

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

Filed By:	Sylvanside Dairy Ltd. (Sipke and Margreet Dijkstra)
Deadline for RFRs:	June 8, 2022
Date RFR received:	May 26 and June 8, 2022
Status of party as per Decision Summary:	Directly Affected Party

From: [REDACTED]
To: [Laura Friend](#)
Subject: Application RA21043
Date: Thursday, May 26, 2022 11:35:29 PM

Hello Laura,

I'm Margreet Dijkstra from Sylvanside Dairy Ltd. We are a family farm that just got the letter of approval last week from the NRCB for Application RA21043. We would like to appeal Application RA21043.

We did file complaints about this 4500 beef finishers CFO. How can we appeal this with the NRCB and what am I supposed to be doing now? This is all new to us.

Today we talked at our Herd Health with the veterinarian about what this approval means for our animals health, we are a closed herd and have been for many years already. We protect our herd the best we can. What we heard was discouraging, IBR and BVD travel through the air, more pneumonia cases etc. What if something like hoof or mouth disease happens, an outbreak is easy of some kind (see the bird flu right now) how will this affect us and who would protect us? If there are 4500 animals close to each other, especially with the owners owning almost all the auction markets in Alberta, you can expect them to put cheap health compromised animals in their feedlot. With so many animals, do they have the land base in place for manure? So many questions are still popping up.

I hope you can help us and we thank you for your time.

Sincerely,

Sipke and Margreet, Sharissa, Randall and Amber Dijkstra

Sylvanside Dairy Ltd.

From: [REDACTED]
To: [Laura Friend](#)
Subject: Application RA21043
Date: Wednesday, June 8, 2022 4:30:07 PM

We are requesting review based on misleading the public and deficiencies and lack of rational by the Approval Officer to uphold the AOPA. The Approval Officer displayed gross incompetence to inform the public about a new application for a feedlot using an old (swine operation that is not an existing CFO anymore) CFO. In the letter and the Ponoka News article (see attachment 131521 and 132503) it says remove all swine livestock from site. This should not be allowed under the NRCB to mislead the public like this. For about 10 years or longer this swine operation has not been in business anymore. Anyone can add a couple hobby pigs and get rid of them but the swine CFO has not been operating anymore for the longest time. We truly believe this does not align with The NRCB Vision, Mission and Values. These are:

Vision, Mission, & Values

Vision: to be a respected decision-maker, exemplifying integrity and foresight in the best interests of Alberta.

Mission: as a quasi-judicial and regulatory agency, the NRCB makes impartial and knowledge-based decisions across two distinct mandates:

- Under the [Natural Resources Conservation Board Act](#), the NRCB decides if natural resource projects are in the **public interest**, considering social, environmental and economic effects, and
- Under the [Agricultural Operation Practices Act](#), the NRCB fulfills applications and **compliance responsibilities**, administers and advances policies, and conducts Board reviews for confined feeding operations.
- Values: in achieving our mission, we honour the NRCB's core values of **integrity, fairness, respect, excellence and service**.

We truly believe that the way the public is informed is not in the best interest of Alberta and does not line up with the vision, mission and values of the NRCB. not only this but also of the 153 letters (again see attachment) send to affected parties it shows that people didn't realize how untrue the statement made was, by telling the public to remove all swine livestock from sight and to permit a new 4500 beef finishers. Which clearly shows the understanding of people that they literally thought this as a trade. By reading the letter we had the same idea but because we knew our neighbours we knew better and knew the truth.

- The Approval Officer disregarded facts, testimony and documented histories for his own bias and assumptions. Repeatedly throughout the approval officers decision making he mentions and states facts and the AOPA legislation but often gives convoluted, hypothetical reasoning and assumptions of "best case" scenarios that reflect a lack of real world understanding or experience. With the owner owning a lot of all auction markets in the province we have to look at "WORST CASE scenario's".
- Our worst case scenario's clearly show that we are well informed about the 167 Ha available for spreading manure because that is by a far cry an insufficient land base to spread manure on for 4500 beef finishers for the next 3 years made available. This is clearly the approval and opinion of one officer which is a huge mistake!

This also shows that if the NRCB does not look at this we will have a huge manure problem at the feedlot with all the consequences and disasters to follow.

- With having talked to multiple veterinarians about having a feedlot close to our dairy we have to make drastic changes and take action to best protect our closed herd. They mentioned also like we said, this is not your average feedlot. With THIS feedlot any disease can show up. In this Appendix A, the Approval Officer tries to argue rational that Beef Manure is not as harmful as Pig manure. We know Bacteria, Nutrients, Salts, Hydrogen Sulfide, Ammonia, Methane, Particulate Matter and Viruses are just as hazardous in all poop regardless the species. We know this as the AOPA clearly states this with various Animal Units in Schedule 2 of the AOPA regardless of species there are limitations and management requirements in the Act.
- The Approval Officer completely disregards that regardless of species the Application surpasses the 3,500 head cut-off in the County Planning documents. The entire AOPA is built off this understanding of hazard and impacts. The approval Officer is abusing his power and the AOPA specifically the "Grandfathering clause" intended to protect reputable existing facilities. The strict requirements in the AOPA to meet the grandfathering status is that the CFO had to have existed prior to Jan 1 2002. Regardless of county permits conditions to meet existence is that it must have been in the thresholds of a feedlots scale and must have been used continuously year round as a CFO and not as a seasonal finishing lot. The Approval Officer even states that the facility in 1997 prior to 2003 was a small scale 300 Sow piggery. The county permit is for an intensive livestock operation not meeting the definitions of a column 2 or column 3 Confined Feeding Operation. It was not used for birthing and not finishing year round and was clearly stated by the Approval Officer as too small in scale. Despite several witness testimony, the Approval Officer disregards facts and the law. The Grandfathering clause does not stand.
- Also stated by several witnesses, of which the Approval Officer disregards, the facility was not in operation as a confined feeding Operation until after 2003. The Officer even states that July 7, 2003 the facility received NRCB approval for a 700 Sow Operation Farrow to finish. If this isn't clear rational and evidence that the facility was not an approved, or functioning CFO prior to Jan 1. 2002 than we have much bigger problems at the NRCB. Why would anyone apply for a CFO approval a year and 6 months later if they were grandfathered in? The Grandfather Clause should not stand as per the AOPA.
- Despite all the other evidence that this is not grandfathered status, despite all the previous impacts to the environment, despite the uninvestigated haphazard decommissioning of the manure storage. The officer stretches numbers for arguments and disregards caution for human and environmental health.
- Assessment of wetlands and surface runoff can not be properly assessed and allowing an approval for such a large facility as 4500 head of cattle without doing a proper investigation and assessment of impacts from the abandoned facility, shows a disregard for the AOAP.

* 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 disdain 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.

The Approval Officer completely ignores the "material" he cites in his opening paragraph as material he "based his decision on". In appendix A he disregards the factual Municipal Development Plan (MDP) after citing very clear and specific sections of it and bases his entire decision of its intent and relevance of the hearsay, oral conversation of a 20 year old memory from the CAO. Despite the clear, black and white text of the non-statutory County Planning documents. Note, the conversation was not included in the introductory paragraph.

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 rational 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.

The loss of the our livestock and neighboring farms and the vulnerability of our livestock to 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 year these numbers can add up significantly!

*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

*Monitoring the well in July, sampling at a time of year when impacts concentration is low and the surface waters are the lowest is not a year round scenario.

*Biosecurity was never addressed. There was no mention of Biosecurity management and how this impacts to neighbors from auction animals would be mitigated. Which can like I said before have a huge impact on surrounding farms.

*The cumulative effects of the manure spreading like I mentioned before has to be addressed by the board. The land base is not efficient in any way for all the manure. (see attachment <https://www.1001.jpg>)

*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 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.

Either the Approval Officer or Mr. Gordon Watt error in statements that "h2s, ch4 and ammonia are odours and are subjective".

The complaint of health impacts came from Monica Brennan who has a long career as a nurse and should have been taken seriously by the Approval Officer.

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 and scale of this feedlot and site-specific conditions. Not only will surface water in 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 volatilization 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 judgment on.

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

* As per section 10 of the Approval Officer's 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.

Also with under "other factors" in the letter the officer repeatedly mentions "my presumptions". Presumptions are not good enough we need real facts!

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

* 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.

*Not only is the County's Policy 2.6 a land use provision, it's provincial law. The Approval officer contradicts his own statement "proposed 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 Officer's 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 visitation during the winter and twice in early spring.... it's 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-diligence 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 County's 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 permit held is from 2003 after the grandfathering clause cutoff.

Thank you so much for your time,
Sincerely,

Sipke and Margreet, Sharissa, Randall and Amber Dijkstra
Sylvanside Dairy LTD.



NRCB | Natural Resources
Conservation Board

#303, 4920 – 51 Street
Red Deer, Alberta T4N 6K8
T 403-340-5241
Toll Free 310-0000 www.nrcb.ca

February 28, 2022

To: Landowner or Resident

**Re: Application RA21043 – Courtesy Letter
Morris Thalen and Double T Cattle Co. Ltd.
NE 15-42-25 W4M**

The Natural Resources Conservation Board (NRCB) has received an application from Morris Thalen and Double T Cattle Co. Ltd. to expand a confined feeding operation (CFO) at NE 15-42-25 W4M. The application is to remove all swine livestock from site and to permit 4,500 beef finishers. It also proposes to construct a series of feedlot pens and a catch basin. Under the *Agricultural Operation Practices Act* (AOPA), the NRCB is responsible for regulating CFOs in Alberta.

The NRCB will conduct a detailed technical review of the expansion application to ensure it meets the requirements of the act and regulations.

This letter is being sent to all persons who own or reside on land within 1.5 miles of the CFO as identified by Ponoka County. Under AOPA, an "affected party" is entitled to receive notice of the application. The location of your land or residence is within the "affected party" distance from the CFO, as set out by the act.

The application is available for viewing online on March 2, 2022 at www.nrcb.ca (under Confined Feeding Operations / Public Notice of Applications). Until further notice, the application will **not** be available for viewing at the Red Deer office of the NRCB as this office is closed to the public due to the COVID-19 pandemic. **The official notice of the application will be published in the March 2, 2022 issue of Ponoka News.**

If you would like to submit a statement that expresses your concern or support for the application under AOPA, please send it to my attention at the address on this letter, or by email at Jeff.Froese@nrcb.ca. Your submission must be received in writing (by mail or email) on or before **March 30, 2022**. Your submission must include:

- your name,
- the legal land description of the land you reside on and/or own,
- your contact information: mailing address, phone number, and email address, and,
- an explanation of your support or concern (including any supporting documents).

All submissions are considered public documents. A copy will be given to the applicant. If your statement includes concerns that do not fall under the authority of the NRCB, it may be forwarded to other agencies. If you would like all or part of your submission to be considered confidential, please identify in your statement the part(s) that should be confidential and why.

Parties who provide submissions will receive a copy of the decision and may have an opportunity to request a board review of the decision should they disagree with all, or portions of it.

If you have any questions or concerns please contact me at 403-340-5795 or by email at Jeff.Froese@nrcb.ca.

Yours truly,

Jeff Froese
Approval Officer

own home - you
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Member BBB.
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Help Wanted

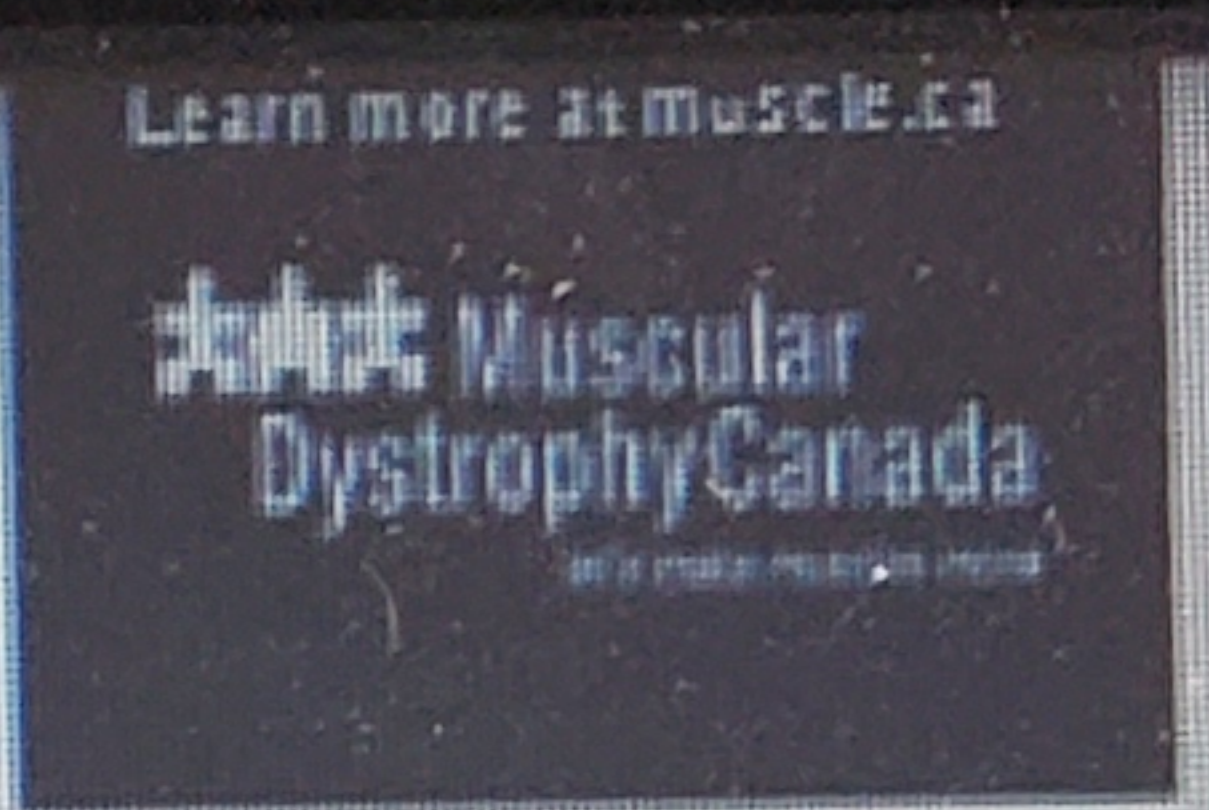
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Public Notice

globes, oil cans, clocks,
coke machines. Anything
related to Red Indian,
White Rose, North Star,
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Public Notice



Public Notice

Notice of Application Confined Feeding Operation

Morris Thalen and Double T Cattle Co. Ltd. have filed application RA21043 with the Natural Resources Conservation Board (NRCB) to obtain an approval to expand an existing confined feeding operation (CFO) on the NE 15-42-25 W4M in Ponoka County, Alberta. The application is to remove all swine livestock from site and to permit 4,500 beef finishers. It also proposes to construct a series of feedlot pens and a catch basin.

Filing a Statement

Any person who is directly affected by the application may submit a statement to the NRCB. The statement must be received by the NRCB on or before March 30, 2022. Submissions must be made to the NRCB email address provided below. A copy of the response will be sent to the applicant for review and comment. Statements submitted regarding the application are public records and are non-confidential.

Your statement should include your name, the legal land description of your residence or landholdings, mailing address, phone number, email address, and a detailed summary that describes how you would be directly affected by this application. For further information please refer to the fact sheet "The Permitting Process for Confined Feeding Operations in Alberta" at www.nrcb.ca (under Confined Feeding Operations / Notice of Applications). You may also file an application for directly affected party status at this time. Additional information related to directly affected party status is available on the NRCB website.

Failure to submit a statement may affect your rights to apply for an NRCB review.

Viewing the Application

A complete copy of the application and supporting documents submitted by the applicant under the Agricultural Operation Practices Act may be viewed only on the NRCB website at www.nrcb.ca (under Confined Feeding Operations / Public Notice of Applications) until March 30, 2022. Until further notice, the application will not be available for in-person viewing as the Red Deer office of the NRCB is closed to the public due to COVID-19. If you require further information, please contact the approval officer listed below.

Jeff Froese, Approval Officer
Jeff.Froese@nrcb.ca
T: 403-340-5795

The closing date for submissions:
March 30, 2022

Dated at Red Deer AB, on March 2, 2022

www.nrcb.ca



ING A NEW JOB ISN'T ROCKET



_____ Morsan Farms _____ Manure receiver.

Length of agreement: This agreement is valid for a time period of _____ 3 years _____
(minimum of three years)

Legal land location	Soil type ¹	Acres suitable for manure spreading ²
N 20-42-25-W4	Black	230 acres 81 ha available
SE-25-42-25-W4	Black	140 acres 45 ha available
SE-12-43-25-W4	Black	109 acres 41 ha available

¹ Soil type choices: Dark brown and brown, Grey wooded, Black, Irrigated.

² Land within required setbacks from water bodies, water wells, residences, etc. is not to be included.

Other comments: