

May 26, 2025

sent by email

Jacobus Bart Poot
Box 50
Bloomsbury AB T0G 0G0

**Re: Deemed (Grandfathered) Permit PB24002
Jacobus (Bart) and Sarah Poot
SW 23-61-04-W5**

This letter sets out the NRCB's assessment of the permitted status and livestock capacity of the confined feeding operation (CFO) at this site.

The owner or operator of the CFO at SW 23-61-04-W5 holds a deemed (grandfathered) permit under the *Agricultural Operation Practices Act* (AOPA). This deemed permit:

- a) allows the CFO to confine feed 2,800 swine feeder hogs; and
- b) recognizes the following facilities as part of the permit:
 1. North barn
 2. Middle barn
 3. South barn
 4. Liquid manure storage by north barn (EMS)
 5. Liquid manure storage by south barn (EMS)

Background

The site is located in Barrhead County, approximately 9 kilometres southwest of the hamlet of Neerlandia AB. The CFO is owned and operated by Jacobus (Bart) and Sarah Poot.

On May 6, 2024, the NRCB received a Grandfathering Determination Request from Bart and Sarah Poot (Appendix B).

Mr. Poot's father Jacobus Poot, and his family acquired the farm in 1996. The farm was an existing farrow to finish swine operation.

On August 12, 1997, Barrhead County issued development permit No. 54-97 to Jacobus Poot and Jacqueline Poot-Kamstra authorizing the construction of a new 88' x 206' barn to accommodate 2,000 new feeder hogs to the existing 800 feeder hog operation on SW 23-61-4-W5 (Appendix A).

The south barn (26.8m x 62.8m), which permit 54-97 was issued for, was constructed in 1998 and is currently in use. They are currently custom feeding 2,000 feeder/ finisher pigs in that barn. It was converted from a wet feed system to a dry feed system in 2018. Liquid manure storage is just south of the barn. This was confirmed by Inspector Cathryn Thompson during her site inspection on February 28, 2025.

The north barn (which pre-dated permit 54-97) originally had a flat floor with a central gutter. In 2001/2002, the north barn was completely rebuilt. The new barn was built on the same footprint but replaced the gutter with a pit at the north end. In 2018 the barn started to be used as a shop, due to market conditions, but with the intention that it could be converted back to a swine barn again if markets conditions permitted. The infrastructure relating to the pits and plumbing was not touched and operator says it can be converted back to a barn easily. Inspector Cathryn Thompson confirmed that the barn, along with the pit and plumbing, is still in its original state and could be converted back to house swine with minimal work.

The middle barn (9.1m x 36.5m), constructed pre-1996, was originally a sow barn, which the Poots converted to a starter nursery where weaners stayed for a month before moving to the north barn to be finished. It is currently used in conjunction with the Poot's cow/ calf herd. It has three pits, two of which are filled in and one is still open. It is currently being used as a calving barn for their cow/calf herd. Mr. Poot does not plan to use it for swine in the future due to the effort required to convert it back. This barn is considered abandoned and it will not be part of the grandfathered deemed permit.

The EMS by the north barn at the time of purchase was in bad condition and was rebuilt with a new clay liner in 1996-1997. The EMS by the south barn was constructed at the same time as the south barn. Inspector Thompson inspected both EMS lagoons and confirmed they are intact and in good condition.

There is a freshwater pond to the east of the south barn, built between 2015-2018. After reviewing imagery from Google Earth Pro (Appendix C), air photos acquired from the County of Barrhead (Appendix D), discussions with Mr. Poot and Inspector Cathryn Thompson, I believe the original footprint from January 1, 2002, is unchanged. The condition of the site is acknowledged in the letter from the NRCB dated October 1, 2002 (Appendix E) and shows no issues or concerns about the site in October 2002.

The NRCB has formalized grandfathering decisions by adopting processes set out in section 11 of the Administrative Procedures Regulations under AOPA and through the Operational Policy 2023-01: *Grandfathering (Deemed Permit)*. These documents provide the framework to establish the facts and the scope of the grandfathering determination process.

Status of deemed permit today

A. Abandonment

While a grandfathering determination is limited to a point in time – January 1, 2002 – the NRCB also takes this opportunity to assess the validity or status of a deemed permit, today. If a facility or CFO were abandoned, that might invalidate its deemed permit today.

The NRCB's Operational Policy: 2016-3 *Permit Cancellations under AOPA section 29* guides how to assess whether an operation or facility is abandoned. The policy also directs the approval officer or inspector to consider:

- the CFO's current use, if any
- the CFO's current condition
- what, if any, steps are being taken to keep the CFO's facilities in condition such that they could resume being used for livestock management without major upgrades or

renovations

- when the CFO stopped being used, and the owner's reason for stoppage
- whether the operation changed ownership during the period of disuse
- the owner's reason for ceasing or postponing use and owner's intent with respect to future use of the CFO
- the value of CFO facilities (independent of their permitted status) and the cost of reconstructing them if reconstruction is needed.

From my observations, information obtained during the site inspection by Inspector Cathryn Thompson, oral testimony provided by Mr. Poot, aerial imagery, and Alberta Land Titles, I was able to assess the status of the site. Because the middle barn has been converted into a calving barn for Mr. Poot's cow/ calf herd, which includes 2 of the 3 manure pits being filled in, I believe that it would take considerable effort to bring that barn back into production for the swine operation and this single facility will be considered abandoned for this permit. Mr. Poot expressed he does not intend to use this middle barn for swine in the future.

However, I conclude that the rest of the CFO has been well maintained, has continued to be operational and the owner's intent has always been to keep the hog CFO in operation, and therefore the overall CFO is not considered abandoned.

Following the "*Calculator for determining livestock capacity of operations as they existed on January 1, 2002*" (Agdex 096-81) fact sheet and using the factor of 9 square feet per animal, the north barn can house 800 swine feeders, and the south barn can house 2,000 swine feeders. The area of 9 square feet/ animal for growers/ roasters (60-230lbs/ animal) was used as it was the most representative of the size of animal to be raised. The weight for the feeders/ boars category is greater than 400lbs/ animal and not representative of the animals size currently being fed at this CFO. There is no category in the Technical Guideline for animals from 230lbs-400lbs.

This will give Mr. Poot a total of 2,800 swine feeder hogs on his permit, which is the same number as permit 54-97.

B. Disturbed liner

The *Grandfathering (Deemed Permit)* Policy states that facilities that are deemed to have an AOPA permit retain that deemed status only as long as the essential conditions of those facilities remain as they were on January 1, 2002.

As a general rule, if a deemed facility is changed in a way that constitutes "construction" under AOPA, including the NRCB's interpretation, then that facility will lose its deemed status. Further explanation of what constitutes "construction" is provided in NRCB Operational Policy 2012-1: *Unauthorized Construction, and Livestock Pen Floor Repair and Maintenance fact sheet*.

In this case, there is no information that any liners or protective layers for the deemed CFO facilities were disturbed in a way after January 1, 2002, that would constitute "construction" and would invalidate the deemed permit.

Findings

By operation of section 18.1 of AOPA, if on January 1, 2002:

- a) a CFO existed,
- b) with respect to which a municipal development permit was issued, and
- c) that development permit was in effect,

the owner or operator of that CFO is deemed to have been issued a registration under AOPA. The deemed livestock capacity is the capacity authorized by the development permit.

The AOPA threshold for a registration permit of a Swine Feeders/Boars livestock type operation is 500-3299 feeders. Municipal development permit 54-97 authorized 2,800 feeder hogs.

Based on the information above, I determined that a CFO existed above AOPA thresholds, and the owner or operator holds a deemed registration permit.

This CFO was constructed pursuant to a municipal development permit issued before January 1, 2002. The municipal development permit specifies livestock capacity and type. In this case, a grandfathering determination made does not require the field services staff (inspector) to notify affected parties, or to issue a full decision report (see 5.2.1 and 7.1 of NRCB Operational Policy 2023-01: *Grandfathering (Deemed Permit)*).

I also found that the deemed permit (except for the middle barn) is still valid today.

I have enclosed a copy of the NRCB's Deemed Permit for this CFO, recognizing the grandfathered status, livestock capacity and facilities. Deemed Registration PB24002 also carries forward the terms and conditions of Municipal issued Permit 54-97, which remain in effect.



NRCB Inspector

cc. County of Barrhead (*sent by email*)
Encl. Deemed (Grandfathered) Permit PB24002

Appendices:

Appendix A: Permit No. 54-97 County of Barrhead issued August 12, 1997
Appendix B: PB24002 Grandfathering Determination Request
Appendix C: Google Earth Pro July 18, 2023
Appendix D: Aerial Image 2002 from County of Barrhead
Appendix E: NRCB letter October 1, 2002

PERMIT NO. 54-97

DEVELOPMENT PERMIT

COUNTY OF BARRHEAD NO. 11

FORM C

Construction of a new 88' x 206' barn to accommodate 2000 new feeder hogs to the existing 800 feeder hog operation on SW 23-61-4-W5; Certificate of Title #962291977; Registered Owners; Jacobus Poot & Jaqueline Poot-Kamstra as described in Application No. 54-97 following the guidelines of the "Code of Practice" has been approved, subject to the following conditions:

- Done*
1. That the applicant provide technical information from the study by Alberta Agriculture that shows no seepage concerns for the proposed lagoon.
 2. That the applicant provide manure spreading agreements for a five year period on lands totalling 500 acres where the land is open and considered to be grey wooded.
 3. As required under the "Code of Practice" the operator will not allow the lagoon to overflow.
 4. As required under the "Code of Practice" the spreading of manure must be contained on the applied property.
 5. The applicant establish a shelterbelt with a minimum of two rows of trees for the purpose of reducing odor nuisance and providing visual screening covering the west boundary of this development to be planted no later than June 30th, 1998.
 6. The County of Barrhead to post notice on site.
 7. Notification be sent to adjoining landowners.

You are hereby authorized to proceed with the development specified provided that any stated conditions are complied with; that development is in accordance with any approved plans and applications; and that a Building Permit is obtained if construction is involved. Should any appeal be made against this decision to the Development Appeal Board, the development permit shall be null and void.

DATE OF DECISION: 8 th August, 1997

DATE OF ISSUE OF PERMIT: 12 th August, 1997

SIGNATURE OF DEVELOPMENT OFFICER: 

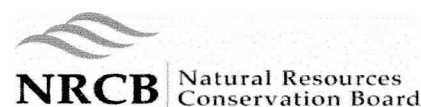
NOTE:

1. The issuance of a Development Permit in accordance with the Notice of Decision is subject to the condition that it does not become effective until fifteen (15) days after the date the order, decision or development permit is issued.
2. The Land Use By-Law provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within fourteen (14) days after Notice of the Decision is given.
3. A permit issued in accordance with the Notice of Decision is valid for a period of twelve (12) months from the date of issuance. If, at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.
4. A development permit is an authorization for development under the Land Use Bylaw. The applicant is still responsible to adhering to any other Provincial or Federal codes and regulations that may be applicable.

IMPORTANT NOTES

1. Any development proceeded with prior to the expiry of the appeal period is done solely at the risk of the Applicant even though an application for Development has been approved and a Development Permit has been issued. The period allowed for an appeal to be filed is 14 days after a development permit is issued.
2. Any person claiming to be affected by a decision regarding an application for a development permit may appeal by serving written notice to the Secretary of the Subdivision and Development Appeal Board within 14 days after a development permit or notice of decision was issued.
3. This Development Permit is valid for a period of 12 months from the date it was issued, or the date of an approval order being granted by the Subdivision and Development Appeal Board. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, the permit becomes invalid unless an extension has been granted by the appropriate Development Authority.
4. The applicant is reminded that compliance with this Permit requires compliance with all conditions affixed thereto.
5. A development must be commenced within 12 months from the date of a development permit being issued or of an approval order being granted by the Subdivision and Development Appeal Board. If at the expiry of this period the development has not been commenced or carried out with reasonable diligence, the permit becomes invalid unless an extension has been carried out by the Development Officer.
6. This is not a Building Permit and, where required by any regulation, Building Permits shall also be obtained.
7. A development permit is an authorization for development under the Land Use Bylaw, but is not an approval under any other regulations which may be applicable.
 - (a) Operations such as water and sewage systems, food establishments, day cares, bed and breakfast operations, recreational areas and intensive livestock facilities all fall under the jurisdiction of other appropriate regulatory authorities;
 - (b) Development in proximity to gaslines, other pipelines, powerlines, or telephone lines require approvals from: The Gas Protection Branch - Alberta Labour, Alberta Energy Resources Conservation Board, Alberta Utilities and Telecommunications.
 - (c) All plans submitted for the construction or alteration of a commercial or industrial building as specified under the Alberta Architects Act, shall be authorized by a registered architect or a professional engineer.

Grandfathering Determination Request



Request under the *Agricultural Operation Practices Act* (AOPA) for a grandfathering determination for a confined feeding operation (CFO), manure collection area (MCA), or manure storage facility (MSF)

NRCB USE ONLY	NRCB Grandfathering Number PB24002	Date Stamp NRCB APPLICATION MAY 07 2024 RECEIVED
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CONTACT/OWNER INFORMATION

Name of owner: BART & SARAH POOT	Corporate Name (if applicable):	
Name of person making request:		
Address: (Street/P.O. Box) Box 50		
City/Town: Bloomsbury	Province: AB	Postal Code: T0G 0G0

LOCATION FOR WHICH GRANDFATHERING DETERMINATION IS REQUESTED

Legal Land Description: SW 23-61-4-W5	(Qtr-Sec-Twp-Rg-W Mer)
County/Municipal District: BARRHEAD	
Is the person making the request the registered landowner?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no, please attach letter of consent signed by all landowners)	
Does this legal land location have an existing permit(s) for CFO facilities? (e.g. municipal development permit.):	
<input checked="" type="checkbox"/> Yes (if yes please provide a copy) <input type="checkbox"/> No Permit(s) #: 54-97	

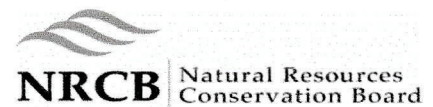
Claimed Grandfathered Livestock Capacity (Capacity of the enclosures On January 1, 2002)

Livestock category and type	Claimed grandfathered livestock capacity
Hogs 800	800
Hogs 2000	2000

Claimed Grandfathered Facilities (On January 1, 2002)

Facility Name	Dimensions Length x width (x depth as applicable) (m)	Description of management of the facility (Seasonal use, movement of livestock, type of livestock etc.)
Barn 1	30 x 120	Hog feeder Barn
Barn 2	60 x 120	Hog feeder Barn
Barn 3	60 x 120 88 x 206	Hog Feeder Barn

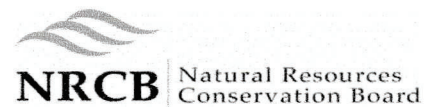
Grandfathering Determination Request



Information to support grandfathering determination request: (Provide all relevant information to support the grandfathering claim. This can include, permits issued prior to January 1, 2002, records supporting the claimed capacity, photographs, details of facilities used to confine livestock, site layout plan, etc. Attach pages as required.)

Types of Records for Years 2000-2004	Yes	No	Comments
Aerial imagery (<i>old farm photos</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Photographs (<i>personal photos taken of animals/facilities</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Livestock Purchase Records (<i>auction market receipts</i>)	<input type="checkbox"/>	<input type="checkbox"/>	
Livestock Sales Records (<i>auction market receipts</i>)	<input type="checkbox"/>	<input type="checkbox"/>	
Financial Records (<i>Taxes</i>)	<input type="checkbox"/>	<input type="checkbox"/>	
Feed, Straw, Mineral Purchase Records	<input type="checkbox"/>	<input type="checkbox"/>	
Government Support Program Records (<i>GRIP, NISA</i>)	<input type="checkbox"/>	<input type="checkbox"/>	
Premises Identification Registration Records	<input type="checkbox"/>	<input type="checkbox"/>	
Quota Records	<input type="checkbox"/>	<input type="checkbox"/>	
Veterinary Records	<input type="checkbox"/>	<input type="checkbox"/>	
Manifests	<input type="checkbox"/>	<input type="checkbox"/>	
Calving/Farrowing/Lambing etc. Records	<input type="checkbox"/>	<input type="checkbox"/>	
Livestock Health Records (<i>records of livestock treatments/vaccinations</i>)	<input type="checkbox"/>	<input type="checkbox"/>	
Purchases of Livestock Holding/Handling Equipment (<i>poultry cages, dairy cow beds/stalls, farrowing crates</i>)	<input type="checkbox"/>	<input type="checkbox"/>	
Testimonies from Employees or Family Members (<i>that worked on the operation in 2002-2004 and could be contacted now</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Building and Construction Records (<i>concrete bunks, buildings, sheds, slab fences, barns, waterers, etc.</i>)	<input type="checkbox"/>	<input type="checkbox"/>	
Any Diaries, Journals or Daily Logs	<input type="checkbox"/>	<input type="checkbox"/>	
Other	<input type="checkbox"/>	<input type="checkbox"/>	

Grandfathering Determination Request



REQUEST DISCLOSURE

I acknowledge that this information is collected under the authority of the *Agricultural Operation Practices Act*, is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*, and shall be deemed public unless the NRCB grants a written request that certain sections remain private.

I, the owner, or agent of the owner, have read and understand the statements herein and acknowledge that the information provided in this application is true to the best of my knowledge.

MAY 6 2024
Date of signing

[Redacted Signature]
Signature

Corporate name (if applicable)

BART POOT
Print name

This contact information is only for NRCB, municipal, and referral agency use, and is not for public disclosure.

Owner Contact Information

Name: <u>BART POOT</u>		Corporate Name (if applicable):	
Contact Numbers	Business:	Cell: <u>[Redacted]</u>	Home:
Email: <u>[Redacted]</u>			

Person (Other than Owner) Requesting the Determination Contact Information (if applicable)

Name:		Relationship to Owner:	
Contact Numbers	Home:	Cell:	
Email:			

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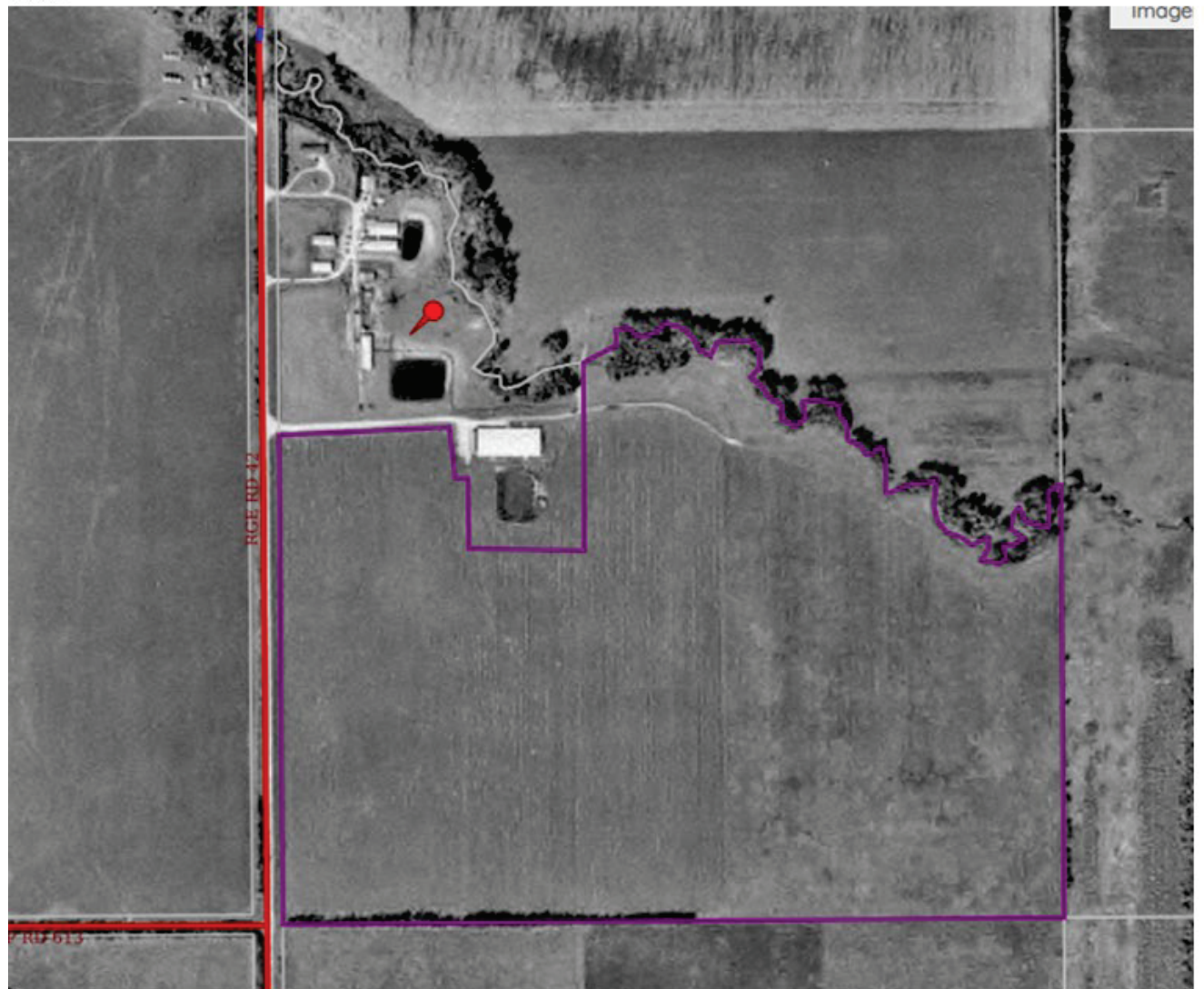
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Untitled Map
Write a description for your map.

Appendix D: Aerial Image 2002 from County of Barhead



2000:





October 1, 2002

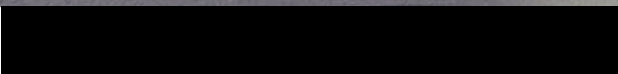
Provincial Building
6203 - 49th Street
Box 4560
Barrhead, Alberta T7N 1A4
Phone: (780) 674-8303
Fax: (780) 674-8309
<http://www.nrcb.gov.ab.ca>

Jacob Poot
Box 19
Bloomsbury, Alberta
T0G 0G0

Thank you for inviting me to your farm. The care and innovation that you and your family have put into your farm is apparent and recognized. You invited me out to give a assessment of your operations impact on the environment. You obviously have put a great deal of effort both in design and management of your facilities to minimize your operations impact on the environment with special consideration given to protecting both ground and surface water resources. The construction and management of both your liquid manure and solid manure holding areas, in my view, would virtually eliminate possible ground or surface water contamination. In reviewing the conditions of your development permit, you have met and exceeded the requirements. I would again point to your manure management plan which exceeds the conditions of the development permit and as well exceeds the requirements of the A.O.P.A. Your concern for the well being of a major creek running through your property into Shoal Lake as well as the preservation of the bed and shore of Shoal Lake is to be commended.

Much could be said relative to your innovation that is apparent in the construction of your new facility. It is designed to integrate many aspects relative to being an economically viable, environmentally sustainable hog operation. I congratulate you on your innovation and pro-active steps you have taken to point the hog industry in the direction of environmental stewardship. I urge you to continue to pro-actively address any environmental concerns related to the hog industry and your operation in particular.

Yours truly,


Andy Wierenga
Field Inspector