

Compliance Directive

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

Directive #: CD 25-01

Date issued: January 9, 2025

Issued by: Fraser Grant, Inspector
Compliance and Enforcement Division
Natural Resources Conservation Board (NRCB), Airdrie Office

Issued to: Schetzslle Marketing Corp. and Graham Schetzslle
Box 618
Veteran, AB T0C 2S0

Attention: **Graham Schetzslle**

This directive relates to unauthorized construction at Schetzslle Marketing Corp., which is a beef feedlot confined feeding operation (CFO). This construction has been done without a permit under the *Agricultural Operation Practices Act* (AOPA). The site formerly operated as a seasonal feeding and bedding site (SFBS) but now has transitioned into a beef feedlot CFO and no longer meets the requirements of a SFBS.

The operation is located at N½ -10-35-08 W4M (the site), in Special Area No. 4, in the Province of Alberta, approximately 3 km east of Veteran, AB. The CFO is operated and owned by Schetzslle Marketing Corp. and is managed by Graham Schetzslle, who is also the majority shareholder of Schetzslle Marketing Corp.

Background and investigation

In October 2022, the NRCB received a complaint regarding the new addition of a pen (Pen 2, Appendix A) and the potential for runoff to Loyalist Creek. During my conversation with Mr. Schetzslle, he informed me that he purchased the operation in 2007 and began to background beef cattle. In approximately 2017, he added a new pen to his operation and began backgrounding up to 750 head of beef cattle. During my inspection, on October 26, 2022, I referenced NRCB's Operational Policy 2015-2 (CFO/SFBS policy), [Distinguishing Between Confined Feeding Operations and Seasonal Feeding and Bedding Sites \(For Cattle Operations\)](#). Table 2 of this policy identifies characteristics of a CFO vs SFBS. I discussed my finding with the NRCB Compliance Manager and we agreed that at this time the site had more characteristics of a SFBS, therefore did not require a permit under AOPA. One of the factors that led to this determination was the number of livestock (<1,000 head) at the operation. I discussed my findings with Mr. Schetzslle and why I determined that this was considered a SFBS

at this time. I informed Mr. Schetzle that he would likely need an NRCB permit if he decided to expand his operation.

In September 2023, the NRCB received a complaint that an additional pens (Pen 3 and Pen 4, Appendix A) had been constructed. On September 20, 2023, myself, and NRCB Approval Officer Lynn Stone went to inspect the facility. The operator informed us that he was intending on backgrounding over 1,000 head of beef cattle with the new addition of these pens. The operator indicated he did not confine cattle when grazing was available, however with the increased number of cattle and the additional permanent pen structures I determined that the site now resembles more characteristics of a CFO. To determine the CFO characteristics, I referenced Table 2 of the CFO/SFBS policy. The following factors and characteristics suggest that the constructed pens are a CFO facility:

- Feeding area: the facility utilizes fence line feeding with permanent bunks and a concrete apron.
- Manure management: manure is concentrated in the pens and must be removed and spread or stored outside of the pens.
- Infrastructure: there are permanent feed bunks and steel pipe fencing that surround each pen.
- Vegetation: the pens are not grass pastures or annually cropped.
- Number of animals being confined at any one time: >1,000 head

On November 14, 2023, Mr. Schetzle submitted a Part 1 application (RA23029) to the NRCB for a new 1,750 beef feeder CFO, with four additional pens.

On April 19, 2024, I spoke with Mr. Schetzle who informed me that he had an engineer come to site to complete the soil testing in November 2023. Mr. Schetzle said he had not received a copy of the soil results from his engineer and was going to follow up with his engineer. On May 1, 2024, Mr. Schetzle submitted a Part 2 application, which was determined to be incomplete. One of the deficiencies in the application resulted around catch basin sizing and material. Approval Officer Lynn Stone met with the operator on June 14 to discuss the application and calculations for the catch basin. The operator indicated he would look into some options for the catch basin location and size.

On October 7, 2024, I received an email from Mr. Schetzle indicating that the catch basin location that was previously proposed was not going to be an option for his operation. Mr. Schetzle indicated that he is currently considering options of switching his backgrounding operation to a cow/calf operation. I informed Mr. Schetzle that myself and Mrs. Stone would come to his facility to discuss his plans.

On October 23, 2024, Mrs. Stone and I met with Mr. Schetzle at his facility. We discussed different management options regarding cow/calf operations and feedlot operations. Mr. Schetzle indicated that he would like to use the far west pen for cow/calf purposes and he would use the remaining pens for backgrounding (beef feeders). I informed Mr. Schetzle that if he uses a pen for cow/calf purposes that manure and bedding accumulated at the site must be moved to an appropriate manure storage facility or area before runoff occurs. We then discussed possible locations and sizing for a catch basin. Mrs. Stone informed Mr. Schetzle of the AOPA requirements

for the type of catch basin and the engineering requirements. On December 6, 2024, Mrs. Stone provided further information to Mr. Schetzlsle. To date the deficiencies in the Part 2 application have not been addressed.

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 a permit, the regulatory objectives in AOPA may be compromised.

The *Agricultural Operation Practices Act* ("AOPA") 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, an approval permit is required for a CFO containing 500 or more head of beef feeders (450 – 900 lbs). Based on my observations, my conversations with Graham Schetzlsle, and my site inspections on September 20, 2023 and October 24, 2024, I conclude that Schetzlsle Marketing Corp. has contravened section 13(1) of AOPA for the reason that they have constructed and are 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 the NRCB Compliance and Enforcement Policy, 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, Graham Schetzlsle and Schetzlsle Marketing Corp. shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Graham Schetzlsle and Schetzlsle Marketing Corp. shall:

1. By June 1, 2025, depopulate the four unauthorized feedlot pens as identified on the Google Earth Pro Aerial Imagery from August 2024 (identified as Pens 1-4 in Appendix A), if the site continues to be managed as an above threshold CFO and if an NRCB permit for the new manure collection area(s) of the pens has not been obtained; and
2. By June 15, 2025, you must remove all the manure from the four unauthorized pens (identified as Pens 1-4 in Appendix A), and cease using the pens for CFO purposes.

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.

If Graham Schetzle or Schetzle Marketing Corp. fail to comply with this directive, the NRCB may take additional enforcement action.

(Original signed)

Fraser Grant

Senior Inspector, Compliance and Enforcement Division

Natural Resources Conservation Board

Cc: Special Areas No. 4, Development and Planning

Appendix

A. Google Earth Pro Aerial Imagery August 2024 (labelled by Fraser Grant)

Schetzle Marketing Corp.

N1/2-10-35-08 W4M
August 2024

Appendix A- Google Earth Pro Aerial Imagery August 2024 (labelled by Fraser Grant)

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Cow/calf pen

Pen 1:
Unauthorized
Construction (former
seasonal pens, now
CFO)

Pen 2:
Unauthorized
construction (2022)

Pens 3 and 4:
Unauthorized
Construction (2023)

Google Earth

Image © 2024 Airbus

700 ft

