

No.1 - REQUEST FOR REVIEW: RA22027 / Darcor Holsteins Inc.

Filed By:	Darrin Rasmuson
Deadline for RFRs:	March 4, 2024
Date RFR received:	March 4, 2024
Status of Party as per Decision Summary:	agent for operator Damien Rasmuson



Request for Board Review (RFR) of an Approval Officer CFO Application Decision

Instructions

- 1. Eligibility.** Only those parties listed as "directly affected" in the approval officer's CFO application decision, or those parties requesting reconsideration of their status (see section #3), are eligible to request a Board review (RFR).
- 2. Jurisdiction.** The Board's jurisdiction in Alberta to review a decision by an approval officer is set out in sections 20(5), 22(4), and 23(3) of the *Agricultural Operation Practices Act* (AOPA).
- 3. Deadline.** The NRCB must receive an RFR by the deadline specified in the approval officer's decision cover letter. The AOPA Administrative Procedures Regulation does not allow consideration of time extension requests or late submissions.
- 4. Public Documents.** RFRs and attachments are public documents.
- 5. Submission.** Submit this form and any attachments by email to Laura Friend, Manager of Board Reviews at laura.friend@nrcb.ca. Contact her at 403-297-8269 for assistance.

1. Confined Feeding Operation (CFO) Application Details

NRCB Application No.	RA22027
Name of Owner/Operator or Operation	Darcor Holsteins
Type of application (if known)	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	NE 14-47-23-W4
Municipality	County of Wetaskiwin

2. Status Declaration

I hereby request a Board review of the approval officer's decision:
(You must check one)

- I am the owner/operator (directly affected party)
- I represent the owner/operator
- I represent the municipality (directly affected party)
- 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 therefore I am requesting my status be reconsidered (see section #3)

4. Request for a Board Review (RFR)

All parties or their representative must complete this section. If you need more space, include an attachment.

- Approval officers must ensure that a CFO application meets the Alberta legislative requirements before they approve it. Conversely, approval officers must deny an application if the requirements are not met. (Sections 20 and 22 of the Agricultural Operation Practices Act (AOPA)).
- If you believe the **approval officer failed to adequately address an issue** (or issues), state the issue(s) and provide your reasoning below.
- The issue(s) must have been in front of the approval officer at the time they made the CFO application decision; the Board will not consider any new issues.
- Include how the decision affects you, such as any damage or bias you believe would occur to you because of the approval officer's decision.

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

Application RA 22027 was initiated in November of 2022 and was deemed complete on Jan 12 of 2023. The MDP in place at the time allowed for expansion of existing CFO's. However, the NRCB's Approval Officer deemed the existing permit, RA 05042, to be abandoned. During the appeal of this decision the County adopted a new MDP which no longer allowed expansions. In November of 2023 a Board Review found the AO's decision to be in error and reversed his cancellation of RA 05042. It is my contention that had this error not occurred, RA 22027 would have been approved well in advance of the County's new MDP, allowing it to proceed. Darcor Holsteins should not be harmed because of an erroneous decision by the NRCB. It is important to note that RA 22027 meets or exceeds all AOPA requirements and the ONLY issue that the AO had was the new MDP of April 11 2023.

5. Board Action Requested

If the Board grants a review of the approval officer's decision (either an approval, denial, cancellation, amendment, or deemed permit), only the "directly affected" parties are eligible to participate (see section #3). A review will be in the form of either a hearing or a written review.

If the Board grants a review, I would like it to:

- Reverse the approval officer's decision
- Amend or vary the approval officer's decision

If the Board decides to grant a review on a permitted decision, it may decide to amend or vary the permit terms and/or conditions.

Are there any new conditions, or amendments to existing conditions, that you would like the Board to consider?

None requested

6. Contact Information of Person Submitting the RFR

Name Peter Rasmuson

Street/Box Address RRR

Town/City/Postal Code Gwynne, AB TOC 140

Legal Land Description SE 23-47-23-W4

Telephone Number 

Email Address 

Date Mar 4/24

7. Contact Information of Legal Counsel or Representative (if applicable)

Name N/A

Address _____

Telephone Number _____

Email Address _____