

October 19, 2024

Environment and Protected Areas
Approvals Unit, 5th Floor, South Petroleum Plaza
9915 108 Street
EDMONTON, AB T5K 2G8

From:

Name: Thomas Rohe

Legal Land Location: Plan: 9021566 Lot: 1

ATS Reverence: 4; 16; 42; 17; NE

Distance from proposed Feedlot: 1800m

Phone #: (780) 281-0237

Email: countryrohe@gmail.com

Mailing Address: PO Box 106, Heisler, AB T0B2A0

Re: Application #DAPP0101386

I am opposed to granting Mitchel Kroetsch the necessary permits/permission for Water Licence - Groundwater: Kroetsch_NW-15-42-16W4_Well ID's 105363, 296831 & 2029931 to establish a confined Feedlot Operation (RA23022) at: NW 15-42-16 W4M

These are my concerns:

We are a directed affected party to the proposed CFO, and we are very concerned about our water in the future, should the water license application that Mitchel Kroetsch has filed of total of 62,421 m³ of groundwater annually be approved.

We are all on the same aquifer and we are constantly reminded by water experts and politicians like Rebecca Schulz, Minister of Environment and Protected Areas that we are heading toward a scary time of draught in Alberta and to start planning how to use less water in the future. The amount of 62,421 m³ of water could cause massive water supply shortage for our acreage, for our close by Village of Heisler, the small farmers around us and all environmental areas on the Battle River Basin.

Regarding the Village of Heisler, fact is that the CFO is planned way to close to Heisler.

The Battle River Basin, a key watershed in east-central Alberta, covers approximately 30,000 square kilometres, most of which lies inside the province's borders. Extremely rich and diverse in plant and animal life, the basin's water supply is derived entirely from rain, snow melt and groundwater, without benefit of the mountain/foothill snowpacks or glacial melt typical of other river basins in Alberta.

As of the AB Government - Battle River water management plan - overview

2.5 Rationale for developing the Plan

The Battle River is an important watershed in east-central Alberta, covering an area of 25,000 square kilometers in the province. The river's water supply is derived entirely from local surface runoff (rain and snow melt) and groundwater flows. It is therefore without the benefit of prolific mountain/foothill snow packs and glacial melt. The Battle River watershed falls entirely within the Parkland Natural Ecoregion, the richest ecoregion in Alberta for biodiversity. The Battle River provides the ecoregion with a rich variation in ecosystems associated with its aquatic environment, associated living organisms and the ecological complexes of which they are part. Increasing pressure on the Battle River's water supply is presenting a challenge for residents of the watershed and for Alberta Environment and Sustainable Resource Development, the provincial department responsible for the management and allocation of water in Alberta. As demand for water meets or exceeds the river's natural supply, social, ecological and economic limitations and issues become apparent. A key tool to address this resource management challenge is a Water Management Plan.

Approved Water Management Plan for the Battle River Basin (Alberta) First Nations Consultation Report - December 2013

The biggest environmental concern is long-term contamination of our water from the CFO runoff running into our water source and spreading high volume of manure close by, including antibiotic waste.

The NRCB has temporarily halted Mr. Kroetsch's development permit because he hit already the water table in two areas while he was going to dig out his catch basins. Currently, the NRCB is reviewing the situation, and was supposed to reapply with a new plan for the catchment basin where he missed his deadline to re-apply. (attachment emails from September 17/24)
My wife and I responded with an email of concern (attachment email September 18/24) to the NRCB legal council and never received a response.

It is not news that the water table is too high in this area, already in 1954, the close by St. Mary's "Wanda" cemetery was shut down by the Bureau of Vital Statistics due to the high-water level. (*Attachment cemeterywatertable*).

What about the 1-5% dead cattle? Will they be left to rot, burned, or buried when even humans can not be buried in this area anymore?

In addition, attachment *basementwatertable* shows the water table that was encountered when Dallas Oberg, directed affected property owner, SW of proposed CFO was digging a basement.

The attached documents Mr. Kroetsch has received permission to spread manure that have water runoff and/or standing water/dugouts that could be contaminated. The feedlot location itself as shown in maps clearly has water runoff areas that ultimately find their way into the Battle River.

You will also find attached an email from the Battle River Watershed Alliance regarding BRWA WATERSHED MANAGEMENT PLAN RECOMMENDATIONS:

Non-point Source Pollution Management

The BRWA Non-point Source Pollution Management Implementation Guidelines offers recommendations for crop and manure beneficial management practices, where applicable. This advice was developed with broad input from watershed residents, stakeholders and decision-makers. Regarding CFOs proposed within the Battle River and Sounding Creek watersheds, the following is recommended:

Recommendation 2.4.8: Efforts should be taken to limit the development of new Confined Feeding Operations within the effective drainage area of the Battle River and Sounding Creek watersheds. Rationale: The effective drainage area is that portion of the watershed that might be expected to contribute runoff to the main stem during a flood with a return period of two years. As these areas regularly contribute water to the main stem, the potential for nutrient transport from these areas is greater than in non contributing areas.

Source: Non-point Source Pollution Management Implementation Guidelines, PDF

With the water table being high in this area, there is also the concern of how the contaminants will find their way into the water well systems.

Not just our water well system is extremely endangered of contamination and the risk of running dry. Also, the Village of Heisler, located way to close to the planned CFO is endangered. Heisler's majority of residents are seniors and a lot of them already suffer from health issues. Currently, the Village of Heisler is in the growing process (2023 Census incorrectly); in the last few years more and more younger families with children moved into the community and will be impacted by health issues from water contamination, not to mention increase of flies, rodents, predators, air pollution and increase of crime resulting from a CFO with 5,000 heads of cattle. Yes, I am totally aware that my last point of comment is not directly related to the water license application, but the department of Alberta Environment and Protected Areas should also be the right place to provide these important concerns.

Once again, to protect our environment, our and our children's future, the future of our neighbours and the Village of Heisler, I appeal to not approve the water licenses applications for the planned CFO.

Sincerely,

Thomas Rohe

CC: Honorable Rebecca Schulz
Minister of Environment and Protected Areas
Honorable Damien Kurek, MP – Camrose Office
Honorable Jackie Lovely, MLA – Camrose Constituency
Flagstaff County Development and Planning Committee
Battle River Watershed Alliance
Battle River Water Management Plan (Province of Alberta)
The Village of Heisler

Enclosures:

St. Mary's, Wanda Cemetery

Although St. Mary's Church closed in 1952 and the building moved to Forestburg in 1957, we respect the cemetery and site. It is a cherished part of our history.

In 1954 Reverend Father J. Rolheiser received a letter from the Bureau of Vital Statistics advising effective immediately there was to be no further burials in St. Mary's "Wanda" cemetery. Extensive soil testing was done and it was found the water table was too high along with the type of soil making it a restricted cemetery.

The thirty-eight bodies interred at the Wanda Cemetery are:

Dominic Schares
Jacob Schares
Christina Schares
John Schares

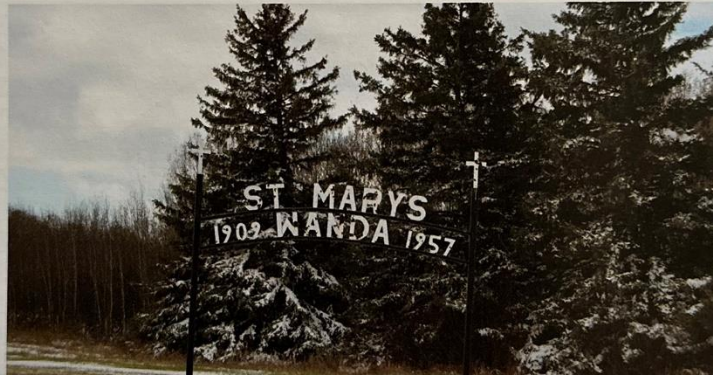
Annie Fischer
Christian Klein
Louise Poepping
Blanche Kroetsch

Mike Schares
Irvin Dietrich
George Kroetsch
Mary Kroetsch
John Kroetsch
Joseph Laporte
Theresia Kuntz
John Messner
Frank Rich
Rosanna Dietrich
Mary Steil
Barnaby Steil
Rosina Laporte
Nicholas Dietrich

Nellie Plant
Donna Messner
Alice Plant
Albert Ault
Lawrence Kroetsch
Loren Kroetsch
Robert Plant
William Godfrey
Bernadette Kroetsch
Edmund Kroetsch
Marion Strauss
Eldon Kroetsch
Reuben Messner

There are three unmarked graves in the cemetery as well.

Wagon Trails in the Sod First Edition has a detailed account of the Wanda district.





A photo showing the water table that was encountered when Dallas Oberg (SW of proposed CFO) was digging a basement

Fwd: Ground Water Contamination

From: Thomas and Heidi Rohe (countryrohe@gmail.com)

To: degumom3@yahoo.ca

Date: Friday, October 18, 2024 at 08:55 p.m. MDT

Sent from my iPhone

Begin forwarded message:

From: Catherine Peirce <executivedirector@battleriverwatershed.ca>
Date: October 18, 2024 at 14:57:54 MDT
To: countryrohe@gmail.com
Subject: Ground Water Contamination

Hi Thomas,

Thank you for stopping by the Battle River Watershed Alliance Office this week. I appreciate the update of the CFO. Your concerns about the high water table are important to communicate to the NRCB and for Water Well License Considerations. I reviewed the Government's document on catch basin construction (a link is included below). As you indicated, your plan to highlight this in a statement of concern through the Digital Regulatory Assurance System is a good idea. A water well licence should be contingent on proof that the groundwater will not be contaminated on the site where a water well will be located.

Protect Groundwater Quality: Minimize the Risks

<https://open.alberta.ca/dataset/ab1646bf-5caf-495f-8526-e62f7e1ac927/resource/b2e6b848-8f8a-48cd-8842-e7275072a188/download/576-5.pdf>

Catch Basin Design and Management

<https://open.alberta.ca/dataset/5be14e3c-5357-40fa-b1e3-4bfcca349d1f/resource/50c1bacd-9b9a-4341-b3ad-29fba8f36767/download/af-catch-basin-design-and-management-2021-05.pdf>

Some additional information:

BRWA WATERSHED MANAGEMENT PLAN RECOMMENDATIONS

Non-point Source Pollution Management

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Source: Non-point Source Pollution Management Implementation Guidelines, PDF

Below is the other information we were looking at when you were in the office regarding the Flagstaff MDP. While it is important to minimize negative effects on the environment and support stewardship, I am not sure this is applicable in this case:

OBJECTIVE: MINIMIZE NEGATIVE IMPACTS OF AGRICULTURAL OPERATIONS ON THE ENVIRONMENT & ADJACENT LAND USES BY ENCOURAGING GOOD LAND STEWARDSHIP PRACTICES

Clause 13 CFOs will be discouraged from locating in environmentally sensitive areas where slope instability and or groundwater contamination may be of concern.

<https://www.flagstaff.ab.ca/wp-content/uploads/2023/02/2018-Bylaw-10-18-Municipal-Development-Plan-MDP-CURRENT-compresses0.pdf>

Best regards,

Catherine



Title:

Detailed Site Layout Plan
 Part II Technical Requirements
 Mitchel Kroetsch
 NW-15-042-16-W4M
 Flagstaff County, Alberta

Project No:
2304-43021

Date:
March 12, 2024

Figure No.:

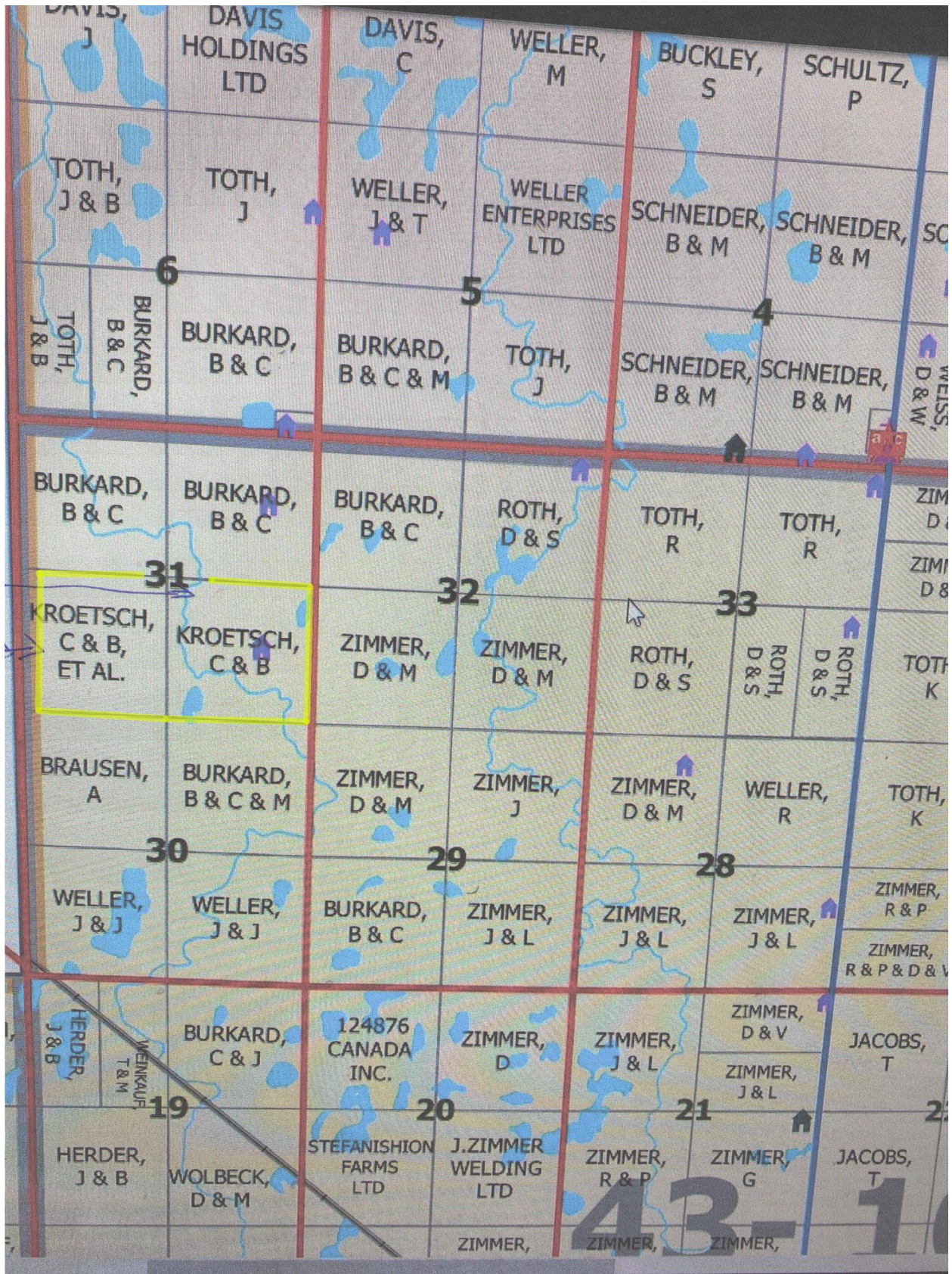
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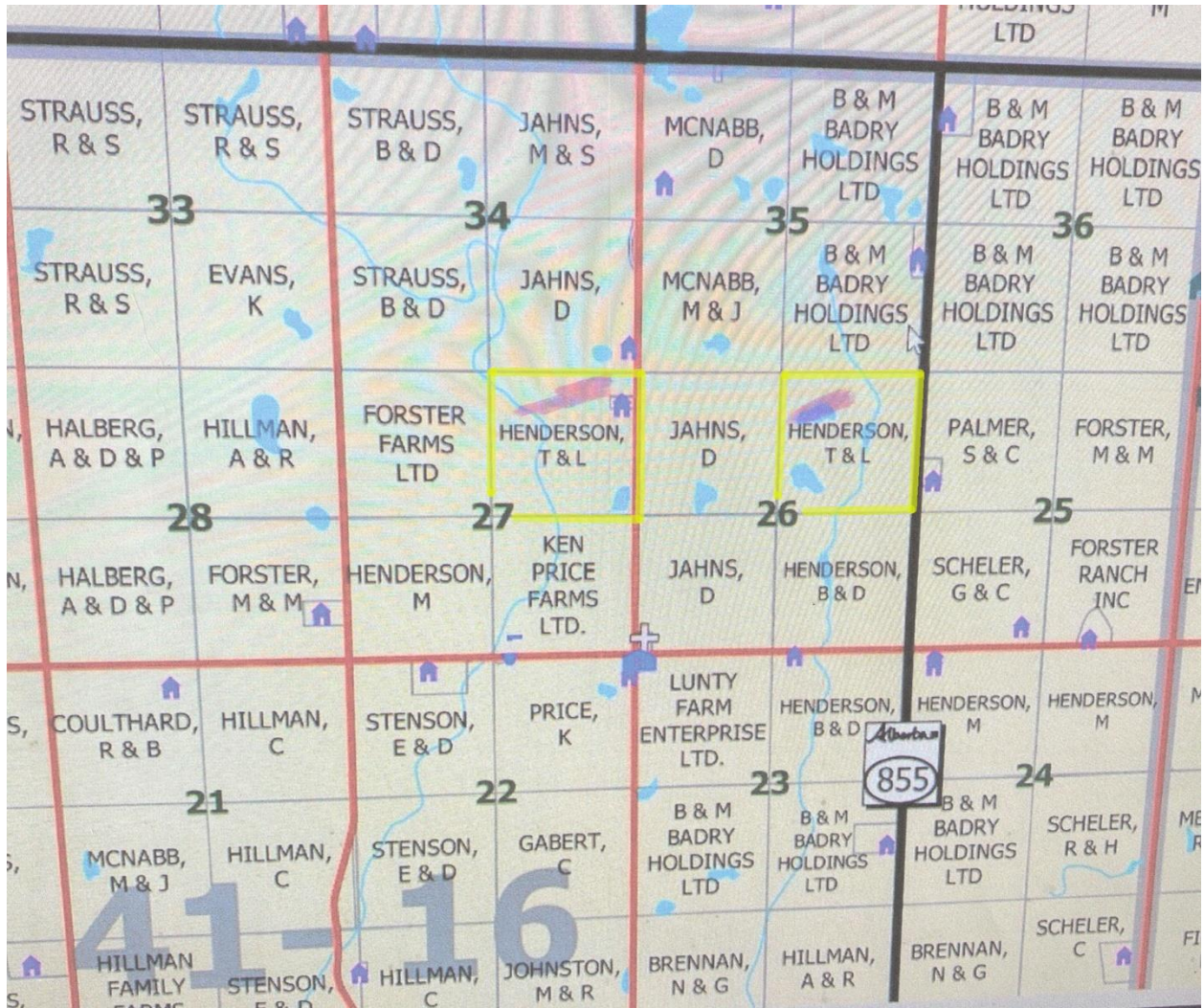
Prepared By:
L. Preddy

2.0

Image Source:
Google Earth Pro (2022)

Page 6 of 92

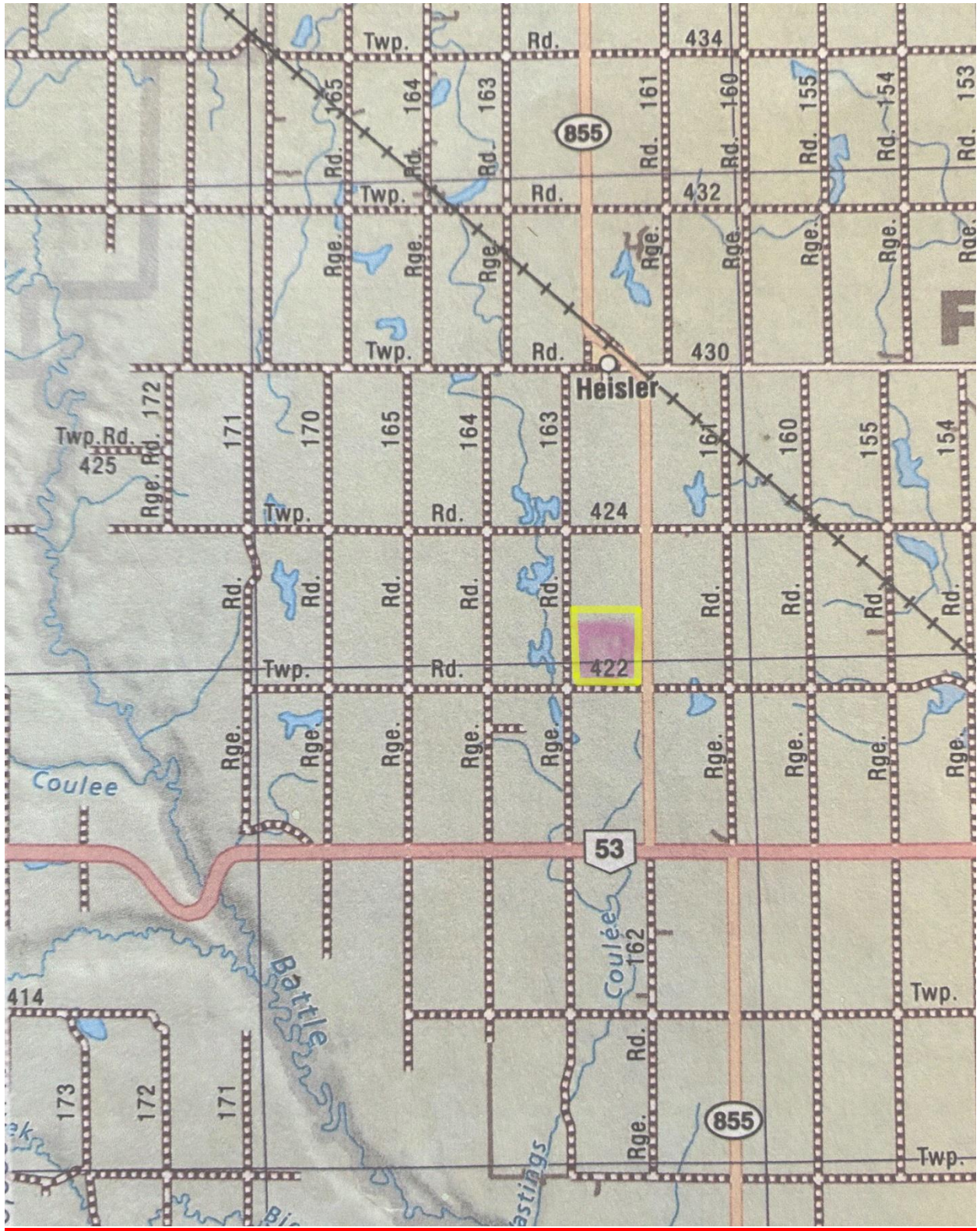




| Name of Landowners | Land Location | Acres | Soil Zone |
|----------------------------|----------------|-------|-----------|
| Barbara and Colin Kroetsch | SW-3-43-16-W4 | 117 | Black |
| Barbara and Colin Kroetsch | SE-31-43-16-W4 | 110 | Black |
| Barbara and Colin Kroetsch | SW-31-43-16-W4 | 148 | Black |
| Barbara and Colin Kroetsch | NE-24-43-17-W4 | 130 | Black |
| Betty and Debbie Henderson | E½-29-41-16-W4 | 264 | Black |
| Betty and Debbie Henderson | SW-29-41-16-W4 | 150 | Black |
| Betty and Debbie Henderson | SE-30-41-16-W4 | 150 | Black |
| Lorraine J Henderson | NE-26-41-16-W4 | 155 | Black |
| Lorraine J Henderson | NE-27-41-16-W4 | 143 | Black |
| Lorraine J Henderson | SW-6-42-15-W4 | 147 | Black |

AO Note: The applicant has provided 1,514 ac of land with black soil







Protect Groundwater Quality: Minimize the Risks

Groundwater is an important natural resource in Alberta. Many farmers and small towns rely on wells to provide drinking water for both domestic and livestock use. Groundwater, however, is vulnerable to contamination from activities around wells and sometimes activities on the land.

Groundwater is water that occupies the pore spaces in soil and rocks. It originates as precipitation that moves down through the soil and can be stored in aquifers.

Aquifers are geologic deposits capable of producing water in quantities sufficient for use by humans, livestock or industry.

Unconfined aquifers or water table aquifers are close to the ground surface while confined aquifers are overlain by geologic deposits of low permeability, such as clay or shale.

Confined aquifers are porous layers of rock (i.e. sandstone) trapped between layers of less porous rock. Most rural wells in Alberta are supplied by deep, confined aquifers. Unconfined aquifers are more sensitive to contamination from activities on the land surface.

Confined aquifers can be contaminated by activities around a well.

Groundwater contamination

Groundwater quality is influenced by natural conditions and human activities, and pollution can occur through direct or indirect contamination.

A well can be a direct conduit from the land surface to an aquifer. Thus, activities around a well can directly contaminate groundwater. Direct contamination of a well

and an aquifer can result from spills beside wells, improperly sealed well casings or abandoned wells, flooded well pits or back-siphoning from pesticide mixing tanks.

Indirect contamination can come from leaking sewage systems, fertilizer or manure spreading and pesticide spraying. Since nitrate-nitrogen is very mobile in soil, leaking septic systems or spreading manure or fertilizers at rates that exceed crop uptake of nitrogen can result in groundwater contamination over time.

Similarly, pesticides that are relatively persistent and mobile as well as pesticide application on highly permeable soils can also contaminate groundwater. Point source pollution like pesticide or fertilizer spills around a well is the greatest risk for groundwater contamination.

Protect water resources

Groundwater is a vital resource on the farm. Prevention of contamination is the key to protecting the quality of groundwater.

Prevent direct contamination of wells and aquifers:

- **Ensure wells are properly sealed and cased.** Poorly constructed casings allow surface water to seep along the outside of the casing into groundwater. Contaminated surface water or shallow groundwater can collect in well pits. Eliminate well pits in older wells.

*It is less costly
to protect
groundwater
than to clean
it up.*



- **Locate wells up-slope and away from sources of contaminants.** Locate wells away and up-slope from septic systems, manure storage areas and feedlots. Maximizing the distance between the well and contaminant sources minimizes the risk of contamination. Divert any runoff away from the well.
- **Fill sprayers from nurse tanks away from wells or other sources of water.** Mix pesticides in the sprayer or nurse tank away from the well. This method reduces the risk of back-siphoning pesticides into the well and contaminating groundwater.
- **Properly plug abandoned and unused wells.** Abandoned wells are a serious risk to groundwater quality. Improperly plugged wells can act as a direct conduit for contaminants to reach groundwater. Use bentonite products to properly plug or seal unused or abandoned wells.

Prevent indirect contamination of wells and aquifers:

- **Apply manure and fertilizers to meet crop nutrient needs.** Over-application of manure and fertilizers can result in excess nitrate leaching to groundwater. Apply manure at recommended rates according to soil and manure nutrient content as well as crop demand. Ensure adequate land is available for spreading at appropriate rates.
- **Maintain septic systems.** Septic systems can pollute wells when placed too close to the well, when not properly maintained or when not properly installed. Make sure the septic tank is cleaned out regularly.

Prepared by

Alberta Agriculture and Rural Development

More information

Alberta Ag-Info Centre
Call toll free: 310-FARM (3276)

Website: www.agriculture.alberta.ca

From: Thomas and Heidi Rohe countryrohe@gmail.com
Subject: Fwd: Kroetsch RFR RA23022 - Field Services information
Date: Oct 20, 2024 at 11:20:22 AM
To: Thomas and Heidi Rohe countryrohe@gmail.com

----- Forwarded message -----

From: **Fiona Vance** <Fiona.Vance@nrcb.ca>

Date: Tue, Sep 17, 2024 at 1:34 PM

Subject: Kroetsch RFR RA23022 - Field Services information

To: Laura Friend <Laura.Friend@nrcb.ca>

Cc: elow@envirowestengineering.ca <elow@envirowestengineering.ca>, rhoyland@flagstaff.ab.ca <rhoyland@flagstaff.ab.ca>, Bill Kennedy <Bill.Kennedy@nrcb.ca>, Lynn Stone <Lynn.Stone@nrcb.ca>, Francisco Echegaray <Francisco.Echegaray@nrcb.ca>

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](tel:(780)999-3197)

Response to email NRCB legal council from Sep 17/24

From: Thomas and Heidi Rohe countryrohe@gmail.com
Subject: Re: Kroetsch RFR RA23022 - Field Services information
Date: Sep 18, 2024 at 12:39:18 PM
To: Fiona Vance Fiona.Vance@nrcb.ca
Cc: Laura Friend Laura.Friend@nrcb.ca,
elow@envirowestengineering.ca, rhouland@flagstaff.ab.ca,
Bill Kennedy Bill.Kennedy@nrcb.ca, Lynn Stone
Lynn.Stone@nrcb.ca, Francisco Echegaray
Francisco.Echegaray@nrcb.ca, epa.drought@gov.ab.ca,
Damien.Kurek@parl.gc.ca, camrose@assembly.ab.ca,
greg.nelson@gov.ab.ca, otis@battleriverwatershed.ca, Sarah
Skinner sarah@battleriverwatershed.ca,
AGRIC.Minister@gov.ab.ca, epa.minister@gov.ab.ca,
degumom3@yahoo.ca, Dallas Oberg Auto Ltd.
d_grebo@hotmail.com, normcongdon@gmail.com,
wandahihn@gmail.com, lycongdon@gmail.com

Good afternoon Fiona Vance,

We have received and read your email below and we are very concerned about your last update regarding the CFO catch basins and run-offs.

First of all, your email states and I cite; *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...*

For myself and my husband questions and more concerns arise:

Where is the designated area for run-off and how will it affect the resident's immediate surrounding areas and environment?

Will the capacity for catch basins be changing, thus taking up more area?

Will a change in the size of new catch basins affect the whole scope of the engineered dimensions?

This matter is way too important to just 'fix an error' in the application process, it should result in dismissal of the existing RA23022 application approval decision and a new application should be requested by NRCB for Mitchel Kroetsch's planned CFO.

We also would like to request information updates regarding NRCB current policies on how the NRCB addresses situations like this.

Thank you,