

#1 - REQUEST FOR REVIEW: PL20001/Rimrock Feeders Ltd.

Filed By: Norman and Janice Denney

Deadline for RFRs: October 29, 2020

Date RFR received: October 22, 2020

Status of party as per Decision Summary: Directly Affected

October 22, 2020

Norman and Janice Denney

High River, Ab.

T1V 1N2

Chairperson
Natural Resources Conservation Board
19 Floor Centennial Place
250 – 5 Street SW
Calgary, Alberta
T2P 0R4

Attention Laura Friend, Manager, Board Reviews

Dear Sir.

Re: Notice of Grandfathered (Deemed) Permit Determination of Livestock Type Rimrock Feeders Section 5-19-29 W4M

Please accept this Request for Board Review of the Grandfathering determination you have made regarding Rimrock Feeders dated October 8, 2020.

It is already established we are an affected party of this decision as we own and reside in NE 30 – 18 – 29 W4 the adjacent quarter section to the Rimrock Feedlot.

If the decision is confirmed the following damages will result.

1. Our property value will be negatively affected
2. Our right to odor free air, good health and quality of life, will be negatively affected.
3. Our right to enjoy for benefits of Foothills County Bylaw 27/2009 relating to dark skies policy will be negatively affected.

There are three components of your decision to Grandfather the permit for Rimrock Feeders I wish to challenge:

- 1) That grandfathering of the Western Feedlot permit is appropriate because the feedlot has not been abandoned.
- 2) The public has been made adequately aware of the request to grandfather the Western Feedlots' permit
- 3) The capacity of the feedlot was 35,000 head.

1. Abandonment.

The operation was shut down from April of 2017 to September – October 2019 a period of 29 months. During that time market condition, labour availability, feed availability was normal or better than normal. Their main customer Cargill were in fact increasing their output. During that time frame if Western's desire to do anything but get out of the feedlot business on the site they would have done so.

Information from Dave Plett was used to support the contention that the operation was only mothballed. His interview with the Calgary Herald and Mr. Ivarsson is weak evidence that the shutdown was temporary. It would not have been advisable for Mr. Plett to acknowledge that the operation was abandoned. Doing so would have triggered cancellation of the operating permit and having to incur considerable cleanup costs to meet environmental standards and made it more difficult to sell.

When the site was shut down the pens were in very poor condition due to repeated cleaning. That it took six months to re-establish the site as an active feedlot is evidence the site had been abandoned. The NRCB operating permit should no longer be valid.

2. Public Notification

It is stated in the support documents that public notice of the Grandfathering decision was published in the High River Times. The High River Times is only delivered to residents in High River and only available in a few town news stands.

I contend that publication in the High River Times does not meet the public notice standards expected under section 19(1) of AOPA. Few people in the County of Foothills were and are aware to the Permit determination. The Western Wheel is delivered to County residents and is the official paper used for County notifications. It was indicated that 151 notification letters were sent regarding this matter. I have yet to speak of anyone in our area that received one.

Some affected County residents therefore have not had an opportunity to provide input into this tentative decision.

3. Deemed Approval Capacity

The tentative approval indicates that the capacity that will be approved is 35,000 head of finishers. According to the information you have supplied, the feedlot could have carried this number of finishers at any one time. I contend that this is an inappropriate number of cattle.

The approval for construction of the feedlot and approval for 15,000 head was obtained in 1978 from the MD Foothills. The operation was not built in accordance to the proposed plan. A further approval to increase the capacity to 35,000 was sought in August of 1996. There is no evidence that any due diligence was done to see if the facility could accommodate this dramatic increase in the number of cattle. The footprint of the feedlot basically stayed the same from 1993 until May 2019.

Measurements from google maps and checked on the ground indicate that total available space for cattle in the feedlot pens was close to 2,400,000 square feet, broken into approximately 126

pens. According to five best practices sources from Canada (Ontario), US (USDA, Iowa, South Dakota) and Australia beef finishers require an average of 225 square feet of pen space per animal. Unless Western was dramatically overcrowding, the total carrying capacity of the feedlot was (2,400,000 sq. ft./225 ft. sq.) 10,666 finishers at any one time. This ties into Dr. C. Booker from Feedlot Health's three-year average numbers of close to 60,000 head on an annual basis or roughly 5.6 turns per year.

In summary:

The feedlot was shut down and abandoned with no apparent intention of operating it again

The feedlot was built smaller than submitted plans and there were no as built blueprints registered for the feedlot. The feedlot had permits issued far beyond their needs

The permits were issued without due diligence by the County as to how many cattle the feedlot could hold

The capacity of the feedlot was close to 10,666 finishers, far from the 35,000 head granted in the old permit.

Conclusion:

A responsibly operated feedlot in the area is positive for the community.

35,000 head of finishers should not be grandfathered and used as the capacity as a baseline of future permits or the allowable capacity of other cattle types.

Many improvements have been implemented in how feedlots are managed in the past 26 years. This facility is located in a relatively high population area and in close proximity to High River. The facility should be operated under the most recent permit rules.

The NRCB should reverse their decision and the permit should not grandfathered.

Rimrock should apply for a new permit that reflects current business practices and the present community where their business resides. They are an experienced feedlot operator and assuming they are a responsible organization they should have no trepidation in seeking a new operating permit.

Yours truly,

Norman and Janice Denney