

NO 4 - REQUEST FOR REVIEW: LA24002 / Van Huigenbos Farms Ltd.

Filed By:	Joanne Gilbertson, Gail Knapek, Austin Kristjanson, and Kenzie Devlin
Deadline for RFRs:	August 14, 2024
Date RFR received:	August 13, 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

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

Reasons approval should be reversed:

Water Table: NRCB lists the low water table to be a suspended water table due to irrigation. There is no evidence to support this statement. The ERST information should be updated. With major changes to the property since 2015 using outdated information is not acceptable.

High Risk Area: Willow Creek is an important water source for many. It is also home to endangered species. Manure runoff into the Creek could be catastrophic. This area is also designated a Wetland/Riparian area. NRCB needs to review the definition of Wetland/Riparian.

Health Related Concerns: AHS states there SHOULD not be any health concerns IF best management practices are employed. When it comes to physical and mental health steps MUST be taken to ensure that no one is put at risk. Many scientific papers have been published on how living near CFO negatively affects health. If you are interested in some of the documents, please contact me. Also, who is monitoring to ensure that animal numbers are not exceeded and that best practices are indeed employed? How often will the CFO be visited? Will the visits be scheduled or impromptu?

Artesian Flow: The NRCB has stated that the area of the proposed CFO is not an area of Artesian Flow. We would like to know what information the NRCB used to come to this decision.

Improper Manure Handling/Storage: land base for spreading is +/- .5 of an acre based on google maps. Are Google maps an approved method of surveying? Is the person performing these calculations a surveyor or trained/qualified to carry out these calculations? Should a third independent company be hired to survey the location? Google was also used to determine the MDS (minimum setback distance) to the closest residence. This calculation was within a +/- 2-meter margin of error.... again based on Google maps. The proposed location of this CFO is in a densely populated area.

If the CFO approval goes ahead the quantity and quality of water will affect many. The health of wildlife and humans alike is at risk. Many of the calculations and definitions used in order for the approval of the Van Huigenbos CFO need to be re-assessed.

## 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 Joanne Gilbertson Austin Kristjanson Kenzy Devlin/Gail Knappek

Street/Box Address [REDACTED]

Town/City/Postal Code TOL OZO

Legal Land Description SE 22 9 26 W4/Section 14 TWP 9 Range 26 Meridian 4

Telephone Number [REDACTED]

Email Address [REDACTED]

Date August 13 2024

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

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_