



# MUNICIPAL DISTRICT OF GREENVIEW No. 16

## REGULAR AGRICULTURAL SERVICE BOARD MEETING AGENDA

Wednesday, October 27, 2021

9:30 AM

Council Chambers  
Administration Building

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#1	CALL TO ORDER	
#2	ADOPTION OF AGENDA	
#3	MINUTES	
	3.1 Regular Agricultural Service Board Meeting minutes held Wednesday, September 29 <sup>th</sup> to be adopted.	3
	3.2 Business Arising from the Minutes	
	3.3 Action Items	8
#4	DELEGATION	
	4.1 Peace Country Beef and Forage Association	10
#5	BUSINESS	
	5.1 Equipment Sanitation Guidelines	12
	5.2 Manager's Report	51
#6	MEMBERS REPORTS	
	<ul style="list-style-type: none"><li>• Chair Warren Wohlgemuth</li><li>• Reeve Dale Smith</li><li>• Councillor Bill Smith</li><li>• Member Richard Brochu</li><li>• Member Larry Smith</li><li>• Member Mark Pellerin</li></ul>	
#7	CORRESPONDENCE	
	<ul style="list-style-type: none"><li>• Woodland Country Agriculture Disaster Declaration Letter 2021 09 21</li><li>• MD of Fairview – Letter to Minister Dreesen regarding funding for ASB's</li><li>• Alberta Crop Report as of September 21, 2021</li><li>• Alberta Crop Report as of October 1, 2021</li></ul>	53

- Alberta Crop Report as of October 5, 2021
- Alberta Crop Report as of October 12, 2021 – Final Crop Report for 2021
- PCBFA Funding Request Letter to MD of Greenview for 2022-23
- Wildlife Predator Compensation Enhancement – Provincial ASB Committee

#8 CLOSED SESSION

8.1 Disclosure Harmful to Business Interests of a Third Party  
(Section 16, FOIP)

#9 ADJOURNMENT

Minutes of a  
**REGULAR AGRICULTURAL SERVICE BOARD**  
**MUNICIPAL DISTRICT OF GREENVIEW NO. 16**  
Greenview Administration Building,  
Valleyview, Alberta, on Wednesday, September 29, 2021

#1 CALL TO ORDER	Chair Warren Wohlgemuth called the meeting to order at 9:30 a.m.	
PRESENT	A.S.B. Member – Chair A.S.B. Member – Vice-Chair A.S.B. Member – Reeve A.S.B. Member – Councillor A.S.B. Member A.S.B. Member	Warren Wohlgemuth Stephen Lewis Dale Smith Bill Smith Larry Smith Richard Brochu
ATTENDING	Interim General Manager, Community Services Manager, Agriculture Services Agriculture Supervisor Trainee Problem Wildlife Officer Councillor Communications Associate Recording Secretary	Dennis Mueller Sheila Kaus Kristin King Ben Brochu Tom Burton Nicole Brooks (Zoom) Denise Baranowski
ABSENT	A.S.B. Member	Mark Pellerin
#2 AGENDA	MOTION: 21.09.83. Moved by: CHAIRMAN WARREN WOHLGEMUTH That the Agricultural Service Board adopt the September 29, 2021, Regular Agricultural Service Board Meeting Agenda as presented. CARRIED	
#3.1 REGULAR AGRICULTURAL SERVICE BOARD MEETING MINUTES	MOTION: 21.09.84. Moved by: MEMBER LARRY SMITH That the Agricultural Service Board adopt the minutes of the Regular Agricultural Service Board Meeting held on Wednesday, August 25, 2021, as presented. CARRIED	
#3.2 BUSINESS ARISING FROM MINUTES	<b>3.2 BUSINESS ARISING FROM MINUTES</b>	
#4.0 DELEGATION	<b>4.0 DELEGATIONS</b>	

#5  
BUSINESS

**5.0 BUSINESS**

**5.1 2021 CAPITAL PROJECT – CHEMICAL JUG BUILDING - CANCELLATION**

2021 CAPITAL  
PROJECT –  
CHEMICAL JUG  
BUILDING -  
CANCELLATION

MOTION: 21.09.85. Moved by: REEVE DALE SMITH  
That the Agricultural Service Board recommend Council approve the cancellation  
of the chemical jug building in the Agricultural Services yard, as presented.  
CARRIED

**5.2 2021 CAPITAL PURCHASES CANCELLATION**

2021 CAPITAL  
PURCHASES  
CANCELLATION

MOTION: 21.09.86. Moved by: MEMBER RICHARD BROCHU  
That the Agricultural Service Board recommend Council approve the cancellation  
of purchasing the 3 pt hitch reclamation seeder and ATV trailer, as amended.  
- Continue with purchase of 3pt hitch seeder for rental program  
CARRIED

**5.3 STRATEGIC BUSINESS PLAN**

STRATEGIC  
BUSINESS PLAN

MOTION: 21.09.87. Moved by: REEVE DALE SMITH  
That the Agricultural Service Board recommend Council approve the amended  
2022 Agricultural Services Strategic Business Plan, with the following changes.  
- Included Fox Creek & Valleyview in resident population  
- **Change Grovedale to South Wapiti**  
- Include VSI funding in Strat plan  
- Edit tables  
- Change grazing reserve to grazing reserve and associations  
CARRIED

**Commented [SK1]:** Need to check with board re:  
Grovedale/South Wapiti, Change Grovedale TO South Wapiti,  
change Wapiti to South Wapiti

Chair Wohlgemuth recessed the meeting at 10:35 a.m.

Chair Wohlgemuth reconvened the meeting at 10:50 a.m.

**5.4 2022 OPERATIONAL AGRICULTURAL SERVICES BUDGET**

OPERATIONAL  
AGRICULTURAL  
SERVICES BUDGET

MOTION: 21.09.88. Moved by: MEMBER LARRY SMITH  
That the Agricultural Service Board recommend Council approve the Draft 2022  
Operational Agricultural Services Budget, as presented.  
CARRIED

#### **5.5 2022 CAPITAL PURCHASE BUDGET – RENTAL EQUIPMENT**

**CAPITAL PURCHASE  
BUDGET – RENTAL  
EQUIPMENT**

MOTION: 21.09.89. Moved by: VICE-CHAIRMAN STEPHEN LEWIS  
That the Agricultural Service Board recommend Council approve the Draft Capital Purchase Budget – Rental Equipment, with the following changes.

- Remove land roller from replacement
- Add fertilizer spreader

CARRIED

#### **5.6 2022 CAPITAL PURCHASE AGRICULTURAL SERVICES BUDGET – OPERATIONAL**

**2022 CAPITAL  
PURCHASE  
AGRICULTURAL  
SERVICES BUDGET -  
OPERATIONAL**

MOTION: 21.09.90. Moved by: MEMBER RICHARD BROCHU  
That the Agricultural Service Board recommend Council approve the Draft 2022 Capital Purchase Agricultural Services Budget, with the following changes.

- RFD should read “purchase of a 1/2 ton” not “purchase of an SUV”

CARRIED

#### **5.7 OPERATIONAL EQUIPMENT TRANSFER**

**OPERATIONAL  
EQUIPMENT  
TRANSFER**

MOTION: 21.09.91. Moved by: COUNCILLOR BILL SMITH  
That the Agricultural Service Board recommend Council direct Administration to transfer the listed operational equipment to the rental equipment fleet, as presented.

CARRIED

#### **5.8 SARDA FUNDING REQUEST**

**SARDA FUNDING  
REQUEST**

MOTION: 21.09.92. Moved by: MEMBER LARRY SMITH  
That the Agricultural Service Board recommend Council forward the drafted letter to SARDA Ag Research outlining the funding establishment for 2022 – 2027, as presented.

CARRIED

#### 5.9 2021 REPORT CARD ON THE RESOLUTIONS – AGRICULTURAL SERVICE BOARD PROVINCIAL COMMITTEE

2021 REPORT CARD  
ON THE  
RESOLUTIONS –  
AGRICULTURAL  
SERVICE BOARD  
PROVINCIAL  
COMMITTEE

MOTION: 21.09.93. Moved by: REEVE DALE SMITH  
That the Agricultural Service Board accept the Agricultural Service Board Provincial Committee Report Card on the 2021 Resolutions for information, as presented.

CARRIED

#### 5.10 MANAGERS' REPORT

MANAGERS'  
REPORT

MOTION: 21.09.94. Moved by: Choose an item.  
That the Agricultural Service Board accept the Managers' report, as presented.

CARRIED

#6  
MEMBERS'  
BUSINESS &  
REPORTS

#### 6.0 MEMBERS' BUSINESS & REPORTS

MANAGER AND  
ASB MEMBERS  
REPORTS

**COUNCILLOR BILL SMITH** updated the Agriculture Service Board on his recent activities, which include;

- No report

**REEVE DALE SMITH** updated the Agriculture Service Board on his recent activities, which include;

- No report

**CHAIR WARREN WOHLGEMUTH** updated the Agriculture Service Board on his recent activities, which include;

- No report

**MEMBER LARRY SMITH** updated the Agriculture Service Board on his recent activities, which include;

- No report

**MEMBER RICHARD BROCHU** updated the Agriculture Service Board on his recent activities, which include;

- No report

**VICE CHAIR STEPHEN LEWIS** updated the Agriculture Service Board on his recent activities, which include;

- No report

**MEMBER MARK PELLERIN** updated the Agriculture Service Board on his recent activities, which include;

- No report

**MEMBERS  
BUSINESS AND  
REPORTS**

MOTION: 21.09.95. Moved by: VICE-CHAIRMAN STEPHEN LEWIS  
That the Agricultural Service Board accept the Members reports as information.  
CARRIED

**#7  
CORRESPONDENCE**

**7.0 CORRESPONDENCE**

**ASB  
CORRESPONDENCE**

MOTION: 21.09.96. Moved by: REEVE DALE SMITH  
That the Agricultural Service Board accept the correspondence as information.  
CARRIED

MOTION: 21.09.97. Moved by: REEVE DALE SMITH  
Draft a letter regarding elk negative impact concerns. Cc Jason Nixon, Devin Dreeshen, RMA representatives, & Peace Region MLA's for consideration at the Regional ASB meeting.

CARRIED

MOTION: 21.09.98. Moved by: COUNCILLOR BILL SMITH  
Draft a letter regarding grizzly bear impact concerns. Cc Jason Nixon, Devin Dreeshen, RMA representatives, & Peace Region MLA's in district for consideration at the Regional ASB meeting.

CARRIED

**#8  
ADJOURNMENT**

**8.0 ADJOURNMENT**

**ASB  
ADJOURNMENT**

MOTION: 21.09.99. Moved by: MEMBER LARRY SMITH  
That this Agricultural Service Board meeting adjourn at 12:40 p.m.  
CARRIED

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MANAGER, AGRICULTURE SERVICES

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ASB CHAIRMAN

## *Agricultural Service Board Motions – Action Items*

Agenda Item # **3.3**

No.	Motion	Assigned to	Status
<b>MOTION: 21.03.20</b> March 24, 2021	<b>Moved by: MEMBER RICHARD BROCHU</b> that the Agricultural Service Board rescind motion 21.01.05 to recommend to Council to direct Administration to take over the Fox Creek Walleye Spawning Enhancement Project for 2021 from the Alberta Conservation Association (ACA).	Ben Brochu, Problem Wildlife Officer	To be reviewed for 2022
<b>MOTION: 21.05.49</b> May 26, 2021	<b>Moved by: COUNCILLOR BILL SMITH</b> that the Agricultural Service Board direct Administration to prepare a business plan for agriculture plastics within Greenview.	Sheila Kaus, Agricultural Services Manager	In progress- Program has been included in 2022 budget prep
<b>MOTION: 21.06.66</b> June 23, 2021	<b>Moved by: MEMBER MARK PELLERIN</b> that the Agricultural Service Board direct administration to produce a document assisting interested producers with having commodity and livestock check off dollars returned to the producer.	Sheila Kaus, Agricultural Services Manager	In Progress
<b>MOTION: 21.08.74</b> August 25, 2021	<b>Moved by: COUNCILLOR BILL SMITH</b> that the Agricultural Service Board accept inclusion of the Rural Acreage Owner Program development for the 2022 budget year, as presented.	Sheila Kaus, Agricultural Services Manager	Has been included in 2022 budget preparation
<b>MOTION: 21.08.76</b> August 25, 2021	<b>Moved by: MEMBER LARRY SMITH</b> that the Agricultural Service Board authorize Administration to develop options to publicly highlight the past, present and future Greenview Farm Family Award recipients with the following revision: Change 1995 recipient to Larry & Donna Noullett	Stacey Sevilla, Communications Manager	In Progress
<b>MOTION: 21.09.85</b> September 29, 2021	<b>Moved by: REEVE DALE SMITH</b> that the Agricultural Service Board recommend Council approve the cancellation of the chemical jug building in the Agricultural Services yard, as presented.	Sheila Kaus, Agricultural Services Manager	Complete
<b>MOTION: 21.09.86</b> September 29, 2021	<b>Moved by: MEMBER RICHARD BROCHU</b> that the Agricultural Service Board recommend Council approve the cancellation of purchasing the ATV trailer and continue with purchase of 3 pt hitch for rental program, as amended.	Sheila Kaus, Agricultural Services Manager	Complete
<b>MOTION: 21.09.87</b> September 29, 2021	<b>Moved by: REEVE DALE SMITH</b> that the Agricultural Service Board recommend Council approve the amended 2022 Agricultural Services Strategic Business Plan, with the following changes: Included Fox Creek & Valleyview in resident population, Change Grovedale *awaiting amendment to minutes*, Include VSI funding in Strat plan, Edit tables Change grazing reserve to grazing reserve and associations	Sheila Kaus, Agricultural Services Manager	In Progress, Nov 16 Council Meeting

MD of Greenview  
October 27<sup>th</sup>, 2021



## *Agricultural Service Board Motions – Action Items*

Agenda Item # **3.3**

No.	Motion	Assigned to	Status
<b>MOTION: 21.09.88</b> September 29, 2021	<b>Moved by: MEMBER LARRY SMITH</b> that the Agricultural Service Board recommend Council approve the Draft 2022 Operational Agricultural Services Budget, as presented.	Sheila Kaus, Agricultural Services Manager	In Progress, Nov 16 Council Meeting
<b>MOTION: 21.09.89</b> September 29, 2021	<b>Moved by: VICE-CHAIRMAN STEPHEN LEWIS</b> that the Agricultural Service Board recommend Council approve the Draft Capital Purchase Budget – Rental Equipment, with the following changes: Remove land roller from replacement, add fertilizer spreader	Sheila Kaus, Agricultural Services Manager	In Progress, Nov 16 Council Meeting
<b>MOTION: 21.09.90</b> September 29, 2021	<b>Moved by: MEMBER RICHARD BROCHU</b> that the Agricultural Service Board recommend Council approve the Draft 2022 Capital Purchase Agricultural Services Budget, with the following changes: RFD should read “purchase of a 1/2 ton” not “purchase of an SUV”	Sheila Kaus, Agricultural Services Manager	In Progress, Nov 16 Council Meeting
<b>MOTION: 21.09.91</b> September 29, 2021	<b>Moved by: COUNCILLOR BILL SMITH</b> that the Agricultural Service Board recommend Council direct Administration to transfer the listed operational equipment to the rental equipment fleet, as presented.	Kristin King, Agricultural Services Supervisor	In Progress, Nov 16 Council Meeting
<b>MOTION: 21.09.92</b> September 29, 2021	<b>Moved by: MEMBER LARRY SMITH</b> that the Agricultural Service Board recommend Council forward the drafted letter to SARDA Ag Research outlining the funding establishment for 2022 – 2027, as presented.	Sheila Kaus, Agricultural Services Manager	Completed- Letter sent from Ag Services for budget preparation purposes for SARDA



# REQUEST FOR DECISION

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SUBJECT:	<b>Peace Country Beef and Forage Association</b>		
SUBMISSION TO:	AGRICULTURAL SERVICES BOARD	REVIEWED AND APPROVED FOR SUBMISSION	
MEETING DATE:	October 27, 2021	CAO:	MANAGER: SK
DEPARTMENT:	AGRICULTURE	GM:	PRESENTER: SK
STRATEGIC PLAN:	Level of Service	LEG:	

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## RELEVANT LEGISLATION:

**Provincial** (cite) – N/A

**Council Bylaw/Policy** (cite) – N/A

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## RECOMMENDED ACTION:

**MOTION:** That the Agricultural Service Board accept the Peace Country Beef and Forage Association presentation for information, as presented.

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## BACKGROUND/PROPOSAL:

Peace Country Beef and Forage Association (PCBFA), formerly known as North Peace Forage Association, was founded in 1982 by livestock producers in the Fairview and Hines Creek area to demonstrate new forage varieties and technology in the Peace Country. PCBFA has continued to grow into a dedicated applied-research and extension association, currently serving 10 Municipal Districts and Counties across Northern Alberta's Peace Region.

The Peace Country Beef & Forage Association is a producer group with the goal to be a hub of innovative, relevant and local beef, forage, soil health and crop information for Peace Country Producers.

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## BENEFITS OF THE RECOMMENDED ACTION:

1. The benefit of the Agricultural Service Board accepting the recommended motion is that the Board will have the opportunity to learn about the most recent research and activities of PCBFA

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## DISADVANTAGES OF THE RECOMMENDED ACTION:

1. There are no perceived disadvantages to the recommended motion.

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## ALTERNATIVES CONSIDERED:

**Alternative #1:** The Agricultural Service Board has the alternative to alter or deny the recommended motion.

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## FINANCIAL IMPLICATION:

There are no financial implications to the recommended motion.

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**STAFFING IMPLICATION:**

There are no staffing implications to the recommended motion.

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**PUBLIC ENGAGEMENT LEVEL:**

Greenview has adopted the IAP2 Framework for public consultation.

**INCREASING LEVEL OF PUBLIC IMPACT**

Inform

**PUBLIC PARTICIPATION GOAL**

Inform - To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

**PROMISE TO THE PUBLIC**

Inform - We will keep you informed.

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**FOLLOW UP ACTIONS:**

There are no follow up actions to the recommended motion.

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**ATTACHMENT(S):**

- N/A



# REQUEST FOR DECISION

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SUBJECT: **Equipment Sanitation Guidelines**  
SUBMISSION TO: AGRICULTURAL SERVICES BOARD  
MEETING DATE: October 27, 2021  
DEPARTMENT: AGRICULTURE  
STRATEGIC PLAN: Level of Service

REVIEWED AND APPROVED FOR SUBMISSION  
CAO: \_\_\_\_\_ MANAGER: SK  
GM: \_\_\_\_\_ PRESENTER: SK

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RELEVANT LEGISLATION:

**Provincial** (cite) – N/A

**Council Bylaw/Policy** (cite) – N/A

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RECOMMENDED ACTION:

**MOTION: That the Agricultural Service Board accept the Equipment Sanitation Guidelines report for information, as presented.**

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BACKGROUND/PROPOSAL:

Administration has completed drafting the Equipment Sanitation Guidelines for Construction and Industry for review by the Board. The guidelines are informed by current recommendations to mitigate the spread of agricultural pests, the most recently collected data regarding Greenview pest infestations, and analysis of geographic areas of concern for weed infestations. The guidelines provide a decision matrix for equipment operators, companies, and contractors to mitigate the liability risk of the private sector accessing privately held land. For reference, the document used by the Greenview Construction Department has been included.

While this fulfils the Board's request in part, Administration recommends promoting this document voluntarily rather than attempting to enforce its advice via policy or bylaw. Recent court and Surface Board rulings have demonstrated a financial imperative for companies to practice due diligence when accessing privately held, agricultural lands. The guidelines provide a tool, making what is fast becoming a business requirement easily accessible.

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BENEFITS OF THE RECOMMENDED ACTION:

1. The benefit of the Agricultural Service Board accepting the recommended motion is that Greenview will have a tool to assist small businesses in meeting biosecurity responsibilities.

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DISADVANTAGES OF THE RECOMMENDED ACTION:

1. There are no perceived disadvantages to the recommended action.

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ALTERNATIVES CONSIDERED:

**Alternative #1:**N/A

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FINANCIAL IMPLICATION:

N/A

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STAFFING IMPLICATION:

There are no staffing implications to the recommended motion.

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PUBLIC ENGAGEMENT LEVEL:

Greenview has adopted the IAP2 Framework for public consultation.

**INCREASING LEVEL OF PUBLIC IMPACT**

Inform

**PUBLIC PARTICIPATION GOAL**

Inform - To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

**PROMISE TO THE PUBLIC**

Inform - We will keep you informed.

---

FOLLOW UP ACTIONS: N/A

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ATTACHMENT(S):

- Risk Assessment and Mitigation
- Surface Rights Board Decision



# MUNICIPAL DISTRICT OF GREENVIEW

Greenview compiled the Agricultural Pest and Weed Seed Management Guidelines to mitigate the potential spread of pest and weed infestations will assist Industry and Construction in working with Greenview to minimize the spread of weed and pests.

Of all agricultural pests, the chief concern for Greenview is Clubroot. Clubroot is a soil-borne disease that affects canola, mustard, and other cruciferous plants in the brassica family. Topsoil contaminated with clubroot spores may be transported between fields by equipment, vehicles or by personnel. Symptoms of infection will vary depending on the growth stage of the plant. Clubroot causes the formation of a "club" or "gall" within the plant's roots.

Weeds are well known for their spread potential, often hitching a ride on uncleaned equipment that has worked through infested land or soil. They can also spread through soil movement for project construction or equipment from an infested location to a clean site.

The best way to prevent the spread of pest, disease, and weed seeds is to clean vehicles, equipment and personnel so that potentially impacted topsoil is not carried from one land parcel to the next.

The risk of spreading economically damaging weed seeds and agricultural pests through industry and construction projects concerns Greenview. Infestations from agricultural pests can impact an agricultural producer's income for as many as 15 years. Weed seeds can wait in soil for many years and, once established, can take years to control effectively. Following these guidelines can reduce the likelihood of spreading these economically damaging concerns.

Greenview Agricultural Services developed a risk matrix to help determine the risk of spreading weed seeds and pests. The matrix allows even-handed assessment of the project's level of risk and provides cleaning and mitigation steps to reduce the risk of spread.

## A. Introduction

This procedure outlines the mitigation measures that should be followed projects, meeting the requirements and best practices set out in the following documents:

- Alberta Clubroot Management Plan issued by the Government of Alberta; and,
- Clubroot Disease Management: Best Management Practices published by the Canadian Association of Petroleum Producers.

Protocols for the mitigation of Clubroot are also best management practices for mitigating Fusarium, Aphanomyces, Verticillium Wilt, and the spread of weed seeds via soil movement. The plan provides the cleaning protocols and documentation required for the duration of the project and mitigations to address concerns associated with the spread of these economically destructive issues.

- All vehicles, including trucks, all-terrain vehicles (ATVs), and equipment that are undertaking topsoil handling or may come into contact with topsoil, must arrive at the site in a clean condition free of topsoil vegetative debris. Inspect all vehicles and equipment when it arrives on-site to ensure it is free of soil and debris.
- Avoid using common field approaches to enter fields whenever possible as this is the most common place to find Clubroot in any area due to the high volume of equipment and vehicle traffic.
- Minimize vehicle, equipment and personnel contact with agricultural topsoil.

- Postpone work if the topsoil is wet or if there are high winds or other environmental conditions that may increase the risk of soil transfer.
- Minimize tracking topsoil onto Municipal Road surfaces.
- Topsoil transfer between land parcel boundaries is prohibited.
- Personnel should wear plastic/tyvek disposable boots or disinfect footwear with bleach solution when walking on cultivated agricultural land. Booties are to be worn in one field only and disposed of after use.
- If a vehicle does have large clumps of mud on it, leave it where you acquired it. (e.g., knock off any dirt before exiting the field or farm site.)
- Periodically disinfect brooms and shovels used in cleaning and when moving to a new area. A tool bath or soak for 20 minutes in disinfectant is required.
- **WOODEN RIG MATTING IS NOT RECOMMENDED AS IT IS DIFFICULT TO CLEAN/SANITIZE BETWEEN PARCELS.**

#### *B. Roles and Responsibilities*

It will be the responsibility of any personnel travelling on or disturbing topsoil, whether by foot, truck or equipment, to ensure that they adhere to the proper cleaning protocol dictated by these procedures. Make contact with Greenview Agricultural Services before project commencement. Ensure that the completed plan is communicated and distributed to necessary personnel for review and use. Ensure that the objectives and requirements are communicated to all project personnel and promptly communicate changes.

#### *C. Agricultural Pest and Weed Seed Management Plan Protocols*

- a) Contact has been made with the Greenview Agricultural Services Department to assess the location of the proposed work fronts and associated field access points before construction to assist with risk identification. If soil analysis is conducted, results and visual inspection of equipment should be shared with the landowner. All parties involved must understand the status of the land to reduce the spread of diseases, pests, and weeds effectively.
- b) All vehicles, including trucks, all-terrain vehicles (ATVs), and equipment that are undertaking topsoil handling or may come into contact with topsoil, must arrive at the site clean and free of topsoil and vegetative debris.
- c) Crews will try to avoid the main field access point during surveys, where possible.
- d) Field access and equipment staging locations will be suitably prepared (i.e. strip topsoil);
- e) Working in wet conditions will be avoided, where possible.
- f) Topsoil transfer across land ownership boundaries is prohibited.
- g) Work practices are in place to minimize soil erosion.
- h) Periodic disinfection of brooms and shovels used in cleaning; and,
- i) Avoid the use of hay or straw for erosion control and reclamation work.

#### *D. Risk Classification*

Townships within Greenview have been assigned a Risk Level for use with the Risk Level Matrix, *Appendix A*. The risk level reflects the potential of pests and weed seed spread from that location, with corresponding levels of recommended cleaning. To determine the risk, locate the township designation of the land the works will occur on. Refer to *Appendix C* and *D* to determine township risk rating for weeds and pests. These values will be utilized, along with the type of location and work being conducted, to determine the sites level of risk and the cleaning protocol required by equipment operating within that worksite.

#### *E. Cleaning Documentation*

Documentation is a key element of this management plan. Completing these elements is advisable for any personnel, equipment, and vehicles on the right-of-way (RoW) to contact topsoil or be involved in topsoil disturbance to reduce the risk of spread along with potential liability claims.

Once all topsoil has been stripped from the RoW, no further cleanings will be required for personnel, equipment, or vehicles operating solely on subsoil. If any topsoil contact occurs, the cleaning and documentation procedures should be followed.

##### **1. Preparing to Start a New Project**

Before any equipment starts operating on the project, an initial cleaning inspection should be completed off-site, along with written and photographic documentation. All equipment should be cleaned to a level 3 standard prior to project commencement, arriving at the site free of debris, soil or vegetation. Bleaching the equipment prior to project initiation and documenting the process is advisable. A written record and photographs of the initial equipment cleanings should be updated and maintained. This protects the operator and company from liability.

When entering a land parcel:

- a) The operator should check and be aware of the risk classification of the Project area to ensure that an appropriate cleaning is completed when entering and exiting the land parcel.
- b) The operator should ensure that the equipment or vehicle carries the appropriate cleaning tools before entering the land parcel or ensure that a wash station is available upon exiting the property to complete a level 2 or 3 wash.
- c) The operator should ensure that a copy of the initial cleaning log and cleaning records are stored within the equipment or vehicle before entering the land parcel.

When exiting a land parcel:

- a) The operator should ensure that the equipment or vehicle has been cleaned to the level determined by the Risk Matrix.
- b) Documentation of the cleaning procedure followed is strongly advised.

##### **2. Recommended Documentation**

A cleaning record logbook with triplicate carbon copy will be supplied upon request from Greenview Agricultural Services and should be kept within every piece of equipment and vehicle for the project duration. All equipment and



vehicles should be able to produce a copy of cleaning records that have been completed since the equipment/vehicle started work on the project. The cleaning record logbook will include a form with two carbon copies outlining the level of cleaning completed for each piece of equipment. A sample copy of the form is provided in Appendix B.

WEED AND PEST RISK MATRIX					
<b>Geographic Pest Risk By Township</b>	<b>HIGH (+40)</b>	<b>MEDIUM (+10)</b>	<b>LOW (+2)</b>	<b>NOT FOUND (0)</b>	
	More than 6 Agricultural Pest Cases	Less than 5, more than 3 Agricultural Pest Cases	Less than 3 Agricultural Pest Cases	No Agricultural Pests Found	+
<b>Work and Soil</b>	<b>EXPOSED (+12)</b>	<b>POTENTIAL EXPOSURE (+10)</b>	<b>MITIGATED (+2)</b>	<b>GRASSED (0)</b>	
	Equipment <b>will</b> contact topsoil on privately held land	Equipment <b>may</b> contact topsoil on privately held land	Equipment <b>may</b> contact topsoil on grassed land	No bare soil	+
<b>Geographic Weed Risk By Township</b>	<b>HIGH (+12)</b>	<b>MEDIUM (+8)</b>	<b>LOW (+2)</b>	<b>Negligible (0)</b>	
	More than 15 significant infestations of Concern 2 or 3 species	Less than 15, more than 10 significant infestations of concern 2 or 3 species	Less than 10, more than 5 significant infestations of concern 2 or 3 species	No recorded Infestations of Concern	+
<b>TOTAL POINTS</b>					<b>=</b>

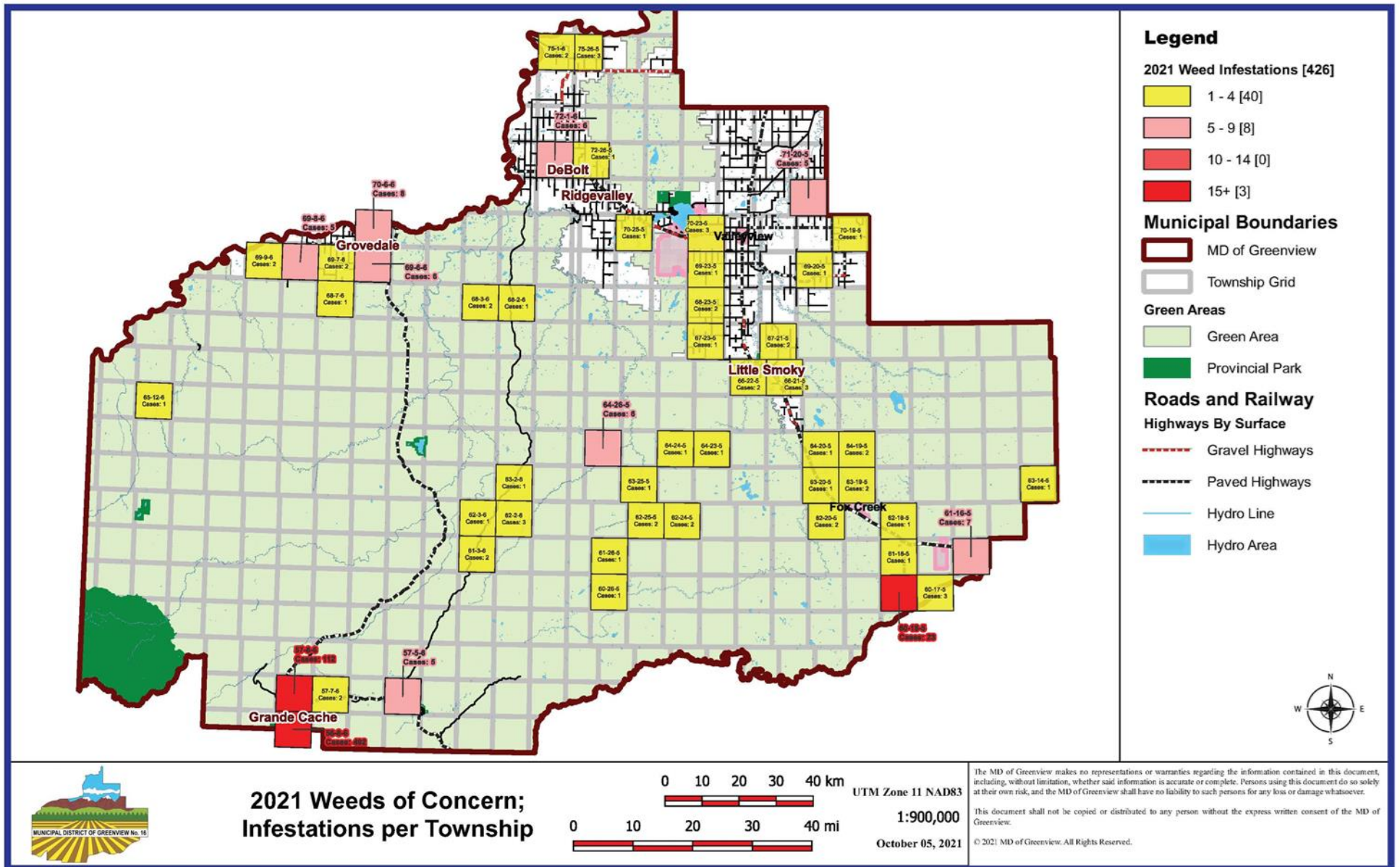
POINTS	CLEANING AND MITIGATION STEPS
0-13	LOW RISK: Level 1 Cleaning. Requires mechanical cleaning before entering and upon exit (remove soil with a broom or shovel)
14-39	MEDIUM RISK: Level 2 Cleaning. Requires mechanical removal and a high pressure wash with water or steam
40+	HIGH RISK: Level 3 Cleaning. Mechanical removal, high-pressure wash and disinfecting (with 2% Bleach Solution)

**Appendix A**

Cleaning Record for Independant Equipment/Vehicles			
Date		Time	
Project		Unit Number	
Company Name		Equipment Identified or Vehicle License Plate	
Worksite Legal			
Risk Matrix Total:			
Direction of Travel (circle applicable risk level and level of cleaning)			
Leaving:	HIGH RISK	MEDIUM RISK	LOW RISK
Entering:	HIGH RISK	MEDIUM RISK	LOW RISK
Level of Cleaning Required	Level 1	Level 2	Level 3
Description of Equipment/Vehicle			
Equipment Operator Name:		Equipment Operator Signature:	
Required Signatures for Level 2 and 3 Cleanings			
Name:		Signature:	
Name:		Signature:	

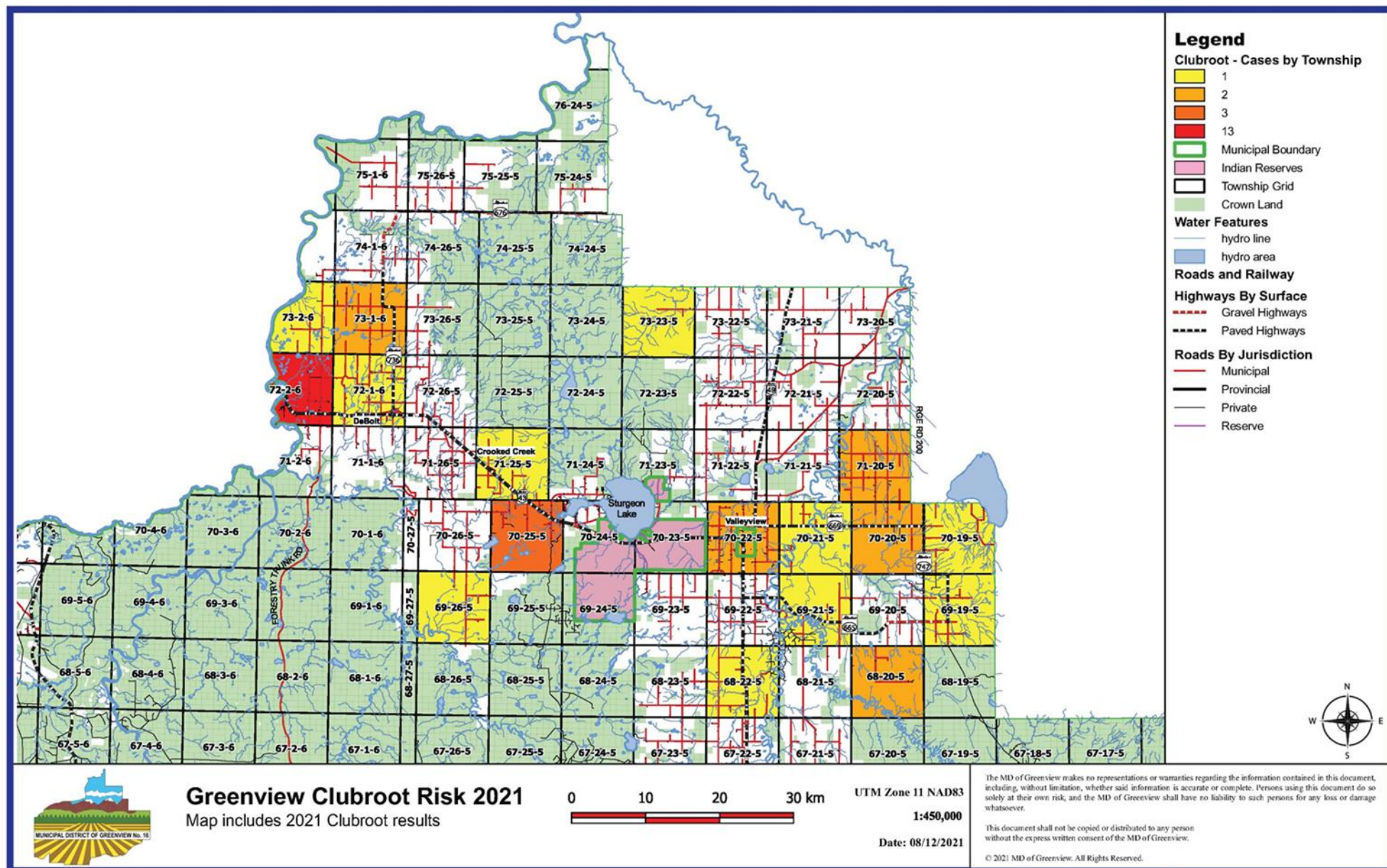
*Appendix B*

## Appendix C





## Appendix D





# MUNICIPAL DISTRICT OF GREENVIEW No. 16

## Vehicle & Equipment Inspection Form For Greenview Contractors

Inspection Date:	
Location:	
Project Name:	
Contractor/Consultant:	
Contractor Representative:	
Vehicle/Equipment Description: I.e. make/model/type	

Are there landowner equipment cleaning commitments for this job?	
Last area vehicle/equipment worked:	
Vehicle/equipment was cleaned prior to arrival	
Equipment maintenance records supplied	
Environmental Inspection	
Are the following areas free of all dirt, mud, vegetation and vegetative debris	

### COMMENTS

Main Body		
Tracks/tires		
Under carriage		
Cab		
Overall Equipment/ vehicle condition		
Truck deck that equipment was hauled on		
Any visible fuel, oil or antifreeze leaks		

\_\_\_\_\_  
Greenview Representative Signagure

\_\_\_\_\_  
Contractor Reprsentative Signature

**ALBERTA SURFACE RIGHTS BOARD**  
(the “Board”)

**Citation:** ATCO Electric Ltd v Welsh, 2016 ABSRB 15

**Date:** 2016-01-11

**File Nos.** RE2013.0301 and RE2013.0314

**Decision No.** 2016/0015

**Corrected Decision:** On February 19, 2016 this decision was corrected to reflect 2016 in the **Citation**.

**In the matter of** the *Surface Rights Act*, RSA 2000, c S-24 (the “Act”)

**And in the matter of** land in the Province of Alberta within the:

W ½-24-51-16-W4M as described in Certificate of Title No. 902 188 143 +1  
(the “Land”)

BETWEEN:

ATCO ELECTRIC LTD.

Operator,

- and -

ROGER B. WELSH (owner)  
DEBORA L. WELSH (owner)  
LAMCO GAS CO-OP LTD.

and

THE COUNTY OF MINBURN NO. 27,

Respondents.

BEFORE: David Thomas (Presiding Member)  
E. Gordon Chapman  
Edward V. Zenko  
(the Panel)

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**DECISION**

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**APPEARANCES**

For the Operator:

- David McGillivray, Legal Counsel, Bennett Jones LLP
- Shawn Munro, Legal Counsel, Bennett Jones LLP
- Robert Telford, Appraiser, McNally Land Services Ltd.
- Dr. Lisa White, P.Eng., Clifton Associates Ltd.
- Dr. Jennifer Yuan, P.Eng., Clifton Associates Ltd.

- For the Respondents:
- Roger B. Welsh, Landowner,
  - Debora L. Welsh, Landowner
  - Angela Welsh, with Landowner
  - Michael Niven QC, Carscallen LLP
  - Christy Lee, Carscallen LLP
  - Brian Gettel, Appraiser, Gettel Appraisals Ltd .
  - Dr. Terry Osko, Circle T Consulting Inc.
  - Dr. Ieuan Evans, Plant Pathologist

No other Respondents appeared, were represented, or provided submissions although duly notified of the hearing.

## BACKGROUND

ATCO Electric Ltd. (“ATCO”) wished to construct a power transmission line along/through the Lands and required the Lands for or incidental to the construction, operation or removal of a power transmission line. After not being able to acquire the consent of Roger B. Welsh (“R. Welsh”) and Debora L. Welsh, (“D. Welsh”), ATCO applied for and was granted by the Board Right of Entry Orders Nos. 1110/2013 (File No. RE2013.0301) and 1113/2013 (File No. RE2013.0314) (“the ROEs”) both dated August 7, 2013, all as provided for in s. 15 of the *Act*.

A hearing was held on November 6 & 7, 2014, in Edmonton, Alberta to address the matter of compensation as provided for in s. 23 of the *Act*.

## EXHIBITS FILED

See Appendix A

## RELEVANT LEGISLATION

See Appendix B

## ISSUES

1. Does the evidence establish a pattern of dealing with respect to compensation along the relevant portions of the subject transmission line?
  - a. Does the Early Resolution and Access Agreements (“the ERAA”) form part of a pattern of dealing?
2. What amount of compensation is payable for the rights taken under to s. 25(1)(a) or (b) of the *Act*?
  - Order No. 1110/2013
  - Order No. 1113/2013
3. What amount of compensation, if any, is payable for first-year adverse effect, nuisance, inconvenience, and noise under s. 25(1)(d) of the *Act*?
4. What amount of annual compensation is payable for ongoing loss of use/adverse effect/nuisance/inconvenience/noise under s. 25(1)(c) and (d)?
5. Should compensation be awarded under s. 25(1)(f)?
6. Has damage occurred and, if so, what is the appropriate compensation under s. 25?
7. To whom is compensation payable?
8. Is interest payable, and if so, at what rate?
9. To whom and in what amount, if any, should costs be payable?

## DECISION

1. The evidence establishes a pattern of dealing as follows:
  - \$2,000.00 per acre for the rights acquired
  - \$1,500.00 per titled unit for the nuisance and inconvenience associated with the acquisition/construction
  - \$690.00 per half structure per year for ongoing loss of use and adverse effect
2. For the rights taken pursuant to s. 25(1)(a) or (b) of the *Act*, compensation is payable as follows:
  - Order No. 1110/2013 \$17,880.00
  - Order No. 1113/2013 \$17,910.00
3. Compensation of \$1,500.00 for first-year adverse effect, nuisance, inconvenience, and noise is payable under s. 25(1)(d) of the *Act* for each right of entry order
4. Annual compensation of \$2,731.60 and \$2,734.95 is payable under s. 25(1)(c) and (d) for Order Nos. 1110/2013 and 1113/2013 respectively, beginning August 7, 2013
5. No compensation is payable under s. 25(1)(f) of the *Act*
6. The matter of damages is reserved.
7. Compensation is payable to Roger B. Welsh and Debora L. Welsh, jointly.
8. Interest is payable on any amounts outstanding at the Bank of Canada rate from the date the right of entry orders were made.
9. Costs in the amount of \$164,939.26 are payable by ATCO to Roger B. Welsh and Debora L. Welsh, jointly.

## FACTUAL OVERVIEW

*A Brief Summary of the Right of Entry Orders*

	Respondent (Landowner)	Land Description	Order No. and Date	Area in Acres	Number and Type of Structures on Land
RE2013.0301	Roger B. Welsh and Debora L. Welsh	NW 24-51-16-W4M	1110/2013 August 7, 2013	5.96	One half of each of 2 steel towers
RE2013.0314	Roger B. Welsh and Debora L. Welsh	SW 24-51-16-W4M	1113/2013 August 7, 2013	5.97	One half of each of 2 steel towers

*A Brief Description of the Transmission Line*

- Referred to as the Eastern Alberta Transmission Line
- 500kv DC
- Origin: Heathfield 2019S Converter Station near Gibbons
- Southern terminus: Newell 2075 Converter Station near Brooks
- Steel lattice tower construction
- Constructed in 2014

*A Brief Description of the Land*

- Within The County of Minburn No. 27
- Approximately 10 miles southwest of Vegreville, Alberta
- Titleholders of record: Roger B. Welsh and Debora L. Welsh
- Land Use Designation: Agricultural District
- Canada Land Inventory CLI Class 2 Soil
- Currently farmed/operated by the Welshs
- Currently being used for the production of annual field crops (i.e. grains and oilseeds)
- Not a home quarter



*A Brief Description of the Subject Line as it Affects the Subject Land*

- The subject line extends along the entire eastern boundary of both subject quarter sections (one mile)
- The subject line straddles the property boundaries with half of each tower resting on the subject quarter sections and half of each tower resting on neighboring land
- There are two half-towers on each of the two quarter sections (a total of four half-structures/towers)
- 

**KEY EVIDENCE AND ANALYSIS**

The Panel has thoroughly reviewed all of the evidence and arguments and has determined the following compensation:

	Respondent (Landowner)	Land Description	Order No. and Date	Area in Acres	First Year Compensation	Annual Compensation
RE2013.0301	Roger B. Welsh and Debora L. Welsh	NW 24-51-16-W4M	1110/2013 August 7, 2013	5.96	\$22,111.60	\$2,731.60
RE2013.0314	Roger B. Welsh and Debora L. Welsh	SW 24-51-16-W4M	1113/2013 August 7, 2013	5.97	\$22,144.95	\$2,734.95

It is the practice of the Board to base compensation on a pattern of dealing when one exists unless there are cogent reasons for doing otherwise. This approach is: a) based on the underlying premise that the marketplace is usually the best determinant of fair and reasonable rates of compensation, b) consistent with that used by the Court in *Livingston v. Siebens Oil & Gas Ltd. (1978)*, 8 A.R. 439 (C.A.), and c) now used routinely by the Court and the Board. This was the starting point in the Panel's deliberations on all of the issues.

In making its determination of compensation, the Panel identified and considered the following issues.

1. Does the evidence establish a pattern of dealing with respect to compensation along the relevant portions of the subject transmission line?

The reasons and analysis in this section are those of the majority members of the Panel. The dissenting opinion is set out separately below.

The Operator provided a negotiated agreement review<sup>1</sup> containing 87 legal land descriptions, 79 Right of Way Agreements between 57 owners and 8 right of entry orders with 5 owners. Each of the agreements provided for the same compensation for the rights acquired. This review concluded that there was a pattern of dealing in the area, for this project at the following values:

Right of way consideration	\$2,000.00 per acre
Nuisance and inconvenience (GD)	\$1,500.00 per titled unit
Annual Structure Payment Cultivated (HL)	\$ 690.00 per half structure

The Operator acknowledged that "...many of the owners had decided to negotiate pre-paid damages and that the landowners that executed Right-of-Way Agreements also executed separate Early Resolution and Access Agreements (ERAA) allowing the company to carry out immediate legal, soil, geotechnical, environmental and historical surveys, and avoid regulatory proceedings. Since these agreements did not involve compensation for the rights granted under the Right-of-Way Agreements, but rather involved

<sup>1</sup> Exhibit 1, page 50 - 57

compensation for early access and resolution to avoid costly regulatory proceedings and delays, the payments associated with the agreements have not been included in the pattern of dealings analysis.”

ATCO submits these ERAA payments were not to entice landowners into signing a Right of Way Agreement. It is instead maintained that the parties entered into “Early Resolution and Access Agreements” which provided ATCO with the ability to get on the land before the ROEs and also to proceed through the regulatory approval process with less opposition. The majority of the Panel is of the view that in order to be considered to form part of the pattern of dealings these agreements must be comparable to the taking in the ROEs and a positive conclusion must be supported by the evidence. The concept that the pattern must be “truly comparable” was affirmed by the Court of Appeal in *Karpetz*:

*The concept that fair compensation for rights of way can be based on a suitable PoD is a concept applied in the industry and acknowledged by the law. Part of the exercise of the Board’s jurisdiction, for which deference is deserved, arises where it uses its expertise in the relevant spheres of knowledge in deciding if a PoD has been established and thereafter in determining appropriate compensation: Imperial Oil Resources Ltd. v. 826167 Alberta Inc., 2007 ABCA 131 (CanLII), 404 A.R. 212 at para. 14. In that regard, the Board would be entitled to consider whether a proposed PoD refers to truly comparable compensation packages. Once a suitable PoD is July 20, 2015 established by the evidence, however, the Board should only depart from compensation based upon an established PoD for the most cogent of reasons: Imperial Oil Resources at para. 21. (emphasis added).*

In *Access Pipeline Inc. v Van Hecke*, 2010 CanLII 98421 (ABSRB), [Van Hecke] the Board was also asked to consider similar *Regulatory Expediency Agreements* (the “Agreements”) to form part of the pattern of dealing. The Panel in that case found that if it were to include these additional payments to find a pattern of dealings the effect would be of enriching the landowner to a degree that would be unfair to the operator.

It was argued that the Agreements were not made in consideration of land rights, but rather, in consideration of the landowners withdrawing their objections and statements of concern to Access’ proposed pipeline project with the Alberta Energy and Utilities Board and Alberta Environment. Further in the Agreements the landowners consented to the issuance of right of entry orders by the Board and to executing consent Compensation Order Request Forms reflecting the agreed-upon value of \$20,000.00 per acre, thereby enabling Access to avoid the costs and risk associated with hearings. The Board considered the Agreements in the context of the amounts paid to the landowners and concluded that the Agreements did not form a part of the pattern:

*Bonus payments are rarely disclosed to the Board. On the occasions that such payments are disclosed, the Board is rarely provided with detailed reasons documenting why the payments were made and the role such payments have in compensating landowners for the value of the land rights taken. However, in this case clear evidence has been provided which demonstrates that the bonus payments were made for very specific reasons. The agreements do not relate to the value of the land or surface rights. Instead, they relate to the withdrawal of objections and the provision of consent by landowners to the taking. These reasons have little bearing on the determination of the actual value of the land or rights taken. (emphasis added).*

In *Van Hecke* the Board also considered the purpose of compensation and the fact that the ‘bonus payments’ were not made to the majority of the landowners and whether the amount paid was considered to be significantly high or result in an artificially low pattern of dealing if it was not included in the pattern:

*[...] the Panel finds that the bonus payments made by the Operator have not resulted in the creation of a pattern of dealings at an artificially low land value. Instead, the estimates of the Operator’s appraiser and the Respondents’ appraiser are both within a reasonable range of the pattern of dealings found by the Panel and are substantially higher than the Panel is used to seeing for agricultural land.*

*In Cabre Exploration Ltd. v. Arndt et al., (1986) ABQB 35 L.C.R. it was held that the role of the Board is to compensate the landowner for loss -- for the loss of the land taken, the loss of rights, or the loss of use. In Board Decisions Nos. 2006/0042 and 2006/0063 the Board restated this principle, finding that the purpose of compensation is to ensure that the landowner is made whole. The purpose of compensation is not to enrich the landowner to a degree that is unfair to the operator.*

*In this particular case the Panel finds that if it were to rely on the bonus payments to find a pattern of dealings at \$30,000.00 per acre, the effect would be of enriching the landowner to a degree that is unfair to the operator. The Panel is convinced that where the inclusion of bonus payments in the calculation of the pattern of dealings results in the enrichment of the landowner to a degree that is unfair to the operator*

It is important to now turn to these ERAAs specifically, to analyze whether the rights offered in these ERAA's are distinct from those to be compensated for the right of entry order or whether they are truly comparable.

The key terms of the ERAAs may be summarized as follows:

- Under the paragraph 1 a landowner "...undertakes not to object to, or intervene in, any proceedings before the Alberta Utilities Commission or any other regulatory agency in respect of any necessary regulatory approvals for the construction and operation of the Transmission Line and all other facilities forming part of the Project."
- Paragraph 2 provides for ATCO being able to access the land to conduct a) legal survey, (b) a soils survey, (c) a geotechnical survey, (d) an environmental survey, (e) a historical resources impact assessment, and (f) such further and other preliminary surveys or assessments as the Company may reasonably require.
- Paragraph 3 set out that payment is to be made:
  - a. \$5,000.00 ... upon execution of this Early Resolution and Access Agreement; and
  - b. \$5,000.00 ... upon commencement of actual construction ... of the Transmission Line ... provided, however, that such \$5,000.00 shall not be payable in the event that the Company does not proceed with actual construction of the Transmission Line on the Lands.

The majority of the ERAAs appear to have been signed prior to approval issued by the AUC on May 1, 2013, although some were likely signed after the approval, there is no evidence before the Board on whether there were review and variance applications or appeals withdrawn by the landowners involved. The very nature of an ERAA contemplates a right which is typically not related to nor addressed in a right of entry order. The forbearance of bringing evidence before a regulator as well as early access for surveys serve as distinct consideration given by a landowner in return for payment from an operator, which does not impact or relate to compensation for the right of entry. This is particularly important in a regulatory context where the SRB jurisdiction to grant a right of entry order is ancillary to that of the regulator, making the loss of the right to file a statement of concern or appeal an AUC decision all the more significant. ( *see Togstad v Alberta (Surface Rights Board), 2015 ABCA 192 (CanLII)*)

Enabling early access to the operator for surveys is also distinct from the rights included in a right of entry order since right of entry orders cannot be issued prior to presentation of a license (see s. 5 SRA General Regulation) and without the consent of the landowner a court order would be required to gain such access (see section 14 of the *Act*). A further distinction with the ERAA is that the consideration is paid based on the titled unit which would not vary based on the size, location, or nature of the taking, which are normally

factors considered by the Board in assessing compensation. Given these distinctions substantial contrary evidence from the parties involved of the surrounding circumstances would be required to conclude that consideration other than what is written in the ERAA's passed from the landowners in exchange for the \$10,000.00 payment. The Panel did not hear evidence directly from any of the recipients of the circumstances surrounding this additional payment. Reliable information was not provided from other sources that such payments influenced landowners to enter into surface lease agreements. As such, it would amount to speculation to conclude that but for this consideration, the landowners would not have agreed to the compensation payable under the separate Right of Way Agreements. The evidence does not support a finding that the payments were more than an attempt by ATCO to reach an agreement to avoid delays and expense of proceeding through a formal contested regulatory process.

A majority of the Panel finds therefore that the ERAA do not form part of the pattern of dealing.

The payments made in the Right of Way Agreements are on the other hand for rights that are clearly comparable to the rights granted in the right of entry order. All were similar in location and nature of the taking for access to the land for construction and operation of the transmission line.

Based on the above, the majority Panel finds that there is a pattern of dealing at the following values:

Right of way consideration	\$2,000.00 per acre
Nuisance and inconvenience (GD)	\$1,500.00 per titled unit
Annual Structure Payment Cultivated (HL)	\$ 690.00 per half structure

These values were unanimously accepted by the landowners who signed Right of Way Agreements.

The Majority Panel further finds that the \$10,000.00 on the ERAA does not form part of the pattern.

2. What amount of compensation is payable for the rights taken under s. 25(1)(a) or (b) of the *Act*?

ATCO's position is that "Right of Way Compensation" should be based on a rate of \$2,000.00 per acre.<sup>2</sup>

The Landowners' position is not entirely clear. Initially they stated that "...if an additional \$10,000.00 was given to virtually all of the Landowners in the negotiated agreements, they would be entitled to similar compensation per acre. This would amount to ...\$3,677.00 per acre..."<sup>3</sup> Later, they stated that "Right of Way Compensation" should be based on a rate of \$3,000.00 per acre.<sup>4</sup>

The Panel sees its role as one of determining fair and reasonable compensation based on the individual circumstances in this case.

Both parties provided empirical evidence with respect to land value. Telford determined a "land value" of \$2,400.00 per acre. Gettel determined a "land value" of \$3,000.00 per acre.

Given that both appraisers determined that the land values that were in excess of the pattern, the Panel has determined that this is a cogent reason to depart from the pattern.

Both appraisers determined the highest and best use of the subject property to be for continued agricultural use and the Panel accepts this conclusion.

<sup>2</sup> ATCO Final Argument, page 26

<sup>3</sup> Landowner Reply Argument, paragraph 31

<sup>4</sup> Landowner Reply Argument, paragraph 76

Both appraisers chose comparables that were similar to the subject lands in terms of location, use, topography, configuration and size however, the Telford sales took place between March 11, 2011 and November 23, 2012. The Gettel comparables all sold between February 14, 2013 and September 23, 2013, much closer to the August 7, 2013 effective date. The Telford sales all required a time adjustment while the Gettel comparables required none. As a result, the Panel places more weight on the Gettel appraisal and finds the market value of the subject lands at the effective date to be \$3,000.00 per acre.

For the rights taken, the Panel awards compensation of \$3,000.00 per acre based on the pattern of dealing established in this case. This equates to the following compensation for the two ROEs:

RE2013.0301 (Order No. 1110/2013)

5.96 acres @ \$3,000.00 per acre \$17,880.00

RE2013.0314 (Order No. 1113/2013)

5.97 acres @ \$3,000.00 per acre \$17,910.00

3. What amount of compensation, if any, is payable for first-year adverse effect, nuisance, inconvenience, and noise under s. 25(1)(d) of the *Act*?

The Panel heard evidence that 64 of 79 Agreements provided \$1,500.00 for “...*first year adverse effects or disturbance...*”<sup>5</sup> The exceptions were locations in close proximity to residences or for locations in bush/pasture areas. Neither was the case here. The Panel already determined that this was part of a pattern of dealing. It was not provided with cogent reason to award a different amount. The Panel awards \$1,500.00 for each of the two ROEs as compensation for any first-year adverse effect, nuisance, inconvenience, and noise associated with the initial acquisition/construction.

4. What amount of annual compensation is payable for ongoing loss of use/adverse effect/nuisance/inconvenience/noise under s. 25(1)(c) and (d)?

The Panel found that the evidence establishes a pattern of dealing based on a rate of \$690.00 per half structure.<sup>6</sup>

ATCO’s position is that annual compensation should be \$690.00 per half structure<sup>7</sup> based on the pattern of dealing. This equates to total annual compensation of \$1,380.00 for the two structures that straddle the Landowners’ property line on each quarter section (i.e. each ROE). ATCO also provided empirical evidence from Telford with an alternative rate of \$425.00 per structure in the event that the Panel determined that the evidence did not support a pattern of dealing.

The Landowners’ requested an award of \$8,407.15 per annum for the next 15 years.<sup>8</sup>

The Landowners stated that because of ATCO’s and its contractor’s failure to properly clean their equipment prior to entering the subject land, the subject land is now possibly infested with the canola disease known as “clubroot.” To decrease/mitigate risk/exposure, the Landowners intend to take the subject rights of way (“the ROW”) ---as well as a six-acre buffer zone--- out of grain production and into

<sup>5</sup> Exhibit 2, Clause 5(c) of the agreements

<sup>6</sup> This amount is for half of a structure because the structures straddle the property line.

<sup>7</sup> From ATCO’s Final Argument, page 26.

<sup>8</sup> Landowner Reply Argument, page 24.

perennial grass for a period of fifteen years. They suggest that this will result in a loss of \$126,107.33, or alternatively, \$8,407.15 per year (i.e. \$126,107.33/15 years (rounded)).

The Landowners arrived at their requested amount after considering six components:

• Lost crop production from the ROW 11.93 acres @ \$335.00/acre x 15 years	\$ 59,948.25
• Lost crop production from the buffer area 6 acres @ \$335.00/acre x 15 years	\$ 30,150.00
• Cost of seeding the ROW and buffer to grass (\$5,190.00 to \$30,090.00)	\$ 17,640.00
• Cost of spraying ROW with herbicide	\$ 4,772.00
• Cost of spraying buffer with herbicide	\$ 6,502.08
• Cost of returning the grassed ROW back to farmable land (\$5,400.00 to \$8,790.00)	\$ 7,095.00
TOTAL	\$126,107.33 <sup>9</sup>

The Landowners stated that they will be taking the subject 17.93 acres out of production by seeding it to grass,<sup>10</sup> and this will result in an initial cost and an annual loss of revenue. This does not sound speculative or hypothetical. The Panel is persuaded that this is their intention and this will happen.

ATCO argued<sup>11</sup> that any such claim is speculative, and there is no evidence of contamination. It further stated “...*the speculative risk of clubroot infestation at an unknown time in the future is not compensable in the context of the within proceeding...a claim cannot simply be for a theoretical and self-imposed loss but rather must be real and ongoing.*” [Panel’s emphasis]

The Panel agrees that continuing to crop the land with canola and wheat is an option open to the Landowners. The term “mitigation”, by its very nature, implies a choice---in that sense, it is self-imposed. The Panel does not accept this argument as a reason to deny the request for annual compensation which includes a mitigation component.

ATCO also argued that the Landowners claim “...is premature, would result in over-compensation of the Landowner on the basis of pure speculation, and fails to account for the significant recourse available to the Landowners under the *Act* if clubroot is actually found and has a causal link...is wrong at law, would be contrary to the principle of reinstatement, and would result in an enrichment of the Landowners in the absence of any actual evidence of loss.”<sup>12</sup>

The Panel does not view the issue as one of compensation for clubroot contamination per se, but rather as a matter of compensation for the cost of mitigation. The Panel views the Landowners’ actions as an attempt to prevent/mitigate a possible future outbreak of clubroot on their land. Framed in this manner, the issue is not whether or not clubroot spores were/are in the soil before or after construction; but rather, the issue is the reasonableness of the Landowners’ actions in attempting to mitigate what they see as a potential problem. The Landowners did not face an onus to demonstrate on a balance of probability (i.e. 50 percent plus) that there is a contamination problem. Rather, they needed to persuade the Panel that it is most prudent to mitigate---after considering and balancing (a) the probability of an infestation<sup>13</sup> and (b) their financial exposure if an infestation were to occur, and (c) the cost of mitigation.

<sup>9</sup> The Landowners provided a range and then took the average to arrive at \$126,107.33

<sup>10</sup> The Panel understands the term “grass” to mean “perennial grass hay.” This is standard agricultural vernacular, and could be any number of grasses such as brome grass, fescue, timothy, orchard grass, or any number of wheatgrasses.

<sup>11</sup> ATCO Final Argument, page 15

<sup>12</sup> ATCO Final Argument, paragraph 54

<sup>13</sup> The Panel uses the term “probability” in a statistical sense throughout this decision. The Panel does not make a finding of whether clubroot infestation is probable or only possible. Rather, it speaks to balancing probability, exposure, and cost.

Once framed in this manner, the Panel sees a number of sub-issues:

- Is clubroot a potential threat to the Landowners?
- Is there a reasonable possibility/probability that clubroot was introduced to the subject Land by ATCO's construction activity?
- Is the Landowners' mitigation plan a reasonable action given (a) the possibility/probability of an infestation, and (b) their financial exposure if an infestation were to occur, and (c) the cost of mitigation?
- Will there be an annual loss of use/adverse effect, and if so, what is the magnitude of this loss?

*Is clubroot a potential threat to the Landowners?*

The Landowners stated that they crop 5,800 acres, and this is their sole source of income. The Landowners stated that canola makes up 60 percent of their income in recent years. The Panel accepts both of these statistics as fact.

The Panel heard the following with respect to clubroot in the area and in general:

- It is a serious soil-borne disease of canola
- It is highly infectious
- It is long lived---its spores may persist in the soil for 20 years or more
- It has infested 10-50 fields per county in each of the 11 counties within 90 kilometers of Edmonton
- It is present in The County of Minburn<sup>14</sup>
- It is present 3 miles from the Welsh's land
- It can be transferred in dirt, soil, and mud
- Any process that moves infested soil from one place to another can contribute to the spread of clubroot
- Machinery is the most likely source of clubroot infestation---other means includes winds, flooding, deer, cattle and humans
- There is no cure or remedy other than prevention.
- Canola yields can be reduced up to 50 percent
- Preventive measures may include cleaning, washing, and disinfecting
- Clubroot resistant varieties exist
- Clubroot resistant varieties typically yield less than nonresistant varieties

Many of the bullets above are supported by Exhibit 9---Alberta Clubroot Management Plan Government of Alberta Agdex 140/638-2. The Panel did not hear significant or persuasive contrary evidence and accepts the above bullets as fact. It finds that a clubroot infestation on the subject Land---and especially if inadvertently spread to other Welsh land---could have a very significant financial impact on the Welshs.

*Is there a reasonable possibility that clubroot was introduced to the subject land by ATCO's construction activity?*

---and---

*Is the Landowners' mitigation plan a reasonable action given (a) the probability of an infestation, and (b) their financial exposure if an infestation were to occur, and (c) the cost of mitigation?*

The Panel finds that ATCO exercised its rights of entry and entered the two subject properties to construct the subject transmission line. This was not disputed.

<sup>14</sup> Exhibit 5, Tab C, page 384

The Welshs' stated that ATCO's temporary roadway was constructed on the neighboring right-of-way---NE 24 and SE 24---rather than on the subject NW 24 and SW 24. ATCO concurred and the Panel accepts this evidence as factual.

Both parties provided evidence of a soil analysis and neither analysis detected clubroot. Dr. Osko (Circle T Consulting Inc.) presented a "PreDisturbance Soil, Weed, and Clubroot Assessment" for the Landowners. Dr. Yuan and Dr. White presented a similar report on behalf of ATCO. Their study differed in that (a) it was "post-construction" rather than "predisturbance", and (b) the Yuan/White samples were taken from the right-of-way immediately across the fence to the east from the subject Land.

The Panel accepts the two studies as "baseline" studies. It views the negative test results as inconclusive. The Panel's conclusions have their basis in the nature of clubroot dissemination. The Panel accepts Dr. Evans<sup>15</sup> testimony that clubroot introduced during construction would likely (a) be present in localized clumps of dirt, (b) not yet have been disseminated, (c) not have found its way into the samples taken, and (d) be difficult to detect until any spores introduced have had time to infect susceptible plants, multiply, and disseminate---all over several canola/host plant generations. As a result, Dr. Yuan's and Dr. White's post-construction assessment does not prove that no spores were introduced to the subject right-of-way during construction. Similarly, Dr. Osko's predisturbance assessment does not prove that no spores were present prior to construction, only that none were detected. In both cases, the lag time between infestation and the presence of a detectable infestation make the results inconclusive. As a result, the two assessments are not helpful to the Panel.

The Landowners described a cleaning protocol they had developed for all off-farm vehicles and equipment (a "Clubroot Management Plan", "Clubroot Mitigation Plan", or "CMP"). This plan was in place since at least 2008 and included the following cleaning procedure<sup>16</sup>

- Removal of all soil lumps and loose dirt
- Power wash with hot water
- After thoroughly cleaning, power wash down with the purpose of disinfecting all off-farm machinery, equipment, vehicle tires, boots, floor mats, etc. thoroughly with a 1-2% active ingredient bleach solution immediately before entering on to the property

The Landowners also provided a copy of two ATCO documents: "*Best Management Practice (BMP) Crop Disease Protection and Noxious Weeds*"<sup>17</sup> and "*EATL (Eastern Alberta Transmission Line) Cleaning and Disinfecting Procedure*."<sup>18</sup> Both documents speak to the importance, and methods, of cleaning.

ATCO presented a Government of Alberta document titled *Alberta Clubroot Management Plan* which confirmed that clubroot (a) is a concern to the agricultural community, and (b) can be spread via contaminated soil. It may be managed by (a) the use of clubroot-resistant varieties, (b) long rotation breaks, (c) controlling volunteer canola and cruciferous plants, (d) minimizing traffic, and (e) cleaning soil and crop debris off of equipment.

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<sup>15</sup> Exhibit 5, Tab I

<sup>16</sup> Exhibit 5, Tab A

<sup>17</sup> Exhibit 5, Tab B

<sup>18</sup> Exhibit 5, Tab C



The Panel accepts the *Alberta Clubroot Management Plan* as reliable. In particular, the Panel notes that clubroot can be spread by contaminated soil and that it is critical to control volunteer canola and cruciferous plants.

The Landowners further referenced Condition (k) in the two rights of entry which states:

*The Operator...shall:*

*(k) ensure that weed and disease control on the right-of-way is co-ordinated with and integrated into the Respondent owner's weed and disease control of the entire property.*

ATCO stated “*It is not the case that the Landowners are entitled to impose any and all of the requirements of their own clubroot policy. To require a company to meet various different requirements for various different landowners is not reasonable.*”<sup>19</sup>

ATCO was either unable or unwilling to coordinate and integrate its activity with the owner's disease control program. This has led to the subject dispute before the Board. The Panel's role is to determine compensation in the subject matter---it will not make a determination of what was or was not a reasonable clubroot management construction protocol. The Panel will focus on the original sub-issue---is there a reasonable chance of contamination of the subject Land given the construction activity and the management strategy chosen by ATCO.

The Landowners presented hundreds of pictures in support of their position that ATCO and its contractors did not clean their equipment in accordance with either, (a) the Landowners' protocol, or (b) ATCO's own protocol, prior to entering upon the subject Land.<sup>20</sup> The pictures clearly show dirt, soil, and mud on trucks and equipment prior to entry. Although the trucks and equipment were entering from the municipal road onto the adjoining NE 24 right of way, the Panel notes that structures were built on the subject rights of way, so ATCO clearly eventually entered the subject Land.

Furthermore, the Landowners provided photographs showing that ATCO allowed volunteer canola on the right of way following construction. The Panel accepts that this occurred based on the photographic evidence provided by the Landowners. Allowing such growth is contrary to the Best Management Practices<sup>21</sup> of the *Alberta Clubroot Management Plan* which states “*Volunteer canola and cruciferous weeds must be controlled in infested fields to prevent more than three weeks of growth to avoid the production of new resting spores on these host plants.*”<sup>22</sup>

ATCO did not present any witnesses that could give first-hand evidence on the construction process and the cleaning procedures employed. ATCO did argue that:

*The extensive evidentiary record relied upon by Landowners in the form of multiple pictures and movies (Exhibit 7)<sup>23</sup> are purely circumstantial in respect of potential clubroot contamination, and should be given little weight. The photos and movies provided to the Board often involve lands other than the subject Lands and it should not be forgotten that the entrance to the right of way, as well as the travel lane that was used was not on the subject Lands but rather beside it. In ATCO Electric's respectful submission evidence of the Landowners in this regard is uncorroborated and influenced by the Landowners' often stated fear of clubroot. In a number of cases the apparent lack of cleanliness of the*

<sup>19</sup> ATCO Final Argument, paragraph 59

<sup>20</sup> Exhibit 8

<sup>21</sup> Exhibit 9, page 4

<sup>22</sup> Exhibit 9

<sup>23</sup> Actually Exhibit 8

*underside of vehicles appears to be attributable to road dirt. Moreover, while the Landowners give accounts where they saw allegedly “dirty” vehicles on the Lands during the course of construction of the Transmission Line, no evidence was given that establishes that such vehicles were unclean when they actually entered the subjects Lands, there is no evidence that establishes that vehicles were not cleaned prior to travelling on gravel roads to the subject Lands, and there is no evidence that the any [sic] vehicles associated with construction of the Transmission Line actually came from lands that were infested with clubroot prior to being cleaned or otherwise entering the subject Lands. Furthermore, there is no indication in Alberta’s Clubroot Management Plan (Exhibit 9) (“Alberta CMP”) that the failure to remove road dirt represents a material risk for clubroot.”<sup>24</sup>*

The Landowners did not face an onus to demonstrate on a balance of probability that contamination has occurred. Rather, they needed to persuade the Panel that it is most prudent to mitigate---after considering and balancing (a) the statistical probability of an infestation (which may very well be below fifty percent) (b) their financial exposure if an infestation were to occur, and (c) the cost of mitigation. The Panel heard and determined earlier that clubroot can be transferred in mud, soil and dirt. After considering (a) the “extensive evidentiary record” of soil, dirt, and mud, on ATCO’s and its contractors’ vehicles/equipment, (b) the evidence that infested soil can transfer clubroot, and (c) the photographic evidence of volunteer canola growing on the right of way post-construction, the Panel finds that the Landowners’ fears of contamination and their intention to mitigate have a reasonable foundation.

The Panel considered ATCO’s suggestion that in a number of cases the dirt in question was road dirt. Even if this were so in a “number of cases”, there is such a volume of photographs indicating unclean trucks and equipment entering the construction area as to be overwhelming. ATCO needed to speak to the volume of photographs rather than to the few that may have involved road dirt.

The Panel also dismisses the suggestion that the dirt on vehicles and equipment entering the construction was “clean” dirt [Panel’s words]. The Panel accepts the evidence that the vehicles and equipment entered the construction area with mud or dirt attached---it will not require the Landowner’s to also prove that the dirt was contaminated with clubroot. This would be an unreasonable request.

ATCO suggested the use of clubroot resistant canola as a possible mitigation strategy. The Panel dismisses this suggestion based on the evidence of Dr. Evans and the Landowners. The Panel heard and finds that (a) clubroot resistance is breaking down in some varieties, and (b) varieties selected for clubroot resistance do not yield as well as other varieties selected for yield alone. The Panel accepts that the most reasonable and prudent strategy is to address the problem in the manner that the Landowners have proposed rather than change the management strategy on the other 5800 acres.

In summary, the Panel finds that (a) there is a reasonable probability that clubroot has been introduced to the subject Land, and (b) the Landowner’s mitigation plan represents a reasonable action.

*Will there be an annual loss of use/adverse effect, and if so, what is the magnitude of this loss?*

<sup>24</sup> ATCO Final Argument, paragraph 57

With respect to loss of use, the Landowners estimated their losses/costs over the next 15 years, divided this number by 15 years, and arrived at their requested compensation of \$8,407.15 annually.

• Lost crop production from the ROW 11.93 acres @ \$335.00/acre x 15 years <sup>25</sup>	\$ 59,948.25
• Lost crop production from the buffer area 6 acres @ \$335.00/acre x 15 years	\$ 30,150.00
• Cost of seeding the ROW and buffer to grass (\$5,190.00 to \$30,090.00)	\$ 17,640.00
• Cost of spraying ROW with herbicide	\$ 4,772.00
• Cost of spraying buffer with herbicide	\$ 6,502.08
• Cost of returning the grassed ROW back to farmable land (\$5,400.00 to \$8,790.00)	\$ 7,095.00
TOTAL	\$126,107.33 <sup>26</sup>

With respect to the last four bullets, the Panel is not persuaded that these costs constitute loss of use that attracts annual compensation. These are not annual or periodic costs---seeding and breaking in particular are one-time costs. The Panel will consider them under s. 25(1)(f).

With respect to the first bullet, the Panel accepts 11.93 acres (5.96 acres and 5.97 acres) as being the area on which to base loss of use calculations. This is the area to which ATCO has right of entry. Any mitigation would reasonably be expected to involve this entire area.

With respect to the second bullet, 3.0 acres per quarter section equates to a 49.5 foot buffer zone over the one mile of right of way. The Panel did not hear persuasive evidence that such a wide buffer zone is reasonable. Given modern GPS technology, the Panel views any buffer area (i.e. loss of use) in excess of one rod wide (16.5 feet) to be a management choice. The Panel reduces the eligible buffer area to 1.0 acre on each of the two quarter sections. The Panel accepts some buffer area to be reasonable given that the purpose of mitigation in this case is to prevent the spreading of questionable soil to the remainder of the field.

Strictly speaking, the buffer zone is off of the right of way, and any associated loss must be considered adverse effect under s. 25(1)(d) of the *Act*.

With respect to the per acre loss, the Panel notes a request for \$335.00 per acre. This rate comes from ATCO's own document titled *Facts About Compensation for the Eastern Alberta DC Transmission Line*.<sup>27</sup> The Panel was not given a persuasive reason to depart from \$335.00 per acre rate.

The Panel considered the possibility of income from the grass crop. The Panel did not hear evidence from either party on this question.

Based on these numbers, the Panel determines loss of use of \$1,996.60 (5.96 acres @ \$335.00) and \$1,999.95 (5.97 acres @ \$335.00) respectively for the NW 24 (RE2013.0301) and the SW 24 (RE2013.0314) respectively.

With respect to adverse effect, the Landowners did not make a special request for ongoing adverse effect, nuisance, inconvenience, and noise under s. 25(1)(d) of the *Act*.

The Panel has already spoken to the one-acre buffer zone. The Panel determines that this one-acre zone per titled unit will attract adverse effect compensation of \$335.00 per titled unit (i.e. one acre at the \$335.00 per acre rate).

<sup>25</sup> Exhibit 5, Tab J

<sup>26</sup> The Landowners provided a range and then took the average to arrive at \$126,107.33

<sup>27</sup> Exhibit 5, Tab J

Telford addressed intangible adverse effect---he identified noise, access and traffic concerns, visual effects, loss of quiet enjoyment, time dealing with surveyors, contractors and the company on an ongoing basis, and GPS or radio interference as examples---and suggested compensation of \$200.00 per structure. On the basis of Telford's estimate, the Panel determines additional compensation for adverse effect based on \$400.00 on each of the two right of entry orders (based on \$200.00 per half structure).

In summary, the Panel finds that there is cogent reason to depart from the pattern of dealing and determines annual compensation as follows:

Reference	Loss of Use	Adverse Effect	Total
RE2013.0301 (Order No. 1110/2013)	\$1,996.60	\$735.00 <sup>28</sup>	\$2,731.60
RE2013.0314 (Order No. 1113/2013)	\$1,999.95	\$735.00	\$2,734.95

The Panel considered the Landowner's request that the annual compensation be established for a fixed time period. The Panel will not make the award for a fixed time period. The Act provides for five-year reviews, and any changed circumstances can be dealt with at those times as was intended by the legislators.

5. Should compensation be awarded under s. 25(1)(f)?

The Panel excluded four components of the Landowners' request when considering the matter of loss of use and adverse effect (annual compensation).

• Cost of seeding the ROW and buffer to grass (\$5,190.00 to \$30,090.00)	\$17,640.00
• Cost of spraying ROW with herbicide	\$ 4,772.00
• Cost of spraying buffer with herbicide	\$ 6,502.08
• Cost of returning the grassed ROW back to farmable land (\$5,400.00 to \$8,790.00)	<u>\$ 7,095.00</u>
TOTAL	\$36,009.08

The Panel considered but dismisses these components for a number of reasons.

Firstly, the costs are not sufficiently precise. A request for compensation based the midpoint of a cost range of \$5,190.00-\$30,090.00 does not inspire confidence in the analysis. Secondly, even if the associated cost of seeding the right of way to grass and eventually breaking the sod was determined with more precision, the Panel still would have expected some consideration and mention of any potential offsetting revenue associated with the grass crop. Mitigation includes seeking a cost-neutral or revenue-generating solution to the problem---in other words, mitigating the cost of mitigation. In the absence of a more persuasive argument, the Panel rejects these four components of the compensation request.

6. Has damage occurred and, if so, what is appropriate compensation under s. 25?

The Panel reserves on the matter of damages.

7. To whom is compensation payable?

The Panel directs payment to Roger B. Welsh and Debora L. Welsh, jointly, both of whom were the titleholders of record as of the date of the taking.

<sup>28</sup> One acre buffer at \$335.00 per acre plus two half structures at \$200.00 per each half structure

## 8. Is interest payable, and if so, at what rate?

Interest is payable at the Bank of Canada Rate as legislated in s. 25(9) of the *Act*.

The Panel considers that it is proper to award interest on the compensation payable by the Operator from the date of the right of entry until payment in full, having regard to the part payment made by the Operator; and that the appropriate rate for that period pursuant to s. 25(9) of the *Act* is the Bank of Canada rate in effect on the date of issue of the ROEs.

## 9. To whom and in what amount, if any, should costs be payable?

The Welshs' November 28, 2014, cost submission requested \$211,889.39. This was amended to \$208,764.26 in their Reply dated December 12, 2014.

The Operator's position is that the cost claim is excessive and should be reduced.

Section 39 of the *Act* gives the Panel authority to award costs.

Section 39(1) of the *Act* states that "*The costs of and incidental to proceedings under this Act are in the discretion of the Board.*"

Section 39(4) of the *Act* states that "*The costs may include all preliminary costs of the respondent necessarily incurred in reaching a decision whether to accept the compensation offered by the operator.*"

With respect to the magnitude of the claim, the Panel took guidance from the *Surface Rights Board Rules* which reads as follows:

*31(2) In making an order for the payment of a party's costs, the Board may consider:*

- (a) the reasons for incurring costs;*
- (b) the complexity of the proceeding;*
- (c) the contribution of the representatives and experts retained;*
- (d) the conduct of the party in the proceeding;*
- (e) whether a party has unreasonably delayed or lengthened a proceeding;*
- (f) the degree of success in the outcome of a proceeding;*
- (g) the reasonableness of any costs incurred;*
- (h) any other factor the Board considers relevant.*

The components of the Landowners' cost claim are as follows:

Component	November 28, 2014 Submission	December 12, 2014 Submissions
a. Carscallen LLP	\$114,770.07	\$112,296.34
b. Gettel Appraisals Ltd.	\$ 9,231.60	\$ 9,231.60
c. Doc. E. Ltd.	\$ 7,665.00	\$ 7,665.00
d. Circle T Consulting	\$ 15,758.72	\$ 15,758.72
e. Landowners' Personal Costs	\$ 64,464.00	\$ 63,812.60
<b>Total</b>	<b>\$211,889.39</b>	<b>\$208,764.26</b>

The Landowners conceded and/or adjusted certain items from the November 28, 2014, submission based on ATCO's submission.

Each of the five components will be addressed in turn.

a) Carscallen LLP--- \$114,770.07 revised to \$112,296.34 (Dec. 12, 2014)

ATCO submitted that total legal fees should be reduced by 2/3 to \$33,114.90, and total disbursements should be reduced to \$9,295.95 (a total award of \$42,410.85).

ATCO submitted that at least 2/3 of the legal fees related to the clubroot claim “...which was speculative and brought prematurely in the absence of physical evidence.”<sup>29</sup> Furthermore, “...considerable legal work was carried out that does not appear to be sufficiently related to this compensation proceeding”<sup>30</sup> Furthermore, “...the Landowners proceeded in a manner that was contrary to a significant line of Board and court authority.”<sup>31</sup> The associated fees were not directly and necessarily related to the proceeding (SRB Rule 31(2)(a), unreasonably lengthened the proceeding (Rule 31(2)(e), and were not reasonable (Rule 31(2)(g).

The Panel is not persuaded by this position. The clubroot claim, and the need or lack thereof for mitigation, was at the heart of the issue.

ATCO stated that significant legal work occurred prior to the subject ROEs dated August 7, 2013, with some time entries as far back as February of 2013.

The Panel notes 20 entries prior to the date of the ROEs. ATCO correctly noted that s. 39(4) of the *Act* gives the Board discretion to award costs “...necessarily incurred in reaching a decision whether to accept the compensation offered by the operator.”<sup>32</sup> After reviewing the subject entries, the Panel accepts the 20 entries as being necessarily incurred in reaching a decision whether to accept the compensation offered.

ATCO argued that the descriptions in the invoices were vague and offered six specific examples thereof.<sup>33</sup>

The Landowners’ responses and concessions addressed the six deficiencies to the satisfaction of the Board Rules and Panel.

ATCO referenced a January 31, 2014, entry relating to a submission to the Board about an alleged failure to comply with conditions on the ROEs. Furthermore, ATCO claimed that these were matters unrelated to the compensation proceeding.

The Panel finds that these costs are compensable. The issue is whether they would more appropriately be considered under s. 39 of the *Act*, or whether they would more appropriately be considered under s. 25(1)(f). The Panel accepts these costs as (a) costs incurred in dealing with the Board, (b) arising from the ROEs, and therefore (c) incidental to the proceedings; all as provided for in s. 39 of the *Act*.

ATCO did not make a specific reference to the hourly rates used in the invoices. They appear within the range of the Panel’s experience---the Panel does not see a reason to make any adjustment on this basis.

The Panel considered all subsections of Rule 31(2) but will speak directly to the complexity of the proceeding, the degree of success in the outcome of a proceeding, and the reasonableness of the Landowners’ actions and costs.

<sup>29</sup> ATCO Reply to cost submission, page 3

<sup>30</sup> ATCO Reply to cost submission, page 4

<sup>31</sup> ATCO Reply to cost submission, page 5

<sup>32</sup> Surface Rights Act, s. 39(4)

<sup>33</sup> ATCO Reply to cost submission, page 5-6

Firstly, with respect to complexity---the subject compensation matter was complex. The facts in this case required a fresh look at the matter of compensation and mitigation. For this reason, the Panel accepts that preparation for the proceeding did not occur in a straight line.

Secondly, the Panel notes that the Landowners experienced considerable success in the outcome of the hearing. The Landowners were seeking fair compensation, and the Panel will not second guess every action, choice, and phone call made by the Landowners and their counsel. These are costs that arose from the taking and could have been avoided if ATCO had (a) been more stringent in their cleanliness, and (b) recognized the possible negative consequences to the Landowners of a clubroot infestation on their entire 5,800 acres of land.

Lastly, given the complexity of the matter, and given that ATCO deemed it necessary to avail themselves of two counsel, two experts, and an appraiser, the Panel finds the Landowners actions and costs to be reasonable and reasonably incurred.

The Panel notes that much of the legal costs have been incurred at an hourly rate of \$235.00 and \$350.00 per hour---this is at the lower to mid-range of what commonly appears before the Board.

The Panel accepts this component of the cost claim in its entirety minus the corrections and adjustments conceded by the Landowners and awards \$112,296.34.

b) Gettel Appraisals Ltd.---\$9,231.60

ATCO did not make a specific objection to the Gettel invoice, other than to ask that the Panel consider the usefulness of the report and evidence.

The Panel accepts this invoice in its entirety for a number of reasons:

- Land value is one of the factors which the Board may consider in making an award of compensation (s. 25(1)(a) and s. 25(1)(b)).
- Landowner's would usually be expected to speak to land value in a compensation hearing.
- ATCO presented the Panel with an appraisal.
- The Landowners could reasonably anticipate that land value will be an issue.
- For all of these reasons, obtaining an appraisal was a reasonable action
- No persuasive argument was presented that the cost of the appraisal was unreasonable

The Panel allows this component in its entirety of \$9,231.60.

c) Doc E. Ltd.---\$7,665.00

ATCO submitted that this component of the cost claim should be denied or significantly reduced because it related to the “...*speculative Clubroot Claim...was not directly and necessarily related to the proceeding which was to determine fair compensation payable at the Effective Date as well as for any actual on-going losses.*”

The information and opinions provided by Dr. Evans were invaluable to the Panel's understanding of clubroot. The Panel determined earlier that the clubroot claim and the associated mitigation were central to the compensation matter. Dr. Evans is highly qualified with a PhD in Plant Pathology, and a lifetime of relevant experience. Furthermore, ATCO did not provide an expert on clubfoot.

ATCO did not speak specifically to the time spent or the hourly rate. On the surface both appear reasonable.

The Panel allows this component in its entirety of \$7,665.00.

d) Circle T Consulting---\$15,758.72

ATCO submitted that this component of costs should be denied or reduced because the work was not directly and reasonably related to the proceeding before the Board. Furthermore, the costs were not reasonable because:

- The report was more detailed than necessary
- It contained unnecessary soil testing information
- Little attention was paid to it during the course of the hearing

The Landowners submitted that they did not know initially what damage would occur so a more fulsome study involving an assessment of soil, weeds, and clubroot was conducted. In the end, "...*Dr. Osko's work was directly and necessarily related to the proceeding, as his evidence of the condition of the land prior to ATCO's entry supported the Landowners' claim that actual loss of use had been sustained...*"<sup>34</sup>

The Panel finds that a pre-construction assessment was necessary in this case---after all, if a pre-existing clubroot infestation had been detected, this fact would have changed the entire outcome of the hearing. The Panel needed a baseline analysis.

ATCO did not speak specifically to the time spent or the hourly rate. On the surface both appear reasonable.

The Panel allows this component in its entirety of \$15,758.72.

e) Personal Costs of the Landowners---\$64,464.00 revised to \$63,812.60 (Dec. 12, 2014)  
(based on 1279 hr @ \$50.00 per hour plus mileage at \$0.50 per km)

<u>Description</u>	<u>Person hours</u>	<u>Travel cost (mileage)</u>
June 2010-August 2010	40.0	
August 2010-January 2013	750.0	
November 20, 2013	24.0	\$102.80
February 2014-August 2014		
--documenting cleaning, making logbook entries	149.5	
--captioning photographs	16.0	
--captioning videos	16.0	
--assembling cost estimate	24.0	
February 2013 - August 13, 2014		
--e-mail correspondence to counsel	104.0 (estimate)	
--receiving and reviewing counsel e-mail	62.5 (estimate)	
--phone calls from counsel	10.0 (estimate)	
October 27, 2014		
--meet with legal counsel 3 people x 8.5 hr (Edmonton)	25.5	\$102.80
October 28, 2014		
-- meet with legal counsel 2 people x 5.5 hr (Edmonton)	11.0	\$102.80
November 6, 2014		
--SRB hearing, 3 people x 9.5 hr (Edmonton)	28.5	\$102.80
November 7, 2014		
-- SRB hearing, 3 people x 6.0 hr (Edmonton)	<u>18.0</u>	<u>\$102.80</u>
Total	1279.0	\$514.00

<sup>34</sup> Landowners' December 12 cost reply, page 10



ATCO again argued that the hours were not directly and necessarily related to the proceeding because they related to the clubroot issue. The Panel dismisses this argument for reasons already given---clubroot was central to this matter.

ATCO stated that much of these costs would have occurred prior to or during the Alberta Utilities Commission proceedings that commenced with the filing of ATCO's application and was not concluded until the issuance of AUC Decision 2012-303 dated November 15, 2012. ATCO stated that "...such costs are well removed from the within proceeding and are not recoverable."

For perspective, the Panel notes that the subject ROEs were effective August 7, 2013.

The Landowners correctly pointed out that proximity to the hearing, by itself, is not sufficient reason to deny the claim.

Notwithstanding this fact, the Panel was not given persuasive reasons that the first two entries (790 hours) are either (a) directly and necessarily related to the proceeding, or (b) necessarily incurred in reaching a decision whether to accept the compensation offered by the Operator. The Panel dismisses these components of the claim.

With respect to the November 20, 2013, claim for 24 hours of person-time and \$102.80 for mileage, the Panel notes ATCO's objection and the Landowners' counterclaim, and accepts the Landowners' amended request for only 12 hours and \$51.40 in mileage.

With respect to all other personal costs, ATCO stated in part:

- These costs also were related largely to the clubroot claim
- This unnecessarily lengthened the proceeding
- Much of the documentation was not presented at the hearing
- Much of the work was unnecessary
- The Landowners did not provide sufficient detail in justifying the cost (i.e. the 149.5 hour entry for "documenting ATCO's cleaning practices")

With respect to the first four bullets, (a) the clubroot claim was very relevant in the end, and (b) the Landowners would not have known how much documentation was required---it would be unreasonable to now say that they provided too much evidence.

With respect to the last bullet, the Panel expects documentation and support for the Landowners' claim, but it cannot set an unreasonable and impossible standard either. After reviewing the remaining personal expenses, the Panel accepts the claim with one exception---the hours that the Landowners' have "estimated" as 104 hours, 62.5 hours, and 10 hours (total of 176.5 hours). The Panel would have expected a better accounting of the time spent. The Panel reduces this amount by approximately 50 percent to 90 hours.

ATCO did not speak to the \$50.00 hourly rate or the mileage proposed by the Landowners. The Panel accepts the hourly rate and mileage as reasonable.

After making all of the above adjustments, the Panel is left with 390.5 person-hours at \$50.00 per hour (\$19,525.00), and mileage of \$462.60. The Panel reduces the personal costs component of the Landowners' claim to \$19,987.60.

## f) Summary

The Panel awards costs based on the following components:

• Carscallen LLP	\$112,296.34
• Gettel Appraisals Ltd.	\$ 9,231.60
• Doc. E. Ltd.	\$ 7,665.00
• Circle T Consulting	\$ 15,758.72
• Personal Costs	<u>\$ 19,987.60</u>
Total	\$164,939.26

These costs are payable by ATCO to Roger B. Welsh and Debora L. Welsh jointly.

## ORDERS

An order will issue determining and fixing the compensation and to whom it is payable by the Operator as set out in this decision.

Dated at the City of Edmonton in the Province of Alberta on January 11, 2016.

## SURFACE RIGHTS BOARD

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David Thomas  
Member

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E. Gordon Chapman  
Member

## 10. Dissenting Opinion of Edward V. Zenko (on Pattern of Dealings)

I concur with my colleagues on this Decision with the exception of the matter of the additional \$10,000.00 per titled unit paid to all other landowners as part of an “Early Resolution and Access Agreement” (“ERAA”). I respectfully disagree with the majority’s conclusion that the additional \$10,000.00 payment is not part of the pattern of dealing. My opinion is that these additional payments (i) amount to an additional incentive to sign the Right of Way Agreements, (ii) are part of the pattern of dealing in the case of both of the subject right of entry orders, and (iii) should be included in the amount of compensation awarded to the subject Landowners on both of the subject titled units and right of entry orders.

### a) Background

It is the practice of the Board to base compensation on a pattern of dealing when one exists unless there are cogent reasons for doing otherwise. This approach is: (i) based on the underlying premise that the marketplace is usually the best determinant of appropriate rates of compensation, (ii) consistent with that used by the Court in *Livingston v. Siebens Oil & Gas Ltd. (1978)*, 8 A.R. 439 (C.A.) (“*Livingston-Siebens*”), and (iv) now used routinely by the Court and the Board.

In the subject case, I heard that 79 of 79 freehold legal locations covered by ATCO’s right-of-way (“ROW”) agreements received an additional payment of \$10,000.00 per titled unit as part of an ERAA. In reviewing the ERAA agreements (Exhibit 1, Tab 5), I note that:

- They state that the Landowner “...undertakes not to object to, or intervene in, any proceedings before the Alberta Utilities Commission or any other regulatory agency in respect of any necessary regulatory approvals for the construction and operation of the Transmission Line and all other facilities forming part of the Project”;
- They allow ATCO to do (a) a legal survey, (b) a soils survey, (c) a geotechnical survey, (d) an environmental survey, (e) an historical resources impact assessment, and (f) such further and other preliminary surveys or assessments as the Company may reasonably require; and
- They provide for the payment of :
  - (a) \$5,000.00 payable...upon execution of this Early Resolution and Access Agreement; and
  - (b) \$5,000.00 payable...upon commencement of the actual construction ...of the Transmission Line...provided however, that such \$5,000.00 shall not be payable in the event that the Company does not proceed with actual construction of the Transmission Line on the Lands.

ATCO’s position was that the \$10,000.00 payments (i) which were made pursuant to the ERAA, and (ii) which these Landowners refused to accept; were required to enable ATCO Electric to secure early access and to avoid regulatory proceedings. As such, ATCO argued that the \$10,000.00 payments do not form part of the pattern of dealing---the payments were for something other than compensation for the right of way.

My opinion is that ATCO’s evidence establishes a pattern of dealing that includes the \$10,000.00 per titled unit. I reached this conclusion while mindful of the fact that the Right of Way Agreements and the ERAAs outwardly have every appearance of being legal contracts. I thoroughly analyzed these agreements to determine appropriate compensation for the subject Landowners---who are not parties to these agreements. That is the essence of the following sections.

**b) Do the ERAA payments form part of the pattern of dealings?**

Upon close review of the ERAAs, I observed a number of ambiguities, contradictions, and inconsistencies, all of which support the conclusion that the \$10,000.00 payment should form part of (i) the pattern of dealing, and (ii) the compensation package awarded to the Landowners.

- I am puzzled by ATCO's focus on increased costs to ATCO rather than on value to the owner. *Cochin Pipe Lines Ltd. v. Rattray*, 1980 ABCA 314 ("*Cochin v. Rattray*") clearly confirmed that "*General principles of compensation require a tribunal to consider the value to the owner of what is taken*" [my emphasis].
- Use of the word "early" begs the questions: i) relative to what, and (ii) in whose eyes. In my opinion, the Early Resolution and Access Agreements were only early (i) in name, and (ii) from ATCO's perspective. We heard from Telford that both the ROW agreements and the associated ERAAs were signed concurrently. The ERAAs relating to the 79 titled units were clearly not early with respect to the associated ROW agreements. From ATCO's perspective, the additional payment may very well have (i) allowed ATCO to negotiate an agreement and access the land earlier, and (ii) saved ATCO costs associated with regulatory proceedings; all as argued. However, this matter must be framed, considered, and compensated, based on "value to the owner" as confirmed in *Cochin v. Rattray*---not based on the additional costs to ATCO.
- Use of the word "early" carries with it the implication that the other landowners would have agreed to the compensation provided for in the ROW agreement alone "later." Such a conclusion requires a gigantic leap of faith---I did not hear any persuasive evidence to this effect. In my opinion, and on a balance of probability, they would not have done so---and if they would not have signed and agreed to the payment in the ROW agreement alone at some future date, the compensation provided for in the ROW agreement alone cannot be used as a basis for compensation for the subject Landowner.
- Although the name "Early Resolution and Access Agreement" suggests that the agreement is in some way "early", the ERAAs logically had to have been executed at the same time as the associated ROW agreement to achieve resolution. If the two agreements had not been signed concurrently, ATCO would have found itself in the position of having paid \$5,000.00 per titled unit (the first installment) for "early resolution and access" without achieving resolution. The evidence before the Board was that the two agreements were signed concurrently, and logic supports the conclusion that they had to have been for them to achieve resolution---resolution flows from the ROW agreement, not from the ERAA.
- With respect to the suggestion that the purpose of the ERAA was to avoid an AUC proceeding, the Panel heard that only 26 of the 79 titled units were part of ERAAs that were signed prior to AUC Decision 2012-303 dated November 15, 2012. The remaining 53 titled units---or two thirds---were part of ERAAs that were signed after the AUC decision. The \$10,000.00 ERAA payment was made in all cases. The fact that the payments continued to be made after the date of the AUC decision---in 53 cases---contradicts ATCO's position that the \$10,000.00 payments were payments to avoid AUC regulatory proceedings. I was mindful of an appeal period, but heard no evidence that the landowners in question were parties to the November 15, 2012, decision/proceeding.

- Furthermore, 20 of the 53 post-AUC hearing settlements are dated after the May 1, 2013, date on the AUC licence---and 7 settlements are dated after the August 7, 2013, date of the subject right of entry order. This further contradicts ATCO's position that the payments were to avoid AUC proceedings.
- The ERAA also makes reference to "any other regulatory agency" which Telford stated refers to the Surface Rights Board. In my opinion, once the landowners signed the ROW agreements the matter of a Surface Rights Board hearing was no longer an option under the *Surface Rights Act*---the Board no longer has jurisdiction once a private compensation agreement is in place. A concurrent ERAA not to pursue remedies under the *Surface Rights Act* became meaningless and redundant at that point. I can only conclude that an ERAA payment for these same rights is a top-up payment, and must logically be added to the compensation awarded.
- Signing the ERAA alone does not avoid a compensation hearing before the Board, notwithstanding what the ERAA may say on its face. ATCO would have still required a right of entry order from the Board if it could not reach an agreement on compensation later with the landowner in question---one of the things that it was trying to avoid. Once a right of entry order is issued by the Board, s. 23 of the *Surface Rights Act* is clear: "...the Board shall...hold proceedings to determine the amount of compensation payable..." The right to a Surface Rights Board hearing in the case of a Right of Entry Order is legislated and it exists as a remedy to landowners until a compensation agreement is reached---regardless of an ERAA that operators and landowners may execute stating the contrary.
- I am left wondering whether the avoidance of regulatory proceedings on its own has any inherent "value to the owner." In my opinion, any value derives from the transmission project itself. Were it not for the project, there would be no regulatory proceedings to avoid.
- I am left wondering what the difference is between (i) a payment to accept the project (the ROW agreement and payment), and (ii) a payment not to oppose the project (parts of the ERA agreement and payment). In my opinion, any distinction in this case is artificial and creative.
- The ERAA, on its face, allows ATCO to access the land to conduct a legal survey, a soils survey, a geotechnical survey, an environmental survey, and an historical resources impact assessment. However, if only the ROW agreements had been signed, ATCO would still have had the right to undertake a legal survey, a soils survey, a geotechnical survey, an environmental survey, and an historical resources impact assessment; all by virtue of the ROW agreements alone. Telford agreed with this fact. I can only conclude that an ERAA payment for these same rights is a top-up payment, and must logically be added to the compensation awarded.
- I find the ERAA agreements puzzling and inconsistent in that they provide for an initial payment of \$5,000.00 at the time the ERAAs were signed, and an additional \$5,000.00 if actual construction commences on the respective lands. If the ERAA payment is for "early access and resolution" as suggested by ATCO, I am left wondering why the second \$5,000.00 only occurs if construction commences on the respective lands. After all, the rights that ATCO claims to have acquired in the ERAAs---early resolution and access---should be independent of whether actual construction commences or not.

I find that there are sufficient ambiguities, contradictions, and inconsistencies to bring the ERAAs and their payments into question. I find that the ERAAs were not stand-alone agreements. In support of this conclusion, I note that the ERAAs and ROW agreements were signed concurrently in all cases. I view the two agreements as being inextricably linked. I find that the net effect of the ERAAs was to (i) confer rights to ATCO that it already possessed by virtue of the ROW agreements signed concurrently, and (ii) provide an additional incentive of \$10,000.00 per titled unit for landowners to sign the ROW agreements.

It is my opinion that value to the owner must be based on the date that ATCO wished to acquire the desired rights. This is the date that an ATCO representative met with each of the landowners with a view to acquiring the right-of-way. At the moment that ATCO's representative knocked on each of the landowners' doors, the landowners had the rights to their land, and ATCO wished to acquire some of those rights. When ATCO's representative left shortly thereafter, ATCO had the right-of-way that it desired, and the landowners had \$10,000.00 per titled unit plus \$2,000.00 per acre. This is the net effect of the two agreements. I am of the view that the two payments were for the rights that were acquired. I am not persuaded that the \$10,000.00 per titled unit is for "something else."

In *Enbridge Pipelines (Athabasca) Inc. v. Karpetz*, 2010 ABQB 108 ("Karpetz"), Macklin J stated that a pattern of dealing refers not only the amount of compensation paid "*but also to the method by which compensation is determined.*" [my emphasis] In the matter at hand, compensation was paid on the basis of an amount per acre amount plus an amount per titled unit.

I find that the \$10,000.00 per titled unit payment received by other landowners is part of the pattern of dealing. I do not distinguish between (i) a payment to accept the project (the ROW agreement and payment), and (ii) a payment to cooperate and not oppose the project (parts of the ERA agreement and payment). I find that the ROW agreement and the ERA agreement together were what it took to get each of the 79 negotiated ROW agreements signed. The ROW and ERA agreements together form and establish a pattern of dealing for compensation payable. This is the marketplace at work and the marketplace has spoken clearly. The principle of a pattern of dealing whereby landowners are compensated based on what was acceptable to other landowners was clearly enunciated by the Court in *Livingston-Siebens*. In the subject case, that amount is \$10,000.00 per titled unit plus \$2,000.00 per acre.

### **c) Is there an alternative pattern of dealing?**

Even if I erred in the above analysis with respect to the 79 titled units and their associated agreements, I find that the 53 post-AUC titled units and associated ROW/ERA agreements by themselves establish a pattern of dealing with respect to activity that occurred after the AUC decision dated November 15, 2012.

In arriving at this conclusion, I considered a number of factors. Firstly, these 53 titled units represent the majority of the 79 titled units---two thirds in fact. Secondly, these post-AUC agreements are more similar to the subject in that (i) they were dated after the dates of the AUC decision, and (ii) they were dated closer in time to the subject right of entry orders. Thirdly, these post-AUC ERAAs do not confer any additional rights to ATCO beyond those already contained in the concurrent ROW agreements. After all, in the post-AUC time period, the possibility of an AUC proceeding no longer existed (no evidence was adduced to suggest that the landowners were a party to the original AUC hearing and could still appeal the decision); a legal survey, a soils survey, a geotechnical survey, an environmental survey, and an historical resources impact assessment can be conducted by virtue of the ROW agreement alone; and the question of seeking the remedies under the *Surface Rights Act* no longer applies because the parties at that point have a private agreement. Again, I find that the net effect of the ERAAs was to (i) confer rights to ATCO that it already possessed by virtue of the ROW agreement, and (ii) provide an additional incentive of \$10,000.00 per titled unit for landowners to sign the ROW agreements. I conclude that the 53 post-AUC titled units and associated agreements, especially when considered alone, form a pattern of dealing that includes the

\$10,000.00 additional payment---regardless of what the ERAAs say on their face, and regardless of how one views the 26 pre-AUC agreements.

As a further alternative, 20 of the 53 post-AUC hearing agreements are dated after the May 1, 2013, date on the AUC licence. In my opinion, these 20 agreements by themselves establish a pattern of dealing for the period after May 1, 2013. (Furthermore, 7 of these 20 agreements after May 1, 2013, occurred after the August 7, 2013, date of the subject right of entry orders. These 7 agreements occurred between August 12, 2013, and January 23, 2014.) In my opinion, the 20 agreements by themselves establish a pattern of dealing for the post-licencing time period. Any argument that the \$10,000.00 payment was to avoid an AUC hearing has no merit in the period after May 1, 2013, in my opinion. I am not persuaded that the \$10,000.00 was for “something else”---at this point there was nothing else.

**d) Is there a cogent reason to depart from the pattern---are the ERAAs “early” in some way and is this relevant?**

I did not hear persuasive evidence that access several months later would lessen the value to the owner of what was taken. After all, the Landowners will have the ROW on their land long into the future. I find it inconceivable that a matter of months is significant from the perspective of landowners. I heard evidence that regulatory proceedings would result in additional costs to ATCO---I did not hear persuasive evidence that signing later would lessen the “value to the owner.” The matter of timing in this case is not a cogent reason to depart from the pattern of dealing.

**e) Summary**

To have awarded compensation based on the payment in the ROW agreement alone, I needed to be persuaded on a balance of probability that these other landowners would have agreed to the payment in ATCO’s ROW agreements alone. I am not persuaded that they would have. After all (i) none did, (ii) the name of the second agreement “Early Resolution and Access Agreement” itself suggests, or at least implies, that they would not have, and (iii) the 53 post-AUC agreements all included the additional \$10,000.00 per titled unit. As a last point, I am not convinced that a profit-orientated business like ATCO would have paid an additional \$10,000.00 per titled unit to all other landowners if this was not necessary to get the landowners’ agreement to the project.

In my opinion, \$10,000.00 per titled unit plus \$2,000.00 per acre was what it took to get the owners of the 79 titled units to agree to the construction of the transmission line on their properties. As such, these amounts establish a pattern of dealing and together should form the basis for an award of compensation for the rights acquired unless there are cogent reasons for doing otherwise. I did not hear a cogent/convincing reason for doing otherwise.

Dated at the City of Edmonton in the Province of Alberta on January 11, 2016.

SURFACE RIGHTS BOARD

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Edward V. Zenko  
Member

## APPENDIX A

### EXHIBITS FILED:

- Exhibit 1: A cirloc-bound document prepared by Robert Telford titled *Market Value Appraisal and Compensation Report*
- Exhibit 2: A three-ring binder containing right-of-way agreements
- Exhibit 3: A document submitted by Dr. Lisa White and Dr. Jennifer Yuan titled *Field Sampling Report*
- Exhibit 4: A document titled *Early Resolution and Access Agreement*
- Exhibit 5: A three-ring binder titled *Additional Evidence of Debora and Roger Welsh Binder 2 of 2*
- Exhibit 6: A portion of a County of Minburn Map
- Exhibit 7: A document titled “*Best Management Practices for Disinfecting Farm Machinery... .*”
- Exhibit 8: A three-ring binder titled *Log Books and Photographic Evidence of Debora and Roger Welsh*
- Exhibit 9: A document titled “*Alberta Clubroot Management Plan*”
- Exhibit 10: A document titled “*Adaptation to Brassica Host Genotypes...*”
- Exhibit 11: A document titled “*Clubroot in the Canadian canola crop...*”

- Exhibits numbered 1-4, 6, 7, and 9-11 were filed by the Operator
- Exhibits numbered 5 and 8 were filed for the Landowners



## APPENDIX B

### RELEVANT LEGISLATION

Sections 23 and 25(1) and (9) of the *Surface Rights Act* RSA 2000, Chapter S-24 read as follows:

#### Compensation

**23** On making a right of entry order, the Board shall, in accordance with its rules, hold proceedings to determine the amount of compensation payable and the persons to whom it is payable.

RSA 2000 cS-24 s23;2009 c31 s8

#### Determining compensation

**25(1)** The Board, in determining the amount of compensation payable, may consider

- (a) the amount the land granted to the operator might be expected to realize if sold in the open market by a willing seller to a willing buyer on the date the right of entry order was made,
- (b) the per acre value, on the date the right of entry order was made, of the titled unit in which the land granted to the operator is located, based on the highest approved use of the land,
- (c) the loss of use by the owner or occupant of the area granted to the operator,
- (d) the adverse effect of the area granted to the operator on the remaining land of the owner or occupant and the nuisance, inconvenience and noise that might be caused by or arise from or in connection with the operations of the operator,
- (e) the damage to the land in the area granted to the operator that might be caused by the operations of the operator, and
- (f) any other factors that the Board considers proper under the circumstances.

....

**(9)** The Board may order the operator to pay interest on any or all of the compensation payable on and from the date the right of entry order was made, at the Bank of Canada rate on the date the right of entry order was made.

1983 cS-27.1 s25

#### Costs

**39(1)** The costs of and incidental to proceedings under this Act are in the discretion of the Board.

**(2) and (3)** Repealed 2009 c31 s16.

**(4)** The costs may include all preliminary costs of the respondent necessarily incurred in reaching a decision whether to accept the compensation offered by the operator.

**(5)** When

- (a) the Board makes a right of entry order, and
- (b) the owner or occupant refuses to allow the operator to enter on and use the land to which the operator is entitled as described in the order,

the operator may apply to the Board to deduct from the compensation payable under the compensation order the costs incurred by the operator in and incidental to obtaining entry on and use of the land pursuant to the right of entry order.

**(6)** The amount of costs, if any, to be deducted under subsection (5) is in the discretion of the Board.

RSA 2000 cS-24 s39;2009 c31 s16

## Surface Rights Board Rules

### **Rule 31. Costs Award**

- (1) The Board may award costs to a party if the Board is of the opinion that the costs are directly and necessarily related to the proceeding. A request for costs must include:
  - (a) reasons to support the request;
  - (b) a detailed description of the costs sought; and
  - (c) copies of any invoices or receipts for disbursements or expenses.
- (2) In making an order for the payment of a party's costs, the Board may consider:
  - (a) the reasons for incurring costs;
  - (b) the complexity of the proceeding;
  - (c) the contribution of the representatives and experts retained;
  - (d) the conduct of a party in the proceeding;
  - (e) whether a party has unreasonably delayed or lengthened a proceeding;
  - (f) the degree of success in the outcome of a proceeding;
  - (g) the reasonableness of any costs incurred;
  - (h) any other factor the Board considers relevant.



## MUNICIPAL DISTRICT OF GREENVIEW No. 16

# Manager's Report

**Department:** Agricultural Service Board

**Submitted by:** Sheila Kaus, Manager, Agricultural Services

**Date:** 10/27/2021

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As the busy agricultural growing season comes to a close, reports of better than expected crop yields coupled with strong commodity prices have made an otherwise untenable situation more tolerable. Area producers are wrapping up harvest activities, and while concerns regarding contract sales abound, many grain producers have benefited from the high commodity prices, offsetting lower than average yields.

Administration is preparing final budget preparations for formal presentation to Council as well as finalizing plans for 2022. November will see the Agricultural Service Board receive orientation from Alberta Agriculture, enriched with Greenview specific policy review.

To assist the department rental program, a list of general maintenance and repair required on equipment is being prepared to assist Administration in having deficiencies taken care of prior to the busy spring rental season. With a number of months of observing the rental program to assess improvements to implement, Administration is in the process of finalizing revisions to the Rental Equipment Policy, along with supporting documentation. It is hoped this revision will be presented to the board at the January meeting.

In June, it came to the attention of Administration that the December 15<sup>th</sup> Agricultural Service Board meeting had been scheduled at the same time as the Municipal Planning Commission meeting. At that time, the Board discussed the possibility of cancelling the December Board meeting but did not provide a final answer. Providing Administration with the Board's decision for the December 15<sup>th</sup> meeting would allow for Administration to move forward with planning for both meetings.

Rental Equipment stands at 521 rental days for 2021

Up to October 21<sup>st</sup>, 55 wolves have been submitted for incentive, totalling \$16,500, and 446 beavers have been submitted for incentive, totalling \$13,380.

**Problem Wildlife Work Orders, up to October 21<sup>st</sup>**

File Status	Beaver-MD	Beaver-Ratepayer	Customer Service	Predation	TOTAL
In Queue					
Open	6	5	3	2	16
Closed	16	21	14	10	61
<b>TOTALS</b>	<b>22</b>	<b>22</b>	<b>17</b>	<b>12</b>	<b>77</b>

**PWO Culls: Over 300 beaver, 17 skunks, 18 muskrats.**

Other highlights: Solved multiple black bear and roadkill issues. Blasting is underway and is priority until freeze up.

**VSI Quarterly Reports and Service Breakdown- 2<sup>nd</sup> quarter**

	# Services	2021	2020	+/- (%)
Total 1 <sup>st</sup> Quarter	99	\$19,269.77	\$21,172.35	-8.99%
Total 2 <sup>nd</sup> Quarter	231	\$33,953.33	\$36,569.40	-7.15%
2021 Claims	330	\$53,223.10	\$57,741.75	-7.83%

**Semen Testing:** 309 claims; \$12,802.36

**Preg Checks:** 1382 claims; \$3,869.60

**Calvings:** 14 claims; \$3,714.05

**C-Sections:** 8 claims; \$2,179.20

**Exams:** 67 claims; \$3,147.65



# REQUEST FOR DECISION

SUBJECT: **Correspondence**

SUBMISSION TO: AGRICULTURAL SERVICES BOARD

MEETING DATE: October 27, 2021

DEPARTMENT: AGRICULTURE

STRATEGIC PLAN: Level of Service

REVIEWED AND APPROVED FOR SUBMISSION

CAO: MANAGER: SK

GM: PRESENTER:

LEG:

RELEVANT LEGISLATION:

**Provincial** (cite) – N/A

**Council Bylaw/Policy** (cite) – N/A

RECOMMENDED ACTION:

**MOTION: That the Agricultural Service Board accept the correspondence as information.**

ATTACHMENT(S):

1. Woodlands Country agriculture disaster declaration letter 2021 09 21.
2. MD of Fairview – Letter to Minister Dreeshen regarding funding for ASB's.
3. Alberta crop report as of September 21, 2021.
4. Alberta crop report as of October 1, 2021.
5. Alberta crop report as of October 5, 2021.
6. Alberta crop report as of October 12, 2021, final crop report for 2021
7. Peace Country Beef & Forage Association funding request letter to MD of Greenview for 2022-23.
8. Wildlife Predator Compensation Enhancement – Provincial ASB Committee

UPCOMING EVENT(S):

- |                          |   |
|--------------------------|---|
| 1. November 2, 2021      | <a href="#">FCC: Walking the Talk – Mental Health in Agriculture</a>                          |
| 2. November 3, 2021      | <a href="#">Cover Cropping on the Canadian Prairies (Webinar)</a>                             |
| 3. November 9, 2021      | <a href="#">FMC Risk Management Training</a>  |
| 4. November 16-18, 2021  | <a href="#">Farms.com: Virtual Precision Agriculture Conference</a>                           |
| 5. November 16, 2021     | <a href="#">FCC: What to know before you buy or lease equipment</a>                           |
| 6. November 17, 2021     | <a href="#">Ag Drone School</a>   |
| 7. November 17, 2021     | <a href="#">BCRC Basics of Backgrounding - Veterinary &amp; Expert Insights Across Canada</a> |
| 8. November 23, 2021     | <a href="#">Alberta Pulse Growers Fairview Regional Meeting (Zone 4)</a>                      |
| 9. November 23, 2021     | <a href="#">Alberta Wheat Commission Regional Meeting</a>                                     |
| 10. November 24, 2021    | <a href="#">Alberta Beekeepers Commission 2021 AGM, Conference</a>                            |
| 11. November 24, 2021    | <a href="#">Environmental Farm Plan Webinar</a>   |
| 12. November 30, 2021    | <a href="#">FCC: Your Role in Farm Transition – Whose Job is it Anyway?</a>                   |
| 13. Nov 30 – Dec 2, 2021 | <a href="#">Forage Focus 2021 (Virtual Conference)</a>  |

**BENEFITS OF THE RECOMMENDED ACTION:**

1. The benefit of the Agricultural Service Board accepting the recommended motion is that the Board will be made aware of the correspondence received within the agricultural community throughout the Province.
- 

**DISADVANTAGES OF THE RECOMMENDED ACTION:**

1. There are no perceived disadvantages to the recommended motion.
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**ALTERNATIVES CONSIDERED:**

**Alternative #1:** The Agricultural Service Board has the alternative to alter or deny the recommended motion.

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**FINANCIAL IMPLICATION:**

There are no financial implications to the recommended motion.

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**STAFFING IMPLICATION:**

There are no staffing implications to the recommended motion.

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**PUBLIC ENGAGEMENT LEVEL:**

Greenview has adopted the IAP2 Framework for public consultation.

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**INCREASING LEVEL OF PUBLIC IMPACT**

Inform

**PUBLIC PARTICIPATION GOAL**

Inform - To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

**PROMISE TO THE PUBLIC**

Inform - We will keep you informed.

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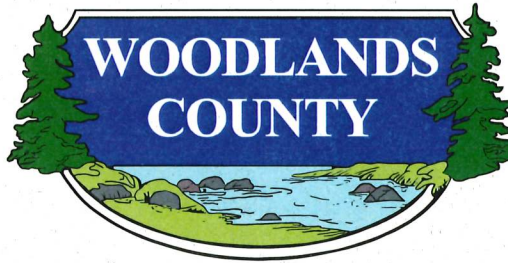
**FOLLOW UP ACTIONS:**

There are no follow up actions to the recommended motion.

---

**Municipal Office**

Box 60, #1 Woodlands Lane  
Whitecourt, AB T7S 1N3  
Telephone: (780) 778-8400  
Facsimile: (780) 778-8402  
Toll Free: 1-888-870-6315  
E-mail: [admin@woodlands.ab.ca](mailto:admin@woodlands.ab.ca)  
Website: [www.woodlands.ab.ca](http://www.woodlands.ab.ca)

**Regional Municipal Office**

P.O. Box 33  
Fort Assiniboine, AB T0G 1A0  
Telephone: (780) 584-3866  
Facsimile: (780) 584-3988  
Toll Free: 1-866-584-3866  
E-mail: [ftadmin@woodlands.ab.ca](mailto:ftadmin@woodlands.ab.ca)  
Website: [www.woodlands.ab.ca](http://www.woodlands.ab.ca)

21 September 2021

Honourable Devin Dreeshen  
Minister of Agriculture and Forestry  
229 Legislature Building  
10800-97 Avenue  
Edmonton, Alberta T5K 2B6

Dear Minister:

**RE: Declaration of Agricultural Disaster – Woodlands County**

Woodlands County Council declared an Agricultural Disaster on 21 September 2021 due to the widespread drought conditions.

Woodlands County, like many other Alberta municipalities, has experienced extreme heat waves in June and July as well as lack of precipitation in the 2021 growing season. These drought conditions have significantly impacted our agricultural producers with reductions in both forages and crops. The majority of crops have stopped growing and have ripened prematurely. Hay yields are significantly less than average, pastures are being depleted and not recovering, soil moisture reserves are also very low. All these factors are forcing producers to find alternative grazing and/or reduce their herd numbers.

This declaration has been made to bring awareness to this difficult situation our farming community is facing. This drought has affected both crop producers and cattle farmers in our municipality. The recent AgriRecovery program announcement from the Province and our Federal government is welcomed information and a strong showing of support for the agriculture industry.

Thank you for your continued advocacy for our Alberta producers and your work with our counterparts in the Federal government, for together, you have implemented these important initiatives to protect our Alberta agricultural industry.

Sincerely,

John Burrows  
**Mayor**

Cc. Arnold Viersen, MP- Peace River-Westlock  
Glenn Van Dijken, MLA Athabasca-Barrhead-Westlock  
Ric McIvor, Minister of Municipal Affairs  
Darryl Kay, CEO, Agricultural Finance Services Corporation  
Paul McLaughlin, President, Rural Municipalities of Alberta  
Alberta Agricultural Service Boards





Box 189,  
FAIRVIEW, ALBERTA  
T0H 1L0

Email: [mdinfo@mdfairview.ab.ca](mailto:mdinfo@mdfairview.ab.ca)

PHONE: 780-835-4903  
FAX: 780-835-3131

October 18, 2021

Honourable Devin Dreeshen  
Minister of Agriculture and Forestry  
229 Legislature Building  
10800 – 97 Avenue NW  
Edmonton, AB T5K 2B6

Dear Honourable Minister Dreeshen:

**RE: Funding for Agricultural Service Boards (A.S.B.'s)**

The Municipal District of Fairview # 136 Agricultural Service Board wishes to support and reinforce the sentiments in the letter Reeve Beaupre of the County of Grande Prairie sent to you dated May 14, 2021.

Our Council and the ASB feel that having funding cuts such as the ASB grant that rural municipalities receive yearly was not a realistic choice of finding cuts within our province. Agricultural Service Boards rely on provincial funding to help carry out the administration of the Pest Act, Weed Act, and Soil Conservation Act of Alberta. Also, most municipal agricultural departments in Alberta provide aid for Alberta Agriculture and Forestry staff in various weed, pests, and plant disease surveys each year. Depending on what surveys and how many the municipalities assist with, the costs to them could be substantial. That takes away some of the granting we receive from the Alberta Government to assist with our programs only to give back by assisting Alberta Ag and Forestry. Of course, costs to us continue to climb yearly.

In 2020, municipality funding was cut to \$123,907 per year, down from the possible \$168,000 we had received for a decade previously. More tasks have been downloaded to the agriculture departments due to the loss of AB Ag and Forestry staff who were responsible for maintaining the now obsolete "Ropin' the Web". Alberta Government resources are no longer available to continue up-grading 310-Farm with up-to-date experts and specialist support. Many calls from producers are now received by the municipal agriculture department and that takes time away from daily duties which increases the costs of our ag programs.

It has been said that Alberta's agriculture industry is the best in the world due to the various programs the province of Alberta has implemented and that helps us secure good safe products. Alberta's contribution goes hand in hand with most of the Canadian programs that help export safe food for the rest of the world. The Municipal District of Fairview # 136 would like to continue to provide leadership in agriculture production and need the support of the province by increasing our grants, instead of



decreasing them. By putting increased pressure on municipalities to deliver more with less, you compromise our ability to properly support our agricultural producers and through them, the provincial economy.

Sincerely,



Phil Kolodychuk,  
Councillor/Agricultural Service Board Chairman  
Municipal District of Fairview # 136

cc. RMA District 4 Director, Tom Burton  
Provincial ASB Chairman  
MLA Todd Loewen  
Premier Jason Kenney  
Minister of Finance, Travis Toews

# Alberta Crop Report



## Crop Conditions as of September 21, 2021

Cool wet weather caused varying degrees of delays in provincial harvest activities this week. Even with the delays, producers now have 78 per cent of the major crops in the bin, an 18-percentage point increase over last week. The harvest is 31 points ahead of last year's progress and 37 points ahead of the five-year average. Regionally, the North East made the most progress with over 26 per cent of the crop harvested this week (see Table 1), followed by Central (21), North West and Peace (13), and the South region (10).

**Table 1: Regional Harvest Progress as of September 21, 2021**

	Per cent combined					
	South	Central	N East	N West	Peace	Alberta
Spring Wheat*	82.5%	89.0%	93.1%	80.6%	74.0%	86.5%
Durum Wheat	95.0%	85.5%	---	---	---	93.7%
Barley*	88.6%	92.8%	92.3%	79.7%	61.0%	87.5%
Oats*	87.6%	82.2%	87.0%	56.8%	52.8%	70.6%
Winter Wheat	99.5%	100.0%	100.0%	100.0%	---	99.6%
Mixed Grain	97.0%	57.6%	90.0%	54.2%	---	60.1%
Canola*	71.1%	70.5%	71.7%	41.2%	35.2%	60.6%
Dry Peas*	100.0%	100.0%	100.0%	100.0%	92.5%	98.4%
Lentils	97.2%	100.0%	---	---	---	97.6%
Chickpeas	94.0%	100.0%	---	---	---	94.3%
Mustard	82.7%	80.0%	---	---	---	81.9%
Flax	74.1%	87.6%	26.0%	---	---	68.3%
Potatoes	15.4%	67.0%	100.0%	10.0%	---	17.5%
<b>All Crops</b>	<b>85.1%</b>	<b>84.7%</b>	<b>84.2%</b>	<b>64.3%</b>	<b>56.9%</b>	<b>78.8%</b>
<b>Major Crops (*)</b>	<b>84.3%</b>	<b>84.6%</b>	<b>84.3%</b>	<b>64.4%</b>	<b>56.9%</b>	<b>78.0%</b>
<b>All Crops Last Year</b>	<b>76.2%</b>	<b>45.8%</b>	<b>34.8%</b>	<b>28.8%</b>	<b>25.5%</b>	<b>47.9%</b>
<b>5-year (2016-2020) Avg.</b>	<b>75.1%</b>	<b>37.6%</b>	<b>27.4%</b>	<b>18.0%</b>	<b>19.1%</b>	<b>41.4%</b>

Source: AF/AFSC Crop Reporting Survey

Expected dryland yields in the province are significantly below normal at 63 per cent of the 10-year index (see Table 2). Regionally, the ratings vary reflecting the growing season precipitation received in the area. As anticipated, the South region has fared the worst with yields being 43 per cent of the 10-year index. The North West region fared better with yields being 77 per cent of the 10-year index.

**Table 2: Estimate Dryland Yield Estimates (Major Crops) as of September 21, 2021**

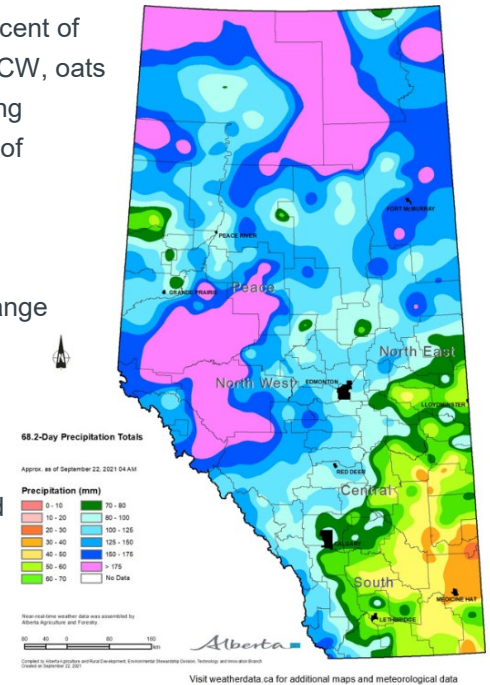
	Estimated Yield (bu/ac)					
	South	Central	N East	N West	Peace	Alberta
Spring Wheat	17.8	31.3	35.2	44.1	33.3	31.3
Barley	21.2	55.9	45.6	49.6	37.3	41.6
Oats	25.9	52.7	52.3	53.3	49.9	51.2
Canola	16.3	28.8	28.1	35.1	25.5	26.9
Dry Peas	18.5	25.1	29.3	28.8	29.4	24.9
<b>10-year Yield Index (2011-20)</b>	<b>42.7%</b>	<b>64.1%</b>	<b>70.2%</b>	<b>77.4%</b>	<b>73.5%</b>	<b>63.3%</b>

Source: AF/AFSC Crop Reporting Survey

With over three quarters of the crop now harvested, grades for the major crops are coming in close to the five-year averages (in brackets). Spring wheat has 92 (92) per cent of production at 1 CW and 2 CW, barley at 29 (32) per cent Malt and 57 (56) per cent 1 CW, oats are 69 (70) per cent 1 CW and 2 CW, canola is 90 (90) per cent 1 CAN with peas being 89 (82) per cent 1 CAN and 2 CAN. Durum is also looking good with 85 (83) per cent of production being reported as being 1 CW or 2 CW.

Hot, dry conditions were prevalent in the province up until mid-July. Since then large areas of southeastern Alberta have received 80 mm or less precipitation (green to orange shading on map). The low precipitation accumulations in these areas are a concern and without fall and winter precipitation they will be at an elevated risk for next year's plantings. The soil moisture ratings stayed static on the week at 39 per cent good or excellent for surface, with sub-soil moisture at 29 per cent rated good or excellent. Fall-seeded crops are holding up under the dry conditions with 63 per cent rated good or excellent, seven points below the five-year average. Pastures are rating at 21 per cent good or excellent, well below the five-year average of 46 per cent.

## Regional Assessments:



### Region One: South (Strathmore, Lethbridge, Medicine Hat, Foremost)

- Harvest is nearing completion with 85 per cent in the bin, well ahead of the five-year average of 75 per cent harvested. Six per cent is currently in the swath. Sugar beets are 10 per cent and dry beans are 50 per cent done.
- The dryland yield index dipped slightly to 45 per cent from 47 per cent two weeks ago. Dryland yield estimates (irrigated in brackets) are currently 18 (71) bushels per acre on spring wheat, 16 (75) on durum, 21 (91) on barley with 26 (79) on oats. Canola estimates are 16 (55) bushels to the acre with peas at 19 (47).
- Quality is very good despite the difficult growing season: 89 per cent of spring wheat and 83 per cent of durum are in the top two grades with 79 per cent of barley grading 1 CW or Malt and 90 per cent of oats in the top two grades. 73 per cent of canola is grading 1 CAN with 97 per cent of field peas in the top two grades.
- Fall seeded crop condition is estimated as 64 per cent good or excellent.
- Pasture ratings are 61 per cent poor, 29 per cent fair and 10 per cent good. Cattle have been turned into stubble.
- Surface soil moisture ratings (sub-surface in brackets) are 31 (59) per cent poor, 39 (31) per cent fair, 29 (10) per cent good and 1 (0) per cent excellent.

### Region Two: Central (Rimbey, Airdrie, Coronation, Oyen)

- Harvest is nearing completion with 85 per cent in the bin, significantly ahead of the five-year average of 38 per cent harvested. Ten per cent is currently in the swath.
- The dryland yield index rose slightly to 61 per cent from 59 per cent two weeks ago. Dryland yield estimates (irrigated in brackets) are currently 31 (70) bushels per acre on spring wheat, 10 on durum, 56 (95) on barley with 53 on oats. Canola estimates are 29 (60) bushels to the acre with peas at 25.
- Quality is very good despite the difficult growing season: 90 per cent of spring wheat and 96 per cent of durum is in the top two grades with 91 per cent of barley grading 1 CW or Malt and 84 per cent of oats in the top two grades. 90 per cent of canola is grading 1 CAN with 88 per cent of field peas in the top two grades.
- Fall seeded crop condition is estimated as 63 per cent good or excellent.
- Pasture ratings are 30 per cent poor, 28 per cent fair, 41 per cent good and 1 per cent excellent.
- Surface soil moisture ratings (sub-surface in brackets) are 18 (29) per cent poor, 25 (28) per cent fair, 54 (38) per cent good and 3 (5) per cent excellent.

### Region Three: North East (Smoky Lake, Vermilion, Camrose, Provost)

- Harvest is nearing completion with 84 per cent in the bin, significantly ahead of the five-year average of 27 per cent harvested. Seven per cent is currently in the swath.
- The dryland yield index rose to 66 per cent from 61 per cent two weeks ago. Dryland yield estimates are 35 bushels per acre on spring wheat, 46 on barley with 52 on oats. Canola estimates are 28 bushels to the acre with peas at 29.
- Quality is very good despite the difficult growing season: 94 per cent of spring wheat is in the top two grades with 86 per cent of barley grading 1 CW or Malt and 56 per cent of oats in the top two grades. 94 per cent of canola is grading 1 CAN with 76 per cent of field peas in the top two grades.
- Fall seeded crop condition is estimated as 66 per cent good with zero excellent.
- Pasture ratings are 84 per cent poor, 11 per cent fair and 5 per cent good.
- Surface soil moisture ratings (sub-surface in brackets) are 46 (43) per cent poor, 20 (24) per cent fair, 31 (31) per cent good and 3 (2) per cent excellent.

### Region Four: North West (Barrhead, Edmonton, Leduc, Drayton Valley, Athabasca)

- Harvest is advancing nicely with 64 per cent in the bin, significantly ahead of the five-year average of 18 per cent harvested. 18 per cent is currently in the swath.
- The dryland yield index rose to 78 per cent from 76 per cent two weeks ago. Dryland yield estimates are 44 bushels per acre on spring wheat, 50 on barley with 53 on oats. Canola estimates are 35 bushels to the acre with peas at 29.
- Quality is very good despite difficult growing season: 97 per cent of spring wheat is in the top two grades with 86 per cent of barley grading 1 CW or Malt and 79 per cent of oats in the top two grades. 89 per cent of canola is grading 1 CAN with 92 per cent of field peas in the top two grades.
- Fall seeded crop condition is estimated as 60 per cent good with zero excellent.
- Pasture ratings are 33 per cent poor, 26 per cent fair and 41 per cent good.
- Surface soil moisture ratings (sub-surface in brackets) are 12 (12) per cent poor, 36 (32) per cent fair, 46 (44) per cent good and 6 (12) per cent excellent.

### Region Five: Peace (Fairview, Falher, Grande Prairie, Valleyview)

- Harvest is past the halfway point with 57 per cent in the bin, significantly ahead of the five-year average of 19 per cent harvested. 14 per cent is currently in the swath.
- The dryland yield index dipped one point to 69 per cent from two weeks ago. Dryland yield estimates are 33 bushels per acre on spring wheat, 37 on barley with 50 on oats. Canola estimates are 26 bushels to the acre with peas at 29.
- Quality is quite good despite difficult growing season: 95 per cent of spring wheat is in the top two grades with 88 per cent of barley grading 1 CW but only 8 per cent reaching Malt. Oats have 53 per cent grading in the top two grades, 100 per cent of canola is grading 1 CAN with 87 per cent of field peas grading 2 CAN but zero grading 1 CAN.
- Pasture ratings are 59 per cent poor, 32 per cent fair, 8 per cent good and 1 per cent excellent.
- Surface soil moisture ratings (sub-surface in brackets) are 39 (37) per cent poor, 38 (41) per cent fair, 22 (21) per cent good and 1 (1) per cent excellent.

## Contacts

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**September 24, 2021**

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# Alberta Crop Report



## Crop Conditions as of September 28, 2021 (Abbreviated)

Overall, the weather this past week supported good harvest conditions with warm temperatures and some showers or rainfall reported in the North East, North West and Peace regions causing short interruptions (see Map). There are incidents of mild frost in pockets around the province, but a killing frost has yet to be reported. The average timeframe for killing frost is the first 10 days of October, depending upon location. Harvest progress increased 12 points over last week and is now 90 per cent complete (Table 1). Of the crop remaining, six per cent is standing and four per cent is in the swath. There are reports of standing canola with green growth holding up harvest in the North West and Peace regions, as well as western counties of North East region. Peace region currently estimates 71 per cent of crop is in the bin, North West region is at 80 per cent harvested, with South, Central and North East all hovering close to 95 per cent combined.

**Table 1: Estimate of Harvest Progress as of September 28, 2021**

	Per Cent of Crops Combined					
	South	Central	N East	N West	Peace	Alberta
Spring Wheat	95.5%	96.8%	98.4%	89.4%	83.0%	94.5%
Barley	95.0%	97.8%	97.3%	88.2%	71.5%	93.8%
Oats	98.9%	92.8%	94.7%	79.0%	68.0%	84.6%
Canola	87.9%	87.2%	91.8%	67.7%	56.9%	80.6%
Dry Peas	100%	100%	100%	100%	96.3%	99.2%
Major Crops	94.0%	94.1%	95.5%	80.4%	71.3%	89.5%
Last Year	90.4%	70.6%	65.6%	52.2%	42.6%	68.4%
5-year (2016-2020) Avg.	81.8%	47.9%	38.6%	27.5%	30.1%	48.7%
10-year (2011-2020) Avg.	84.9%	55.0%	51.8%	43.6%	49.0%	59.3%

Source: AF/AFSC Crop Reporting Survey

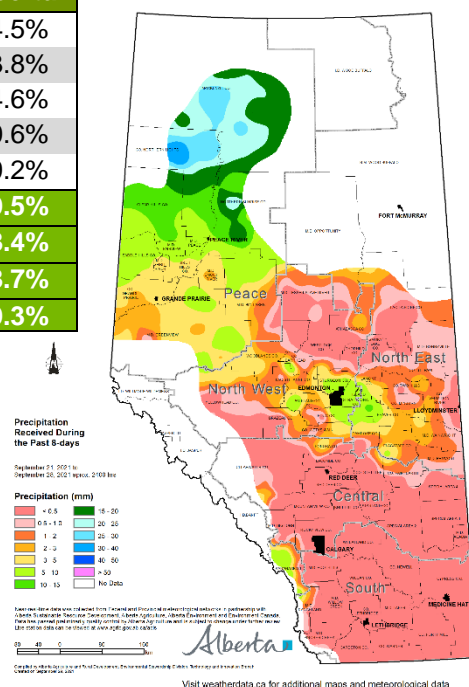
**Table 2: Sub-surface Soil Moisture Conditions as of September 28, 2021**

	Poor	Fair	Good	Excellent	Excessive
South	62.3%	29.4%	8.0%	0.3%	0.0%
Central	33.6%	37.9%	28.6%	0.0%	0.0%
North East	42.3%	23.6%	32.0%	2.0%	0.0%
North West	13.1%	32.9%	42.0%	12.0%	0.0%
Peace	37.5%	36.2%	24.9%	1.4%	0.0%
Average	43.0%	31.5%	23.5%	1.9%	0.0%
5-year (2011-2020) Avg.	14.6%	22.2%	41.5%	20.4%	1.4%

Source: AF/AFSC Crop Reporting Survey

Soil moisture conditions declined somewhat from last week with low amounts of rainfall recorded for most of the province. Surface soil moisture (last week in brackets) is currently estimated as 34 (30) per cent poor, 35 (31) per cent fair, 29 (37) per cent good and 2 (2) per cent excellent. Sub-surface soil moisture ratings (last week in brackets) of poor are 43 (41) per cent, fair 31 (30) per cent, good 24 (26) per cent and excellent is 2 (3) per cent. Fall rains are needed now, along with at least near normal moisture throughout the winter in early spring to prepare for next year's plantings.

Pastures are now going dormant in most areas. Current conditions are reported as 47 per cent poor, 32 per cent fair, 20 per cent good with only 1 per cent excellent. Livestock producers are making use of every available feed source including already reaped annual crop acres, and some sparse regrowth on feed crops harvested early.





## Regional Assessments:

### Region One: South (Strathmore, Lethbridge, Medicine Hat, Foremost)

- Harvest progress rose by 10 points over last week. Farmers have 94 per cent of the major crops in the bin, well ahead of the five- and 10-year averages of 82 and 85 per cent respectively. Peas are done, oats are 99 per cent complete, followed by spring wheat at 96 and barley at 95 and canola at 88 per cent harvested. The harvest of potatoes is approximately 50 per cent completed and the main sugar beet harvest started this week.
- Pastures are rating 39 per cent poor, 40 per cent fair, 21 per cent good and none rated excellent.

### Region Two: Central (Rimbey, Airdrie, Coronation, Oyen)

- Harvest progress rose by 10 points over last week. Farmers have harvested 94 per cent of the major crops; significantly ahead of the five- and 10-year averages of 48 and 55 per cent respectively. The pea harvest is complete, barley is 98 per cent complete, followed by spring wheat at 97, oats at 93 and canola at 87 per cent harvested. Combining east of Highway 2 is ahead of western areas.
- Pastures are rating 33 per cent poor, 35 per cent fair, 30 per cent good and 2 per cent rated excellent.

### Region Three: North East (Smoky Lake, Vermilion, Camrose, Provost)

- Harvest progress rose by 11 points over last week. Farmers have 96 per cent of the major crops in the bin, significantly ahead of the five- and 10-year averages of 39 and 52 per cent respectively. The pea harvest has wrapped up, spring wheat is 98 per cent complete, followed by barley at 97, oats at 95 and canola at 92 per cent harvested. Reports within the region of standing canola being very green.
- Pastures are rating 88 per cent poor, 8 per cent fair, 4 per cent good and none rated excellent.

### Region Four: North West (Barrhead, Edmonton, Leduc, Drayton Valley, Athabasca)

- Harvest progress rose by 16 points over last week. Farmers have harvested 80 per cent of the major crops; significantly ahead of the five- and 10-year averages of 28 and 44 per cent respectively. Peas are done, spring wheat is at 89 per cent complete, followed by barley at 88, oats at 79 and canola at 68 per cent harvested. Northern parts of the region are reporting issues with standing canola being very green.
- Pastures are rating 37 per cent poor, 33 per cent fair, 30 per cent good and none rated excellent.

### Region Five: Peace (Fairview, Falher, Grande Prairie, Valleyview)

- Harvest progress rose by 14 points over last week. Farmers have harvested 71 per cent of the major crops; significantly ahead of the five- and 10-year averages of 30 and 49 per cent respectively. The pea harvest is 96 per cent complete, spring wheat is 83 per cent complete, followed by barley at 72, oats at 68 and canola at 57 per cent harvested. Reports of crops left to be harvested which are still green because of second growth.
- Pastures are rating 57 per cent poor, 33 per cent fair, 10 per cent good and none rated excellent.

## Contacts

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# Alberta Crop Report



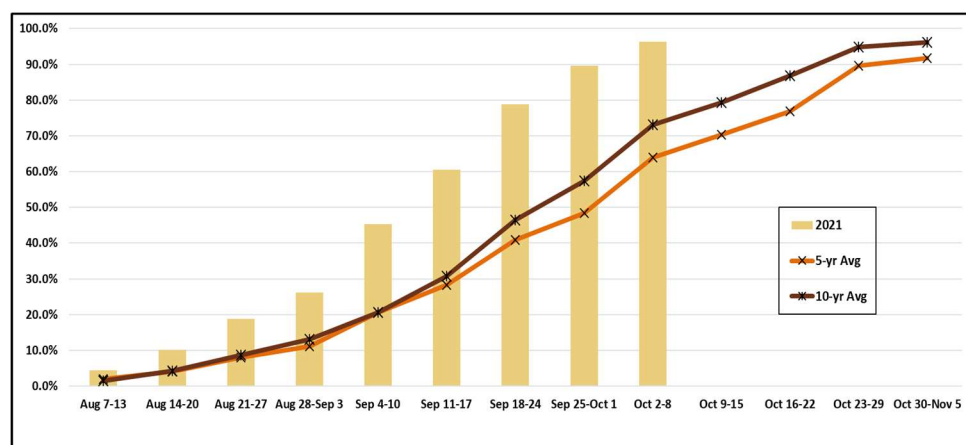
## Crop Conditions as of October 5, 2021

Fall fieldwork is progressing in most parts of the province, while harvest is almost three weeks ahead (see Figure 1). Provincially, about 96 per cent of crops have been harvested, 32 per cent ahead of the 5-year average and 22 per cent ahead of the 10-year average (see Table 1). About two per cent of crops are in swath, and another two per cent are still standing. Regionally, harvest is wrapping up in the South, Central and North East Regions, where more than 98 per cent of crops are now in the bin. For the North West and Peace Regions, green crops from the second growth, mainly in canola fields, have delayed the completion of harvest.

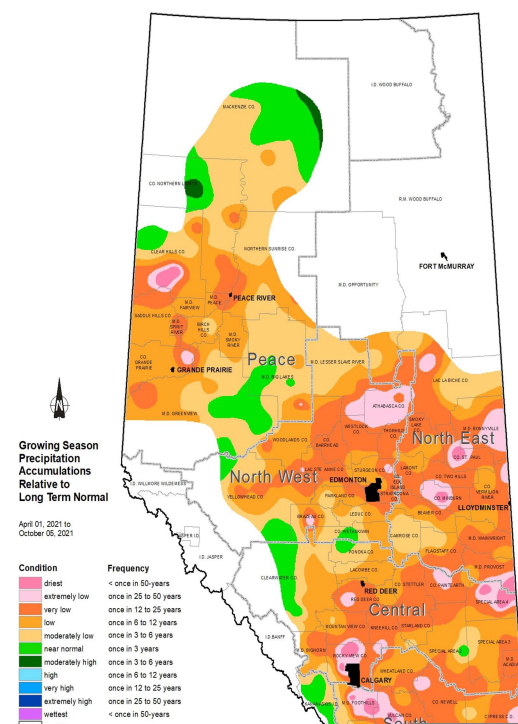
**Table 1: Estimates of Crop Harvest Progress as of October 5, 2021**

	Per cent of Crops Combined					
	South	Central	N East	N West	Peace	Alberta
Spring Wheat*	98.6%	99.6%	99.7%	95.8%	92.3%	98.1%
Durum Wheat	99.8%	100.0%	---	---	---	99.8%
Barley*	97.8%	99.9%	98.7%	94.9%	87.2%	97.5%
Oats*	99.5%	98.5%	96.2%	89.6%	85.2%	92.7%
Canola*	97.5%	96.3%	96.4%	88.0%	82.2%	92.9%
Dry Peas*	100.0%	100.0%	100.0%	100.0%	98.6%	99.7%
Lentils	100.0%	100.0%	---	---	---	100.0%
Chickpeas	100.0%	100.0%	---	---	---	100.0%
Flax seed	96.0%	100.0%	100.0%	---	---	96.9%
Potatoes	85.0%	87.0%	100.0%	90.0%	---	85.4%
All Crops, Oct 5	98.1%	98.6%	98.2%	92.4%	87.8%	96.3%
Major Crops (*), Oct 5	98.3%	98.6%	98.2%	92.4%	87.8%	96.1%
Major Crops (*), Sep 28	94.0%	94.1%	95.5%	80.4%	71.3%	89.5%
All Crops, Last Year	96.7%	89.9%	90.6%	79.4%	82.9%	90.2%
5-yr (2016-2020) Avg	86.7%	61.9%	55.4%	43.2%	55.2%	64.6%
10-yr (2011-2020) Avg	91.3%	72.1%	67.7%	58.9%	66.6%	74.5%

**Figure 1: Provincial & Regional Harvest Progress, 2021 vs Averages**



Source: AF/AFSC Crop Reporting Survey



Visit [weatherdata.ca](http://weatherdata.ca) for additional maps and meteorological data

Dryland yield estimates remained significantly below average across all regions. The provincial dryland 5-year yield index is estimated at 63, indicating that yields are 37 per cent below the 5-year averages (see Table 2). The highest yields are in the North West Region (but still 20 per cent below the 5-year averages), while the South Region has the lowest yield (56 per cent below the 5-year averages). The average yields for potatoes on dryland and irrigated fields are estimated at 11.6 and 15 tons per acre, respectively. For sugar beets, the average yield is estimated at 30 tonnes per acre, while for dry beans it is 27 cwt per acre.

Crop quality varies among regions. Provincially, quality for all crops is above their 5-year averages, with the exception of malting barley and oats, which are below average. About 93 per cent of hard red spring wheat and 84 per cent of durum wheat are grading in the top two grades. About 28 per cent of barley is eligible for malt and 58 per cent is grading as No. 1 feed. For oats, about 59 per cent is grading in the top two grades, which is below the average. Almost 90 per cent of canola is grading as No. 1, with seven per cent as No. 2. For dry peas, 33 per cent is grading as No. 1, 54 per cent as No. 2, 10 per cent as No. 3 and three per cent as feed.

Table 2: Dryland Yield Estimates as of October 5, 2021

	Estimated Yield (bushel/acre)					
	South	Central	N East	N West	Peace	Alberta
Spring Wheat	17.8	31.3	35.3	45.7	33.3	31.6
Barley	20.5	55.9	48.8	50.9	41.6	42.5
Oats	27.4	52.7	53.6	55.3	58.0	53.9
Canola	16.1	29.1	29.8	35.9	28.0	28.0
Dry Peas	18.9	24.9	29.9	28.8	28.1	24.8
5-year Yield Index	44.4	60.4	67.7	79.7	72.4	62.5
10-year Yield Index	42.4	63.8	71.9	79.0	78.0	64.4

Source: AF/AFSC Crop Reporting Survey

The majority of dryland hay in the province (about 92 per cent) was from the first cut, as many producers, particularly in the South and Peace Regions, failed to harvest a second cut, or harvested very little, and the remaining eight per cent was from the second cut. Dryland yield for first cut hay was estimated at 1.1 tons per acre, below the average of 1.5 tons per acre, while it was 0.9 ton per acre for second cut, compared to the 5-year average of 1.2 tons per acre. For irrigated hay, first cut accounted for 58 per cent of the total (with yield estimated at 2.1 tons per acre), second cut accounted for 38 per cent (with yield reported at 1.7 tons per acre), and third cut accounted for the remaining four per cent (with yield estimated at 0.5 ton per acre).

## Regional Assessments:

### Region One: South (Strathmore, Lethbridge, Medicine Hat, Foremost)

- Dry conditions prevailed in most of the region. Harvest is wrapping up and fall fieldwork is underway. There are a few green canola fields yet to be harvested, and potato and sugar beets harvest is progressing nicely.
- About 98 per cent of all crops are now in the bin (compared to the 5-year average of 87 per cent), and one per cent are in swath. Another one per cent is still standing and includes sugar beets, potatoes, flax and canola.
- Quality for all crops is slightly below their regional 5-year averages, except for dry peas, which is above. About 89 per cent of hard red spring wheat, 82 per cent of durum wheat and 89 per cent of oats are grading in the top two grades. About 27 per cent of barley is eligible for malt and 51 per cent grading as No. 1 feed. About 73 per cent of canola is grading as No. 1 and 22 per cent as No. 2. For dry peas, 63 per cent are grading as No. 1, with 34 per cent as No. 2.
- Fall seeded crops are rated as 7 per cent poor, 30 per cent fair, 49 per cent good and 14 per cent excellent.
- Pastures are turning brown due to low precipitation, with mediocre to low growth going into winter. Pasture conditions are rated as 60 per cent poor, 30 per cent fair, and 10 per cent good.



- All dryland tame hay was from first cut, with yield (5-year averages shown in brackets) estimated at 0.9 (1.2) tons per acre. For irrigated hay, first cut hay accounted for 56 per cent of the total, with yield at 2.1 (2.4) tons per acre. Second cut accounted for 40 per cent and estimated yield was at 1.8 (2) tons per acre. The remaining four per cent was from third cut, with yield at 0.5 (1.4) tons per acre.

### **Region Two: Central (Rimbey, Airdrie, Coronation, Oyen)**

- Harvest is virtually complete in the region and producers have begun fall work. Nearly 99 per cent of all crops are now in the bin (compared to the 5-year average of 62 per cent) and one per cent in swath.
- Crop quality for all crops is above their regional 5-year averages. About 90 per cent of hard red spring wheat, 99 per cent of durum wheat and 84 per cent of oats are grading in the top two grades. About 43 per cent of barley is eligible for malt and 48 per cent is grading as No. 1 feed. About 91 per cent of canola is grading as No. 1 and five per cent as No. 2. For dry peas, 39 per cent are grading as No. 1, with 51 per cent as No. 2.
- Fall seeded crops are rated as 26 per cent poor, 16 per cent fair, 49 per cent good and 9 per cent excellent.
- Pastures are going dormant and livestock producers are expecting to use straw, hay, pellets and greenfeed for winter feed. Pasture conditions are rated as 37 per cent poor, 29 per cent fair, 33 per cent good, and 1 per cent excellent.
- About 91 per cent of total dryland tame hay in the region was from first cut, with the average yield (5-year averages shown in brackets) at 1.4 (1.3) tons per acre. The remaining nine per cent was from second cut, with yield at 1.2 (1.4) tons per acre. For irrigated hay, first cut hay accounted for 70 per cent of the total, with yield reported at 2 (2.3) tons per acre, while second cut hay accounted for 30 per cent, with yield at 1.2 (1.1) tons per acre.

### **Region Three: North East (Smoky Lake, Vermilion, Camrose, Provost)**

- Harvest is mostly wrapped up in the region. About 98 per cent of crops have been combined (compared to the 5-year average of 55 per cent), with one per cent swathed, and another one per cent of crops still standing.
- Crop quality for all crops is above their regional 5-year averages, except for oats, which is below. About 94 per cent of hard red spring wheat and 46 per cent of oats are grading in the top two grades. About 20 per cent of barley is eligible for malt and 68 per cent is grading as No. 1 feed. About 96 per cent of canola is grading as No. 1 and three per cent as No. 2. For dry peas, five per cent are grading as No. 1, with 61 per cent as No. 2.
- Fall seeded crops are rated as 27 per cent poor, 13 per cent fair, and 60 per cent good.
- In many areas, cattle are grazing in harvested fields, while pasture conditions are rated as 88 per cent poor, 7 per cent fair, and 5 per cent good.
- First cut hay accounted for 96 per cent of the total, with yield (5-year averages shown in brackets) reported at 1.0 (1.8) tons per acre, while second cut accounted for four per cent, with yield estimated at 0.5 (1.1) tons per acre.

### **Region Four: North West (Barrhead, Edmonton, Leduc, Drayton Valley, Athabasca)**

- Harvest is still processing despite scattered showers in the region and wet mornings. Additionally, fall fieldwork is underway. For much of the region, soil moisture has improved over the last month, relieving fields from dry summer conditions, although it is too late to benefit this growing season.
- Regionally, 92 per cent of crops have now been combined (compared to the 5-year average of 43 per cent), with another three per cent swathed, while five per cent of crops are still standing. The majority of crops left to combine are either late seeded crops or those ones that were damaged during the season, hence delaying maturity.
- Crop quality for hard red spring wheat, malt barley, oats and dry peas is above their regional 5-year averages, while it is below for feed barley and canola. About 97 per cent of hard red spring wheat and 52 per cent of oats are grading in the top two grades. About 15 per cent of barley is eligible for malt and 71 per cent is grading as No. 1 feed. About 88 per cent of canola is grading as No. 1 and 10 per cent as No. 2. For dry peas, 41 per cent are grading as No. 1 and 51 per cent as No. 2.

- Fall seeded crops are rated as 38 per cent fair, 61 per cent good and one per cent excellent.
- The recent moisture in most areas benefited pasture and tame hay fields heading into the winter months, while pasture growing conditions are now rated as 30 per cent poor, 28 per cent fair and 42 per cent good.
- About 73 per cent of tame hay was from first cut, with yield (5-year averages shown in brackets) estimated at 1.2 (2) tons per acre, and the rest (27 per cent) was from second cut, with yield reported at 0.7 (1) ton per acre.

### **Region Five: Peace (Fairview, Falher, Grande Prairie, Peace River, Valleyview)**

- Favourable harvesting conditions over the past week allowed producers to combine an additional 17 per cent of the crops in the region. Even so, green second growth, mainly in canola fields and some in barley, have prevented producers from completing the 2021 harvest. Some minor to major hail and wind damage was reported for some canola fields.
- About 88 per cent of crops in the region are now in the bin (compared to the 5-year average of 55 per cent), with another four per cent swathed and eight per cent still standing.
- Crop quality for all crops is above their regional 5-year averages, except for malt barley and oats, which is lower. About 96 per cent of hard red spring wheat and 53 per cent of oats are grading in the top two grades. About 12 per cent of barley is eligible for malt and 84 per cent has graded as No. 1 feed. Almost all harvested canola is grading as No. 1, while for dry peas, 87 per cent are grading as No. 2, and none grading as No. 1.
- Pasture conditions are rated as 58 per cent poor, 33 per cent fair, and 9 per cent good.
- All tame hay was from first cut, with yield estimated at 0.8 ton per acre, below the 5-year average of 1.5 tons per acre.

## **Contact**

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**October 8, 2021**

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# Alberta Crop Report



## Crop Conditions as of October 12 (Abbreviated Report)

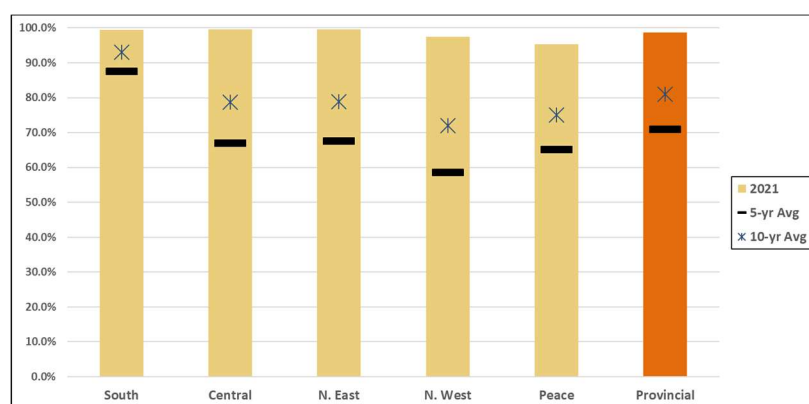
### Final Report for 2021

Favourable harvest conditions in 2021 advanced harvesting operations by three to four weeks across the province. While harvest is practically complete in the South, Central and North East Regions, about 98 per cent of crops in the North West Region and 95 per cent of crops in the Peace Region are now in the bin (see Table 1). Provincially, harvest progress is now 99 per cent complete, well ahead of the 5-year average of 71 per cent and the 10-year average of 81 per cent. About 0.5 per cent of major crops are in swath and 0.7 per cent remain standing. When compared to the averages, harvest progress is well ahead for all regions (see Figure 1).

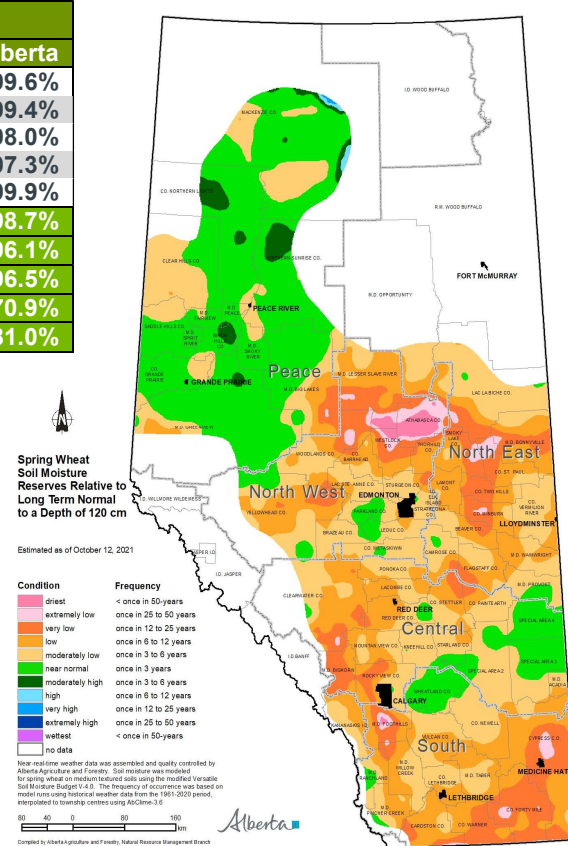
**Table 1: Estimates of Crop Harvest Progress as of October 12, 2021**

	Per cent of Crops Combined					
	South	Central	N East	N West	Peace	Alberta
Spring Wheat	99.6%	100.0%	100.0%	99.0%	98.2%	<b>99.6%</b>
Barley	99.3%	100.0%	99.8%	99.2%	97.1%	<b>99.4%</b>
Oats	99.9%	99.7%	99.6%	96.1%	96.3%	<b>98.0%</b>
Canola	99.2%	98.9%	99.1%	95.4%	92.0%	<b>97.3%</b>
Dry Peas	100.0%	100.0%	100.0%	100.0%	99.6%	<b>99.9%</b>
Major Crops, Oct 12	99.5%	99.6%	99.6%	97.5%	95.4%	<b>98.7%</b>
Major Crops, Oct 5	98.3%	98.6%	98.2%	92.4%	87.8%	<b>96.1%</b>
Major Crops, Last Year	99.1%	96.4%	97.2%	95.4%	92.0%	<b>96.5%</b>
5-yr (2016-2020) Avg	87.6%	67.0%	67.6%	58.6%	65.2%	<b>70.9%</b>
10-yr (2011-2020) Avg	93.0%	78.7%	78.8%	72.1%	75.0%	<b>81.0%</b>

**Figure 1: Provincial and Regional Harvest Progress, 2021 vs Averages**



Source: AF/AFSC Crop Reporting Survey



Weather has started to cool down, with frosts happening overnight. Soil moisture remained poor throughout much of the South, Central, North East and North West Regions and is near normal for the Peace Region and small pockets in the

North West and Central Regions (see the Map on the previous page). Provincial surface soil moisture (sub-surface soil moisture shown in brackets) is currently depleted and rated as 35 (42) per cent poor, 35 (32) per cent fair, 27 (23) per cent good and 3 (3) per cent excellent (See Table 2).

**Table 2: Surface Soil Moisture Ratings as of October 12, 2021**

	Poor	Fair	Good	Excellent	Excessive
South	33.9%	46.3%	19.0%	0.8%	0.0%
Central	27.4%	35.2%	34.7%	2.7%	0.0%
North East	53.9%	18.9%	24.1%	3.1%	0.0%
North West	21.8%	27.4%	38.9%	12.0%	0.0%
Peace	40.1%	33.9%	24.5%	1.4%	0.1%
Alberta	35.6%	34.7%	26.8%	3.0%	0.0%
5-yr (2016-2020) Avg	5.9%	19.3%	47.5%	24.2%	3.1%
10-yr (2011-2020) Avg	11.6%	25.9%	42.6%	18.0%	1.8%

Source: AF/AFSC Crop Reporting Survey

Feed availability is variable across the province, even within municipalities, depending on topography, precipitation received, etc. Some producers have adequate or even surplus feed grain and forages, while others are supplementing their feed shortfalls with straw from their fields, as there has been a substantial amount baled after harvest. In other cases, producers need to buy straw where little crop was harvested. Additionally, cattle in most areas are grazing on harvested fields and producers are cutting and baling harvested fields. Hay and straw are mostly moved locally to minimize trucking costs. Provincially, forage reserves are estimated at 20 per cent deficit, 26 per cent shortfall, 50 per cent adequate, and 4 per cent surplus, while feed grain supplies are 18 per cent deficit, 24 per cent shortfall, 52 per cent adequate and 6 per cent surplus.

## Regional Assessments:

### Region One: South (Strathmore, Lethbridge, Medicine Hat, Foremost)

- Harvest of major crops is practically complete. Some light snow and rain have moderated moisture levels, while temperatures are returning to seasonal normal and light frosts have started overnight.
- Forage reserve estimates for this region are 18 per cent deficit, 35 per cent shortfall, 43 per cent adequate and 4 per cent surplus, while feed grain supplies are 18 per cent deficit, 32 per cent shortfall, 45 per cent adequate and 5 per cent surplus.
- Fall-seeded crops are rated as 7 per cent poor, 38 per cent fair, 50 per cent good and 5 per cent excellent.
- Surface soil moisture conditions (sub-surface ratings shown in brackets) are rated as 34 (60) per cent poor, 46 (32) per cent fair, 19 (8) per cent good and 1 (0) per cent excellent.

### Region Two: Central (Rimbey, Airdrie, Coronation, Oyen)

- Harvest in the region is virtually complete and producers are progressing with fall fieldwork. In some counties, livestock producers are purchasing feed and straw due to extremely dry conditions and heat stress from the growing season.
- Forage reserve estimates in this region are 10 per cent deficit, 17 per cent shortfall, 65 per cent adequate and 8 per cent surplus, while feed grain supplies are 9 per cent deficit, 15 per cent shortfall, 64 per cent adequate and 12 per cent surplus.
- Fall-seeded crops are rated as 27 per cent poor, 18 per cent fair, 45 per cent good and 10 per cent excellent.

- Surface soil moisture conditions (sub-surface ratings shown in brackets) are rated as 27 (34) per cent poor, 35 (29) per cent fair, 35 (35) per cent good and 3 (2) per cent excellent.

### **Region Three: North East (Smoky Lake, Vermilion, Camrose, Provost)**

- Harvest is almost complete in the region and temperatures are cooling off, with heavier frosts overnight. Cattle are grazing on harvested fields and producers are cutting and baling remaining crop.
- Forage reserve estimates in this region are 23 per cent deficit, 17 per cent shortfall, 58 per cent adequate and 2 per cent surplus, while feed grain supplies are 21 per cent deficit, 16 per cent shortfall, 60 per cent adequate and 3 per cent surplus.
- Fall-seeded crops are rated as 27 per cent poor, 13 per cent fair, and 60 per cent good.
- Surface soil moisture conditions (sub-surface ratings shown in brackets) are rated as 54 (43) per cent poor, 19 (31) per cent fair, 24 (24) per cent good and 3 (2) per cent excellent.

### **Region Four: North West (Barrhead, Edmonton, Leduc, Drayton Valley, Athabasca)**

- With about 98 per cent of crops in the bin, harvest is nearing completion. Less than two per cent of crops are still standing, which include oats and canola fields that were damaged over the growing season, delaying maturity. Some producers are facing feed and hay shortages, which is supplemented by baling some crops remaining or sourcing locally to avoid trucking costs.
- Forage reserve estimates in this region are 47 per cent deficit, 27 per cent shortfall, 25 per cent adequate and 1 per cent surplus, while feed grain supplies are 43 per cent deficit, 24 per cent shortfall, 30 per cent adequate and 3 per cent surplus.
- Fall-seeded crops are rated as 38 per cent fair, 61 per cent good and 1 per cent excellent.
- Surface soil moisture conditions (sub-surface ratings shown in brackets) are rated as 22 (12) per cent poor, 27 (37) per cent fair, 39 (39) per cent good and 12 (12) per cent excellent.

### **Region Five: Peace (Fairview, Falher, Grande Prairie, Peace River, Valleyview)**

- About 95 per cent of crops are now in the bin. Only some late seeded crops and fields with second growth are still to be harvested. While two per cent of crops are in swath, almost three per cent are still standing, including two per cent of spring wheat and barley, three per cent of oats and four per cent of canola.
- Forage reserve estimates in this region are 10 per cent deficit, 39 per cent shortfall, 47 per cent adequate and 4 per cent surplus, while feed grain supplies are 5 per cent deficit, 33 per cent shortfall, 52 per cent adequate and 10 per cent surplus.
- Surface soil moisture conditions (sub-surface ratings shown in brackets) are rated as 40 (36) per cent poor, 34 (39) per cent fair, 25 (24) per cent good and 1 (1) per cent excellent.

## **Contact**

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September 25<sup>th</sup>, 2021

Council and Agriculture Service Board Members  
MD of Greenview  
Box 1079, Valleyview, Alberta  
T0H 3N0

Dear Council and Agriculture Service Board Members,

On behalf of the PCBFA staff, board of directors, and members, I want to express our deep gratitude for your ongoing support. The world of agriculture research and extension is changing rapidly, and these changes are making your support more crucial than ever. Many grant funders are moving to a model that favours academic institutions and government research stations – these grants will cover a maximum of 50% of the project budget, and require the other 50% to be sourced elsewhere. They also place severe restrictions on in-kind contributions eligible for matching, and numerous restrictions on the manpower that can be covered through the grant (for instance, many will not allow any of the principal investigator's time to be included in the project budget). On top of this, our core Government of Alberta grant and many of our project grants have migrated to RDAR, which means the core grant can no longer be used as matching for most of our project grants. This makes it challenging to find the funds to keep our passionate and knowledgeable staff team in place and working for our Peace Country producers. Our municipal support is now our only significant, reliable source of funds that are eligible for matching – funds that we can leverage to bring additional research and extension dollars into the Peace Country.

We understand that we are all facing tough economic times, therefore we will not be asking for funding increases from any municipalities this year. We hope that you will be able to continue to support us in 2022-23 with your extremely generous and much appreciated contribution of \$45,000 towards our programming, and the additional \$9,284.80 in matching funds for the RDAR Small Plots project at the DeBolt site.

We would love the opportunity to attend one of your meetings this Fall as a delegate, to deliver an update on our operations this past year, and plans for future years. Should you have any questions, concerns, or any other feedback – please contact me at 780-394-7419 or [liisa@pcbfa.ca](mailto:liisa@pcbfa.ca). Thank you for your consideration, and I look forward to speaking with you soon.

Sincerely,

Liisa Jeffrey, B.Sc.(Agr.), PAg  
Executive Director, Peace Country Beef & Forage Association  
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[liisa@pcbfa.ca](mailto:liisa@pcbfa.ca)



**From:** [Agricultural Service Boards](#)  
**To:** [Sheila Kaus](#)  
**Subject:** [New post] Wildlife Predator Compensation Enhancement  
**Date:** October 25, 2021 9:31:44 AM

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## New post on **Agricultural Service Boards**



### Wildlife Predator Compensation Enhancement

by [asbexecassistant](#)

#### [Resolution 2-19](#)

Resolution 2-19 asks the Ministers of Environment and Parks and Justice and Solicitor General to enhance the Wildlife Predator Compensation Program to allow for photographic evidence to reduce the number of Fish and Wildlife Officer investigations. Many of the ASBs felt that the response time in some areas of the province was too long due to the short supply of Officers to investigate the claims particularly during peak hunting seasons where there are high demands for their time.

In 2019 the Wildlife Predator Compensation Committee was formed, and the Chair of the ASBPC attended on behalf of the ASBs. At the first meeting 8 desired outcomes of the review were identified:

1. Reduced incidences of predation and damage in all regions
2. Increased producer participation in carnivore conflict mitigation efforts
3. Increased landowner awareness and understanding about living with wildlife
4. Wildlife populations remain healthy
5. Improved producer satisfaction with the Wildlife Predator Compensation Program
6. Relationships between landowners and Fish and Wildlife Officers is maintained or improved
7. Broad industry and public support for the program
8. Improved, practical and scalable Predator Conflict Prevention and Predator Compensation Programs developed.

In 2020 the review was put on hold and all committee work stopped while the COVID 19 Public Health crisis was dealt with. However changes to the Wildlife Act Regulation did proceed and the regulation now allows for a third party verifier and photographic evidence to be used. These changes are reflected in the updated [Rancher's Guide to Predator Attacks on Livestock](#). The department is now looking at resuming the review of the program and was grateful for the engagement and feedback from the ASBPC.

Questions were asked about the number of claims and levels of compensation. The

Committee was told that the program has an annual budget of \$330,000 which is provided by a levy collected by the Alberta Conservation Association on hunting and fishing licenses. An average of 249 claims per year have been submitted to the program from 2008-2019, with a average of \$1296/claim.

The issue of availability of Fish and Wildlife officers to investigate and process claims was discussed. It was pointed out that the ASB Act grants the ability for Agriculture Fieldmen to enforce any legislation related to agriculture and it was suggested that this would apply to the Wildlife Act and Regulations as pertained to the Wildlife Compensation Program investigations.

Also discussed was the “Enhanced Officer” position created in partnership with the Justice and the Solicitor General in Northern Sunrise County. A few of the municipalities with high numbers of predator incidences were approached by Fish and Wildlife to hire a qualified officer to handle the increased number of incidents during peak season. The “Enhanced Officer” position was paid for by the County, and Fish and Wildlife provided the officer, equipment and training. Travis was unaware of the Enhanced Officer program or that Justice and the Solicitor General had identified a need for increased number of officers and will be reaching out to them to provide that feedback to the ministry of Environment and Parks.

The Wildlife Predator Compensation Committee is slated to resume the review and work on the 8 identified outcomes in the coming months, and the Agriculture Service Board Provincial Committee will be appointing a representative to be on that committee at their organizational meeting in November. Any ASB wanting to provide further direction and feedback is asked to connect with the ASBPC through our email, website or by phone.

Further background information:

[Cattle and Carnivore Coexistence in Alberta: The Role of Compensation Programs](#)

[Wildlife Predator Compensation Program](#) - Alberta.ca

In 2018 the Alberta Beef Producers (ABP), Alberta Lamb Producers, Western Stock Growers Association, Alberta Grazing Lease Holders Association, and the Waterton Biosphere Reserve published a paper recommending changes to the Wildlife Act and Regulations based on an ABP resolution. [Alberta Livestock Industry Recommended Changes to the Wildlife Act and Regulations](#) - Alberta Beef Producers et al. Resolution.

[Alberta Livestock Industry Recommended Changes to the Wildlife Act and Regulations](#) - Alberta Beef Producers et al. Resolution 2018.

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[asbexecassistant](#) | October 25, 2021 at 8:30 am | Tags: [Resolution 2-19](#) | Categories: [Resolutions](#)  
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