



# Compliance Directive

## *AGRICULTURAL OPERATION PRACTICES ACT, RSA 2000, c A-7*

**Directive #:** CD 24-01

**Date issued:** May 10, 2024

**Issued by:** Tracey Krenn, Inspector  
Compliance and Enforcement Division  
Natural Resources Conservation Board (NRCB), Red Deer Office

**Issued to:** Beaver Valley Cattle Co. Ltd., and  
Cecil & Marjorie Klassen  
Box 247  
Linden, AB T0M 1J0

**Attention:** **Cecil & Marjorie Klassen**

This directive relates to unauthorized construction of a manure collection area (MCA) and the failure to comply with the terms and conditions of Approval RA06036, at Beaver Valley Cattle Co. Ltd., which is a beef feedlot.

The unauthorized construction consists of two new feedlot pens. There has been no increase in livestock population numbers.

The failure to comply with the terms and conditions of Approval RA06036, includes the recent partial removal of the berm along the east side of the surface run-off interceptor in one of the unauthorized pens, that was required to be constructed prior to use of the permitted facilities.

The operation is located at SE 25-30-26-W4, in Kneehill County, in the Province of Alberta 1.6 km near Linden, Alberta. The confined feeding operation (CFO) is operated and owned by Beaver Valley Cattle Co. Ltd., and the land is jointly owned by Cecil & Marjorie Klassen.

On October 4, 2007, NRCB Approval RA06036 was issued to Cecil Klassen for 2,650 beef feeders; an expansion from 1,750 beef feeders recognized by Decision Summary RA06036 as a deemed (grandfathered) approval for 1,750 beef feeders. Approval RA06036 was the result of a complaint of unauthorized construction in 2006.

### **Background and Investigation**

On March 27, 2024, the NRCB sent Cecil & Marjorie Klassen a letter, seeking information under the NRCB's Livestock Population Verification Program (LPVP). This operation had been randomly selected. The letter asked that the operator provide

information on current livestock numbers by April 3, 2024.

On April 19, 2024, as follow-up to the LPVP, I conducted a search using Google Earth Pro. When initially looking at the livestock operation and pen area for the LPVP in March of 2024, I had used 2015 aerial imagery from Valtus which did not show any new construction. This additional search, using more recent images from Google Earth Pro, found two new larger pens and four smaller pens had been constructed around 2021. A search of NRCB records found there had been no permits issued since Approval RA06036 in 2006.

On April 22, 2024, after receiving no response from the operator, despite previously leaving voicemail messages on their business phone on March 26, 2024 & April 18, 2024, and email correspondence March 27, 2024, I called the operator's home phone number on file. At this time, I spoke with Marjorie Klassen and advised of my previous attempts for contact. I confirmed the operator's contact information, discussed the LPVP and population numbers, and inquired about the construction of new pens. The operator advised, due to medical reasons, they had not responded to my initial contact attempts. I scheduled a site inspection with the operator for Tuesday, April 30, 2024, between 10:30 and 11:30 hours.

On April 30, 2024, NRCB Inspector David Smejkal and I attended SE 25-30-26-W4 and met with Cecil & Marjorie Klassen. They provided me with the completed LPVP forms, including population numbers and a pen layout plan (Appendix A). The operator's declared population numbers were 1,825 beef feeders, well below their approval (RA06036) for 2,650 beef feeders.

We discussed the new pens and the different characteristics between a confined feeding operation (CFO) and a seasonal feeding and bedding site (SFBS), and adjacency to a CFO, as identified in Tables 1 and 2 of the NRCB's Operational Policy 2015-2 [Distinguishing Between Confined Feeding Operations and Seasonal Feeding and Bedding Sites \(for Cattle Operations\)](#) (CFO/SFBS Policy). A SFBS does not require a permit under AOPA, whereas a CFO does. I provided the operator with a copy of the tables identified in the CFO/SFBS Policy 2015-2. I also provided the operator with a copy of Approval RA06036 and the site plan that was submitted as part of that approval.

The operator advised the two new pens (pens 11 & 12) had been constructed using barbed wire fencing and moveable panels. Inspector Smejkal asked about the four smaller pens. The operator advised these were used as receiving pens. The operator advised he does not normally feed in pens 11 & 12 during the summer. However, due to drought conditions the past two years, he had to bring the feeder cattle in earlier. The operator also advised that he likes to use larger pens to prevent overcrowding, as it is better for herd health.

When asked about surface run-off control towards Kneehill Creek in unauthorized pen 12 (Appendix B), the operator advised it had been dry and that a berm had been constructed along the east side of the surface run-off interceptor. Upon returning to the office, a further review of NRCB records was conducted and it was identified that a portion of the berm along the east side of the surface run-off interceptor, as

recommended in the Engineer's Report from 2007 and as required by Approval RA06036, had been removed with the construction of unauthorized pen 12.

I asked the operator if he had a cow-calf herd. He advised he does, but not at this site.

The operator took us on a tour of the operation. During the visual site inspection, I observed the following:

#### Pen 11 (Appendices A & B)

- This pen was constructed of a permanent wooden fence with posts utilizing fenceline feeding along the east side of the pen. The remainder of the pen was constructed of temporary steel fencing. There were panels throughout the pen.
- There was no evidence of seeded vegetation in the pen and the soil appeared compact.
- The operator advised he had recently removed the solid manure from the pen which was stockpiled in the yard to the east of the pen.
- The pen had access to grazing lands to the north and west.
- The pen was populated at the time of inspection.
- The operator had identified on the LPVP spreadsheet and on the pen layout plan that there were 600 head of beef feeders with an average weight of 750 lbs., currently in unauthorized pen 11.

To the north of pen 11 was a small shelter that the operator advised he uses for calving. We then drove down along the south and west sides of the existing approved feedlot pens (pens 1 -10). The operator showed us the internal yard where grain, hay, grain bins, a new machine shed, the residence, barn, processing barn, and scale were all located.

#### Pen 12 (Appendices A & B)

- Pen 12 was constructed of permanent wood fencing (post and rail) which included fenceline feeding along the south side of the pen. Barbed wire and wooden panels appeared to make up the remaining perimeter. When reviewing my photos back at the office, it appeared there may also be fenceline feeding along the north side of the pen.
- There was a small manure stockpile located just outside of this pen on the southeast side.
- The pen was populated at the time of inspection. As per the population numbers and pen layout plan provided by the operator there was 100 head of feeders weighing on average 750 lbs. in the pen at the time of inspection.
- There was no evidence of seeded vegetation in the pen and the soil appeared compact.
- Located to the south of pen 12 is an internal road and turn-a-round area used by trucks for delivery of cattle at the receiving pens. A coulee is located directly to the east, a field to the north, and the interceptor permitted by RA06036 to the west.

Both pens 11 & 12 are adjacent to the existing CFO.

Upon completion of the visual site inspection, I advised the operator, that after our discussions and visual inspection, using the factors identified in tables 1 & 2 of the CFO/SFBS Policy, I believed that pens 11 & 12 appeared to exhibit more characteristics of a CFO than of a SFBS and that adjacency to a CFO was likely.

Inspector Smejkal and I were both in agreement that the operation was leaning more towards a CFO and advised the operator we would discuss our findings with our Compliance Manager. Once a final determination had been made, as to our findings, I would contact the operator as to whether a permit was required under the Agricultural Operations Practices Act (AOPA). The operator advised he would like to keep the unauthorized pens and would be willing to go through the application process, if need be.

Aerial Imagery from Valtus 1999-2003 and Google Earth Pro from 2011, 2021 – 2023, with edits to the Google Earth Pro Aerial Imagery from October 2023 showing existing permitted pens (RA06036) and unauthorized pens 11 & 12, are included as Appendix B.

### **Unauthorized Construction**

In discussions with the Compliance Manager and working through the NRCB CFO/SFBS Policy it was determined the newly constructed pens (11 & 12) would need to meet **all** the factors in Table 1 of the CFO/SFBS Policy. Pens 11 & 12 are constructed immediately adjacent to an already NRCB permitted CFO facility (RA06036) and are being used to feed feeder cattle and not for a cow-calf operation.

Furthermore, when assessing pens 11 & 12 to the factors in Table 1, they fail to meet all the factors due to their construction design and management practice, therefore are considered unauthorized construction and require a permit under AOPA. The four smaller receiving pens are considered handling facilities, not manure collection or storage areas as such, do not require a permit under AOPA.

The *Agricultural Operation Practices Act* (AOPA) at section 14 prohibits a person from constructing, expanding, or modifying a manure storage facility (MSF) or manure collection area (MCA) that requires a permit under the regulations unless they hold a permit.

A MCA is defined as the floor of a barn, the under-floor pits of a barn, the floor of a feedlot pen and a catch basin where manure collects but does not include the floor of a livestock corral.

Refer to NRCB Operational Policy 2012-1: Unauthorized Construction and the Livestock Pen Floor Repair and Maintenance Fact Sheet, for details on what constitutes “construction.”

Under section 4(2) of the Part 2 Matters Regulation, an authorization is required for an MSF or MCA that is part of a CFO unless the owner or operator already holds a permit authorizing the construction, expansion, or modification.

### **Non-compliance with permit condition**

The *Agricultural Operation Practices Act* (AOPA) at section 13(2) requires a person who holds an approval or registration to comply with and operate in accordance with

the terms and conditions of the permit.

Based on my site inspection April 30, 2024, and a review of NRCB records, I conclude that Beaver Valley Cattle Co. Ltd., and Cecil and Marjorie Klassen have contravened section 13(2) of AOPA for the reason that a portion of the east berm required for surface run-off control has been removed without permission from the NRCB.

AOPA's permit requirements are intended to reduce the potential for groundwater contamination and surface water runoff, and to lessen the nuisance impacts of CFOs on neighbours. Without a permit for the unauthorized construction of pens 11 & 12 and non-compliance with the terms and conditions of Approval RA06036, the regulatory objectives in AOPA may be compromised.

Under Section 39(1) of AOPA, the NRCB may issue an enforcement order to a person if, in the NRCB's opinion, the person is, among other things, contravening the act or its regulations. While NRCB Approval RA06036 was similarly the result of unauthorized construction, this prior unauthorized construction occurred almost two decades ago. The operator has been cooperative and displayed willingness to go through the application process for the required authorization, if need be. There did not appear to be any immediate environmental risk posed by the construction of the new pens. In accordance with the NRCB Compliance and Enforcement Policy and the reasons I have identified above, a compliance directive is being issued at this time, rather than an enforcement order.

#### **DIRECTIVE:**

To mitigate any possible risks to the environment and potential nuisances to any affected neighbours, Beaver Valley Cattle Co. Ltd. and Cecil & Marjorie Klassen shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Beaver Valley Cattle Co. Ltd. and Cecil & Marjorie Klassen shall:

1. By August 1, 2024, depopulate pens 11 & 12 as identified on the Google Earth Pro Aerial Imagery from October 2023 (Appendix B), if an NRCB permit for the new manure collection area(s) of pens 11 & 12 has not been obtained; and
2. By August 1, 2024, pens 11 & 12, as identified on the Google Earth Pro Aerial Imagery from October 2023 (Appendix B), must be permanently closed in accordance with Technical Guideline Agdex 096-90 Closure of Manure Storage Facilities and Manure Collections Areas for a solid manure collection area, if an NRCB permit for the manure collection area(s) of pens 11 & 12 has not been obtained. This includes removal of all the manure; and

By August 1, 2024, after permanently closing pen 12 (Appendix B), reconstruct the portion of the berm removed along the east side of the surface run-off interceptor in accordance with engineer's report required in Condition 1a of permit RA06036.

3. In the interim, you are responsible for ensuring no manure impacted surface run-off leaves SE 25-30-26-W4 or enters any common body of water. In the event that any manure impacted surface run-off leaves SE 25-30-26-W4, you are responsible for contacting the NRCB immediately.

Any of the deadline dates contained above may be extended in writing, but only by the NRCB, at the sole discretion of the NRCB.

All actions required above shall be in compliance with AOPA and its implementing regulations and shall not violate any other law. These requirements, including any deadlines, remain in effect until otherwise directed by the NRCB in writing.

Given the seriousness of unauthorized construction, the NRCB posts compliance directives for unauthorized construction on the NRCB's public website.

The NRCB may access the land and structures for the purpose of assessing compliance with this directive.

(Original signed)  
Tracey Krenn  
Inspector, Compliance and Enforcement Division  
Natural Resources Conservation Board

Cc: Kneehill County

## **Appendices**

- A. Klassen Livestock Records & Pen Layout – April 30, 2024
- B. Valtus Aerial Imagery 1999-2003, Google Earth Pro Aerial Imagery 2011, 2020 – 2023.  
Labelled by Tracey Krenn

**Appendix A - Klassen Livestock Records & Pen Layout - April 30, 2024**

**Appendix 1: CFO Livestock Numbers**

Please send a copy to: [tracey.krenn@nrcb.ca](mailto:tracey.krenn@nrcb.ca) by **April 3, 2024**. (one week from date of letter)

**CFO Contact Information:**

Name: Cecil Klassen  
 Corporate name (if applicable): Beaver Valley Cattle Co Ltd  
 Phone: 403 369 2257  
 Email: [Beavervalleyfarms@gmail.com](mailto:Beavervalleyfarms@gmail.com)

**Location:**

Legal Land Location: SE25-030-26-W4  
 Municipality: Kneehill County

**Permitting:**

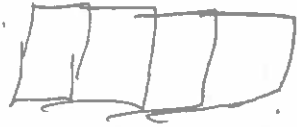
Existing Permits (NRCB or Municipal)	Permitted Livestock Numbers and Type (Finisher/Feeder/Calves)

**Livestock Numbers:**

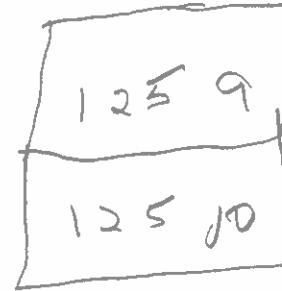
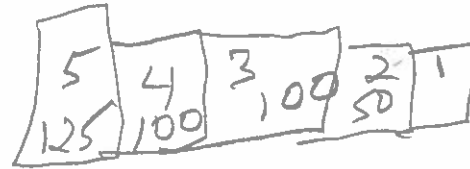
Pen ID	Livestock Type (Finisher/Feeder/Calves)	Average Cattle Weight (lbs)	Current Number of Cattle in Pen
1	Bulls	1200	20 head
2	Feeder str	800	30
3	✓ ✓	700	100
4	✓ ✓	800	100
5	✓ ✓	750	125
6	✓ ✓	750	150
7	✓ ✓	750	175
8	✓ ✓	750	175
11	✓ ✓	750	600
9	✓ ✓	800	125
10	✓ ✓	800	125
12	✓ ✓	750	100
			Total 1825 head

**Total number of animals on site:**

# Temporary  
12 100 hd



Temporary



1825 hd  
Total



**Appendix B: Vaultus Aerial Imagery 1999-2003, Google Earth Pro Aerial Imagery 2011, 2020-2023 (labeled by Tracey Krenn)**

Klassen, Cecil & Marjorie

SE25-030-26-W4

File: RC24022

Inspector: T. Krenn

Vaultus 1999 - 2003



Goggle Earth Pro July 2011



Google Earth Pro August 2020

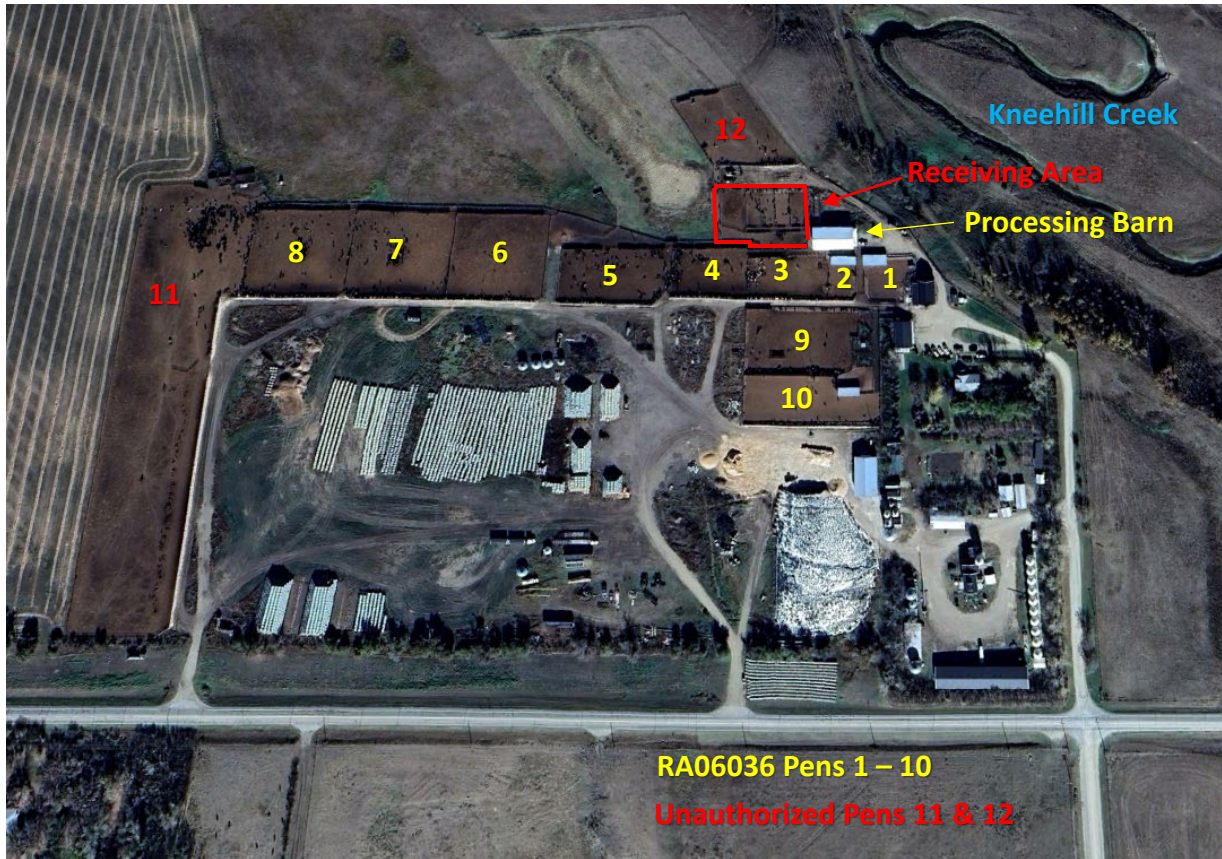


Google Earth Pro August 2021



Google Earth Pro August 2022





Pen 11 Measures approx. 691.35 m<sup>2</sup>



**Pen 12 Measures approximately 228.08 m<sup>2</sup>**