



NORTH & COMPANYLLP
LAW OFFICES

Our File: 11048.009

September 19, 2018

Walter Ceroici
Natural Resources Conservation Board
Science, Technology & Compliance
4th Floor, Sterling Place
9940 - 106 Street
Edmonton, AB T5K 2N2

Dear Sir:

Re: Nelson Feedlot – Concerns about bias

Thank you for letter of July 19, 2018, which I received upon my return from vacation on August 13, 2018. We also received from Fiona Vance, Chief Legal Officer – Operations, a letter dated June 1, 2018. Both letters are in response to different matters raised in our letter of May 22, 2018 to Michael Wenig, Chief Legal Officer – Operations, of the NRCB. Although neither you nor Ms. Vance have apparently provided copies of your letters to each other, but because our response to both of them involves matters raised in each of the letters, copies of my letters in response are being provided to both of you.

Firstly, we are concerned by the selection of Kevin Seward to do the investigation. We understand that it was only recently he was appointed to the position of acting Compliance Manager and prior to that he was one of the inspectors and approval officers, if not the primary inspector, dealing with the Nelsons. We had hoped and expected that the investigation “by a person of authority” would not be a long time inspector of the Nelsons who’d only recently vacated that position, but perhaps someone from outside the Lethbridge office who would have an opportunity to take a look at the bigger picture.

We believe our concern is somewhat vindicated by Fiona Vance’s letter of June 1, 2018. In that letter, she advised that Mr. Seward as Acting Compliance Manager was advised by Mr. Nelson on May 28, 2018, that the newly added pen of 500 head of cattle had been removed, but it is noteworthy that the added pen with concrete feed bunks which were poured specifically for that pen have not been removed and in fact are still in place. Approximately 6 steel pipe panels have been removed but those could be very easily reinstalled. Even though the new pen of animals were added improperly in the first place, Mr. Seward did nothing. Further, it appears that it is apparently okay for the Nelsons to breach the approval as long as, when caught, they remedied the breach.

For reasons set out in our letter of concurrent date to Fiona Vance (copy enclosed) and the addition of 2000 more animals beyond the existing approval without following prescribed AOPA regulations by either the Nelsons or NRCB, and the apparent overlooking and non-enforcement thereof, by Kevin

Reply To: Lethbridge
600 Chancery Court
220 - 4th Street South
Lethbridge, Alberta T1J 4J7

R. Philip M. North, Q.C.
p-north@north-co.com
Phone: (403) 328-7781
Fax: (403) 320-8958

Assistant:
Annika Wiltse
awiltse@north-co.com
Phone: (403) 328-7781

COPY

NRCB

DATE RECEIVED

SEP 25 2018

**EDMONTON
ALBERTA**

1242143

Seward, the acting Compliance Manager and former inspector of Nelsons Feedlot, and the fact that Kevin Seward was appointed to do the investigation into bias, we must advise of our non-confidence in Mr. Seward's investigation and report to you. With this new information we request that you reopen the matter of the bias allegation with an investigation not by Kevin Seward but of Kevin Seward and others, by someone who is not so obviously close to the Nelsons and who has not both recently and historically exhibited a willingness to overlook both internal and external breaches.

Secondly, we request an update on the status and procedure for the November 2018 review by the Practice Review Committee, and whether the concerns raised in this letter will be forwarded to the Committee for their review as we hereby request.

One should never lose sight of the primary issue here – dust control failure by the Nelsons. These other matters go some way to perhaps explaining the reason why.

We would appreciate a response from you.

Yours truly,

NORTH & COMPANY LLP



PER: R. PHILIP M. NORTH, Q.C.

RPMN/amw
Enclosure

cc: Fiona Vance
Chief Legal Officer – Operations

cc: Richard Hofer