

SENT VIA EMAIL

25 April, 2019

Laura Friend
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Natural Resources Conservation
Board
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Email: laura.friend@nrcb.ca

Re: Board Review of LA18058A

I understand the Board has scheduled an in-person Review before the NRCB Board for May 15, 2019 in Lethbridge. In his letter dated April 17, 2019, Mr. Kennedy invited pre-hearing filing only of evidence related to the feeding activity at the feedlot between 1998 and 2002. I write to seek the Board's permission to file material outside the confines of that invitation.

You may recall that on January 10, 2019, in the context of the Request for Review proceeding leading up to this Review, I filed (1) Field Services Materials and (2) Field Services Submission & Authorities. Field Services' Submission included a response to the allegation of bias levelled by the Hofer Family against the NRCB, and Field Services' Materials included Tabs A through P in support of that response.

You may also recall that the Field Services Submission related the appointment of Dr. Mike Iwanyshyn, Environmental Specialist with the Calgary NRCB office, to investigate the allegation of bias internally. Paragraph 14 of the Field Services Submission stated that Dr. Iwanyshyn's report was not complete at the time of the submission.

Since that time, the Acting Chief Executive Officer of the NRCB has received Dr. Iwanyshyn's confidential memorandum dated January 31, 2019. In addition, the Board has scheduled a Review. While ordinarily Field Services would not make Dr. Iwanyshyn's internal memorandum public, it seems a natural complement to the materials that have already been filed during the Request for Review stage. Accordingly, I seek the Board's permission to add Dr. Iwanyshyn's memorandum to the Review record.

In the alternate, if the allegation of bias is not an issue that will be heard at the Review, I am content not to add Dr. Iwanyshyn's report to the record.

Yours truly,



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cc. Bill Kennedy, General Counsel
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