



**NRCB** | Natural Resources  
Conservation Board

**Grandfathered (Deemed) Permit Determination**

**under the**

***Agricultural Operation Practices Act***

**Anchor Y Cattle Co. Ltd. (Allan Thorpe)**

**NE 23-34-3 W5M**

**PR21001**

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## 1.0 Introduction and background

This document sets out the written reasons for my determination of the livestock capacity and type in a deemed permit under the *Agricultural Operation Practices Act (AOPA)*. The subject of the determination is a beef operation located at NE 23-34-3 W5M (this quarter section will be referred to as “the site”). The site is roughly 20 kilometers (km) west of the Town of Bowden, on the south side of Highway 587, in Red Deer County. The process of ascertaining livestock capacity and livestock type under a deemed permit is known commonly as a “grandfathering” determination.

The confined feeding operation (CFO) does not currently hold a development permit issued by the municipality before January 1, 2002.

Under section 18.1 of the AOPA, if a CFO existed on January 1, 2002 with respect to which a licence or permit was not issued, the owner or operator of the confined feeding operation is “deemed to have been issued an approval, registration or authorization under this Act.” The capacity allowed by a deemed approval or registration of an existing operation without a pre-2002 licence or permit, is the capacity of the enclosures to confine livestock on January 1, 2002 (section 18.1(2)(a) of the AOPA).

Since a development permit was not issued to the CFO, it is therefore necessary for me to determine first whether a CFO existed on the site on January 1, 2002. If so, then I will determine both the type of beef livestock and the livestock capacity being confined at the site on January 1, 2002.

On February 18, 2021, Allan Thorpe requested in writing “*Further to our discussion on the phone, I am requesting the feedlot on legal (NE 23 34 03 W5) owned by Anchor Y Cattle Co. Ltd. to be grandfathered in by NRCB. I am the sole owner of Anchor Y Cattle Co. Ltd.*” Allan Thorpe also stated the following, in writing, later the same day “*The feedlot capacity that i wish to have grandfathered is 2000 finishers.*”

## 2.0 Context

### 2.1 Legal context

Under section 18.1 of the AOPA, the owner or operator of a “confined feeding operation” that existed on January 1, 2002 with respect to which a development permit was in effect on January 1, 2002 is deemed to have been issued a permit under the AOPA. The capacity allowed by that deemed approval is the capacity of the enclosures to confine livestock on January 1, 2002. In the AOPA, “confined feeding operation” is a defined term in section 1(b.6):

*“confined feeding operation” means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and any other building or structure directly related to that purpose but does not include ... livestock seasonal feeding and bedding sites....*

“Livestock seasonal feeding and bedding sites” (SFBSs) are expressly excluded from the definition of CFO. As defined in section 1(j) of the AOPA, a SFBS is an “over-wintering site where livestock are fed and sheltered.”

AOPA does not define “over-wintering.” However, in the NRCB’s view, “over-wintering” generally refers to a limited period during which livestock cannot subsist solely or even partially on grazing. This is due to the lack of grass or to other climate-related reasons (e.g. extremely low temperatures or deep snow). During the over-wintering time, the livestock in a SFBS would be grazing if grass was available.

Because of the inherent ambiguity in the term “over-wintering,” to date, the NRCB has distinguished between CFOs and SFBSs by considering the totality or balance of a variety of factors, rather than by relying on some rigid or arbitrary definition of an “over-wintering” period. The number of relevant factors may vary from site to site, but they generally include the length of confinement; livestock type; the density of their confinement; type of infrastructure; vegetation present in the pens; the type of bedding and feeding practices being used; and the concentration of manure being generated.

The Administrative Procedures Regulation under AOPA includes section 11 governing deemed permit investigations. Section 11(1) of the Regulation states that:

*11(1) At the request of an owner or operator for a determination related to a deemed permit under section 18.1 of the Act, or in response to a complaint where a determination of the terms or conditions or existence of a deemed permit is required, an inspector shall conduct an investigation to determine the capacity of a confined feeding operation or manure storage facility*  
*(a) that was in place on January 1, 2002, or*  
*(b) that was constructed pursuant to a development permit issued before January 1, 2002.*

The NRCB has formalized and systematized grandfathering decisions by adopting processes set out in section 11 of the Administrative Procedures Regulations under AOPA and through these two policies.

1. Operational Policy 2016-5: *Determining Deemed Capacity for Grandfathered Confined Feeding Operations*; and
2. Operational Policy 2016-6: *Public Notice for Grandfathering Decisions*.

Together, these two policies and the Administrative Procedure Regulations provide the framework to establish the facts and the scope of the grandfathering determination process.

NRCB Operational Policy 2016-6: *Public Notice for Grandfathering Decisions* (updated April 23, 2018) at part 2.2, paragraph 3 reads:

*The term ‘capacity’ refers to the number and type of livestock that a CFO is permitted to have under AOPA. Accordingly, a CFO’s “deemed capacity” is the capacity allowed by the CFO’s deemed – that is, grandfathered – permit under the act.*

Furthermore, paragraphs 5-7 read [bolding added]:

*Even if the municipal permit specifies the facilities and livestock, the CFO owner sometimes claims to have deemed facilities, or capacity that is greater than the facilities or the capacity specified in the municipal permit.*

*In these instances, in addition to identifying the municipal development permit, the NRCB may also need to determine what CFO facilities existed on January 1, 2002, **the type of livestock they contained, and the facilities' physical capacity** (that is, the number of livestock they could reasonably confine) as of that date. These facts must also be determined if a CFO did not have a municipal development permit on January 1, 2002.*

*Viewing section 11 [of the regulation] as a whole, then, and in light of the several components of grandfathering determinations, the NRCB interprets section 11 as setting out procedures for determining all aspects of grandfathering, rather than just the CFO's deemed "capacity."*

## **2.2 Standard of proof**

Section 11 of the Administrative Procedures Regulation under the AOPA states that an inspector shall conduct an investigation to determine capacity of a CFO in place on January 1, 2002. Grandfathering determinations require findings of fact. Whether a CFO existed on January 1, 2002, above threshold, is a question of fact. Similarly, what type of livestock and the capacity the CFO was feeding on January 1, 2002 is also a question of fact.

If not otherwise specified in legislation, the standard of proof in a civil administrative proceeding like this is on a "balance of probabilities"—that is, whether a relevant fact is more likely than not to be true.

## **2.3 Grandfathering process**

One of the ways to hold a deemed permit under AOPA is for an operation to have been issued a development permit that was in effect on January 1, 2002. In the case of this operation, I am aware of no municipal permits available before January 1, 2002.

It was not uncommon prior to 2002 for municipalities to not issue development permits for a CFO. At issue in this investigation is this: the existence of the CFO, the capacity of the facilities, and what category and type of livestock were being confined and fed at the CFO on January 1, 2002.

Consistent with the plain text of section 18.1 of AOPA, the investigation focuses on facts as they existed on the precise grandfathering date of January 1, 2002. However, I generally sought evidence as to the type of livestock and the livestock capacity at the operation between 2000 and 2004. Considering the operation for at least two years before and two years past the January 1, 2002 grandfathering date seemed useful because witnesses might not remember what occurred on the exact date of January 1, 2002. Also, considering how an operation functioned over a range of dates might shed additional light on how the operation functioned on a given day within that range.

In addition, the NRCB generally uses a pragmatic and flexible approach toward applying the January 1, 2002 grandfathering date. This approach is reasonable because a more rigid or stricter application of the January 1, 2002 grandfathering date could lead to unfair results if, for example, an operation happened to have emptied its enclosures on January 1, 2002, or was half-way through rebuilding or constructing the enclosures on that date, or had shut down temporarily due to a short-term market crises. Thus, the 2000 to 2004 range was meant to generate sufficient evidence to apply this pragmatic and flexible approach.

The 2000 to 2004 date range will hereinafter be referred to as the “grandfathering period.” This term is simply for ease of reference; it is not meant to re-write or re-define the January 1, 2002 date in section 18.1 of AOPA.

I also sought neighbours’ perspectives on the factual questions of capacity and type of livestock being confined and fed on January 1, 2002. I wanted to collect relevant historical information from those who may have lived in the area around that date. Notice is required in section 11(2) of AOPA’s Administrative Procedures Regulation. Before determining a deemed approval for an operation that was in place on January 1, 2002, the NRCB inspector is required to provide notice to those parties “who would be entitled to notice under section 19(1)” of AOPA for a new CFO with the same capacity. That capacity is the larger of the claimed or current capacity (see NRCB Operational Policy 2016-6: *Public Notice for Grandfathering Decisions* (updated August 23, 2018) at part 3.1).

In this case, the claimed capacity is 2,000 beef finishers, which puts the distance for affected persons entitled to notice under section 19(1) of AOPA at 1.5 miles. The distance is set out in section 5 of the Part 2 Matters Regulation. On March 18, 2021, public notice of the grandfathered (deemed) permit determination was published in the *Central Alberta Life*. In the notice, I advised of the claim by Allan Thorpe for a deemed permit for 2,000 beef finishers, and I invited the public to provide written submissions related to the status, capacity and type of livestock produced by the CFO on January 1, 2002. I also invited the public to apply for status as directly affected parties. The deadline for written submissions was April 19, 2021.

In addition, on March 4, 2021, I mailed 42 courtesy letters to people who, according to the county, reside on or own land within a 1.5 mile distance of the operation who might have relevant information as to the capacity and type (beef calves, beef feeders, or beef finishers) of livestock that the CFO produced around January 1, 2002. The courtesy letters included information similar to that in the public notice.

### **3.0 Evidence**

#### **3.1 Information from Allan Thorpe**

Allan Thorpe stated he has owned the feedlot since it began operating in 1979. Allan Thorpe did supply an aerial photograph of his operation from 1983, as well as his financial statements for his operation in 2000, 2001 and 2002. These records show the following:

- Livestock revenue
- Grain, forage, and custom feeding revenue
- Livestock purchases and breeding fees
- Feed, straw, bedding and pasture fees, and
- Veterinary costs.

Allan Thorpe also supplied cattle auction purchase invoices from July to December 1999, January to June 2000, July to December 2002, and January to May 2003. In summary, these records show the animal types, and weights he purchased at various auctionmarts during these timeframes.

In these timeframes, the majority of cattle types purchased were beef steers and heifers. Bulls, cows and bull calves were also purchased, but in smaller quantities. Approximate animal numbers purchased in these timeframes are shown below:

- July to December 1999 – 962 head
- January to June 2000 – 279 head
- July to December 2002 – 818 head
- January to May 2003 – 178 head

The weights of the purchased cattle ranged from approximately 280 pounds (lbs) to 1730 lbs. As this grandfathering determination decision is based on what type and number of beef livestock were being confined fed on January 1, 2002, these records are relevant to that time period and therefore were considered in this determination.

### **3.2 Information from municipalities and regulatory bodies**

Under the Part 2 Matters Regulation under the AOPA, the municipality where the CFO is located is an affected party (see section 5 of the regulation). As such, Red Deer County is an affected party and is also a directly affected party in this deemed permit determination, as they would be if this were an application for an approval today (see section 19(6) of AOPA).

I received a written statement from Red Deer County on April 8, 2021 which stated the following:

*“Red Deer County has received the grandfathering determination referral request for Anchor Y Cattle Co Ltd. Unfortunately I have pulled all land files in relation to NE-23-34-3-W5M and cannot find any historical information pertaining to the operation. However, I can provide you with an aerial photo of the confined feeding operation from 2002. This photo has been retrieved from our internal geocortex server at Red Deer County. The photo would have been taken via overhead plane and has since been ortho corrected. Please see Schedule A for the photo. If you require any further information or clarification please do not hesitate to contact us.”*

The written statement and aerial photograph that they provided can be found in Appendix A.

Letters were also sent to Alberta Health Services (AHS), Alberta Environment and Parks (AEP) and Alberta Transportation, encouraging written comments, including any information they may have with the grandfathering request. AHS and Alberta Transportation replied to the NRCB letters with no information related to the grandfathering request.

### **3.3 Evidence from neighbours**

The *Central Alberta Life* public notice, as well as the courtesy letters mailed to residents and owners within 1.5 miles of the CFO, invited people to provide written statements related to the status of the operation, including the facilities and type and number of livestock produced by the CFO on January 1, 2002. The notice and letter also contained information on applying for status as a directly affected party.

I received two written email statements from neighbours, one being from Hugh Blish on April 3, 2021 (Appendix B) and the other from Roy and Linda Anderson on April 11, 2021 (Appendix C). Both written email statements expressed concern for the grandfathering determination claim by Allan Thorpe.

Roy and Linda Anderson indicated they have lived in the area since 2005, and that a feedlot was in operation at that time. Mr. Blish advised that he has lived in the area for 12 years. For the purposes of the grandfathering determination, given the importance of the January 1, 2002 time frame, I did not contact Hugh Blish or Roy and Linda Anderson for further information.

I acknowledge that there were other concerns in the written statements that were not relevant to this grandfathering determination, such as potential risk to the environment (runoff concerns), potential odour, potential flies and property value. I'll be dealing with and tracking potential nuisances and risks to the environment in accordance with the NRCB's Compliance and Enforcement Policy.

### **3.4 Affected persons and directly affected parties**

Section 11(5) of the Administrative Procedures Regulation under AOPA requires that an inspector's decision report on a grandfathered (deemed) permit determination include reasons on whether affected persons that made a submission are directly affected parties.

Affected persons in this determination were the municipality in which the operation is located (Red Deer County); and all neighbours who own or occupy land within the 1.5 mile notice distance. By proxy through section 19 of AOPA, these are determined by section 5 of the Part 2 Matters Regulation.

"Directly affected parties" are typically a subset of "affected persons." Under section 19(6) of AOPA, the applicant for an approval and municipalities that are "affected persons" are automatically directed affected parties. As such, Red Deer County is a directly affected party. In addition, Mr. Blish applied for directly affected party status,

In deciding who else would be considered a directly affected party I referred to the NRCB *Approvals Policy* section 6.2 which states: "*The NRCB's long-standing policy has been that people who reside on, or own, land within the affected party radius also qualify for directly affected party status, if they provide a timely statement of concern or statement of support in response to the public notice.*" This would qualify Hugh Blish as well as Roy and Linda Anderson as directly affected parties.

### **3.5 Other evidence**

Allan Thorpe requested a grandfathering determination for 2,000 head of beef finishers. Part of the determination requires assessing whether there were finishers or another type of beef livestock on January 1, 2002. The beef livestock types in AOPA include: feeder calves (<550 lbs), feeders (450-900 lbs), and finishers (900+ lbs). In this determination I have used finishers (900+ lbs) as it is Allan Thorpe's requested livestock type.

At the outset of the inquiry from Allan Thorpe, I reviewed the NRCB paper file and entries from the NRCB's CFO database. I also reviewed historical aerial photos to ascertain, what facilities were on site on January 1, 2002 and whether, between 2002 and 2021, there were any changes to the footprint of the CFO, including the feedlot pens. Specifically, I referenced and compared imagery from Hexagon Valtus – 1999-2003 (Appendix D), 2017-2019 (Appendix E), and Google Earth imagery dated June 10, 2020 (Appendix F, the most recent imagery), for any visual change to the feedlot footprint. I also conducted a site inspection on February 25, 2021 to verify that the current footprint of the feedlot was the same as I had viewed in the 2002-2020 imagery.

I took steps to verify if the claimed capacity of the feedlot (2,000 finishers) would have fit into the grandfathered footprint in 2002. Having first determined that the feedlot footprint had not changed between 2002 and 2021, I used a 2015 Google Earth image (this was the clearest image) to determine the approximate area of all the pens at the site. The total calculated pen area was approximately 439,163 ft<sup>2</sup> and the total bunk space was approximately 1,814 linear feet. I then entered those values into Technical Guideline Agdex 096-81: *Calculator for Determining Livestock Capacity of Operations as They Existed on January 1, 2002*. The Guideline states for finisher cattle, in a southern Alberta feedlot (this site is considered to be in southern Alberta), that pen space in 2002 was at 200 ft<sup>2</sup>/animal, full feed bunk space was at 1.0 ft/animal, and limited feed bunk space was at 2.5 ft/animal.

Based on the pen space allocation of beef finishers (900+ lbs) in southern Alberta, the calculator provides a site calculated animal capacity number of 2,196 head of beef finishers. Bunk space calculations, using the Technical Guideline, indicate a capacity of just over 1,814 head of beef finishers on full feed and 725 head of beef finishers on limited feed, for southern Alberta.

## **4.0 Findings**

### **4.1 Feedlot footprint**

A review of aerial photos does show that, between 2002 (Appendix D) and 2020 (Appendix F), there were no changes to the footprint of the CFO, including the feedlot pens. A site inspection, conducted on February 25, 2021, also confirmed the footprint of the feedlot on this day was the same as that in all the imagery reviewed between 2002-2020.

Therefore it is evident that a feedlot type facility existed at this site on January 1, 2002.

### **4.2 CFO status, livestock capacity and livestock type**

The reviewed imagery and site inspection does indicate “feedlot” style pens at the site. This includes permanent fence line feeding bunks, permanent pen board fence structures, concrete feed bunks, a lack of vegetation in the pens, and sorting and handling facilities. All of these are standard elements of a feedlot and not of a cow/calf operation or seasonal feeding and bedding site (see NRCB Operational Policy 2015-2: *Distinguishing Between Confined Feeding Operations and Seasonal Feeding and Bedding Sites (For Cattle Operations)* revised July 5, 2018.)

Additionally, the financial statements provided by Allan Thorpe for the years 2000, 2001 and 2002, are more indicative of a feedlot operation, than a cow/calf or SFBS operation. Based on these factors, I conclude the site was operating as a feedlot CFO on January 1, 2002.

As stated above, Technical Guideline Agdex 096-81 advises for this site that the pen footprint space would allow a total capacity of 2,196 beef finishers. The full feed bunk space would allow a total capacity of 1,814 beef finishers, and finally the limited feed bunk space would allow a total capacity of 725 beef finishers.

The numbers in the Technical Guideline are not absolute, but provide an average industry accepted standard for animal and bunk space allocations that were being used on January 1, 2002. The Guideline states: “*Most of the available published data was gathered for planning facility construction and was not derived from facilities as they were actually constructed.*” The

Guideline further states: “Space allocations for beef cattle are based on pen size, bunk length for full feed, and bunk length for limited feed. All three factors should be considered. The bunk length is often the deciding factor for large pen spaces.”

Based on the livestock number ranges indicated by the Technical Guideline from 2,196 to 725 beef finishers, I am satisfied that the site had the capacity to feed (fit) 2,000 head of beef finishers on January 1, 2002. The AOPA livestock threshold levels set out in Schedule 2 of the Part 2 Matters Regulation show that an AOPA approval is required for operations over 350 head of beef finishers. Based on cattle auction purchase records supplied by Allan Thorpe, as well as Allan Thorpe records showing he had a custom feeding aspect to his operation, I conclude that the site was operating as a CFO on January 1, 2002, with a livestock capacity above the approval threshold in AOPA.

Records and evidence was provided by Allan Thorpe as to the type of beef livestock being confined, as well as the approximate number of livestock at the site on January 1, 2002. Section 2(2) of the Part 2 Matter Regulations of AOPA, allows a CFO owner or operator to change the type of livestock within the same category, without having to apply for an approval amendment, providing the change will not increase the annual manure produced, or the level of odour production. Because of this section, it is important for the owner (and the NRCB) to know the grandfathered type and number of animals, as the owner can change the livestock type at any time following the requirements set out in section 2(2).

Although there is a discrepancy between the 2,000 beef finishers that Allan Thorpe is claiming, and numbers shown in the auction cattle purchases, I found that Allan Thorpe has the most detailed knowledge of events during the grandfathering period. I also did not receive any information refuting his claimed capacity of 2,000 finishers during the grandfathering period. Therefore, I put a lot of the weight on his evidence and statements for this grandfathering determination, within reason. Again, it is important to note that the physical capacity of the facilities as of January 1, 2002, is what determines the grandfathered animal numbers for the site. The operator also needs to prove that he was above AOPA threshold numbers during the grandfathering period, which the operator has.

### **4.3 Directly affected parties**

In my view, the two neighbours (Hugh Blish as well as Roy and Linda Anderson) who reside on, or own land within the 1.5 mile distance and who submitted a timely statement, are directly affected by this grandfathering (deemed) permit determination. Therefore the only directly affected parties are: Allan Thorpe (as the applicant), Red Deer County (as stated above), Hugh Blish, as well as Roy and Linda Anderson.

### **4.4 The status of the deemed permit today**

A grandfathering determination makes a finding of the state of things on January 1, 2002. It is possible for a number of intervening events to change the status of a grandfathered determination. For example, if a CFO were abandoned since 2002, or if the grandfathered liner of a facility were disturbed since between 2002 and today, the grandfathering determination may not be valid today.

In a recent decision concerning a grandfathered (deemed) permit determination (RFR 2020-04 *Stant Enterprises Ltd.* at pg 4), the NRCB Board implied that where 18 years have passed since the time window used in a grandfathering, it may be appropriate to evaluate a question of abandonment. If a facility were abandoned, that might invalidate its deemed permit today.

Assessing abandonment is not a prescribed process in the AOPA. Rather, it is a possible basis for cancelling a permit. Under section 29(1)(b) of the AOPA, the Board (or an inspector with delegated authority) “may” cancel a permit if the confined feeding operation, or manure storage facility or collection area, to which the permit relates “is abandoned.”

The NRCB’s Operational Policy, 2016-3 *Permit Cancellations under AOPA Section 29* (updated April 23, 2018) guides how to assess whether an operation or facility is abandoned. That policy puts the burden of proving abandonment on the person wishing to show it is abandoned. The policy also directs the approval officer to consider the current use, current condition, steps taken to keep it in condition, why the owner stopped using the CFO, whether the operation changed ownership, and the intent of the operator in relation to the CFO.

Allan Thorpe claimed that the operation was started in 1979 and in use up until around 2017. He has been the owner of the CFO since the beginning. Although Allan Thorpe acknowledges that the operation hasn’t been used since 2017, Operational Policy, 2016-3 *Permit Cancellations under AOPA Section 29* (updated April 23, 2018), states that “*The NRCB understands that a CFO owner may stop using a facility for a period of time for a number of reasons. These include commodity market conditions, labour market conditions, feed costs, or the availability of feed. A recent example is a federal government program that subsidized hog producers to stop production for a three year period. These types of production lapses do not reflect an intention to abandon a CFO, and the NRCB does not view these kinds of lapses as grounds to cancel a permit.*” In other words, not having animals present at an operation does not necessarily mean that it is abandoned.

On February 25, 2021, an initial site inspection was conducted with NRCB Approval Officer Lynn Stone. At that time, abandonment was discussed while touring the site and we came to the consensus that the site was not abandoned. We came to this conclusion based on the fact that, in general, the operation was in good standing condition and would require little effort to get the feedlot up and operational again. More specifically, the feedlot didn’t require any major upgrades, renovations, or reconstruction to start-up the feedlot again. Also, a lot of the value of the CFO facilities is still present at the operation since all of the original infrastructure is still there. During this initial site inspection, Allan Thorpe also mentioned that, during all the time he has operated the CFO, he has never intended to abandon it.

Having considered the evidence and issues that relate to assessing abandonment, I am of the opinion that the CFO owned and operated by Allan Thorpe at NE 23-34-3 W5M has not been abandoned since January 1, 2002.

## **5.0 Conclusion on question to be determined: status, livestock type and livestock capacity on January 1, 2002?**

Having reviewed all the evidence listed above, I have determined that the feedlot at NE 23-34-3 W5M, currently owned by Allan Thorpe, existed as an above-threshold CFO on January 1, 2002. I have also determined the CFO had a capacity for confining and feeding 2,000 beef finishers on January 1, 2002. Therefore, under section 18.1 of AOPA, the owner or operator of the CFO has a deemed approval with the capacity for 2,000 beef finishers.

Although the owner or operator of the CFO has a deemed approval with the capacity for 2,000 beef finishers, there were concerns from neighbours with regards to manure impacted runoff from the feedlot, flies and odour. The owner or operator must not create a risk to the environment by allowing manure impacted runoff to leave the feedlot pens, or feedlot property. The NRCB has a 24 hour reporting line which addresses complaints dealing with nuisances, and potential risks to the environment.

I conclude that the only directly affected parties of this decision are: Allan Thorpe (as the applicant), Red Deer County, Hugh Blish, as well as Roy and Linda Anderson.

The CFO has not been abandoned and the deemed NRCB permit is still valid today.

June 22, 2021

(Original Signed)

David Smejkal,  
Inspector – Natural Resources Conservation Board

## **6.0 Appendices**

- A. County of Red Deer Written Statement and Aerial Photograph
- B. Hugh Blish Written Response
- C. Roy and Linda Anderson Written Response
- D. 1999-2003 Hexagon Valtus imagery
- E. 2017-2019 Hexagon Valtus imagery
- F. June 10, 2020 Google Earth Imagery



**PLANNING & DEVELOPMENT SERVICES**  
38106 Range Road 275  
Red Deer County, AB T4S 2L9  
Phone: 403.350.2150  
Fax: 403.346.9840

April 8<sup>th</sup>, 2021

Natural Resource Conservation Board  
#303, 4920-51 Street  
Red Deer, AB  
T4N 6K8

Attn: David Smejkal, Inspector

**RE: Notice of a Grandfathered Permit Determination Request - PR21001  
Anchor Y Cattle Co. Ltd. (Allan Thorpe)  
NE-23-34-3-W5M**

Red Deer County has received the grandfathering determination referral request for Anchor Y Cattle Co Ltd. Unfortunately I have pulled all land files in relation to NE-23-34-3-W5M and cannot find any historical information pertaining to the operation. However, I can provide you with an aerial photo of the confined feeding operation from 2002. This photo has been retrieved from our internal geocortex server at Red Deer County. The photo would have been taken via overhead plane and has since been ortho corrected. Please see Schedule A for the photo.

If you require any further information or clarification please do not hesitate to contact us.

Thank you,

Sincerely,  
**RED DEER COUNTY**

A handwritten signature in black ink, appearing to read 'R. Schapansky'.

Rebecca Schapansky  
Planner  
403.357.5392  
[rschapansky@rdcounty.ca](mailto:rschapansky@rdcounty.ca)



SCHEDULE "A"

2002 Historical Photo of NE-23-34-3-W5M



## Appendix B

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**Subject:** FW: Affected Party by Permit Decision

**From:** Hugh Blish [REDACTED]

**Sent:** April 3, 2021 11:02 AM

**To:** David Smejkal <[David.Smejkal@nrcb.ca](mailto:David.Smejkal@nrcb.ca)>

**Subject:** Affected Party by Permit Decision

Dear Mr. Smejkal,

I am in opposition of a request by Anchor Y Cattle Co. Ltd. (Allan Thorpe) for a grandfathered permit located at NE 23-34-3 W5M, and am applying for status as a directly affected party.

I have lived in the area for twelve years, hold land that is adjacent to the aforementioned land of Mr. Thorpe's, and have direct sight of the operation. Because the property ties in with mine, smell would dominate air quality and waste from 2000 head of cattle would flow into a main drainage system which runs through my property, the neighbour's, and into the Little Red Deer River; this would environmentally impact and damage a wildlife habitat which is home to deer, elk, moose, and waterfowl.

I am home year round, so by allowing this permit, I would be impacted by a large feedlot. Since I have worked at a large feedlot (Roy Graham Feedlots), I have firsthand knowledge of the damage that is caused by large cattle operation of this nature, which is intended by Mr. Thorpe.

I question why Mr. Thorpe, at this advanced age, would even be considering a grandfathered permit of this nature, other than procurement of a higher real estate value should he be considering selling the property?

I have been in contact with Alberta Environment and my concerns are documented by them.

Yours truly,  
Hugh W. Blish

[REDACTED]  
Red Deer County, AB

[REDACTED]  
SE 23-34-3-W5M  
[REDACTED]

## Appendix C

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**Subject:** FW: permit Determination request Anchor Y Cattle Co. Ltd. (Allan Thorpe)

-----Original Message-----

From: Linda Anderson [REDACTED]

Sent: April 11, 2021 6:25 PM

To: David Smejkal <David.Smejkal@nrcb.ca>

Subject: Re: permit Determination request Anchor Y Cattle Co. Ltd. (Allan Thorpe)

Roy and Linda Anderson

NE 23 34 3 5

[REDACTED]  
Red Deer County, AB  
[REDACTED]

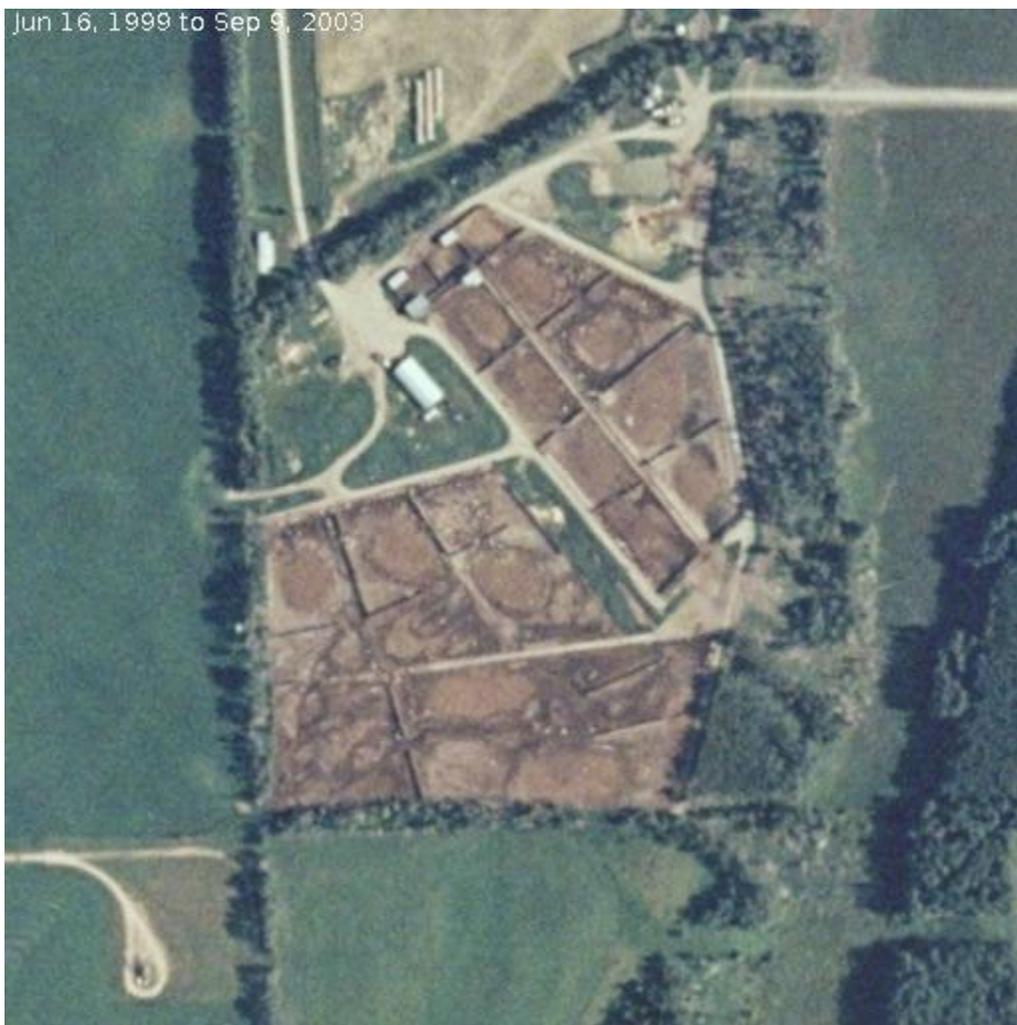
The feedlot in question was in operation when we purchased this property in 2005. At that time we experienced some undesirable conditions which included an enormous amount of flies on and in our home. We are not in favour of re-experiencing this situation as we feel it is a deterrent to our property value as well as our enjoyment. We have worked very hard to change the atmosphere of our property and do not wish to go backwards. While I do not wish to stand in the way of Mr. Thorpe I know it is not him who will be operating this feedlot and let that operator take the flies to his neighbourhood. We live on an acreage not a farm by our own choice.

Thank you for your consideration of this matter.

Roy & Lin Anderson

Sent from my iPad

## Appendix D



**Appendix E**



## Appendix F

