

Compliance Directive

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

Directive #: CD 25-08

Date issued: April 9, 2025

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

Issued to: 5 Star Cattle Ltd.
Martin Van Huigenbos
Box 231
Fort Macleod AB. T0L 0Z0

Attention: **Martin Van Huigenbos**

This directive relates to unauthorized construction of a manure collection area (MCA) at 5 Star Cattle Ltd., which is a beef confined feeding operation (CFO). 5 Star Cattle Ltd. has constructed open group pens with calf hutches without first obtaining a permit for the pens under the *Agricultural Operation Practices Act* (AOPA).

The operation is located at SW 27-08-26-W4, in the M.D. of Willow Creek, in the Province of Alberta approximately 5 KM southwest from Fort Macleod AB. The CFO is owned by 5 Star Cattle Ltd. and operated by Martin Van Huigenbos under NRCB permit LA19022. Permit LA19022 allows 2,000 beef feeder calves and construction of a calf hutch pad and three covered buildings.

Background and investigation

On October 18, 2024, the NRCB received a complaint that Mr. Van Huigenbos was constructing barns without a permit and had open calf hutches close to a water well. The construction of the covered buildings are part of permit LA19022 and was not unauthorized construction.

On October 21, 2024, Inspector Schindel contacted Mr. Van Huigenbos, who said that the calf hutches were moved over to the east temporarily to make room during the construction of the new covered buildings. Mr. Van Huigenbos said he had been in contact with Approval Officer Kelsey Peddle and was planning to submit a part 1 to get a permit for the area where the calf hutches were on the east side of the property.

On October 21, 2024, Inspector Schindel and I attended the site to talk to Mr. Van Huigenbos and inspect the current layout of the site. Mr. Van Huigenbos had 2 open pens on the west side of the permitted area north of the covered buildings (see Appendix A

Google Earth Pro Image, October 2024). This area was permitted for enclosed calf hutches and has no runoff control associated with the permit. Mr. Van Huigenbos said these 2 open pens were temporarily holding calves that would go into the barns when construction was complete.

On the east side there were approximately 90 calf hutches, and those animals can access outside group pens (see Appendix A, Google Earth Pro Image, October 2024). This area was outside of the LA19022 permitted MCA footprint and not covered by any other permits; therefore, it is considered unauthorized construction. There is a medium level of risk in this area of manure runoff leaving the property during heavy rainfall events, as it has no runoff control facilities (catch basins).

Mr. Van Huigenbos again said he was wanting to keep the calf hutches with outside group pens on the east side and was in the process of getting more drilling done and then would submit a new permit application.

On October 24, 2024, I sent an Inspection report to Mr. Van Huigenbos, Inspection Report reads: Operator (Martin Van Huigenbos) will move the calves that are in the open pens, located on the enclosed calf hutch pad area into the permitted covered buildings by January 1st, 2025. The existing calf hutches (prior to October 21, 2024) with outside group pens located east of permitted area, can remain in place pending the approval of a new permit. The operator must have a new permit in place by February 14, 2025. Direction for moving forward after February 14, 2025, will be made to reflect the outcome of the approval process.

January 24, 2025, I contacted Mr. Van Huigenbos, to see how things were progressing, he said the calves in the 2 open pens on the west side were going to be sold in the next week and that he was having trouble getting drilling done for the unauthorized construction area on the east side. At this time Mr. Van Huigenbos had not submitted a part 1 for a permit, but still wishes to get a permit for the unauthorized construction on the east side.

January 30, 2025, I contacted Mr. Van Huigenbos, he said that he only has about nine head left in the open pens on the west side and they will be gone in the next few days. He was informed, again, that he will need a permit for the calf hutches on the east side and I sent him the contact information for Approval Officer Carina Weisbach.

February 28, 2025, Part 1 received from Mr. Van Huigenbos, for a permit of the unauthorized construction of the group calf hutches on the east side of site. To the NRCB's knowledge, there has been no unauthorized increase in livestock numbers at the site.

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 objects in AOPA may be compromised.

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.

Section 4(2) of the Part 2 Matters Regulation under AOPA requires a permit to construct, expand, or modify an MCA that is part of a CFO.

In summary, there are two unauthorized manure collection areas: (1) open pens where only covered pens are permitted to be (due to no runoff control), and (2) calf hutches with outside group pens located beyond the east boundary of the footprint for the permitted covered pens.

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 the operator is in the process of applying for a permit, the size of the unauthorized pens is relatively small 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, Martin Van Huigenbos and 5 Star Cattle Ltd. shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Martin Van Huigenbos and 5 Star Cattle Ltd. shall:

1. By July 15, 2025, depopulate the unauthorized group use pens on the east side, as identified on the Google Earth Pro Aerial Imagery from (Appendix A), if an NRCB permit for that area has not been obtained; and
2. By July 30, 2025, remove all manure from the unauthorized group use pens on the east side (Appendix A) and cease using the pens and that area for CFO purposes, if an NRCB permit for that area has not been obtained.
3. Only use the 2 open pens on west side of the permitted area, north of the barns (see Appendix A, Google Earth Pro Image, October 2024) as handling, shipping and receiving pens or only use the area for enclosed calf hutches.

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 Martin Van Huigenbos or 5 Star Cattle Ltd. fail(s) to comply with this directive, the NRCB may take additional enforcement action.

(original signed)

Jim Parker

Inspector, Compliance and Enforcement Division
Natural Resources Conservation Board

Cc: Cindy Chisholm, M.D. of Willow Creek

Appendix A: Google Earth Pro image October 2024 labelled by NRCB

Appendix A.
5 Star Cattle Ltd.
SW 27-08-26-W4
Google Earth Pro Image, October 2024

Legend

Unauthorized construction
open pens

Part of permit LA19022
Enclosed calf hutches

Township Rd 84A

Township Rd 84A

Unauthorized Construction
calf hutches with outside group pens

Google Earth

Image © 2025 Airbus



200 m