

**REVISED**  
**NO 5 - REQUEST FOR REVIEW: LA24002 / Van Huigenbos Farms Ltd.**

Filed By:	Stephen and Michelle Vandervalk, Harvey and Hetty De Kok, Ronald and Laurel Ashley, Kate Glover, Andrew and Kaley Murphy, Ryan Ashley, Linda Maclean, Reed and Ramona Van Driesten, Heather and Robert Gunn, Stuart Sheridan, Adam Forester, William and Lorraine Reid, Gerry Kleissen, Janet Sulapas, Bruce and Val Kostelansky, Kyle and Morgan Rosendahl, Darrell Doyle, Joanne Gilbertson, Austin Kristjanson, Kenzie Devlin, Gail Knapek, Ruby and Hayes McRae
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Deadline for RFRs:	August 14, 2024
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Date RFR received:	August 13, 2024
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Status of Party as per Decision Summary:	Directly Affected Party
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## 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	Van Huigenbos Farms Ltd
Type of application (if known)	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	SE 21-9-26 W4M
Municipality	MD of 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:

I have attached my letter in this email  
as well as my previous submission.

Thank you.

## 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 Stephen Vandervalk

Street/Box Address [REDACTED]

Town/City/Postal Code Fort Macleod Alberta T0L0Z0

Legal Land Description NE 23-9-26 W4

Telephone Number [REDACTED]

Email Address [REDACTED]

Date Aug 10 2024

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

Name \_\_\_\_\_

Address \_\_\_\_\_

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

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



Hello

I am writing to appeal against the NRCB decision LA24002. It's my understanding that the original decision by the NRCB only takes specific requirements to be approved and most if not all concerns by directly affected people are not really looked at. It's also my understanding the review board has other factors they can discuss.

I am including my original objection with this appeal, and I hope you will take the time to look through it. I too am in agriculture and my farm just received the century farming award, so I understand the need for rural farming and urban/acreages to give and take. But at what point can these decisions be a NO. Elected officials at the MD and the town of Fort Macleod all have major concerns with this project as well as dozens of land and house owners.

What rights do landowners who have millions of dollars invested in their properties have for CFO to plunk down wherever they want. That is what this is increasing 10-fold is essentially a brand-new operation.

In addition to the I believe over 70 letters sent out to effected neighbors this operation sits right on the river and on top of an aquafer. You will see many pictures in my previous submission of run off etc.

This operation also doesn't have water which I know isn't in your purview but in whose jurisdiction is it. The environment has allowed them to transfer rights from irrigation to animals if they have enough storage (who is making sure there is ) and then even with that they don't have enough. The applicant says they can get water from LNID but it's my understanding that isn't the case and again who is making sure. Everyone is making decisions with here limited set of rules, but no one is looking at it all together. In my previous submission we make the case of why this is a horrible location to build, where they plan to spread and to affect thousands of people. ( 1 mile from Fort MacLeod town limits and dozens upon dozens of effected people within 1.5 miles)

**I would also like to request to be at this meeting in person if that is something that is possible.**

I apologize in advance for this quickly written letter, but we have been harvesting and everyone we try to talk to about this is away on holidays the last 2 weeks

Stephen and Michelle Vandervalk

- Harvey and Hetty De Kok
- Ronald and Laurel Ashley
- Kate Glover
- Andrew and Kaley Murphy
- Ryan Ashley
- Linda Maclean

- Reed and Ramona Van Driesten
- Heather and Robert Gunn
- Stuart Sheridan
- Adam Forester
- William and Lorraine Reid
- Gerry Kleissen
- Janet Sulapas
- Bruce and Val Kostelansky
- Kyle and Morgan Rosendal
- Darrel Doyle
- Joanne Gilbertson
- Austin Kristjanson
- Kenzy Devlin
- Gail Knapek
- Ruby and Hayes McRea



Hello. My name is Stephen Vandervalk and I live at NE 23-9-26W4. I reside in the 1.5 mile zone and I am writing today to express my extreme opposition to the Application LA24002. Included in this letter at the bottom of 3 other neighbours who have added their names to this letter

I know some of the following concerns in this letter may fall out of your scope/guidelines on how you come up with your decision. I firmly believe that this is a major concern. For multiple agencies to make decisions on their individual narrow guidelines, separately for the same application, without taking the whole picture into account is honestly hard to believe. How is it that decisions which affect thousands of people, as I will outline below, are made in this fashion. It's almost designed to make it as easy as possible for these applications to be granted.

First, I think it's relevant to know I run a 4<sup>th</sup> generation farming operation that this past April turned 100 years old. I have many close friends who run intensive feeding operations. I am not against anyone expanding their operations. But not every application has the right to be granted either. It seems like the current system is if you meet MDS you essentially are given the green light regardless of who it effects. It's my understanding that 72 letters were sent out to families within just 1.5 miles and in addition to those 72, the town of Fort Macleod lies even closer at 1 mile. There are many more that fall literal meters outside this boundary. Pictures attached. The location of this expansion is honestly baffling. Here is why I say this.

1: 16500 calves located on an island of just 80 acres with minimal land base nearby and none attached. This expansion will essentially use every acre which in itself is an issue. One question worth asking is how many acres do they own? My understanding its under half of the land proposed for spreading. So the applicants will have to rely on agreements for spreading. There is no guarantees they can always sign agreements with neighbouring land.

2: located right against the willow creek. As in right on the coulee and only 25 meters from the creek itself. All run off has only one place to go and that's into the creek valley. No matter what is built to contain this, runoff down into the coulee and into the creek is inevitable. Happens today at 1/5 the size of the new operation.

3: located directly above the **major aquafer** that supplies **hundreds** of homes their water source. This aquafer also feeds the community well where additional hundreds of people haul water from. Any measures to mitigate risk aren't full proof. Why should hundreds upon hundreds of families be put at risk?

4: How much are they using from the aquafer today? Are there water meters to know they are staying within their license? In emergency situations will they just keep pumping? Who is monitoring this? With 5 times the cattle what is the impact of this?

5: Being an isolated 80 acres, the question is where does the manure go. According to the application, I believe, there is about 770 acres of land registered for spreading. This seems low for starters but it's also the location of this land. A large portion of this land directly borders the town of Fort Macleod on the east side and SE but that's not all. The border with the town also is The coulee edge down to the old man river ( maybe 50 m from the coulee edge and less then 700m to the old man river itself) and then from there right into the town of Fort Macleod This land is essentially directly above the town and well within **2 km to the historic main street** with the feedlot being

approx. 3.5 km. Soon to celebrate 150 years in existence, the oldest town west of Winnipeg. Adding to this is the historic golf course which is also only 1300 meters away from where the manure is being spread and less than 3km away from the feedlot itself. To the east and north is multiple subdivisions with 20+ homes (literally directly across the road and downwind). Many of these families have spent their life savings on these properties. This land will need to be spread on multiple times per year with such a small land base. Add in the dozens of homes in the Willow Creek valley all down wind and downstream.

6: To repeat 72 letters went out to those just within 1.5 miles. This doesn't include the town of Fort Macleod which is only 1 mile and across the road from the land where manure is to be spread.

7: Even with the removal of existing pens this proposed new site is within **4 m of the MDS** of the neighboring property. 4 meters!

8: Water. I know supposedly this isn't part of your decision but how could it not be. They do not have water. They need to convert land irrigation rights to drinking water for cattle which also shouldn't be allowed as those rights are not the same thing. The willow creek ( which I live on ) has dried up to 0 flow the last 2 years . Irrigating was shut off and has been limited for multiple years now but how do you shut water off to cattle. That being said there wouldn't have been enough water even in an emergency situation 5 out of the last 7 years. I truly would like to know how, in the last multiple years, where the water would have come from. The province and municipalities just signed agreements to limit water use and all irrigation districts are shut down for expansion. Where is the water for this? This must be a consideration.

9: Smell. This is something that needs to be addressed. Everyone knows calf manure is much worse than anything else. 16000 calves and where they plan to spread directly west and north of hundreds of residences, never mind the entire town of Fort Macleod can't be ignored. The smell from 1/5 of numbers today has and is causing issues with all Neighbors and surrounding properties.

10. Drainage. Today, in the road ditch outside the existing feeding operation, there is a drainage line that runs down into the creek bottom. It is also my understanding huge parts of the coulee edge is eroding away as well. This past week, from maybe 1' of rain, water was running down the coulee edge that was foaming up into the creek valley from run off. Any application that mentions run off mitigation is suspect when run off isn't being contained today at 1/5 the proposed new capacity on 1" of rain. Pictures attached.

11: 1 road in and out from just one direction. With no land near this 80 acres **every single load, going in and out**, of manure, feed, cattle etc comes on 1 road.

One last issue to be raised. Our community had an open house for everyone, to get up to speed on the issues and information on how they could contact the NRCB, the MD, town of Fort Macleod or the Environment. After the meeting, a few hours later a member of the Van Huigenbos family started phoning people at the meeting. It turns out they had sent someone in to secretly record the meeting. The phone calls included bullying people to why they were opposed this application to outright threats about not doing business with them anymore. One direct quote included saying they were grandfathered and could dump as much manure down the coulee as they wanted.

I feel this is important information for you to consider about how or what is being promised to be granted this expansion.

With so many issues, such a small land base, located directly against willow creek, manure spreading directly above a major town including 70 plus properties/landowners within just the 1.5 miles, historic droughts causing water shortages, aquafer risks, drainage into two river valley risks, air quality/smell concerns being so densely populated, the list goes on and on. Why would an expansion be granted for one operation that puts hundreds of families and properties at risk. This is not the proper location and one Satellite analysis of this location to the surrounding area makes this quite obvious.

Thankyou for your consideration.

Stephen Vandervalk & Michelle Hoare

[Redacted]  
[Redacted]  
[Redacted]

Dave and Whitney Boot

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[Redacted]  
[Redacted]  
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Kaley and Andrew Murphy

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Reed & Ramona Van Driesten

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