

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)	<input type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	SE 21-9-26 W4M
Municipality	Municipal District 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:

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 _____

Street/Box Address _____

Town/City/Postal Code _____

Legal Land Description _____

Telephone Number _____

Email Address _____

Date _____

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

Name _____

Address _____

Telephone Number _____

Email Address _____

I feel that the approval officer failed to adequately address the issues listed below:

Proximity to Willow Creek - High Risk Area - Development Restrictions in any Wetland or Riparian Area. The NRCB deemed the property to not be in these listed areas, however it is.

Runoff of Manure to Willow Creek - In Van Heugenbos' response to contamination of surface water and ground water Van Heugenbos stated (as per NRCB Decision Summary) that they do occasionally see runoff going down into the coulee on the northwest corner of their property during periods of rain and that manure is mixed in with the runoff. He stated that it is not intentional. Van Heugenbos failed to share with the NRCB that as per the attached video taken August 24, 2022 water from the CFO was intentionally channelled along the north east ditch of Range Road 263 down the north east bank and down onto the flat below.

I trust that the NRCB will take water testing results from recent water samples taken from Willow Creek above and below the CFO and submitted to Blue Sky Analytical Labs by Linda Maclean seriously and/or conduct their own water testing above and below the CFO

Minimum Distance Setback from closest residence is within a +/- 2 meter margin of error based off Google Maps measurements. I strongly believe that given the potential impact this expansion will have on this residence your consideration should be based on a legal survey

Water Approval - No approval to date for water.

Water Table -High Risk Water Table and Ground Water. The NRCB to this point has utilized an outdated ERST to determine these to be low risk. *NRCB lists the low water table to be a suspended water table due to years of irrigation, this is not substantiated and is based solely off of a dated (2015) Environmental Risk Screening Tool (ERST). NRCB utilized a 2015 ERST assessment to make the determination, however it states that a new ERST must be completed if there are any major changes to the applicant property. There have been substantial upgrades/ changes to the property since 2015 that were not considered.

Residential water well being used for commercial applications -

Development in area of Artesian Flow - this is a critical factor that needs to be properly investigated

Health related concerns - MDS met so NRCB does not consider this to be an issue however AHS statement was very vague on this.

Manure handling and storage - Land base for spreading is +/- .5 of an acre based on Google Maps measurement