

**NO.1 - REQUEST FOR REVIEW: RA05042C / Darcor Holsteins Inc. and
Damien Rasmuson**

Filed By: Darrin Rasmuson

Deadline for RFRs: June 30, 2023

Date RFR received: June 29, 2023

Status of Party as per Decision Summary: Directly Affected Party (agent)

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

NRCB Application No.	RA 05042C
Name of Operator or Operation	Darcor Holsterns Inc.
Type of application (if known)	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	NE 1/4-47-23-W4
Municipality	County of Wetaskiwin

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 believe that the AO has undervalued the importance that I reasonably believed that the existing permit would continue to be valid, given the extent of pre-purchase consulting with NRCS

I believe that the AO has significantly undervalued the existing facilities, and overstated the conditions of several components of those facilities

Conversion of part of the facility to Non-CFO cannot be held against me when there was a valid belief that the NRCS permit (existing) was valid.

When calculating capacity of the existing facility the AO ignores the largest barn present, a barn that would only require very minimal work to house animals again but instead focuses on the oldest 2 barns.

A better, more transparent, process for abandonment is required. It should be posted in a obvious manner within the NRCS website

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:

This property was purchased, and a premium was paid, on the reasonable presumption that it could be used as a future site of a dairy. Due diligence was completed via contact with NRCB, and no indication or mention that abandonment could be a potential problem, was ever raised despite the AO knowing that the facilities were not being used. I estimate that \$130,000 minimum has been spent, in excess of a NON-CFO use for this land due to this now invalid due diligence

On 10/10/10, I purchased the property for \$130,000. I was told by the NRCB that the property was suitable for a dairy. I was told that the property was suitable for a dairy. I was told that the property was suitable for a dairy.

Since then, the property has been abandoned. The AO has decided that the property is not suitable for a dairy. This decision has caused me financial loss. I have spent \$130,000 on the property, and I have lost the premium I paid. I believe that the AO's decision is unfair and that I should be compensated for my losses.

I am requesting a Board review of the AO's decision. I believe that the Board should find in my favor and award me compensation for my losses. I am willing to provide any further information that I may need.

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:

Reversing this decision supports the mission statement of the NRCB. It would protect myself from significant material harm. It would allow an ultramodern new CFO that poses no environmental issues.

I also believe that a reversal of this decision would be a catalyst for a new protocol to address abandonment issues, which the NRCB acknowledges to be an increasingly prevalent occurrence.

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 the person requesting the review:

Name: Darrin Rasmuson

Address in Alberta: [REDACTED]

Legal Land Description: SE 23 47 23 W4

Phone Number: [REDACTED]

E-Mail Address: [REDACTED]

Signature: [Handwritten Signature]

Date: Jun 29/23

Optional

Required

If you do not meet the timeline identified, your request will not be considered.

If you are, or will be, represented by another party, please provide their contact information (Note: If you are represented by legal counsel, correspondence from the Board will be directed to your counsel)

Name: Janet Patriquin

Address: [REDACTED]

Phone Number: [REDACTED]

E-Mail Address: [REDACTED]

When you have completed your request, please send it, with any supporting documents to:

Laura Friend, Manager, Board Reviews
Natural Resources Conservation Board
John J. Bowlen Building
#901, 620 - 7 Avenue SW
Calgary, AB T2P 0Y8

Phone: 403-297-8269

Email: laura.friend@nrcb.ca

Please note, Requests for Board Review are considered public documents. Your submitted request will be provided to all directly affected parties and will also be made available to members of the public upon request.

For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.