



NORTH & COMPANY^{LLP}

LAW OFFICES

Our File: 11048.011

April 4, 2019

Natural Resources Conservation Board
19th Floor, Centennial Place
250 - 5 Street S.W.
Calgary, AB T2P 0R4

Attention: Laura Friend

Dear Madam:

Re: Rebuttal Submission

Further to your letter dated April 1, 2019 we take this opportunity to respond to the letter submitted by Shawn Nelson.

We note that Mr. Nelson's submission primarily addresses the ongoing issue of manure dust emanating from Nelson Family Ranches confined feeding operation. We understand that the issue of dust is outside of the Board's jurisdiction to review Approval Amendment LA18058A and as such we will not provide comments on the same.

With respect to animal numbers, Mr. Nelson references section 2.2 of the Intensive Livestock Operation Management Plan, which sets out both the existing and proposed number of animals to be fed at the CFO. In his submission, Mr. Nelson states the proposed numbers were:

7000 Finishers
1000 Feeders
500 Cows
50 Bulls

We however note that section 2.2 states 7000 calves, not finishers. Mr. Nelson further claims that this part of the application shows that Nelson Family Ranches requested and was authorized 8550 animals. We note that in the Development Permit application package, Grant Nelson in his own handwriting states "proposed increase of 3000 in 98 + 99 to maximum of 7000 hd", not 8550 head. Furthermore, regardless of how many animals Nelson Family Ranches asked for, what is at issue is what was authorized by the Development Permit, which the Hofer family maintains is 7000 animals, ranging in weight from 450 – 1300 lbs.

Mr. Nelson also submits that because a calf produces less manure than a finisher, Nelson Family Ranches is permitted to have additional head of cattle in the feedlot. We note that manure production was a factor consider when the Development Permit was issued, as the Livestock Sitting Unit factor

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("LSU") takes into account the manure production of different sizes and weights of cattle. The LSU factor used when the Development Permit was issued was for cattle ranging in size from 450 – 1300 lbs., not the LSU for beef finishers. If the County were authorizing Nelson Family Ranches feedlot to produce 15,400 mt of manure per year, we would expect the County to have used the LSU factor for beef finishers.

Mr. Nelson also references the recently issued Generally Accepted Agricultural Practices ("GAAP") Certificate following the Practice Review Committee ("PRC") hearing. We point out that the PRC awarded the GAAP certificate based on the NRCB November 13, 2018 Report to the Farmer's Advocate which concluded that Nelson Family Ranches had complied with the 2017 dust control plan and PRC directives. We have however raised concerns that Nelson Family Ranches has failed to fully comply with the PRC directives and 2017 dust control plan and question the NRCB's conclusion that they have. From the November 13, 2018 NRCB report, we noted the following:

1. The upgrades to the pen watering system are "almost complete" and won't be completed until spring 2019. The 2017 dust control plan stipulated the upgrades were to be complete by July 21, 2017.
2. Only 72.5% of feedlot pens can be watered using a permanent system. The November 23, 2017 PRC direction stated that Nelson Family Ranches was to have a permanent watering system in place over 84% of the feedlot.
3. The RCC liner was fully installed in only 10% of the feedlot pens and partially installed in 25% of pens. Further, the RCC liner will not reduce the amount of dust from the feedlot, as manure dust will still collect on the surface of the liner and be kicked up by the cattle.

The Hofer family maintains that the Development Permit authorized Nelson Family Ranches to have 7,000, 450-1300 lbs head in their feedlot.

We thank you again for your time and attention to this matter and the opportunity to be heard by the Board.

Yours truly,

NORTH & COMPANY LLP


PER: R. PHILLIP M. NORTH