

April 17, 2019

To: North & Company – Philip North, Q.C., Nelson Family Ranches – Shawn and Jeff Nelson,
Richard Hofer, Rodney Hofer, NRCB Field Services – Fiona Vance,
County of Warner – Shawn Hathaway
(all by email)

**Re: Notification of Oral Hearing for Board Review LA18058A – Nelson Family Ranches Ltd., Warner
Country, NE 07-006-19 W4M**

On March 7, 2019, the Board invited directly affected parties to make submissions and to rebut the submissions of other parties in regard to Board Review LA18058A. The Board received two submissions prior to the March 29, 2019 deadline, and two rebuttals prior to the April 8, 2019 deadline. The Board has reviewed both the submissions of the directly affected parties, and the rebuttals to those submissions.

In accordance with Board Decision RFR 2019-01/LA18058A issued on January 18, 2019, the Board maintains that the permitted animal capacity at the Nelson Family Ranches Ltd. confined feeding operation is an issue that warrants consideration at a hearing. The Board met April 11, 2019, and has determined that an oral hearing will be granted.

Hearing Arrangements

The hearing arrangements are as follows:

DATE: Wednesday, May 15, 2019

LOCATION: Coast Hotel, 526 Mayor Magrath Drive South, Lethbridge, Alberta

TIME: Hearing commences at 9:30 a.m., doors open at 9:00 AM, coffee and water provided

Pre-hearing Submissions

The Board reminds all parties that the scope of the Board's review is limited to the determination of the deemed approval capacity of the Nelson Family Ranches Ltd. CFO. A determination of the deemed approval capacity for the CFO falls under *Agricultural Operation Practices Act* section 18.1 (2) which states:

18.1(2) The capacity allowed by a deemed approval or registration pursuant to:

- (b) subsection (1)(b) is the capacity authorized by the licence, permit, approval or development permit or, if a capacity was not so authorized, the capacity of the enclosures to confine livestock at the confined feeding operation on January 1, 2002

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Submissions are expected only if new evidence is available to address the issue of determining the deemed approval capacity. To date, the Board has received no evidence related to the feeding activity at the feedlot between 1998 and 2002. Specifically, the management and category of beef cattle being fed during the 1998-2002 time period may be useful in determining the deemed approval capacity as of January 1, 2002. The Board encourages all parties to submit any additional information that relates to the January 1, 2002 capacity of the Nelson Family Ranches Ltd. CFO no later than 4:30 p.m., Thursday, May 9, 2019.

Public Record

Most of the material with respect to this review has been distributed to the parties. The approval officer's public record, the material circulated to date, and hearing submissions will be accessible via the NRCB website, as follows:

<https://www.nrcb.ca/confined-feeding-operations/aopa-requests-for-review/197/nelson-family-ranches-ltd-la18058a>

Please feel free to contact either Laura Friend, Manager, Board Reviews at 403-297-8269) or me at 403-297-4304 if you have any questions.

Yours sincerely,



Bill Kennedy
General Counsel