

August 16, 2019

**Re: Notice of a Grandfathering Determination
Stant Enterprises Ltd. NW 18-40-4 W5M**

The Natural Resources Conservation Board (NRCB) has received a request from Stant Enterprises Ltd. for a grandfathering determination for its beef feedlot located at NW 18-40-4 W5M. In this letter, I explain what that entails and how you may participate.

What is a grandfathered determination

To be grandfathered under section 18.1 of the *Agricultural Operation Practices Act* (AOPA), the operation must have existed as a confined feeding operation on January 1, 2002 (the date AOPA came into effect). Some confined feeding operations (CFOs) that existed on that date were permitted by the local municipality. In that case, the municipal development permit is considered a deemed permit under AOPA. However, even where a CFO did not hold a municipal development permit, the CFO may still be grandfathered if it existed on January 1, 2002, and if its capacity at that time were at a size that was at or greater than the threshold size to need a permit under AOPA.

The feedlot in question does not hold a municipal development permit. Accordingly, the NRCB must determine (1) what facilities existed on January 1, 2002, (2) the type of livestock those facilities contained, and (3) the physical capacity of the facilities as of that date – in other words, the number of livestock the facilities could reasonably confine.

Leading up to those determinations, I am conducting an investigation. As part of my investigation, I am providing this notice to all parties who would be entitled to notice for a new operation with the same capacity (for the claimed 5000 beef finishers). For this feedlot, those are persons who own, or reside on land within 1.5 miles of the feedlot. The location of your land or residence is within the “affected party” distance from the facilities, as set out by the Part 2 Matters Regulation under the *Agricultural Operation Practices Act* (AOPA).

The claimed capacity

The feedlot appears to have existed prior to January 1, 2002. This date reflects the change from County/Municipal District control, over to the NRCB for the purposes of permitting confined feeding operations (CFO) in the province of Alberta under AOPA. If the feedlot in fact existed prior to AOPA being enacted, it will be considered a grandfathered facility. This means that the feedlot would be deemed to have a permit for an operation with the same capacity and footprint as it did on January 1, 2002.

Stant Enterprises Ltd. is claiming that the feedlot had the capacity to hold 5000 beef finishers as of January 1, 2002. Historical aerial photographs suggest to me that the footprint of the feedlot has not changed since January 1, 2002.

What you may do

A complete copy of the information filed by the applicant under the *Agricultural Operation Practices Act* may be viewed on line at www.nrcb.ca or during regular business hours at the Red Deer office of the NRCB until September 18, 2019.

Affected persons, including yourself, are being given the opportunity to supply relevant information, concerns, or support for the claim being made by Stant Enterprises Ltd. For example, I will need to ascertain the following facts:

- the pens or other facilities that existed at the site on January 1, 2002;
- the facilities' physical dimensions and other characteristics;
- how each facility was being used and managed for use at that time,
- the number and types of livestock on the site for both before and after January 1, 2002.

It might also be helpful for me to know the overall management practices for the operation on January 1, 2002 and how the facilities were used in the months and years after 2002, and even in 2001 and previous years.

Your submissions may include any relevant photos, correspondence or other evidence, as well as your own narrative statements. However, each record submitted as evidence should be accompanied by sufficient information to show that the evidence is authentic. (For example, to authenticate a photograph, please state who took the photo, when it was taken, the location of the image shown, and whether the photo has been digitally altered.)

Submissions should clearly identify which factual assertions are based on your own personal knowledge and which assertions are based on your assessment of evidence or statements provided by others.

Submissions should include an explanation of your own personal knowledge of the operation. This basis may include: how long you lived in the area, whether you have a direct line of sight of the operation, what if any other exposure you have had to the facilities besides a view from their house, whether you were at home year-round or absent for any long periods during the time periods relating to your assertions, and what experience or knowledge of the cattle business you might have.

The official notice of the grandfathering determination will be published in the August 20, 2019, issue of *The Mountaineer*.

If you would like to make a submission, please send it to my attention at the address on this letter, or by email to david.smejkal@nrcb.ca. Your submission must be received in writing (by letter, fax or email) **on or before 4:00 p.m. on September 18, 2019**.

At a minimum, your submission must include:

1. Your name;
2. The legal land description of your residence and/or landholdings;
3. Your contact information (mailing address, phone number, fax number and email address); and
4. Any information or evidence that you feel may be relevant to my investigation.

You may also apply for status as a "directly affected party." The deadline to apply for directly affected party status is also **on or before 4:00 p.m. on September 18, 2019**. If I decide you are a directly affected party, you have the right to request a Board review after I issue my decision on the grandfathering determination. If I decide you are not a directly affected party, you will have the right only to request a Board review of my decision that you are not directly affected.

Please be aware that your submissions will be public documents and will not be kept confidential. A copy will be given to the applicant. If a submission includes concerns that do not fall under the authority of the NRCB, it may be forwarded to other authorities. If you believe that any specific document should be considered confidential, before providing that document please provide a written request that identifies the general topic of the document and explains why it should be treated as confidential.

Following my review of written submissions, I may request additional written information or a follow-up interview, to clarify any points that I am unclear about.

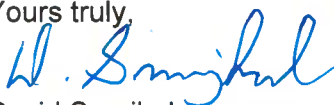
Next steps

After I consider all the information I gather in my investigation, including any submissions from affected persons, I will provide a decision report to

- a. Stant Enterprises Ltd.,
- b. Any other persons who filed a submission on the grandfathering determination by the deadline, and
- c. Any person who filed a submission but whom I determined were not directly affected.

If you have any questions or concerns please contact me at 403-340-5525 or by email at david.smejkal@nrcb.ca.

Yours truly,



David Smejkal
Inspector, Compliance and Enforcement Division

Cc: Stant Enterprises Ltd.