

NO. 1 - REQUEST FOR REVIEW: RAI6006XB / Jos and Dorthy Peters

Filed By: Reg and Cathy Michau

Deadline for RFRs: November 22, 2022

Date RFR received: November 22, 2022

Status of Party as per Decision Summary: Directly Affected Party

**REQUEST FOR BOARD REVIEW OF AN
APPROVAL OFFICER DECISION**
Submitted to the Natural Resources Conservation Board

NRCB Application No.	RA16006XB
Name of Operator or Operation	Jos and Dorothy Peters (formerly Lakeview Farm)
Type of application (if known)	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (<i>legal land description</i>)	SW 32-47-26-W4
Municipality	County of Wetaskiwin No. 10

**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:

N/A

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:

This CFO's manure handling practices to date have not complied with the terms of their 2016 RA16006 approval (and/or RA16006X or RA16006XA). Since 2017, the Peters' goat manure has NOT been contained on concrete within their barn. The Peters have continuously stock-piled the manure in a low area to the east of the barn. We therefore have little expectation of the Peters complying with the proposed terms of RA16006XB or that the NRCB will enforce these restrictions. Please open a review on the RA16006XB decision.

The 2016 NRCB Environmental Assessment completed prior to approval of the CFO location, obviously did NOT assess any area east of the barn. The approval officer's reference to in this approval is NOT accurate, stating that the 'landscape around the goat barn slopes to the south and west'. However, the 2021 report by Envirowest Engineering Inc. (as attached to RA21018) did assess east of the barn in the low area. Their report stated 'The site generally slopes to the north, and surface water flow is predicted to be in this direction. The upper groundwater flow direction is predicted to be to the northwest, towards Wizard Lake.' It is evident that the approval officer is misleading in using the 2016 NRCB Environmental Assessment information in this approval whereas the pertinent statements of the 2021 Envirowest Engineering Inc. report appear to have been ignored. Please open a review on the RA16006XB decision.

Furthermore on page 6 of this 2021 Envirowest Engineering Inc. report it states 'It was determined that the naturally occurring material beneath the proposed compost pad does not meet the requirements for a natural barrier. It is recommended that a compacted clay liner or a synthetic liner be designed for this area.' In spite of this assessment report, the Peters have continued to use this area for manure storage. The approval officer received the same report but with no response. Environmental issues cannot be ignored. The Peters must stop using this low area for manure storage and must now clean out (and not burn) all manure and contaminants there. Also we ask that a condition be included in any future NRCB manure approvals to restrict the Peters in locating any of their short-term solid manure storage areas on a north or east area sloping towards Lake A. Please open a review on the RA16006XB decision.

The County of Wetaskiwin tax assessment map contradicts the Peters claim of 100 acres of land available for spreading manure on SW32-47-26-W4. There are 51 acres of No.2 soil where manure could be spread, but much of this productive land is taken up in the Peters' house yard, barn areas, outbuildings, feed storage areas and horse pasture, leaving limited area for manure applications. The remainder of their 114.03 acres is classified as No.3 and No. 4 of peat lowlands where manure application is prohibited. The approval officer based his approval on the Peters' words and failed to look up these facts which are available to the public. Please open a review on the RA16006XB decision.

Also we dispute the approval officer's reference to the dated high-water mark on Lake A. His information came from the RC BioSolutions Ltd. assessment of August 2015, the year of the severe drought in our area when our water table was depleted. The approval officer knows the assessment was completed that August for the purpose of negating the CFO 'set-back from lake restrictions' and thus allow the Peters to locate their goat barn. However, with all the rains since 2015, it is evident that the high-water mark on Lake A is now much higher and this 'normal high-water mark' must be taken into account for any 60 m. set-back for manure application. Please open a review on the RA16006XB decision.

It appears to us that the NRCB approval officer and the Peters seemed oblivious to the fact the manure generated by any CFO is an 'expense', not a 'commodity'. Please open a review on the RA16006XB decision.

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 neighbours, we have never objected to the Peters having a goat dairy. We objected to the location of this CFO in the 2016 NRCB approval process. However, the NRCB ignored all our reasons and scientific evidence for objecting to the proposed CFO location which is elevated above and too close to Lake A. (This Lake A is a shared body of water with Middleton to the west, Peters to the south and our land is on the north.) Much of the Peters land that they have planted to rhodiola and saskatoons is lowland that slopes north and west towards Lake A. We are again stressed by this RA16006XB approval as we try to environmentally protect our Lake A.

The repeated lack of weed control in the Peters' rhodiola and saskatoons has been a neighbourhood issue. With the Peters annually purchasing their hay and straw bales, varieties of weed seeds are brought onto their property. The proposed short-term solid manure storage does NOT generate sufficient heat to destroy the viability of the weed seeds in the bedding. Therefore we fear that many more weeds will result from the Peters' proposed manure spreading practices on SW32-47-26-W4. We are tired of annually pulling and/or spraying invasive weeds encroaching our property which borders the Peters to the east and north.

We have consistently expressed our concerns to the NRCB about the Peters' manure management since their 2016 CFO application. However, this 2022 application has exposed that we, the neighbours, were merely 'appeased' by the Peters with their promises of proper manure management in both the written application and verbally at the board hearing. Looking back at this we question, did the approval officer include Condition #4 as a part of the RA16006 approval to merely lessen our opposition to the CFO location?. We have witnessed that the Peters' manure mis-management has been mainly ignored by the NRCB since 2017. However, the approval officer has now approved RA16006XB to remove Condition #4 and thus allow the Peters to spread their goat manure throughout SW32-47-26-W4. It appears to us in the approval officer's wording that he is sympathizing in the Peters' unfair financial expense of proper manure disposal. Manure is an expense!

We are very frustrated with the NRCB lack of policing of their regulations once a CFO is approved. The NRCB expects neighbours to use the Complaint Line which, in turn, creates greater animosity within the community. Not good!

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:

We object to the removal of this condition because, since 2017, the Peters have made little attempt to abide by the manure management terms of their 2016 CFO approval thereby containing all manure on concrete within the barn. We hold little hope of the Peters honouring the terms of RA16006XB.

The Peters assured all of us that the one barn had adequate space for 800 milking goats plus replacement goats. To date, there are goats in three additional buildings on their farm. But we question that the approval officer has only listed two barns on RA16006XB?

We can see too many questionable discrepancies in the facts of the Peters' application and in the approval officer's statement of approval. Past experience has proven that this is not a good way to start.

We are asking that the Board grant us an oral review on reversing the decision of the RA16006XB approval.

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?

The proposed short-term solid manure storage does not effectively create the rich, black compost of which the Peters are dreaming. Good composting results do not just happen; composting is a complex, work-involved process over a period of time. Therefore in reality, the Peters will be allowed to spread straw and dry goat turds on their field crops?

Not that it concerns us, but it does amazes us that a so-called 'organic' operation such as the Peters, can feed hay and bed with straw purchased from those farmers who utilize all the chemical fertilizers, sprays and possibly desiccants on their crops. The chemical residue is in the feed and straw and thus in the goats' milk and manure. The Peters' goat dairy products and their goats no longer have an organic status. Now the Peters are asking approval to spread this contaminated manure on their 'organic' saskatoons and rhodiola? Have the Peters really considered the future organic status of their field crops? Or is this one more issue where the Peters seem to overlook the rules and regulations?

5. Contact Information

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of person(s) requesting the review:

Name: Reg and Cathy Minchau

Address in Alberta:

Legal Land Description: SE32-47-26-W4

Phone Number:

Fax Number: none

E-Mail Address:

Signature: _____ Date: Nov 22, 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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