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**To:** [Laura Friend](#)  
**Cc:** [jgrant@county.wetaskiwin.ab.ca](mailto:jgrant@county.wetaskiwin.ab.ca); [charleneh@leduc-county.com](mailto:charleneh@leduc-county.com); [MunroS@bennettjones.com](mailto:MunroS@bennettjones.com); [mconroy@mltaikins.com](mailto:mconroy@mltaikins.com); [Bill Kennedy](mailto:Bill.Kennedy@nrcb.ca); [Nathan Shirley](mailto:Nathan.Shirley@nrcb.ca); [Andy Cumming](mailto:Andy.Cumming@nrcb.ca); [Sean Royer](mailto:Sean.Royer@nrcb.ca); [Carolyn Taylor](mailto:Carolyn.Taylor@nrcb.ca)  
**Subject:** FW: RA21045 G&S Cattle Ltd. RFRs - material from approval officer  
**Date:** Friday, September 23, 2022 1:40:04 PM  
**Attachments:** [RA21045 SOC John Brian Phippen 04 Apr 22 Redacted.pdf](#)

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Good afternoon again,

Further to my correspondence below, the Phippens have drawn to my attention that I attached only the two responses to the application from Verna Phippen and failed to include the response to the application from John (Brian) Phippen.

To address that oversight, I now attach:

7. Written response to the application from John Brian Phippen received on April 4, 2022 (redacted for personal information).

In addition, please note that this e-mail, plus the e-mail below, were blind-copied to a number of recipients.

Regards,

Fiona N. Vance (*she/elle*)  
Chief Legal Officer - Operations, NRCB  
[Fiona.Vance@nrcb.ca](mailto:Fiona.Vance@nrcb.ca)  
(780) 422-1952

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**From:** Fiona Vance  
**Sent:** Friday, September 23, 2022 12:02 PM  
**To:** Laura Friend <[Laura.Friend@nrcb.ca](mailto:Laura.Friend@nrcb.ca)>  
**Cc:** [jgrant@county.wetaskiwin.ab.ca](mailto:jgrant@county.wetaskiwin.ab.ca); [charleneh@leduc-county.com](mailto:charleneh@leduc-county.com); [MunroS@bennettjones.com](mailto:MunroS@bennettjones.com); [mconroy@mltaikins.com](mailto:mconroy@mltaikins.com); [Bill Kennedy](mailto:Bill.Kennedy@nrcb.ca) <[Bill.Kennedy@nrcb.ca](mailto:Bill.Kennedy@nrcb.ca)>; [Nathan Shirley](mailto:Nathan.Shirley@nrcb.ca) <[Nathan.Shirley@nrcb.ca](mailto:Nathan.Shirley@nrcb.ca)>; [Andy Cumming](mailto:Andy.Cumming@nrcb.ca) <[Andy.Cumming@nrcb.ca](mailto:Andy.Cumming@nrcb.ca)>; [Sean Royer](mailto:Sean.Royer@nrcb.ca) <[Sean.Royer@nrcb.ca](mailto:Sean.Royer@nrcb.ca)>; [Carolyn Taylor](mailto:Carolyn.Taylor@nrcb.ca) <[Carolyn.Taylor@nrcb.ca](mailto:Carolyn.Taylor@nrcb.ca)>  
**Subject:** RA21045 G&S Cattle Ltd. RFRs - material from approval officer

Good afternoon

I am legal counsel for NRCB Field Services and the Approval Officer. As the decision maker whose decision may be reviewed, we take no position on whether the Board should schedule a review of

the Approval Officer's decision, based on the seven Requests for Review filed at the Board.

While the rebuttal period for the Requests for Review has just begun, I wished to provide some limited information to the Board – and the parties – earlier rather than later.

To assist the Board in its consideration of the Requests for Review, I am attaching to this e-mail:

1. Written responses (2) to the application from the Summer Village of Grandview received March 29 and April 13;
2. Written response to the application from the Summer Village of Poplar Bay received April 4, 2022;
3. Written response to the application from the Summer Village of Crystal Springs received April 5, 2022;
4. Written response to the application from the Summer Village of Norris Beach received April 4, 2022;
5. Written response to the application from the Summer Village of Ma-Me-O Beach received April 4, 2022; and
6. Written responses (2) to the application from John and Verna Phippen received April 7, 2022 (redacted for personal information).

I also reproduce section 5(a) of the Part 2 Matters Regulation under the *Agricultural Operation Practices Act* [underlining added]

**5** Unless specified otherwise in the Act, for the purposes of Part 2 of the Act an affected party is

- (a) in the case of any part of a confined feeding operation that is located or is to be located within 100 metres of the bank of a river or stream or of a canal, a person or municipality that is entitled, under the Water Act, to divert water from the river, stream or canal within 10 miles downstream, as measured along the water course;

....

Regards,

Fiona N. Vance (*she/elle*)  
Chief Legal Officer - Operations, NRCB  
[Fiona.Vance@nrcb.ca](mailto:Fiona.Vance@nrcb.ca)  
(780) 422-1952

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## Summer Village of Grandview

P.O. Box 100 (605 - 2<sup>nd</sup> Avenue)

Ma-Me-O Beach, Alberta T0C 1X0

Phone: (780) 586-2494 Fax: (780) 586-3567

Email: [Information@svofficepl.com](mailto:Information@svofficepl.com)

Website: [www.grandview.ca](http://www.grandview.ca)

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March 29, 2022

Natural Resources Conservation Board  
Attn: Nathan Shirley, Approval Officer

Via email: [Nathan.shirley@nrcb.ca](mailto:Nathan.shirley@nrcb.ca)

Re: Application RA21045 - Statement of Concern

Dear Mr. Shirley

The Summer Village of Grandview is hereby submitting a statement of concern over the proposed confined feeding operation as proposed in the subject application and also requesting directly affected party status.

**1. Summer Village of Grandview**

The Summer Village of Grandview is located on the south west shores of Pigeon Lake. One of the five purposes of municipalities as specified under the Municipal Government Act (MGA) is to foster the well-being of the environment (ref: MGA, Section 3). The Summer Village takes this duty seriously and has embraced watershed stewardship in every aspect of our activities and responsibilities.

In collaboration with five other municipalities (the Summer Villages of Ma-Me-O Beach, Crystal Springs, Norris Beach, and Poplar Bay, and the County of Wetaskiwin), we have undertaken a multi-million dollar investment in a regional sewer system to get sewage out of the environment. This project was funded in part by the Alberta Government under the *Water for Life* program, which, as the name implies, has the goal of protecting Alberta's water resources. In our summer village, over 20 septic fields were removed through this project, and our wastewater is now completely contained from collection to disposal.

We have significantly increased the area of environmentally protected areas in order to protect our natural vegetation for absorbing nutrients before they enter the lake. We were the first municipality in Alberta to prohibit both lawn fertilizers and lawn herbicides, again to reduce the nutrient load to Pigeon Lake. We have a yearly tree planting program and have planted hundreds of trees in our summer village. We are a strong supporter of the Pigeon Lake Watershed Association, an organization focused on protecting Pigeon Lake through advocacy, education, and collaboration.

Our residents are passionate about our lake and have raised significant concerns over the 4000 cattle confined feeding operation (CFO) being proposed in an area of the watershed that drains directly into Pigeon Lake through a well-developed drainage pattern. Because the applicant intends to spread manure in this area, the proposed CFO will result in nutrients entering adjacent streams and flowing to the lake. This will have a direct and adverse effect on our Summer Village through the degradation of Pigeon Lake.

## **2. Application for Affected Party Status**

The Summer Village of Grandview is within 10 miles downstream of the proposed CFO. The municipality and many of its residents have riparian ownership as defined by the Water Act. This ownership affords the right to obtain water, which will be adversely affected if this application is approved.

The Summer Village in its entirety will also be adversely affected by the additional nutrient load to Pigeon Lake, which will degrade water quality and cause a significant reduction in property values. We are therefore registering for affected party status and requesting, for reasons submitted herein, that the application be denied.

Specifically we contend the following:

- a) *There is an uninterrupted chain of cause and effect between the proposed CFO and the riparian area of our Summer Village.* It will be shown in this submission that there is significant flow from the exact position of the manure storage facility and the manure spreading area through Sunset Harbour Creek to Pigeon Lake. Also, measurements have been presented to show that this flow has already has alarmingly high concentrations of phosphorus from an existing intensive livestock operation. It is well known, particularly to the Natural Resources Conservation Board as the regulator of confined feeding operations, that phosphorus is a nutrient that causes the formation of cyanobacteria blooms. It is also well known by the Government of Alberta, which has provided millions of dollars in funding to reduce the amount of phosphorus entering Pigeon Lake as well as other lakes.
- b) *The detrimental effects of phosphorus on water quality are likely to occur.* Pigeon Lake is perhaps one of the most studied lakes in Alberta from a scientific perspective, and without exception, all studies recognize the importance of reducing phosphorus migration into the lake as the primary goal for watershed stewardship. The occurrence of cyanobacteria blooms (“blooms”) in 2006 and periodically in subsequent years, spurred on the formation of the Pigeon Lake Watershed Association, the passing of many bylaws and Intermunicipal Development Plans, the implementation of multimillion dollar investments by local communities in wastewater projects, and most importantly, a change in the habits and level of respect of the watershed residents for the watershed. Simply put, if an abundance of phosphorus runs to the lake, the lake will be critically damaged.
- c) *The effect will not be trivial.* Anyone who has lived through a significant bloom knows the damaging effects a bloom can have on the quality of life at the lake, the property values and the local economy. Dr. David Schindler, the internationally acclaimed scientist and recipient of the Alberta Order of Excellence in 2008, was largely responsible for identifying the causal relationship between phosphorus and water quality. He gave ample warning of the risks of not controlling phosphorus runoff into streams and lakes. The minimization of nutrients from manure is a foundational conclusion of the *State of the Watershed Report* (Aquality, 2008). The consequential effect of algae blooms is also a major cause of fish kills, the latest

of which occurred during July 2021. Cyanobacteria blooms can be dangerous to human life to the extent that Alberta Health Services monitors beaches and issues an advisory if specified limits are exceeded. A significant bloom occurred during the summer of 2015. This bloom made national headlines as shown below and will happen again unless we take action. Pigeon Lake cannot sustain such an ongoing load of nutrients from this cattle operation.

## Pigeon Lake algae warning dashes hopes of scum-free summer

Dave Lazzarino

Aug 05, 2016 • August 5, 2016 • 1 minute read • [Join the conversation](#)



Large piles of algae wash up on shore at Pigeon Lake near Mulhurst Bay on September 13, 2015 .  
PHOTO BY GREG SOUTHAM /Edmonton Journal

### 3. Status of Pigeon Lake

Pigeon Lake has been the victim of many years of improper development practices on both the lakeshore and throughout the watershed. The cumulative effects of a vast number of developments have pushed our lake to the breaking point. This lake has an extremely low flushing rate, estimated to be greater than 100 years, which means the effects of added pollutants are significant. The increase in the number and frequency of harmful algae blooms (HABs) in recent years resulted in the formation of the Pigeon Lake Watershed Association (PLWA) and a flurry of research into what was causing this change.

It soon became apparent that the cause of HABs is directly associated with the external load of nutrients from the adjoining land. Watershed residences became engaged with one common purpose – protecting the lake as a valuable resource for future generations. The PLWA’s practices and goals of watershed stewardship are now considered as a gold standard for other watershed groups throughout the province.

The State of the Watershed Report was written in 2008 to establish a starting point and a path forward: where we were then and where we were going (ref: *Pigeon Lake State of the Watershed Report*, Aquality Environmental Consulting Ltd, 2008). This report concluded “External and internal nutrient inputs are a concern to the health of Pigeon Lake. Land use

practices, sewage, and *manure management* around the lake should be managed to *minimize further nutrient loadings to the lake.*” (ref: *ibid.* p.38) (Emphasis added).

The efforts of watershed residents are having already having a positive effect on the water quality of Pigeon Lake. Through the implementation of beneficial management practices, nutrient loading into the lake has been decreasing, and the results are starting to show. The intensity of the algae blooms is reducing, and we no longer get the almost yearly health advisories for cyanobacteria. But to sustain the momentum of this improvement, we must not let down our guard. The introduction of a 4000 cattle CFO, with the resulting manure spread over many sections of land in this well-drained area of the watershed, will put a dire strain on the capacity of the lake and set back, perhaps irreversibly, the advances made over the past decades, including the benefit of the regional wastewater system.

#### 4. Topography of Western End of Watershed

The majority of land in the Pigeon Lake watershed lies to the west of the lake. It includes rolling land and many forested areas; however, much of the land has been cleared for agricultural purposes. The area around the proposed CFO is adjacent to an existing intensive livestock operation. This existing operation has approximately 1200 head of cattle that can be readily observed moving around unrestrained in the vicinity of the streams and ponds. This proposed project will more than triple the effects of manure contamination to the environment. The area is drained mainly by Tide Creek and its tributaries but also by other streams and tributaries, including the Sunset Harbour Creek, as it is locally known.

Figure 1 shows the quarter section (NW3-47-2 W5M) in which the proposed CFO is located. This site is drained by the Sunset Harbour Creek and its tributaries, which are ephemeral streams that flow to the northeast approximately 2½ km to Pigeon Lake. There are also other drainage patterns in the area where manure spreading is proposed. During the spring freshet, the rapid runoff of the snow melt has been measured to have a high concentration of dissolved phosphorus. As part of a nutrient loading study, water samples were taken in March 2022 from the two stream crossings of Range Road 22, which are shown in Figure 1. The values for dissolved phosphorus were reported at alarmingly high values of 2.0 and 1.6 mg/L for the north and south tributaries respectively. Dissolved phosphorus is a parameter that gives an indication of the amount of bioavailable phosphorus, which contributes directly to the formation of cyanobacteria blooms.

Sample Description : RR 22, North, #1  
 Sample Date & Time : 2022/03/22 16:00  
 Sampled By : ALM  
 Sample Type :  
 Sample Received Date : 2022/03/23  
 Sample Station Code :

Bureau Veritas Sample Number : AQL761  
 Bureau Veritas Job Number : EC218604  
 Sample Access :  
 Sample Matrix : Water  
 Report Date : 2022/03/28

PARAMETER DESCRIPTION	Results	UNITS	INST.	VMV Code	QA/QC BATCH	RDL	DL
<b>Lab Filtered Nutrients</b>							
Dissolved Phosphorus (P)	2.0	mg/L	KONE	2010	A535183	0.075	0.0030

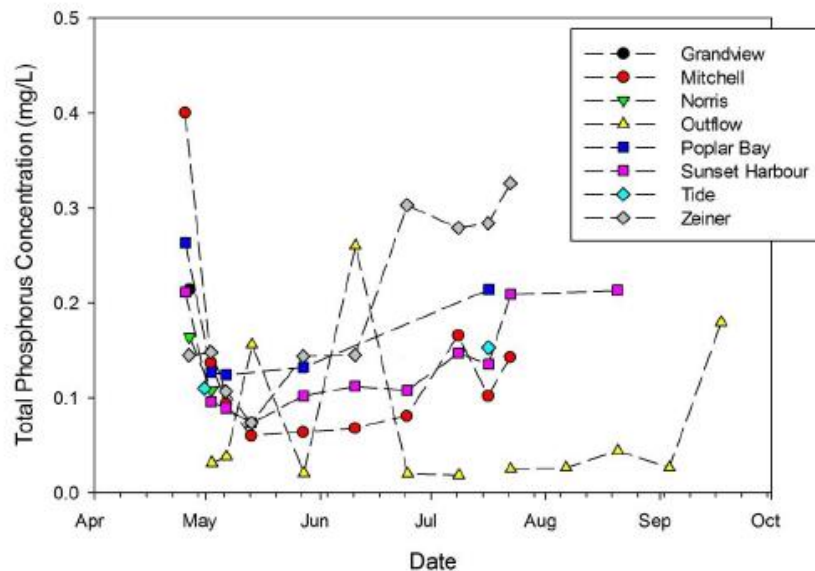
Sample Description : RR 22, S, #1  
 Sample Date & Time : 2022/03/21 15:00  
 Sampled By : ALM  
 Sample Type :  
 Sample Received Date : 2022/03/23  
 Sample Station Code :

Bureau Veritas Sample Number : AQL762  
 Bureau Veritas Job Number : EC218604  
 Sample Access :  
 Sample Matrix : Water  
 Report Date : 2022/03/28

PARAMETER DESCRIPTION	Results	UNITS	INST.	VMV Code	QA/QC BATCH	RDL	DL
<b>Lab Filtered Nutrients</b>							
Dissolved Phosphorus (P)	1.6	mg/L	KONE	2010	A535183	0.15	0.0030

Note: full sample results are available upon request

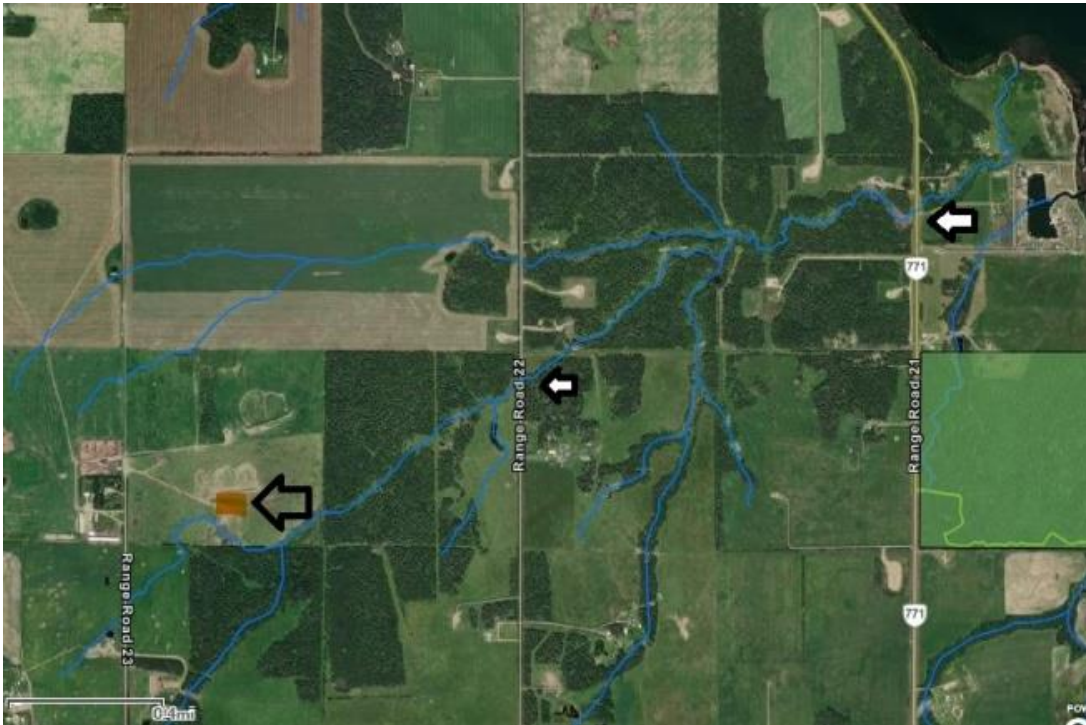
Previous work by Alberta Environment and Parks on their study of the phosphorus budget for Pigeon Lake (ref: Pigeon Lake Phosphorus Budget, Chris Teichreb, 2014) measured values of Total Phosphorus and Dissolved Phosphorus in Sunset Harbour Creek at values much smaller. The results show that the values of Dissolved Phosphorus have increased by a factor of almost 20 in less than 10 years! (ref: 2013 Overview of Pigeon Lake Water Quality, Sediment Quality and Non-Fish Biota, Teichreb, Peter and Dyer, May 2014, page A22). The high values of Dissolved Phosphorus suggest that the land being drained, i.e., Section 3-47-2 W5M, is not being subject to proper stewardship practices. It is recommended that the approval officer visit this land to see what agricultural practices are currently being followed to help determine the starting point of a cumulative effects evaluation.



**Figure 4-3 Pigeon Lake Streams Total Phosphorus Concentrations, 2013**

Ref: Pigeon Lake Phosphorus Budget, Teichreb 2014 shows maximum values of Total Phosphorus in Sunset Harbour Creek of 0.2 mg/L compared to 2022 values of greater than 1.6 mg/L of Dissolved Phosphorus in the 2 tributaries





**Figure 1.** Drainage streams flowing north east to Pigeon Lake. The location of the proposed CFO is highlighted. The white arrows show the locations where the photographs in Figures 3 and 4 were taken.

## 5. Location of Proposed CFO

The location of the proposed manure lagoon is directly opposite a stream in the drainage pattern for this sub-watershed, which drains to the lake near Sunset Harbour. An enlargement of Section NW3-47-2 W5M is shown in Figure 2. It appears that a current feeding operation is located directly north of the proposed manure lagoon. This structure is also located very close to the stream and should be reviewed, especially in view of the high phosphorus runoff from this area. This stream must have some long-lasting significance as it forms a demarcation between the cleared land and the forested area in the southeast part of this quarter section.



**Figure 2.** Location of proposed manure lagoon in NW3-47-2-W5M (highlighted) is directly adjacent to a drainage stream.



During periods of heavy rainfall and during the spring freshet, this tributary of Sunset Harbour Creek experiences heavy flows. Photographs taken during the freshet on March 19, 2022, are shown in Figures 3 and 4 of the stream crossing on Range Road 22 and on Hwy 771 respectively. The locations of these steam crossings are indicated on Figure 1 by white arrows.



**Figure 3.** Steam Crossing on Range Road 22 during spring freshet March 19, 2022.



**Figure 4.** Stream crossing at Hwy 771 near Sunset Harbour during spring freshet, March 19, 2022.

It is readily apparent from the dark brown colour of the water that the streams are carrying a significant nutrient load from draining the land proposed to be the disposal area for the manure from 4000 cattle. The resulting increase in phosphorus load to Pigeon Lake could well bring Pigeon Lake to the breaking point.

**6. Plan for Manure Disposal**

If constructed properly, neither the CFO nor the collection area for the produced manure presents any real environmental problems other than perhaps the odour associated with such operations. The true problem arises from the disposal of such a large amount of manure. It appears that this manure will be in liquid form and will be dispersed on a large area of land drained by streams and tributaries that all flow into Pigeon Lake.

The high phosphorus concentrations found in Sunset Harbour Creek, as evidenced by water samples, can only be expected to increase as the load of manure increases. This manure will be applied year after year into the foreseeable future. With the cumulative effects of this proposed operation added to the existing intensive livestock operation on the property and to the effects of development that has already impaired Pigeon Lake, we are basically risking the survival of one of Alberta’s premier lakes for a cattle operation that actually contravenes development policies established by the Pigeon Lake Watershed Management Plan, the County of Wetaskiwin, and the Natural Resources Conservation Board. These issues are discussed in the following sections.

**7. The Pigeon Lake Watershed Management Plan**

The *Pigeon Lake Watershed Management Plan* (the “Plan”) was adopted in 2018 by the 12 municipalities of Pigeon Lake and supported by the Chiefs of the Maskwacis Cree Four Nations, the Pigeon Lake Regional Chamber of Commerce, and other key stakeholders. It is a roadmap to guide development in the watershed with the incorporation of beneficial management practices. The Plan recognizes that CFOs have no place within the boundaries of the watershed due to concerns over phosphorus load. Specifically, Objective 2e from the Plan (p. 17), shown below, states that there should be no CFOs within the watershed:

2e <b>New or Expanded Intensive Livestock Operations:</b> Statutory land use restrictions on new or expanded intensive livestock operations (including CFO’s) are supported in this Watershed Management Plan	Policy	Lead: Mun. Support: APLM, GoA, PLWA	Ongoing	No Intensive Livestock Operations
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(Note: the Plan can be found at [www.PLWA.ca](http://www.PLWA.ca))

**8. County of Wetaskiwin Plans**

The County of Wetaskiwin (the “County”) recognizes the importance of Pigeon Lake and the need for protecting it from harmful impacts. The County has adopted by resolution the *Pigeon Lake Area Concept Plan* (“ACP”) in recognition of the need for long-range plans in areas experiencing growth pressures. “*The County of Wetaskiwin recognizes that increased development and growth pressures need to be addressed on a cooperative basis to ensure the long-term protection and sustainability of Pigeon Lake*” (ref: ACP section 1.1). In Section 5.5, policies are presented to guide the County when evaluating a proposal to develop land in the

watershed. The pertinent policy under the heading Agriculture is clear in recognizing that CFOs should not be in the watershed:

### **5.5.2 Agriculture**

*Large-scale confined animal operations are not appropriate in the Pigeon Lake watershed.*

The County's *Land Use Bylaw* (LUB) also provides some direction on CFOs within the County. In Section 9.6.1 of the LUB, the County recognizes that CFOs are regulated by the Agricultural Operation Practices Act and Regulations (AOPA) and under the jurisdiction of the Province but clearly states *"it is the County's intent that any negative effect from CFOs should be minimized, and that the Municipal Government Act requires the municipality to identify where new CFOs should locate."*

This is a sensible and responsible approach being taken by the County to achieve their goal of protecting Pigeon Lake. The Area Concept Plan, discussed above, clearly states that CFOs should not be located within the watershed. Although CFOs are not under County jurisdiction, the County addresses a high standard for a similar operation – Intensive Livestock Operations. Section 9.6.7 states that *"an existing or proposed Intensive Livestock Operation may be refused if the proposed development is likely to have a negative effect on a watercourse or lake."*

Their LUB addresses the spreading of manure in Section 9.6.10 as shown below:

**9.6.10** Land within identified drainage basins 2.4 kilometres (1.5 miles) around named lakes (as referred to in the Municipal Development Plan) may not be used for manure disposal unless sufficient protection measures are proposed by the operator to prevent manure runoff negatively affecting such lakes. In accordance with the County's jurisdiction regarding Intensive Livestock Operations (ILO). (*amended by Bylaw 2019/44*)

The Application specifies land area that will be used for the spreading of manure. It appears that SE10-47-2 W5M is within the specified distance of 2.4 km, as shown in Figure 5.



**Figure 5.** Distance from SE10-47-2W5M to Pigeon Lake is 1.66 km.

The County recognizes that spreading of manure has a negative effect on waterbodies.

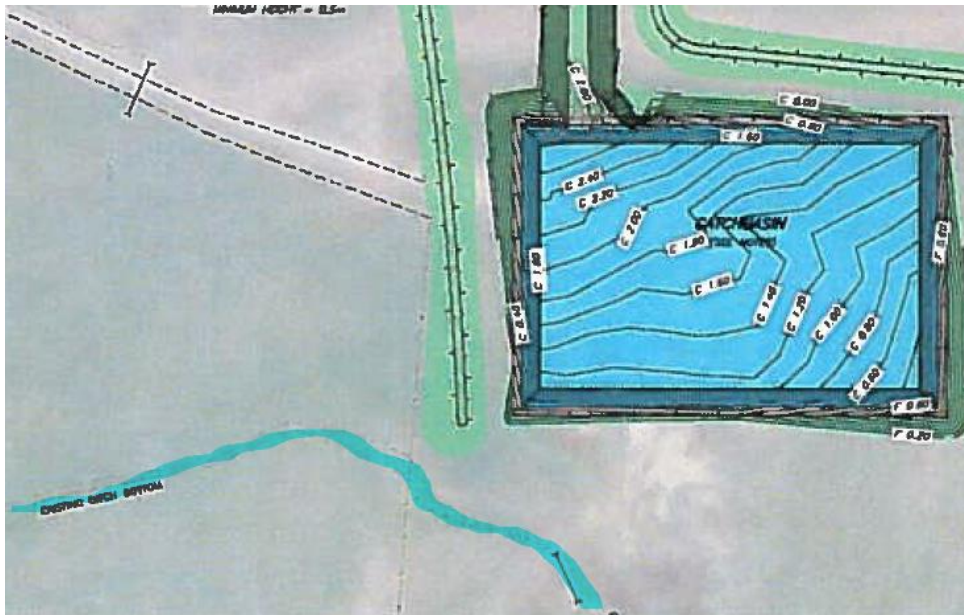
The County's *Municipal Development Plan* also provides direction over the concern about the environment. Environmental protection is a focus of this plan as stated in Section 3 shown below:

### 3 Environmental Protection

Protecting the natural environment from over-development is another focus of this Plan. Concerns regarding lake water contamination, fish population decrease and ground water decline were expressed by the public during the Plan preparation.]

#### 9. The Adequacy of the Application

The Regulations are specific as to what is required in the application. Two important items do not appear to be included: water courses and drainage patterns. Drawing C04 appears to show a phantom outline of a water course, but it is not specifically highlighted in the application. Also, the drainage pattern is not shown.



**Figure 6.** Excerpt from drawing C04 from Application showing adjacent stream highlighted. Notations are illegible on the provided copy.

Figure 1 shows this is a water course directly adjacent to a manure lagoon. An excerpt from the referenced drawing is shown as Figure 6 with the water course highlighted for reference purposes. The published application does not show the location of the water wells, nor is the description of the water course legible. However, Figure 6 clearly shows that the manure storage facility fails to meet the minimum setback provisions in AOPA of 30 m.

The drainage pattern is not shown; however, it can be inferred that the area drains towards the stream. This is also implied by the satellite image in Figure 2, which appears to show drainage from a feed lot towards this stream.

#### 10. Regulation by the Natural Resources Conservation Board

CFOs are regulated by the Natural Resources Conservation Board under the requirements of AOPA. While the requirements of AOPA seem to be quite minimal in that the setback distances



seem very small, some important responsibilities are bestowed on the board. Section 20 of AOPA provides these requirements:

**Considerations on approvals**

**20(1)** In considering an application for an approval or an amendment of an approval, an approval officer must consider whether the applicant meets the requirements of this Part and the regulations and whether the application is consistent with the municipal development plan land use provisions, and if in the opinion of the approval officer,

- (a) the requirements are not met or there is an inconsistency with the municipal development plan land use provisions, the approval officer must deny the application, or
- (b) there is no inconsistency with the municipal development plan land use provisions and the requirements are met or a variance may be granted under section 17 and compliance with the variance meets the requirements of the regulations, the approval officer
  - (i) must consider matters that would normally be considered if a development permit were being issued,
  - (ii) may make, or require the applicant to make, inquiries and investigations and prepare studies and reports,
  - (iii) must give directly affected parties a reasonable opportunity to review the information relevant to the application that is submitted to the approval officer and a reasonable opportunity to furnish evidence and written submissions relevant to the application,
  - (iv) may hold meetings and other proceedings with respect to the applications,
  - (v) may provide or facilitate mediation among directly affected parties,
  - (vi) must consider the effects the proposed approval or amended approval may have on natural resources administered by ministries,
  - (vii) must consider the following if available when the application for approval is considered: any applicable statement of concern submitted under section 73 of the *Environmental Protection and Enhancement Act* or under section 109 of the *Water Act* and any written decision of the Environmental Appeals Board or the Director under the *Water Act* in respect of the subject-matter of the approval,
  - (viii) may consider any evidence that was before the Environmental Appeals Board or the Director under the *Water Act* in relation to the written decision referred to in subclause (vii), and
  - (ix) must consider the effects on the environment, the economy and the community and the appropriate use of land.

Basically, this section of AOPA states the Approval Officer must determine if the application meets with the requirements of the AOPA, the Regulations, and the Municipal Development Plan. If there is an inconsistency, then the Approval Officer must deny the application. If not, then the Approval Officer must consider the following:

- matters normally considered if a development permit were being issued (such as the cumulative environmental impact and location of the CFO),
- the effects on natural resources administered by ministries (such as Pigeon Lake, which is controlled by Alberta Environment and Parks), and
- the effects on the environment.

The NRCB has a clear and well defined obligation to consider and evaluate the effects of the proposed CFO on the environment, the economy, the community and the appropriate use of the land. Failure to properly consider factors which cause the degradation of Pigeon Lake will place the responsibility squarely on the NRCB who will be held accountable.

## 11. Effect and Process

This project is perhaps the most significant perceived threat to Pigeon Lake in recent history. It has the potential of impacting all watershed residents whether or not they are in the Minimum Setback Distance. It will certainly affect the Ministry of Environment and Parks in that there is a Provincial Park campground just over 2 miles downwind of this facility. Anyone that has driven in the vicinity of Gull Lake or other areas of the province where liquid manure is spread knows all too well the enduring smell of liquid cattle manure. This Park will soon gain a reputation of being a “stinky” campground with a consequential loss of tourism. This ministry will also be faced with the challenges of increased fish kills and a possible loss of a major sports fishing lake. The increased flow of truck traffic hauling cattle, grain, manure, and hay unfortunately, as with odours, also expend past the Minimum Setback Distance.

One other aspect that must not be forgotten is highlighted in the following excerpt from the Alberta Water Council, which needs no further elaboration:

*Cultural and Spiritual Values*

Since time immemorial, Indigenous peoples have used lakes for all manner of life-supporting and life-affirming purposes, including for travel and as basic sources of food, drinking water and medicinal plants. Lakes are also important areas of cultural, spiritual and aesthetic significance for Indigenous communities. Many Indigenous people believe the Creator gave instructions to respect water, air and the land by keeping it pure, and these original instructions are reflected in many Indigenous beliefs, values and traditions to this day.

Ref: Alberta Water Council *Recommendations to Improve Lake Watershed Management in Alberta*, (2017)

The basic question to be answered is why should such an operation be approved when it will have such detrimental effects on so many watershed residents and visitors. As can be seen from the satellite image in Figure 7, when a bloom appears, it is both transient and ubiquitous, and it affects all lake residents.



**Figure 7.** Satellite image of Pigeon Lake during an algae bloom Oct. 17, 2018 (ref: ABMI.ca)

The process for considering this application is also a concern. Section 20(1)(iii) and (iv) state that the officer must give affected parties reasonable opportunity to review the application and also that public meetings may be held. With less than one month notice being given and at a time when many of the affected parties are not at the lake, it does not appear that this condition is satisfied. With the resounding outcry of concern from residents near and far, it is a fair question to ask why a public meeting is not being held.

## **12. Conclusion**

The Summer Village of Grandview contends that:

- 11.1 The Summer Village of Grandview and its residents are directly affected parties. They will be harmfully impacted by the additional phosphorus load this project will introduce to Pigeon Lake, affecting both quality of life and property values at the lake.



- 11.2 This application does not meet the requirements of the Regulations in that the CFO manure storage facility is located within the minimum setback of 30 m of a stream.
- 11.3 The requirements of the County of Wetaskiwin's Municipal Development Plan are not met in that the County can stipulate where CFOs can be located and clearly declare, through their Area Concept Plan, that the CFO should not be located within the boundaries of the watershed of Pigeon Lake. Also the MDP specifies manure spreading may not be done within 2.4 km of a named lake (including Pigeon Lake). The measured distance from SE10-47-2 W5M, a quarter designated for manure spreading, is 1.66 km as shown in Figure 5. The Application does not comply with the requirements of the County's development plans and therefore must be denied.
- 11.4 Legislation requires that the approval process must consider the cumulative environmental impacts this CFO will have on Pigeon Lake. Evidence provided from stream analyses shows that there is already a significantly high nutrient runoff occurring from this area of the watershed.
- 11.5 Approval of this application would impact natural resources under the purview of the Ministry of Environment, which has jurisdiction over Pigeon Lake, and
- 11.6 This project is not in the public interest.

### **13. Recommendation**

The Summer Village of Grandview recommends that this application be denied on the basis of its environmental impact to Pigeon Lake and its failure to meet the legislated requirements.

Respectfully submitted by the Summer Village of Grandview



Don Davidson  
Mayor, Summer Village of Grandview

cc. County of Wetaskiwin, attn: Rod Hawken  
Pigeon Lake Watershed Association, attn: Catherine Peirce  
Sylvia Roy, CAO, Summer Village of Grandview

April 13, 2022

To Natural Resources Conservation Board  
Attn: Nathan Shirley  
Via email: [Nathan.shirley@nrcb.ca](mailto:Nathan.shirley@nrcb.ca)

Re: Application RA21045

I had previously requested a map which showed the locations of the water wells referenced in the subject application. Unfortunately, due to an incorrect email address transcribed by the NRCB, I did not receive this information until today. I also advised the NRCB by email on April 12, 2022 that I had not received this information.

Because of the importance of this information and the direct impact this proposed project could have on human health based on the location of one of the wells, I feel compelled to make this supplemental submission.

According to the map provided, there is a water well indicated directly in the centre of one of the holding pens as shown in the attached map. This is in direct contravention of the Water (Ministerial) Regulations which are provided below:

**Duties after water well completion**

**68(1)** After a water well is completed, the owner of the water well must

- (a) maintain the water well and the water well site in a manner that will prevent the entry of surface water or other foreign materials into the water well,
- (b) maintain the area immediately surrounding the water well in a sanitary condition,
- (c) if non-metallic pipe is used as casing, ensure that the water well is protected at ground surface by steel casing firmly anchored in the ground, and
- (d) protect the water well at ground surface from any physical damage.

(2) If saline groundwater enters a water well after completion, the owner of the water well must ensure that the saline groundwater is sealed off to prevent any adverse effect on the environment, human health, property or public safety.

(3) The owner of the water well shall comply with the requirements of the Wells Directive respecting completed wells.

AR 205/98 s68,253/2018

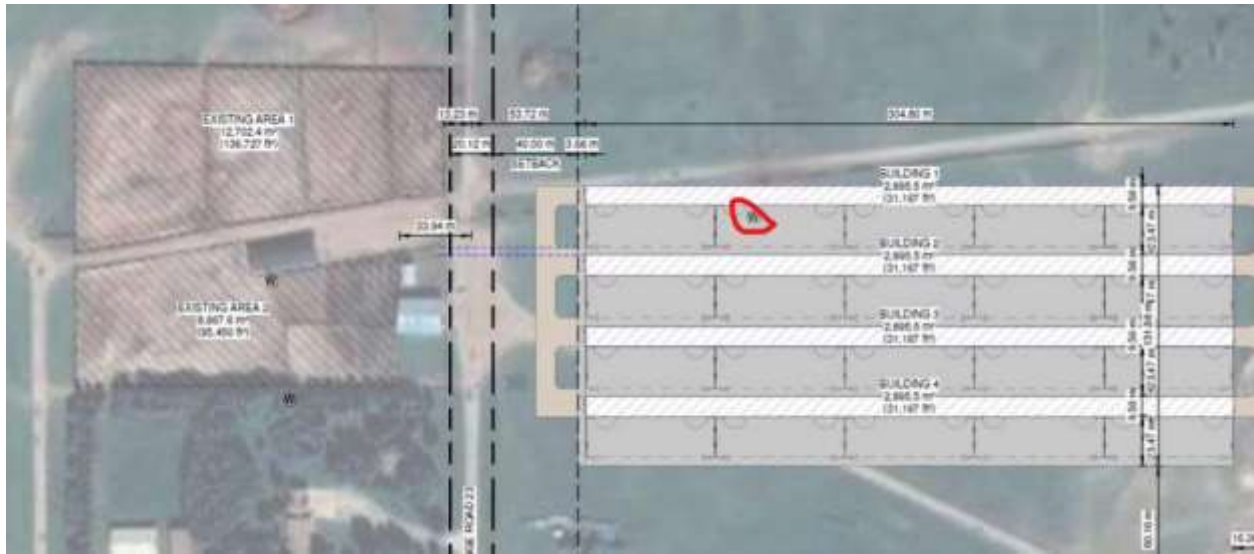
Section 68(1)(a) requires that the water well is maintained in a manner which will prevent foreign material into the well and in (b), the area immediately surrounding the water well is maintained in a sanitary condition.

Neither of these important conditions could be met if the water well is in the middle of the cattle pen. If the well is to be abandoned, an even greater concern is established. It is doubtful that the usual abandonment practice will be sufficient to withstand years of abuse from a confined feeding operations without contamination by the cattle excreta.

This issue pertains to the contamination of the aquifer and direct implications to human health. It is for this reason I felt I must pursue the submission of this supplemental information even if it is after the closing date for statements of concern. For the record, I provided this submission on the very day that I received the requested information and the delay was due to no fault of my own.

Respectfully submitted,

Don Davidson



Map of confined feeding operation pens with water well highlighted within the boundaries of the pen.



## Summer Village of Poplar Bay

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

### STATEMENT OF CONCERN

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

Filer:

<b>Name:</b>	Fraser Hubbard, Mayor, Poplar Bay
<b>Contact Person (if different):</b>	Sylvia Roy, CAO
<b>Municipality:</b>	Summer Village of Poplar Bay
<b>Legal Land Description:</b>	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
<b>Mailing Address:</b>	Summer Village Office PO Box 100, 605 - 2nd Avenue MA-ME-O BEACH, Alberta T0C 1X0
<b>Phone:</b>	(780) 586-2494
<b>Email:</b>	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.





# Summer Village of Crystal Springs

605 – 2<sup>nd</sup> Avenue, Box 100, Ma-Me-O Beach, Alberta, T0C 1X0

Email: [information@svofficepl.com](mailto:information@svofficepl.com) Phone: 780-586-2494

## STATEMENT OF CONCERN

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

Filer:

<b>Name:</b>	Ian Rawlinson, Mayor, Crystal Springs
<b>Contact Person (if different):</b>	Sylvia Roy, CAO
<b>Municipality:</b>	Summer Village of Crystal Springs
<b>Legal Land Description:</b>	NW-23-046-01W5 NE-14-046-01W5 SE-23-046-01W5 SW-23-046-01W5 NW-13-046-01W5
<b>Mailing Address:</b>	Summer Village Office  PO Box 100, 605 - 2nd Avenue  MA-ME-O BEACH, Alberta T0C 1X0
<b>Phone:</b>	(780) 586-2494
<b>Email:</b>	Sylvia.Roy@svofficepl.com

The Summer Village of Crystal Springs 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.



# Summer Village of Crystal Springs

605 – 2<sup>nd</sup> Avenue, Box 100, Ma-Me-O Beach, Alberta, T0C 1X0

Email: [information@svoofficepl.com](mailto:information@svoofficepl.com) Phone: 780-586-2494

## **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



# Summer Village of Crystal Springs

605 – 2<sup>nd</sup> Avenue, Box 100, Ma-Me-O Beach, Alberta, T0C 1X0

Email: [information@svofficepl.com](mailto:information@svofficepl.com) Phone: 780-586-2494

6. Alberta is reported to have one of the highest e-coli infection rates in the world due to cattle grazing in sloped areas over water bodies. Children are particularly susceptible, e-coli can live for months in feces, and this CFO will drain into a Provincial Park where hundreds of children swim annually.
7. Arguments that the CFO will contribute to the economy of the area are short sighted. Contamination of the lake would have a disastrous, protracted effect on the overall economy.

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.



# Summer Village of Crystal Springs

605 – 2<sup>nd</sup> Avenue, Box 100, Ma-Me-O Beach, Alberta, T0C 1X0

Email: [information@swofficepl.com](mailto:information@swofficepl.com) Phone: 780-586-2494

## 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.



## Summer Village of Norris Beach

P.O. Box 100 (605 - 2<sup>nd</sup> Avenue)

Ma-Me-O Beach, Alberta T0C 1X0

Phone: (780) 586-2494 Fax: (780) 586-3567

E-mail: [Information@svofficepl.com](mailto:Information@svofficepl.com)

---

### STATEMENT OF CONCERN

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

Filer:

<b>Name:</b>	Brian Keeler, Mayor, Norris Beach
<b>Contact Person (if different):</b>	Sylvia Roy, CAO
<b>Municipality:</b>	Summer Village of Norris Beach
<b>Legal Land Description:</b>	NW-13-046-01W5
<b>Mailing Address:</b>	Summer Village Office PO Box 100, 605 - 2nd Avenue MA-ME-O BEACH, Alberta T0C 1X0
<b>Phone:</b>	(780) 586-2494
<b>Email:</b>	Sylvia.Roy@svofficepl.com

The Summer Village of Norris Beach 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

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.



## Summer Village of Ma-Me-O Beach

P.O. Box 100 (605 - 2<sup>nd</sup> Avenue)  
Ma-Me-O Beach, Alberta T0C 1X0  
Phone: (780) 586-2494 Fax: (780) 586-3567 E-mail:  
[information@svofficepl.com](mailto:information@svofficepl.com)

### STATEMENT OF CONCERN

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

Filer:

<b>Name:</b>	Christine Holmes, Mayor, Ma-Me-O Beach
<b>Contact Person (if different):</b>	Sylvia Roy, CAO
<b>Municipality:</b>	Summer Village of Ma-Me-O Beach
<b>Legal Land Description:</b>	NE-15-046-28W4 SW-23-046-28W4 NW-14-046-28W4 SE-15-046-28W4 SE-23-046-28W4
<b>Mailing Address:</b>	Summer Village Office PO Box 100, 605 - 2nd Avenue MA-ME-O BEACH, Alberta T0C 1X0
<b>Phone:</b>	(780) 586-2494
<b>Email:</b>	Sylvia.Roy@svofficepl.com

The Summer Village of Ma-Me-O Beach 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

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.

---

**From:** Phippen [REDACTED]  
**Sent:** Thursday, April 7, 2022 12:02 PM  
**To:** Nathan Shirley  
**Subject:** RA21045 - Greg Thalen and G&S Cattle Ltd. Location: Wetaskiwin County Statement of Concern Deadline: April 7, 2022 Notice of Application published in: Pipestone Flyer Public Notice Part 1 Application Part 2 Application

Dear Mr. Shirley;  
Please consider this **a statement of concern** regarding

## RA21045 - Greg Thalen and G&S Cattle Ltd.

**Location:** Wetaskiwin County  
**Statement of Concern Deadline:** April 7, 2022  
**Notice of Application published in:** Pipestone Flyer

[Public Notice](#)  
[Part 1 Application](#)  
[Part 2 Application](#)

We received a courtesy letter suggesting we are directly affected  
by the aforementioned application and wish to express the following concerns;

We do not feel we have been given enough time ( by April 7, 2022)

to do the research and full understanding of what the applicant has applied for in this CFO. We do not know if this is the first of many more CFO's. We are concerned that this has the potential of contaminating folk's drinking water, fish spawning creeks ( Tide Creek) area lakes such as Pigeon Lake and Battle Lake that soon feed into the Battle River system. We have not been told what chemicals, herbicides, pesticides and other contaminants will be spread on watershed lands and at what **concentrations will reach the aquifer that all draw from** in the watershed communities. We do not know if the Pigeon Lake Watershed Association will be granted standing, or directly affected status and if they have any jurisdiction to speak for us. We are concerned that we may be attacked by those in favor of this 'project' or application because we may seem in opposition. How can we approve or disapprove of CFO's in watersheds if we are only given days' notice, while the applicant has clearly purchased expensive agricultural land and is in the business of finishing these livestock, when we have a deadline of today? Perhaps we need to be given more 'tools' to be educated, advised and informed of our rights as surface landowners so very close to this proposed CFO project Nathan? Perhaps the government and NRCB, the county and AHS should have provided open house-type information meetings to folks like us in advance of accepting Mr. Thalen's application? We request information/ input/ and planning in watersheds Nathan for a project(s) that will impact folks out here until the end of time. With the huge draw of fresh water granted for petroleum use in this area by Baytex for fracking into the Duvernay and other oil and gas producers of late on section 25,

section 27 and more to come, is there going to be enough water for these 4,000 perpetual feed livestock Nathan of Mr. Thalen?

Of course you, the NRCB and its board members understand well the ins and outs of CFO, but our family does not. We request a more **fair process** where we as **forced participants** are given the same tools as you to determine if a CFO is safe, ethical, and a good idea in the Battle River watershed that is specific to, especially Pigeon Lake.

We have so many questions about the smell that will undoubtedly permeate not only our home, our land, but that of the entire area/ community. We are concerned over how many insects will be attracted to operations like this one and how will the health of people, other livestock and wildlife and birds be impacted. Have any studies been done to answer our questions and concerns and has it or will it be taken into consideration, that the area this is proposed in is different from other feedlots across Alberta and Canada?

Nathan, we follow the Pipestone Flyer but did not see the 'ad' where this was put. We are concerned that there may be others in our situation that have concerns and deserve to be notified, but have not been. That even if folks are aware, they do not have the means to get a statement of concern to you and the NRCB **in the time frame** required of us. We are concerned that even though we have written to our politicians, no one from the municipality or the provincial government has responded. Is there federal legislation involved in this application?

You mentioned that AHS and the county of Wetaskiwin are involved. How so?

Nathan, you also told us that this land is designated as 'agricultural.' How does it become designated as suitable for a CFO? There is a huge difference between a cow/calf operation and a CFO, clearly. But we are not told in the literature how that process works. Has the county of Wetaskiwin approved of this already? Or does their 'approval' come in the future? How does that work and why has the county not disclosed it to ratepayers one way or the other? When will that process happen? Or will it ever? Are we to understand that all agriculturally zoned land is considered suitable and zoned suitable for CFOs? What does the current water management plan in place for the last 12 years have to say about CFO's on watershed land?

We are concerned that this is a **reverse process** where the onus is put on us in a forced situation, where we have not been afforded any real information. For example, is there enough water to sustain these 4,000 head of cattle perpetually? Why is the water license not the first thing that is applied for to AP instead of the application to the NRCB? What branch of the AP will the water be applied to and **who is the Director of the Water Act that will oversee/ approve or deny said water license Nathan?**

What help is out there for directly affected resident-landowners to help us through this process please Nathan?

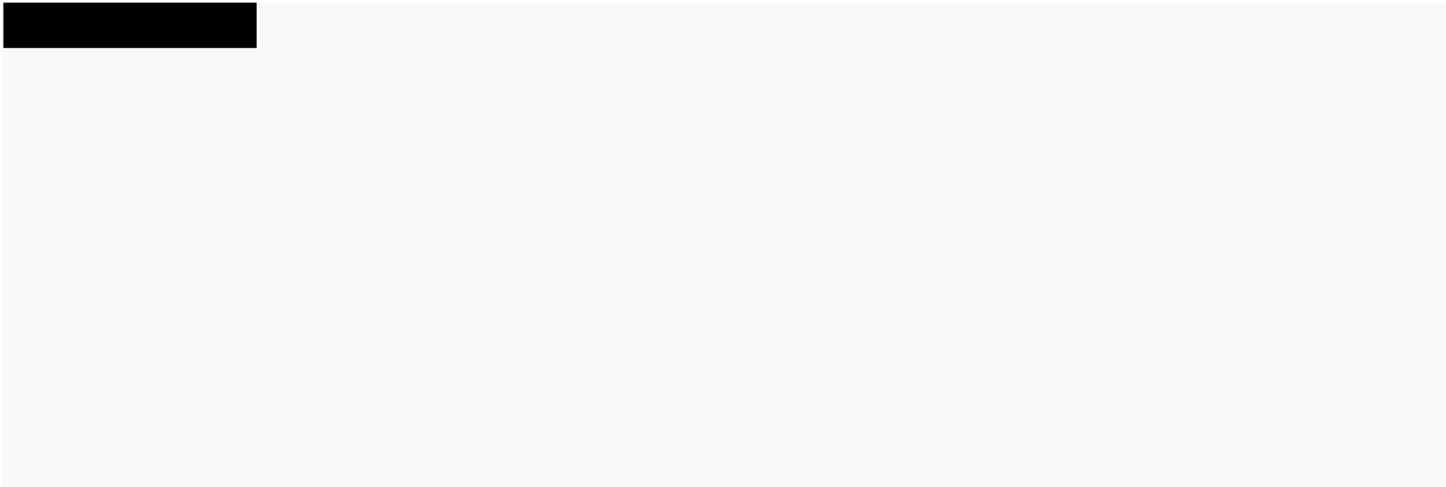
Kindly,

[REDACTED]

[REDACTED]

[REDACTED]





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**From:** Phippen [REDACTED]  
**Sent:** Thursday, April 7, 2022 12:06 PM  
**To:** Nathan Shirley  
**Subject:** Fwd: RA21045 - Greg Thalen and G&S Cattle Ltd. Location: Wetaskiwin County Statement of Concern Deadline: April 7, 2022 Notice of Application published in: Pipestone Flyer Public Notice Part 1 Application Part 2 Application

Dear Nathan,  
We request that we be considered for 'directly affected' status.  
Please advise.  
Kindly,  
Phippen Family Farms  
care of: Verna Phippen  
[REDACTED]

*cc: Tom Nahimiak, Alberta Land Agent #3811*

[REDACTED]  
[REDACTED]  
[REDACTED]  
*Tel/ Fax*  
[REDACTED]

----- Forwarded message -----

**From:** Phippen [REDACTED] >  
**Date:** Thu, Apr 7, 2022 at 12:01 PM  
**Subject:** RA21045 - Greg Thalen and G&S Cattle Ltd. Location: Wetaskiwin County Statement of Concern Deadline: April 7, 2022 Notice of Application published in: Pipestone Flyer Public Notice Part 1 Application Part 2 Application  
**To:** <[Nathan.Shirley@nrca.ca](mailto:Nathan.Shirley@nrca.ca)>

Dear Mr. Shirley;  
Please consider this **a statement of concern** regarding

## RA21045 - Greg Thalen and G&S Cattle Ltd.

**Location:** Wetaskiwin County  
**Statement of Concern Deadline:** April 7, 2022  
**Notice of Application published in:** Pipestone Flyer

[Public Notice](#)  
[Part 1 Application](#)  
[Part 2 Application](#)

We received a courtesy letter suggesting we are directly affected

by the aforementioned application and wish to express the following concerns;

We do not feel we have been given enough time ( by April 7, 2022)

to do the research and full understanding of what the applicant has applied for in this CFO. We do not know if this is the first of many more CFO's. We are concerned that this has the potential of contaminating folk's drinking water, fish spawning creeks ( Tide Creek) area lakes such as Pigeon Lake and Battle Lake that soon feed into the Battle River system. We have not been told what chemicals, herbicides, pesticides and other contaminants will be spread on watershed lands and at what **concentrations will reach the aquifer that all draw from** in the watershed communities. We do not know if the Pigeon Lake Watershed Association will be granted standing, or directly affected status and if they have any jurisdiction to speak for us. We are concerned that we may be attacked by those in favor of this 'project' or application because we may seem in opposition. How can we approve or disapprove of CFO's in watersheds if we are only given days' notice, while the applicant has clearly purchased expensive agricultural land and is in the business of finishing these livestock, when we have a deadline of today? Perhaps we need to be given more 'tools' to be educated, advised and informed of our rights as surface landowners so very close to this proposed CFO project Nathan? Perhaps the government and NRCB, the county and AHS should have provided open house-type information meetings to folks like us in advance of accepting Mr. Thalen's application? We request information/ input/ and planning in watersheds Nathan for a project(s) that will impact folks out here until the end of time. With the huge draw of fresh water granted for petroleum use in this area by Baytex for fracking into the Duvernay and other oil and gas producers of late on section 25, section 27 and more to come, is there going to be enough water for these 4,000 perpetual feed livestock Nathan of Mr. Thalen?

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What help is out there for directly affected resident-landowners to help us through this process please Nathan?

Kindly,

Verna Phippen

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** Brian Phippen [REDACTED]  
**Sent:** Saturday, April 2, 2022 10:22 AM  
**To:** Nathan Shirley  
**Subject:** Application # RA21045 Objection

My land: [REDACTED]

My reasons for objection:

- 1- Foul discusting odours produced for several miles
- 2- Increased truck traffic on TWSP Rd. 470 and Hiway 771 from transporting cattle in and out of the site along with transporting feed to site, whether loaded or empty.
- 3- Increased fresh water used from aquifer.
- 4- Accidental spillage or overflow of the catch basin into Pigeon Lake and streams.

John **Brian** Phippen  
[REDACTED]