

NO 6 - REQUEST FOR REVIEW: LA24002 / Van Huigenbos Farms Ltd.

Filed By: Kyle and Morgan Rosendahl

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	Van Huigenbos Farms Ltd.
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 No 26

### 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:**

-Water testing from Willow Creek show fecal matter downstream of the applicant, but not up stream of the applicant already- what will be the impact of this larger operation? The NRCB letter sent to us notifying us of the application approval on July 23 noted that the applicant has admitted to having issues with fecal/manure leaking down the coulee towards the creek already- why is a exponentially larger number of cattle being approved?

-Dense population of the area- the approval letter issued on July 23 noted that the majority of impacted neighbors/residents reached out to contest this large operation in our back yards. Why is an area with less human population not being sought out for this large operation?

-The MDS (minimum distance setback) is listed as a +/- 2 meter margin of error based off of Google Earth. This should at very least be actually surveyed for better accuracy.

-Manure spreading concerns- after removing unusable areas from the listed spreading area, the applicant is within .4 of an acre from being non-compliant due to insufficient land base. How are these measurements verified, and what measures are being put in place for non compliance? The letter issues by the NRCB on July 23 stated that there have been concerns already in the past with manure spreading practices- why is an approval being issued for this?

Water well listing- there is a water well on the property from 2015 that is stated for residential use only. Where is the water coming from for the existing farm, nevermind this massive expansion?

-Development Restrictions in any Wetland or Riparian area. The NRCB has stated that this area does not fall under wetland/riparian restrictions. I would like a second opinion on this as the delicate life of the Willow Creek is protected under the Water Act.

-Development in an area of Artesian Flow. The NRCB has stated that this is not an area of Artesian Flow. However- we have a well in this area, and it most certainly is on an artesian water table. We do not accept this statement by the NRCB and would like further research into this.

## 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 Kyle and Morgan Rosendal

Street/Box Address [REDACTED]

Town/City/Postal Code Fort Macleod/T0L 0Z0

Legal Land Description NE 22-09-26-4

Telephone Number [REDACTED]

Email Address [REDACTED]

Date 8.13.2024

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

Name \_\_\_\_\_

Address \_\_\_\_\_

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

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