

No 8 - REQUEST FOR REVIEW: RA23022 / Mitchel Kroetsch

Filed By: Gary and Carol Scheler

Deadline for RFRs: September 11, 2024

Date RFR received: September 11, 2024

Status of Party as per Decision Summary: **Not** 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](mailto:laura.friend@nrcb.ca). Contact her at 403-297-8269 for assistance.

### 1. Confined Feeding Operation (CFO) Application Details

NRCB Application No.	RA 23022
Name of Owner/Operator or Operation	Mitchel Kroetsch
Type of application (if known)	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	NW 15 42 16 W4
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:**

- the proximity of my residence to one of the quarters that ~~to~~ waste is being spread on re: dust + smell
- the smell + insects from the feedlot would be carried to our residence on the prevailing winds.
- very concerned about enormous amount of water that feedlot animals would use. Very little known about ground water + if aquifers are depleted, would there be enough for the surrounding community?

#### 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:**

→ AHS only did not issue a statement of concern. AHS did not look at the health risks associated with an intensive livestock operation of this kind, identify the health risks + determine if they would be of NO risk to community residents around this CFO.

## 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 Gary + Carol Scheler

Street/Box Address 

Town/City/Postal Code Forestburg AB TOBINO

Legal Land Description SW 25 41 16 W4

Telephone Number 

Email Address 

Date Sept 11/24.

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

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_