

Compliance Directive

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

Directive #: CD 25-17

Date issued: August 27, 2025

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

Issued to: Ted and Dawn Nikkel
Pincher Creek, AB

This directive relates to unauthorized construction at a beef feedlot confined feeding operation (CFO) which is located on land owned by Ted and Dawn Nikkel. The unauthorized construction is in relation to the two new pens on the east side of the feedlot which were constructed without a permit under the *Agricultural Operation Practices Act (AOPA)*.

The operation is located at SW 15-06-29 W4M, in the Municipal District of Pincher Creek, in the Province of Alberta. The CFO is located approximately 2 kilometers south and 7 kilometers east of the town of Pincher Creek. The CFO is operated and owned by Ted and Dawn Nikkel. The CFO has a deemed permit under AOPA including an M.D. of Pincher Creek permit 039-94P (1994) for 3,000 beef feeders. The CFO also has two NRCB Authorization permits, LA11022 and LA11030 (2011).

Background and investigation

On May 15, 2025, I conducted a site visit as part of the NRCB's Population Verification Program. I explained our program to Mr. Nikkel, went through the forms, discussed his animal numbers, asked about any new construction at which time Mr. Nikkel said there had not been any new construction. I left Mr. Nikkel the Population Verification Program forms and asked him if he could fill them out and email them back to the NRCB office when completed.

Upon further imagery review of the CFO on Google Earth Pro, regarding the Population Verification Program, I saw that the 2 pens located on the east side of the feedlot were not there in 2011 when the original NRCB permits had been issued. Further investigation using the Government of Alberta Vaultus website showed pen 1 was constructed around 2018-2019 and pen 2 was constructed around 2022-2023.

On July 22, 2025, I talked with Mr. Nikkel about the unauthorized construction, and he said that the pens were added since the 2011 NRCB permits and were not part of the original M.D. of Pincher Creek Permit 039-94P. Mr. Nikkel said they had started out as temporary pens and were then transitioned into permanent pens that are used for both his cow/calf

herd and feeder calves. Mr. Nikkel stated that at the current time the pens were not being used, since the feedlot was mostly empty in the summer.

I told Mr. Nikkel that I would be issuing him a compliance directive, but he can contact an Approval Officer at any time and start the process of getting the unauthorized constructed pens permitted, if he wishes to use the pens as part of his CFO.

On July 31, 2025, the NRCB received a part 1 application to increase livestock numbers and add pens, starting the process to get the unauthorized construction permitted.

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(1) prohibits a person from constructing, expanding, or modifying a 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, organic materials or compost, or runoff from any one of these or any combination of these, collects but does not include the floor of a livestock corral;

The two new feedlot pens are a manure collection area, therefore require a permit under AOPA.

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

Under Section 39(1) of AOPA, an inspector may issue an enforcement order to a person if, in the inspector'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 because the operator has been cooperative, 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, Ted and Dawn Nikkel shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Ted and Dawn Nikkel shall:

1. Not populate the two unauthorized pens with feeder cattle for the CFO until an NRCB permit has been obtained, the two pens are identified as pens 1 and 2 on the Google Earth Pro Imagery from October 2024 (Appendix A), and

2. By November 1, 2025, if an NRCB permit has not been obtained, remove all manure from the two unauthorized pens, identified as pens 1 and 2 on the Google Earth Pro Imagery from October 2024 (Appendix A), and cease using them for CFO purposes.

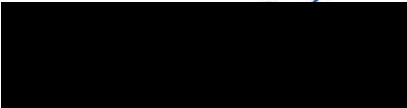
Any of the deadline dates contained above may be extended in writing, but only by the NRCB, at the sole discretion of the NRCB.

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 Ted and Dawn Nikkel fail to comply with this directive, the NRCB may take additional enforcement action.



Jim Parker
Inspector, Compliance and Enforcement Division
Natural Resources Conservation Board

Cc: M.D. of Pincher Creek


Appendix

- A. Google Earth Pro Imagery October 2024 (labelled by Jim Parker)

Google Earth Pro

Appendix A
Google Earth Pro, October 2024
Ted Nikkel
SW 15-06-29-W4

Legend

 Ted Nikkel

Nikkel

← Unauthorized Construction

1

2

507

507

Google Earth

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200 m