

June 5, 2019

Our File No.: 4297
Your File No.: LA19017

NRCB

via email: joe.sonnenberg@nrcb.ca

Attention: *Joe Sonnenberg*
Approval Officer

100, 5401 – 1st Avenue South
Lethbridge, Alberta, T1J 4V6

dear sirs/mesdames:

Re: Statement of Concern of Shawn Sakamoto, Directly Affected Party with respect to Application LA190717 by Sundown Feeders Ltd.

I am of counsel to Mr. Shawn Sakamoto. Kindly direct future correspondence in this regard to my attention.

Mr. Sakamoto is the owner of property legally described as NE ¼ SEC. 1; TWP. 8; RGE. 21; W4 and resides upon the said property.

Mr. Sakamoto has the following, serious concerns with respect to Sundown Feeders Ltd.'s application:

1. The proposed location for the catch basin (manure lagoon) is in a low lying area which is historically subject to flooding;
2. The Six Mile Coulee Drainage Canal is immediately adjacent to Sundown Feeders Ltd.'s proposed works. Leeching and seepage of manure and bacteria from the manure lagoon into the Six Mile Coulee Drainage Canal, and from there into the Old Man River is a probable consequence if the application is approved;
3. If the manure lagoon overflows or fails, for example as a result of heavy rains, effluent from the manure lagoon will enter the Six Mile Coulee Drainage Canal, which feeds into the Old Man River. The Old Man River is, of course, the source for Lethbridge's drinking water supply;
4. There are no berms for the proposed manure lagoon indicated upon the application documents;

5. At page 6 of "Part 2 – Technical Requirements" of the application, in the box titled "Flood Plain Information", Sundown Feeders Ltd. estimates the floor of the lowest manure storage or collection facility is 5+ meters above the 1:25 year flood plain, or highest known flood level. That is incorrect. The entire manure lagoon is located in a low lying area, historically subject to flooding;
6. Increased incidents and severity of fly swarms and manure stench are a probable consequence if the application is approved, and;
7. It is believed that Mr. Sakamoto's property is within the MDS specified in the *Agricultural Operations Practices Act* and its *Agricultural Operations, Part 2 Matters Regulation*. Mr. Sakamoto is unwilling to sign a MDS waiver.

Should the application proceed to the stage of environmental risk screenings and determination of risk to groundwater and surface water by the approval officer, Mr. Sakamoto would be most interested in learning the results thereof.

Please find enclosed 2 photographs, showing manure piles and the location of the Six Mile Coulee Drainage Canal in relation to manure piles placed by Sundown Feeders Ltd. The proximity of the manure piles to the Six Mile Coulee Drainage Canal poses a health risk. It is respectfully submitted that approval of the application, if granted, will exacerbate that risk to the wellbeing of Directly Affected Persons and, more generally, to the citizens of Lethbridge

As your office is, I believe, aware, Mr. Sakamoto did not receive notice of the application in the mail until last week. The original was returned to NRCB as a result of an address mistake. In the event that NRCB would like to receive a more detailed response and is willing to give Mr. Sakamoto additional time to provide same, please let me know.

Yours truly,

HIGH LEVEL LAW LLP

Per:

GREG K. NORMAN, B.A, J.D.

GKN/bw

encs.

cc. client (via email; w/ encs.)



