

From: [Fiona Vance](#)
To: [Laura Friend](#)
Cc: elow@envirowestengineering.ca; rhoyland@flagstaff.ab.ca; [Bill Kennedy](#); [Lynn Stone](#); [Francisco Echegaray](#)
Subject: Kroetsch RFR RA23022 - Field Services information
Date: September 17, 2024 11:34:33 AM

Good morning,

I am legal counsel to NRCB Field Services in this matter, including the Approval Officer.

We take no position on whether a review should be scheduled based on the Requests for Review ("RFRs").

To assist the Board, I have shared with Laura Friend (Manager, Board Reviews at the NRCB) the original responses to application RA23022 that were submitted to the Approval Officer in May, by individuals who have filed RFRs. I have not attached those responses to this e-mail, due to volume. The responses are available upon request to either Ms. Friend or to myself.

In addition, one correction and one update have come to our attention that we feel the Board and the parties should be aware of in the context of the RFR process.

-
Correction

An inadvertent error in the decision documents for RA23022 appears in two places:

1. Page 24 of Technical Document RA23022 lists the two proposed catch basins and their calculated capacity (4017 m³ and 2529 m³ respectively). This information is correct. However, in identifying runoff volume from contributing areas, the Approval Officer inadvertently only listed the contributing runoff area from Catch Basin 1 (3809 m³). With the contributing areas from both catch basins, the total contributing runoff area for the feedlot should require a capacity of 6109 m³. The corrected information is:

Total required capacity for the feedlot: 6109 m³

Total proposed catch basin capacity (CB1 + CB2): 6546 m³

2. Flowing from this error, page 16 of Decision Summary RA23022 states that the catch basins would have 170% of their required capacity. The Decision Summary should instead state that the catch basins provide 107% of the required storage capacity.

-
Update

The Approval Officer has advised as follows:

On Tuesday, September 10, 2024 I received a text message from Mitchel Kroetsch. He stated that he was trenching in water lines for his feedlot, and observed that water was flowing in, presumably from the water table.

He then dug two test holes in the area of where the south catch basin (CB1) will be constructed. One hole at 10 feet below grade was dry; however the other hole at

approximately 13 feet below grade (3.96 m) had water in it. The test holes were filled in.

Mitchel notified me as per condition 5 in RA23022. I verbally directed him to not construct the catch basins while we decide the next steps.

Approval RA23022 permits the construction of the two catch basins using a synthetic liner. Both catch basins are to be 3.5 m below grade. It appears that this site may be in conflict with AOPA's Standards and Administration Regulation 9(3)(a) as the bottom of the liner must not be less than 1 m above the water table at the time of construction.

Typically in scenarios like this, we have the operator submit an amendment application. This means that the operator will consult with their engineer, and modify their catch basin dimensions to propose a shallower catch basin, in order to meet the water table requirements. Often this also means that applicants may need to expand the length and width of the catch basin, in order to have sufficient capacity. Depending on the site, additional adjustments may need to be made to the location of pens to accommodate the change in catch basin dimensions.

This message is blind-copied to Mitchel Kroetsch, Arthur Congdon, Heidi Rohe, Thomas Rohe, Lorraine Congdon, Norman Congdon, Dallas Oberg, Lynn Poole, Gary and Carol Scheler, Wanda Bednarz-Hihn, David Hihn, Caitlin and Kevin Van Slyke, Nancy Hewson, John Congdon, Robert Burke, Ruth Burke (via Robert Burke), Bonnie Webber and Roxanne Westgate (for Chester Hastings), Rick Hewson, and Leann Congdon.

Regards,

Fiona N. Vance (*she/elle*)
Chief Legal Officer - Operations, NRCB
Fiona.Vance@nrcb.ca
(780) 999-3197

This communication, including any attachments, is intended for the recipient to whom it is addressed, and may contain confidential, personal, or privileged information. If you are not the intended recipient of this communication, please contact the sender immediately and do not copy, distribute, or take any action in reliance on it. Any communication received in error, or subsequent reply, should be double-deleted or destroyed without making a copy.