#3 - REQUEST FOR REVIEW: LA20001 / P&H Wessels Farms Ltd.		
Filed By:	Stasha Donahue	
Deadline for RFRs:	June 19, 2020	
Date RFR received:	June 17, 2020	
Status of party as per Decision Summary:	Directly Affected	

## REQUEST FOR BOARD REVIEW SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD

Application No:	LA20001		
Name of Operator/Operation:	Wessels Farms & Beekman Farms		
Type of application (check one):	Approval	□ Registration	☐ Authorization
Location (legal land description):	SW 4-8-26 W4M and NW 33-7-26 W4M		
Municipality:	MD of Willow Creek		

I hereby request a Board Review of the Approval Officer's Decision and have the right to request a Board review because *(please review all options and check one)*:

- □ I am the producer seeking the approval/registration/authorization.
- □ I represent the producer seeking the approval/registration/authorization.
- □ I represent the municipal government.
- ☑ I am listed as a directly affected party in the Approval Officer's Decision.
- □ I am <u>not</u> listed as a directly affected party in the Approval Officer's Decision and would like the Board to review my status.

#### IMPORTANT INSTRUCTIONS

- 1. You must meet the specified 10-day timeline; otherwise your request will not be considered.
- 2. Section 1 of this form must be completed only if you are requesting that the Board review your status as "not directly affected". Sections 2 to 5 must be completed by all applicants.
- 3. This form must be signed and dated before it is submitted to the Board for its review.
- 4. Be aware that Requests for Board Review are considered public documents. Your submitted request will be provided to all directly affected parties and will also be made available to members of the public upon request.
- 5. For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.

### 1. PARTY STATUS

(IF YOU ARE NAMED A DIRECTLY AFFECTED PARTY IN THE APPROVAL OFFICER'S DECISION, YOU DO NOT NEED TO COMPLETE THIS SECTION)

Party status ("directly affected" or "not directly affected") is determined pursuant to the provisions of the Agricultural Operation Practices Act (AOPA) and its regulations. Upon receipt of an application, the Approval Officer must notify any affected parties. Affected parties include municipalities and owners or occupants of land as determined in accordance with the regulations. To obtain directly affected status, the owner or occupant notified in the above process must provide a written submission to the Approval Officer during the stage at which the Approval Officer considers the application. The Approval Officer will then determine who the directly affected parties are and include this determination in the Decision Summary.

Under its governing legislation, the Board can only consider requests for review submitted by directly affected parties. If you are not listed as directly affected in the Approval Officer's decision, you must request that the Board reconsider your status (please note that under the provisions of AOPA, the Board cannot reconsider the status of a party who has not previously made a submission to the Approval Officer during the application process).

In order to request your status be reconsidered, you must explain why your interests are directly affected by the decision of the Board. Please list these reasons below:

#### My grounds for requesting directly affected status are as follows:

Am already listed as an affected party.

# 2. GROUNDS FOR REQUESTING A REVIEW

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to approve an application, NRCB Approval Officers must ensure the requirements of AOPA have been met. Your grounds for requesting a Board review should identify any requirements or specific issues that you believe the Approval Officer failed to adequately address in the Decision.

#### My grounds for requesting a review of the Approval Officer's decision are as follows:

I am concerned about the water quality and quantity affected by this decision. The McBride Lake aquifer that the applicant is exploiting is a shared resource. It is not under the ownership of Wessels or Beekmans. The impact on the water source for neighbours cannot be disregarded by the NRCB.

Information provided by AHS indicates that high Nitrate levels in the water are a concern. The NRCB indicated that a water study in the area was "inconclusive". That does NOT mean it should not be considered. Would the Approval Officer want his household water supply disregarded in such a manner?

Should the water quality erede with higher levels of Nitrates, referring landowners to AHS is not an acceptable response. This was outlined as a course of action for area residents by the Approving Officer. The landowners/affected parties are aware of the nitrate levels. That is why they expressed concern. This response by the Approving Officer seems flippant at best. The Approving Officer has disregarded the concerns of affected parties repeatedly. The provided suggestions for resolution are unacceptable.

## 3. REASONS YOU ARE AFFECTED BY THE DECISION

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to support your reasons for requesting a review, please explain how you believe you would be affected by the Approval Officer's decision.

# I believe that, as a result of the Approval Officer's decision, the following prejudice or damage will result:

Damage to our household water supply will result given that the McBride Lake aquifer is a shared resource and not one owned/accessed only by Wessels or Beekmans. This point has been repeatedly made but not been given fair consideration by NRCB. Several neighbours will be impacted. The disregard of the NRCB toward affected parties who are reliant on the same water supply as the operator has been noted.

The McBride Lake aquifer is a shared resource. The quality of this water will be negatively impacted by the expanded operation. The aquifer is recharged from topical moisture (including moisture contaminated by manure). The nitrate levels in the water currently exceed the maximum acceptable level for nitrates in drinking water. Alberta Health services flagged the issue of high nitrate levels but this was not addressed effectively or fairly by the NRCB.

This point about high nitrate levels in the water has been repeatedly made. I submitted water test results indicative of same. Deterioration of water quality will result in having to rely on hauled water for household consumption. This is not acceptable. The failure of the NRCB to consider the water rights of impacted parties with this application are a failure of adherence to the stated NRCB's core values of "integrity, fairness, respect, excellence and service."

An additional note-the original application was for beef finishers-this last approval indicate multi-species. This is inconsistent...

## 4. ACTION REQUESTED

(ALL PARTIES MUST COMPLETE THIS SECTION)

# I would like the Board to take the following actions with the respect to the Approval Officer's decision:



Amend or vary the decision

Reverse the decision

### Please describe why you believe the Board should take this action:

I do not want to have my household water polluted by this operation. I do not want to have the quantity of water in the McBride Lake Aquifer negatively impacted by this operation.

At a minimum, the NRCB should request regular water testing to ensure volume and quality of the McBride Lake Aquifer is not negatively impacted by operations.

Currently, the operator is drawing water from a well without a license for industrial agriculture use. This is illegal. The NRCB is aware of this illegal activity but is choosing to turn a blind eye. Does this not make the NRCB complicit in wrong doing?

If the Board decides to grant a review (*in the form of either a hearing or a written review*), all directly affected parties are eligible to participate. The Board may consider amending the Approval, Registration, or Authorization on any terms and conditions it deems appropriate. **Please note the Board cannot make any amendments unless it first decides to grant a review**.

If a review is granted by the Board, are there any new conditions, or amendments to existing conditions, that you would like the Board to consider? It is helpful if you identify how you believe your suggested conditions or amendments would address your concerns.

The operator is breaking the law by taking water for industrial use without a license. Instruct the operator to haul his own water for the operation. No further water should be drawn from the aquifer for industrial use. This illegal practice needs to stop now.

Investigate nitrate levels before approving expansion. This would be prudent and fair to affected parties. At a minimum, there should be regular testing.

Regular unplanned site visits to ensure compliance should be put in place. Given the current illegal activity (water use without a license) this operator should be considered at risk for non-compliance.

If affected parties experience water quality deterioration, they should be remunerated for damages and the expense of water hauling.

## 5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

250 – 5<sup>th</sup> Street SW Calgary, AB T2P 0R4

Contact information of t	he person requesting the review:	
Name:	ame: Stasha Donahue	
Address in Alberta:	Box 1364	
	Fort Macleod, Alberta T0L 0Z0	
Legal Land Description:	NE 28-7-26 W4	
Phone Number:	Fax Number:	
E-Mail Address:		
Also, if you do not m	June 17, 2020 ctions of the form must be completed in order for your request to be considered. heet the timeline identified, your request will not be considered. Form must be ed and dated before being submitted for Board consideration	
	resented by another party, please provide their contact a are represented by legal counsel, correspondence from the your counsel)	
Name:		
Address:		
Phone Number:	Fax Number:	
E-Mail Address:		
Laura Friend, Ma	ou have completed your request, please send it, with any supporting documents to: anager, Board Reviews Phone: 403-297-8269 es Conservation Board anial Place Email: <u>laura.friend@nrcb.ca</u>	

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