

Darcor Holsteins
Darrin and Damien Rasmuson

April 4, 2023

Natural Resources Conservation Board

Attn: Francisco Echegaray
Approval Officer

Having had some time to organize my thoughts, I disagree with your decision to cancel permit #RA05042 more than ever. I believe there are numerous important errors in your Notice of Intent and facts that you were likely unaware of when you wrote the notice.

- Most blatantly, in 2.1.1 bullet 5 "criteria to consider" it is stated that "whether the CFO has changed ownership during the period of disuse and, if so, whether the new owner purchased the CFO in reliance on the seller's promise, or on some other basis for reasonably expecting, that the CFO was permitted under AOPA".
 - You are well aware that all of our initial calls between us were about the validity of the existing permit and the possibility of using it to obtain a new dairy barn. While there was extensive conversation about the manure capacity of that permit (61.8 dairy plus replacements according to my notes) and the mechanisms of changing livestock category as well as the potential for needing engineering studies, there was never the slightest hint that abandonment could be an issue, despite you KNOWING that the barns were empty.
 - My cell phone records show multiple calls between us weeks and months before the land purchase was made. It should be apparent to anybody, that conversations about the existing permit were taking place. I was assured by you that the permit was "valid", is "attached to the land" and most importantly "does not expire". How can this be anything but a "basis for reasonably expecting that the CFO was permitted under AOPA"? My calls were made and obviously constitute due diligence, with input directly from the authority that governs these permits, before the purchase.
 - In subsequent examinations of AOPA, nowhere can I find that permits expire or disappear. This is inherently unfair and I believe an Officially Induced Error has occurred that has now placed me in a position of significant financial harm.
 - Believing that I was safe to proceed with a new application, not only did I proceed with the property purchase at a premium price but I initiated a purchase of a road allowance to move the proposed barn farther from the lake and eliminate setbacks.
 - I also contracted an engineering firm for soil testing in support of my subsequent application.

- At this time, I estimate I am out of pocket \$100,000 for the purchase of land (supported by the attached letter from seller), \$10,000 for the road allowance (\$1,000 application fee, \$7,500 actual land, \$1,500 for changing titles and legal), and \$12,000 for engineering as per the quote (actual bill not yet printed).
 - Given the total costs incurred based on the information, that the permit for the CFO was valid, I will have to consider a legal remedy should the permit be cancelled. You have the ability to address the fairness of this.
 - As stated in the intro to Operational policy 2016-3, "While this policy.....approval officers have discretion to modify the policy when its strict application would be clearly unfair, or in other necessary and appropriate circumstances."
- I also feel that some facts were incorrectly assumed with respect to exactly what my potential alternatives are. After talking to you at the WCDS in Red Deer I was left with the impression that you thought I could simply build at the old site. I now know from your comment about the old barn being on "an island surrounded by water" after I asked you to look at Google Earth that you may now be starting to think otherwise. The letter from my bank sent to you confirming that financing is not available for this site should also be indicative of my problem.
 - My only other land outside of 1 mile from the lake is NE24 47 23. Surrounded by 4 acreages, hosting a major pipeline corridor, and having several small pipelines to supply the acreages, there is simply no spot available between all of the setbacks required. I have no viable alternatives for the barn site.
 - You are supposed to follow your guiding principle to "ensure that the province's livestock can grow....in an environmentally sustainable manner" yet this whole process seems exactly the opposite.
 - Nowhere, has a legitimate environmental harm been identified yet an obscure technicality stands before me. The current application has 100% of the cattle and manure contained indoors at every moment, the alternative use for my purchased land can only be to feed young stock outside year-round, below the threshold that requires a permit and therefore outside of strict compliance of a CFO. How is this protecting the environment?
 - I also object again to the Carwell location as being directly affected. At WCDS you said the land borders extend into the lake, putting the lands within 800m of each other. This is simply untrue and has no legal basis. These private lands stop at the historical highwater mark, leaving them in excess of 800m apart. This shows clearly on the County of Wetaskiwin map. Private ownership of lakes is not allowed under Provincial law.
 - The only directly affected party that has indicated an issue with abandonment is the County of Wetaskiwin. However, in their meeting following the discussion of my application, there was significant disagreement as to what they had even talked about in the previous council meeting on this topic, and no consensus as to what the motion had actually been on writing a statement of concern to the NRCB. Minutes at the council meeting were only narrowly approved by a 4 to 3

margin regarding this. In the March 28 County meeting and public hearing on the new MDP, my application again came up, again with no consensus, the Reeve was misinformed about the NRCB process to the extent that he thinks you as an approval officer can simply override any MDP and do not take it into consideration! Therefore, approving their new MDP will not affect this process or your decision. Yet this lack of knowledge by the county potentially stands in my way, how much weight can it truly be given?

With respect to your letter "Notice of Intent", there are numerous inaccuracies that influence the finding unfairly. Under a, b Current use, Current condition, and c steps required to resume housing livestock, you state that "most" of the facilities are beyond repair. This is overstated.

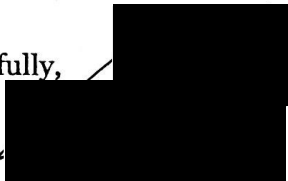
- While you acknowledge that barn 1 is in good shape, you lump barns 2 and 3 in with 4, 5, and 6. This is not realistic. Barns 4, 5 and 6 are very poor with falling roofs and cracked concrete, not worth fixing, but 2 and 3 are a very different story. Concrete is in wonderful shape (please show me a crack on your pictures), electricity and gas are still operational.
- The fans run, only the old ballasts on the fluorescent lights have quit.
- Underfloor pits with great concrete slats are still connected to a functional EMS.
- Water lines are largely plastic and still functional.
- A functional batch mixer, feed augers, and hoppers are present.
- There is real value in these buildings as well as animal capacity. Dimensions of barn 2 is 16m by 9m and barn 3 is 49m by 11m. Added to barn 1 this is 858.5 square meters of useful space or 9,241 square feet. To indicate dollar value I compare to my latest quotes on my potential dairy barn of \$55 per square foot (this is an empty barn, no equipment, no power, no heat and plumbing) giving a value in excess of \$500,000! Before services! Nothing can be built without huge expense anymore and this should repudiate your incorrect assumptions in part f.
- With respect of my changing the use from converted to calves to storage, this was done to simplify the application. As you told me, details would be needed to include it in the current application, an application facing serious time constraints. It is hardly fair to use it against me now, and at 49 meters long for the west wing, it is truly unfair to call it small.
- In part g I call attention to you never indicating to me in any conversation that actual buildings from the old permit needed to be used rather than replaced to validate anything, perhaps this further indicates a lack of communication about an abandonment ruling on your part. Also in part g is mention of demolishing open shelters, also misleading because these are only being demolished because the site plan has the new barn on top of them to accommodate moving the barn farther from the lake!

I believe that when you add these additional facts and considerations to the previous information, a different conclusion needs to be arrived at. You must remember our initial conversations, all of the questions about potential roadblocks, all of the questions about process. Never once did abandonment come up. How is that not a reasonable

expectation of a valid permit under AOPA? The start of the abandonment process should not come AFTER the application has been deemed complete and notice to affected parties has been made. This is unnecessarily adding months to the decision process that is already time sensitive.

We are not expecting any special treatment, just that we be treated fairly within the legislated process.

Respectfully,


Darrin and Damien Rasmuson

April 3, 2023

Attn: Francisco Echegaray,

NRCB

Re: Darcor Holsteins Ltd. appeal for CFO at Ne 14 47 23 W 4.

This is information pertaining to the sale of existing CFO owned by Keith Rasmuson (myself) to Damien and Darrin Rasmuson (Darcor Holsteins Ltd.)

My wife and I decided to sell the home farm in January 2022. It was at this time it was offered to Darrin and Cory Rasmuson. Darrin and Damien responded immediately that they would be interested if the CFO status could be validated as the infrastructure certainly had lot of value. The value of \$100,000.00 was assigned to the property as an operating farm verses the sale of the property as an acreage to the rural urban market as some of the outer buildings would have been viewed as a liability which would at some time have to be removed.


With the initial approval from NRCB for the CFO, Darrin and Damien proceeded with the purchase of the farm site.

Prior to sale of farm, it pastured horses and a small beef herd at all times. Cattle sheds/cattle handling facility, heated farm shop, fences (perimeter and cross fences on 2 quarters), power (15 KVA), natural gas, grain handling (50,000 bus. storage) and feed processing (40T feed factory), along with a water supply system which includes a dugout for livestock drinking water, and a manure lagoon for storage are functioning infrastructure that has not been abandoned. The property contains grass waterways which eliminates erosion and filters run-off which is a concern for clean drinking water in the dugout water supply system and into Coal Lake. The extensive infrastructure that is available has value and is a requirement for any CFO and should not be deemed abandoned.

I was pleased with the verdict that the CFO was valid as it meant several more Rasmuson generations would be able to continue the heritage that my grandfather started in 1910.

Consideration for the premium paid in the investment for the property should provide information that the property should not be considered abandoned and that a viable CFO with state of the art environmental and efficient technology may be allowed to be developed for the benefit of all in the community.

Respectfully Submitted,

A black rectangular redaction box covering the signature of Keith Rasmuson.

Keith Rasmuson