

From: [Fiona Vance](#)
To: [Laura Friend](#)
Cc: [Andy Cumming](#); [Sean Royer](#); cindyc@mdwillowcreek.com; development@vulcancounty.ab.ca
Subject: LA22029 Hutterian Brethren of Parkland RFR - Approval Officer materials
Date: Tuesday, October 4, 2022 12:31:03 PM
Attachments: [20220606 LA22029 response Lievaart Redacted.pdf](#)
[20220609 LA22029 response T. L. Berger \(Berger Land Cattle\) Redacted.pdf](#)
[20220609 LA22029 response Duvns Redacted.pdf](#)

Good afternoon,

I am legal counsel for the Approval Officer and for Field Services at the Natural Resources Conservation Board (NRCB).

The Approval Officer and Field Services take no position on whether the NRCB Board should schedule a review under section 25(1) of the *Agricultural Operation Practices Act* based on the three requests for review in this matter.

To assist the Board in its task, however, we are attaching the responses to application LA22029 that the Approval Officer received in June from Mr. Lievaart, from Thomas and Loretta Berger, and from the Duyns. Please note:

- 1) The Bergers also provided a copy of their response in their Request for Review.
- 2) The responses were addressed to the approval officer who had carriage of the application in June (Julie Wright).
- 3) We have redacted unnecessary personal information from these responses.

On this message, I have blind-copied: Mr. Waldner (for the applicant), Thomas and Loretta Berger, William and Charlene Powlyk, Jonathan and Sara Poffenroth, Peter and Rosemary Hodorek, Hans Lievaart, and Jared and Kirby Duyns.

Regards,

Fiona N. Vance (*she/elle*)
Chief Legal Officer - Operations, NRCB
Fiona.Vance@nrcb.ca
(780) 422-1952

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██████████
Vulcan, Alberta
T0L 2B0
June 6, 2022

NRCB

Attention: Julie Wright

This letter is regarding application number LA 22029; Hutterian Brethren of Parkland for Poultry confined feeding. I own land adjacent to the proposed land; Section 04-16-26 W4 and Sec 08-16-26 W4. In 2001 I had to relocate my farmstead because of the Twin Valley Dam Reservoir. At the time we were told by Alberta Infrastructure that we were not allowed to rebuild or spread manure within two miles of the reservoir. We had a 300 sow, farrow to finish hog operation and a 1200 head feedlot on Sec 08-16-26 W4. This proposed project is within the set back of two miles from the reservoir.

The proposed land to spread manure on; Sec 05-16-24 W4; is within the reservoir setback. The proposed land to spread manure on is within the drainage of the Twin Valley Reservoir. There are also known salinity zones within the proposed land for manure application.

As an adjacent landowner I was disappointed that I did not receive official notification and had to hear of this from other neighbours, who are also concerned. The application is also missing a close residence, within 2 miles.

Thank you for addressing my concerns.

Hans Lievaart
████████████████████
████████████████████

Thomas & Loretta Berger
Berger Land & Cattle Co. Ltd.

Box [REDACTED]

Nanton, Alberta T0L 1R0

Email: [REDACTED]

Thomas [REDACTED]

Loretta [REDACTED]

June 8, 2022

Natural Resources Conservation Board
Agriculture Center, 100, 5401 - 1 Avenue South
Lethbridge, Alberta T1J 4V6
403-381-5166

Attention: Julie Wright
Approval Officer
Application LA22029 - Courtesy Letter
Hutterian Brethren of Parkland
SW 32-15-26 W4M

Re: Expression of Concern

Julie,

Please accept this letter as our official written statement expressing concerns related to NRCB Application LA22029 (Hutterian Brethren of Parkland). As a directly affected party we own the land adjacent to the proposed Confined Feeding Operation (CFO) at SE ¼ 32-15-26-W4M, all of 33-15-26-W4M, and NW ¼ 34-15-26-W4M. A summary of our concerns are listed below.

1. Negative impact on our Quality of Life
2. Decrease in Land Values
3. Negative impact on nearby Water Quality
4. Increased demands on nearby Water Quantity
5. Adverse effect on Twin Valley Reservoir Recreation Area
6. Contamination of our adjacent Licensed Dam
7. Threat of contaminated runoff
8. Negative impact on the Quality of MD Roads
9. Increase of Traffic
10. Increase of Odour
11. Increase of Noise
12. Increase in Harmful Insect Population

13. Changed zoning from Agriculture to Village Status

14. Increase threat to the Control of Avian influenza

In the following paragraphs we will elaborate on the aforementioned concerns.

This application proposes a CFO involving 150 Milking Cows, 18,000 Chickens (Layer), 24,000 Chickens (pullets), 1,200 Ducks and 300 Geese. As people who have been in the livestock industry for 35 years we have first hand knowledge of the operational needs and environmental impact of running a working farm. With that said, we are aware that an operation of this size would significantly contribute to the stress and impact on surrounding water, increased waste, pollution, decreased air quality, and general harms to the environment as a whole. Also, the roads surrounding the proposed CFO site are not constructed to withstand the heavy and frequent traffic required for an operation of this size. Also, we have a thorough appreciation for the importance of reducing biosecurity risks to prevent animal illness. With the current Avian Influenza outbreak impacting our local and migratory bird populations we have reason to believe a sizable poultry operation, like the one proposed, poses a significant health risk to our family and farming operation.

The location of the proposed CFO is currently zoned for agriculture purposes and is not a suitable area for a small village, such as a Hutterite Colony. We realize this application is not explicitly intended for a Hutterite Colony, however, as stated in their application (LA22029), *Part 2 - Technical Requirements*, page 5 of 14 (i.e. Maps drawn up by Wood Environmental and Infrastructure Solutions out of Lethbridge), it clearly names the project as, "Ivy Ridge Colony". As well, on page 6 of 14 of the same document, there is space outlined for a Human waste lagoon. If this application is only for a CFO we struggle to see the relevance of a human waste lagoon of sizable proportions. For these two reasons, we believe there is the intention of a future Hutterite Colony development (i.e. the Ivy Ridge Colony).

If, in fact, this application is for the Ivy Ridge Hutterite Colony there are other conditions that must be met as per the MD of Willow Creek requirements, such as; a detailed plan of the site, a water license approval, a water well quality analysis, a hydro-geological and draw-down testing of wells, an approved stormwater management plan, a geotechnical report for the aquifer, a subdivision and development permit for the residences and a report that shows it has met all the Alberta Health Services requirements and setback from neighbours and roads.

We are very concerned about many other things that come along with living next to a Hutterite Colony (i.e. small village) that's operating an industrial sized CFO of poultry and cattle. These concerns include the increase of odour, increase in noise, increase of insects from the lagoons, and increase of dust impacting air quality. Most importantly, we are extremely concerned about the potential contamination and negative affect to the surface and ground water quality and quantity. We know the surrounding area has very limited water supply as it stands today which is why our land has a licensed dam to collect water throughout the year. As well, we have great concerns that the water wells in the area would not be adequate to support such a large population of animals and humans.

The Twin Valley Reservoir, which is located within 3 kilometers of the proposed CFO site, is a valuable water source and recreation area that has contributed greatly to the local area. The threat of contaminated runoff from manure being applied to the land is a huge concern to the future quality of the lake and aquatic life. Not only would this proposed CFO adversely affect the reservoir, it is likely to cause irreversible damage to the lake and surrounding area.

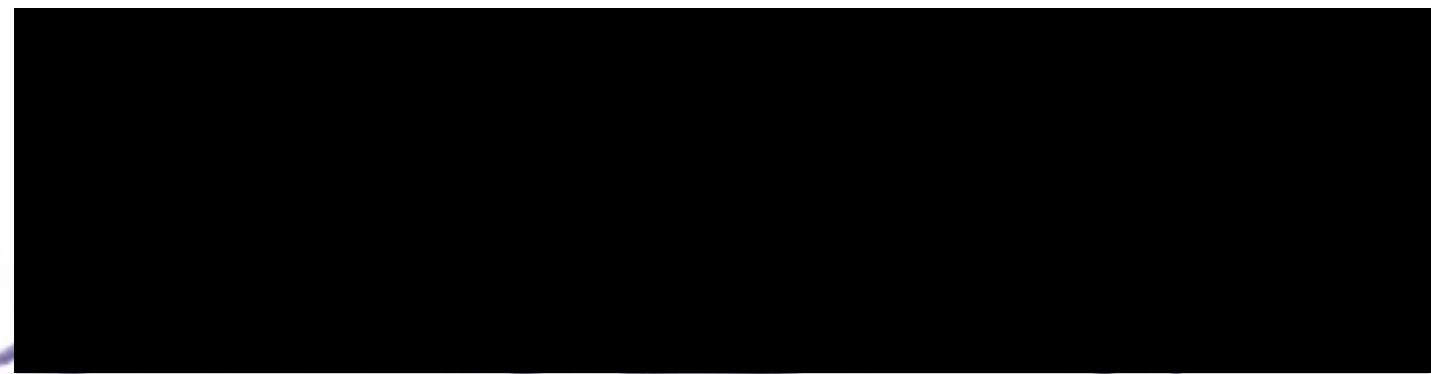
As mentioned earlier, we currently have a licensed dam on the adjacent land to the proposed site and are concerned the water in the dam would be at risk due to the fact that the topography of the land slopes towards the dam. With over 100 years of experience with this land we can assure you that spring runoff and heavy rainfall events have proven the potential for contamination. We have been advised that representatives from the NRCB, the M.D. of Willow Creek, and Wood Environment and Infrastructure Solutions have been out to the site. We would welcome the chance to have input in this matter that so closely affects us. We have valuable insight into when and how the water flows in this area. Over one hundred and ten years of history and examples.

Lastly, we do not feel that this site is the best place for the Ivy Ridge Colony for reasons listed above, and would like to suggest an alternative location. We understand the desire of the Hutterian Brethren of Parkland to split and establish a new colony. We believe there is a more desirable location that could be in the best interest of The Hutterite Brethren of Parkland, the M.D. of Willow Creek, and surrounding landowners. We are aware the Hutterian Brethren of Parkland have considerable land holdings on the South and North side of Highway 529. We believe a better, alternative site would be located directly south of the proposed site as shown in Appendix A]. This alternative seems much better suited to accommodate heavy traffic, village status, and poses a much smaller risk of impacting the water quality in the area.

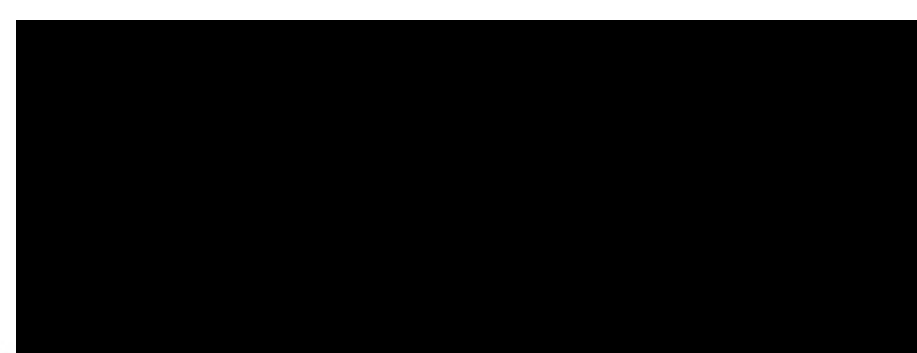
In conclusion, it should be mentioned that after personal consultation with seven residents within 5 kms of the proposed CFO, not a single one said they would purchase the land they are currently on if the proposed CFO (or colony) already existed. Our family has farmed this land since 1912; 110 years. The proposed CFO is threatening the value in our land and the Quality of Life for where we call home. We are stewards of this land and take great pride in having called this land our home for many years. Our son and his family of 5, reside just outside of the Agriculture Operation Practices Act (AOPA)'s "affected party" distance from this proposed CFO and they too will be impacted as future generations continue to farm.

Your serious consideration of our concerns in regards to this application is appreciated. We will be forwarding a copy of this letter to our development office of the M.D. of Willow, Cindy Chisholm; our local MLA, Roger Reid; and our MP, John Barlow.

Thank you in advance for your consideration,



Thomas Berger



Loretta Berger

Appendix A - Alternative Location Recommendation



June 9, 2022

Natural Resources Conservation Board
Agriculture Center, 100, 5401 - 1 Ave S
Lethbridge Alberta T1J 4V6

Attention: Julie Wright
Approval Officer
Application LA22029
Hutterian Brethren of Parkland
SW 32-15-26 W4M

Re: Formal Opposition Letter and Cause for Concern

Julie,

My family and I would like to publicly state our concern regarding the above mentioned Application LA22029 in which a proposed Confined Feeding Operation is considered in SW32-15-26 W4M. It has come to our attention by way of neighbouring farms and property owners that there has been an application made by the Parkland Hutterite colony to build a proposed colony, 1 mile straight out our front window. Firstly we would like to express our utmost dissatisfaction that we were not notified by the NRCB. Given our extreme close proximity, this directly affects our quality of life (this would become our closest neighbor by a long shot). We have recently moved from the city of Calgary looking for a quiet, secluded place to raise our 3 young daughters and live a life dedicated to animals, nature and the basics of life that our world has gotten so far away from. We chose our property for the quiet, peaceful, remote location and the beauty of what nature and wildlife bring to this location. This proposed Confined Feeding Operation (CFO) and future Hutterite colony, straight out our front door directly affects that quality of life we have strived to obtain. If this proposed CFO was situated here prior to us buying, we would have never purchased our dream property next door to such an operation. In the location we are in, between Highway 2 to the west, the Twin Valley Reservoir immediately to the east, Highway 529 to the south and Highway 533 to the north (approximately 400 square km) you would be hard pressed to find 80 families. We were told by one of the planning Hutterite members that they are looking to relocate 80 to this one quarter section alone. This is not in our family's best interest. Financially our property will be greatly devalued with this being the sight out our front porch where we daily watch the sun rise, or even more importantly, by way of our quality of life.

Professionally I am a Wildlife Monitor for Wilderness Protection Solutions. Everyone in our family are avid outdoors people and conservationists. An extreme concern we have is that the area in which this is proposed, in the spring can be seen with immense flocks of migrating snow geese bedding and eating while flying back and forth to the reservoir for weeks at a time while crops are unplanted. We have a pair of breeding great horned owls that nest in the trees on our property just 1 mile from the proposed location and are hunting prey in those fields daily. In the winter months I have observed two resident snow owls in the cluster of trees immediately to the west of the proposed colony and CFO, between our land and the land of concern. This spring within 1.5 miles of our house we had countless bald eagles passing thru on their migration path to Alaska eating gophers out of these fields for the better part of 2 months. Not to mention numerous mule deer and whitetail deer that bed, eat, raise young and live in these fields year round. The addition of an operation of this size will force all these species of animals to find other locations to live and migrate. We see such animals as these, because of the remote and quiet

setting that we currently have. Given the extremely close proximity to the reservoir this has been their natural habitat for hundreds of years before any of us were here.

Secondly in regard to the environmental effects I am greatly concerned for the run off and damage that could occur to the reservoir and surrounding water wells and dugouts. The Twin Valley Reservoir is a place my family uses almost daily for recreation and fishing year round. It is my understanding that Alberta Conservation is attempting to introduce a new species of fish into the reservoir this year (2022) the introduction of Walleye has been long anticipated for Twin Valley Reservoir. I am very concerned that a confined feeding operation of this magnitude just a mile from the reservoir (and uphill), with proposed human and animal waste lagoons could be very detrimental to those newly introduced species, as well as all other recreational activities that happen at the lake. In the spring the ground water runs directly from this proposed site to not only a registered dam above the reservoir but also to the reservoir and its feeding tributaries. Let alone all the wells and water sources that are not properly listed in their application. There are old wells as well as many new wells recently drilled (2022 in preparation of the proposed colony) by Niemans Water that have been blatantly left out of this application.

I would also like to raise the concern of the current avian flu outbreak we are experiencing. With migratory birds, wild birds passing this disease to domestic flocks, adding another 40,000+ birds in such a confined area will drastically increase the chances of small hobby farms like ourselves with very small specialized chicken flocks to be wiped out by such a disease. The waste, dust, smell and traffic caused by such an operation straight out our front door are detrimental to our quality of life.

In the application there are also massive proposed milking parlours and calving barns which will create pollution and reduced air quality, as well as smell and odours that cannot be mitigated. In extremely close proximity to neighbouring properties and residences as well as the Twin Valley Reservoir. It is our opinion that the plot of land proposed is nowhere near the size needed to humanely raise and care for this many animals, without scrutiny from everyday ranchers, animal rights activists, and farmers alike. This is not an issue that I would ever desire to be brought to our rural community for the sake of financial gain.

- September 2019 animal rights activists protested the inhumane living conditions of a poultry barn on the Jumbo Valley Hutterite Colony and created media uproar. This is not something we welcome to our very quiet, rural, tight-knit community. That poultry barn only contained 1/10th (4000) animals that are proposed at the new Ivy Ridge colony

Another point to note is the roads in our area are not built for the heavy traffic associated with the amount of people that would be coming and going from this location. When we get small amounts of moisture and tractors use our roads they're easily rutted and turn wash board and need to be graded very quickly after. With the amount of traffic that would increase we will need a grader running daily to maintain these roads. An operation such as this needs to be located on a highway that is paved and can handle the infrastructure demand and abuse associated with it.

In conclusion I hope you consider the great effects that this proposition has to the wildlife as we know it around this great piece of nature we have. The quietness and remote living we all have come to love is at great risk for us as humans and for the wild animals as well. It is my opinion that there is other more highly populated and traffic areas where this type of operation wouldn't be such a shock to the infrastructure already existent.

Our immediate concerns are as stated:

1. The decline in our quality of life
2. The stress on natural resources
3. Financial loss in property value
4. Displacement of wildlife
5. Decline of air quality
6. Health concerns due to air born contaminants, odours and insects
7. Dust and dirt from heavy traffic volumes on roads which will also have a safety effect on our daily driving and for the busses with our children on them twice daily.
8. Possible loss of our water supply and or pollution of our water supply
9. Noise from high volume operation and traffic associated with it.
10. Difficulty selling our property in the future.
11. Increased demands on nearby water, all drawing from the same underground aquifers.
12. Contaminated run off to adjacent Twin Valley Reservoir
13. Adverse effects to recreational area of Twin Valley reservoir.
14. Negative impact on the quality of MD roads, safety and maintenance.
15. Increased threat to spread of Avian Influenza.

Your serious consideration of our concerns is greatly appreciated.

Thank you in advance for your consideration.

[Redacted signature area]

Jared, Kirby, Taylor, Cadee and Stella Duyns

[Redacted]
Range Rd 270 Willow Creek MD26
NE 36-15-27 W4
[Redacted]
Nanton AB TOL1R0
[Redacted]
Jared [Redacted]
Kirby [Redacted]