

NO 2 - REQUEST FOR REVIEW: LA24002 / Van Huigenbos Farms Ltd.

Filed By: Eric and Michelle Vanderhart

Deadline for RFRs: August 14, 2024

Date RFR received: August 12, 2024

Status of Party as per Decision Summary: Directly Affected Party

## Request for Board Review (RFR) of an Approval Officer CFO Application Decision

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### Instructions

1. **Eligibility.** Only those parties listed as “directly affected” in the approval officer’s CFO application decision, or those parties requesting reconsideration of their status (see section #3), are eligible to request a Board review (RFR).
2. **Jurisdiction.** The Board’s jurisdiction in Alberta to review a decision by an approval officer is set out in sections 20(5), 22(4), and 23(3) of the [Agricultural Operation Practices Act](#) (AOPA).
3. **Deadline.** The NRCB must receive an RFR by the deadline specified in the approval officer’s decision cover letter. The AOPA Administrative Procedures Regulation does not allow consideration of time extension requests or late submissions.
4. **Public Documents.** RFRs and attachments are public documents.
5. **Submission.** Submit this form and any attachments by email to Laura Friend, Manager of Board Reviews at [laura.friend@nrcb.ca](mailto:laura.friend@nrcb.ca). Contact her at 403-297-8269 for assistance.

### 1. Confined Feeding Operation (CFO) Application Details

<b>NRCB Application No.</b>	LA24002
<b>Name of Owner/Operator or Operation</b>	Van Huigenbos Farms Ltd.
<b>Type of application (if known)</b>	<input checked="" type="checkbox"/> <b>Approval</b> <input type="checkbox"/> <b>Registration</b> <input type="checkbox"/> <b>Authorization</b>
<b>Location (legal land description)</b>	SE 21-9-26 W4M
<b>Municipality</b>	MD of Willow Creek

### 2. Status Declaration

**I hereby request a Board review of the approval officer’s decision:**  
*(You must check one)*

- I am the owner/operator (directly affected party)
- I represent the owner/operator
- I represent the municipality (directly affected party)
- 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 therefore I am requesting my status be reconsidered (see section #3)

### 3. Request for Reconsideration by Board of “Not” Directly Affected Status

**Instructions.** Only those parties **not** listed as directly affected in the approval officer’s decision are to complete this section.

- The Board can only consider RFRs submitted by "directly affected" parties. Those parties not listed as directly affected in the approval officer’s decision must first request the Board to reconsider their status. If the Board grants a party “directly affected” status, it will then consider their RFR.
- Upon receipt of a CFO application, the approval officer sends a notification letter to the “affected” parties. Affected parties are owners or occupants of land residing within a designated distance from the applied-for CFO. Operators and the municipalities located within the designated distance always have “directly affected” status.
- An affected party must apply for “directly affected” status by providing a written response to the approval officer’s notification letter by the deadline specified. The Board cannot reconsider the status of a party unless they had first responded to the approval officer.
- The approval officer determines the "directly affected" parties to the application based on the responses received, and includes this determination in their decision.

**My grounds for requesting a reconsideration of my “not” directly affected status are:**

#### 4. Request for a Board Review (RFR)

All parties or their representative must complete this section. If you need more space, include an attachment.

- Approval officers must ensure that a CFO application meets the Alberta legislative requirements before they approve it. Conversely, approval officers must deny an application if the requirements are not met. (Sections 20 and 22 of the [Agricultural Operation Practices Act](#) (AOPA)).
- If you believe the **approval officer failed to adequately address an issue** (or issues), state the issue(s) and provide your reasoning below.
- The issue(s) must have been in front of the approval officer at the time they made the CFO application decision; the Board will not consider any new issues.
- Include how the decision affects you, such as any damage or bias you believe would occur to you because of the approval officer's decision.

#### **My grounds for requesting a Board review of the approval officer's decision are:**

##### Outdated ERST Study:

The feedlot application was approved based on a 2015 ERST study. With the new application, there will be significant changes to the feedlot's operations and scale, which were not considered in the original assessment. They will be expanding almost six times the size that they are now. These modifications warrant a new environmental impact assessment to accurately reflect their current effects on our community and environment.

##### Impact on Water Table:

The feedlot's operations have the potential to affect our local water table level and quality. Recent observations suggest that there is contamination downstream from the feed lot in the Willow Creek. Given the feedlot's proximity to our water sources, this is a significant issue that requires thorough investigation.

##### Setback Distance Concerns:

The minimum setback distance from the nearest residence, as stipulated by the application, needs to be reassessed. There are discrepancies between the proposed setback and actual measurements, which were not properly surveyed. Accurate surveying is essential to ensure compliance with safety and health regulations and to protect the well-being of local residents.

## 5. Board Action Requested

If the Board grants a review of the approval officer's decision (either an approval, denial, cancellation, amendment, or deemed permit), only the "directly affected" parties are eligible to participate (see section #3). A review will be in the form of either a hearing or a written review.

**If the Board grants a review, I would like it to:**

- Reverse the approval officer's decision
- Amend or vary the approval officer's decision

If the Board decides to grant a review on a permitted decision, it may decide to amend or vary the permit terms and/or conditions.

**Are there any new conditions, or amendments to existing conditions, that you would like the Board to consider?**

## 6. Contact Information of Person Submitting the RFR

Name Eric & Michelle Vanderhart  
Street/Box Address [REDACTED]  
Town/City/Postal Code Fort Macleod, AB T0L 0Z0  
Legal Land Description SW 23-9-26 W4M  
Telephone Number [REDACTED]  
Email Address [REDACTED]  
Date August 12, 2024

## 7. Contact Information of Legal Counsel or Representative (if applicable)

Name  
Address  
Telephone Number  
Email Address