

NO 4 - REQUEST FOR REVIEW: LA23050 / Ivy Ridge Colony

Filed By: David Olsen

Deadline for RFRs: February 11, 2025

Date RFR received: February 11, 2025

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 page 2, 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. Contact her at 403-297-8269 for assistance.

1. Confined Feeding Operation (CFO) Application Details

NRCB Application No.	LA23050
Name of Owner/Operator or Operation	Hutterian Brethren of Ivy Ridge
Type of application (if known)	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	NE 30-14-26 W4M
Municipality	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
- I represent the owner/operator
- I represent the municipality
- 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 page 2, 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:

Please see attached letter

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?

Please see attached letter

6. Contact Information of Person Submitting the RFR

Name David Olsen
Street/Box Address [REDACTED]
Town/City/Postal Code Stavelly, AB
Legal Land Description NE 30-14-26 W4M
Telephone Number [REDACTED]
Email Address [REDACTED]
Date February 11, 2025

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

Name
Address
Telephone Number
Email Address

Laura Friend, Manager of Board Reviews
Natural Resources Conservation Board
Email: laura.friend@nrcb.ca

Subject: Request for Board Review – **Approval LA23050**

Dear Ms. Friend,

I am writing to formally request a review of the approval decision for Application LA23050, which permits the expansion of the confined feeding operation (CFO) by the Hutterian Brethren of Ivy Ridge near Stavely, Alberta. As a directly affected party residing on NE 30-14-26-W4, I strongly oppose this decision due to its detrimental impact on the environment, economy, and social structure of our community. I respectfully request the NRCB to overturn the approval based on the following concerns.

1. Directly Affected Status and Economic Harm

I am a resident and agricultural producer in the immediate area surrounding the proposed CFO expansion. The approval of this feedlot directly threatens the financial sustainability of small-scale farming operations like mine. The Hutterian Brethren enjoy significant financial advantages through tax exemptions and low labor costs, creating an uneven playing field for local farmers and businesses. Their ability to undercut prices without contributing fairly to municipal taxes places unsustainable pressure on independent operators and will accelerate the economic decline of Stavely and surrounding areas.

Furthermore, these colonies largely operate outside of the local economy, purchasing supplies in bulk from outside sources and contributing minimally to local businesses. The NRCB's approval ignores the economic ramifications this feedlot expansion will have on the surrounding communities and small businesses.

2. Environmental and Water Resource Concerns

Our region is already experiencing ongoing drought conditions and significant water scarcity issues. The increased water demand from the CFO will put additional pressure on Mosquito Creek and local groundwater sources, which are essential for both agricultural and household use. The NRCB decision fails to provide any assurance that water resources will not be depleted. Approval of this feedlot expansion without proper safeguards endangers the long-term sustainability of water availability for all residents.

3. Social and Community Impact

The expansion of this CFO will continue the erosion of the local community, particularly the decline of Stavely's school and public services. The Hutterian Brethren do not participate in the public school system, nor do they contribute equitably to the tax base supporting it. The NRCB's decision to approve this expansion directly contributes to the shrinking of public resources that sustain local families and businesses.

Furthermore, this colony and others like it do not integrate into the local community, placing additional burdens on a small number of dedicated community members who keep essential volunteer programs and services running. Their lack of contribution to community-building

activities further isolates them from local society, making their presence a net drain rather than a positive force for development.

4. Precedent and Future Expansion Concerns

There are already four colonies within a 12-mile radius of this site. The approval of another feedlot sets a concerning precedent for unchecked expansion in the future. If no limits are placed on the proliferation of these industrial-scale farming operations, the entire agricultural landscape of the region will be dominated by tax-exempt colonies, forcing independent farmers out of business.

Past cases in the United States and Canada have demonstrated the dangers of concentrated feedlot expansion, leading to lawsuits over environmental damage, air and water pollution, and the loss of rural community integrity. The NRCB must recognize that approving this feedlot without addressing these concerns contributes to the degradation of the land, resources, and livelihoods of those who have farmed here for generations.

Given the substantial negative impact of this decision on the local economy, environment, and community, I urge the NRCB Board to overturn the approval of Application LA23050. Protecting rural Alberta's future requires prioritizing sustainable development, fair economic competition, and responsible resource management over industrial agricultural expansion.

Sincerely,

David Olsen
NE 30-14-26-W4
Stavely, AB

February 11, 2025

David Olsen



Stavelly, Ab

TOL 1Z0

RE: Application LA23050 – Notice of Decision
Hutterian Brethren of Ivy Ridge
Sec. 31-014-26 W4M
Request for Appeal and Review

Please note the following comments and concerns regarding the unsuitable placement of the proposed CFO in proximity to Mosquito creek and within soils and water table depths inappropriate for a confined feeding operation and unsupported by documentation provided by the application.

With respect to the construction condition of observation of the water table during construction, this is not sufficiently protective of the connected wetland system and the adjacent and sensitive Mosquito creek which is an important water source for established stakeholders as well a critical habitat for several sensitive and threatened species. The presence of several marshes within the proposed construction site is suggestive of a potentially seasonally fluctuating and shallow water table which is possibly within 1 meter of the base of structures and therefore calls into question the appropriateness of the placement of the proposed intensive development. The General Environmental Information provided by Martin Geomatics in the Technical Requirements Document LA23050 notes that the shallowest water level observed was at 2.01 meters below grade (mbg) and notes fluctuation throughout the study area. This observation indicates that it is likely that the water table will be encountered during construction therefore contravening the NRCBs Construction Condition #5. As indicated on Page 22 of the Technical Requirements; Liquid Manure Collection and Storage, the in-barn pits are specified to be constructed to 1.6 m deep and 3.7 m deep, however Martin Geomatics notes shallow water was found up to 2.01 mbg. Page 23 of the Technical Requirements within the NRCB AO approval field re-iterates construction condition #5; construction must cease if the water table is observed 1 meter or less from the bottom of the in-barn pit. The information gathered by Martin already directly contravenes the conditions laid out by the NRCB and it is highly probable that given the fluctuation of the shallow water table depth the pits will be at construction or at a later date within the water table. Construction of pits within a water table is an unacceptable risk to water resources, which the NRCB is mandated to protect.

Martin notes on Page 23 of the Technical Requirements document that the Depth to uppermost groundwater resource is 9.14 mbg, however as cited on the water well report of the nearest Domestic Water Well, the static water level is 3.66 m which correlates to the shallow water levels noted within the proposed construction site and suggests a high risk of a direct pathway to impacting adjacent water receptors.

With respect to the shallow water table and the proposed in-barn pits proposed for construction within the shallow water table, it is unacceptable risk of contaminant migration to water pathways that Page 23 notes no leakage detection system is required and that the concrete liner is permitted to be non-engineered.

Page 28 of the Technical Requirements indicates the area surrounding the manure storage tank will be sloped away from the tank to prevent pooling around the tank. Protection strategies are not specified to prevent runoff and spillage from entering the shallow water table or nearby marshes, there are no protection strategies to protect the shallow water table or direct pathway to the applicable receptors (ie

marshes and FAL receptors, migration of shallow water table, migration to domestic human consumption water well in proximity).

Surface Water Control System requirements are not being met due to probable construction into shallow water, and in proximity to water receptors and lack of leak detection systems.

As well, a Manure Storage Tank is planned for construction within 170 meters of a marsh in the NE quarter of section 31, with numerous other marshes noted within Section 31 indicating significant potential connectivity of the shallow groundwater table within proximity and likely contributing to Mosquito Creek.

It is of significant concern that the presence of the shallow water table, marsh and wetland system and proximity to Mosquito creek provides a direct pathway of concentrated agricultural contaminants to sensitive receptors and established stakeholders of Mosquito creek and the surrounding Native Grassland ecosystem.

Wildlife mapping tool searches indicate the presence of endangered species habitat within 1000m of the proposed site including the American Badger (Endangered), Long-Billed Curlew (Threatened and specifically sensitive to changes in water management on wintering grounds), Short-Eared Owl (S3 – Vulnerable and reliant on open fallow, native grassland, and row crop field for hunting range and decline when hunting grounds are further fragmented), and the Ferruginous Hawk (Endangered species in Alberta and particularly sensitive to human activities within its hunting range). All of the aforementioned species are sensitive to hunting range loss and human activity in close proximity. The intensive development of lands adjacent to the Mosquito creek, IE construction of a confined feeding operation and multi-family farming operation, would negatively impact the declining and sensitive species in the ecosystem along the Mosquito creek.

Page 39 – Liner protection notes the manure pad will be clay lined with inspection on a regular basis. This is insufficient protection against potential run off given the shallow depth to the water table. Only one borehole was sampled and analysed for the soil testing requirement to determine the nature and suitability of the clay material to determine the required clay percent to the clay texture, plasticity index requirement and Atterberg limit requirement of the clay material, and compaction testing requirement after construction. Indicating the pad is to be clay lined and inspected and providing a single borehole of data from 3.05 mbg which is unreasonably deep to extract construction material from, provides insufficient data collection and insufficient protection measures to prevent migration of concentrated agricultural contaminants into the shallow water table which is a direct pathway to human consumption, freshwater aquatic life, livestock watering receptors.

A footnote is provided on Page 40 – Technical requirements; Solid Manure, Compost & Composting materials indicating construction is to cease immediately and notify the NRCB if the water is observed one meter or less from the bottom of the compacted clay liner at construction, however it is clearly stated in the geotechnical reports that water is present across the proposed construction area up to 2.01 mbg. The borehole logs indicate a stratigraphy change and a saturated, water bearing layer at 1.52 mbg. Oxidation is present in upper layers of the borehole logs above the 1.52 mbg saturated zone, indicating periods of saturation supporting the observation of a fluctuating shallow water table.

The borehole selected for analysis of suitability for soil liner material and hydraulic conductivity is not in proximity to the proposed build site therefore is unlikely to be the material to be used in construction of the manure storage pad. No other documentation was provided to indicate analysis of boreholes closer to the proposed construction location of the manure storage pad, no boreholes were advanced in the vicinity of

the manure storage pad, insufficient borehole and soil analysis information is provided surrounding the proposed manure storage or dairy barn to ensure adequate containment.

Numerous marshes are documented in the north east corner of section 31 within several hundred meters to one hundred meters of the proposed manure storage pad. The proximity of the proposed manure storage pad indicates a high risk of migration to marshes which based on the measured shallow water table depths have a probability of connectivity to nearby sensitive Mosquito creek. This placement of a potential high intensive agriculture contamination source with insufficient documentation of protective measures and soil conditions represents an unreasonable risk of deleterious impacts.

Conclusion

The NRCB states its Mission is 'decides if natural resource projects are in the public interest, considering social, environmental and economic effects. Significant and profound community protest has been expressed against this proposed feeding operation and intensive farming operation location, indicating a strong social opinion against this operation. Review of the data provided by Martin Geomatics appears insufficient to prove contamination will not occur and cause deleterious impacts to the surrounding water body, including insufficient soil analysis and borehole placement, insufficient data regarding hydraulic conductivity of the soil and groundwater gradient data (1 borehole is insufficient data).

Allowing placement of a dairy barn and manure storage pad with in-barn pits and with potential run off effects on lands with a documented and known high shallow water table which is know to be present high enough interact with the in-barn pits while stating construction is to cease if the water table is found within 1 meter of the pits is negligent and in contravention of the NRCB mandate to be protective of the environment. Several notes within the application approval specify construction is to cease if the water table is within 1 m of the base of the pits, however it is documented in the application that a saturation zone is found at 1.52 mbg, oxidized soil is logged above 1.52 mbg indicating fluctuation of saturation and water table depth. The in-barn pits are proposed to be constructed into the shallow water table, which is an unacceptable risk of deleterious impacts.

The approval of the placement of the CFO is not sufficiently supported and is in an inappropriate area per the conditions set by the NRCB. As well the effects to endangered wildlife in range of the Mosquito creek is not being accounted for or mitigated, and the proponent has not proven that negative effects will not occur.

Regards,



Serena Hohlbein, B.Sc, P.Ag.

On behalf of David Olsen