

NO 9 - REQUEST FOR REVIEW: LA24002 / Van Huigenbos Farms Ltd.

Filed By:	Bernadette and Marc McNab and Janet Sulapas
Deadline for RFRs:	August 14, 2024
Date RFR received:	August 14, 2024
Status of Party as per Decision Summary:	Directly Affected Party



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

### Instructions

- 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).
- 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).
- 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.
- Public Documents.** RFRs and attachments are public documents.
- 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.	LA 24002
Name of Owner/Operator or Operation	Bernadette McNab
Type of application (if known)	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	SW 25-9-26-W4M
Municipality	M.D. of 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:**

See pages Addendum A (1-6 pages)  
attached.

## 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 Bernadette McNab

Street/Box Address [REDACTED]

Town/City/Postal Code Fort Macleod

Legal Land Description SW 25-9-26-W4M owner

Telephone Number [REDACTED]

Email Address [REDACTED]

Date August 14, 2024

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

Name \_\_\_\_\_

Address \_\_\_\_\_

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

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

ADDENDUM "A" which forms part of Requests for Review (RFRs) submitted by 4 directly affected parties:

Bernadette McNab: SW 25-9-26-W4M

Bernadette McNab: NE 23-9-26-W4M

Marc McNab: SW 25-9-26-W4M

Janet Sulapas: NE 23-9-26-W4M

1. **Rebuttal of statement "Van Huigenbos Farms' CFO is close to, but not within, an area designated as of regional significance." (Page 17/39). We would make the assertion that this CFO is indeed located within an environmentally significant area.**

**"The Willow Creek watershed has been identified by the OWC as an area of groundwater vulnerability within the South Saskatchewan Region (Figure2).** Because there is a lack of groundwater information in this area there is a need to compile, evaluate and present existing information about groundwater resources followed by looking at ways to fill the knowledge gap in order to manage the resource wisely." This quote is taken from the Willow Creek Watershed Aquifer Mapping and Groundwater Management Planning Study submitted to Oldman Watershed Council. (See page 12 of said 163 page study attached, which forms part of this submission.)

2. **Rebuttal of statement "impermeable clay layer" and "this suggests that the free water is a perched water table due to many years of irrigation that occurred on the land, rather than true artesian flow. Therefore, I do not believe the CFO is located within an area of artesian flow." (page 17/39)**

The above statements make assumptions with no scientific proof to back them up, and is unacceptable. A qualified hydrogeology report we commissioned in 2001 states: "Groundwater infiltrated on the upper flat plains most likely discharges in the creek via the shallow sandy and silty clay till." (copy attached). The same study addresses the adequacy of a groundwater supply well located in 04-25-009-W4M, north of Fort Macleod along Hwy 811. The water supply well is a flowing artesian well located on McNab's cattle ranch in the Willow Creek valley, approximately 400m northeast of the creek (Figure 2). **"I do not believe the CFO is located within an area of artesian flow" needs to be proven accurate.** An Artesian Well on our land, within a mile of the proposed expansion, flows constantly and has done so for as long as we have documentation on water wells. To assume that this artesian layer does not extend to underlay the subject CFO is too much of a stretch, in our opinion. In a delicate system such as this existing Willow Creek Watershed, there need to be qualified hydrogeology studies completed, specific to this expansion application.

3. **Rebuttal of statement "Because the CFO facilities meet or exceed these requirements, I conclude that the level of groundwater and surface water risk posed by these facilities is acceptable".**

77 parties were identified as 'directly affected'. The average Alberta family is 2.6 so that means, potentially, more than 200 persons (many of whom are young children), drink well water within the distance of 1.5 miles from the subject CFO. The self monitoring that is described and considered adequate in the Decision Summary, is far from adequate, in our opinion. **What level of risk is acceptable at all when it comes to drinking water for children?**

This CFO is not encapsulated in a glass bowl as perhaps is suggested by the description "impermeable layer". Liquid just takes longer to move through some materials than others but it does move. The elevation of the subject CFO compared to surrounding properties must be taken into account because water will seek it's own level, clean or contaminated.

4. **Population Density MUST be considered. 3800 PEOPLE ARE DIRECTLY AFFECTED! PROTECT OUR AIR.** 77 directly affected parties include the Town of Fort Macleod, population 2023, 3637 (Stats Can) and 76 others who reside in the country, within the 1.5 mile distance. Based on average Alberta family numbers, this could reasonably account for another 200 individuals. That is a total of over 3800 people directly affected by the stench and unhealthy air quality. THAT IS A WHOPPING NUMBER OF PEOPLE DIRECTLY AFFECTED! Why are 3800 people required to give up their right to healthy, good quality air to breathe, the enjoyment of backyard spaces, outdoor spaces such as nature trails in the Wilderness Park north of the Oldman River and walking paths within the Town of Fort Macleod? PROOF that the air is safe to breathe by conducting qualified particulate testing, should definitely be included as mandatory, to safeguard the health of 3800 people. If the wind direction is such that it only affects the people in the Town for a given number of days, than those who live in the country, downwind, will not be able to enjoy fresh air for the remainder of the year. I AM A RESIDENT OF THE TOWN OF FORT MACLEOD, and as such, strongly oppose this expansion based on my right to breathe healthy air, and the quiet enjoyment of our yards and all outdoors.
  
5. Based on my 50 years of experience as a Real Estate Broker, in this area, I humbly submit, I am an expert in the field of Agricultural Real Estate. I will say without equivocation, property values in the 1.5 mile distance, WILL DECLINE. This expansion to 16,500 head is just WRONG. Some things are just wrong and everyone knows it. There are far better locations to put a 16,500 head feedlot than this. Half of the people living within the directly affected zone would never have purchased their land, built their dream homes or chosen to live there and raise their families, had they known this Feedlot would one day be given a permit to expand to 16,500 head. When the initial permit was granted back in the '70s, the permit holder confined about 100 calves. How this can arbitrarily expand to 2000+ and then to 16,500 head is absolutely ludicrous, given it is perched above Willow Creek Watershed and we are so called, educated to care about the Environment in 2024.





## 1.0 INTRODUCTION

Matrix Solutions Inc. (Matrix) was retained by McNab & Co. Ltd. (the McNabs) to determine the adequacy of a groundwater supply well located in 04-25-009-26 W4M, north of Fort MacLeod along Highway 811 (Figure 1). The water supply well is a flowing artesian well located on McNabs' cattle ranch in the Willow Creek valley, approximately 400 m northeast of the creek (Figure 2).

The proposed groundwater diversion is for a maximum of 249 m<sup>3</sup>/day (20 million imperial gallons/year or 38 igpm/day) to provide potable water to the adjacent farming community. The McNabs plan to build a truck filling and a water bottling station near the well. A Notice of Application for the intended groundwater diversion was previously published by the McNabs.

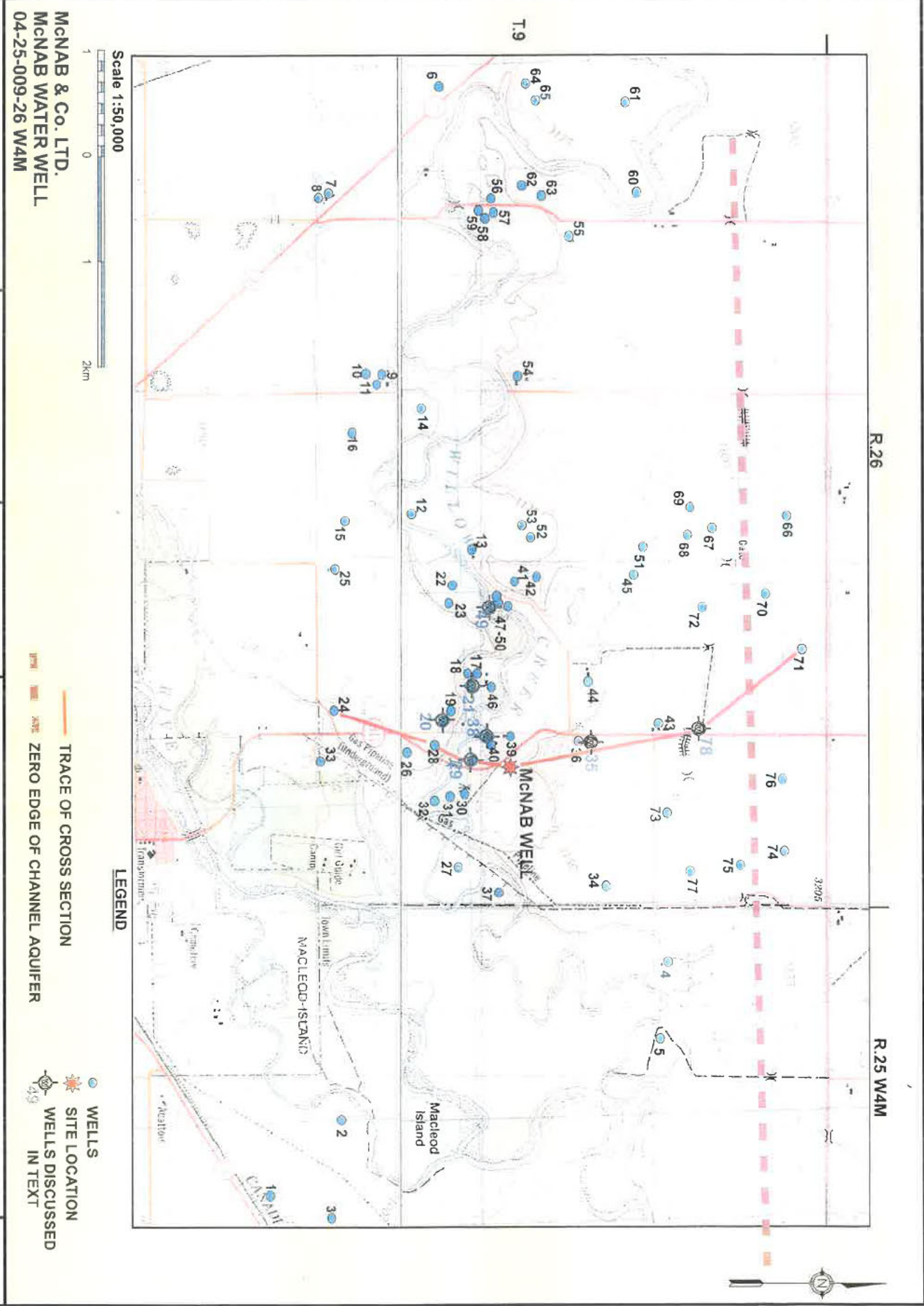
This investigation consisted of a 2 day pump test and was conducted by Matrix on behalf of McNab & Co. Ltd. under an anticipated groundwater exploration permit to be issued pursuant to the provisions of the Water Resources Act, pending receipt from Alberta Environment, Lethbridge, Alberta, File No. 00079415.

## 2.0 LOCAL GEOLOGY AND HYDROGEOLOGY

Based on lithologic logs from water well driller's reports, the shallow (upper ~40 m) geology of the area consists of clastic sediments of Paleocene to Recent age, which fill a preglacial valley. Typically, the sedimentary column contains top soil, predominantly clayey till and gravel of Quaternary age and grey shale (bedrock). The bedrock is the Willow Creek Formation of Late Cretaceous and Paleocene age. The Willow Creek Formation consists of grey argillaceous sandstone; clayey, grey, green and pink shales. White calcareous concretions are abundant in the shales. Grey sandstone is common in the upper part of the bedrock. Generally, the sandstone beds from the Willow Creek Formation yield less than 6.6 m<sup>3</sup>/d water of poor quality (Tokarsky, 1974).

The water bearing gravel layer is confined between the grey shale bedrock and the clay till and offers excellent prospects for water exploitation (Hardy and Associates, 1973). The expected yield of the gravel is in the range of 655 to 3,275 m<sup>3</sup>/day (100 to 500 igpm; Tokarsky, 1974). This gravel





McNAB & Co. LTD.  
 McNAB WATER WELL  
 04-25-009-26 W4M



- LEGEND**
- WELLS
  - SITE LOCATION
  - WELLS DISCUSSED IN TEXT
  - TRACE OF CROSS SECTION
  - ZERO EDGE OF CHANNEL AQUIFER

JOB	2385-505	BY	DC
DATE	07/13/01	DRWN	TN/IA
FILE	2385TOPO.CDR	CHKD	JTF

**REGIONAL TOPOGRAPHY AND LOCAL WATER WELLS**

N  
6.78  
BROOKFIELD  
WELL

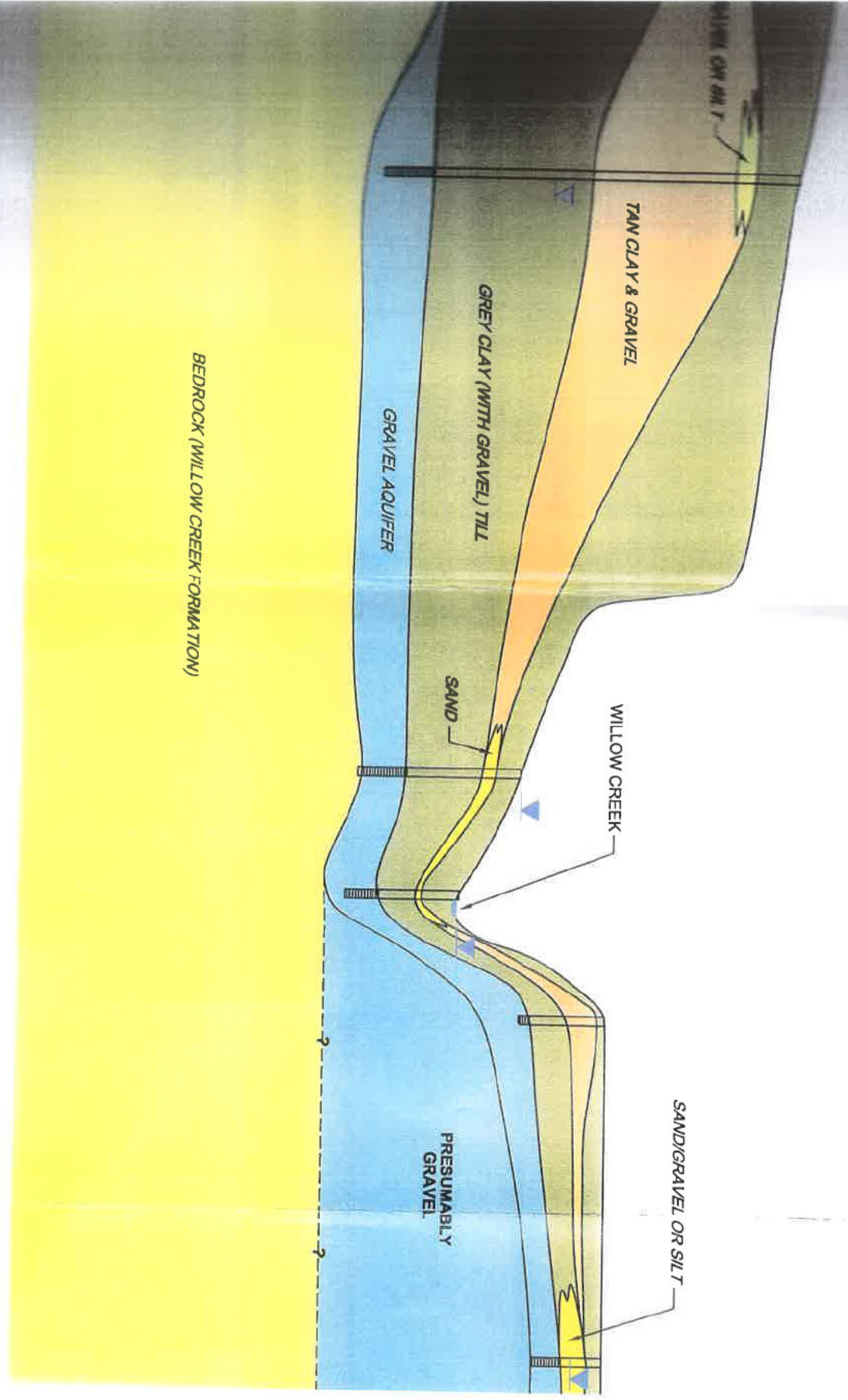


29  
MD  
WELL

28

24  
DEKOK / VAN SANTEN  
WELL

S



BEDROCK (WILLOW CREEK FORMATION)

GREY CLAY (WITH GRAVEL) TILL

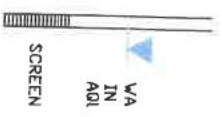
GRAVEL AQUIFER

SAND

WILLOW CREEK

SAND/GRAVEL OR SILT

PRESUMABLY  
GRAVEL



LEGEND

VA  
IN  
AQL

SCREEN

HORIZONTAL DISTANCE (km)



The pages that follow are copies of our initial Statements of Concern re: LA 24002



McNab Realty Ltd. McNab Realty Ltd. [REDACTED]

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**Statement of Concern re: Van Huigenbos Farms Ltd. App LA24002**

1 message

**McNab Realty Ltd.** [REDACTED]

Tue, May 14, 2024 at 4:32 PM

To: kelsey.peddle@nrcb.ca

Dear Ms. Peddle,

Please accept my third letter, opposing the above application.

Today, I want to draw attention to the increased size of the manure pile storage with expansion to 16,500 head of cattle. The size of the present pile on site is pretty big already! I can hardly imagine how big that pile might actually be with the proposed expansion. In addition to the increased stench, there is much concern among neighbours and the public, about pollution of the ground aquifer, artesian layer and waters of Willow Creek. I will quote a text from a study done for us when we drilled our Commercial well, by Matrix Solutions/Calgary.

"Groundwater infiltrated on the upper flat plains most likely discharges in the creek via the shallow sandy and silty clay till. The water in the gravel is typically a calcium+sodium-bicarbonate type, with a total dissolved solids (TDS) content usually less than 500 mg/L (Tokarsky, 1974)"

Increased Fire Hazard is also a serious concern for many who live close in. The area of Willow Creek is heavily wooded and difficult for the firefighters to navigate as we have found from experience. In the last few years, there have been horrific wild fires that caused evacuations and were difficult to bring under control due to 100 km/hour winds fanning the blaze. One of those fires started in a feedlot. The other, was a downed power pole in the middle of the night. My Son and his family were asleep and would have lost their lives had not the fire turned in upon itself, meters from their home. Yes, it was very scary for many neighbours too. This terrifying memory is very recent and for good reason, the people of the area are very concerned about anything which would increase risk of fire.

Please consider the long-term environmental and economic needs of the residents within this densely populated area, not just the short-term interests of agribusiness.

Thank you,

Bernadette McNab  
recipient of notification letter  
owner, NE 23-9-26-W4M & adjacent ranchlands  
resident of Fort Macleod



May 9, 2024

NRCB

Attention: Kelsey Peddle

**Statement of Concern re: Application LA24002 – Notification Letter  
Van Huigenbos Farms Ltd.  
SE 21-9-26-W4M**

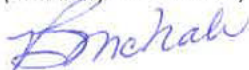
Dear Ms. Peddle

Please add this to my first statement of concern, sent May 2, 2024, in response to your letter dated April 11, 2024, in which I did not adequately address the following concerns:

- 1. Grandfathered water wells – Registration for Traditional Agriculture Use under the Water Act.** Our 1800 acre ranch which lies within 1.5 – 3 miles of the subject subject property registered 5,025.0 cubic meters of water (March 13, 2003), under the name of my late husband, David K. McNab. The source of 3 wells is the Oldman River, the remaining 8 wells draw from the Aquifer and Willow Creek. We oppose the subject application. It is known that in the past, the Willow Creek has stopped flowing. Does this mean then, it is an intermittent or ephemeral stream and as such, sections of the stream may receive groundwater? And conversely, in certain seasons and conditions, does the creek flow charge the groundwater? This raises serious questions and concerns about the management of a CFO of this size to be located so near the Willow Creek and on a very important Aquifer. **The risk of pollution/contamination of the Creek and Aquifer requires very close scrutiny and consideration. 2 of our drinking water wells located on NE 23-9-26-W4 (identified within 1.5 mile range), serve 2 residences with families. How can I protect their water quality and quantity?**
- 2. Lic. No. 00079415-00-00 McNab Aquifer Well** is located within 2 miles of the subject property, at 04-25-009-26-W4 (McNab & Co. Ltd. well). Before we obtained a licence, we were required to engage qualified personnel to conduct testing with continuous pumping for ‘drawdowns’ of neighboring wells (The applicant’s well was one of those wells). We have in our possession comprehensive studies completed by Matrix Solutions Inc. to include lithography, chemical and bacterial water analysis as well as calculated impact on the immediate aquifer and reaching as far as Pearce and Orton. It cannot be overstated that this is a very large, important aquifer and must be protected at all cost. **In 2001, through a Matrix Sol. search of the archives of the GIC, a total of 141 wells were identified within a 5 km. radius of the McNab Well.** Assuming interconnectedness of Willow Creek and the Aquifer, has it been determined as to what the impact on Willow Creek and the Aquifer will be with pumping from the Willow Creek, to supply 7 gal. of water per animal/per day for 16,500 animals?
- 3. Lic. No. 00210959-00-00 for irrigation, SW 24-09-26-W4M** (McNab & Co. Ltd. Land). There are 2 operating pivots now with a third planned. Our pumpsite is about 2 miles as the crow flies, downstream from the applicant’s site. Ours may be the last licence to divert out of Willow Creek for irrigation before it empties into the Oldman River. Will we run out of water for our pivots because of increased demand from the Feedlot upstream? I understand that watering cattle will take priority over watering crops, however looking at the larger picture, how is it that watering cattle is more important than feeding cattle? **We need the irrigated pasture and irrigated hay land to support the 200 cow/calf operation, which provides for the livelihood of 3 families.** Are we expected to bear all the risk and catastrophic consequences of having an irrigated farm turn into dryland pasture? What would be our recourse should this occur?

4. **Lion's Park, Well, NW 24-9-25-4** lies within 2 miles m/l of the subject property. It supplies campers' needs in the Park. Also, campers frequently swim in the Willow Creek waters adjacent to the Bridge, directly downstream from the application for a 16,500 head feed lot. **How can the public be assured that the waters of Willow Creek are safe to swim in, within such close proximity to a very large CFO?**
5. **Lic. L.O. 5715 M.D. of Willow Creek #26 Well, located NW 24-009-26-W4M. This is a non-profit MUNICIPAL COMMUNITY WELL that has been in existence since 1973 to serve domestic water to area farmers and residents. Many Families rely on this source.** We wish to register our concern that the volume, pressure and potability of the well could be compromised due to the feedlot expansion proposal.
6. **WATER QUANTITY AND QUALITY/AIR QUALITY** are issues which we will stand up for. Although, we too manage agricultural holdings and believe in Ag. Pursuits, this expansion is unsuitable for this location. **Air borne Bos d2 allergen, ammonia and hydrogen sulfide particulates are very serious health concerns to those living within 4 miles.** This is a densely populated area, just outside the Corporate limits of Fort Macleod, and as the Broker of a local Real Estate Brokerage, engaged in agricultural property listings and sales over the past 50 years, I can say with no equivocation or hesitation "No client ever had a wish-list, desiring to purchase a property within 3 miles of a 16,500 head CFO. Never." The devaluation of 'close-in' properties and consequential drop in market prices SHOULD BE considered, in my humble opinion, because it is substantial. Nearby property owners should not be subject to this kind of brutality. Both the M.D. of Willow Creek and the Town of Fort Macleod should expect to see sale prices drop, causing a corresponding decrease in revenues from property taxes.
7. **Inter-Municipal Boundary Land.** I would strongly suggest that both the MD of Willow Creek No.26 and the Town of Fort Macleod should be registering Statements of Concern regarding this Application.
8. **FLIES....AND ODOR....**do we need to elaborate? If you have ever visited someone who lives within 1 mile of a CFO, you will understand. If you have not, PLEASE, just ask someone who does. There will be many days, if not all, that you cannot enjoy a summer BBQ outdoors. I have seen the exterior wall of a house 'totally black with house flies' and we had to enter through the back door when visiting, as it was simply impossible to enter through the front door. This area is densely populated and through no fault of theirs, near-by residents find themselves facing this life-changing circumstance if this application is permitted to pass. Albertans should care about the well-being of one another. We should be fair in our dealings with those who may be adversely affected by our 'wealth growing' initiatives.
9. **REFERENCES:** 1). Pump Test Results, McNab Water Well, 04-25-009-26-W4M, Report Prepared for McNab & Co. Ltd. by Matrix Solutions Inc. Calgary, Ab.  
2) Supplementary Information for Groundwater Diversion Application under the Alberta Water Act for SW 25-009-26-W4M (AENV File No. 00079415) (Matrix 2385-505)  
**PLEASE SEE 2 ADDENDUMS ATTACHED** forming part of this Statement of Concern.  
In closing, I will take the liberty of changing up a quote from Hans Christian Anderson.  
"Just living is not enough...one must have sunshine, freedom," clean water and a little fresh air.

Respectfully submitted,

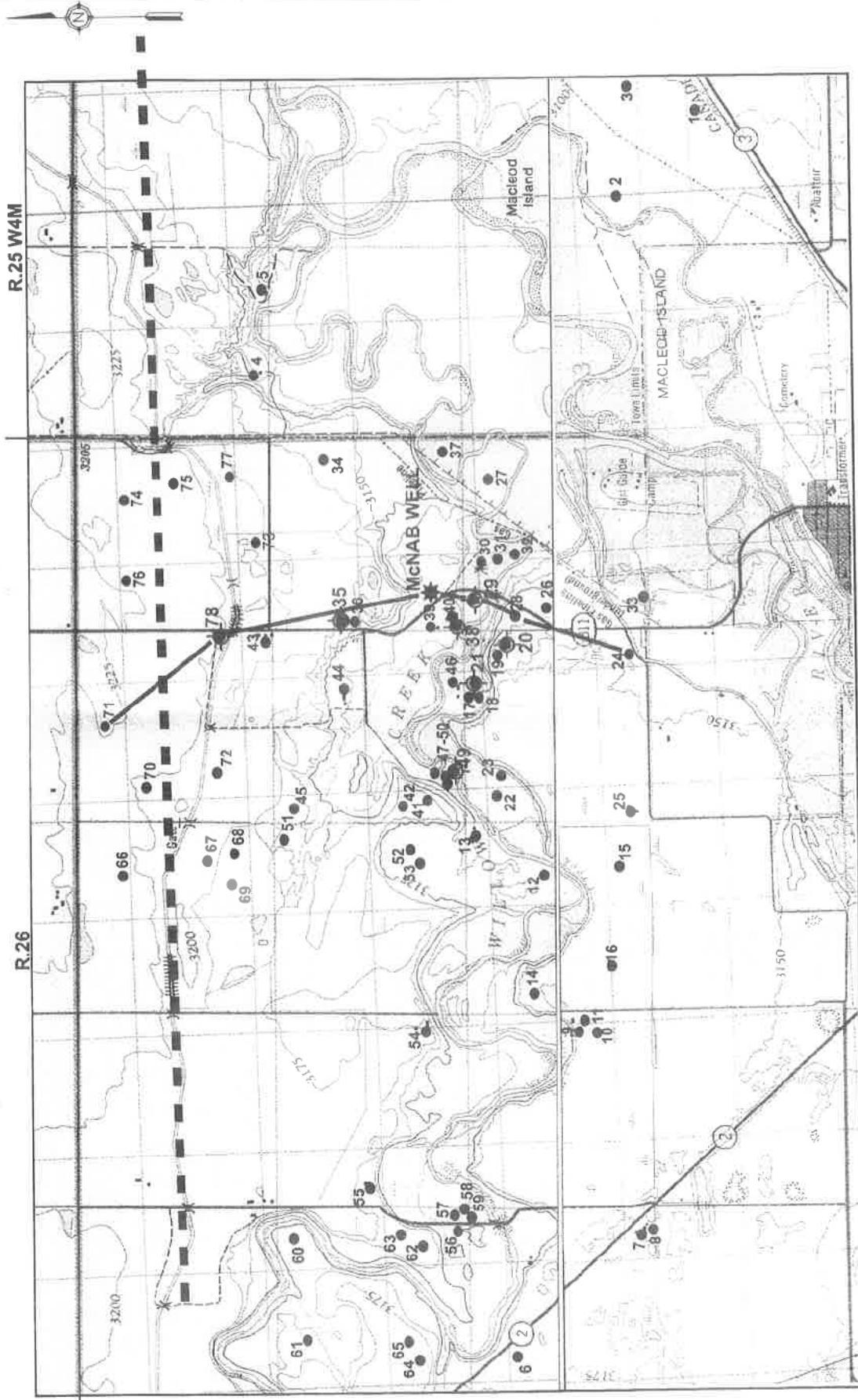


Bernadette McNab, ph: [REDACTED] (recipient of NRCB Letter dated April 11, 2024)

I am the Landowner of NE 23-9-26-W4M which has 2 residences and is home to 2 families.

My Residence: [REDACTED] Fort Macleod, Ab. TOL OZO [REDACTED]





**LEGEND**

- WELLS
- ★ SITE LOCATION
- WELLS DISCUSSED IN TEXT
- TRACE OF CROSS SECTION
- - - ZERO EDGE OF CHANNEL AQUIFER
- ZERO EDGE OF CHANNEL AQUIFER



**McNAB & Co. LTD.**  
**McNAB WATER WELL**  
**04-25-009-26 W4M**



FIGURE  
2

**REGIONAL TOPOGRAPHY  
AND LOCAL WATER WELLS**

JOB	2385-505	BY	DC
DATE	07/13/01	DRWN	TN/JA
FILE	2385TOPO.CDR	CHKD	JTF

aquifer is about 5.5 m thick along the thalweg, it pinches out to the north, as it is not encountered on the flat plains beyond a few hundred metres north of the irrigation canal (Figure 2). The estimated length of the gravel aquifer probably exceeds 10 km in an east-west direction, as inferred from well driller's lithologic logs (Appendix A). The southern edge of the gravel aquifer has not been defined in this study. However, from the available well logs and the hydrogeological map of the Lethbridge - Fernie region (Tokarsky, 1974), it appears that the gravel aquifer extends at least 4 km to the south. South of the Willow Creek, there appears to be an upper gravel, as gravel is found at a higher elevation than the channel in the immediate vicinity of the McNab's well.

A geologic cross-section was constructed in the north-south direction (Figure 3), which shows the assumed location of the northern boundary of the buried channel gravel aquifer and the confining clay/shale units. The line of cross-section is shown on Figure 2. The screen intervals and non-pumping water levels (where available) of the tested well and adjacent wells completed in the same gravel aquifer are also included in Figure 3.

\* Groundwater infiltrated on the upper flat plains most likely discharges in the creek via the shallow sandy and silty clay till. The water in the gravel is typically a calcium+sodium-bicarbonate type, with a total dissolved solids (TDS) content usually less than 500 mg/L (Tokarsky, 1974).

### 3.0 WATER WELL USERS

The surrounding land is used for agricultural purposes. Through a search of the archives of the Groundwater Information Centre (GIC, 2001), a total of 141 wells were identified within a 5 km radius of the tested well, in the northern half of Township 9 and Ranges 25 and 26. Of these 141 wells, only 78 wells are located within the estimated range of influence of the tested well (Figure 2 and Table 1). The active wells are used predominantly for domestic and agricultural purposes. The daily average discharge rate from these wells is not known with acceptable certainty. There are also several abandoned test holes or flowing industrial shotholes (Table 2). All known wells are posted on Figure 2. Available driller's logs with well completion details and water chemistry data are included in Appendices A and B, respectively. The tested well is about 1,700 m south of an irrigation canal (Figure 2).





McNab Realty Ltd. McNab Realty Ltd. [REDACTED]

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## LA24002 - Van Huigenbos Farms Ltd.

1 message

Sylvia Kaminski <Sylvia.Kaminski@nrcb.ca>

Mon, May 6, 2024 at 7:39 AM

To: [REDACTED]

Cc: Sylvia Kaminski <Sylvia.Kaminski@nrcb.ca>

**Re: Application LA24002 – Receipt of response**

**Van Huigenbos Farms Ltd.**

**SE 21-9-26 W4M**

By way of this email, I wish to acknowledge that on May 2, 2024, our office received your response regarding Application LA24002 for a permit under the *Agricultural Operation Practices Act*.

We appreciate your feedback, and your response will be reviewed by the approval officer. When a decision has been made on this application you will be provided with a copy of the decision. The decision will also be posted on our website at [www.nrcb.ca](http://www.nrcb.ca) under [Recent CFO Decisions](#).

Please note that the Natural Resources Conservation Board may not be able to respond to individual questions or concerns that are raised and received. If you require further information or clarification on the application process, please contact Kelsey Peddle at 587-334-2560 or [kelsey.peddle@nrcb.ca](mailto:kelsey.peddle@nrcb.ca).

Fact sheets and guides can also be found on our website at [www.nrcb.ca](http://www.nrcb.ca).

*Sylvia G. Kaminski*

Sylvia G. Kaminski

Website Coordinator/Field Office Administrator

Natural Resources Conservation Board

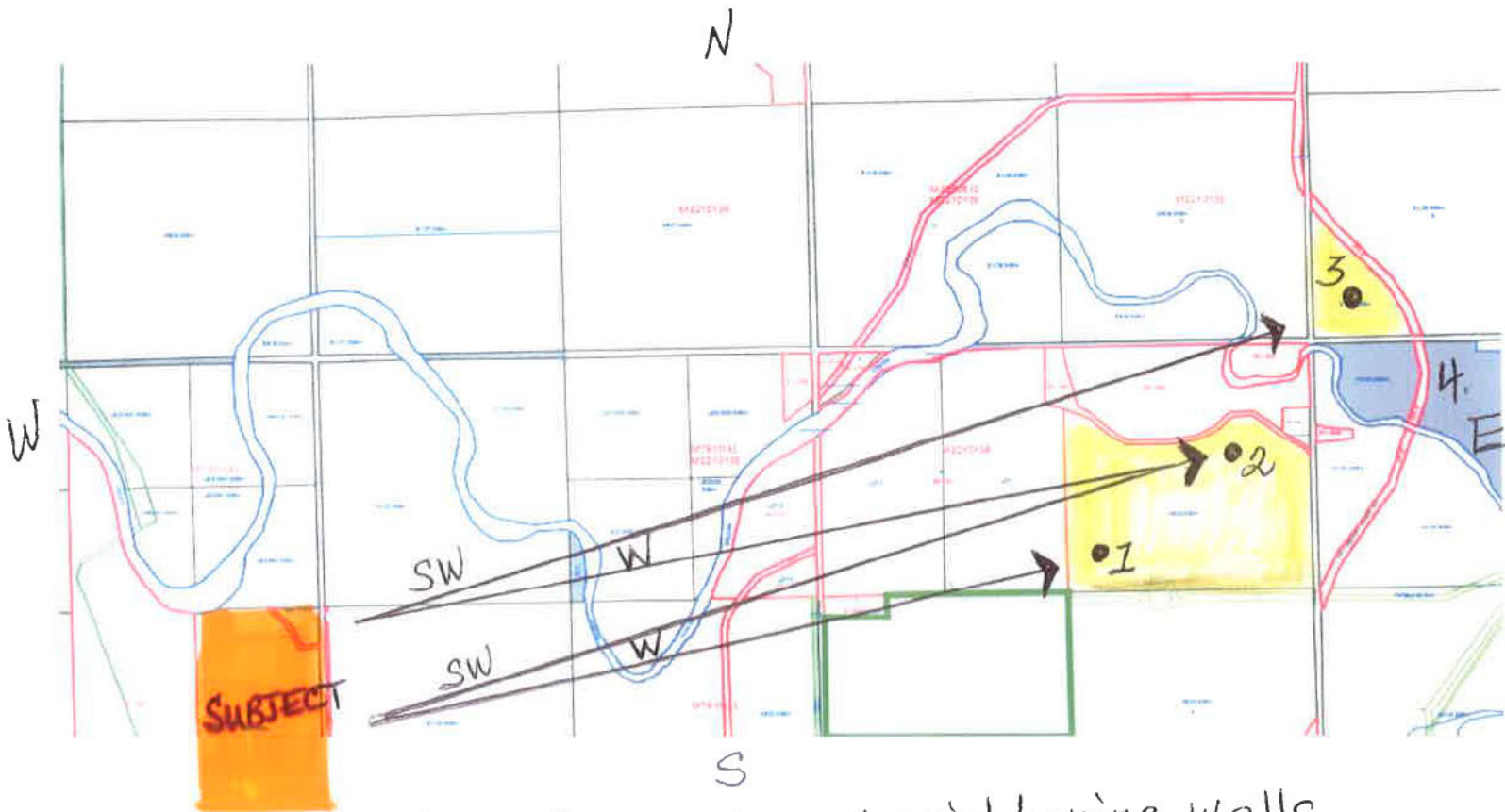
100, 5401 1st Avenue South

Lethbridge, Alberta T1J 4V6

Phone: 403-381-5166

[sylvia.kaminski@nrcb.ca](mailto:sylvia.kaminski@nrcb.ca)

website: [www.nrcb.ca](http://www.nrcb.ca)



- water shortages in creek and neighboring wells .

- West & Southwest Prevailing winds bring odors.

- we have 3 residences within  
1.5 to 2 miles from subject property

\* my Grandson (13 yrs) lives in #1 location and he has 4F allergy to cow. (See studies attached) he carries an epi-pen. Bos d2 and endotoxin concentrations ammonia and particulate matter is a serious problem @ 1.5 miles

- We have concerns with proximity of subject property to the creek - pollution of creek water

- Hydrology studies indicate the groundwater travels in a NE direction, north of the Oldman River, in this area. Possible contaminants could escape and creep into drinking water wells at the 3 residences.

- concerns of excessive manganese levels in our drinking water if potassium permanganate is used at the feedlot.



- SUBJECT PROPERTY IS LOCATED TOO CLOSE TO TOWN OF FORT MACLEOD
- TOO CLOSE TO RESIDENTIAL ACREAGES
- TOO CLOSE TO LIONS CAMPGROUND (SHOWN AS LOCATION #4)
- TOO CLOSE TO FORT MACLEOD WILDERNESS PARK
- TOO CLOSE TO FORT MACLEOD GOLF COURSE
- TOO CLOSE TO WILLOW CREEK
- TOO CLOSE FOR HEALTH AND COMFORT

*Respectfully submitted,  
Bernadette McNeil*



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

### Instructions

- 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).
- 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).
- 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.
- Public Documents.** RFRs and attachments are public documents.
- 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.	LA 24002
Name of Owner/Operator or Operation	Bernadette McNab
Type of application (if known)	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	NE 23-9-26-W4M
Municipality	M.D. of 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:**

See Addendum "A" (1-6 pages)  
attached



## 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 Bernadette McNab

Street/Box Address 

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

Legal Land Description NE 23-9-26-W4M

Telephone Number 

Email Address 

Date August 14, 2024

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

Name \_\_\_\_\_

Address \_\_\_\_\_

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

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



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

### Instructions

- 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).
- 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).
- 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.
- Public Documents.** RFRs and attachments are public documents.
- 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.	LA 24002
Name of Owner/Operator or Operation	Marc McNab
Type of application (if known)	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	SW 25 - 9 - 26 - W4 M
Municipality	M.D. of 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:**

See Addendum "A" (pages 1-6)  
attached.

## 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 Marc McNab

Street/Box Address [REDACTED]

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

Legal Land Description SW 25-9-26-W4M.

Telephone Number [REDACTED]

Email Address [REDACTED]

Date August 14, 2024

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

Name \_\_\_\_\_

Address \_\_\_\_\_

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

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



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

### Instructions

- 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).
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- Public Documents.** RFRs and attachments are public documents.
- 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.	LA 24002
Name of Owner/Operator or Operation	Janet Sulapas
Type of application (if known)	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	NE 23-9-26-W4M
Municipality	M.D. of 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
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### 3. Request for Reconsideration by Board of "Not" Directly Affected Status

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

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

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- 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:**

See pages Addendum "A" (1-b)  
attached.

## 5. Board Action Requested

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

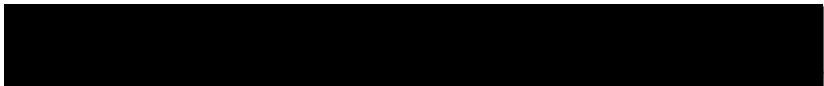
6. Contact Information of Person Submitting the RFR

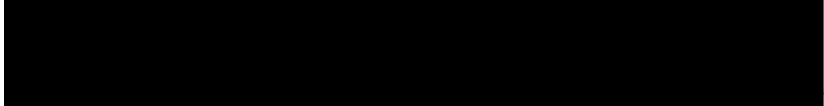
Name Janet Sulapas

Street/Box Address 

Town/City/Postal Code Fort Macleod, Ab.

Legal Land Description NE 23-9-26-W4M.

Telephone Number 

Email Address 

Date August 14, 2024

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

Name \_\_\_\_\_

Address \_\_\_\_\_

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

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