

NEWS RELEASE

NRCB Issues Decision on Review of Enforcement Order against AAA Cattle Company

Edmonton (February 16, 2005) - The Natural Resources Conservation Board has granted AAA Cattle Company a conditional, partial stay of the enforcement order issued to the company on November 24, 2004.

The decision caps the company's operation at 5261 head of cattle while its application to have its approval amended is reviewed by the board. The *Agriculture Operation Practices Act* requires the board to consider applications for amendment.

The decision states that:

- The operator may have 5261 cattle on the operation until the Applications Division of the Natural Resources Conservation Board has responded to AAA Cattle Company's application to have its approval amended. The number of cattle allowed is based on the company's request to the board for a review of the November 24, 2004 enforcement order.
- The operator may defer removing the newly constructed pens until the Applications Division has responded to the application.
- The operator is expected to diligently pursue his application to have the approval amended.

The board review panel determined that a decision on the application should be available within two months provided that the operator supplies the board with all of the necessary information.

The Committee for Lone Pine and Mountain View County were participants at the hearing. Their submissions were carefully reviewed by the board before it issued its decision.

The review panel took into account the events that made AAA non-compliant with its permit, whether the operation posed any risk to the environment, and the potential impact of the decision on the operation. It determined that the non-compliance was involuntary, that the operation does not pose a risk to the environment and community interests are not at risk, and that if a partial stay were not granted, the company could suffer irreparable harm even though its application to have its approval amended may bring the company back into compliance.

The Natural Resources Conservation Board is an independent and quasi-judicial decision-making body. It issues fair and impartial decisions after consideration of all the facts. It gives equal weight to the interests of the industry, the environment and the public.

-30-

Backgrounder attached. The full text of the decision is available on the NRCB website at <http://www.nrcb.gov.ab.ca>.

For more information, please contact:

Bill Kennedy
Natural Resources Conservation Board
403-297-4304

Backgrounder

Natural Resources Conservation Board Decision on Appeal of Enforcement Order against AAA Cattle Company

Background

AAA Cattle Company is a confined feeding operation in Mountain View County.

The company applied on January 4, 2002 for an approval to construct and operate a combined 2,000 beef finisher and 16,200 head beef feeder facility. Through a development permit issued by the County on December 19, 2000, AAA Cattle Company was already authorized to operate a 2,500 head beef feedlot.

On November 1, 2002 the Natural Resources Conservation Board denied the company's application as the board did not have sufficient information to determine whether the proposed liner for the feedlot and the catch basin would meet the regulated requirements.

AAA Cattle Company requested a hearing to review the decision. The board granted the hearing and heard arguments from AAA, the Committee for Lone Pine and Mountain View County in March 2003. The review panel determined that the proposed operation and facilities, in association with the additional commitments of AAA Cattle Company, met or exceeded the technical requirements of the *Agricultural Operation Practices Act*. The panel was satisfied that the proposed development, with a conscientiously applied monitoring program, in combination with the conditions imposed by Alberta Environment and the Natural Resources Conservation Board, would ensure groundwater protection.

The review panel's decision was appealed to the Court of Appeal by the Committee for Lone Pine.

On November 8, 2004 the company had 6300 cattle on the site and had constructed new holding pens, which were in compliance with the approval it received in July 2003, following the March 2003 decision of the review panel.

The Court of Appeal decision that was issued verbally on November 8, 2004 put the company into non-compliance. The decision of the Court upheld the pre-January 1, 2002 municipal development permit that allowed the company to have 2500 head. The effect of the Court's decision was to limit the operation to using the original facilities that were constructed prior to the *Agricultural Operation Practices Act*.

The enforcement order issued on November 24, 2004 reflected the decision of the Court. It required the operator to reduce the herd to 2500 by 1000 head each week and to put in place a plan to remove the new pens.

The full text of the decision is available on the NRCB website at <http://www.nrcb.gov.ab.ca>.

For more information, please contact:

Bill Kennedy
Natural Resources Conservation Board
403-297-4304

Questions and Answers

NRCB Decision on Appeal of Enforcement Order against AAA Cattle Company

What is a conditional, partial stay?

The decision is conditional upon the operator fulfilling his obligation to diligently pursue his application to have his approval amended. The review panel determined that a decision on the application should be forthcoming within approximately two months, provided that the operator supplies the necessary information the Applications Division requires to review his request.

The stay is partial in that the operator is allowed to defer removing the holding pens and to operate with up to 5261 head on the site until the Applications Division issues its decision, instead of immediately reducing the herd to 2500.

What environmental inspections have been conducted on the operation?

The operation has been inspected by Alberta Agriculture, Food and Rural Development, Natural Resources Conservation Board field inspectors, Alberta Environment and the Calgary Health Authority. The inspections have included all of the structures and water wells. It has been found to not pose an environmental risk.

The operation is also subject to ongoing monitoring to identify any emerging risk to groundwater.

Does the operation have any effect on the local community?

The *Agricultural Operation Practices Act* requires the board to consider effects on the environment, economy, the community and the appropriate use of land, including the effect on adjacent properties, surface and groundwater, and air and soil quality.

The review panel determined that the operation does not pose a risk to the environment and that the community should therefore feel secure.

The operation is located in an area that is zoned for agricultural land use.

Does this decision have any affect on other confined feeding operations?

No. Every operation reviewed by the Natural Resources Conservation Board is considered on its own merits.

Alberta Government Home | Ministries Listing | Natural Resources Conservation Board Home Page | News Releases [|Top of Page](#)

Send us your comments or questions

Copyright(c); 2004 Government of Alberta

Return to [Government Home Page](#)