

Compliance Directive

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

Directive #: CD 24-04

Date issued: August 30, 2024

Issued by: Morgan Schindel, Inspector
Compliance and Enforcement Division
Natural Resources Conservation Board (NRCB), Lethbridge Office

Issued to: Hendrik Beekman
Box 3766
Stirling, AB. T0K 2E0

Attention: Hendrik Beekman

This directive relates to the unauthorized construction of a confined feeding operation (CFO) without a permit, when a permit is required. This CFO facility is owned and operated by Hendrik Beekman and is a goat CFO consisting of 2 double rows of pens with approximately 12 total pens, and a kidding barn which is part of the CFO facility. Currently, the operation is feeding approximately 600 meat goats, 350 nannies, and 14 billies which means that this CFO is over-threshold and requires a Registration Permit in accordance with the Part 2 Matters Regulation under the *Agricultural Operation Practices Act* (AOPA).

The operation is located at SW-10-7-19-W4, approximately 4 KM NE of the Town of Stirling in the Province of Alberta. Part 2 of AOPA came into effect on January 1, 2002. The CFO did not receive a municipal development permit prior to that date, or a Natural Resources Conservation Board (NRCB) permit to construct a CFO after that date.

According to the operator, prior to construction of the new pens, the land had been previously operated and managed as a cow-calf operation. According to a Valtus air photo taken on a date between 1999-2003 (Appendix A), it is evident pen structures were constructed to support an existing cow-calf facility. However, cow-calf facilities are considered seasonal feeding and bedding sites and do not require a permit under AOPA. Therefore, these pens are not considered to be a grandfathered CFO facility.

Sometime between 2019 (Appendix B – 2019 Google Earth (GE) site image) and 2022 (Appendix C – 2022 GE site image) extra pens and a kidding barn were constructed so that Mr. Beekman had the ability to use the facility as a goat CFO. According to Mr. Beekman, construction of the goat CFO commenced sometime after he acquired the property in late 2019. As the operator did not obtain an NRCB permit for the feedlot pens or the kidding barn, and the operator is currently operating an above threshold

CFO, the feedlot pens and the kidding barn are unauthorized construction.

Background and Investigation

On October 11, 2023, the NRCB received a complaint that Hendrik Beekman was running an above threshold meat goat (200 meat; 400 nannies/billies; 500 feeder) CFO without a permit.

Prior to contacting the operator, I queried the NRCB CFO database and concluded that Hendrik Beekman did not have an NRCB permit. I also reviewed aerial imagery from 1999-2003 and 2019-2023. Based on this review, it appeared Mr. Beekman likely had many goats that he was feeding at the CFO as evidenced by the imagery that I discovered. It also appeared the goats were being confined fed in several different pens that were constructed commencing in the year 2021 and into 2022. I also reviewed a land title certificate that indicated Mr. Beekman acquired the property in November of 2019.

As a result, I contacted Mr. Beekman on October 13, 2023, and had a phone conversation with him about the complaint. We agreed to meet on site on October 19, 2023, to conduct an inspection and discuss the next steps regarding unauthorized construction. Prior to the site inspection, I also reviewed [NRCB Operational Guideline 2016-9: Meat Goat CFO Determinations](#), available on the NRCB website, to ensure my understanding of how to distinguish whether the facility was a goat CFO or a goat grazing operation.

On October 19, 2023, I conducted a site inspection with Hendrik Beekman. I confirmed that he had constructed and populated 2 double rows of feedlot type pens (approximately 12 pens) and was using an existing structure as a kidding barn without receiving a permit from the NRCB. Mr. Beekman stated the goats are confined fed year around and that he produces 1 to 2 crops of kid goats per year. Mr. Beekman also stated that the kidding barn is used for approximately 6 months of the year. Mr. Beekman reported that at the time he had 390 meat goats on site which consisted of 300 nannies, 80 feeders and 7 billies but sometimes there are many more goats at the facility depending on when the nannies kid out. According to Mr. Beekman, the kidding out would commence in November/December and carry through until April and each nannie will produce 2 kids. The kid goats are mothered/fed for approximately 5 months and become feeder goats before they are sold for slaughter and as such the total number of goats at the facility is constantly changing. Mr. Beekman stated his operation only does confined feeding and there is no grazing portion to his operation.

During our discussions on site, I informed Mr. Beekman he was not in compliance because he had constructed and populated an above threshold CFO without an NRCB permit. I asked Mr. Beekman why he didn't apply for an NRCB permit to commence a goat CFO and Mr. Beekman indicated that he was unaware that an NRCB permit was required for goats. It appeared to me at the time that Mr. Beekman was very concerned about not being in compliance and seemed adamant based on our discussions that he would start the process of applying for an NRCB permit immediately. Given Mr. Beekman's agreeable demeanor and apparent desire to be in compliance, it was decided after further discussion with the compliance team in the Lethbridge NRCB

office that an Inspection Report could be issued to assist Mr. Beekman in applying for a permit from the NRCB.

On October 25, 2023, I issued Mr. Beekman an Inspection Report to depopulate to below AOPA threshold numbers if he had not received an NRCB permit by May 31, 2024.

On April 24, 2024, Mr. Beekman submitted a Part 1 Application. Given the lengthy period of time that it took Mr. Beekman to submit a satisfactory Part 1 Application, NRCB Approval Officer Kelsey Peddle and I determined that a joint site inspection was warranted in order to assist Mr. Beekman in commencing the Part 2 of his NRCB Application.

As such, on August 7, 2024, we conducted a site inspection with Hendrik Beekman and his father Aart Beekman. Hendrik Beekman reported that currently there were 600 kid/feeder goats (mostly adult sized but not yet weaned), and 350 nannies on site. The kidding barn and the pen structures appeared to be the same as when I was out there in October of 2023. After the site inspection, Approval Officer Kelsey Peddle went over the Part 2 Application with Mr. Beekman on-site and both of us explained to Mr. Beekman the requirement for him to hold an NRCB permit for a goat CFO.

Operational Guideline 2016-9: Meat Goat CFO Determinations specifies that kidding barns are not generally considered CFO structures, as they are used for short durations to allow the newborns time to gain strength before being placed outside. In my view, the kidding barn that Mr. Beekman is using should be included as part of the CFO in this particular situation. Mr. Beekman is not a typical goat operator as he confine feeds all of the goats at this facility on a full-time basis. As well, Mr. Beekman stated the kidding barn is used for a full 6 months on an annual basis which in my opinion extends past a temporary “mothering-up” time frame as described in the guideline. Therefore, in this particular situation, the kidding barn is included as part of the CFO as this operator’s management practice involves no grazing with respect to this goat operation.

Unauthorized Construction

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 complying with permit requirements, the regulatory objects in AOPA may be compromised.

The *Agricultural Operation Practices Act* at section 13(1) prohibits a person from constructing a CFO for which an approval or registration is required unless they hold that permit.

“Confined feeding operation” is defined in AOPA 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 but does not include residences, livestock seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks or exhibition grounds;

Under section 2 of the Part 2 Matters Regulation, a registration permit is required for a CFO containing 200 or more head of meat/milk goats, 400 or more nannies/billies, or 500 feeder goats.

Based on my observations, my conversations with Mr. Beekman and my site inspections on October 19, 2023, and August 7, 2024, I determined the operational goat numbers vary greatly depending on the time of year and that the operation is expanding and will only increase in animal numbers in the future. Therefore, I conclude that Hendrik Beekman has contravened section 13(1) of AOPA for the reason that he has constructed and is operating a CFO without a permit, when a permit is required.

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. However, as this is the first enforcement action at this site and following review of [NRCB Operational Policy 2016-8: Compliance and Enforcement](#) and [NRCB Operational Policy 2012-1: Unauthorized Construction](#), 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, Hendrik Beekman shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Hendrik Beekman shall:

1. Not purchase any additional goats or increase the total breeding herd numbers (350 nannies) until an NRCB permit is received permitting the operator to operate a goat CFO or any other CFO; and,
2. After February 3, 2025, not use the 2 double rows of feedlot pens (12 pens) or the kidding barn to confine livestock or collect or store manure if an NRCB permit for these pens and the kidding barn has not been obtained; and,
3. By February 18, 2025, remove all the manure and decommission the 2 double rows of feedlot pens (12 pens) according to [Technical Guideline Agdex 096-90: Closure of Manure Storage Facilities and Manure Collection Areas](#) for a solid manure storage facility if an NRCB permit has not been obtained. The manure can be either short term stockpiled according to section 5 of the Standards and Administration Regulation under AOPA, or land applied if the land is not considered snow-covered or frozen.

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.

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

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

If Hendrik Beekman fails to comply with this directive, the NRCB may take additional enforcement action.



Morgan Schindel
Inspector, Compliance and Enforcement Division
Natural Resources Conservation Board

Cc: County of Warner (*sent by email*)

Appendices:

- A. Valtus Air Photo 1999-2003: SFBS Pens at SW-10-7-19-W4M
- B. Google Earth Imagery July 2019: CFO at SW-10-7-19-W4M
- C. Google Earth Imagery June 2022: CFO at SW-10-7-19-W4M

**Appendix A: Valtus Air Photo 1999-2003: SFBS Pens at SW-10-7-19-W4M
(labelled by M. Schindel)**



Appendix B: Google Earth July 2019 (labelled by M. Schindel)



Appendix C: Google Earth June 2022 (labelled by M. Schindel)

