

## **RFR Rebuttal Letter**

To: Laura Friend

Subject: Re: NRCB Notice of Filed RFRs and Rebuttal Opportunity for G&S Cattle Ltd. RA21045

From: Nicole, Madison, Makenna and Jaxon Klatt

Status: Directly Affected Party

Legal Land Description: SW-11-47-2-W5

[REDACTED]

[REDACTED]

List of Attachments:

Statement of Concern

Impact Statement

Additional Evidence e.g. photos, excerpts from Wetaskiwin county Municipal Development Plan (MDP), Area Structure Plans (ASP),

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**Firstly, I would like to thank the board for their consideration of my rebuttal letter regarding G&S Cattle Ltd.'s request for review.**

**As a directly affected party, I respectfully ask that the board deny this request for review. We agree with Nathan Shirley's decision to deny CFO application RA21045, citing "proposed feedlot would pose materially negative and long-lasting effects on community; I have also concluded it would not be an appropriate use of the land".**

**I am an 80 acre residential landowner immediately downstream of the proposed feedlot. Note that I represent the entire household at the location listed above; comprised of myself and 3 young children. I am 38 years old; I have suffered from severe migraines for 30 years. The major triggers for onset are odours and sounds (both of which will be pollution created by the CFO). Hospital visits due to this disease are frequent. My 9-year-old has allergies. My 9-, 4- and 2-year-old all have developing immune systems and therefore are susceptible to bacterial aerosols and allergens. Please also note that my oldest child is also Indigenous. As a single mother, I depend on the close proximity of the shops at the Village at Pigeon Lake, especially to get my groceries and medications. We recognize that the Village at Pigeon Lake would not have been built without the large number of local lake residents who live in the area, due to the high value of a healthy lake.**

**Our house is 200 metres from the manure spreading area. Since the manure spreading began, and whenever such operations are taking place, we have been unable to open windows in our home, have spent very limited time outdoors, and cannot sleep with the windows open in the evening. The odour has been so bad that upon coming indoors & remaining in the house, several hours later all of our family member's hair smelled strongly of manure. The wind had been predominantly west during most of the spreading and tilling days. My home is located directly east of the manure spreading location. I have video recordings of the manure spreading taking place; The video taken on the first day shows ongoing and significant plumes of manure entering the air, taken at different intervals throughout the day. All 4 family members in my home (ages 38, 9, 4, & 2) had been experiencing raw**

tonsils, sore throats, swollen throat glands, headaches, bloody noses, and mucus build-up since the spreading began. Our symptoms continued to worsen to the point we needed medical attention. As of Thursday September 15, we all were diagnosed with bronchitis, ear infections and pink eye. We were all prescribed antibiotics; to date I am still completing this antibiotic prescription.

We have data from Alberta Environment's own Pigeon Lake Water Management Plan (PLWMP) that proves the creeks both on and surrounding this location (which discharge into Pigeon Lake a relatively short distance away) have been contaminated for years and now the NRCB decision proves the migration pathways are relevant and now this complaint proves they did not take required steps of incorporating the manure into the soil, as per NRCB requirements. The NRCB denial decision proves that the pollution, contamination and impacts to the water substantially increased, due to the current CFO operation.

The contamination pathway of air particles cooling over the lake and then depositing in the lake is the largest contributor to lake impacts. The PLWMP estimated 55% of nutrients are deposited via the air. Air studies are important for human health and the lake.

Hazardous fine particulate matter is held in higher concentrations around my property, due to the slopes of the hills, temperature inversions from the lake and tall vegetation. These concentrations likely exceed acceptable exposure levels, especially for vulnerable persons such children, elderly, and immuno compromised.

One of the unnamed creek runs the entirety of our 80 acres (this creek connects to the Sunset Harbour creek, which deposits immediately into Pigeon Lake). Up until 3 years ago, I would allow my children to play &/or swim in the creek and beaver pond. The unnamed creek has run brown most of this spring/summer 2022, with manure odour undeniable. Due to the overwhelming manure smell, brown colour and algal blooms in the creek over the past 3 years, I no longer allow my children to do so. I am concerned about fecal coliforms present in the water, and therefore potential poisoning, illness, infection or disease. I am also concerned about biosecurity due to the fact that I also pull water out of the creek to water gardens, as well as animals (ducks, chickens, turkeys, dogs, cats, honey bees). I now use rainwater to water my animals, due to the possibility of growth hormones, antibiotics, phosphorous, ammonia, CFO cleaning chemicals being in the creek, coming from upstream at the CFO site. I had planned on getting livestock and planned to pump water from the creek/pond to a drinking trough; now this likely won't be possible.

Last year, there were numerous stickle back minnows thriving in the creek/beaver pond on my property, this year there are none. Last year domestic ducks would live in/on/around the creek and beaver pond throughout the spring/summer/fall seasons. This year (spring & summer 2022), they refuse to swim in the pond and will only briefly bathe, also refusing to eat aquatic vegetation and animals. This has increased my expenses, as I have had to supplement their feed.

The long-term plan with the purchase of this property was to subdivide for my children to continue to live here (pass down), or else sub-divide as a retirement package. This summer of 2022, my child has already been denied her cultural right to sustenance fish, due to health advisories released by AHS advising against consuming fish or swimming at Zeiner Park, due to high/dangerous fecal concentrations in the lake water. I have kept our acreage 90% native bush and trees, so that she may learn and practice her cultural way of life (hunting, trapping, harvesting, medicinal vegetation, etc). With increase aerosol contaminants proven to be released from CFOs, including fugitive ammonia,

**this will further affect the overall soil, air and water quality, not only of Pigeon Lake but our home as well.**

**My property is bordering the feedlot; if diseases are passed from the feedlot animals, will the feedlot owner provide financial compensation to replace any animals that are put down, or alternatively pay for all costs associated in the event animals are ordered quarantined for any length of time? Should my water well become contaminated and require re-drilling or if the CFO owners shut down their operation, is there a guaranteed contingency fund in place for compensation and reclamation?**

**Our livelihoods have already been greatly affected. Stress, lack of sleep, illness, time spent reaching out for support (writing letters, attaining reports, etc), the strained and dissolved relationships within the community (along with certain community divisions) have all been adverse effects to our quality of life. The “negative impacts on the community and inappropriate use of land” is a valid aspect of the NRCB decision. The NRCB board must understand that in this community, which has established a plan and standard for watershed management and invested millions of dollars in watershed management to protect fresh water sources, no level of risk to the economy, environment, human or ecological health is acceptable.**

**Section 4.2.1 states that the MDP specific to Pigeon Lake can be overridden by an Area Structure Plan, which it was with the Pigeon Lake Area Structure Plan (2014) that states in section 5 no CFO should be in this area and that intensive agriculture needs a new land use designation. This also includes the PLWMP updated from the 2000 (cited in the actual 2010 MDP) to the 2018 which states the same.**

**Section 7 states that surrounding communities of the lakes are included and given input on future development.**

**Objective 1.4 of the MDP also states it is the counties intent to minimize conflict with CFOs.**

**Objective 1.2 of the MDP also states that intensive livestock operations should be directed away from productive agriculture land.**

**Section 1.2.1 a) and c) state that the intensive livestock operations should not be there**

**Section 1.2.3. B) states that the operation should be moved to a previously subdivided parcel.**

**The protection of the environment and quality of life are the first objectives of the MDP purpose.**

use of the lakes. The County will continue to work with Provincial and Federal governments to bring regional solutions for sewage collection and treatment systems.

Buck Lake Management Plan (2002), Pigeon Lake Watershed Management Plan (2000) and Wizard Lake Management Plan (2000) were prepared for the County. These plans provide general guidelines for development around the lakes.

**Objective 4.1 Lakes in the County are categorized according to their respective primary roles**

The lakes in the County are categorized according to the intensity of the intended use of each lake.

4.1.1 The types of lakes are established as follows:

Type 1: Development – These lakes accommodate various lake shore recreational and residential development.

Type 2: Low-impact Development – These lakes accommodate low impact and small scale development on the lakeshore. These lakes are suitable for wildlife habitat and wilderness conservation.

Type 3: Protection – Lakeshore development is not allowed due to various constraints such as access, size, depth, surrounding land uses.

4.1.2 County's named lakes are categorized as follows:

Type 1: Development – Buck Lake, and Pigeon Lake

Type 2: Low-impact Development – Battle Lake, Bearhills Lake, Town Lake, and Wizard Lake

Type 3: Protection – Bittern Lake, Bloomfield Lake, Coal Lake, Eyot Lake, Labyrinth Lake, Long Lake, Red Deer Lake, Samson Lake, Twin Lakes, and Watelet Lakes

**Objective 4.2 Lakes in the County are well managed according to their respective primary roles as established**

While activities on the lake are controlled through Provincial regulations, land use regulations could still effectively control the activities on the lake. For example, prohibiting the development of a boat-launch can limit the excessive motor boat use.

For the purpose of this objective, lake shore land is defined as 0.8 km (1/2 mile) from the bed and shore of the lake.

4.2.1 The County may consider updating existing lake management plans for Pigeon Lake and Wizard Lake, in consultation with Leduc County and the Summer Villages.

4.2.2 Maintain communication and cooperation with surrounding municipalities for any statutory or non-statutory plan preparation concerning the lakes in the County that borders on other municipalities.

## Provincial historic site designation

The development of historic sites as tourist attractions benefits the County's economic base and preserves the County's heritage for future generations.

- 6.3.1 Council may allow the subdivision of a parcel of land for a registered or Provincial historic resource.
- 6.3.2 Notwithstanding previous subdivision and soil quality, and subject to rezoning if necessary, Council may allow the subdivision of a parcel of land for a use that has the potential to be designated as a historic resource.

## 7 Intermunicipal

Adjacent municipalities to the County of Wetaskiwin are:

- Urban Municipalities: City of Wetaskiwin and Town of Millet;
- Rural Municipalities: Leduc County, Camrose County, Ponoka County, Clearwater County and Brazeau County;
- Summer Villages: Argentia Beach, Crystal Springs, Ma-Me-O Beach, Grandview, Ma-Me-O Beach, Norris Beach, Poplar Bay, and Silver Beach; and
- First Nation Indian Reserves: Samson, Pigeon Lake, Buck Lake (Paul), Louis Bull, and Ermineskin.

Many of the issues such as farmland protection programs, identifying areas for residential development, and lake shore development, require input from adjacent municipalities and First Nations.

### Objective 7.1 Coordinate development in the fringe area with adjacent municipalities and First Nation Indian Reserves

Maintaining constant communication with adjacent communities is an important part of achieving well planned communities. Development near the municipal boundary influences both municipalities. Neighbouring communities should be properly informed regarding development activities within the fringe area.

- 7.1.1 Fringe area is established as 1.6 km (1 mile) from the municipal boundary, the established hamlet boundary, or the First Nation Reserve boundary.
- 7.1.2 All area structure plans, zoning bylaw amendment, subdivision, and discretionary development applications need to be referred to the adjacent municipalities and First Nations within the fringe area for their comment.

### Objective 7.2 Preserve the lands adjacent to urban centres for long-term conversion to urban uses

The County adopted an Intermunicipal Development Plan with the City of Wetaskiwin in 1998 (Bylaw 98/66) and South Pigeon Lake Intermunicipal Development Plan in 2002 (Bylaw 2002/50) with Summer Villages of Crystal Springs, Grandview, Norris Beach and Poplar Bay. The areas for Intermunicipal development plans are shown in Figure 7 and Figure 8. The County has also completed the Millet-Wetaskiwin Acreage Study Area

Structure Plan with input from the town to determine areas for potential residential development.

- 7.2.1 Development adjacent to the City of Wetaskiwin and Summer Villages at Pigeon Lake will follow the respective Intermunicipal Development Plans.
- 7.2.2 With the absence of an Intermunicipal Development Plan, a development proposal in a fringe area of urban municipalities should allow eventual conversion of the subject lands to urban uses if the land is annexed.
- 7.2.3 Residential development in the fringe areas around the Town of Millet is required to meet the development standard that would not encumber potential future annexation of the County land.
- 7.2.4 Low density uses such as multi-lot residential development in agricultural land may be allowed in urban fringe areas if an approved area structure plan designates the land for such development.
- 7.2.5 For the subdivision in urban fringe areas, which are likely to be built with a higher density, the municipal reserve dedication should be made by land, not by cash in lieu payment. If the location of reserves cannot be determined, they will be deferred to the remainder of the land.

The general public benefits from the environmental value and also enjoy the beautiful landscape of farmland, but the responsibility of maintaining healthy farmland is primarily carried by the farmers and ranchers. Seasonal variation of earnings or its susceptibility to the weather and other external factors make it hard to maintain a steady income for farmers. Subdividing the farmland is one of the few ways to create lump-sum cash when needed, such as for retirement.

- 1.3.1 The County may provide regular public notices through various media to inform the public that the farming operation in the County may cause slow moving traffic, noise, dust, odour, aerial spraying, extended working hours, and manure production and application.
- 1.3.2 The County may require a caveat to be registered on title for a new lot to advise of the impacts of farming operations such as slow moving traffic, noise, dust, odour, etc. in the County.
- 1.3.3 The County may consider introducing programs to protect farmland from subdivision or conversion to non-agricultural uses. Such programs may include the transfer of development credit, tax rate freezes for agricultural land in high-demand areas, conservation easement incentives, and cluster zoning provision.
- 1.3.4 The County will continue to recognize the importance of agriculture in its planning documents.

#### **Objective 1.4 Minimize the land use conflict with Confined Feeding Operations and surrounding land uses**

While the Confined Feeding Operations are under Provincial jurisdiction<sup>4</sup>, it is the County's intent that any negative effect from the Confined Feeding Operation should be minimized. The Municipal Government Act requires the municipality to identify where new Confined Feeding Operations should locate.

An Intensive Livestock Operation is a Confined Feeding Operation that is smaller than the threshold size that falls under Provincial jurisdiction, as determined by the Provincial guideline.

- 1.4.1 The minimum distance setback of Alberta Agriculture Code of Practice, as amended, should be maintained.
- 1.4.2 For an Intensive Livestock Operation, the Minimum Distance Separation is determined by using the threshold level of the animal or the combined effects of the different kind of animals that are kept on one premise.
- 1.4.3 Any size of new Confined Feeding Operation (including Intensive Livestock Operation) must not locate within the following setback distances as illustrated in Figure 3.
  - a) 2.4km (1.5 miles) from the boundary of any city, town, village, hamlet, and school and hospital.
  - b) Under no circumstances can a new CFO be located within 1.6km (1 mile) of the following named lakes: Battle Lake, Buck Lake, Coal Lake, Pigeon Lake, Red Deer Lake, Wizard Lake and Twin Lakes.
  - c) All other unspecified environmental features, including but not limited to lakes not specified in (b), wetlands, and watercourses shall have setbacks in accordance with Alberta Operation Practices Act and Regulations (AOPA) as amended.
- 1.4.4 A new residence is not permitted within the Minimum Distance Separation of an existing Confined Feeding Operation/Intensive Livestock Operation, unless the residence is associated with the operation.
- 1.4.5 Within the Millet-Wetaskiwin Acreage Study Area, the setback distance outlined in 1.4.4 may be relaxed by up to 25% of the minimum distance separation required by Alberta Agricultural Code of Practice.

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<sup>4</sup> Agricultural Operation Practices Act, Agricultural Operations, Part 2. Matters Regulation, Schedule 2 Threshold Levels





previously unsubdivided quarter section in agricultural land unless rezoning or an area structure plan is approved.

- 1.1.4 In addition to Section 1.1.3, another subdivision is allowed subject to redistricting when:
- a) creating a parcel to separate one additional existing residential farmsite, as defined in the current land use bylaw, and in accordance with Policy 6607 Second Yard Subdivisions, as amended; which requires improvements to be more than ten years old; or
  - b) there are natural or man-made barriers creating a natural severed split such as a river or stream, lake, road, or railway and pose difficulties to farm as one parcel.
- 1.1.5 The parcel size and the configuration of a new subdivision on an unsubdivided quarter section should be such that the least amount of land is taken out from agricultural production. The recommended parcel size is 2.0 ha (5 ac.).
- 1.1.6 In order to minimize the impact on the adjacent farming operation, a new parcel on a quarter section is encouraged to locate:
- a) where the land is not suitable for agricultural production; and
  - b) where there is/are existing farmsite(s) on a corner of the adjacent quarter sections; or
  - c) near where existing improved roads (paved or gravel) intersect.

**Objective 1.2 Protect agricultural land to remain in production**

Traditional extensive crop farming is the strong backbone of the County's farming industry, which relies on high capability agricultural soil. Once the land is converted to non-agricultural use, it is very difficult to convert it back to productive farmland due to the change in soil characteristics, fragmentation, and possible contamination. At the same time, lower rated land in the western part of the County has traditionally been used for grazing. A typical ranching operation requires a large tract of land to be viable.

Non-agricultural land uses and the more intensive agricultural practices, such as greenhouses, or intensive livestock operations, do not require a large tract of land or highly productive soil but still can be profitable. These land uses have a lesser reliance on the soil capability, and may be directed away from high capability, unsubdivided agricultural land.

At the same time Farmland value should be established for fair evaluation of the ranching or non-traditional agricultural operations.

- 1.2.1 Productive agricultural land includes:
- a) land in production with a farmland assessment value of 30 % or more;
  - b) grey-wooded soil producing hay, forage or other crops; and

- c) land currently used for grazing.
- 1.2.2 Area structure plan or rezoning will not be considered if the land is classified as productive agricultural land as defined above except as allowed elsewhere in the Municipal Development Plan.
- 1.2.3 Agricultural uses that do not depend on good soil quality or a large tract of land are encouraged to locate:
- a) where the Canada Land Inventory (CLI) soil class for agricultural capability or farmland assessment rate (FAR) value is low (CLI class 4 and lower, FAR below 30%); or
  - b) on a previously subdivided quarter section.

**Objective 1.3 Raise public awareness and share the responsibility of protecting farmland in the County**

Farmland is not only used for food production but also fosters various public goods such as open landscape; clean air and water; and wildlife habitat and riparian areas. Although it is difficult to quantify these benefits, it is recognized by most Canadian provinces, including the Province of Alberta, through "right to farm" legislation. The County will continue to foster a positive stature of farming with other land uses.

The general public benefits from the environmental value and also enjoy the beautiful landscape of farmland, but the responsibility of maintaining healthy farmland is primarily carried by the farmers and ranchers. Seasonal variation of earnings or its susceptibility to the weather and other external factors make it hard to maintain a steady income for farmers. Subdividing the farmland is one of the few ways to create lump-sum cash when needed, such as for retirement.



## Statement of Purpose

"The County of Wetaskiwin will strive to maintain a balanced approach to diverse development while protecting our agricultural heritage and rural environment."

The statement above was developed by the Strategic Planning Committee based on public input and issues raised by County staff.

Development and land use decisions will be guided by the Statement of Purpose. Land use planning requires a balancing between the rights of an individual landowner and the long term greater public interest. The County will try to avoid negative impact to environment and inefficient use of natural resources when making decisions.

The Plan's Statement of Purpose reflects on the County's overall Vision:

- Strong Proactive Leadership
- Safe Progressive Communities

In addition, the County encourages all development initiatives, including new area structure plans, in all areas of the County to take into account regional and Intermunicipal plans, including regional plan for North Saskatchewan Plan Region, as identified in the Province of Alberta's Land-use Framework.

The County believes its planning direction, as summarized in the previous Municipal Development Plan's goals below, is still supported by the residents.

1. To maintain a clean environment - to support development so long as there is no negative impact on air, natural resources, water or soil quality;
2. To support and encourage economic growth and development- to support growth and development in appropriate locations while avoiding inefficient use of natural resources such as coal, oil, natural gas and gravel; and
3. To support a high quality life - to weigh the needs of individuals in relation to the greater public interest.











