

April 8, 2025

SENT BY EMAIL

To All Eligible Parties [Mitchel Kroetsch, Flagstaff County, Arthur Congdon, Heidi Rohe, Thomas Rohe, Lorraine Congdon, Norman Congdon, Dallas Oberg, Ruth and Bob Burke, Nancy and Richard Hewson, John Congdon, Fiona Vance]

Board Review of Decision to Permit a Confined Feeding Operation (CFO) operated by Mitchel and Lindy Kroetsch at NW 15-42-16 W4M in Flagstaff County

Board Decision RFR 2024-06 was issued on September 24, 2024, and explains the reasons why NRCB Approval RA23022 is being reviewed by the Board. On January 31, 2025, Amendment RA23022A was issued by an NRCB approval officer, which the Board is merging with Approval RA23022 for this review. Section 25(7) of the *Agricultural Operation Practices Act* (AOPA) states that on holding a review the Board may grant an approval or an amendment of an approval on any terms and conditions that the Board considers appropriate, may refuse to grant an approval or an amendment of an approval, or make any other disposition of the application that the Board considers to be appropriate.

On February 25, 2025, I sent you a letter on behalf of the Board requesting written submissions to assist in determining the process for this Board Review going forward. Submissions were received from Thomas and Heidi Rohe and Dallas Oberg. No replies to these submissions were received by the March 31, 2025, deadline. Although the Operator was requested to make a submission addressing six specific matters, no response was received from the Operator. The Board reminds the Operator that it is his responsibility to satisfy the Board that all AOPA requirements have been met. If all AOPA requirements are not met, the Board may refuse to grant Approval RA23022 and Amendment RA23022A.

The Board subsequently met and determined that a written review is appropriate to assess the issues, which are the proposed measures to protect both surface water and groundwater quality. While not limiting the written submissions of any of the parties within this scope, the Board expects that the following parties address the matters noted below in their submissions. If this information is not provided, the Board will make its decision utilizing the evidence that it has received by the submission deadlines.

Operator Submission

1. Explain how the construction condition requiring a minimum distance of 1 metre from the bottom of the catch basin to the water table at the time of construction will be met through measurement and verification.

2. Explain how the design of the catch basins effectively mitigates any adverse effects that could be experienced with water table fluctuations during the year. Please address whether a geotextile will be installed under the geomembrane liner as described on page 10 of Envirowest Engineering's October 30, 2024, Site and Soil Assessment (Amended) report for Application RA23022A. The report states that the geotextile can allow for the lateral and upward escape of subsurface water and gases that rise up beneath the geomembrane during its service life. If geotextile is not proposed to be installed, please explain how a potential rise in the water table will be managed to ensure proper functioning of the catch basins.
3. There has been an assertion that the feedlot is built and has been populated with cattle. Have you completed construction of the feedlot pens and catch basins and populated the feedlot with cattle? If so, please provide information on the construction completion date, cattle population numbers, and who authorized the feedlot to be put into operation.

Field Services Submission

1. What evidence does the NRCB accept as proof that the construction condition requiring a minimum distance of 1 metre from the bottom of the catch basin to the water table at the time of construction has been met?
2. Is there a requirement for this Operator to install geotextile, or to do any other mitigative measures, to ensure that a potential rise in the water table does not negatively impact the integrity and function of the catch basins? Please explain why or why not.
3. Have NRCB personnel inspected the site since the Operator informed the approval officer on September 10, 2024, about preliminary trenching work that discovered a higher than expected water table? Please include inspection dates, findings, and provide the Board with evidence including (as applicable) any compliance measures taken, and confirmation of construction in accordance with the terms and conditions of the permit.
4. Please comment on the assertion that the feedlot is built and has been populated with cattle.

All submissions are to be emailed to Laura Friend, Manager of Board Reviews, at laura.friend@nrcb.ca, by the deadlines provided below. All submissions will be posted online on the NRCB website project page.

Deadline for Submissions:

April 24, 2025

Deadline to Reply to the Submissions

May 1, 2025

Should you have any questions, please contact the NRCB Reviews Manager, Laura Friend, at 403-297-8269 or at laura.friend@nrcb.ca.

Yours sincerely,



Bill Kennedy
General Counsel