

#2 - REQUEST FOR REVIEW: RA21045 / G&S Cattle Ltd.

Filed By:	Summer Village of Poplar Bay (c/o Sylvia Roy)
Deadline for RFRs:	September 22, 2022
Date RFR received:	September 20, 2022
Status of Party as per Decision Summary:	Not Directly Affected Party

REQUEST FOR BOARD REVIEW
SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD

Application No:	
Name of Operator/Operation:	
Type of application (<i>check one</i>):	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (<i>legal land description</i>):	
Municipality:	

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:

3. REASONS YOU ARE AFFECTED BY THE DECISION

(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:

4. ACTION REQUESTED

(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 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:

Address in Alberta:

Legal Land Description:

Phone Number:

Fax Number:

E-Mail Address:

Signature: _____ Date: _____

Please note that all sections of the form must be completed in order for your request to be considered. Also, if you do not meet the timeline identified, your request will not be considered. Form must be signed and dated before being submitted for Board consideration

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.



Summer Village of Poplar Bay

P.O. Box 100 (605 - 2nd Avenue)
Ma-Me-O Beach, Alberta T0C 1X0
Phone: (780) 586-2494 Fax: (780) 586-3567
Email: Information@svofficepl.com
Website: www.poplarbay.ca

STATEMENT OF CONCERN

Re: Application RA21045 - Greg Thalen and G&S Cattle Ltd.

Filer:

Name:	Fraser Hubbard, Mayor, Poplar Bay
Contact Person (if different):	Sylvia Roy, CAO
Municipality:	Summer Village of Poplar Bay
Legal Land Description:	NE-29-046-01W5 SE-32-046-01W5 SW-05-047-01W5 NW-32-046-01W5 NW-28-046-01W5 SW-32-046-01W5 SE-06-047-01W5
Mailing Address:	Summer Village Office PO Box 100, 605 - 2nd Avenue MA-ME-O BEACH, Alberta T0C 1X0
Phone:	(780) 586-2494
Email:	Sylvia.Roy@svofficepl.com

The Summer Village of Poplar Bay hereby submits this Statement of Concern as an affected party to the proposed Confined Feeding Operation. Our Summer Village is on the shores of Pigeon Lake which is within 10 miles of the proposed CFO.

Directly and adversely affected:

The Summer Village is directly and adversely affected by the proposed CFO that will increase nutrient runoff into Pigeon Lake. This lake has already experienced harmful algal blooms from an excessive nutrient load. Pollutants entering and settling in the lake from runoff and streams increase the risks of fecal bacteria and cyanobacteria health advisories, loss of recreational activities, beach closures, and an unsafe environment for water recreation. There will also be the expected losses to local businesses, loss of biodiversity, and a compromised real estate market, all of which will directly affect our community.

Claiming Directly Affected Party Status:

The Summer Village and its near-shore rate payers have riparian and water diversion rights to Pigeon Lake which is within 10 miles downstream of the proposed CFO. The Summer Village will be adversely affected by the negative environmental impacts from the proposed CFO, as outlined above. Public health risks and the stability of the local economy are substantive. This statement of concern and supporting studies of Pigeon Lake, demonstrate the environmental impacts are reasonably expected to affect the Summer Village and its Residents.

CFO Location: NW 3-47-2 W5M, Wetaskiwin County

CONCERN

There is a strong, lake-wide commitment to environmental protection of Pigeon Lake and its watershed.

The Summer Village is concerned that manure from an intensive 4000 beef-finishing confined feeding operation, spread over a relatively small area (16 quarter-sections), introduces a high risk for the community. We are concerned the proposed CFO will:

1. Adversely affect Pigeon Lake water quality including the increased frequency and intensity of harmful algal blooms, due to an influx of phosphorus and pollutant-laden surface runoff and ground water that flows from the CFO operation into a vulnerable Pigeon Lake.
2. Increase public health and safety risks in and around Pigeon Lake due to the increased presence of harmful algal blooms and bovine enterococcus which produce toxins and bacteria harmful to people and animals.
3. Adversely effect downstream conservation and recreational sites including Pigeon Lake Provincial Park, Zeiner Park, and 320 acres of conservation land around Tide Creek – spawning ground for fish.
4. Undermine prior regional and provincial efforts to mitigate nutrient release in the watershed and improve water quality in Pigeon Lake
5. Disregard the Alberta's Water for Life Action Plan, the Pigeon Lake Watershed Management Plan, as well as Municipal Regional and Statutory Plans
6. Adversely affect the residents in the Summer Village of Poplar Bay by the potential of odor emanating from the manure, as the Summer Village is located west of the subject property.

The proposed CFO application does not address water diversion based on the requirements of the Water Act and the impact of fugitive release of manure pollutants on resident and environmentally sensitive areas at Pigeon Lake including:

- An overload of nutrients inputs on the soil including nitrogen and phosphorus, and the
- Release of pathogens such as listeria, salmonella, E. coli, growth supplements, antibiotics and other chemicals.

All 12 municipalities around Pigeon Lake are impacted by the health of Pigeon Lake and its watershed. We worked together with the Pigeon Lake Watershed Association (PLWA) and the province to adopt and implement the [Pigeon Lake Watershed Management Plan](#). This Plan is a

comprehensive, science-based strategy to protect the health of the lake, watershed, and community.

The Summer Village continues to make a significant investment in watershed management including the multimillion dollar regional wastewater system.

The Summer Village has also incorporated the Pigeon Lake Watershed Management Plan recommendations in our Municipal Development Plan to benefit the long-term health and water quality of the Pigeon Lake Watershed. Other efforts include a ban on cosmetic lawn fertilizers to help achieve a net reduction in nutrient runoff and other voluntary community action initiatives of the Watershed Association.

The Summer Village reinforces the importance of protecting environmentally sensitive areas and our commitment to improving phosphorus management. Protecting groundwater for all of the neighbours, the creeks that run through the property, the spawning ground for fish in Tide Creek, and the conservation lands near the proposed CFOs is paramount.

CONCLUSION

For consideration in Application RA21045, the Summer Village requests the NRCB Approver's review and inclusion of the following:

- The CFO Adverse Effects Background Report and Statement of Concern from the Pigeon Lake Watershed Association
- Reports from referral agencies including: Alberta Environment and Parks, Alberta Health Services, and Transportation that address issues concerning hydrology, nutrient loading, public health, fish and wildlife, land use and conservation
- Concerns outlined by individuals in the community
- Statutory consideration for environmentally sensitive areas as required under the Alberta Land Stewardship Act.

This proposed CFO will add a significant incremental nutrient load to Pigeon Lake and, based on accepted scientific research, these nutrients will cause an increase in harmful algae blooms, the consequences of which will pose a threat to the viability of our community.

We therefore request the Natural Resources Conservation Board to deny Application RA21045.