NO 7 - REQUEST FOR REVIEW: LA24002 / Van Huigenbos Farms Ltd.

Filed By:	Darrell Doyle
Deadline for RFRs:	August 14, 2024
Date RFR received:	August 13, 2024
Status of Party as per Decision Summary:	Directly Affected Party

NRCB Natural Resources Conservation Board

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

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. 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 *(if known)*	☑ **Approval** ☐ **Registration** ☐ **Authorization**
Location *(legal land description)*	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:

I am writing to express my strong opposition to the proposed high-intensity cattle feedlot located on the aquifer that supplies water to thousands of residents. This proposal raises critical environmental and public health concerns that necessitate immediate reconsideration.

1. Risk to the Aquifer:
Placing a feedlot on an aquifer that serves as a primary water source for a large population poses a significant risk to water quality. The potential for manure runoff, which can contain harmful pathogens and nutrients, threatens to contaminate the aquifer. This contamination could endanger public health by compromising the safety of drinking water for thousands of people.

2. Environmental Impact:
The feedlot's operations, including manure management and runoff, could severely impact the surrounding environment. The potential leaching of pollutants into the aquifer could result in long-term damage to the ecosystem, affecting not only the water supply but also local flora and fauna.

3. Public Health Concerns:
Given that the aquifer supplies water to thousands of residents, any contamination resulting from feedlot activities could have serious public health implications. The risk of waterborne diseases and other health issues must be thoroughly evaluated. Protecting the safety and quality of drinking water is paramount for community well-being.

4. Infrastructure and Compliance Issues:
Additionally, the road infrastructure in the area is currently insufficient to handle the increased heavy traffic associated with the feedlot. This could lead to road deterioration and safety hazards. Moreover, there have been concerns about compliance with existing regulations, including previous incidents of non-compliance related to water use by feedmills. Effective enforcement and adherence to regulations must be ensured to prevent further issues.

5. Community Impact:
The proximity of the feedlot to residential areas raises concerns about odor, noise, and potential health impacts on local residents. It is essential to consider how such an operation might affect the quality of life for those living nearby.

In light of these pressing issues, I urge you to reconsider the approval of this feedlot location. The risks to

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: Darrell Doyle

Street/Box Address: [redacted]

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

Legal Land Description:

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: