this and my previous word document as an addendum to their request for review?

Arguments for a request for review cntd.

1) The county of Ponoka has some of the most well thought out and laid out guiding documents set-up to prohibit CFOs and a known distaine for the NRCB. Yet, IN SECTION 5 the Approval Officer finds the guiding documents support a CFO. This in of itself highlights the officers complete disregard for the AOPA as it makes clear the importance and weight of the Counties planning intentions.

POLICY 2.1 was misunderstood by the Approval Officer. Under the Municipal Government Act, Councilors are delegated authority with their first role and priority to ensure the human and environmental health and safety. As such, environmental and neighbour's rights are included as per statutory provincial laws.

Human and environmental considerations are balanced with planning decisions,

including CFOs because it is the number one legal obligation determining land use provisions. Furthermore; the Approval Officer failed to understand a cost benefit analysis specific to the local region and not a "broad economic development". The word "neighbors" gives this away. The Policy doesn't say "entire region", "entire county" or any other broad terminology. Because the impacted radius varies based on the scale of any CFO application, and because the NRCB has oversight into that radius the county used the term "neighbors" to refer to anyone impacted. Because the NRCB and the AOPA make that determination it is clear that this specific rationale in Policy 2.1 is a "land use provision".

As per Policy 2.1, when you factor in, over the approximate 40 year lifespan of the feedlot, the same 40 year lifespan used by Ab Env. during the hydrogeological test for the cone of depression, and compare it to the loss revenue and lost jobs of the neighboring business, the cost benefit analysis is not in favor of the CFO application within the 1.5 mile radius.

Looking at the irreplaceable, imported genetics of an ancestral bloodline from a neighboring dairy, the dairy were several of the daughters of Canada's second most expensive cow, to a completely closed in dairy further south. The loss of the expensive livestock from disease of garbage auction cows that follow no biosecurity alone outweighs the costs. That's not including the loss of retirement plans, the costs of relocating vulnerable members of families that can not live or breathe in the community and the jobs lost from all the home businesses. Over 40 years we would be nearing a billion dollars in lost revenues.

2) The Approval Officer notes drainage channels and semi-permanent streams specifically draining through section 14. We can see life in these creeks from snails and tadpoles to frog and song birds with riparian aquatic grasses, sedges and reeds. This biodiversity definition and aquatic and terrestrial lifeforms indicate that this CFO is located within 100m of a waterway. A wetland assessment and notice further downstream should have been included.

3) The existing livestock operations have a terrible record all across western Canada. Hiding under various names, confusing the public and exploiting the holes and honour system in the NRCB monitoring process, this applicant has gotten away with years of environmental damage and violations to the AOPA. The applicant doesn't follow best practices let alone the minimum AOPA requirements as is. At his Pigeon Lake facility, there are 3 groundwater wells all in the down gradient pathway of his manure storage that have all been subject to overland flooding. He winter beds on a creek and definitely within the 30 meters setback. Several other Feedlots and auction houses operated by this conglomerate of companies all have various manure storage issues with surface water and regularly operate at maximum capacity. There is a deep, complex history of environmental damage, liabilities, passing the buck, bankruptcies, and playing "dumb" to avoiding accountability for the damage to the environment. To relax the 100 meter setback to 85 meters on an existing well that the "applicant just didn't notice or mention in the without application part 2" is naive of the Approval Officer. The application should have been deemed insufficient. There was no real changes or planning on the part of the application to guarantee the wells protection within the Manure storage area and is irresponsible of the NRCB.

Snow pack and ice dams as well as mountains of manure this applicant is famous for all need to be considered and the manure storage violates the AOPA. Monitoring the well in July and on a set date allows the applicant to "prepare" for inspection and hide any wrong doing. Sampling at a time of year when impacts concentration is low and the surfacewaters are the lowest is a joke.

See attached photos of a mountain of manure, at the applicants other site, unlined and draining into a tributary in Pigeon lake without any mitigation for surface runoff or groundwater.

4) Biosecurity was never addressed. Just the other day. Cows from the applicant property were in a tilled field along the weedy edge where there was a skiff of vegetation reaching into the neighbours irreplaceable dairy operation. There was no mention of Biosecurity management and how impacts to neighbours from dirty auction animals would be mitigated. The applicant does not follow Canada's safe handling guidelines or Canada's Biosecurity management guidelines. These animals and the management of the applicant are a threat to the National herd. The applicant is not a member of the Cattle Feeders and has created a terrible reputation to the industry. The applicant is hurting the cattle feeders industry and uses facilities like these to undervalue the livestock industry as a whole.

5) The cumulative effects of the manure spreading from the applicants other operations and the other nearby intensive livestock operations were never specified. As we have seen from the applicants other operations they have a tendency to "hide" and not disclose overlap of other land spreading operations and cattle grazing. There is a long history of over application.

6) cumulative impacts on air quality were not considered. Again, several other intensive livestock operations, temperature inversions from vegetation, the lake, the nearby town and the hills and valleys in the local area all indicate the (dt) and (dw) factors should have been applied and re-evaluated to properly assess air quality impacts and odour protection. The nuisance threshold is exceeded as per the AOPA and as per Health Canada's exposure guidelines and OH&S exposure limits the threshold of acceptable risk is exceeded for residents. This was eluded to by Mr. Gordon Watt and deserves more consideration given the EXTREME PROXIMITY to other operations, the neighbour's and the huge number of people in PONOKA. There is a mountain of data to be reviewed. Chronic exposure to people in the town living within the air dispersion model next to the manure storage and slurry ponds of the auction house should also be considered when the wind blows in from this feedlot blasting them with not just a low level chronic exposure but high level concentrations from this location when the wind blows.

To that, ammonia volatilization can kill coniferous trees and will impact the neighboring plants at the nursery.

Either the Approval Officer or Mr. Gordon Watt error in statements that "h₂s, ch₄ and ammonia are odours and are subjective". Those 3 chemicals are chemical gases. They are measurable, quantitative and not subjective and all 3 are considered toxic substances in Canada and have specific exposure limits and

rates. If the health officer or approvals officer can't comprehend the implications of these gasses on human health neither would be considered competent of their job under Alberta's Occupational laws and are a liability to the Province of Alberta. The fact this statement is made should be enough to show the Approval rational is deficient.

"Odour" is made up of 160 different chemicals and is subjective and considered a nuisance. Under the AOPA the odour protection calculation shows an exceedance at this site.

The complaint of health impacts came from Monica Brennan who has a long career as a nurse. It is insulting, and displays the incompetence of the Approval Officer to nit understand this.

Mr. Watts assessment that a catch basin is enough to mitigate nitrate and nitrite poisoning to neighbours livestock also displays a complete lack of understanding of the scope an scale of this feedlot and site specific conditions. Not only will surface water iin dugouts and creeks intermix with impacts from the horizon A' aquifer, the ammonia and runoff from the injected manure slurry or land spraying on the tilled fields will poison livestock watering ponds. Runoff from these fields does not require a catch basin and because the sun doesn't stop shining the volitization of this ammonia can not be mitigated via a catch basin. Again, there is significant incompetence from those making these decisions and a lack of understanding of what they are being asked to pass judges on.

6) the monitoring and follow-up tied to this application are too relaxed for its scale and potential impacts.

7) As per section 10 of the Approval Officers decision the public was unaware they were to submit concerns about the environment to AEP. There are several issues regarding the environment the community and the Chain Lakes Watershed groups wish to address.

8) We rebutt the "presumption and view" of the approval officer that the Counties land use does not allow or support a CFO of this scale. The officer completely failed to acknowledge the Counties Agriculture Small Holdings landuse, specifically designed for intensive agriculture that doesn't require productive land.

9) The NRCB and AOPA both indicate that scale and impacts based on animal units impact the land use and its intensity. By this, limits on head are land use provisions.

10) Not only is the counties Policy 2.6 a land use provision, its provincial law. The Approval officer contradicts himself statement "prooosed facility meets AOPAs operational and design requirements", he previously stated 4 times it did not. We also have a long history of the application not following the minimum requirements of the AOPA designed to "reduce risk". I argue that the Approval Officers assessment that "any risk" or "low risk threshold under the policy 2.6 is met. It is almost a certainty based on the past management history, relaxed

beyond even minimum AOPA standards on a groundwater well and grandfather clause, missing surface water drainage in the plan, inconsistent assessment of where or what wetlands are or where surface water flows, incorrect use of wetland data, confusion on which watershed the surface water will drain to, missing decommissioning or re-evaluation of the site, missing recent assessment of an earthen manure lagoon that was filled in and re-excavated in 2015, seepage from drainage tiles not accounted for, missing data on previous groundwater interface issues and past site-specific flooding and visiting during the winter and twice in early spring.... its obvious to anyone with common sense or environmental technology background the Approval Officer and the NRCB have no-idea of what surface water or ground water impacts will occur. Neighbours have every reason to distrust the NRCB and be concerned. It is almost a guarantee that impacts will happen and due to the lack of due-dilligence and shotty work of the NRCB Approval Officer there will be no-way to monitor or prove impacts further down the road.

11) Policy 2.8 of the Counties planning documents should apply because this is a NEW application. This is not a grandfathered application. Almost all of the facilities will have to be re-built and the facility doesn't have a manure storage which is one specific requirement to be a CFO. The Officer knows the facility will have to be rebuilt. This is an embarrassment. The permit held is from 2003 after the grandfathering clause cutoff.

12) agrochemicals, PM and the combinations of H2s and ammonia were never discussed as cumulative air impacts with the surrounding air impacts and microclimate. A recent audit in Alberta found 80 Agrochemicals that were banned sold to farms in Alberta. Further assessment on health impacts must be studied.

Sent from my Galaxy

Sent from my Galaxy

Sent from my Galaxy

----- Original message -----

From: [REDACTED]

Date: 2022-06-07 3:26 a.m. (GMT-07:00)

To:

Subject: Arguments for the Request for review Part 1 of 2

Hi Everyone,

I stayed up and just hammered out as much as I could. It's 4 and half pages and Im still only part way through his approval. This really is the worst time, I start grazing this week. I will be in Blackfalds though if anyone wants to meet I can drive up.

Anyways, could someone, maybe 1 or 2 people please copy and paste or send in my word document here as an amendment to your request for review? I still have only gotten to page 8 on the appeal but there is so much to rip apart in the approval officers decision. Please also include all the links to data below. You can check off that you will have a representative or mybe mention you will ask for support from an Environmental Consultant to explain Impacts specifically.

NRCB

documents <https://www.dropbox.com/sh/hi2n9usoe568of9/AAABhoBpYxVGF73wLAXCer6sa?dl=0>

Environmental Reports <https://www.dropbox.com/sh/2epqzc04ma9087i/AAC-LWoZP9IWCYw4YpyxwP3Sa?dl=0>

I have also asked for an extension for submitting documents, arguments for review and the mitigations.

Thanks,

Jeannette

On Jun 6, 2022, at 12:24 PM, [REDACTED] wrote:

Hello,

Below is a video link of the review process and the request for review forms. The request for review will need to be in by Wednesday. I have not had time to type out the arguments I found for Jeffs rational but I will send it. Any data or case studies you can make will help with the review.

<https://www.youtube.com/channel/UCmUKKksZY1FEFzyE7FmiV-A>

<Request for Review for approval officer decision - electronic fillable form 26 Oct 21.pdf>

<Request for Review Approval Officer decision - handwritten form 26 Oct 21.pdf>

<Requests for Board Review fact sheet May2018.pdf>

Here are all the Ministers you can email and request for better involvement and environmental oversights and vent your frustrations to about the Ponoka and all feedlot applications. Remember to talk to your councillors.

Here is a link to Our petition (for all of Alberta, not just Pigeon

Lake) <https://www.dropbox.com/s/q7jxr6g4hc6ofwh/Revised%20AOPA%20Feedlot%20Petition.pdf?dl=0>

aep.minister@gov.ab.ca

minister.municipalaffairs@gov.ab.ca

Af-aopa.Review@gov.ab.ca

afred.minister@gov.ab.ca

Edmonton.Goldbar@assembly.ab.ca

Here is a helpful Landowners appeal guide, there are some useful links in the appendix.

<https://www.dropbox.com/s/f4oamx65hzlyezh/Landowner%20appeal.pdf?dl=0>

Our Gofund me Pigeon lake in Peril has slideshows about the cattle feeders industry and the nRCB process if it will help.

Here are links to articles and data we have found helpful. There are lots more out there.

NRCB

documents <https://www.dropbox.com/sh/hi2n9usoe568of9/AAABhoBpYxVGF73wLAXCer6sa?dl=0>

Environmental Reports <https://www.dropbox.com/sh/2epqzc04ma9087i/AAC-LWoZP9lWCYw4YpyxwP3Sa?dl=0>

Jeannette