

CFO: Van Huigenbos Farms Ltd

Date: Aug 16, 2024

Title: Rebuttal response to request for review of NRCB decision LA24002

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To: NRCB Board Members,

I would like to write to the NRCB board in response to the requests for review of permit # LA24002. In this decision, the Approval Officer approved the proposed feedlot expansion. Her decision was based on the legislation found in the Agricultural Operations Practices Act. I believe the Approval Officer properly considered all the requirements and therefore a review of this approval is not required.

Prior to the Approval Officer issuing her decision, I submitted a response to the neighbours' statements of concern (attached as Doc 1: Letter of Concern Response). This rebuttal overlaps with some of that information to address the issues noted in the RFRs.

First and foremost, I would like to address the concerns put forward in many of the RFRs regarding poor management, lack of accountability, and overall disregard of environmental stewardship. We have always tried to have the best interest of our neighbours and the environment in mind in all our endeavours. It has not been perfect, but if there were any issues over the years, we have always tried to deal with them as quickly and proactively as possible.

I have never dismissed or discredited any of the concerns brought forward, especially not from neighbours directly affected. Multiple changes were made to the site plan throughout the course of the application to mitigate many of these concerns.

For example, many of the initial letters of concern focused heavily on the possible contamination of the aquifer and the Willow Creek. To address groundwater concerns, we decided to install roller compacted concrete (RCC). This means that on top of the natural protective layer, we plan to install a layer of concrete, which if placed correctly, will be virtually impermeable. The cost of this ranges anywhere from \$4-5 million on the entire project. It is almost double the cost of our initial plan (which was to only line the perimeter of the feedlot pens and exclude the bed packs, chase alleys, feed alleys, runways, silage pits, and some straw storage areas). Some parts of the feedlot (alleys, feed and bedding storage) are not required to be lined with either a natural or concrete liner. However, we are doing both. To have a good RCC pad we must prepare a very solid base. I will defer to the view of the experts involved in this decision, but in my view, it is next to impossible that any

contaminants can penetrate these liners and make their way into the aquifer or Willow Creek.

The entire new build slopes to the west into catch basins. We have almost doubled the size of these catch basins to allow for the catchment of the entire feedlot area, roads and alleyways. We increase the catch basin size to respect the concerns of many neighbours regarding potential runoff. Additionally, we agreed to decommissioning of the entire north row of pens along the coulee to ensure that there will be no runoff going into the coulee, other than from areas not intended for cattle use. Not only are we intending to manage water from areas with manure contaminants, but we intend to catch ALL water from the entire build.

There are a few issues noted in the RFR that I would like to respond to including:

- 1) As a historic feedlot, catch basins were not really considered in the past. It has been that way for decades. Nearly a year and a half ago, we dug a new catch basin just south of our existing catch basin, with the intent to join it together to increase capacity, so that we could catch much of the runoff in the area pertaining to the grandfathered permit. I contacted Mr. Puszkas prior to joining the two. After a brief discussion and a site visit, the construction of the new catch basin was deemed unauthorized construction. Up until the approval of my permit two weeks ago we have not been allowed to use this catch basin.
- 2) Regarding runoff on the east side of the property, there are no manure contaminants in this, as only the main yard drains this way. A complaint was put in with the NRCB on Aug. 13<sup>th</sup>, and Mr. Seward visited the site the same day. Attached is a copy of his inspection report. I have asked AEP to inspect the site, and they intend to do a site visit on Aug. 22<sup>nd</sup> or 23<sup>rd</sup>. It is worth noting that this drain has been there for many years, draining the same area it drains today. Volume thro the drain has increased to some degree as we have placed RCC in some areas of the yard. This means there is no saturation of soil happening throughout periods of rain, but rather that everything runs away from the area.
- 3) Another misconception is that we are expanding up to 10 times our original size. Our previous permit allowed us to have 4677 beef feeder calves within the CFO. This number is attained by changing 1200 beef feeders into the beef feeder calves segment.
- 4) Concerning land base for manure spreading, we have more acres available then initially submitted. We knew we had enough land base to meet AOPA requirements, and consequently did not add more. There is also some neighbouring land where we spread manure regularly, but where no manure agreement is in place.

It is my intention to continue to address the concerns of our neighbours regarding any aspect of our operation. For example, we have recently bought a water truck, to try to do as much dust control as possible on our yard, on the county road, and in the fields. We are in active discussions with the M.D of Willow Creek regarding the upkeep, and if necessary, the upgrade of RR 263.

Conversations with Alberta Environment, and the LNID regarding our projected water needs are ongoing. LNID water rights are available for domestic purposes but given that they did not have a copy of the new permit in time, they could not send written notice. We are in the process of changing our Willow Creek Water License, from irrigation to agricultural (feedlot) use. There are no concerns with this process, and it is fairly simple. The priority of this license stays the same, meaning that at no point will I be able to put more emphasis on my priority over and above other users, just because I have cattle. It is my responsibility to ensure that we have ample supplies at all times of the year. Between our water license and the purchase of LNID rights, we intend to have 150% of total water needs available to us yearly. We are sizing our dugout accordingly to accommodate approximately 15-17,000,000 gallons.

From my side, I've made mistakes in how I initially handled some of the responses from directly affected parties. I feel that I could have been more proactive in sharing what our plans were early in the process. However, throughout the last two months, I have reached out to many of the affected parties, with the purpose of discussing the permit, and opening new lines of communication. I would like the board to know that none of the individuals represented in these RFRs ever contacted me regarding their concerns. I've invited them to come take a look at my current operation, and I've asked some of my closest neighbour's multiple times if there was anything more we could do to appease their concerns. I repeat, at NO point has anybody called me back, or come and visited us to look at our current operation.

I would like to thank the Board for considering my rebuttal information related to the environmental concerns noted in the request for review. I strongly believe that the Approval Officer has appropriately addressed those concerns in her decision. I would ask that the Board deny the review of this approval.

Sincerely,

Henry and Kari Van Huigenbos

Van Huigenbos Farms

[L. Friend note – this is the response sent to the approval officer by Van Huigenbos]

## Doc 1: Letters of Concern Response

To whom it may concern,

In response to the letters of concern that were submitted to the NRCB regarding our proposed expansion, we have put together an in-depth response addressing some of the common concerns.

### Water Usage

First off, it is not our intention to divert water out of the aquifer for the proposed expansion. We understand the concerns brought forward by many of our neighbours regarding this issue. We are currently working with AEP to facilitate a change of use agreement of our current license out of the Willow Creek. This license allows us to divert 100 acre-feet annually out of the Willow Creek. It is our intention to construct a dugout that would supply the proposed expansion for no less than a 5-month period when filled. We are also in talks with AEP to approve a swap of 100 acre-feet worth of water license between Triple VH Farms and 681763 Alberta Ltd. This would allow us to divert water out of the Willow Creek at any time throughout the year, thus eliminating the need to divert from the Willow Creek during the peak irrigating season.

We also have the option of buying rights out of the LNID pipe which runs thro our property. We have spoke with Gary at the Lethbridge office, and rights for domestic uses are available. It is my intention to buy up to 50 acre-feet from the LNID for the sole purpose of being able to reduce our own demand from the Willow Creek, should a low flow situation arise. Water is a valuable resource, and it is not our intention to negatively affect any of our neighbour's current usage whether it be for domestic or irrigation purposes.

### Water Contamination

There have been many concerns brought to light about the runoff that we occasionally see going down into the coulee on the northwest corner of our property during periods of rain. There is no questioning that there is manure mixed in with this runoff. This is not intentional, but considering the type of permit we hold for our two rows of pens closest to the coulee, this is not against AOPA regulations. We do not however, enjoy seeing this mixture of rainwater and manure flow into the coulee, and for this reason we constructed another catch basin in 2023 to catch most of this runoff. NRCB has not allowed me to use this catch basin as it is not a permitted construction. If I was of the opinion, as some have stated in their letter of concerns, that I could dump as much manure into the coulee as I wanted, why would I go to such length to improve our manure containment systems? We are currently seeking permission from the NRCB to make this catch basin licensed and usable, and this basin, coupled with my proposal to decommission the existing feedlots north row of pens right on the

coulee edge will guarantee that all manure runoffs will end up in permitted catch basins. These catch basins will have pumps installed that will tie into our pivot system across the road. These pumps would be able to start emptying out these catch basins at the flip of a switch. This will allow us to not only meet AOPA regulations, but also go over and above too perhaps double or triple the regulated catch capacity.

Regarding the aquifer that runs under our property, I do not see a possibility of manure contaminants seeping thro 70 ft of soil. Our well is positioned in our backyard. No manure ever comes close. Although I understand why such concerns have been submitted, I do not believe that the proposed expansion will in any way contaminate the aquifer.

### Smell/Community Affects

We understand that especially for our neighbours downwind, the smell of manure can be unpleasant at times. There is little we can do to eliminate this, however, there are some good management practises that can reduce this. Using RCC in all our pens allows us to clean our pens on a very regular basis. In our existing feedlot this is done every couple of weeks. Wet manure has the strongest odour, so by cleaning regularly we can keep pens dry, thus decreasing odours. This is also the best fly control. Flies populate best in wet, dirty areas. We have seen a significant decrease in insect populations since we put concrete in our feedlot pens. On top of that, we spay the entire yard with insecticide as needed.

We are also in talks with a biogas facility regarding our manure. Nothing is confirmed but there is a high level of probability that all our manure will go to this facility for processing. All the methane would be extracted, and we would be left with a very stable, dried down product that is virtually odourless. This would eliminate the need to stockpile fresh manure in our fields, once again reducing the amount of odours produced via the proposed expansion.

Regarding the condition of RR 263, we are in talks with the MD to create a plan on how to best maintain a road that can service the proposed expansion.



Operator: Van Huigenbos Farms. Date: August 13, 2024 File #: LC241434

Owner/contact: Henry Van Huigenbos Phone: 403-380-7773

Legal land location of operation: SE-21-09-26-W4

1. Operation type:  Swine  Feedlot  Dairy  Poultry  SFBS  Mixed  Other: \_\_\_\_\_

2. Inspection types:

- Complaint follow-up
- Post construction inspection
- Compliance inspection
- Follow-up on annual conditions
- Warning/written directive
- Permission to apply on FSL follow-up
- Other \_\_\_\_\_

Inspection results:

- No non-compliance issues identified at time of inspection
- Non-compliance with AOPA/Regulations
- Non-compliance with permit conditions
- Inappropriate disturbance
- Risk to the environment
- Previous non-compliance issue resolved
- AOPA warning issued
- Other \_\_\_\_\_

3. Surface water information (SW):  Not applicable

SW issue identified:  Yes  No

Serious SW issue (currently impacting a water body):  Yes  No  Preventable  Unpreventable

SW issue due to severe weather event:  Yes  No  Preventable  Unpreventable

Remedial actions required to address SW issue: N/A.

4. Manure record keeping:  Not applicable

Record keeping occurring:  Yes  No

Soil testing occurring:  Yes  No

5. Comments: Inspected area of complainant's concern, operator has installed a drainage system for the runoff from the feedlot yard and from the west ditch of range road 263. The system directs any runoff into the coulee to the north and out onto grazing lands where it was pooling approximately 1/2 mile from Willow Creek. This is yard and road runoff and not from the feedlot pens therefore no AOPA requirement to contain it.

Compliance due date: \_\_\_\_\_

Follow-up inspection required:  Yes  No

KEVIN SEWARD  
INSPECTOR (print name)

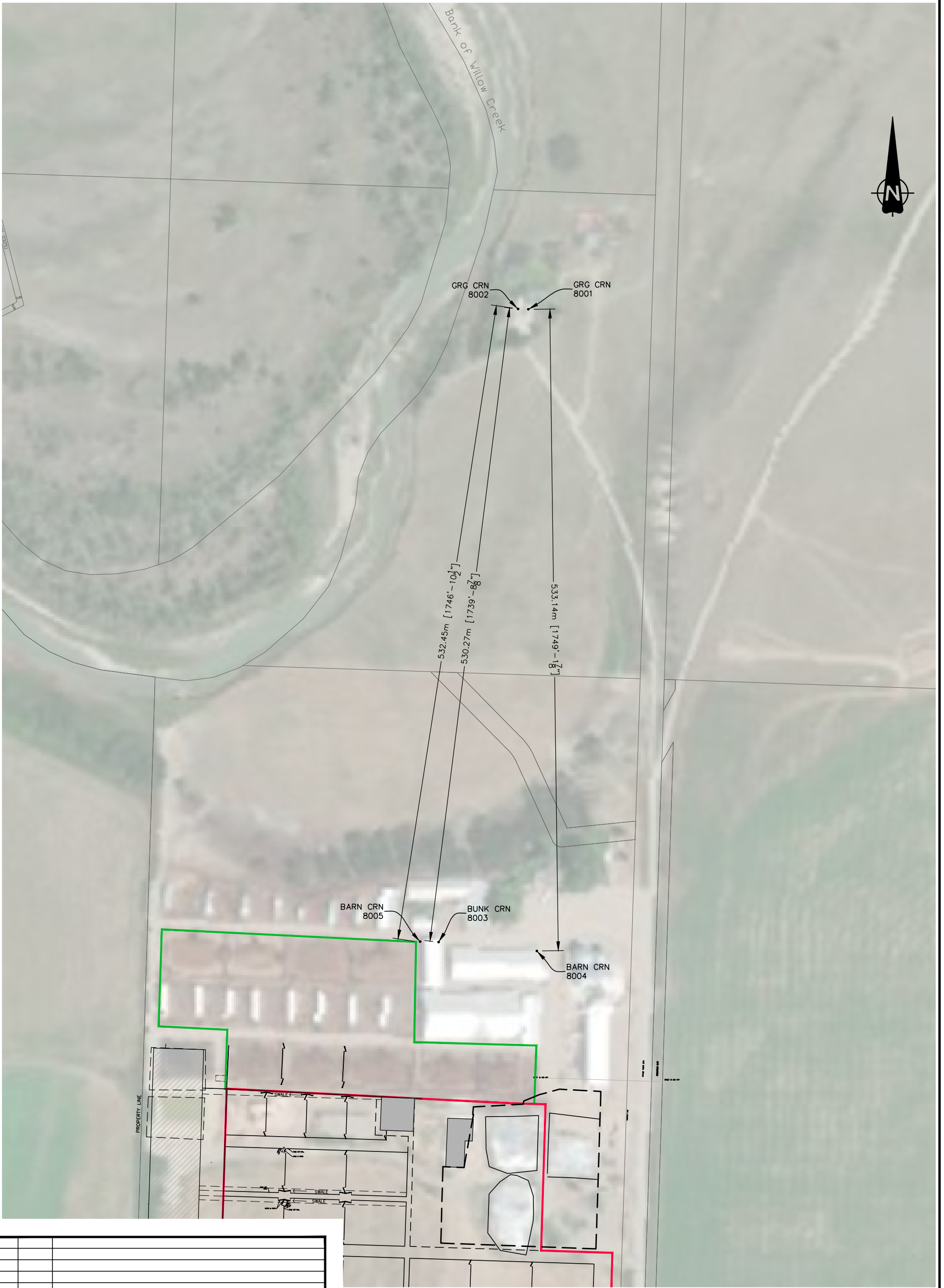
Henry Van Huigenbos  
OPERATOR (print name)

[Signature]  
INSPECTOR (signature/phone number)

[Signature]  
OPERATOR (signature-if required)

**NOTICE: Any issues determined to be outstanding may result in further enforcement action as per the NRCB Compliance and Enforcement Policy**





| ISSUE | DATE | REVISION DESCRIPTION |
|-------|------|----------------------|
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|       |      |                      |
|       |      |                      |

**LEGEND / NOTES**

1. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE DEPTH OF SERVICES PRIOR TO CONSTRUCTION.
2. ALL UNDERGROUND UTILITIES, INCLUDING GAS, OIL, TELUS, ELECTRICAL, MUNICIPAL WATER, ETC., AS SHOWN ON THIS PLAN, ARE BASED ON INFORMATION RECEIVED FROM THE RESPECTIVE AUTHORITIES. NO RESPONSIBILITY IS IMPLIED OR ASSUMED BY THE ENGINEER AS TO LOCATION, OR OMISSIONS. THE CONTRACTOR MUST CONTACT THE VARIOUS UTILITIES FOR ON-SITE INFORMATION AS TO ACTUAL LINE LOCATIONS PRIOR TO STARTING CONSTRUCTION.
3. IT IS THE LANDSCAPER'S RESPONSIBILITY TO ENSURE THAT RUNOFF FOLLOWS THE RECOMMENDED DRAINAGE PATHS AND NO STANDING WATER OCCURS NEAR THE RESIDENCE.
4. STORM SEWER LOCATION MAY CHANGE BASED ON THE LOCATION OF EXISTING UNDERGROUND UTILITIES.

WILDE BROTHERS  
ENGINEERING LTD.  
PERMIT TO PRACTICE  
P08438

WILDE BROS. ENGINEERING LTD.  
Raymond, Alberta  
VAN HUIGENBOS FARMS LTD.  
HOUSE SETBACKS

|             |                 |
|-------------|-----------------|
| DESIGNED:   | DJW             |
| DRAWN:      | J.L.J.          |
| SCALE:      | 1:3000          |
| DATE:       | AUGUST 22, 2023 |
| CHECKED:    | DJW             |
| JOB:        | 9923-18         |
| DIMENSIONS: | METERS          |
| DRAWING No: | <b>1</b>        |

[L. Friend Note – this is an addition received on August 20, 2024, to the Van Huigenbos rebuttal.]

To the NRCB board,

There are a few items that I would like to add as a memo to my main rebuttal that I submitted last week Friday.

- 1) Four of the individuals that co-signed one of the appeals last week have sold their properties and by this Friday, Aug 23<sup>rd</sup>, both couples will have moved away from the area. I understand why they submitted initial letters of concerns, and that it was within their rights to submit an RFR, but I do question their motive, considering our CFO expansion will have no affect on them whatsoever.
- 2) Regarding the water sample that was taken, I am doubtful as to the scientific merit of such a test. I don't read of any controls or parameters that were in place while this sample was taken. For example, there are numerous feeders, and/or cow calf pairs that graze on lands bordering the creek. As such, they have free access to the creek and fecal matter from these animals could undoubtedly have a huge impact on any water sample taken. Also, one can make many assumptions, but there has at no point in the past ever been evidence of manure from our CFO contaminating the creek. Once again, many steps will be taken during the build of the new CFO to ensure that the likelihood of it ever happening is virtually eliminated.
- 3) There is a slight correction on the info regarding water rights from the LNID. They are not for domestic use as I indicated. Water for "other use" (including feedlot) is available from the LNID. One can also find this information on their website. I spoke with Gary at the LNID and they intended to send over a document to confirm this.

Thank you for your consideration,

Henry&Kari Van Huigenbos

Van Huigenbos Farms.

**From:** [REDACTED]  
**To:** [Laura Friend](#)  
**Subject:** Fwd: Water Conveyance Agreement Type 3 for NRCB Application LA24002  
**Date:** August 20, 2024 1:12:08 PM

Caution! This message was sent from outside your organization.

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Hi Laura,

I've forwarded a copy of the email received from Gary at the LNID. As you can see, we can buy acre-feet from the LNID as needed, on the condition we convert our license from the Willow Creek. This is the plan, but we are waiting for our permit to pass thro the review period before facilitating a change of use amendment. Hope this helps clear things up for the board regarding our water supply.

Thanks  
Henry

Van Huigenbos Farms  
Henry & Kari Van Huigenbos

----- Forwarded message -----

**From:** Gary Burke <[gary.burke@lnid.ca](mailto:gary.burke@lnid.ca)>  
**Date:** Tue, Aug 20, 2024 at 12:49 PM  
**Subject:** Water Conveyance Agreement Type 3 for NRCB Application LA24002  
**To:** [REDACTED]  
**Cc:** Janet Beck <[janet.beck@lnid.ca](mailto:janet.beck@lnid.ca)>, Maritza Suarez <[maritza.suarez@lnid.ca](mailto:maritza.suarez@lnid.ca)>, Katrina Holoboff <[kat@lnid.ca](mailto:kat@lnid.ca)>

Henry,

Thank you for inquiry on the ability to get a water agreement suitable to supply your proposed beef feeder calf operation. According to our livestock requirement worksheet, your 16,500 beef feeder calves should require about 67.0 acre-feet of water annually. You have stated that you have a 100 acre-foot licence out of the Willow Creek that you will convert to the purpose of your cattle operation. You stated that you would also like to enter into a Water Conveyance Agreement Type 3 (WC3) for an additional 50.0 acre-feet of water from LNID to ensure that you have enough water for your operation. The LNID will enter into a WC3 Agreement with you for 50 acre-feet as long as we get a copy of the converted licence from Willow Creek. Otherwise, the LNID would require that you enter into a WC3 Agreement for the entire 67.0 acre-feet. There is a One-Time Water Licence Access Fee for WC3 Agreements at the current rate of \$4,000/acre-foot +GST. The current annual fee for the WC3 agreement is \$490 for the first 3 acre-feet and \$33/acre-foot above 3 acre-feet + GST. There may be a requirement for a

flow meter to be installed on the LNID turnout.

If you have any other questions, let me know.

Gary Burke

Classification/Network Technician

Lethbridge Northern Irrigation District

2821 - 18 Ave N

Lethbridge, AB T1H6T5

(403) 327-3302