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Foothills, AB

June 14, 2021

To: **Development Appeals Board**

Foothills County, Box 5605 High River, AB. T1V 1M7

Re: **Development Permit Application 21D 053**

Intensive Vegetation Operation and Agricultural Processing and Distribution

Appl: **1651993 Alberta Ltd. / Township Planning & Design Inc.**

Please be advised that the community signatures appended to this Letter wish to voice our Appeal to the referenced Development Permit Application.

First and foremost, we fully support all aspects and arguments of the original Appellant, **Calvin and Dianne Harvey**.

We also wish to appeal Permit 21D 053 for the following reasons:

1. Zoning Concerns
2. Water Usage & Sustainability
3. Environmental and Community Impact

1. Zoning

The Applicant's proposal describes a number of activities and processes related to a Processing and Extraction Facility that we feel to be **Industrial** in nature:

Quoting Applicant's Permit Application Letter (03/19/21) as well as subsequent emails :

- *"Closed Loop Ethanol Extraction Equipment where Biomass is fed in one end and distilled oils come out the other end."*
- *"The oil is collected in vats and moved to a secure storage room in the processing building."*
- *"Currently, it is **anticipated** that the only crops grown on site will be processed on the site."*
- *"It is not **contemplated** that any hemp fibre product will be made at this time."*

We question the suitability of such an Industrial Facility to be located on this parcel with its current Agricultural Zoning, fully surrounded by high-density Country Residential and nearby schools. We ask if this facility would be better served in an area with Industrial or Commercial Zonings.

In addition, we see no reference to water usage specific to this Processing and Extraction facility and must assume that additional well water would be required above and beyond what has been stated for any field crops. The parameters of this Processing Facility need to be defined in much greater detail.

As previously highlighted by Mr. Calvin Harvey in his own Appeal, the consistent use of offhand language in the Applicant's Submission referencing the Processing Facility, "*we contemplate*", "*we anticipate*" give us pause as to whether the full scope of this project has been fully disclosed. Or perhaps, the Applicants aren't certain themselves, which is arguably equally as concerning.

2. Water Usage & Sustainability

We wish to make it known that we object to the use of Ground Water and/or any attempt to Divert Water for the purpose of using the same, in any amount, for Commercial or Industrial Purposes.

Ground Water is a public resource. This aquifer provides potable and household water for the residents of this high-density country residential area, staff and students at Heritage Heights School, St. Francis of Assisi Academy and users of Scott Seamen Recreation Facility all within 1km of the proposed site. The prospect of a compromised aquifer due to an industrial enterprise is extremely concerning to us as residents.

Without delving into water calculations that are best left to the Experts in their field (Sidenote – still waiting for them to show up!) The science indicates that hemp is an extremely water intensive crop. We have strong concern that the Applicant's claim that their water use will be limited to, quote "*30 gpm per minute per day during July and August*" out of a single well is a woeful underestimation of the true volume of irrigation that would be required to successfully support a hemp crop that could potentially take up the majority of this 85 acre parcel. We estimate that many **Millions** of gallons will be required each growing season. An unreasonable load on an aquifer that is already supporting this high density country residential area, schools and recreation facilities.

It is recognized that the MD of Foothills must defer to Alberta Environment on matters of water usage under the Waters Act.

At this time, the Applicant has only just recently been issued two (2) **Temporary** Diversion Licenses from the AER /AEP without public consultation, however full water permit approval under the Waters Act has not been granted.

- **Temporary TDL Permit # 00475101** - grants approval to pull 5,000 cubic meters of groundwater (well water) for the purpose of irrigation. Validity is approx. 1 year (May 21-May 14, 2022)
- **Temporary Permit #00475102** – grants approval to divert surface water from "unnamed stream" in the amount of 32,621 cubic metres. Validity is approx.. 1 year (May 21-May 14, 2022)

We reject these Temporary Permits as an acceptable alternative to the full and proper permitting under the Waters Act, which we understand to be a requirement by the MD of Foothills to approve this Development Permit.

As to why Alberta Environment elected to fast-track these Temporary 1yr TDLs for water use and neglected to perform the normal public consultation process that is part of due diligence under the Waters Act, these details are yet to fully emerge. It is very concerning as the public consultation process has effectively been both thwarted and bypassed.

As residents, we object to being treated like adjacent “test subjects” during this current 2021 growing season while the temporary 1yr water permits remain in place. Is it reasonable to expect that the community should self-monitor our own wells for impact and degradation during this trial period? We think not and we object to this wait-and-see approach. Yet, this is exactly feedback we are currently receiving from the department within Alberta Environment whom elected to fast-track the project by issuing this temporary permit. There is potential for permanent and irreparable damage of the aquifer, even within a 1 year period. This Temporary Permit is reckless.

Furthermore, we have strong reason to believe that the 5,000 cubic meters of ground water as granted per this TDL is not even sufficient to support the scale of this operation, even using the Applicant’s own 30gpm calculations between the sole period of July-August as proposed! This further heightens our concerns. It is also doubtful that “Unnamed Creek”, which is generally dry during the peak summer months, could even come close to make up this water shortfall to support the irrigation.

3. Environmental and Community Impact

We are not aware of any **Environmental Impact Assessments (EIA)** performed to date by Alberta Environment. We feel it should be mandated. Concerns have been expressed on the following:

- Surface Runoff / Fertilizers
- Impacts of Diverting the Creek on the Environment
- Impacts of Diverting the Creek on the Community through degradation of natural features (Norris *Coulee*)
- Impact on Wildlife (including waterfowl considering diversion permits)
- Soil Erosion and Weed Control

Furthermore, impact on nearby MD infrastructure must be considered. The following key facilities are just 1km east on Hwy 552E from the subject parcel and to our knowledge, all rely on well water:

- Heritage Heights School Public School
- St. Francis of Assisi Catholic School
- Scott Seamen Stadium

How are we to have confidence that these critical public infrastructures along with the country residential area will not be negatively impacted in the absence of a robust analysis of this project under the Waters Act and EIA?

The burden of proof rests with the Applicant and the Legislative Bodies to demonstrate that this project does not pose harm or risk to the residents of the area and the environment, yet we appear to be witnessing an operation that is unfolding before our own eyes without due process.

Respectfully,

Ryan & Elisa McKellar