

**From:** [sam Hofer](#)  
**To:** [Laura Friend](#); [lbcmanager@outlook.com](mailto:lbcmanager@outlook.com)  
**Subject:** Board release of NRCB Decision RFR 2021-04/Hutterian Brethren Church of Little Bow/ LA21011  
**Date:** Thursday, June 24, 2021 3:21:46 PM  
**Attachments:** [Doug Bourque .pdf](#)  
[Gary Flitton.docx.pdf](#)

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June 24, 2021

Dear Laura Friend:

Thank you for accepting this submission as further additional information for the NRCB review panel to enable them to have access to further relevant information with respect to our application and the subsequent review. We have several and concerned citizens wanting to express concerns about the CFO exclusion zone on the boundary with Vulcan County and the MD of Willow Creek in this submission as well as several salient points that we would like to highlight. We also have included a list of folks that will be presenting or making a submission on our behalf.

As many of you know, Vulcan County is working with several Villages and neighbouring MDs to complete Intermunicipal Development Plans (IDPs.) Within the last 12 months the County has concluded agreements with the Village of Arrowwood and the MD of Foothills. Each of those IDP's have included an existing and/or slightly expanded exclusion zone within reasonable boundaries. As proponents with this application our submission is that there is not an issue of reasonable exclusion zones around waterways and irrigation canals or population centers like towns and cities. From our perspective at issue is the arbitrary nature of CFO exclusion zones that impair ordinarily viable existing CFO's with restrictive policies that are incongruent with land use policy of a similar Municipality in a similar set of circumstances and set of facts not 1600 meters away from our current location. Given that the IDP (with the exclusion zones on the Vulcan County side of the border) was one of the first IDP's and resulting MDP's passed by Vulcan county were a result of an agreement reached with the County of Willow Creek in 2012 and then amended in 2015, there is little doubt that inadequate consideration was given or consultation sought with impacted land owners in the area as it was initially not required.

For ease of reference here is the IDP imbedded link:

<https://www.mdwillowcreek.com/Home/DownloadDocument?docId=0294aedf-475a-43b3-8a1f-11688d8dcfe6>

In March of 2021, Little Bow Colony undertook to modernize our operations and sought a permit from NRCB to expand their operations to reflect the current needs of government regulations, the agricultural industry best practices and the colony needs to grow and thrive. The application we submitted met or exceeded every criteria laid out in the NRCB requirements but one... we are restricted given our location within a CFO exclusion zone implemented by Vulcan County after our Colony commenced operations.

In order to enhance our animal welfare practices, enhance our environmental sustainability of the operations and increase setbacks from provincially mandated setbacks and exclusion zones we need a permit that both expands our operations (to be cost effective) and enhances our sustainability and lessens our environmental footprint. We did not at the time mention the enhanced facility would also lead to a mitigation in environmental impacts and increase animal health and wellness compliance as we assumed that to be self-evident. Technology in both those areas are light years ahead and our existing infrastructure is showing its age and soon will be unable to be adapted to

meet the new compliance requirements. We continue to maintain the best agricultural practices available to us but with aging infrastructure this at times becomes a limiting factor in order to maintain those practices.

Finally, it is our submission, and the submission of a neighbour, that in looking at the history of our situation Little Bow Colony is in a unique circumstance. We were required by the Government of Alberta to move from the neighbouring MD with no such CFO exclusion zones currently existing (Willow Creek) to one that does (Vulcan) it is difficult to understand why our CFO permit application which meets the AOPA and NRCB criteria in all respects should be denied given our longstanding and continued efforts to be good neighbors where our relocation accommodated the broader wellbeing of residents across the region because of a MDP put in place after our Colony was in operation.

Along with this cover letter I am submitting a list of presenters and letters in support of our application:

Presenters:

1.  
**Darius Hofer**, Manager Little Bow Colony, overview and opening submission to Review Board.
2.  
**David Tschetter**, Vice Chair Hutterite Advocacy Committee, Provincial producer prospective.
3.  
**Ashley Kozak** MNP Partner, Business Advisor and Accountant to Little Bow Colony on our sustainability and long-term financial viability with and without the application approval.
4.  
**Richard Harrison**, Wilson Laycraft, Counsel for Little Bow Hutterian Brethren
5.  
**Sam Hofer**, Livestock Manager Little Bow, operations, compliance and environmental standards perspective

Letters of Support: (Attached)

1.  
Letter from **Doug Bourque**, who oversaw the relocation process in 2000
2.  
Letter of support from **Gary Flitton**, resident and neighbor for our application.

In addition we are requesting a breakout room for the following parties.



Darius Hofer, Sam Hofer- [lbcmanager@outlook.com](mailto:lbcmanager@outlook.com)

Richard Harrison- [rharrison@wilcraft.com](mailto:rharrison@wilcraft.com)

David Tchetter- [david@shadylane.farm](mailto:david@shadylane.farm)

Dan Hofer- [ddhoferewc@gmail.com](mailto:ddhoferewc@gmail.com)

Ashley Kozak- [ashley.kozak@mnp.ca](mailto:ashley.kozak@mnp.ca)

Thank you very much for your time and attention.

As requested by the Hutterian Brethren Church of the Little Bow (herein referred to as the "Colony") they asked if I could provide any information relative to their relocation from their Old or original site, and their recent application to the NRCB for a CFO expansion, with construction of a chicken layer barn, attached manure storage for increased chicken layer numbers from 2,500 to 10,000.

Note: NRCB(Natural Resources Conservation Board), C.F.O. (Confined Feeding Operation), AOPA- Agricultural Operation Practices Act)

In the years 1995 to 1998 I was asked by Alberta Infrastructure to include the Little Bow Dam Project in my work assignments. I was ultimately assigned to the task as Project Manager for the preparation , construction and re-location of the existing Colony to a new site, as the reservoir would flood the Old Site. I was involved up to and including 2004.

The first phase of my duties, for preparation, involved establishing all Legal land Survey control points, throughout the new lands, as well as around the entire projected reservoir and dam site. From this control, all internal surveys would use the information to maintain the same database.

The construction phase and abandonment of the Old Site, would need no further details of my function, for the purpose of this memo except that the "operations" (eg. Poultry) was curtailed due to the restrictive covenant that did not allow any upgrades, additions, or modifications to their operations during this entire time frame.

In reviewing the documentation relating to the Colony's application process, it is my understanding that the Colony's application is not approved in its entirety due to "inconsistencies with the land use provisions of the Vulcan County's (MDP) Municipal Development Plan, " as the subject land is located in the County's CFO, exclusion zone." I would point out with due respect to the County's framers, that the MDP is a plan, not legislation, so I would add the following items for consideration by both the NRCB and the County to please review in the following vein:

Despite the Colony's hardships(identified below) during the relocation transition, they have fully cooperated and acted in good faith to assist in the successful completion of all phases of work, so that the Dam and reservoir plan is completed within the time frame allotted and functioning as designed for comprehensive water resources management for Southern Alberta.

The "hardship" I refer to as observed in my early involvement at the Old Colony, whereby any upgrading replacement or long term planning at their existing site was removed from their control for a number of years, up to and including the time when they were relocated into the new site.

Their restrictions appear to amount to a restrictive covenant by the Province on their operation. This restriction appeared to have been initiated likely about the mid 1980's, as any additional housing accommodations could

only be achieved by the use of portable family units. The historical titles should reflect any and all encumbrances in place during and for the duration, until the Old Site became Crown Property.

I do not exaggerate with the use of the word “hardship” as this situation over the course of several years brought farming operation to a stagnant and costly interruption, from which point they (Colony) transferred this curtailed production operation to the new site- nevertheless, a new facility, but with no enhancements.

This stagnant operation at the Old site appears to form the bases to credit the Colony with “grandfathering” at the new site. Hopefully this provides impartial insight into the Colony’s situation of finances, loss of revenue and the inability to make long term planning, until established at the new site.

I ask of the County, if the Vulcan County community at large was involved in discussions to prepare an upgraded MDP, was the Colony (Colonies) made aware prior to implementation of the effects of it could have on their livelihoods, in particular this situation where the Little Bow relied so heavily on the guidance of governments. Was the Colony given the opportunity to see this coming and provide the input that I’ve described above?

I sincerely hope the information provided here will be of value to the County, as we are all aware of the vital part Agriculture plays in the Alberta economy. Given the drastic downturn in the Oil industry and the real need for this Province and other Prairie Provinces to provide the necessary support to enable farm businesses to compete in a global economy.

There is a greater good involved here and the Colony stood up like very good citizens through hardship, to support the “greater good” of a much needed water resources project from which we all benefit.

Sincerely, Doug Bourque.

June 23, 2021

To Whom it May Concern,

I have been asked by members of the Little Bow Colony to support them in their application for a new chicken barn at their present colony location. While I do not understand all the details of the application and all of the details of exclusion zones, I can say that from my perspective this new barn would have no impact on our farming operation or any of our family's houses and farm sites.

The colony's present location is much superior environmentally compared to the old colony, as the old colony straddled the Little Bow River with several livestock operations immediately adjacent to the river.

While I may disagree with some Hutterite social and education norms and rules, they have been good neighbors and as adjacent landowners have been respectful and easy to work with.

Sincerely,

Gary Flitton