

**#1 - REQUEST FOR REVIEW: LA19032/Corner's Pride Farms Ltd.**

**Filed By: Murray Charles and Carmen Mack**

**Deadline for RFRs: November 19, 2020**

**Date RFR received: November 18, 2020**

**Status of party as per Decision Summary: Directly Affected**

**REQUEST FOR BOARD REVIEW**  
**SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD**

Application No:	LA19032
Name of Operator/Operation:	CORNERS PRIDE FARMS LTD.
Type of application ( <i>check one</i> ):	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location ( <i>legal land description</i> ):	NE-7-7-20-W4M
Municipality:	LETHBRIDGE 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 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.

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## 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)

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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:**

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#### 4. ACTION REQUESTED

(ALL PARTIES MUST COMPLETE THIS SECTION)

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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:

PLEASE SEE ATTACHED LETTER

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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.

PLEASE SEE ATTACHED LETTER

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## 5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

### Contact information of the person requesting the review:

Name: MURRAY CHARLES AND CARMEN MACK

Address in Alberta: \_\_\_\_\_

WELLING AB T0K2N0

Legal Land Description: SW - 6 - 7 - 20 - W4

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Signature: 

Date: Nov 18, 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  
19<sup>th</sup> Floor Centennial Place  
250 – 5<sup>th</sup> Street SW  
Calgary, AB T2P 0R4

Phone: 403-297-8269

Email: [laura.friend@nrcb.ca](mailto: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.

## Request for Board Review

### Application# LA19032 – Corner's Pride Farms Ltd.

Dear Madam/Sir:

We have read the NRCB's Decision Summary LA19032 regarding the proposal by Corner's Pride Farms to construct a 2,500 head finishing feedlot at NE-7-7-20-W4M in Lethbridge County, and are extremely upset (furious) on the approval decision to allow this construction and facility to proceed, and the comments included within this summary. It truly is shameful that not only is the approval completely biased toward the applicant, but also is backed up with some unfounded, unproven, and inaccurate so-called facts reported. It is also blatantly clear that, although the NRCB provides room for feedback from affected parties to be submitted, these affected parties' voices fall on deaf ears. We would like to throughout this letter of appeal highlight some of the more inaccurate reasons presented by Carina Weisbach in her decision to approve this proposal:

As noted in the approval report, the NRCB, by their own admission (Point 2 in the report), were required to send 37 courtesy letters to parties deemed by them to be affected by this proposal. When one looks at the County of Warner map produced in October of 2016, other than directly west and north of the Town of Raymond, one can see there is no greater concentration of non-farming or agricultural residences anywhere in the County (so-named in the decision as Grouped Country Residential Area) than there are right on this proposed feedlot location, or within the NRCB's 1.5 mile "affected party" radius. When that radius is moved a further ½ mile, the number of residences are even more substantial. The rights of many, many taxpayers in both Lethbridge County and County of Warner are being ignored by this development proposal. We will stress at this time, and we insist you remember this through this communication, that because an application can be approved because the contents of it fall within the set parameters of the NRCB, that this does not mean it is in the best interest of the County and its residents (read that TAXPAYERS) to see it come to fruition.

As stated by Ms. Hilary Janzen, supervisor of planning and development with Lethbridge County, the application is consistent with Lethbridge County's municipal development plan. Ms. Janzen requested that a storm water management plan be included in this development which protects the Lethbridge County but makes no mention of protection into the County of Warner. This would leave the County of Warner vulnerable to uncontrolled runoff from the CFO should there be heavy rain, snow, or uncontrolled irrigation, therefore vastly affecting the residents to the south, west and east of the CFO. Mr. Tyler Nelson of the County of Warner office, as stated in the approval, received numerous calls from concerned residents from this area. Why are these comments not addressed openly in your decision? These comments are from the citizens directly affected, yet your approval mentions this concern in one sentence only, as if we should read it, and pass over it (ignore it). It is our belief that the NRCB should have contacted Mr. Nelson and further investigated the nature and reasons for these calls. The County of Warner office is a genuine contact point for the residents of this county and in many ways the only



contact point for concerned citizens. In reading the response from Ms. Leah Olsen, a development/planning technologist with Alberta Transportation, there would not be any appreciable impact on the Provincial "highway" system from this proposed CFO. Ms. Olsen fails to further acknowledge this CFO will be using rural roads that, when requiring repairs and upgrades for their use, must be handled and paid for completely by the Rural Municipality where the road is located. As stated on the website for the Rural Municipalities of Alberta position statement: "Municipal taxation revenues alone are not sufficient to build and/or maintain rural municipal infrastructure networks. As a result, municipalities face an increasing infrastructure deficit". This plainly states further costs to all taxpayers in this County will be seen. That means an increase to our taxes again, with no benefits whatsoever to the existing citizens. That is reason for all levels of Provincial government to halt any further action toward granting this approval. Read: This process stops now.

Many flaws and blanket statements have been laid out in this approval. In Point 6 it clearly states that this approval was approved on presumptions, as mentioned when addressing the AOPA's technical requirements, and further to that: how can you presume the applicant's effects on the economy and community are acceptable, when the majority of the affected parties are against this proposal? The community has told you we do not want this here. We have raised serious, valid concerns about the environment, our quality of life, our real estate value declination, and all Carina Weisbach offers is "I am of the view that these presumptions have not been rebutted" (Point 6). Really? How can we prove to you that our roads will be wrecked, our yards will be full of flies, and the air quality from odors will be horrible, and our property loses a huge amount of value when the feedlot isn't here yet? Are you prepared to show us pieces of an over-inflated balloon that exploded when you have not blown it up yet? Show us the dent in your car fender when the other driver has not run into you yet. How can we give you the evidence of the deterioration of our homes, our roads, our well water quality, and area from this feedlot when it is not here yet? But it is clear that the action would occur if such events proceeded. We seriously question your logic on such a ridiculous statement. It's obvious to us your associates on their site visits (Joe Sonnenburg on July 14, 2020, and Carina Weisbach on Oct. 1, 2020) did not make any effort to contact the affected parties to perform a satisfactory evaluation with info from them of the scope of the land, the proximity of the local residences, and certainly did not speak to people that live here and could demonstrate the poor drainage qualities of this area. We also could have demonstrated the applicant's inability to properly irrigate his land with the pivot systems currently installed (missed watering areas, watering into neighboring yards, lands, etc.), therefore violating the terms and conditions set out in the approval. These poor watering techniques will without question cause undesirable runoff to enter neighboring yards and lands, which has happened repeatedly over the last number of years in the spring and summer months on the land owned by Charles and Mack (on their property at least). This is another reason why we demand this procedure be stopped.

Corner's Pride Farms Ltd. Part 1 application was received by the NRCB August 01, 2019. They then asked for 2 extensions on its application and received them, for an extension that pushed the Part 1 application past the 1-year deadline. As per the AOPA act, there are no conditions or situations that may allow the application to extent past 1 year. This is clearly stated, and has been ignored by the NRCB, as the extension was granted to August 10, 2020. As well, the NRCB coaches any applicant for a confined feeding operation in the best method to have proposals granted; we would like similar treatment and guidance available to us that oppose the application. Please explain what we can look forward to from the NRCB in this respect.

As stated earlier in this letter, we recognize the Applicant has met the minimum basic standards as laid out in the NRCB and CFO requirements, but the obvious and unaddressed concerns have not been addressed in the least. We feel that, as the citizens of this area, our voices have not been heard in the appeal process as is our legal right, and again demand a full stop to any ongoing procedures with this approved application, and further demand its decision to be reversed. We as the residents of this affected area have no ill-will to the Applicant; however, it does not take a Philadelphia lawyer to figure out there are many other, better areas where this feedlot could be located, to benefit all concerned parties.

Another point we feel that has not been addressed fully is that the CFO parent company is located in B.C. The economic benefit is very minimal to Alberta, Lethbridge County and County of Warner; in fact, there will be further costs spread to the citizens of these Counties due to inadequate infrastructure to support such a project. All revenues will be going to another province. Carina Weisbach states (Appendix C, pt. 2., D) this is "outside the scope of my considerations and I will not further address the issue". This in fact is well within the exact topic of the concerns the affected parties have due to further economic hardships we will suffer. The affected parties have the right to bring this up to be addressed in our oppositions of this development. Therefore, Ms. Weisbach should be considering this to be among one of the many reasons in denying this application. The applicant will be considered another taxpayer in Lethbridge County, but with them being here it will impact all of us in the County of Warner as we will be paying for their destruction of roads by increasing our taxes, and degrading quality of life.

In conclusion, this approval needs to be reversed. There are far more negative impacts that will be felt in this community than any possible gain. Negative factors including but not limited to: Uncontrolled Runoff, Contamination of ground and well waters, Smell, Dust, Noise, Flies/Pests, Property devaluation, negative economic impact, increased health issues with an inability to enjoy the outdoors resulting in poor quality of family life. As stated earlier, there are many factors that need to be considered besides an application that meets the basic requirements of the NRCB. With this in mind, it is clear this application needs to be denied.

Murray Charles



Carmen Mack

