

No.1 - REQUEST FOR REVIEW: FA21002 / Hutterian Brethren Church of
Cleardale

Filed By:	Hutterian Brethren Church of Cleardale (Albert Stahl)
Deadline for RFRs:	November 2, 2022
Date RFR received:	October 29, 2022
Status of Party as per Decision Summary:	Directly Affected Party (operator)

REQUEST FOR BOARD REVIEW OF AN APPROVAL OFFICER DECISION

Submitted to the Natural Resources Conservation Board

NRCB Application No.	FA 21002
Name of Operator or Operation	Hutterian Brethren Church Of Cleardale
Type of application (if known)	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (<i>legal land description</i>)	SW-32-84-9 W6M
Municipality	Clearhills County

I hereby request a Board review (RFR) of the approval officer's decision.

I have the right to request a Board review because:

(review the options and check one)

- I am the operator.
- I represent the operator.
- I represent the municipal government.
- I am listed as a "directly affected party" in the approval officer's decision.
- I am not listed as a "directly affected party" in the approval officer's decision and would like the Board to review my status.

IMPORTANT INSTRUCTIONS

1. You must meet the deadline specified in the approval officer's decision letter or your request will not be considered.
2. Section 1 of this form must be completed only if you are requesting that the Board review your status as "not directly affected". Sections 2 to 5 must be completed by all applicants.
3. Requests for Board review are considered public documents. Your request will be provided to all directly affected parties and will be posted on the NRCB website.
4. For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.

1. Party Status

(IF YOU ARE NAMED A NOT DIRECTLY AFFECTED PARTY IN THE APPROVAL OFFICER'S DECISION, YOU MUST COMPLETE THIS SECTION)

Party status (either "directly affected" or "not directly affected") is determined pursuant to the provisions of the *Agricultural Operation Practices Act (AOPA)* and regulations. Upon receipt of an operator's application, the approval officer must notify any affected parties. "Affected parties" includes municipalities and owners or occupants of land as determined by the AOPA regulations. To obtain "directly affected" status, the owner or occupant must provide a written submission to the approval officer by the deadline specified in the published notice. The approval officer will then determine who the "directly affected parties" to the application are and include this determination in their decision.

Under its legislation, the Board can only consider requests for Board review submitted by "directly affected parties". If you are not listed as directly affected in the approval officer's decision, you must request that the Board reconsider your status. The Board cannot reconsider the status of a party who has not previously made a submission to the approval officer during the application process.

In order to request your status be reconsidered, you must explain why your interests are directly affected by the review decision of the Board.

My grounds for requesting directly affected status are:

2. Grounds for Requesting a Review

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to approve an operator's application, approval officers must ensure the requirements of AOPA have been met. Your grounds for requesting a Board review should identify any AOPA requirements, or other specific issues, that you believe the approval officer failed to adequately address in the decision.

My grounds for requesting a review of the approval officer's decision are:

I am requesting a review & reversal of the Permit officers decision regarding The NRCB decision Summary FA21002.

We (Cleardale Colony) Have been a farming operation situated in the Clearhills County since 2001. The original owner that we had purchased this farm from in 2001 had already operated this feedlot for numerous years before we purchased it, and we have been feeding and Finishing cattle here ever since we purchased it with no Complaints from the County or local neighbours regarding this type of cattle Feeding operation.

I (Albert Stahl) was not aware that there was permitting required to operate a Cattle Finishing operation in the Clearhills County at the time i became Manager of Cleardale Colony in April of 2009.

A few years after 2009, we decided to upgrade and renovate the existing feed pens in phases throughout the next few years from rotting wooden pens and replace with Steel Constructed smaller pens, where we would feed in bunks from the exterior of the pens instead of drivin into the bigger pens as was previously done. When the existing pens had been Renovated we decided to keep adding more new Pens in Phases as we grew the operation.

As most everyone, including ourselves, utilize surface run off water for drinking water in our area, we determined that to keep any contaminated water from the pens to get to any water bodies or into any surface run off water we would build a catch basin as the existing feedlot had no catch basin when we purchased it. the contaminated water from the original feedlot would just flow out the back and across the pasture.

We also decided that we needed to build up a Road as a precaution all the way around the CFO that circles about 1/2 a mile west from the CFO out through the pasture west and north of the CFO, So that in a worse case flooding scenario if something drastic would happen that no water from the CFO or Catch Basin that we built could enter an accumulating water body from the flooding that had the potential to enter someones dugout.

In 2021 when we were constructing the final Phases of the New construction of the feedlot i was asked by a friend & neighbour regarding if we had a permit from NRCB for this Feedlot and i said i wasn't aware that a permit was required for a Cattle Feeding Operation in the Clearhills County.

I then decided that i would Call an NRCB officer and i called Nathan Shirley and told him what we had Constructed here and what type of feeding operation we were doing.

After a Site Visit from NRCB officer Nathan Shirley & Jason Mudey to our Feedlot here i have been Cooperating with the NRCB requirements on getting the CFO Correctly Permitted.

We have made sure that the CFO meets all AOPA requirement and do not see a threat to the environment, water or land caused by this CFO.

In October of 2022 Nathan Shirley an Approval Officer for NRCB denied the permit for NRCB Application FA21002 based on: the proposed development is inconsistent with the land use provisions in Clearhills County's MDP.

I am requesting that the board review & Reverse this decision as i don't think that the Clear Hills County's MDP, their setbacks that they have in place or the Restriction to operate a CFO are based on principals that are fair or achievable.

Ms Bjorklund a Development officer with the County provided a written statement on Behalf of the County. the County is not opposed to the application and that the application is consistent with the county's land use Provisions, and that based on the setbacks Required in the land use bylaw the proposed expansion would be appropriate.

3. Reasons you are Affected by the Decision

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to support your reasons for requesting a Board review, explain how you believe you would be affected by the approval officer's decision.

I believe that, as a result of the approval officer's decision, the following prejudice or damage will result:

As a farming operation where we are situated in the Clear hills County, it is just about impossible to make a living when relying on raising any other type of grains other than feed grade due to late spring warming soil temperatures and early Frost in the Fall that effect Grade.

We have been trying to make a living here for almost 22 years now at grain farming after BSE took the profit out of the cattle Buisness and it wasnt working out so we have gone back to feeding cattle with the feed grade grains we produce here on this farm and in doing so we have now also created a market for our neighboring farmers to sell there feed grains to us

I Believe our CFO will positivly effect land Prices in the area because our neighbors now have more options to grow grains that they can market locally at profitable prices.

4. Action Requested

(ALL PARTIES MUST COMPLETE THIS SECTION)

I would like the Board to take the following actions with respect to the approval officer's decision:

- Amend or vary the decision
- Reverse the decision

Please describe why you believe the Board should take this action:

I think the Board should Reverse the approval officers decision because i belive there is no negative effect caused to the envoronment, land or water by this CFO and we are constantly taking all precautions that would negatively effect such.

I dont belive the Clear Hills County's MDP is reasonable or appropriate for this county as it basically illiminates any oppertunity that a CFO could be constructed or opperated in the County.

We have Constructed the CFO to meet all AOPA requirements.

This CFO has been a Great asset to us and our neighbouring farmers in terms of being an option to market low Grade feed Grains at profitable prices and would not be a concern to lower land values in the area bacause of the logistic issues to the nearest elevators from here and narrow frost free days.

If the Board decides to grant a review of the approval officer's decision (*in the form of either a hearing or a written review*), all "directly affected parties" are eligible to participate.

The Board may consider amending the approval, registration, or authorization on any terms and conditions it deems appropriate. The Board cannot make amendments unless it first decides to grant a review of the approval officer's decision. Are there any new conditions, or amendments to existing conditions, that you would like the Board to consider?

5. Contact Information

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of person(s) requesting the review:

Name: Albert Stahl

Address in Alberta: Hutterian Brethren Church Of Cleardale

██████████
Cleardale, AB
T0H 3Y0

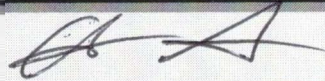
Legal Land Description: SW 32-84-9-W6M

Phone Number: ██████████

Fax Number:

E-Mail Address: ██████████

Signature: _____



Date: _____

October 26 / 2022

This form must be received by the deadline specified in the approval officer's decision letter or your request will not be considered.

If you will be represented by legal counsel or another party, provide their contact information. Correspondence from the Board will be directed to that person.

Name:

Address:

Phone Number:

Fax Number:

E-Mail Address:

When you have completed your request form email it, along with any supporting documents, to:

Laura Friend
Manager, Board Reviews
Natural Resources Conservation Board

Phone: 403-297-8269

Email: laura.friend@nrcb.ca

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