

#8 - REQUEST FOR REVIEW: LA20014 / Granum Colony

Filed By:	Rodney and Hope Jensen, and Eddie and Natalie Jensen
Deadline for RFRs:	September 17, 2020
Date RFR received:	September 17, 2020
Status of party as per Decision Summary:	Not Directly Affected

REQUEST FOR BOARD REVIEW
SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD

Application No:	
Name of Operator/Operation:	
Type of application (<i>check one</i>):	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (<i>legal land description</i>):	
Municipality:	

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.

5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: _____

Address in Alberta: _____

Legal Land Description: _____

Phone Number: _____ Fax Number: _____

E-Mail Address: _____

Signature: _____ Date: _____

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@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.

1. Party Status

With the wording between pages 9 and 10 we understand that since our names appear on page we are making the assumption from the following comment places us in the “directly affected” category based on the Approval Officers comments:

The following individuals who submitted responses to the public notice reside on or own land outside of the affected party radius. However, they may still qualify as directly affected parties based on their “exposure to potential nuisances or risks” posed by the proposed CFO (Ijtsma, RFR 2011-05, page 3): (see page 9)

2. My grounds for requesting a review of the 's decision are as follows:

We do not feel our voices were heard. The process used allowed the agent of the applicants' the ability to rebut our concerns, which we feel is unfair. In addition, since our submission we have learned from others who live close to a similar chicken barn operation what it is like. If this application is granted there needs to be more safeguards in place to ensure the surrounding neighbours' quality of life is not diminished.

We are concerned about the safety of the road, particularly at the intersection of Meadow Creek Road (TWP 114) and Range Road 280, mere meters from the chicken barn. There are two school bus routes that travel the Meadow Creek road four times per school days. This intersection is where the Hutterite Brethren would cross to access their land holdings and colony to the south. This is well known to already be a dangerous intersection. There would be high amounts of traffic travelling between the proposed chicken barn location and the current Hutterite Brethren colony, including large trucks and slow-moving farm machinery. It is also concerning that this machinery may be driven by young, inexperienced drivers. This intersection and surrounding roads will have decreased safety for everyone.

The dust created by the increased traffic is of great concern, from both a school bus driver and a local rural resident. Reduced visibility and the effects of dust on the respiratory system will have its toll on those traversing that section of Meadow Creek Road. The large chicken barn's stench will also affect the air quality.

Furthermore, there is a concern with the manure spreading. Claresholm Beef Producers has stock piled manure on the field south of the feedlot. The road they cross is a real concern to both Hope and her students. This road has multiple manure speed bumps which causes a much rougher ride. Although you may feel this comment irrelevant to this application, it speaks to what the roads will likely become when the manure is transported.

From what we have shared we believe we were not heard and the Approval Officer failed to address our concerns regarding negative health nor the nuisance impacts. Therefore, a Board review is necessary.

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

We travel past this location to get to Claresholm, as do all who live beyond this location. At times the conditions are a concern and can be very poor. Increased traffic of heavy trucks will deteriorate them further. With the current fiscal shortfall, the rate payers of the M. D. of Willow Creek need to cover over \$1 000 000. Adding a new bridge or any other infrastructure will also be detrimental to the area. This is not the time to be adding more stress to the already fragile infrastructure, due to excess traffic.

In Approval Officer's risk assessment to surface water and groundwater she states "poses a low potential risk to groundwater and surface water" (page 3"). There is significant evidence that large amounts of flooding occur near the proposed location. In the area there are three drainage pipes that go into Willow Creek. At the intersection of Range Road 280 and Meadow Creek Road (TWP 114) you can see where the fence has been moved on an angle because of flooding. Hope has walked on the south portion of section 25 with the previous landowner and saw the buried drainage pipe, emptying into Meadow Creek. When the next flood occurs there is a high probability the chicken barn and manure storage shed will cause severe consequences related to water contamination, not to mention the inability for the chickens to be fed due to the flood waters. This could have very far reaching effects.

The Approval Officer also neglected to mention all of the CFO's within a short distance from this chicken barn (LA200014). There are four big operations, the pig barns, Morkin, Lozeman, and Claresholm Beef Producers, and now this chicken barn, along with the proposed feedlot (LA20004) and another poultry barn (LA20024).

It does need to be noted, that Meadow Creek is a seasonal creek. There have been years that in places along the creek there was no water flow at all. So, accessing water for this operation would not be feasible.

From what we have shared we believe we were not heard and the Approval Officer failed to address our concerns regarding the negative economic and environmental impacts. Therefore, a Board review is necessary.

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

We feel the process that was used was not fair. The process is piecemeal, when our concerns were shared many of them were marginalized, dismissed and/or told that NRCB does not handle that concern. It was only after the approval was granted did we learn some of our concerns needed to be addressed to a different department within the government, which by then was too late. Therefore, a request for a review should be granted.

The Hutterite Brethren are a huge corporation that is going to operate at the expense of the smaller landowners. Many of these landowners have been here for generations and we feel their concerns should be taken seriously. It is concerning that they intend to construct even more large

scale CFOs in this area, like LA20024. The lack of transparency with their long term intentions makes one wonder what other unforeseen consequences could arise after this approval.

4 B. Identify how you believe your suggested conditions or amendments would address your concerns.

There needs to a more thorough look into a more suitable location that would have less of an impact on the environment. By doing so, it will not tax the already fragile infrastructure and will limit the traffic for those in this area.

Although our water source comes from elsewhere, there needs to be a water drilling report done of the area. This will appease those directly impacted by the chicken barn and set a benchmark regarding water usage. In the event problems arise, those living within the area the longest are given access to the water first.

As environmental stewards of this land, we feel the location selected would have an adverse effect on both infrastructure and the quality of life for those living along the Meadow Creek.