



Livestock Pen Floor Repair and Maintenance

Fact Sheet

Confined feeding operators often inquire about maintenance of their pen floors. This fact sheet clarifies the activities the NRCB considers maintenance that therefore do not require *Agricultural Operation Practices Act* (AOPA) permits. If the proposed work does not fall into one of the categories below, the operator **must contact the NRCB** and a **permit may be required**.

AOPA does not define the term construction. However, the Part 2 Matters Regulation states that construction “does not include expansion, modification or general maintenance of the structure, confined feeding operation or manure storage facility, and the clearing and levelling of land”. In part 2.2 of NRCB Operational Policy 2012-1 (updated August 17, 2017) - Unauthorized Construction, the NRCB has interpreted construction as including the installation of a liner (including the pouring of concrete, compaction of soil, or installation of another type of liner) for a manure storage facility or manure collection area. These include livestock pen floors.

AOPA requires permits for the construction and operation of “confined feeding operations” (CFOs) whose livestock numbers are over prescribed thresholds in AOPA.

Section 1(b.6) of AOPA defines a CFO as “*fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and any other building or structure directly related to that purpose....*”

General repair and maintenance

The following activities **are considered general repair and maintenance** and therefore do not require a permit under AOPA:

- replacement or removal of fences, fence boards, or posts (provided there is no change in the CFO pen footprint)
- general utility maintenance: excavating to make repairs to buried utility lines (water, power) limited to excavation in the immediate area of the utility line

- placing of additional material **on top of** an existing liner or naturally occurring protective layer (AOPA or grandfathered) that does not:
 - disturb the original liner or protective layer
 - change the runoff potential, direction of runoff, or
 - affect the risk rating score for that facility
- repair of a liner or naturally occurring protective layer in high traffic areas such as:
 - directly behind the feed bunk apron for a distance not exceeding four metres out from the bunk apron
 - around the water bowls for a distance not exceeding four metres
 - around the access gates for a distance not exceeding four metres

For any work not listed above operators **MUST** consult the NRCB before starting. NRCB field staff will review the scope of the proposed work and determine whether an AOPA permit is required. This may require the operator to provide additional information before a determination can be made.

Important

If an operator is applying for funding (e.g., from a government program or financial institution) to install or repair a pen liner, the funding agency may require a “compliance letter” from the NRCB. Operators, and/or their representatives, must contact the NRCB before carrying out any work so that the NRCB can determine whether an AOPA permit is required and if a compliance letter can be issued.

Further information

For more information, please contact an NRCB approval officer or inspector at the NRCB field office nearest you.

NRCB regional offices:

Morinville	780-939-1212
Red Deer	403-340-5241
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Dial 310-0000 to be connected toll free. Fact sheets and other NRCB publications are available at www.nrcb.ca