

No 4 - REQUEST FOR REVIEW: RA23022 / Mitchel Kroetsch

Filed By: Lorraine Congdon

Deadline for RFRs: September 11, 2024

Date RFR received: September 11, 2024

Status of Party as per Decision Summary: Directly Affected Party

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.	RA23022
Name of Owner/Operator or Operation	MITCHEL KROETSCH
Type of application (if known)	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	NW 15=42=16 W4M
Municipality	FLAGSTAFF COUNTY

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)

3. Request for Reconsideration by Board of “Not” Directly Affected Status

Instructions. Only those parties **not** listed as directly affected in the approval officer’s decision are to complete this section.

- The Board can only consider RFRs submitted by "directly affected" parties. Those parties not listed as directly affected in the approval officer’s decision must first request the Board to reconsider their status. If the Board grants a party “directly affected” status, it will then consider their RFR.
- Upon receipt of a CFO application, the approval officer sends a notification letter to the “affected” parties. Affected parties are owners or occupants of land residing within a designated distance from the applied-for CFO. Operators and the municipalities located within the designated distance always have “directly affected” status.
- An affected party must apply for “directly affected” status by providing a written response to the approval officer’s notification letter by the deadline specified. The Board cannot reconsider the status of a party unless they had first responded to the approval officer.
- The approval officer determines the "directly affected" parties to the application based on the responses received, and includes this determination in their decision.

My grounds for requesting a reconsideration of my “not” directly affected status are:

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:

1. Water - CFO owner should have all provincial approvals in place before NRCB approves their application. (see attached.)
2. Several health concern not addressed - should have pursued input from AHS. (see attached)
3. Run-off - surface water contamination -- Approver based the decision in the middle of several drought years rather than a normal or wet year. Run off flows into the Hastings Coulee, then into the Battle River.
4. Approver remarks several times that the responses were general in nature. Well, in short time given, in a busy farming season, for responses we didn't have time to write a thesis!

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?

Only the previously stated.

6. Contact Information of Person Submitting the RFR

Name Lorraine Congdon
Street/Box Address [REDACTED]
Town/City/Postal Code Heisler, AB T0B 2A0
Legal Land Description SW27-42-16 W4M
Telephone Number [REDACTED]
Email Address [REDACTED]
Date 11SEP2024

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

Name
Address
Telephone Number
Email Address

RFR

Why would the NRCB approve of a CFO when not all provincial approvals have been received; ie, water!

WATER -- our most precious NATURAL RESOURCE!

We are still searching for answers to the ground water supply in our area. With 2/3 consecutive drought years and another one forecast, the sloughs, creeks and dugout are dry and the Battle River is dangerously low. In a recent Battle River Watershed Newsletter they list ways to conserve water and it doesn't include adding 5000 head of cattle to further drain the aquifer.

HEALTH – The health issue was basically discounted in the NRCB approval letter stating no reply from AHS. Why wasn't the issue pursued. In an article published by **Pub Med** it states: "Research has shown that microbial exposures, especially endotoxins are related to deleterious health effects such as lung function decline. Research should focus on nuisance and odors but also health effects from microbial exposures especially on the elderly and young children since these are related to respiratory health issues."

There are at least 2 in the DAP area with severe allergies – myself, a senior citizen and a young 6 year old boy!

Another publication, Conscious Farming in their 15Jan2021 letter states:

"In natural environments, cows spend up to 12 hours grazing on grass; in a feedlot, they are fed a high-energy, high-fat diet of barley and wheat. However, the cow's digestive system isn't designed to continually consume corn or grain products, causing them to get sick often. As a result, they're given a constant dose of antibiotics. Animals in feedlots are fed in this manner in order to reach the market weight requirements.

1. E. Coli Contamination

E.coli bacteria are often found in animal waste, and since feedlots confine cows to small spaces filled with fecal matter, E. coli contamination is inevitable. Cows that are fed a high corn diet also have increased E. coli amounts in their digestive tracts. E- Coli contamination can cause illness in animals as well as humans.

1. Injury, Illness, and Early Death

Animals can suffer a wide range of injuries and illnesses in feedlots caused by the feedlot environment, dehydration, stress, unnatural diets, and transportation. The most common diseases include acidosis, botulism, bovine respiratory disease, pink eye (blight), footrot, tick fever, and feedlot bloating.

Although most of these diseases are treatable, due to a large number of cows in the feedlot, sick cows might not be identified early, resulting in death.”

The E-coli contaminated manure is the spread on various nearby farmlands and spread to other crops, animals and people as described in the article below.

Protecting Human Health: Requiring Setbacks Around Feedlots

Filed in: [LandPollutionProvince-wideResearch](#) | September 1, 2015 by [The Environmental Law Centre Society](#)

Concentrated animal feedlot operations (“CAFOs”), also known as intensive livestock operations, present numerous environmental and human health risks to their surrounding communities. One particular concern is the potential for contamination of ready-to-eat crops being grown at neighbouring farms. This contamination may occur when manure or manure dust is transported to the field growing ready to eat crops by wind, or by birds and flies that are attracted to the manure.