

#3 - REQUEST FOR REVIEW: LA20001 / P&H Wessels Farms Ltd.

Filed By: Stasha Donahue

Deadline for RFRs: June 19, 2020

Date RFR received: June 17, 2020

Status of party as per Decision Summary: Directly Affected

REQUEST FOR BOARD REVIEW
SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD

Application No:	LA20001
Name of Operator/Operation:	Wessels Farms & Beekman Farms
Type of application (check one):	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description):	SW 4-8-26 W4M and NW 33-7-26 W4M
Municipality:	MD of Willow Creek

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 not 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:

Am already listed as an affected party.

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:

I do not want to have my household water polluted by this operation. I do not want to have the quantity of water in the McBride Lake Aquifer negatively impacted by this operation.

At a minimum, the NRCB should request regular water testing to ensure volume and quality of the McBride Lake Aquifer is not negatively impacted by operations.

Currently, the operator is drawing water from a well without a license for industrial agriculture use. This is illegal. The NRCB is aware of this illegal activity but is choosing to turn a blind eye. Does this not make the NRCB complicit in wrong doing?

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.

The operator is breaking the law by taking water for industrial use without a license. Instruct the operator to haul his own water for the operation. No further water should be drawn from the aquifer for industrial use. This illegal practice needs to stop now.

Investigate nitrate levels before approving expansion. This would be prudent and fair to affected parties. At a minimum, there should be regular testing.

Regular unplanned site visits to ensure compliance should be put in place. Given the current illegal activity (water use without a license) this operator should be considered at risk for non-compliance.

If affected parties experience water quality deterioration, they should be remunerated for damages and the expense of water hauling.

5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: Stasha Donahue

Address in Alberta: Box 1364
Fort Macleod, Alberta T0L 0Z0

Legal Land Description: NE 28-7-26 W4

Phone Number: [REDACTED] Fax Number: _____

E-Mail Address: [REDACTED]

Signature: *Stasha Donahue* Date: June 17, 2020

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
 Email: laura.friend@nrcc.ca

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