

No 5 - REQUEST FOR REVIEW: RA23022 / Mitchel Kroetsch

Filed By: Norman 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

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### 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](mailto: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 ( <i>if known</i> )	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location ( <i>legal land description</i> )	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:**

NRCB is not living up to their title. Most concerns you have opted out on so what is your purpose?

Furthermore, in your first letter in May, you did not indicate what your role is, you did not make people aware of this until after the approval was granted.

The deadline dates you set for May and September are both busy times of year in the farming community and appear to be deliberately set in favor of the applicant.

WATER -- is our greatest NATURAL RESOURCE! People are concerned as no research has been done on the water availability in this area.

REMEMBER we are in a DROUGHT situation.

Surface water contamination and Battle River: (From approval letter) water run-off from the feedlot area starts at the edge of the feedlot and feeds the Hastings Coulee which is a tributary to the Battle River. The fact that no water was seen in this area doesn't mean there is no run-off in normal years. I've lived in this area for 80 years and am well aware of this fact. I would be willing to show your representative the exact run-off pattern.

Other concerns: air quality, flies, odors, spread of cattle diseases through excess contaminated manure.

Health concerns such as air borne diseases, loss of morale and frustrations among the bordering neighbors.

Suggestion: allow only 500 head per feed lot.

## 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?**

**6. Contact Information of Person Submitting the RFR**

Name Norman Congdon  
Street/Box Address [REDACTED]  
Town/City/Postal Code Heisler, AB T0B 2A0  
Legal Land Description SW 27-42-16 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