

No. 1 - REQUEST FOR REVIEW: LA21057 / Tateson Ranching Ltd.

Filed By:	Tateson Ranching Ltd. (Julie and Scott Tateson)
Deadline for RFRs:	October 14, 2022
Date RFR received:	October 14, 2022
Status of Party as per Decision Summary:	Directly Affected Party

October 14, 2022

Natural Resources Conservation Board
Board Reviews
John J Bowlen Building
#901, 620 – 7 Avenue SW
Calgary, Alberta, T2P 0Y8

Attention: Ms. Friend,

Re: Decision LA21057 – Request Board Review of Permit Conditions
Julie and Scott Tateson, Tateson Ranching Ltd.

Linkage Ag Solutions has been retained by Julie and Scott Tateson (Tatesons) to support their feedlot expansion application to the NRCB. It is understood that Mrs. Carina Weisbach, NRCB Approval Officer (AO), has approved the feedlot application as indicated in the Decision Summary LA21057 dated September 22, 2022.

Pursuant to section 20(5) of the Agricultural Operations Practices Act (AOPA), this submission constitutes a formal request for a Board Review of three (3) permit conditions found in the decision LA21057; and provides a brief overview of the reasons why the review is necessary.

In Summary

Application LA21057: Feedlot application to construct a 3000 hd beef finisher feedlot operation with 4 rows of pens and a catch basin. The application also notes cow-calf pens which are located beside the feedlot and are intended to be used for Tateson's breeding herd only. The cow-calf portion of their operation is considered a season feeding and bedding site (SFBS).

It is understood from the NRCB's fact sheet: *'Distinguishing Between Confined Feeding Operations and Seasonal Feeding & Bedding Sites (for Cattle Operations)* that: *Cattle operations may have a variety of facilities to confine cattle, including some SFBS (seasonal feeding and bedding site) and some CFO facilities.* It is also noted that: *SFBS does not require an AOPA permit.*

The NRCB Board is asked to grant a review of the AO's decision under AOPA section 25(1). A review is necessary in order to:

- 1) Remove Decommissioning (condition 3)
- 2) Remove Runoff control plan for the cow-calf site (condition 5)
- 3) Modify Operating condition (condition #7)

Grounds for Review

Decommissioning - The condition states: *The co-permit holders shall decommission any parts of the constructed feedlot pens (including fences, bunks, etc.) that are closer than 30 m to the irrigation drain.*

The Standards and Administration Regulation (the Standards) section 7(1)(c) states that a manure storage must be 30 m setback to a common body of water. However, under 7(3) Subsection (1)(c) the setback does not apply if the owner or operator demonstrates to an approval officer or the Board, before the facility or area is constructed, that; (a) the natural drainage from the facility or area is away from the common body of water, or (b) a berm or other secondary protection for the common body of water constructed by the owner or operator protects the common body of water from contamination.

The AO was provided with application information that suggests the feedlot would be constructed with drainage to the east (which would flow away from the common body of water) and written confirmation that the irrigation ditch (drain) was constructed in such a way that the SFBS and feedlot runoff could not enter the ditch (see Aug 8, 2022 email correspondence below).

In additions, Figure 1 (below) illustrates the difference in elevation between the top of the earthen berm and the SFBS pens. The berm extends along the length of the cow-calf site and feedlot.

Runoff control plan for the cow/calf site – The condition states: *The co-permit holders shall submit a detailed plan showing how manure contaminated runoff will be prevented from leaving the cow-calf site (as shown on page 5 of Technical Document LA21057), and how manure from this site will be managed.*

As the Beef Industry enters the fall cattle run, the Tateson’s goal is to utilize their new feedlot pens as soon as possible. Therefore, they have committed to meeting their current permit conditions, which included submitting a cow-calf site Runoff Control plan on October 13, 2022.

However, the Tatesons do not believe it was appropriate for the AO to add a condition concerning the management of the SFBS as a part of the feedlot permit. The issue is further aggravated as the AO stipulated written approval of the SFBS runoff plan (from the NRCB) was needed in order to use the new feedlot pens.

A review is requested in order to determine if the AO has authority to include a permit condition related to the management of the SFBS as part of a feedlot approval, and if so, determine if the condition is appropriate. If deemed not appropriate, the condition should be removed.

The Tatesons do not believe the condition has merit because:

- 1) The SFBS meets the Standards section 4(2)(a), which required the presence of an intercept (berm) between the site or corral and common body of water which directs water away from the common body of water (as illustrated in Figure 2 below)
- 2) AOPA does not require an operator of a SFBS to develop a runoff control plan
- 3) The AO has not included a risk assessment of the SFBS (which would show how runoff from the SBFS is a risk to the environment).
- 4) The AO did not report AOPA non-compliance or runoff issues resulting from the SFBS. In fact, an NRCB Inspector has been on site, and did not identify any issues with the management of the cow-calf pens.

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- 5) Finally, the condition indicates manure impacted runoff must not leave the cow-calf site (indefinitely). This condition is not practical, as manure impacted water that collects in the cow-calf pens must be pumped off and land applied as field and crop conditions allow.

Operating conditions – The condition states: *All manure must be applied to cultivated land and incorporated within 48 hours.*

It is requested that this condition be modified to include cultivated **and** non-cultivated lands.

The Tatesons believe manure application on their farmland should be based on agronomic rates that meets crop and forage production needs. They are prepared to test for Nitrogen and the proposed Phosphorus soil limits for all of their landbase.

While the AO identified that the operator is located in a sensitive area, the AO has not illustrated why manure application on non-cultivated land in this area is inappropriate risk to the environment.

In Conclusion

The NRCB Board is asked to grant a review of the AO's decision in order to:

- 1) Remove Decommissioning (condition 3)
- 2) Remove Runoff control plan for the cow-calf site (condition 5)
- 3) Modify Operating condition (condition #7)

A Board review would allow for open discussion on the merits of the AO decision and permit conditions. The Tatesons look forward to supporting the Board on this review.

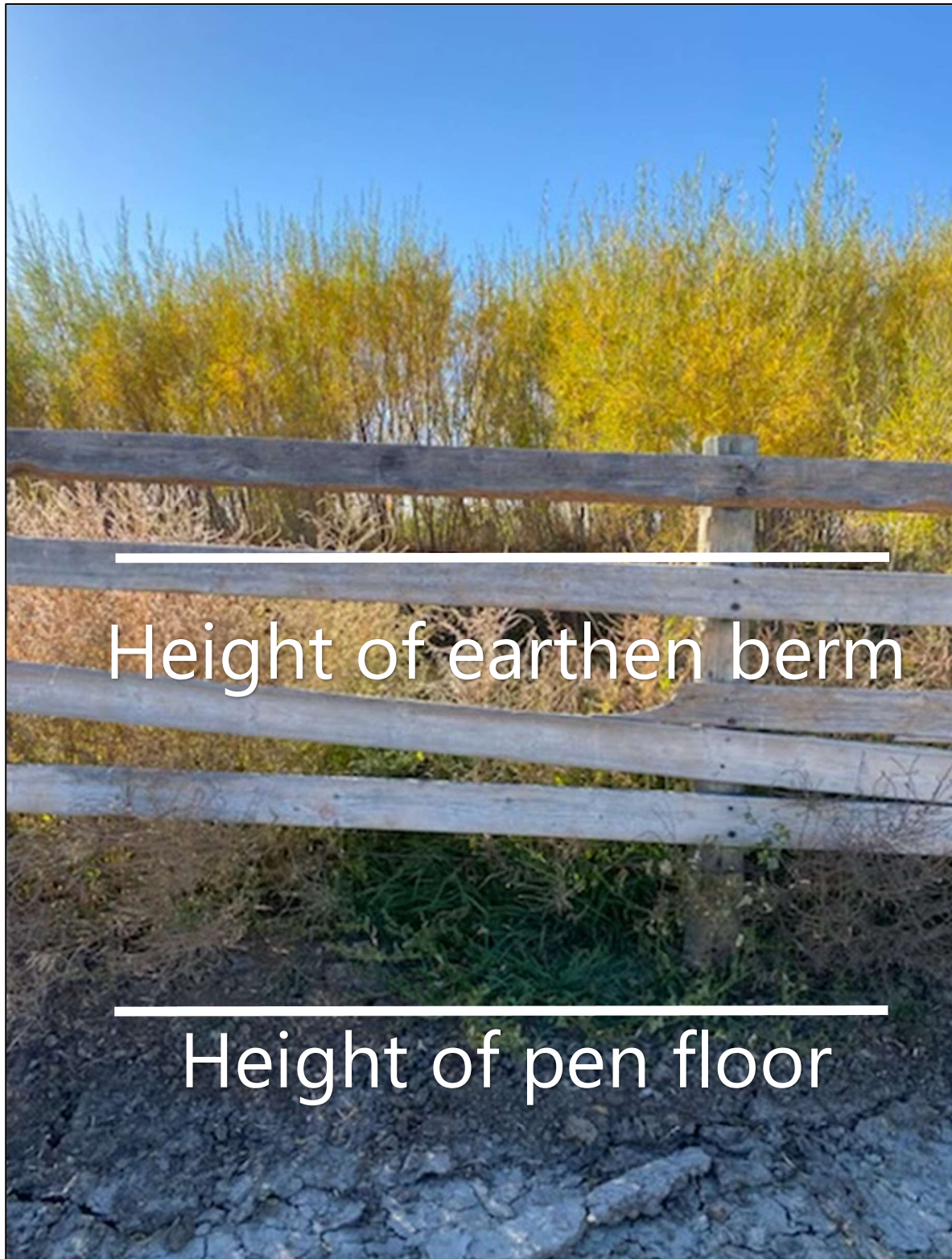
Respectfully Submitted,



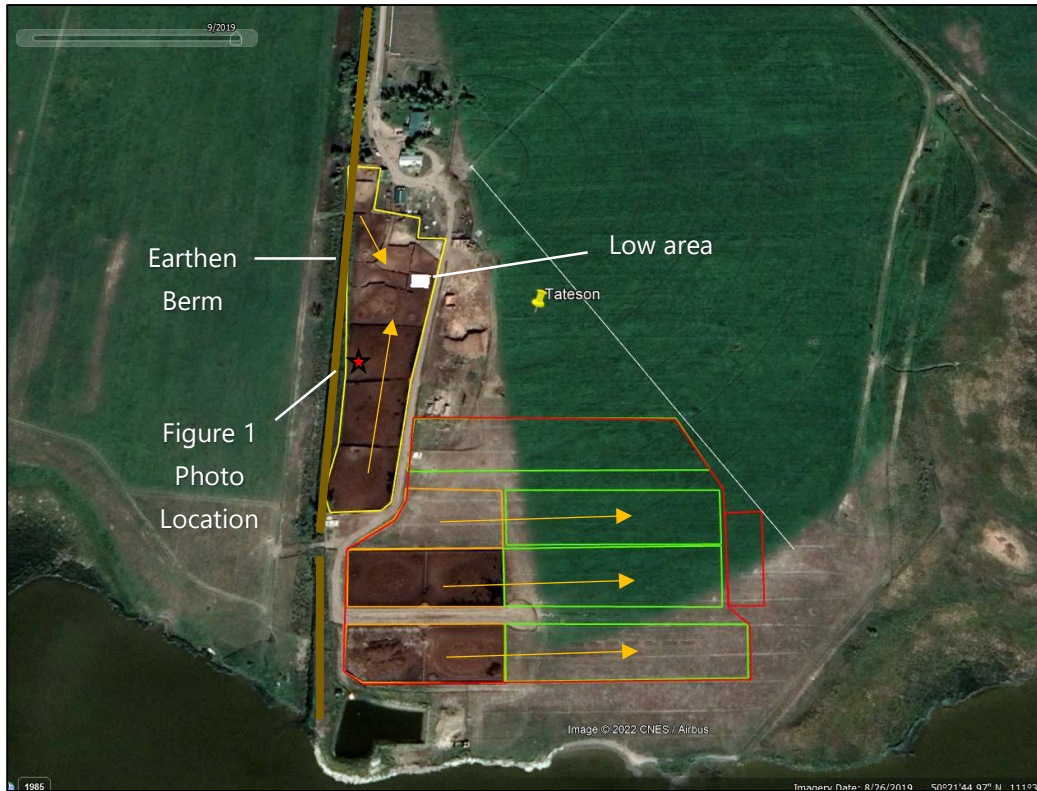
Cody Metheral, P. Eng.

Agricultural Engineer
Linkage Ag Solutions

Attachment Figure 1 – Cow-calf pen west fence and berm height (looking west)



Attachment Figure 2 – Site map with low area (white square) for pen runoff for cow-calf pens



RE: Tateson - Site Map

From: cody@linkage.ag <cody@linkage.ag>
Sent: Mon, Aug 8, 2022 at 12:17 pm
To: Carina Weisbach
Cc: [REDACTED]

[Runoff Map.jpg](#) (215.6 KB)

Hi Carina,

I spoke with Archie Tateson about the distance from the irrigation ditch to the feedlot pens.

He suggested that the ditch has been constructed such that yard and feedlot runoff cannot enter the ditch. He will provide photos to illustrate the difference in elevation. The feedlot pens will be graded to drain east towards the catch basin.

Please accept this email as a request for a variance to the setback distances from the common body of water to the feedlot pen. If a more formal letter is needed, please confirm.

Thanks,
Cody

-----Original Message-----

From: "Carina Weisbach" <Carina.Weisbach@nrcb.ca>
Sent: Wednesday, August 3, 2022 11:50am
To: "cody@linkage.ag" <cody@linkage.ag>
Subject: RE: Tateson - Site Map

Good morning Cody

Could you please provide me with a map showing the direction of surface water flow and elevations.

It seems you would also have to apply for a variance because the already constructed pens are closer than 30 m to a CBW (the drain flowing into Scots Lake). I measured less than 30 m for both of the rows.

Thank you
Carina

Carina Weisbach PhD
Approval Officer

Natural Resources Conservation Board
Southern Region
#100, 5401 1st Avenue South
Lethbridge, Alberta
T1J 4V6
Phone: 403-892 0408

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From: cody@linkage.ag <cody@linkage.ag>
Sent: May 25, 2022 4:21 PM
To: Carina Weisbach <Carina.Weisbach@nrcb.ca>
Subject: Tateson - Site Map

Hi Carina

Here is the site map and area map - I had difficulty adding it to the last email

Regards,
Cody

