

From: [REDACTED]
To: [Laura Friend](#)
Subject: RE: Rebuttal Letter of G&S Cattle Ltd Feedlot Application RA21045
Date: Thursday, September 29, 2022 3:57:58 PM
Attachments: [O&J Labutis Letter of Concern.docx](#)

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Attention: Laura Friend

RE: Notice of Filed Request for Board Review and Rebuttal Opportunity

Decision Summary RA21045

Ozzie and Jennie Labutis Rebuttal Letter Regarding RA21045 G&S Cattle Ltd Request for Review

Thank you for the opportunity to comment on the above noted issue. We are a directly affected couple living on NW ¼ Sec 2 Twp 47 R2 W5.

We strongly believe the NRCB decision of September 13, G and S Cattle Ltd. RA21045 to deny the construction of a 4000 beef finisher confined feeding operation **should stand**. A **request for review should be denied**.

We agree with the decision, as outlined in the decision summary that the: "proposed CFO would pose materially negative and long-lasting negative effects on the community, I have concluded that it would not be an appropriate use of the land."

In addition we would also like to make record that we fully stand by all our original concerns regarding the negative affects this feedlot application being approved would cause us. We have included by way of attachment our original letter of concern from April 7/2022.

G&S and their counsel implied that almost all of Nathan Shirley's input info to make his decision came too much from the Pigeon Lake Watershed and its information or too much from non-farm interests. This all too easily ignores the overwhelming majority of farm or former farm families around the feedlot who submitted their letters of concern against this feedlot. The truth is that several of the 36 directly affected parties strongly against the CFO have farm backgrounds, often earn their primary or supplemental income off farming, or have employment and business interests derived from the farm industry and they live right around the feedlot within a mile and a half- definitely not at or near the lake. It is very true that the PLWA provided a wealth of studies, reports, municipal planning analysis, vital watershed information, in addition to other substantial science based information. For any regulatory body such as the NRCB who's obligation is well defined to consider the effects of the proposed CFO on the environment, the economy, the community, and the appropriate use of land it would be a dereliction of duty to not at least consider the science and analysis that the PLWA provided in getting to the truth of this situation. G&S and their counsel implying that too much emphasis was put on the PLWA's opinions, studies and its conclusions very much seems to suggest that G&S would much more prefer the best information and science available on the subject would be best kept away from the public and out of the decision making process-wouldn't a company that genuinely believed that their project had real benefits and no risks to a community welcome all science and analysis to prove it? It appears this is not the case.

Being farmers ourselves we fully understand the importance that farming is to the area but we also fully understand the importance of the recreational and outdoor enjoyment aspects of this community that have nothing to do with agricultural profits. G&S and its counsel's assertion that the AO did not use the correct method to properly evaluate the best use of the land shows an ignorance of this area and what it contains. There are numerous recreational locations near this feedlot that draw valuable weekend tourism. It seems as though G&S isn't fully aware of the community as they stated the nearest recreational community was Poplar Bay located 6kms away. The nearest recreational community is actually Sunset Harbour which is only 3.5kms away downwind to the east which incidentally has high phosphorous contaminated water from the feedlot flowing right by it. Even closer is a section of the Canada Trail that is in the provincial park downwind to the east and

only 2.8kms away from the manure liquids catch basin. To the north is Wood Pines Resort which is also just 2.8kms away. Fishermen enjoy fishing on Tide Creek bridge which is 3 ¾ kms away (incidentally another creek that shows elevated levels of contaminants from the feedlot). Mount Butte Natural Area another weekend hiking tourist spot is just 4kms to the south. Willow Greens golf course to the southeast is just under 6kms away. And hundreds of cyclists can always be seen throughout summer on Highway 771 just 2.8kms east of the catch basin as well.

Our family has had a viable sustainable farming operation in the area for almost 100 years but we know a definite portion of the vitality and success of the area is because of the tourism draw that the lake provides to the area. One of the big spinoff results of that have been the ability for the Village of Pigeon Lake to be built due to the economies of scale that come out of the large number of people that are attracted to the lake. We hugely value the close proximity of all the businesses at the village to purchase all our essential consumer items including groceries, fuel, pharmaceuticals, and banking services etc. Being senior citizens (I'm 86 and my husband is 97) we save a lot of money and time driving the 10 minutes to the village versus the almost 1 hour drive it takes to get to the next major shopping area of Wetaskiwin. To have the viability of the village businesses threatened even in the slightest due to the definite possibility that the feedlot runoff could severely damage Pigeon Lake, a lake that is already phosphorus stressed is hugely concerning to us. The thought that tourist numbers could plunge due to constant beach closures due to blue green algae blooms as a result of feedlot lands runoff has to be factored in to the evaluation. We firmly believe in fresh water preservation and management and recognize the big contribution the Pigeon Lake Watershed Association is making to try and protect and save the lake and we agree with their studies, reports, conclusions and recommendations borne out of their efforts and would ask that this process put heavy emphasis on their work. In addition the County has committed and agreed to utilize PLWMP land use recommendations which the PLWA assisted in creating and the County must be held accountable in doing so.

Also in G&S's closing statements they talk of the necessity of this feedlot and of the benefits of the feedlot to the community. There will be no big boost to the local economy. There will only be a very small increase over the 3 or 4 employees that are already there. None of the cultivation or harvest equipment or people to operate it is sourced locally-it is all brought up from Ponoka. The Thalen family does not reside on the feedlot lands-they live far away in a different county so aren't even subjected to all of the negative affects their feedlot will cause. There is no need for a feedlot. The lands could very easily be used for growing crops as most other small farms in the area are doing successfully with much smaller economies of scale to work with. To say there are not other good options for the land is again disingenuous. And if the feedlot owners felt genuinely justified in their push for this feedlot why was it they refused comment every time the media approached them or why didn't they defend their position by showing up at any public meetings about the feedlot? One would think if they genuinely felt this feedlot was justifiable and good for the community they would have enthusiastically welcomed the opportunity to explain their side-instead they were silent and nowhere to be seen without exception.

Additionally there is no need to create a false friction between lake and rural people as G&S has tried to do. We all know only 3 letters of support went in to support this project and only one of these was from a directly affected party against several hundred others from the community including many farmers who are strongly opposed to it. For all these reasons the Approval Officers decision should definitely **stand** as it was delivered and the feedlots request for **review should be denied**.

Thank you for taking our concerns and our rebuttal into consideration.

Ozzie and Jennie Labutis

Farm Owners and Directly Affected Parties

STATEMENT OF CONCERN

For directly affected property owners near Pigeon Lake

**Re: Natural Resources Conservation Board Application RA21045-
Confined Feeding Operation, Greg Thalen and G and S Cattle Ltd.**

Filer Information

Name: Ozzie and Jennie Labutis

[REDACTED]

Legal Land Description: NE ¼ of Sec 3-47-2W5M & NW ¼ of Sec 2-47-2-W5M & SE ¼ of Sec 2-47-2W5M

[REDACTED]

[REDACTED]

[REDACTED]

Statement of Concern

The Confined Feeding Operation, Application RA21045, should be declined

Response from a Directly Affected Party

My Background:

My parents were one of the first people in the area that settled and began farming this land back in 1928 and we now have our great grand children living on this land. My parents chose this particular location because of Pigeon Lake and the fact it had fish to harvest and lots of clean water. We cleared and developed the land over the next several decades until we ended up owning 3 quarters of land and made our living off that.

CONCERNS

1. Air quality issues-I spend a lot of time outdoors in my yard gardening and going for walks on trails. We are largely outdoors people and to have regular strong smells in our yard is pretty disappointing after having lived here for so many years without ever having this problem. We are basically retired wanting to enjoy our sunset years spending time enjoying . I have asthma and am concerned if odour levels were to get a lot higher maybe it becomes a health risk for me to be outside in my yard for extended periods of time on bad wind direction times. Also very concerning is they plan to site their manure storage pile a full half a kilometer closer to us with the new proposal making the odour problems likely much worse. We didn't chose to live in the

country to have to put up with smells from a neighbours operation considering we bought enough land that that should have never been a problem. Now with 4000 head next door and it being ½ kilometer closer will I have days where being outside where it might not be possible with my asthma. For that reason I would really like to see a Health Impacts Assessment done considering my advanced age and asthma issues.

2. Our Creek Water Quality-A creek runs directly from SE corner of the G and S feedlot location on to our land. They say the proposed manure catch basins location is 400 meters from the nearest seasonal creek -that's not correct-it actually looks far closer to 200 meters or far less from the nearest seasonal creek that ultimately flows in to Pigeon Lake via our land and in to Sunset Harbour Creek. The very creek that for roughly the last 3 years has had high amounts of cow manure in it during spring runoff season-so bad in recent years that a couple times we saw lots of manure stained snow and the strong smell of cow manure filled the air if you stood within 10 feet of the creek in the center of the NE ¼ of Sec 3-47-2W5M(our quarter immediately straight east of proposed feedlot)-and this in a creek flowing lots of volume of water in to Pigeon Lake at that time of year-plus we have had no pasture cattle or any other cattle on this bush quarter for over 5 years-so for sure the only cattle that could have runoff in to this area would be from G and S . We had a water sample taken using CCME Guidelines and analyzed by an accredited laboratory Element Labs in Edmonton on March 25/2022 for phosphorus and ammonia-it came back high with levels 10 to 25 times higher than any taken in 2013 in Total Phosphorus and was also high in ammonia.
3. Loss of Recreation on Pigeon Lake-Tide Creek and Sunset Harbour Creek are already high in phosphorus coming from the feedlot. We used to enjoy swimming and fishing on Pigeon Lake but with increasing algae blooms and health advisories its not something we can enjoy as often although we take the grandchildren down there sometimes on better days and would like to continue to do that. The Lake is already high phosphorus level damaged and the current flows out of Tide Creek and Sunset Harbour Creeks are right now adding more phosphorus with the current feedlot operation being identified as the single point source of the current high phosphorus readings in each creek. So in time we will likely not want to use Pigeon Lake at all if it becomes a manure nutrient killed lake. For these reasons of concern we would like to see an Environmental Assessment Impacts Study carried out with Mitigations.
4. Potential Loss of water wells-With the huge volumes of water needed to feed 4000 cattle there will be huge pressure on water tables. 160,000 liters a day needed. It's a big concern of how many of our wells could potentially go dry after years of pumping out of many wells at the feedlot. Who would be paying for our wells if they were to dry out.
5. Loss of Property Value and Use-For sure our land values will drop if we ever decide to sell some of our property as lots of its value now will be reduced because of its close proximity to the feedlot. No one wants to live with a constant strong odour around in their yard as we are in the direction the wind normally blows.

6. This proposal also seems to contravene the following development policies:
 - a. **The Pigeon Lake Watershed Management Plan**-recognizes that CFO's have no place within the boundaries of the watershed due to concerns over phosphorus load. Specifically, **Objective 2e** from the Plan states there should be **NO** CFO's within the watershed
 - b. **County of Wetaskiwin Plans**- recognizes the importance of Pigeon Lake and the need for protecting it from harmful impacts. 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 CFO's should **not** be in the watershed. **Section 5.5.2 Agriculture** -Large-scale confined operations are not appropriate in the Pigeon Lake Watershed.
 - i. The County's Land Use Bylaw-**Section 9.6.10**- "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."
 - ii. The County's Municipal Development Plan also provides direction over the concern of the environment. **Section 3**-Protecting the 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.
 - c. **Natural Resources Conservation Plan**- The **NRCB** has an obligation which is well defined 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 consider factors which will degrade or damage Pigeon Lake will place the responsibility both legally and morally on the NRCB and they will be held accountable.
7. The County of Wetaskiwin's Municipal Development Plan states "The County of Wetaskiwin will strive to maintain a balanced approach to diverse development while protecting our agricultural heritage and rural environment. P3. IN doing so this land use plan reinforces that it supports a high quality of life for residents. It supports economic growth and development but only if it is appropriate to the location and so long as there is no negative impact on air, natural resources, water or soil quality.
8. Pigeon Lake Watershed Management Plan was adopted as a guide to help reduce the number of algae blooms in Pigeon Lake. The Plan calls for a net reduction in nutrient runoff into Pigeon Lake and states that statutory land use restriction on new or expanded intensive livestock operations (including CFO's), are supported
9. We really don't like to hear about the damage to Tide Creek a creek when I was a little girl and I used to swim across to go to a local store on north side of Tide creek when the water and lake were of the cleanest quality. Now we here of high phosphorus levels out of that creek and it really is disheartening that the powers that be have let it get this bad. Concerned the right actions wont be taken and we wont save this creek with important fish breeding grounds all along it. Not a problem I ever thought we would let happen when I swam in it 70 years ago as a young girl.

Cumulative effect

The application does not reference the current operation and condition of the land, which is relevant for an impact assessment. A large number of cattle transport trucks and other large vehicles move on and off the property suggesting a large scale operation is run on the property. The decision should account for the current condition of the property such as streams, fields, increased number of predatory animals, water use, etc. Spreading high volumes of manure over land all sloping towards Tide Creek and Sunset Harbour Creek in volumes that could exceed 150 tons per day introduces a new risk that growth promoters, antibiotics, nitrogen, and phosphorus in the streams will adversely affect our cattle or maybe travel in to our water wells.

Again for all the many reasons listed above we truly believe Application RA21045 should not be approved.