

Compliance Directive

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

Directive #: CD 23-05

Date issued: July 24, 2023

Issued by: David Smejkal, Inspector
Compliance and Enforcement Division
Natural Resources Conservation Board (NRCB), Red Deer Office

Issued to: Lone Pine Jerseys Ltd.
R.R. #2
Didsbury, AB T0M 0W0

Attention: Adrian Haeni

This directive relates to the unauthorized construction of an earthen liquid manure storage facility (EMS) and a calf barn addition at Lone Pine Jerseys Ltd., which is a dairy confined feeding operation (CFO). This construction has been completed without a permit under the *Agricultural Operation Practices Act (AOPA)*.

The operation is located at NE-28-31-27-W4, in Mountain View County, in the Province of Alberta, 24 kilometers east of Didsbury. At the time the unauthorized construction took place, the CFO was operated and owned by Lone Pine Jerseys Ltd. The CFO has no past or current permits from the Natural Resources Conservation Board (NRCB) or municipal permits.

Background and Investigation

On July 17, 2023, the NRCB received a complaint regarding a possible unauthorized dairy CFO called Lone Pine Jerseys Ltd. Once I received the complaint, I reviewed the NRCB database and hard files, only to find that we had no background information with regards to this CFO. I then looked at Google Earth and observed what looked to be an EMS, and barn addition that were constructed sometime between 2005 and 2011 (Appendix A and B). Mountain View County also had no information with regards to this CFO.

On July 17, 2023, I contacted Adrian Haeni who's the owner and operator of Lone Pine Jerseys Ltd. I explained the complaint and mentioned that when looking at historical aerial photographs, it looked as though an EMS and a barn addition were built without an NRCB permit (after January 1, 2002). The operator confirmed that an EMS and calf barn addition were built, however he believed they were built prior to January 1, 2002,

and did not require an NRCB permit. I also explained that I found a news article from 2022 (Appendix C) that mentions when Lone Pine Jerseys Ltd. bought the dairy in 1993, that they were milking 55 jersey cows, but then “increased their head to 120”. The operator mentioned that they are currently milking 110 jersey milking cows and they have been milking this number since around 2002. I explained that when we conduct an inspection, that I wanted the operator to look for documentation showing when and how the EMS was built, when and how the calf barn addition was built, and to find their milking numbers from around 2002.

On July 19, 2023, I spoke again to the operator, and he mentioned that he thinks the EMS and the calf barn addition were built without an NRCB permit after 2002. I asked if he found any documentation of how the calf barn addition and EMS was built, as well as milking numbers, but he stated that he doesn’t believe that he has any of that documentation. He did mention that Lone Pine Jerseys Ltd. built the EMS themselves using a compacted clay liner, however an engineer wasn’t involved.

On July 21, 2023, an inspection was conducted with inspector Tracey Krenn, approval officer Sarah Neff and approval officer Lynn Stone (in part for training purposes). The inspection (and the operator) confirmed that an EMS and calf barn addition are unauthorized construction and would require an NRCB permit. I explained that I would be issuing Lone Pine Jerseys Ltd. a compliance directive for unauthorized construction. The operator stated that the operation was milking around 85 cows in 2002 and the barn has 84 stalls. He stated that they have the capacity to milk 110 cows, which has remained consistent since 2002. The operator mentioned that at the time of constructing the unauthorized EMS and calf barn addition, he didn’t think he needed an NRCB permit because he wasn’t increasing his animal numbers. An addition was also built at the north side of the barn in 2021, but it’s a creamery and does not require an NRCB permit.

Also, during the inspection, a water well was observed to be located in a livestock pen. Due to the high environmental risk associated with a water well in a livestock pen, a direction will be added to this compliance directive to build a fence around the perimeter of the water well to provide separation from the livestock and manure.

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.

Since the livestock numbers at the operation are above threshold, and the operation produces more than 500 tonnes of manure annually, the operation therefore requires a permit for the EMS and the calf barn addition from the NRCB. The directives in this Compliance Directive include depopulation if there is still no permit after a certain time.

At this point it is unknown if an unauthorized increase of animal numbers has occurred at Lone Pine Jerseys Ltd., therefore, it is not included in this compliance directive. If Lone Pine Jerseys Ltd. submits a permit application, a formal grandfathering of Lone Pine Jerseys Ltd.

will be conducted by the NRCB. If it's found that there has been an unauthorized increase in animal numbers, additional enforcement action may be conducted at that time.

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.

A MSF is defined as a facility for the storage of manure, composting materials and compost and a facility for composting but does not include such a facility at an equestrian stable, an auction mart a race track or exhibition grounds.

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 (e.g. registration or approval) authorizing the construction, expansion, or modification.

As discussed above, my investigation indicates that Lone Pine Jerseys Ltd. conducted unauthorized construction activities with the construction of the EMS and a calf barn addition. The calf barn addition is an MCA and the EMS is considered to be an MSF. Neither the EMS nor the calf barn addition are covered by an NRCB permit.

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 AOPA or its regulations. However, this is the first enforcement action involving Lone Pine Jerseys Ltd. who is responsible for the unauthorized construction of the EMS and calf barn addition at this site. 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 neighbors, Lone Pine Jerseys Ltd. shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Lone Pine Jerseys Ltd. shall:

1. By February 1, 2024, fully decommission the EMS according to Technical Guideline Agdex 096-90 *Closure of Manure Storage Facilities and Manure Collection Areas* if an NRCB permit for the EMS has not been obtained.
2. By February 1, 2024, depopulate the calf barn addition if an NRCB permit for this facility has not been obtained.
3. By November 30, 2023, build a fence so the water well is no longer in the pen to provide separation from the livestock and manure.

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 Lone Pine Jerseys Ltd. fails to comply with any part of this directive, the NRCB may take additional enforcement action.

(Original signed)

David Smejkal

Inspector, Compliance and Enforcement Division
Natural Resources Conservation Board

Cc: Mountain View County, Planning and Development
Sarah Neff, Approval Officer, NRCB

Appendices

- A. Appendix A: Google Earth Imagery 2005: NE-28-031-27-W4M
- B. Appendix B: Google Earth Imagery 2011: NE-28-031-27-W4M. Labeled by David Smejkal
- C. Appendix C: BC Holstein News – Christmas 2022 article

Appendix A: Google Earth Imagery 2005: NE-28-031-27-W4M



Appendix B: Google Earth Imagery 2011: NE-28-031-27-W4M.
Labeled by David Smejkal



Lone Pine Creamery The Haeni Family

Alberta's newest on-farm creamery is up and running. Lone Pine Creamery, located east of Didsbury in Central Alberta, is the latest business venture of the Haeni family.

Ray Gourlay

The Farm

Adrian and Vreni Haeni, along with Vreni's parents Kurt and Marie-Louise, moved to Canada from Switzerland in 1993. They purchased Lone Pine Jerseys, a going-concern dairy farm of 480 acres with a milking herd of 55 Jerseys. Adrian, who grew up milking Red Holsteins in the Swiss Alps, intended to transition away from Jerseys but soon fell in love with the breed and their lively, curious temperaments, vitality, and resilience. He noted that their efficiency to feed and the high solids of their milk also made economic sense given Canada's component pricing system.

In the ensuing years, they purchased additional land, growing their farm to 820 acres on which they grow barley, oats, wheat, canola, and grass forages. They established and retained a great deal of pastureland on which they currently practice rotational grazing throughout the summer months. They increased their herd to 120 head, now being milked with two DeLaval Voluntary Milking Systems (VMS). Their four sons all grew up working alongside in the dairy operation.

The Haenis passion for the Jersey breed has continued and the quality of their herd has been well recognized, including at the 2022 Western Dairy Showcase where their cows received Grand and Reserve Champion awards. They sell around 70 first and second lactation cows and numerous show heifers every year.

Diversifying the Dairy

The idea of incorporating a processing facility into their farm operations began 15 years ago. They saw the need for more processing capacity in their region and Adrian was drawn to the opportunity for independence and innovation. "We've always believed in adding value to the product. With processing, it's your own failure or your own success and you can influence that." As Adrian and Vreni began to look for more ways of incorporating their sons into the family farm, they started taking tangible steps towards opening a creamery.

After graduating with a degree in Agriculture Management from the University of Saskatchewan, Michael Haeni began working at a cheese plant near Brantford, Ontario. He gained valuable knowledge and skills in dairy processing and cheesemaking while training there and visiting nearby creameries. Eventually, he moved back to the family farm where he helped create a multi-phase business plan for the on-farm production of dairy products.

After a year and a half of construction, equipment procurement, licensing and product development, Lone Pine Creamery began production in September 2022.

The Creamery Opens

They are currently processing 2-3 days a week and offering whole milk (average 5.7% butterfat), cream-top milk and chocolate



Master Breeders, the Haeni family likes to breed and show the good ones. (L-R) Michael, Vreni, Adrian, Hannah, Sam, Jonas, Tay, Nils.



Extra hygiene is an understandable precaution when working with the delicious cheese curds!



milk in 1L and 2L glass bottles as well as fresh cheese curds (a Canadian specialty known as the signature ingredient in poutine).

The Haenis have been very pleased with demand so far and are selling their product through local stores and restaurants, directly via their website, and in their small on-farm store. As they continue to grow, they plan on offering butter, cream and kefir - products for which they've already sensed a demand. Their long-term goals include making traditional Swiss-style cheeses such as Raclette and Gruyere.

The farm remains a family affair with everyone sharing responsibilities across all departments. Adrian continues to provide management of most farm logistics and works closely with Jonas on field work and herd health. Samuel has a growing passion for cheesemaking and is taking on more of the production in the creamery on top of his farm responsibilities. Michael oversees

most logistics of the creamery and enjoys the marketing and advertising aspects of the role. Youngest brother, Nils, has a desire to stay involved in the family business but is currently gaining valuable off-farm experience as a Class 1 commercial driver for a local construction company.

When asked what advice he would share with other dairy farmers thinking about processing, Adrian said, "Don't be scared - there's a lot of people out there that want to help. If you really have a passion to do that, don't hesitate, just go for it." He emphasized that from an outside perspective, it can seem like a daunting venture but, "It doesn't have to be big at the beginning - you can grow into it."

To find out more about Lone Pine Farm & Creamery visit their website at www.lonepinejerseys.com or their pages on Facebook, Instagram, and YouTube.



We've got **the DAIRY FARM** you've been looking for.

Several
100+ Cow Dairies
available in Alberta!
Call today to enquire.

PRIME 220 COW DAIRY FARM
ID#1102213 • CRANFORD, AB

NEW PRICE

160 ACRES
\$5,750,000

- Well set up 220 cow dairy farm
- 160 acres irrigated land with full support buildings
- Cows & quota optional, water license for dugout
- 1,945 sq. ft. main home with 2 other residences
- Additions and upgrades from 2017-2020



BEN VAN DYK

EXCLUSIVE FARMREALESTATE.COM

403.393.4040

GOING CONCERN DAIRY
ID#1102162 • BLUMENHEIM, SK

286 ACRES
\$5,950,000

- 20 Min north of Saskatoon
- 286 acres deeded land, 80 acres irrigated by pivot
- 70' x 300' barn, updated in 2016. 180 stalls
- Transition and older calving barns
- Shop, silage pad, bins, Bungalow home & more



RIA BRAAKSMA

MLS® FARMREALESTATE.COM

780.446.3006

1.866.345.3414 | WWW.FARMREALESTATE.COM

