#1 - REQUEST FOR REVIEW: RA19016 / Kramer Dairy Ltd.	
Filed By:	**Reinder Kramer**
Deadline for RFRs:	December 11, 2019
Date RFR received:	November 29, 2019
Status of party as per Decision Summary:	Directly Affected

REQUEST FOR BOARD REVIEW
SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD

Application No:	IRA 19016
Name of Operator/Operation:	Kramer Dairy ltd.
Type of application *(check one)*:	☐ **Approval** ☐ **Registration** ☐ **Authorization**
Location *(legal land description)*:	SE 2 43 25 W4
Municipality:	Ponoka County

I hereby request a Board Review of the Approval Officer's Decision and have the right to request a Board review because *(please review all options and check one)*:

- ☑ **I am the producer seeking the approval/registration/authorization.**
- ☐ **I represent the producer seeking the approval/registration/authorization.**
- ☐ **I represent the municipal government.**
- ☐ **I am listed as a directly affected party in the Approval Officer's Decision.**
- ☐ **I am <u>not</u> listed as a directly affected party in the Approval Officer's Decision and would like the Board to review my status.**

IMPORTANT INSTRUCTIONS

1. **You must meet the specified 10-day timeline; otherwise your request will not be considered.**
2. **Section 1 of this form must be completed only if you are requesting that the Board review your status as "not directly affected". Sections 2 to 5 must be completed by all applicants.**
3. **This form must be signed and dated before it is submitted to the Board for its review.**
4. **Be aware that Requests for Board Review are considered public documents. Your submitted request will be provided to all directly affected parties and will also be made available to members of the public upon request.**
5. **For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.**

1. PARTY STATUS

(IF YOU ARE NAMED A DIRECTLY AFFECTED PARTY IN THE APPROVAL OFFICER'S DECISION, YOU DO NOT NEED TO COMPLETE THIS SECTION)

Party status (*"directly affected" or "not directly affected"*) is determined pursuant to the provisions of the *Agricultural Operation Practices Act* (AOPA) and its regulations. Upon receipt of an application, the Approval Officer must notify any affected parties. Affected parties include municipalities and owners or occupants of land as determined in accordance with the regulations. To obtain directly affected status, the owner or occupant notified in the above process must provide a written submission to the Approval Officer during the stage at which the Approval Officer considers the application. The Approval Officer will then determine who the directly affected parties are and include this determination in the Decision Summary.

Under its governing legislation, the Board can only consider requests for review submitted by directly affected parties. If you are not listed as directly affected in the Approval Officer's decision, you must request that the Board reconsider your status *(please note that under the provisions of AOPA, the Board cannot reconsider the status of a party who has not previously made a submission to the Approval Officer during the application process).*

In order to request your status be reconsidered, you must explain why your interests are directly affected by the decision of the Board. Please list these reasons below:

My grounds for requesting directly affected status are as follows:

2. GROUNDS FOR REQUESTING A REVIEW

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to approve an application, NRCB Approval Officers must ensure the requirements of AOPA have been met. Your grounds for requesting a Board review should identify any requirements or specific issues that you believe the Approval Officer failed to adequately address in the Decision.

My grounds for requesting a review of the Approval Officer's decision are as follows:

We hereby request a board review of the permit condition on the EMS made by the Approval Officer, Jeff Froese. We request for the following reasons:

a. The applied NRCB's environmental risk screening tool demonstrates that our application was "low risk." Therefore, with a low EMS risk established, we believe that this should be a sufficient enough indicator to allow us the opportunity to make slight adjustments to our barn.

b. Our adjustments and plans involve adding a modest addition to the barn - 3.1m x 21m, and a calf lean-to, which will assist in creating a more economic efficient operation.

3. REASONS YOU ARE AFFECTED BY THE DECISION

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to support your reasons for requesting a review, please explain how you believe you would be affected by the Approval Officer's decision.

I believe that, as a result of the Approval Officer's decision, the following prejudice or damage will result:

We believe there are several impacting factors:

A. A single decision which is not backed with proof will result in substantial costs that will effect our operation negatively in accordance with the economic times we are facing.

B. Given the current economic climate in Alberta, we need to be careful and frugal in order to remain viable and thus remain trusted suppliers of quality agricultural products.

4. ACTION REQUESTED

(ALL PARTIES MUST COMPLETE THIS SECTION

I would like the Board to take the following actions with the respect to the Approval Officer's decision:

☐ Amend or vary the decision

☑ Reverse the decision

Please describe why you believe the Board should take this action:

We request a board review of the permit condition of the EMS made by the Approval Officer Jeff Froese

The action taken does not accord with the results of the NRCB's environmental risk assessment.

The barn addition is a modest enlargement to allow for greater efficiencies on our farm.

We are mindful of and careful stewards of our farm and the environment with a track record of quality food production. We have been farming here for 30 years and have always been in compliance with all necessary regulations.

If the Board decides to grant a review (*in the form of either a hearing or a written review*), all directly affected parties are eligible to participate. The Board may consider amending the Approval, Registration, or Authorization on any terms and conditions it deems appropriate. **Please note the Board cannot make any amendments unless it first decides to grant a review.**

If a review is granted by the Board, are there any new conditions, or amendments to existing conditions, that you would like the Board to consider? It is helpful if you identify how you believe your suggested conditions or amendments would address your concerns.

We would like the board to reconsider the condition applied to rebuilding our earthen liquid manure storage (EMS). The condition as it is stated currently does not indicate any risks nor suggests any indication of high risks in the foreseeable future. We believe, therefore, that the mandatory condition of re-lining or rebuilding the EMS is invalid and request that this condition be released.

5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: Reinder Kramer

Address in Alberta: RR # 1

Legal Land Description: SE 2 43 25 W4

Phone Number: [redacted] Fax Number: _____

E-Mail Address: [redacted]

Signature: _____ Date: November 29 2019

Please note that all sections of the form must be completed in order for your request to be considered. Also, if you do not meet the timeline identified, your request will not be considered. Form must be signed and dated before being submitted for Board consideration

If you are, or will be, represented by another party, please provide their contact information (Note: If you are represented by legal counsel, correspondence from the Board will be directed to your counsel)

Name: _____

Address: _____

_____

Phone Number: _____ Fax Number: _____

E-Mail Address: _____

When you have completed your request, please send it, with any supporting documents to:

Laura Friend, Manager, Board Reviews
Natural Resources Conservation Board
19th Floor Centennial Place
250 – 5th Street SW
Calgary, AB T2P 0R4

Phone: 403-297-8269
Fax 403-662-3994
Email: laura.friend@nrcb.ca

Please note, Requests for Board Review are considered public documents. Your submitted request will be provided to all directly affected parties and will also be made available to members of the public upon request.

For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.