

#2 - REQUEST FOR REVIEW: LA19032/Corner's Pride Farms Ltd.	
Filed By:	Group Submission
Deadline for RFRs:	November 19, 2020
Date RFR received:	November 18, 2020
Status of party as per Decision Summary:	11 Directly Affected 1 Not Directly Affected

REQUEST FOR BOARD REVIEW
SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD

Application No:	LA 19032
Name of Operator/Operation:	CORNE'S PRIDE FARMS LTD. - BEENIE VANDER MEULEN
Type of application (check one):	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description):	NE 7-7-20 W4 M
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.

GROUNDNS FOR REQUESTING A REVIEW

Please Accept this as a Group Submission

Our grounds for requesting a review of the Approval Officer's decision are as follows:

DRAINAGE / MANURE APPLICATION / HIGH WATER TABLE:

NRCB Code of Practice 5.3.5 - Areas Subject to Flooding

A feedlot should not be located in any area where flood waters would cause a significant risk of carrying contaminants off the producer's land.

NRCB Code of Practice 6.3.4 - Land Subject to Runoff

Do not spread manure on sloping land adjacent to a water course without immediate incorporation.

NRCB Code of Practice 6.5.2 - Irrigated Water

Where manure is applied with irrigation water, extreme care must be taken to minimize odour, nuisance, and prevent runoff.

Cause and Effect: all lands owned by Corner's Price Farms (CPF) in this application, listed for manure application consist of a predominately clay soil base. Clay soils have notoriously slow absorption rates of less than 1/4 inch per hour and percolation speeds of 0.1 inch or less per hour. These soils easily become water logged and plant roots suffocate as a result. This is witnessed and evident on the lands in question. Irrigation water applied in many areas of this property will take a week or more to dissipate.

In our Letters of Concern to the NRCB regarding application LA19032, "25" individuals voiced concerns in response to runoff and flooding issues documented in the area of CPF's land. Photos of flood events have been supplied. The flooding and slow absorption rates create waste water issues to all affected parties within close proximity to CPF.

The proposed remedy by the applicant to such flooding is a redirection of runoff flood water to a drainage system which not only flows into adjoining lands but also into an open irrigation ditch that courses through CPF's land.

During flood conditions, once manure leaves a catch basin and is allowed to be diverted into a drainage ditch, it becomes "waste" water. Waste water must be treated before entering an open irrigation ditch. This will be impossible to accommodate as it will be complicated further by the practice of manure application directly to forage land (some areas are sloping – NE 07-07-20 W4M) with no incorporation.

NRCB approval officer, Carina Weisbach's solution to address the issues of manure application, contamination and nuisances is to apply a minimum of "1" inch of irrigation water within a 48 hour period. This will further saturate land that does not have a good absorption rate and already has a high water table.

As proof of the high water table, one directly affected party who's residence is very close to the proposed CFO site, has had to install their sewer system above ground. Another is dealing with a saturated sewer due to high ground water with evidence of percolation along the sewer field. Many neighbours have sump pumps that run frequently and nonstop during runoff events. Two new builds in

the adjoining Grouped County Residential have been designed and built “above grade”.

Approval officer, Carina Weisbach, has failed to adequately consider:

- the environmental issues
- community concerns and potential health risks
- legal aspects of proposing to transport raw sewage into an open irrigation ditch with no regard to any adjacent land owners and water users
- appropriate use of land

AOPA Practice Act - Considerations and Approvals - Section 20(1)

b (1X) Approval officers must consider effects on the environment, the economy and the community and the appropriate use of land.

Instead of focusing on the facts presented, Ms. Weisbach has put a great deal of credence to the Theory of Environmental Risk Testing Tool (ERST). This tool was developed to provide consistency across the province and the information derived from ERST is “Theory”. There have been enough facts presented with documentation and photos attached that Ms. Weisbach's decision should have been derived from fact rather than ERST theory.

SUCCESSION PLANNING:

Due to the lack of community consultation by the applicant and no required notification to Alberta Land Titles by NRCB, one Directly Affected Party unknowingly purchased a quarter section of land across from the proposed CFO location. With no knowledge of the proposed development and ensuing encumbrances, and no chance of full disclosure through Alberta Land Titles, the purchase was finalized January, 2020. It was purchased for the purpose of succession planning; the proposed yard corner is 66 feet away from the CFO application site.

We, as a group have since learned that the date of Application – Part 1 is accepted by NRCB, adjacent land use become compromised with no notification to the affected land owners.

As stated in the Letter of Concern, “We shouldn't have to create the buffer zone in our land base which is the result of an application from an adjacent landowner. The applicant should be responsible to select a site that does not disrupt his neighbours and surrounding community negatively and he should be fully responsible for the buffer zone. This approval has, in the proposed location, severely limited our land use options and effectively and permanently negated our succession plans for our family now and in the future”.

The NRCB application triggers the municipality land use bylaws. The land use bylaws in turn are not NRCB jurisdiction, therefore we are back to the municipality. However, the municipality has no authority over the NRCB. The NRCB application caused the effect of the municipal land use bylaws to enact but take no responsibility of the chain of events that can potentially and negatively affect the adjacent landowner. In this case the adjacent land owner was not afforded the courtesy of “full disclosure” in a life changing land purchase. A fact that Carina Weisbach failed to take relevant concerns into consideration and in turn imposed the responsibility back to the municipality.

AOPA states it does not govern land use however, they do state that approval officers should take it into consideration before approving sites.

Please Note: Carina Weisbach did not read the directly affected party's letter correctly and reported the facts incorrectly as to the number of quarters purchased.

APPLICATION WENT OVER 1 YEAR LIMIT:

Agricultural Operations Practices Act (AOPA) - Administrative Procedures Regulations
Section 2 – Part (5)

An Approval Officer may extend the time for filing Part – 2 of an application on the written request of an applicant, but in no event may the time be extended beyond one year from filing of Part – 1 of the application.

August 1, 2019 Part – 1 of Application LA19032 was received by NRCB. A one year maximum would be July 31, 2020.

NRCB approval officer granted two extensions. The first was in January 2020 – no reason noted. The second was in March 2020 – due to COVID.

The applicant was given an extension to August 10, 2020 which is over the one year maximum allowed by AOPA rules.

REQUEST FOR EXTENSION BY DIRECTLY AFFECTED PARTIES:

A written request for an extension was submitted from a directly affected party on behalf of all regarding the response time for submitting concerns. The request was submitted twice before any response was received. Initial correspondence was sent August 26, 2020 with no response until second submission September 2, 2020. Approval was not received until September 8, 2020 (original deadline was September 18, 2020).

The reasons given for the request were: COVID, harvest, and a note was sent advising the NRCB Notice was not advertised in the usual local newspaper (Sunny South News).

An extension of one week was granted but not communicated by the decision maker that it was only granted to the correspondent and not to the community as a whole.

NUMBER OF PEOPLE IN OPPOSITION:

Carina Weisbach of the NRCB has failed to take into consideration the number of directly affected parties and the number of concerns submitted by those parties. With 39 timely responses plus one late submission (due to the confusion on the extension granted by NRCB), our community firmly believes our concerns are not trivial in nature.

ENVIRONMENTAL IMPACT:

In one directly affected party's letter the statement included was "From a Global aspect, CFOs and ILOs are significant drivers in "Global Warming". They are a consequential factor in Canada's per capita greenhouse gas footprint with one of the highest per capita rates. This is ironical since Canada has taken a leading role impeding action on climate change".

Carina Weisbach's response (in portion) – Animals confined at this facility are part of an operating dairy CFO and are heifers that are being housed off site and transferred back to the milking barn before calving. Because of this, this would not contribute to an increase in CO2 emissions...

Although the proposed facility may house dairy replacements, the NRCB application is for beef finishers. As pointed out in Carina Weisbach's decision letter, Mr. Desilets (no notes as to the agency he is representing) stated that he will not comment on this application because the application is not for a dairy CFO. Irregardless, a cow is a cow no matter what the breed or destination and CO2 gasses are created through digestion and the gut. It has nothing to do with calving or timing of transport to the calving barn. This operation will create significant CO2 emissions, ammonia and manure which Ms. Weisbach failed to address.

NRCB ONLY HAS "APPROVAL OFFICERS":

The term "Approval Officers" inherently implies their role is to "approve" applications. There is no equal representation to assist or advise "Directly Affected Parties". As a quasi judicial board, the NRCB should give equal assistance to both the applicant and directly affected parties. Instead, the applicant receives the benefit of an Approval Officer who is experienced in the legalities and supported by NRCB's legal counsel.

On the other hand, Directly Affected Parties are confined to strict time limits while trying to wade through copious stacks of documents regarding AOPA Rules, NRCB Rules and Regulations and Alberta Environment Directives. This has created an unfair, one sided approval process that does just that - approves applications that should be questioned.

CLOSE PROXIMITY OF THE PROPOSAL SITE TO GROUPED COUNTY RESIDENTIAL:

As noted by Carina Weisbach in her decision letter: the nearest Grouped Country Residential area is only 2.2 km away from the proposed CFO. Also worth noting is this multi family residential area is adjacent to CPF's land that will be part the manure application (without incorporation) plan.

INCORRECT INFORMATION ON APPLICATION – PART 2:

Part 2 was not filled out by the Applicant, Bernie Vander Muelen and no "Agent Information" was noted in the Part 1 Application.

Proposed development was not drawn to scale – it will end up further south and west than depicted as "fitting" into the dryland corner of NE 7-7-20 W4M.

Application listed only “1” directly affected residence in the 1.5 mile radius. NRCB staff has since made partial corrections (after the fact).

CONCLUSION:

The Ministry of Alberta Agriculture and Forestry is implementing plans and incentives to kick start the Alberta economy to help Albertans through a difficult (but temporary) time. Their mandate is intended to support the Alberta economy - not to leave a permanent path of destruction in local communities. Furthermore, the incentives offered by the Alberta Government are paid for by the Alberta tax payers and should benefit Alberta companies, Alberta employees and Alberta communities.

We, as “Directly Affected Parties” and residents of the Province of Alberta, have come to the conclusion that the effects on our community from the proposed CFO are not trivial, rather that there will be negative impacts from the development which will likely have a direct and longer term impact on our community, far beyond the economic recovery of Alberta.

REASONS WE ARE AFFECTED BY THE DECISION

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

- **Drainage / Manure Application / High Water Table** – details of the effects have been discussed in documented in “Grounds for Requesting a Review”. The proposed location is inappropriate based on past history of flooding, soil saturation, and poor drainage. CFO development and manure application at this site will compromise all neighbouring lands with excess water issues including waste water and contamination.
- **Succession Planning** – details of the effects have been documented in “Grounds for Requesting a Review”. The approval, in the proposed location, has limited land use options for many and has negated succession plans for one family entirely.
- **Environmental Impact:** details of the effects have been documented in “Grounds for Requesting a Review”. Although the Approval Officer dismissed or negated our concerns, our community will be faced with emissions, irritants and nuisances. There will be odour, dust, flies and the cumulative affects will not be trivial.
- **Location:** this is not a suitable location for the proposed development. The nearest hard pack road is two miles away. Compound this with poor drainage and a high water table, this is not an appropriate use of the land in question. Lands owned by CP Farms at this location are negatively affected by poor drainage, compromised saturation rates and a high water table. This will negatively affect all adjoining land owners by creating flooding and contamination issues in neighbouring parcels.

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:

- Directly Affected Parties concerns in this application are numerous and not trivial in nature. The NRCB Approval Officer failed to address the concerns and simply negated, dismissed or presumed otherwise.
- Directly Affected Parties should have equal rights and access to NRCB resources. Approval Officers guide and advise the applicant through the and policies and directives while the Directly Affected Parties are on strict time limits. The Approval Officer in this case was hesitant to speak to us and offered little of value other than the advise to work within the deadlines. We were on our own to read through AOPA Rules, NRCB Rules and AB Environment Directives.
- Approval Officers are there to approve applications within the context of the very title. This has created an unfair, one sided approval process that does just that – approves applications that should be questioned.
- This is an inappropriate use of land and will negatively affect surrounding neighbours as described in detail under Drainage / Manure Application / High Water Table in the submission for “Grounds For Requesting 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.

- Have NRCB work with the applicant to move forward in a better suited location. There are vacant feedlots close to or adjacent to hard pack roads. There is property available that has the potential for this type of development that will allow for proper drainage, a more reasonable buffer from Grouped County Residential homes, and provide a cultivated land base to facilitate the capacity required to spread and incorporate manure thereby minimizing nuisance and mitigating pollution incidents.

5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: KIM JENSEN
Address in Alberta: 72054 Range Road 210
LETHBRIDGE COUNTY, AB T1K 8G7
Legal Land Description: NE 1 SE 13-7-21 W4 NE 1 SE 18-7-20 W4
Phone Number: [REDACTED] Fax Number: [REDACTED]
E-Mail Address: [REDACTED]

Signature: [Handwritten Signature] Date: November 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@nrcb.ca

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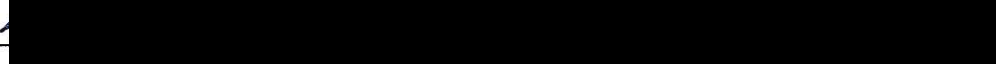
Contact information of the person requesting the review:

Name: LINDA JENSEN


Address in Alberta: 72054 Range Road 210

LETHBRIDGE COUNTY, AB T1K 8G7

Legal Land Description: NE 9 SE 13-7-21 W4 NE 9 SE 18-7-20 W4

Phone Number: 

E-Mail Address: 

Signature: 

Date: November 17, 2020

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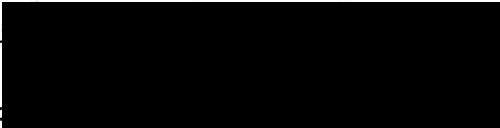
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5. CONTACT INFORMATION

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Contact information of the person requesting the review:

Name: JUSTIN JENSEN
Address in Alberta: 72040 Range Road 204
LETHBRIDGE COUNTY, AB T1K 8G8
Legal Land Description: SE 17-7-20W4M
Phone Number:  Number: N/A
E-Mail Address:

Signature:  Date: Nov 18, 2020

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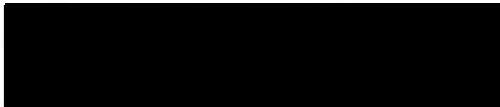
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Contact information of the person requesting the review:

Name: TRAVIS JENSEN
Address in Alberta: 72040 Range Road 204
LETHBRIDGE COUNTY, AB T1K 8G8
Legal Land Description: SE 17-7-20 W4M
Phone Number:  Number: N/A
E-Mail Address:

Signature:  Date: NOVEMBER 18th / 2020
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(ALL PARTIES MUST COMPLETE THIS SECTION)


Contact information of the person requesting the review:

Name: CORY RASMUSSEN


Address in Alberta: 205006 TWP 70

Box 1399 Raymond AB T0K 2S0

Legal Land Description: SE6 TWP 7 Range 20 W4

Phone Number:  umber: _____

E-Mail Address: _____

Signature:  Date: Nov 17 / 20

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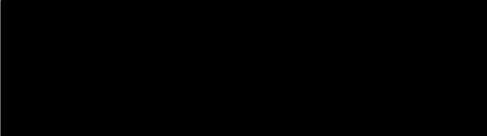
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(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: Cara Rasmussen
Address in Alberta: P.O. Box 1399 Raymond, AB T0K 2S0
Blue Sign: 20S006 Twp 7-0
Legal Land Description: SE6 Twp 7 Rge 20 W 4
Phone Number:  x Number: _____
E-Mail Address: _____

Signature: C Rasmussen Date: November 17, 2020
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Contact information of the person requesting the review:

Name: DARLENE URBAN
Address in Alberta: PO Box 1371
RAYMOND, AB T0K 2S0
Legal Land Description: SE 6-7-20 W4
Phone Number: [REDACTED] Fax Number: _____
E-Mail Address: _____

Signature: *Darlene Urban* Date: Nov. 18, 2020
Please note that all sections of the form must be completed in order for your request to be considered.
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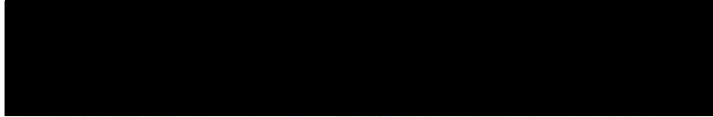
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Contact information of the person requesting the review:

Name: Helen Crombez
Address in Alberta: 205008 TWP RD 74
LETHBRIDGE COUNTY, AB T1J 8G8
Legal Land Description: N 17, E 19, W & SE 20, SW 29, SE 30 of 7-20-04
Phone Number:  1A
E-Mail Address:

Signature: H. Crombez Date: Nov. 18 / 2020

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Name: HELEN CROMBEZ.
Address: 205008 TWP. RD 74
LETHBRIDGE, AB. T1J 8G8
Phone Number: _____ Fax Number: _____
E-Mail Address: _____

When you have completed your request, please send it, with any supporting documents to:

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(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: Danielle Miko
Address in Alberta: P.O. Box 1397
Raymond, AB T0K 2S0
Legal Land Description: NW 6-7-20 W4M
Phone Number:  N/A
E-Mail Address: 

Signature: Danielle Miko Date: 11/18/2020

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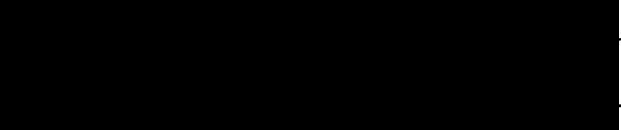
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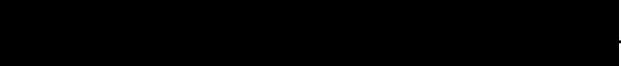
Contact information of the person requesting the review:

Name: Joe Miko

Address in Alberta: P.O. Box 1397
Raymond, AB T0K 2S0

Legal Land Description: NW 6-7-20 W4M

Phone Number:  NIA

E-Mail Address: 

Signature:  Date: 11/18/2020

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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



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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: ANTONIO RAMIREZ
Address in Alberta: Box 22009 HENDERSON LAKE P.O.
LETHBRIDGE, AB T1K 6X5
Legal Land Description: NE 1-7-21 W4
Phone Number: 
E-Mail Address: 

Signature:  Date: November 17, 2020

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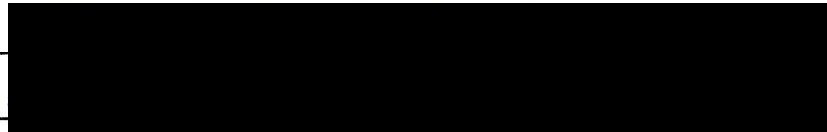
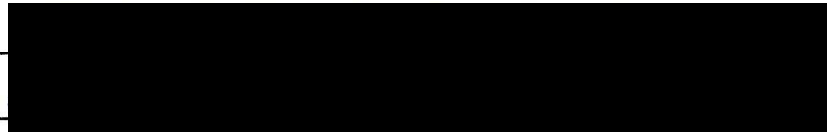
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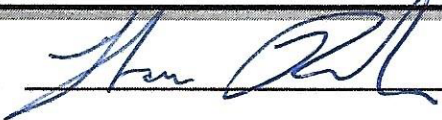
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5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: Tom Reich
Address in Alberta: P.O. Box 1641 STN MN
LETHBRIDGE, AB T1J 4K3
Legal Land Description: SW 7-7-20 W4M
Phone Number: 
E-Mail Address: 

Signature:  Date: November 17, 2020
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Contact information of the person requesting the review:

Name: Ian & Susan Whiskaw

Address in Alberta: 80022 RR 205

County of Wetbridge T1K 8B8

Legal Land Description: Roll number 770820 NW6-7-20-4

Phone Number: 

E-Mail Address: 

Signature: *Ian Whiskaw* Date: Nov 15/20
Susan Whiskaw

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5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name:

Carole Jenkins

Address in Alberta:

205014
201405 Township Rd 70

Box 1361 Raymond, AB T0K 2S0

Legal Land Description:

lot 1, block 1, plan 1212613

Phone Number:



E-Mail Address:

Signature:

Carole Jenkins

Date:

TW 18, 2020

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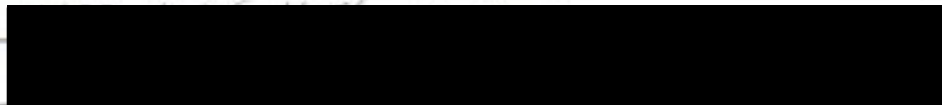
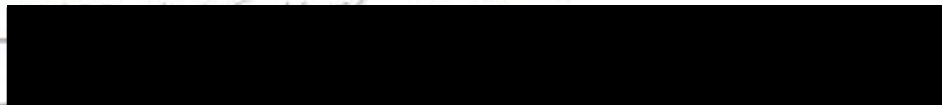
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5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: Dean Jenkins
Address in Alberta: ~~20440~~ 2050 14 Township Rd 70
Box 1361 Raymond AB T0K 2S0
Legal Land Description: lot 1, block 1, Plan 1212613
Phone Number: 
E-Mail Address: 

Signature: 

Date: Nov 18/2020

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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)

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:

We are directly affected due to the fact we are in such close proximity to the proposed site. We are only 300 meters (0.3 km) from it.
300
MG

5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name:

Meridel Graves

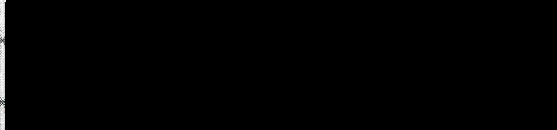
Address in Alberta:

P.O. Box 157, Raymond AB T0K 2S0Physicist - @10024 Hwy Rd 70

Legal Land Description:

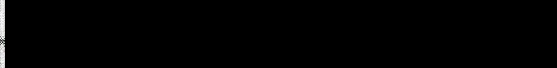
SE 01 007 21 W4

Phone Number:



er.

E-Mail Address:



Signature:

Meridel J. Graves

Date:

Nov. 18, 2020

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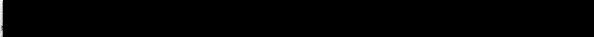
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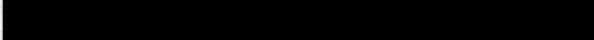
Name: Charles H. Graves

Address in Alberta: Mailbox: P.O. Box 157 - Raymond AB T0K 2S0

Physical Address: 210024 Lpp Rd 70

Legal Land Description: Plan- 0513 604 SE 01, Twp 007, Rgt 21, 1248

Phone Number: 

E-Mail Address: 

Signature: Charles Graves Date: Nov, 18, 2020

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