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CHERRY COUNTY PLANNING COMMISSION

PUBLIC HEARING ON

CUP 001/20 DANIELSKI HARVESTING & FARMING LLC/

VALENTINE FEEDERS SWINE FACILITY

TO BE USED FOR BREEDING, GESTATION, AND FARROWING

held at

Cherry County Fairgrounds 4-H Building

120 South Green Street

Valentine, Nebraska 69201

November 12, 2020

1 (Public hearing commenced at 4:36 p.m.
2 with the following members present Gary Swanson,
3 Chairman; Chelsea Luthy; Wade Andrews;
4 Michael McLeod; Duane Kime; John Lee; and Albert
5 Ericksen. Also present were Keith Marvin,
6 consultant, and Jessica Coyle, zoning
7 administrator, along with various members of the
8 audience.)

9 MR. CHAIRMAN: I'd like to welcome
04:36 10 everybody to the Cherry County Planning
11 Commission meeting today, November 12, 2020,
12 beginning the meeting at approximately 4:30 -- a
13 bit past.

14 The first item on the agenda is the
04:36 15 roll call. Dave Rogers?

16 Chelsea Luthy?

17 MS. LUTHY: Here.

18 MR. CHAIRMAN: Wade Andrews?

19 MR. ANDREWS: Here.

04:36 20 MR. CHAIRMAN: Michael McLeod?

21 MR. McLEOD: Here.

22 MR. CHAIRMAN: Duane Kime?

23 MR. KIME: Here.

24 MR. CHAIRMAN: John Lee?

04:36 25 MR. LEE: Here.

1 MR. CHAIRMAN: Albert Ericksen?

2 MR. ERICKSEN: Here.

3 MR. CHAIRMAN: The next item on the
4 agenda is presentation of open meeting notice
04:37 5 announcement on the wall directly behind me.

6 Next item on the agenda is the approval
7 of minutes from the October 6, 2020, meeting.

8 MR. KIME: Motion to approve.

9 MR. ERICKSEN: Seconded.

04:37 10 MR. CHAIRMAN: Motion has been made by
11 Duane Kime to approve the minutes and seconded by
12 Albert Ericksen.

13 We'll now vote. Chelsea Luthy?

14 MS. LUTHY: Yes.

04:37 15 MR. CHAIRMAN: Wade Andrews?

16 MR. ANDREWS: Yes.

17 MR. CHAIRMAN: Michael McLeod?

18 MR. McLEOD: Same.

19 MR. CHAIRMAN: Duane Kime?

20 MR. KIME: Yes.

21 MR. CHAIRMAN: John Lee?

22 MR. LEE: Yes.

23 MR. CHAIRMAN: Albert Ericksen?

24 MR. ERICKSEN: Yes.

25 MR. CHAIRMAN: Chair votes yes.

1 Now the next item on our agenda is the
2 public hearing CUP 003/20 for Bow and Arrow Ranch
3 Limited LLC conservation easement. That hearing
4 will occur at 4:45 which is a few minutes from
04:38 5 now.

6 In the interlude here, perhaps we'll go
7 over a few of the procedure for the public
8 hearing, so everybody is up to speed. The two
9 exhibits in the back of the room are not the
04:38 10 Planning Commission's. We will have the
11 permittees be allowed to give their presentation
12 first, and then we'll have public comment.

13 We'd ask that you limit your public
14 comment to five minutes, and it will be made at
04:39 15 this table right up here with the microphone.
16 When you approach the table to speak, we would
17 ask that before you start your presentation or
18 your statement that you state your name. So --
19 anyway. And it will be limited to five minutes.

04:39 20 MS. COYLE: Chelsea, can you time for
21 me please?

22 MR. CHAIRMAN: I have a card here that
23 gives you a little heads up when your time is
24 about up, and the backside says "out of time."

04:39 25 (Panning Commission had discussion of
other agenda items off the stenographic record.)

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MR. CHAIRMAN: The public hearing for
Danielski Harvesting & Farm/Valentine Feeders
Swine facility will begin at 5:00 p.m.

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05:05

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All right. We're now going to open the
public hearing for CUP 001/20 Danielski
Harvesting & Farming LLC/Valentine Feedlot Swine
facility to be used for breeding, gestation, and
farrowing to be located in Southeast Quarter of
Section 33 of Township 34 North, Range 30 West of
the 6th P.M. That is as advertised in the public
notices of the Valentine newspaper.

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On the outset, we have a series of
exhibits. Exhibit 1 will be the applicant's
application. Exhibit 2 will be Keith Marvin's
response on July 11, 2020. Exhibit 3 will be the
letter from the Graft North November 11, 2020.
Exhibit 4 will be the current comprehensive plan.
Exhibit 5 will be the current zoning regulations.

05:07

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At this time, the applicant may come
forward and present their application. Please
state your name.

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05:07

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MR. DANIELSKI: Good afternoon. My
name is Chris Danielski. I guess if you guys are
having any trouble hearing me, don't be afraid to

1 slow me down, stop me. I'll do my best to speak
2 up.

3 As I stated, my name is Chris
4 Danielski. I'm representing Danielski Farms.
05:08 5 I'm part of the third generation of our family
6 that is actively operating our farm here in
7 Cherry County. This includes my cousins Jay
8 Danielski, Adam Danielski, Luke Moser, and my
9 brother Andy Danielski. We all grew up around
05:08 10 agriculture and farming here in Cherry County.
11 We also hope for our own families and the fourth
12 generation to have an opportunity to do the same.

13 As farmers, managing soil nutrients is
14 a big part of growing crops. With the proposed
05:08 15 project, there will be high-quality organic
16 fertilizer produced. We have a well thought out
17 plan on how to manage this project and believe in
18 the valuable input that will fit well into our
19 current operation. Improving soil health and
05:08 20 reducing or even eliminating entirely the use of
21 commercial fertilizers are just a couple of the
22 positive outcomes.

23 I'm excited about this project, as well
24 as the economic impact it will have on our
05:09 25 community. My uncle Leonard Danielski, he's

1 unable to be with us here today due to illness,
2 so he has prepared statement that he would like
3 me to read on his behalf. This is coming from
4 him.

05:09 5 "I would like to thank Jessica and all
6 of the Planning and Zoning Commission for all the
7 work you've put into this. I would like to tell
8 you a little about my family and myself. I grew
9 up in a family of six children, five boys and one
05:09 10 girl, which I'm the second to the youngest.

11 "We grew up on my grandparents' farm
12 just west of Columbus, Nebraska, in the '50s,
13 '60s, and '70s. At the death of my grandparents
14 in the mid-70s, the farm we grew up on was
05:10 15 inherited by my cousins. After much looking for
16 a place to move, we chose this area in Cherry
17 County. I was 17 at the time.

18 "After moving to Valentine, we started
19 farming the land and just fell in love with it
05:10 20 and the people here. We believe the people in
21 this area are among the best, and we are proud to
22 call the Sandhills our home. Our family motto
23 has always been, 'Take care of the land and it
24 will take care of you,' and in every decision we
05:10 25 make, we always say 'people first.' And so to go

1 forward with this project that we're proposing,
2 we believe we're looking at it the same way.

3 "We've been studying this project for
4 the past five years. I believe we've put
05:10 5 together the most professional team in the
6 industry to build and operate this facility
7 without harming our neighbors, the land, or the
8 environment. We have not cut any corners in our
9 research.

05:10 10 "Our goal for doing this project is to
11 convert more of our farming operation to organic.
12 As well you know, you cannot use commercially
13 produced nitrogen for organic crops. The only
14 nitrogen source for organic crops has to come
05:11 15 from swine, poultry, or cattle manure. We
16 struggle to get enough swine, poultry, or beef
17 manure to fulfill all our needs.

18 "We've been organic farming for over
19 10 years, applying different types of animal
05:11 20 manure to the land. We've mostly been using
21 poultry fertilizer and have never had complaints
22 about smell or any other problems. This is not
23 an experiment. We've been using these products
24 without harming our neighbors, our land, or the
05:11 25 environment. The only difference is with this

1 project we'd be producing some of the organic
2 fertilizer here locally. We believe our track
3 record over the past 45-plus years shows how we
4 care about our neighbors and the land, and that
05:07 5 is no different with this project.

6 "We believe this project is very good
7 for the area with the extra taxes and job
8 opportunities it will bring. I see a lot of
9 talented young people go off to college, and they
05:07 10 don't come back because there are not enough jobs
11 here for them. This project can create up to 80
12 good-paying jobs with good benefits. I would
13 hope this project will bring some of our talented
14 young people back to the area to the lifestyle we
05:08 15 all do.

16 "Thank you again for your time, and I
17 wish I could have been here to visit with
18 everyone."

19 And to continue our presentation, I
05:08 20 would like to introduce Dean Settje with Settje
21 Engineering, and he will continue with more
22 details of the project.

23 MR. CHAIRMAN: Dean, please state your
24 name.

05:09 25 MR. SETTJE: My name is Dean Settje

1 with Settje Agri-Services & Engineering. We're
2 out of Raymond, Nebraska, and I'll give a little
3 bit more story about ourselves here as we flip
4 through some of these slides -- if I can get my
05:09 5 machine to work right. Hang on one second.

6 Sorry about that.

7 A little bit about ourselves before we
8 get started so you know who we are and what we do
9 and how we represent the Danielski family.

05:09 10 Again, we're from Raymond, Nebraska.
11 We've been in the engineering business for about
12 22, 23 years. We've also branched out into quite
13 a few other things over the years. But when we
14 started, we were specifically engineering and
05:10 15 design, permitting, technical assistance,
16 environmental compliance. And since then we've
17 branched out into construction, record keeping,
18 agronomy services, and of course, geological and
19 groundwater monitoring services as well. It
05:10 20 gives you just a little bit of background.

21 Formed in 1997. We're predominantly a
22 livestock group. We've done -- 97-plus percent
23 of our projects have been livestock for the last
24 20-some years, and we've got about 1300 customers
05:10 25 throughout the United States and a couple

1 different foreign countries.

2 Again, Raymond, Nebraska, is where
3 we're from. This is a picture of our outfit and
4 who we are. And the group that's involved, we've
05:10 5 got nine tenant professional engineers on staff
6 at this point, a slew of construction managers on
7 the construction department, crop advisors,
8 agronomists, project managers, compliance and
9 recordkeeping specialists that make sure people's
05:10 10 facilities are in compliance long-term, as well
11 as manure marketing. We do a lot of manure
12 marketing and helping people place product where
13 it belongs and doing it in an environmentally
14 friendly way. Of course, groundwater monitoring
05:11 15 technicians as well. We monitor about 900 to 950
16 wells across the state for groundwater monitoring
17 purposes associated with livestock facilities.

18 When we talk about engineering, we've
19 run the gamut for a lot of different types of
05:11 20 facilities. We've worked on feedlots of various
21 sizes from 500 to 88,000 head in terms of
22 capacity. Swine facilities from 1,200-head deep
23 pit finishers to farrowing facilities such as the
24 one we're talking about tonight. Dairy heifer
05:11 25 development facilities, we've done quite a few of

1 those over the last couple of years. And, of
2 course, NRD projects, truck washes, and
3 occasional municipal projects here and there.
4 That kind of gives you an idea of who we are and
05:11 5 what we do.

6 The permitting side of the equation is
7 really a two-step process. The two steps are
8 always the county level -- what we're doing here
9 tonight -- and of course the state level and/or
05:12 10 federal permitting that's involved, usually done
11 by the state as well.

12 Environment compliance is obviously our
13 number one goal that we try to achieve, making
14 sure that we're not causing problems to the
05:12 15 ground around us and the people around us as
16 well, and making sure that facility can operate
17 as it's designed.

18 As well, we offer a lot of third-party
19 verification, making sure that what we say is
05:12 20 going to happen -- in meetings like this --
21 actually happens, if it's so approved. And of
22 course, all of the other applications that go
23 through the state level, same thing. We act as
24 that third-party verification that makes sure
05:12 25 that what we say is going to happen is actually

1 going to happen long term.

2 On the construction side of things, we
3 don't get into a lot of detail, but it gives you
4 an idea of the process that we go through when we
05:12 5 actually build and design something.

6 Compliance and recordkeeping is a
7 strong part of our business. We have six people
8 that do full-time on this portion of the project
9 alone. When it comes to recordkeeping and
05:13 10 compliance, we do a lot of the work with that
11 customer to make sure that they're doing
12 everything that they can and should do according
13 to the permits that are set forth, either by the
14 county and/or state or federal permits.

05:13 15 Here's a couple of examples of
16 facilities that we've either designed and/or
17 built. Here's a 4,800-head swine finisher.
18 Here's a 6,000 sow farrow to wean. Here's an
19 open feedlot down south of North Platte that some
05:13 20 of you may be familiar with. Working with
21 processing facilities for cattle panel
22 operations. We do a lot of work with lagoons and
23 holding ponds, making sure that we're not causing
24 problems below the areas that we're locating
05:13 25 these facilities on. And, of course, dairy

1 facilities. And then, of course, the nutrient
2 management side of the equation.

3 We spend a fair amount of time on the
4 nutrient management side, because if we produce
05:13 5 this product, we've got to figure out what to do
6 with it long term.

7 Let's talk specifically about Valentine
8 Feeders and the project that they're proposing.
9 This is about a 12,000-plus sow farrow-to-wean
05:13 10 unit, and we'll get into a little bit more detail
11 on that in just a quick second. Obviously,
12 proposed by the Danielski family, who you've
13 already heard from. And then one of the key
14 components that's always emphasized is the
05:14 15 nutrient that's produced. How do we take
16 advantage of that product?

17 Eric, I'm going to have you speak about
18 PIC and who they are and how that works in with
19 this operation.

05:14 20 MR. OGREN: All right. Thank you,
21 Dean, and thank you, zoning board, for allowing
22 us this opportunity to.

23 MR. CHAIRMAN: Name.

24 MR. OGREN: Oh, sorry. My name is Eric
05:14 25 Ogren, and I am from northwest Iowa, born and

1 raised on a farming operation there. Currently
2 reside in northwest Iowa, but cattle operation as
3 well as swine facilities. And I got the distinct
4 honor to be brought in and asked by the
05:15 5 Danielskis to come and do some consulting with
6 them from a swine perspective, as they were
7 looking for an organic source of manure, and
8 swine manure, being very familiar with that
9 coming from Iowa. I have a lot of experience
05:15 10 with that, as well as the practical knowledge of
11 running swine facilities as well. So, with that,
12 I appreciate the opportunity to explain to you a
13 little bit about the facility itself. Dean will
14 go into more detail from the engineering side,
05:15 15 but just to explain this -- and I know it's been
16 brought up in some of your zoning meetings what's
17 considered to be a finisher. This is far from a
18 finisher.

19 So some people term swine production in
05:15 20 three phases. There's a farrowing side, and then
21 there's a nursery side, and there's a finishing
22 side. Others would call that farrowing and
23 gestation, and then you have wean to finish
24 finishing barn.

05:16 25 This facility is a sow farm and more

1 specifically a multiplication farm. PIC is a
2 swine genetics company that would be stocking
3 this facility. It's a 12,000-head facility, and
4 it would be considered an elite multiplier. And
05:16 5 what that means is this swine facility would
6 actually produce the breeding stock to go into
7 other commercial sow units across the U.S. So
8 you can think of it as they would produce the
9 breeding heifers that would go into other
05:16 10 people's cow-calf operations.

11 From this facility, we would produce
12 enough breeding stock to supply upwards of
13 140,000 other sows across the U.S. The reason
14 for this location -- and Danielskis have been
05:17 15 working on this for some time -- is that
16 biosecurity and health is of the utmost
17 importance when it comes to multiplication, and
18 especially on the swine side of things. So being
19 distanced from other swine operations, with
05:17 20 minimal impact of animal movement.

21 And why I bring that up is, if this
22 facility is -- goes through, this facility would
23 be stocked one time, and once it's stocked, we
24 would internal -- we would do internal
05:17 25 replacements, meaning that there would be no

1 other breeding stock that has to be introduced
2 into the farm besides semen. And the swine semen
3 would come in in bags, and that would come in
4 three times a week. And we would use an
05:17 5 artificial insemination process to mate those
6 sows for internal multiplication. So once the
7 initial stocking of this farm is complete, there
8 would be no other swine brought in to this
9 facility.

05:18 10 The only thing exiting that would be
11 the weaned pigs. And those would go out at
12 around 21 days of age and around 15 pounds. At
13 that point in time, those animals would leave the
14 facility, but everything else will stay intact
05:18 15 after the first initial stocking. And the
16 barrows or the castrated males would go off to
17 customers. And the intact female gilts, those
18 would be sent to commercial sow farms for
19 replacements.

05:18 20 I just really appreciated the
21 opportunity to work with Danielskis and to bring
22 some swine knowledge into this particular
23 project. And I'd be willing and able to take any
24 questions from that perspective as Dean continues
05:18 25 this presentation. So, with that, thank you.

1 MR. SETTJE: Thank you, Eric. I
2 appreciate that.

3 Again, the Danielski family are no
4 strangers to this neighborhood, and we don't need
05:19 5 to get into a lot of detail about what they have
6 done and what type of facility that we think that
7 they're going to operate.

8 When we talk about the permit side of
9 things, let's start with the state permit itself.
05:19 10 The state Department of Environment and Energy.
11 The permit itself is obviously a fairly detailed
12 set of plans, of engineering plans,
13 specifications, what we're going to do with that
14 facility in terms of how it's constructed and how
05:19 15 it's going to be operated.

16 The nutrient management plan goes into
17 detail with respect on how those nutrients are
18 going to be extracted from the facility, how
19 they're going to be applied to the ground, what
05:19 20 recordkeeping requirements are then required with
21 respect to that in terms of making sure that
22 we're applying it at ergonomic rates when it's
23 supposed to be applied, and the method it's
24 supposed to be applied.

05:19 25 Of course, an operation and maintenance

1 plan, mortality plan, and of course groundwater
2 monitoring plan, if so desired by the State.
3 Both of those things are generally considered in
4 a permit application. And, again, this permit
05:20 5 application has already been submitted and
6 approved by the State at this point in time.

7 When we talk about a deep pit swine
8 facility, there's a couple of things that we need
9 to talk about that are different in terms of how
05:20 10 that facility looks and operates compared with a
11 facility with a lagoon. A deep pit swine
12 facility -- and I'll show you in detail here in a
13 second -- is essentially all the manure is going
14 straight down below the building itself and being
05:20 15 stored into basically a deep pit right underneath
16 the building.

17 We obviously want to use that system
18 for a variety of reasons. One, it keeps the
19 manure out of sight. The other thing it keeps
05:20 20 the manure covered, and it also gives us a better
21 harvest rate in terms of nutrients produced
22 because we have less volatilization to the
23 atmosphere and things of that nature. So we've
24 got a very high recovery system going on.

05:20 25 And, again, plans and specifications

1 for this have all been approved by the State.

2 Phase 1 is 4,300 animal units. Phase 2
3 is another 24. That's about 6,800 animal units
4 that are in the facility from end to end. If you
05:21 5 look at the presentation model here, this gives
6 you an idea of an aerial view of what a facility
7 like that would look like. This is actually
8 inlaid over the top of the exact piece of ground
9 that we're proposing, so it's on a pivot corner,
05:21 10 if you will. It gives you an idea of the pivot
11 behind it and the surrounding ground in that
12 particular area and the size and the scope of
13 those particular buildings.

14 This one is a little bit more of a
05:21 15 close-up view, but it gives you a perspective of
16 what that building system would look like. So
17 this building rendition is the exact same one
18 that they're proposing. So it will give you an
19 accurate perspective, if you will.

05:21 20 When you look at it from a civil
21 standpoint, the first thing you do is try to
22 figure out where does that facility need to lay
23 in relationship to the ground around it, the
24 topography, and things of that nature.

05:21 25 So once we have the gestation,

1 farrowing, gilt development side of things
2 figured out in terms of how it's designed, we
3 then go into the civil phase and figure out how
4 it's going to fit on the land itself. This gives
05:22 5 you an idea of -- this is a topography map and it
6 shows you basically what the topography of that
7 specific area is, and then we lay that facility
8 in there and we know what our topography is going
9 to look like afterwards.

05:22 10 This is a cut/fill map, and it gives us
11 a perspective when we're moving dirt. Again,
12 it's part of the civil plan, but it give us a
13 very good idea how much dirt we have to move to
14 make this project work right and where it needs
05:22 15 to come from and where it needs to go to. Red
16 lines represent "need to cut." Blue lines
17 represent "need to fill." And it gives us a
18 perspective what that's going to look like long
19 term.

05:22 20 When we look at manure storage design
21 criteria, we try to meet a lot of different
22 regulations. Of course, primary one that we're
23 looking at is the state Department of Environment
24 and Energy. They require 180 days of storage for
05:22 25 a facility like this to get approved. We also

1 have NRCS regulations that we look at to make
2 sure that we're not too far off from what they
3 are. We're not obligated to comply with NRCS
4 regulations, but we still take them into
05:23 5 consideration and make sure that they don't have
6 something that doesn't make sense.

7 When we look at this system
8 specifically, we have two different things going
9 on. Underneath the farrowing system, it's going
05:23 10 to be a pull-plug system. So it's a shallow pit
11 about two-foot deep with a little bit of water in
12 it. And basically that manure then, on about a
13 one- to two-month basis, will be basically
14 flushed into the deep pit portion of the
05:23 15 facility, which is under the gestation and the
16 gilt developer. Those are the bigger buildings
17 that are on the site, so it kind of makes sense.
18 But we don't put the pit underneath the farrowing
19 unit itself.

05:23 20 The way this system is set up right
21 now, we have a little over a years' worth of
22 storage designed into it. So we're not only
23 meeting that 180-day requirement, we're doubling
24 it. We're doing that for one specific reason:
05:23 25 Make sure we can apply nutrients when we want to,

1 not when we have to. The only times facilities
2 get themselves into a pickle and cause problems
3 is when they go in and say, "Let's design it for
4 a minimum," and then they have to apply every
05:24 5 fall and every spring. In this case, it gives us
6 the ability to only apply before the crop is
7 grown at a certain time of the year because we
8 can store it for an entire year. It's an
9 expensive process, but it's one that's
05:24 10 drastically needed to be able to maintain the
11 kind of cropping operation that the Danielskis
12 are after.

13 This is an example of what that deep
14 pit facility looks like before it has slats on it
05:24 15 and a barn on top of it. So in this case you've
16 got your deep pit scenario of your walls and
17 then, of course, columns and sides. Those
18 columns basically support a group of beams, and
19 then the deep pit or the slats then are set on
05:24 20 top of that. It gives you a perspective of what
21 that looks like.

22 Here's a picture of one that's actually
23 sitting in the inside after the slats are on the
24 top, but it gives you a better perspective of
05:24 25 what's going on below that and removes the

1 mystery of what really a deep pit is and what it
2 does.

3 Concrete underfloor pit details. This
4 just gives us an example of what's going on in
05:25 5 this specific facility with regards to what that
6 floor looks like and the wall looks like, where
7 columns are being placed, etc.

8 We talked about reinforcement details.
9 This is something we take very serious. We need
05:25 10 to make sure this building is going to be around
11 for a very long period of time. And every one of
12 these buildings is individually engineered and
13 designed. So we look at the soil type. We look
14 at the geology. We make sure that when we put
05:25 15 together a set of construction plans that they're
16 going to meet and exceed expectations of not only
17 the owner, but the State and everybody else that
18 might be looking at it.

19 This just gives you an idea of one of
05:25 20 probably 25, 30 different plan sets that would
21 show what concrete reinforcement is all about in
22 terms of the detail that we go through.

23 Mortalities. Onsite composting
24 facilities will be a part of this. It's also
05:25 25 part of the approved plan by NDEQ.

1 We hear a lot of talk about traffic
2 impact, and that's a very serious issue, and we
3 take it serious. When we talk about traffic, we
4 try to figure out how many cars are going in and
05:26 5 out, how many trucks are going in and out, things
6 of that nature. So with roughly 80 employees,
7 that's roughly 50 cars per day on average, with
8 some carpooling going on. Plus also three semen
9 delivers per week. There's going to be a couple
05:26 10 of deliveries per week. You've got two loads of
11 feed coming in and out of there on a daily basis.
12 That would give you a pretty good average. And
13 there's usually one load of animals that are
14 leaving there on a daily basis. That gives you a
05:26 15 pretty good perspective of what goes on during
16 the week and throughout the month.

17 We talked about third-party oversight
18 earlier. And third-party oversight does a couple
19 things. It ensures that the plans and specs that
05:26 20 we say are correct, that the State approves and
21 they say are correct, actually get built. And
22 that's part of our job, to make sure that
23 actually happens.

24 I want to shift gears just a little bit
05:26 25 and talk about the economic impact of these types

1 of facilities when it comes to what kind of
2 effect it has on the county.

3 We want to create a sustainability
4 model. We want to make sure that we don't have
05:27 5 problems long-term with this facility in terms of
6 the economic impact that it has on the county.

7 What is economic growth? What does tax
8 revenue mean? And what kind of impact are we
9 going to have on our local businesses?

05:27 10 One thing that we look at is trying to
11 figure out what is our sustainability model? And
12 this is from the 2020 Cherry County Project -- I
13 should say from the Proposed 2020 Cherry County
14 Comp Plan. And it looks at our population over a
05:27 15 period of time. In 1980, we had about 6,700
16 members in the county. In 2017, 5,800. We had a
17 drop of about 14 percent. When we look at the
18 projections again from that comp plan, we're
19 looking at another drop in the future. So we've
05:28 20 got to figure out how to stop that at some point
21 in time. The only way you stop that is to grow,
22 obviously, businesses and things that are in that
23 county to help us maintain an economic way of
24 maintaining that process.

05:28 25 When we look at the median household

1 income in 2000, we earned \$29,000. About \$9,000
2 below the state average. When we look at 2010,
3 we were \$43,000, a marketable improvement. The
4 cattle economy kicked in and a few other things
05:28 5 helped, but still \$5,000 below the state average.
6 So we want to make sure that we can continue to
7 stop that decline, if you will.

8 When you look at economic development
9 goals -- and this is taken directly from the
05:28 10 proposed comp plan -- 13% of employment based in
11 Cherry County is tied to the exportation of goods
12 and services. The county needs to continually
13 work on the business retention and expansion
14 process in order to make sure that employers stay
05:28 15 in Cherry County. That's a pretty powerful
16 statement. And it makes a lot of sense when you
17 sit and think about it. How are we going to
18 sustain growth? How are we going to sustain
19 people in this county if we don't offer them a
05:29 20 place to work?

21 Shifting gears just a little bit to get
22 more technical. We're trying to figure out what
23 do some of these things mean? There's a term
24 called base multiplier. Base multiplier is
05:29 25 something that is defined as well in that same

1 proposed plan. And they say that Cherry County
2 has a base multiplier of 6.7. So what that says
3 is that for every job considered to be basic, 6.7
4 other jobs in the county are supported and/or
05:29 5 impacted. This is illustrated by comparing the
6 nonbasic percentages against each other.

7 So if Cherry County loses just one job
8 tied to exports, there's a potential to lose
9 approximately 6.7 other jobs of nonbasic
05:29 10 employment. So that's a pretty powerful
11 statement as well. So if we've got a product
12 that's going to be obviously growing the county
13 and there's going to be an exportation factor and
14 all these other things along with that, it kind
05:30 15 of makes sense that we consider what's going on
16 there.

17 Agriculture has historically been a
18 major part of Cherry County economy. It appears
19 its importance will only grow during the planning
05:30 20 periods of this document. It will be critical to
21 maintain a balance of the type of livestock and
22 grains raised in order to minimize future
23 economic downturns.

24 Diversification is good. We know that.
05:30 25 We've got plenty of data to show that.

1 Two of the top different studies that
2 we looked at pretty closely are one that was done
3 by the Nebraska Public Power District about ten
4 years ago and another one by UNL, UNL White Paper
05:30 5 for Livestock Impact. Rural Nebraska, obviously,
6 is what we're talking about. And direct economic
7 effect per county per employee are calculated by
8 the Nebraska Public Power District to be around
9 \$89,000.

05:30 10 So what that says is, if you have an
11 employee, there's economic impact of \$89,000 that
12 ripples through from that one particular
13 employee. When we look at per capita income, we
14 know that seven of the top rural livestock
05:31 15 counties in Nebraska compared to those that don't
16 have it, there's a 28.7 higher per capita income
17 in those counties. So for all the counties that
18 have a lot more livestock, they're making a lot
19 more money from a per capita basis. It's about
05:31 20 that simple. But the ones that have limited
21 livestock, it goes the other direction.

22 They also say that for every million
23 dollars in sales, 11 jobs are impacted throughout
24 that county. Again, it's that ripple effect that
05:31 25 happens when you go down the road.

1 The new facility would employ around 80
2 employees.

3 The other thing that we looked at is
4 trying to figure out what the property valuation
05:31 5 is going to do with facilities like this.

6 There's a ton of different studies that are out
7 there. Some are positive. Some are negative. I
8 want to point out that comes from, again,
9 Nebraska Public Power District and what they did
05:31 10 here a few years back.

11 They compared non-metropolitan rural
12 areas with limited livestock, and they figured
13 out what is a valuation per capita for ag
14 dwellings. It was about 3,400 bucks. Total ag
05:32 15 properties per capita was \$7,000. When you then
16 compare that to livestock counties that had a
17 high propensity of livestock in those seven
18 counties, ag dwellings were 36 percent higher in
19 property valuation than those counties with
05:32 20 limited livestock. And, again, property value
21 itself, \$10,000 compared to 7; 54 percent
22 increase. So that makes a very strong suggestion
23 -- at least in Nebraska -- that there's a very
24 positive impact to livestock and livestock
05:32 25 production.

1 We know that the livestock industry is
2 one of those basic industries that has that
3 multiplier effect that we just talked about.

4 Another multiplier effect is how many times will
05:32 5 a dollar travel through a county once it's issued
6 out to that employee. And there's a lot of
7 different models that you can follow, but the
8 average of those is going to be somewhere between
9 four and seven times. If that dollar gets spent
05:33 10 locally, it's going to travel through that county
11 between four and seven times before it leaves the
12 county. That's a pretty powerful number.

13 When we look at the distribution of
14 impact -- and this is a good example for Custer
05:33 15 County, and this data is real for Custer County.
16 If we look at the difference in terms of what are
17 all the different economic impacts of total
18 output dollars compared to all the other
19 industries that service.

05:33 20 As you can tell, livestock in Custer
21 County pretty much rules the roost, and it gives
22 it a huge economic boost in terms of what its
23 total output is on an annual basis compared to
24 all the other services that are provided in that
05:33 25 particular county.

1 To give kind of a summary of what this
2 means, there'll be roughly 80 employees that are
3 going to be in this facility. If we take the
4 number that we talked about earlier, when we look
05:33 5 at that direct economic impact of \$89,000 times
6 that 80, you're looking at about a \$7 million
7 economic impact on an annual basis.

8 We also know there's goods and services
9 to local businesses, and obviously, there's a
05:34 10 huge impact during the construction phase of this
11 project.

12 When we look at the UNL White Paper,
13 the one other quote that I found very amusing,
14 "In the respective county, that would be home to
05:34 15 expansion activity. In other words, rural
16 economies would be the primary recipients of
17 these expanded employment opportunities."

18 So we've got to look at that and say
19 does that really make sense? Is that good for
05:34 20 Cherry County? Are we trying to figure out a way
21 to grow, and is this a good way to do it? That's
22 a decision you all have to make.

23 But, obviously, there's a huge impact
24 when we look at sales tax and property taxes.
05:34 25 When we look at property taxes alone, the annual

1 revenue is going to be around \$275,000 for about
2 a 22- to \$23-million facility. So it's got a
3 huge impact. Obviously, that's something that we
4 need to look at and look at very closely.

05:35 5 Shifting gears a little bit, I want to
6 talk a little bit more about manure. And,
7 obviously, the recipes for success are pretty
8 simple when you get right down to it. We know
9 we've got to analyze that product, figure out
05:35 10 what we have, what is our availability of that
11 product to the crop on that given growing year,
12 identifying our target rate of how we're applying
13 that product, and then make sure that it gets
14 done in the way that we know makes some sense.

05:35 15 Soil testing procedures are something
16 that's always talked about in these facilities.
17 We look at two things. And when we write a
18 nutrient management plan, it first needs to meet
19 with what the State is requiring of that plan,
05:35 20 and the UNL guidelines is what they choose, as
21 well as the NRCS 590 Standard. We use both of
22 those to apply to what we're doing when we write
23 a nutrient management plan. Sample the soil
24 prior to application 0 to 8, 8 to 24 inch
05:35 25 sampling depth. Deposit sampling needs to be on

1 40 acres or less. Nitrogen is sampled annually
2 prior to any application without exception. The
3 phosphorus is always done prior to the first
4 application, and then done on a five-year
05:36 5 interval after that. Phosphorus doesn't move
6 through the soil profile. Nitrogen does.

7 Irrigation water needs to be checked
8 once every five years.

9 Consistency and uniformity are the key
05:36 10 to making this product work. When we look at
11 beef cattle feedlot manure, we don't have that.
12 It's extremely inconsistent and very hard to
13 manage. It's usually too wet or too dry or too
14 something.

05:36 15 When we look at the product that comes
16 out of the deep pit, it's the same every single
17 time. It's extremely uniform. We don't have
18 problems with consistency because of the adverse
19 effects of weather or anything else. The only
05:36 20 thing that affects it is diet. As long as that
21 diet doesn't change substantially, we get a
22 pretty consistent product. Usually we can
23 overcome that with good agitation before we
24 apply.

05:36 25 We can actually apply a product now

1 with precision-based application. So we can look
2 at that product and say, okay, this is what we
3 need. We can apply a higher rate to certain
4 areas of the field that we know will grow better
05:37 5 crops. We can lower that rate where we know we
6 don't have that advantage. The bottom line is on
7 the prescription side of things with manure,
8 we've come a very long ways in the last couple of
9 years.

05:37 10 Organic product obviously is going to
11 improve not only our soil health, but it's going
12 to give us an opportunity to create a new market
13 that might not be there today.

14 When we look at different systems for
05:37 15 applying manure from a deep pit, this is commonly
16 what we call a dragline system. A dragline
17 system is simply just that. You're dragging a
18 line through the field that's tethered back to
19 the deep pit at some point or to a truck. In
05:37 20 this case, back to the deep pit. That product is
21 pumped through that line. It follows the tractor
22 and the applicator right through the system, and
23 it gives us the ability to inject that product
24 into the soil. No surface application of manure
05:37 25 is allowed in this permit application, and nor

1 will it be done by the owners if this is
2 approved. It gives the ability to put the
3 product where it belongs and do it in a fairly
4 odor-free manner.

05:37 5 Booster pumps are a good example of
6 that. If we're going a long distance and we need
7 to figure out how to get that product further, we
8 can put an inline booster pump in that line and
9 solve some issues.

05:38 10 Tankers are another system that can be
11 used if we want to pick product up and actually
12 move it. We can do that. And, of course,
13 applying with that very same unit, if so desired.

14 The nutrient management plan itself has
05:38 15 a crop base of 3,500-plus acres. We're producing
16 about 175 tons of nitrogen out of this facility
17 on an annual basis. That's about half of what we
18 need. The good news is it's producing half of
19 what we need. The bad news is it doesn't produce
05:38 20 it all, but it still gets us a long ways down the
21 road. The nutrient management plan has about
22 "2x" of the ground needed right now just to
23 sustain nutrient production from a nitrogen
24 basis. And we're right at zero when it comes to
05:38 25 phosphorus.

1 All applications, again, have to be
2 done with soil sampling done at agronomic rates,
3 making sure they're done right. Those records
4 have to be produced for the DEE on an annual
05:39 5 basis for their inspection process.

6 To give a little bit of a comparison of
7 what we look at in terms of this type of a
8 facility compared to a feedlot, a lot of times
9 people have a better visual of what a feedlot
05:39 10 looks like in terms of the types of products it
11 produces. So I put this analogy up: Comparison
12 of creating about 175 tons of manure or nitrogen
13 per year are going to be about the same as what
14 we generate on a 3,700-head feed yard. So
05:39 15 compare those two per month, total product output
16 standpoint, if you will. At the same time the
17 proposed building footprint that we showed you is
18 about 10 acres. A 3,700-head feedlot would cover
19 roughly about 37 acres. So it gives you a nice
05:39 20 perspective of how big this facility is compared
21 to maybe a feedlot that has a better perspective
22 of size.

23 When we talk about the regulations
24 specifically, we know that the permit requires a
05:40 25 mile setback east and west, and a two-mile

1 setback to the north and the south. One-hundred
2 percent of the neighbors within this setback have
3 approved and signed the easements and the forms
4 to allow this facility to be built within that
05:40 5 setback. Again, it's classed anaerobic and it's
6 not in a floodplain.

7 The setback map -- I think everybody's
8 probably seen already -- gives an idea of that
9 circle, if you will, two miles north and south,
05:40 10 one mile east and west.

11 Another requirement in the regulations
12 is making sure that we've identify all of our
13 enclosed animal feeding operations. We've done
14 that.

05:40 15 The next thing we do is we look at odor
16 production. We try to figure out what does that
17 really mean. From a State perspective, they
18 don't get involved with odor production or odor
19 projections or anything of that nature. When we
05:40 20 put the permit application in to the State, odor
21 really isn't a big consideration. So it's not in
22 their jurisdiction, you might say.

23 So what we do is try to figure out --
24 how do we figure out what kind of an odor plume
05:41 25 is going to be generated from a facility of this

1 size? The best tool that we have out there was a
2 tool produced by the University of Nebraska with
3 a few other universities that's basically called
4 an Odor Footprint Tool. So what they did is went
05:41 5 out and measured what does an odor plume do in
6 certain situations with wind, topography, and of
7 course, the type of livestock that you're
8 feeding, what type of waste control facility is
9 there, and how is that product being applied.

05:41 10 All those type of considerations go into matrix,
11 if you will, and they come up with a system that
12 shows here's the expected odor plume on any given
13 occurrence. So it's a pretty nice tool. It
14 basically looks at those things. It also looks
05:41 15 at our wind. It looks at what our wind is doing
16 on a monthly basis year round, and of course,
17 topography is a big issue.

18 I want to show two examples of what we
19 call a wind rose, and that's what's used in that
05:41 20 Odor Footprint Tool. It basically looks at
21 scientific data that's been developed over the
22 last several years and puts into perspective
23 where our winds come from and where they go to
24 and at what speed and at what frequency.

05:42 25 So in this case in November, primary

1 winds are from the northwest, and a lot less from
2 the east and so on and so forth. So it gives you
3 a perspective, again, of time, duration, and
4 frequency of those types of events.

05:42 5 Conversely, a June one is going to have
6 more of a southern predominant wind flow. So if
7 you look at that, you see a lot more winds coming
8 from the south. You're still getting a few in
9 the northwest, but it shows that distribution.
05:42 10 That odor footprint model developed by UNL takes
11 those things into consideration.

12 So we look at and try to figure out
13 what is our annoyance rate? An annoyance rate is
14 defined as a percentage of time that you're going
05:42 15 to be annoyed by that particular facility. And
16 there's an annoyance rate associated with
17 everything we do. Some people's is different
18 than others. This gives you a perspective of
19 what percentage of time in any given day or month
05:43 20 or year which you would be physically affected by
21 that facility.

22 So we look at what we call a 94-percent
23 annoyance rate. And then we look and say what
24 does that actually look like? We look at the
05:43 25 facility and we enter in all of the data that is

1 required to show what that facility does and how
2 it's operated, and then we look and we plot out
3 that annoyance rate.

4 So that annoyance rate says basically
05:43 5 94 percent of the time you're going to be
6 somewhat affected inside of this circle. Outside
7 of that circle, you're probably not affected. So
8 it looks at those things and figures out, okay,
9 what kind of rate would we have. So in this
05:43 10 particular case, there are no other facilities
11 that are inside of that circle.

12 Let's step it up a notch. Let's look
13 at 96 percent of the time. Let's step it up a
14 bit and look at 96 percent of the time. 96
05:43 15 percent of the time the same exact thing occurs,
16 only the plume gets bigger because we have a
17 lower threshold of what that annoyance rate
18 actually is. In this case, we're going to have a
19 higher annoyance rate back to the north a little
05:44 20 bit because of our south winds that are usually
21 blowing. It doesn't get a whole lot further when
22 you go to the south. And that's, again, based on
23 that particular model. So it gives us an idea of
24 what we can expect.

05:44 25 I'll show another slide in just a

1 minute comparing that to what the County has
2 adopted in terms of their setback distances.

3 When we look at Cherry County
4 regulations, specifically 501.05, 15D, I want to
05:44 5 read this because I think it's very important on
6 our application. "To minimize the potential for
7 unreasonable odor impacts on abutting and
8 neighboring properties and/or to minimize the
9 extent of the number of properties which may be
05:44 10 occasionally impacted through surface application
11 manure" -- which we're not doing -- "in any
12 general location and the number of animal units
13 in any confined animal feeding shall not exceed
14 2,000 animal units per section of land.

05:45 15 Authorization to exceed this limit may be
16 approved by the county board if the proposed
17 confined animal feeding use can provide
18 assurances acceptable to the board of
19 commissioners that a larger number of animals
05:45 20 will not result in more properties being
21 subjected to unreasonable numbers for
22 unreasonable time periods."

23 Keep that in mind as we have this
24 discussion. So we go down the road and try to
05:45 25 figure out: Does the existing comp plan and

1 existing zoning regulations make sense for Cherry
2 County? This would strongly suggest that they
3 do.

4 So if you look at the zoning regulation
05:45 5 that says a mile setback east and west and two
6 miles north and south, it shows that blue circle
7 94 percent -- or 96-percent annoyance rate is
8 actually smaller than that. That's a pretty
9 strong suggestion that your setbacks are probably
05:45 10 pretty good. It makes some sense. It's also a
11 suggestion that anything outside of that,
12 obviously, may not be reasonable.

13 We look at ventilation systems -- and I
14 want to talk briefly about this because I think
05:46 15 it's very important, not only for the health of
16 the livestock but the people that are working
17 inside. Ventilation systems do a couple things.
18 They keep air fresh. If we can suck air out of
19 the underfloor pit at a higher rate, then we know
05:46 20 we can dilute that rate and that odor frequency,
21 and we can reduce the odor coming out of that
22 facility. It's a proven fact, and it works very,
23 very well. The second thing it does, it also
24 creates a downdraft in that building. And we
05:46 25 pull the air fresh out of the ducts of the attic,

1 and when we pull that through, it keeps the
2 livestock healthy and it keeps a better
3 environment for the people that are working in
4 there.

05:46 5 Obviously, there's several different
6 things that we can do to reduce odor impact. We
7 define that odor plume. We know what our
8 setbacks are. We've used that UNL Odor Footprint
9 Tool that's a scientific study that shows what we
05:46 10 think that annoyance rate would be. We do not
11 have any surface application of the manure, and
12 we're going to use one of the best ventilation
13 technologies. That's all of the things that can
14 be done to reduce the odor impact above and
05:47 15 beyond what we would normally have to worry
16 about.

17 Summary of benefits that we talked
18 about with Cherry County is land ownership,
19 economics, jobs, obviously the local business
05:47 20 impact, local feed inputs, and the tax base is
21 very, very large. We think that we've met the
22 requirements of permit, exceed all setback
23 requirements with easements, engineered and
24 developed to minimize air and water pollution.
05:47 25 It's already approved and reviewed by the NDEE.

1 Obviously, it exceeds the requirements of "2x" in
2 terms of land application area needed. All
3 nutrient products will be incorporated, no
4 exceptions. And we will always have, obviously,
05:47 5 access that you can put in the permit for county
6 officials. Lastly, it's not in a floodplain.

7 Why is this a good site? It's zoned
8 for ag. It has access to good roads. We know
9 that their available manure acres are in place.
05:48 10 Again, the floodplain issue. We know we have a
11 lot of feed stuffs in that area. And we're in a
12 very good climate, and we're in a very good area
13 for biosecurity.

14 What are the next steps in the
05:48 15 chronology of this process? Obviously, we need
16 to get a conditional use permit approved by your
17 County. Once that's done, the facility gets
18 constructed. We certify that that facility is
19 constructed the way it should be. We can provide
05:48 20 that certification back to the County, if needed.
21 Operate the facility, maintain compliance. It's
22 pretty self-explanatory.

23 Here's basically the request: We know
24 that we have a conditional use permit for both
05:48 25 phases of the project. We want to approve an

1 exemption to the limits that basically says you
2 can only have 2,000 animals in a section unit of
3 ground. So to approve that exception, Cherry
4 County regulations has mentioned "low odor impact
05:48 5 will not result in more property being subjected
6 to unreasonable levels of odor for unreasonable
7 periods of duration."

8 We're at a 96-percent annoyance-free
9 rate with what we're showing with this odor model
05:49 10 when it's in full production. That reaches out
11 no further than what we already had in your
12 setbacks of a mile east and west and two miles
13 north and south.

14 The second thing that we are asking for
05:49 15 is a period of time of five years to be able to
16 construct this facility. The first phase would
17 probably begin fairly soon. The second phase
18 within a year or two after that. But we're
19 asking for a five-year construction phase, if you
05:49 20 will, and I think that's allowed, of course, in
21 the zoning regulations as well.

22 At this point in time, I'm going to
23 slow down and turn it back to you guys and see if
24 you have any questions. I appreciate very much
05:49 25 your time and attention.

1 MR. CHAIRMAN: I think perhaps we will
2 go ahead and move in to the rest of the public
3 hearing and maybe reserve some of the questions
4 to the end.

05:50 5 So at this time, the public hearing is
6 open to the public. Come up and make a
7 five-minute statement, please. Remember to
8 please state your name and sign in if we need a
9 correct spelling.

05:51 10 MR. HAMANN: Good evening. My name is
11 Lee Hamann. I'm an attorney for Ed Brown and
12 Tamarac, Inc., owners of the Two Rivers Ranch
13 located southwest of the proposed swine
14 operation. So here we have a map. This is the
05:51 15 proposed site for the swine operation. Two
16 Rivers Ranch is down to the southeast and extends
17 across the river.

18 We have limited time, and I'll do my
19 best to cover this in the limited time. I would
05:51 20 direct you to the letter I submitted yesterday.
21 It goes into greater detail on many of these
22 points. One of our main concerns is the fact
23 that they are going to exceed the
24 2,000-animal-unit threshold by a factor of more
05:51 25 than three. Even if they just did Phase 1,

1 that's a factor of more than two.

2 The operative language in granting the
3 exemption to go beyond that is that it will -- as
4 Dean correctly pointed out -- will not result in
05:52 5 more properties being subjected to unreasonable
6 levels of odor for unreasonable duration periods.

7 He said a lot of good things about what
8 they've tried to engineer in this, but unless
9 your conditional use permit and your consultant,
05:52 10 Keith Marvin, or whoever else you might consult
11 can verify these things, you don't know. I mean,
12 I know the Settjes are a reputable organization,
13 but I mean your zoning regulation, your zoning
14 resolution, the planning commission has a duty to
05:52 15 investigate and verify these things. We're not
16 exactly convinced. You don't have to go very far
17 to find swine operations that do have odor
18 problems and groundwater pollution problems.

19 They offered general statements on how
05:52 20 their operation is going to be better, but in
21 order to issue a conditional use permit, you need
22 to nail down the details. Because if you don't,
23 you don't have any way to enforce these better
24 measures. So the county -- the whole purpose of
05:53 25 the zoning regulations for the County is to

1 protect the health and welfare of its citizens.

2 As far as the issues with phasing,
3 they're asking for five years, I take it, to get
4 their construction done, otherwise you have a
05:53 5 two-year limit under your zoning regulations. I
6 don't see -- we don't see what the justification
7 is for rushing in to granting both phases right
8 now, particularly, given the magnitude of the
9 impact of this operation if it doesn't perform as
05:53 10 promised.

11 So, you know, even at a Phase 1, you're
12 still more than twice your 2,000-animal unit
13 threshold. And why not -- if there's something
14 going to be granted here, why not limit it to
05:54 15 Phase 1 and make sure that the operation works as
16 promised before you go in whole hog, if you will,
17 and, you know, create a bigger problem with an
18 unknown.

19 I thought in their submissions -- their
05:54 20 presentation is nice, but in the submissions and
21 what nominally goes into your permit is what's in
22 front of you there, that there were a lot of
23 details lacking. I don't have time to go through
24 your zoning resolution line by line, but if you
05:54 25 go through that, the conditional use for confined

1 animal operations takes -- in numerous places
2 talks about water quality, protecting water
3 quality, and particularly odor is a concern.
4 And, again, you don't have to go far to find
05:54 5 problems with those things.

6 There was some -- in the comments they
7 submitted to Mr. Marvin's July letter, they
8 mentioned, you know, "We'll get into this stuff
9 when we go to the county board." Well, under
05:55 10 your zoning resolutions, the buck really starts
11 here. You're charged with investigating and
12 analyzing and making a decision as to whether
13 these things are really going to get the job done
14 that they say are going to get done. This
05:55 15 requires technical support and some digging. And
16 I appreciate what's already been done by Jessica
17 and by Keith.

18 But, seriously, there's so many factors
19 to look at. And your zoning regulations require
05:55 20 you to look into the impacts of the operation.
21 And that's not just about air and water, but it
22 also includes the schools, it talked about the
23 roads, and all that. We need more detail on odor
24 mitigation. Just saying that you're going to do
05:55 25 it -- you should ask for the science behind it

1 and why it's going to work. You know, just
2 venting to the outside, it seems like that just
3 spreads the misery and doesn't do anything to
4 eliminate it.

05:56 5 On the economic benefits, I would just
6 quickly say those are great, but there's also
7 impacts. You know, health issues and odor issues
8 and those things need to be considered. Thank
9 you, and we'll be happy to answer any questions.

05:56 10 MR. CHAIRMAN: Thank you, Lee.

11 MR. RINGENBERG: Good evening. Make
12 sure they can hear me in the back of the room.

13 MR. CHAIRMAN: As everybody says, it
14 helps to be up close for some reason.

05:57 15 MR. RINGENBERG: My name is Jay
16 Ringenberg. That's spelled J-a-y,
17 R-i-n-g-e-n-b-e-r-g. I'm the principal and owner
18 of JDR Environmental, LLC, doing consulting
19 services in all phases of environmental. Just
05:57 20 background for the audience a little bit, I
21 worked at the Nebraska Department of
22 Environmental Quality for 43 years. The last 16
23 years I was a deputy director, responsible for
24 all of the environmental programs; water quality,
05:57 25 air quality, risk management, homeland security.

1 So I'm going to talk a little bit about
2 and raise some issues from the regulatory
3 standpoint. I'm not speaking for the agency or
4 any of the other ones that I do mention, though.

05:58 5 First, there's the role for DEE and
6 NRCS and NRD. The regulatory role for the permit
7 and compliance and enforcement is the DEE,
8 exclusively and particularly for the nutrient
9 management plan. And I am going to talk about it
05:58 10 here in a little bit. NRCS has some regulatory
11 programs. They also are a technical advisor for
12 all phases of agriculture, and that is their role
13 primarily. NRD do a lot of services. And you're
14 familiar with your NRD, I'm sure. They have a
05:58 15 big role in groundwater and groundwater
16 contamination, both from agriculture as well as
17 this facility.

18 Secondly, Dean Settje was correct --
19 I've known Dean a long time. I've had the
05:59 20 pleasure of working with him. Eric Ogren did a
21 nice presentation. One of them that he did
22 mention, the agency does not control odor. They
23 do not regulate odor at all. That is a County
24 responsibility, enforcement of odor issues rests
05:59 25 with the county sheriff, and that's done

1 throughout the state.

2 Another one was -- is that I do feel
3 that the application does need to revise the
4 nutrient management plan because it does -- to
05:59 5 mandate the use of best management practices for
6 odors, it currently talks about they may do some
7 things, not what they will do.

8 And from a County standpoint, if you
9 want to enforce those later, the best way to do
06:00 10 it is get it in the nutrient management plan, and
11 then the State will do it for you. But not the
12 odor part, but they'll do other items.

13 One of them was that they can present
14 -- and on the aerial map we put together here, it
06:00 15 was done primarily to show the relationship of
16 the Two Rivers Ranch and all the application
17 sites in relationship to some of the communities
18 that are up here. And this was done for the
19 audience, so they can come look at it themselves
06:00 20 afterwards if they like, and we'd be glad to
21 answer questions.

22 But the red dots are all owned by
23 Danielskis, and all the yellow ones are owned by
24 other individuals. There's a red square on
06:00 25 there. That's the proposed facility.

1 We do believe that you need to revise
2 the nutrient management plan to reflect the
3 actual method of disposal by injection only.
4 Dean says they're going to inject it all.
06:01 5 They're not going to do land application. The
6 nutrient management plan currently allows surface
7 application and irrigation, and we believe that
8 that needs to be changed. And if it gets
9 changed, then you have some background for the
06:01 10 State to enforce both of those.

11 We do believe that they need to revise
12 the nutrient management plan to conform to the
13 recommendations of NRCS in their document of
14 July 6, 2020, regarding the injection not in the
06:01 15 fall, only for spring plant crops.

16 Revise the nutrient management plan to
17 state that no application will be made on frozen
18 ground, and the application sites added in August
19 be questioned if those have been reviewed by the
06:02 20 NRC -- NRCS, excuse me.

21 Revise the information as to how waste
22 will be transported to disposal sites. Will it
23 be hauled by truck? If so, what's the volume of
24 the truck? Will it be pumped? If it's by pump
06:02 25 by pipeline, they need to show the routing and

1 how that would be permitted.

2 And that concludes my comments, and I'd
3 be glad to answer questions now or later. Thank
4 you very much.

06:02 5 MR. CHAIRMAN: Thanks, Jay.

6 MR. JACOBSON: Good evening. My name
7 is Dale Jacobson. I'm a civil engineer in a
8 consulting firm. I'm from Omaha. And I wanted
9 to cover several of the engineering aspects of
06:03 10 this proposed project.

11 I might state at the outset that
12 Mr. Settje's presentation was very well prepared
13 and covered a lot of ground. So I'm going to
14 cover some of that again, maybe from a slightly
06:03 15 different perspective.

16 So I'm going to start with the wind
17 roses. I've prepared wind roses for an entire
18 year. You can do these wind roses for any period
19 of time that you've chose. Well, I chose
06:04 20 quarters. And so you can see the various
21 quarters I've got labeled on this board, and I've
22 provided these to you for the file.

23 But you can see that in the spring of
24 the year when the wind is predominantly from the
06:04 25 northwest and toward the southeast, that's the

1 time of year when application would be done based
2 on what we've heard also. And so I respect the
3 data that's been presented so far, but it's also
4 pointing directly to Two Rivers Ranch
06:04 5 approximately at this juncture. So the wind is
6 important, and it's important all year round.
7 And I think that, because of that then, some odor
8 mitigation measures may be appropriate.

9 It was also covered during the
06:04 10 presentation that there would be an air handling
11 system, and you saw some photos of air handling
12 equipment. That's an excellent issue. None of
13 that information is in the permit that NDEE has
14 approved. We would recommend that the planning
06:05 15 commission require that the applicant submit that
16 to you for your review also.

17 The next issue then is one of odor
18 treatment. You know, you can mitigate it to a
19 certain extent through exposing of it to the open
06:05 20 atmosphere. But there are odor control
21 technologies out there. Biofilters and a range
22 of technical processes that can be used to
23 mitigate odor. And it's my expectation that the
24 applicant's consulting firm is knowledgeable of
06:05 25 those technologies, and we'd suggest that the

1 commission require them to be submitted to you
2 for your review.

3 And then I want to touch on monitoring
4 wells. That was also discussed in the formal
06:06 5 presentation. And once again, the Nebraska
6 Department of Environment and Energy has not
7 recommended that monitoring wells are required as
8 a condition of the permit they've issued. We
9 would recommend that this planning commission
06:06 10 require that the applicant install monitoring
11 wells at the appropriate locations. A very early
12 view would be at least three monitoring well
13 systems. Typically, you'd put three -- a
14 monitoring well in an upgradient location and
06:06 15 probably more than one in a downgradient
16 location.

17 It depends on the depth to water,
18 whether you might have nested monitoring well
19 systems with a shallow one to look for early
06:07 20 contamination, and a deeper one to look at that.
21 We would suggest that they have to be monitored
22 two to four times a year. A series of tests
23 would need to be run that could be determined by
24 permit requirements from the County. So we think
06:07 25 that's a very important issue, and that was

1 brought up during the previous presentation.

2 The other issue I want to bring up is
3 that of traffic and transportation. We got some
4 really good information during the presentation
06:07 5 that there's going to be 80 employees and an
6 appropriate number of vehicles and trucks for a
7 range of things from semen to feed to livestock.
8 And that's really good information.

9 The German Settlement Road is a county
06:07 10 road. As county roads go in Nebraska, it's a
11 good road, but it's going to get a lot more
12 traffic under the current circumstance with
13 manure, management, trucks, and feed trucks and
14 so forth. So we would recommend that a
06:08 15 professional engineering study of the German
16 Settlement Road be also included as a condition
17 to any permit that you might issue here.

18 So those are the points I wanted to
19 make, and I'll leave the stage to answer
06:08 20 questions. And I'm going to put up the last
21 board of some photos of the road. Thank you.

22 MR. CHAIRMAN: Thank you, Dale.

23 MS. PAINTER: Can I stand? Can you
24 hear me? Okay.

06:09 25 Hi, board, everyone present. Most of

1 you don't know me. Some of you might. My name
2 is Heather Painter. And you will not find a
3 larger supporter of the livestock industry. I'm
4 honored to work alongside my husband raising
06:09 5 livestock, the livestock that his family has
6 spent generations to build.

7 Together, with our boys, we lived near
8 the first swine facility that was built south of
9 Ainsworth, Nebraska. I'm here tonight in support
06:09 10 of all of those in your area with severe concerns
11 about establishing a new facility near their
12 homes, their livelihoods, their property, and
13 their livestock.

14 Similar concerns were raised by myself
06:09 15 as similar concerns to what you'll hear tonight
16 during a period of time when the facilities such
17 as the one proposed was -- to my complete
18 disappointment -- approved and built
19 approximately three miles from my home.

06:10 20 Since this said project was completed,
21 several expansions have taken place. Multiple
22 new barns have been built throughout Brown
23 County, and the most recent proposal was a new
24 facility to be built by Johnstown. Thankfully,
06:10 25 it was denied due to environmental concerns and

1 being close to water in September of 2020.

2 Now, I realize in this room several
3 speak to you about how much money can be made
4 through the building of this facility. But what
06:10 5 is not covered is what is lost for families,
6 individuals, and personal property.

7 I daily deal with the stench of the
8 facility near my home and the waste pumped onto
9 the cornfield that has standing water that runs
06:10 10 off through the ditches and by my own livestock.
11 I witness the trash that fills my ditches and my
12 pastures where my livestock graze. I've taken to
13 the doctor, since the building of this facility,
14 my children and myself with more respiratory
06:10 15 illness than you can possibly imagine, including
16 pneumonia.

17 With each expansion, I watch my
18 property value decrease. I know that the UNL
19 plume says that we would not be impacted. Well,
06:11 20 science has failed us. At three miles, we live
21 in an 88- to 92-perect rate of complete annoyance
22 most of the year. We can't sit on our deck at
23 night because of the smell. We can't go move our
24 cows. The ability and freedom to use your
06:11 25 property the way you want is completely taken

1 away from you.

2 The land we have deserves to be
3 protected. We sit on top of one of the largest
4 aquifers. I won't bother you with the list of
06:11 5 things that can go wrong with a heavy amount of
6 hog manure leaching into the ground. And the
7 worst part is, is that it doesn't take a spill
8 for the substances to get into the air and make
9 the people and livestock surrounding it sick.

06:11 10 Iowa and North Carolina are currently
11 dealing with high levels of nitrates from pig
12 manure being put on fields, causing multiple
13 diseases, cancers, and birth defects.

14 If you look at what this type of
06:12 15 facility will cost the County in unseen expense,
16 the loss far outweighs the gain that one
17 corporation or individual will have.

18 Looking at only infrastructure, the
19 housing, roads, and schools that this extra
06:12 20 expense will be -- it will be evident. Number
21 one, "They're going to employ so many local
22 people." That was the same thing that was said
23 to me. But with not enough housing or locals
24 that are willing to work, employees will be
06:12 25 driven in daily and take their paychecks back

1 home to other towns and other counties to buy
2 their necessities. Then that's money leaving
3 your county.

4 "But the tax money" -- number two, "the
06:12 5 tax money that's going to be made by this."

6 Well, if you look deeper into that, you'll see
7 that they get credits and that it truly -- the
8 tax dollar number really isn't that great.

9 When, number three, the roads require

06:12 10 costly maintenance as you very well all know.

11 But with heavy feed trucks and shipping trucks
12 traveling them frequently, they require even
13 more, costing even more County money.

14 And, four, at some point you may have

06:13 15 to hire interpreters in your school system

16 because of cultural differences in your

17 community. And I can see you all sitting there

18 saying, "Maybe not here." But I said that same

19 thing about Ainsworth a couple years ago. That's

06:13 20 what they told me. Now they have teachers

21 dedicated to English as a second language so

22 students don't fall behind because of language

23 differences. Who pays those teachers' salaries?

24 Because they didn't let anybody go. They just

06:13 25 added more.

1 I urge you to look at the statistics of
2 economic growth in Brown County since the
3 facilities were built in 2017 and see the
4 difference, but look really hard, because there
06:13 5 isn't much there.

6 All of this should be of serious
7 concern to you because it's your position to act
8 in the best interest of this county. It's
9 especially difficult this decision in front of
06:13 10 you. It's not to be taken lightly, and it's not
11 an easy one. So I ask each of you to listen to
12 the people in this room that have a lot to lose,
13 and please take them seriously. They took the
14 time to be here with very real concerns and
06:14 15 express them to you. This decision will affect
16 far more people than you could ever possibly
17 imagine at this point for generations.

18 I appreciate your time. I wish you the
19 best of luck and thank you. Any questions?

06:14 20 Have a good night.

21 MR. CHAIRMAN: Thank you, Heather.

22 MR. WEBER: I'm Rick Weber. I've got
23 one question. When they made the zoning rules on
24 the 2,000 animal units, was it based on a pig or
06:14 25 a cow? Because there's only about 1,100 pounds

1 difference, and that's a question I've got.
2 Because there is a difference between a
3 1,500-pound feedlot animal and a 300-pound sow.
4 And I would ask that that's taken into
06:15 5 consideration.

6 And on a personal note -- and another
7 thing, the deal in Johnstown wasn't solely based
8 on water. It was based on being a half mile from
9 a residence, because I was somewhat involved in
06:15 10 that opinion.

11 On a personal note, there probably
12 hasn't been any one family in this country that
13 has done more for the town of Valentine and
14 surrounding community, from the Ag Society to the
06:15 15 schools to cleaning up the town. And if you look
16 at their farming operation, their truck stops --
17 and I get around quite a little -- the parking
18 lots are exceptional. The whole thing is first
19 class. Their farming operation, their trucks,
06:16 20 their convenience stores.

21 So these aren't fly-by-night, some
22 foreign people. They're community-minded, and
23 what little business I've done with them -- it's
24 been a fair amount -- what they say, they do.
06:16 25 You can take it to the bank with you.

1 They're soon to be fourth generation.
2 You can drive through their lot, and everything
3 is first class. And I strongly think it will be
4 an asset.

06:16 5 With the stuff that's going on the last
6 six, eight months with this pandemic thing, we
7 need every person that will walk in a grocery
8 store, drug store, our store, boutiques, any
9 hardware stores, anything in town. We realize we
06:16 10 need any person we can get to come in there.
11 When you add 80 jobs to 100 jobs -- good jobs --
12 it's quite an asset to the community. Thank you.

13 MR. CHAIRMAN: Thank you, Rick.

14 MR. BROWN: Hello, my name is Ed Brown.
06:17 15 We've been ranching in the German Settlement area
16 for over 30 years. It's a wonderful place. We
17 don't care to see it change. As these gentlemen
18 have pointed out, there are some real issues with
19 this application.

06:17 20 One of the things I wonder is -- we
21 didn't get to that -- but how are they going to
22 pump manure across the Minnechaduza? Somebody
23 needs to ask that question.

24 German Settlement Road is narrow and
06:18 25 curvy and has blind spots. It is a dangerous

1 road. As I'm sure you've all seen, the shoulders
2 are crumbling. With added semi, farm equipment,
3 and employees late to work, we would have an
4 accident waiting to happen. With rain, fog, ice,
06:18 5 and snow, things only get worse. Last Monday was
6 an example. Children would have to face this
7 head on at least twice a day, getting to and from
8 school. It's not worth the risk.

9 The cost to Cherry County of
06:18 10 maintaining this road will only increase. We
11 haven't seen any gravel on the roads to our
12 places in years. We plow roads to get children
13 to school, and half an inch of rain means either
14 getting out a tractor or staying home.

06:18 15 If this hog confinement goes in, our
16 property values go down, along with the property
17 taxes paid to Cherry County. Property values
18 decrease because no one cares to live near an
19 18,400-head hog confinement and the thousands of
06:19 20 acres where manure will be applied.

21 The applicant might benefit from the
22 project, but we will be harmed. Who is going to
23 take a hunt, bird watch, or rope in our arena?

24 To the residents and taxpayers, it is
06:19 25 an expense and an assault on the quality of life

1 they enjoy. This area is something special.
2 Those living, investing, and raising families
3 there are wondering what in the world is about to
4 happen to them? The quality of life of people
06:19 5 living near hog confinements and/or application
6 fields have changed. They were painted as a rosy
7 picture that turned out to be anything but. The
8 people between Highway 83 and Purdum and north of
9 Thedford will tell you how they no longer leave
06:20 10 their windows open at night, hang laundry
11 outside, or sit on their porches in the evenings.
12 This is not what we want here.

13 Do we know who else is involved in this
14 project? Is it Mr. Wilke? The likelihood of
06:20 15 this being the only one built seems slim. Why
16 not growing and finishing? Once this is out of
17 the box, there's no putting it back in. It would
18 affect us on our --

19 This is not something that stays on
06:20 20 their property. It would affect us on our
21 properties. Would you put 1,800 hogs just north
22 of Valentine or down by Merritt for the campers
23 and boaters to enjoy? How about by your retired
24 parents, siblings, a friend, or heaven forbid
06:20 25 your children as they're starting to build for

1 their families' futures? I can't imagine you
2 would. I hope I wouldn't. We don't care to have
3 it done to us. We have the right to quiet
4 enjoyment on our places in these wonderful
06:21 5 sandhills. You can stop this here, and I hope
6 you will. Thank you.

7 MR. CHAIRMAN: Thanks, Ed.

8 MR. PALMER: Hello, I'm Rodney Palmer.
9 I'm an attorney from Ainsworth, Nebraska. I'm
06:21 10 going to talk to you about the practicalities,
11 probably that you haven't thought of. I have a
12 cow-calf operation north of Ainsworth along the
13 Niobrara River. I happen to run on the same
14 roads that the hog confinement people go to every
06:22 15 day northwest of Ainsworth. So I have a
16 firsthand view of what it's like to live with
17 something like this.

18 The first thing that we noticed is that
19 the traffic increase is just unbelievable. The
06:22 20 other thing that I noticed is that the County has
21 to be out there almost on a -- not on a daily
22 basis but almost daily, particularly for snow
23 removal and maintenance of the roads. The
24 asphalt roads have gotten terrible, potholes, the
06:22 25 deterioration of the shoulders. The increased

1 traffic is unbelievable.

2 They say 80 people are going to be on
3 this -- employed out there and only 50 cars, I
4 noted. I don't know how that goes, but down
06:23 5 there everybody drives their own vehicle. And I
6 think you're going to have -- if there's 80
7 people, there's going to be 80 cars out there.
8 And they're probably running three shifts because
9 they do this 24 hours a day.

06:23 10 One of the things you don't think about
11 in the cost to the County is all the gravel they
12 haul, all the maintenance they do, repairing the
13 potholes, the soft spots that happen because of
14 the extra weight of the feed trucks. And that is
06:23 15 really something that I don't think Brown
16 County -- had they known what the cost was going
17 to be and the expense and all of the time that
18 they spend out there maintaining these roads, I
19 think they'd have thought twice on this thing.

06:23 20 And all these people are good people.
21 You know, Mr. Wilke is a good person. The
22 Danielski family's great people. But they'll get
23 along without this. You know, they'll still get
24 by. They're not going to need this for their
06:24 25 livelihood. But it is going to be harmful to the

1 tax payers of Brown County. I can tell you that.

2 What about snowstorms? I noticed one
3 thing in Brown County now that what happened is,
4 when there's a snowstorm, those people got to get
5 out there every day. And so those maintainers --
6 the county employees have got to get out there
7 during the snowstorms to try to keep the roads
8 open. And I've seen cars traveling right behind
9 maintainers just to try to get the roads open.

10 And if it's a three-day blizzard, they're out
11 there all day long and part of the night, trying
12 to keep roads open with people right behind them,
13 trying to get out to this facility. And that's
14 not something you think about. But the cost of
15 that is tremendous. They're paying probably
16 double, triple time. I don't know what they've
17 got to pay the county boys when they're out there
18 in a blizzard, 24 hours a day, but it's
19 substantial.

20 I know that the odor is going to go
21 more than two to three miles. All our people
22 that live around there say they could smell it
23 for seven or eight miles on certain times. So
24 you can do all the plans and do all the models
25 that you want to do, but it doesn't -- that

1 doesn't take of mother nature. And what mother
2 nature is going to do, she's going to do. If it
3 stinks, it's going to carry in the wind. And so
4 that's the other thing that you've got to think
06:25 5 about.

6 I'm going to give you a letter that I
7 wrote. It covers some of these and a lot more
8 points about my practical experience that I've
9 observed in Brown County that a lot of people
06:25 10 don't think about until it's actually there. And
11 then you realize it's probably too late.

12 That hog confinement that was going to
13 be at Johnstown, I think the county commissioners
14 finally realized that maybe enough is enough, and
06:25 15 they maybe overstepped on the other two that they
16 allowed. I don't know that, but I suspect that
17 since they turned it down. Both the planning
18 commission unanimously turned it down and the
19 county commissioners turned it down for an
06:26 20 additional hog confinement.

21 So I think experience counts big in
22 this area. And if you go talk to the people down
23 in Brown County, I urge you to talk to the Brown
24 County Commissioners and maybe the road
06:26 25 department and ask them what the increased cost

1 is going to be to the taxpayers that they think
2 from this deal. And it's going to be -- it's
3 going to floor you.

4 Thank you. I am going to give you a
06:26 5 copy of my letter that I would like you to attach
6 to your minutes, please. I'm going to give a
7 copy to the court reporter, so she can attach it
8 to her transcript that will be made. If you have
9 any questions, I'd be glad to answer.

06:26 10 MR. CHAIRMAN: Thanks, Rod.

11 MR. MURPHY: Good evening, everyone.
12 My name is Mike Murphy. I'm the general manager
13 for the Middle Niobrara Natural Resource
14 District. That's what I'm here to discuss.

06:27 15 MR. CHAIRMAN: Excuse me, Mike. You'll
16 have to hold the microphone.

17 MR. MURPHY: Anyway, I just -- we've
18 had the opportunity to review the Department of
19 Environment and Energy construction operating
06:28 20 permit that Danielski Harvesting & Farming and
21 Valentine Feeders applied for. Currently, the
22 Middle Niobrara NRD finds that this application
23 does not violate any of our rules and
24 regulations.

06:28 25 It's a proven fact that the type of pit

1 being requested is the safest, and the NDEE has
2 actually stated that there's never been a failure
3 with this type of pit in Nebraska.

4 Danielski Harvesting & Farming has
06:28 5 proven to be environmentally conscience and
6 friendly since the adoption of groundwater
7 management plan in 1996. They have voluntarily
8 complied with the rules and regulations of the
9 groundwater management plan by reporting nitrate
06:28 10 and fertilizer use on all their irrigated fields.
11 They have maintained compliance with routine
12 inspections, center pivot irrigation systems,
13 making sure that no water contamination occurs.

14 NRD has assisted them in development
06:28 15 and planning numerous shelter belts throughout
16 their Cherry County properties. They have
17 undertaken land management practices to ensure
18 long-term health to water, land, and air
19 resources. The district's support of agriculture
06:29 20 is vital to the economic activity of our area.
21 The Danielskis have proven to be invested in
22 sound land and resource management, along with
23 the needs of the local area and people.

24 Thank you for your time.

06:29 25 MR. CHAIRMAN: Thanks, Mike.

1 MR. FROM: My name is Tagg From. I
2 live and manage the Two Rivers Ranch, which is
3 southwest of Crookston and happens to lie just
4 2.7 miles south of this proposed hog confinement
06:30 5 due to the southeast. I guess I'd just like to
6 address a few concerns that I've got with the hog
7 confinement.

8 Number one -- and I guess the most
9 important one for me -- is the odor of what I'm
06:30 10 going to have to live with every day when I get
11 up in the morning and when I go to bed at night.
12 I know they say it's only one mile, but you've
13 heard from several people that one mile might not
14 be the number.

06:30 15 I don't have a choice. I have to live
16 there. That is my home. That's the only home I
17 have. The only choice I would have would be to
18 leave the county and move away, which that one
19 person you get to hire in the hog confinement
06:30 20 would be one that leaves. That's a thought, too.

21 I also have problems, too, with what I
22 never really heard from their side of what -- the
23 composting of the dead pigs. I mean, I never
24 heard any odor on that. Also never heard exactly
06:31 25 where that's going to be applied and how that's

1 going to be applied, because I do know it has to
2 be put somewhere. That's another concern that I
3 have.

4 Property value is another one. I know
06:31 5 that I don't own the land, but it's my job to
6 manage it, and it's my job to keep it as good as
7 I can for the man that I work for. And if this
8 is beside it, no matter how much I do, it still
9 drops the value. I can't do anything about that.
06:31 10 So that reflects on a lot of people that have
11 land beside it.

12 The other thing too is the road safety
13 is huge for me. Very huge. The reason it's so
14 huge is because we have four daughters that have
06:31 15 to go up and down that road every day to and from
16 school at least twice a day. And if they're in
17 sports, that's upwards of four or five times a
18 day, which several of you up there know because
19 you have children.

06:32 20 The road is not the best road. Yes,
21 it's a good road. It's a good blacktop road for
22 Cherry County. But there are definite problems
23 with it. One problem being -- and especially in
24 the winter -- when we get snow and we get ice,
06:32 25 that road is one of the most treacherous roads

1 there is to drive because it does not get salted
2 or very minimal. Once in a while, it will.
3 There's days that we've been in there that I've
4 had to push my children out to school numerous
06:32 5 times and get them back in because the County
6 will not get you out.

7 They won't grade our road south of
8 there, but they always maintain the blacktop
9 road. You can guarantee that. It always gets
06:32 10 maintained except for when it's snowy. They
11 might push it off, but that's as good as you're
12 going to get. But they'll push the blacktop road
13 off, but they won't get you out of your place to
14 get your kids to school. That's my
06:32 15 responsibility.

16 The maintenance of it is just that. I
17 know that we have not had our roads graded, and I
18 can prove it for a fact because I've videoed the
19 last few times that they've been out there. Our
06:33 20 gravel road has not been drug in three and a half
21 months.

22 And with the harvest, with Danielski's
23 trucks and everything else -- I have absolutely
24 nothing against Danielskis. They do a wonderful
06:33 25 job. They're great farmers and they're a good

1 operation, but it is extremely hard on the roads.
2 And they only have to pass over it one time. We
3 have to pass over it every day. It's hard on our
4 equipment. It's hard on everything.

06:33 5 It's extra equipment costs. It's extra
6 maintenance costs that we have on our vehicles.
7 And it is very hard on them.

8 The other thing is that I -- I have a
9 problem too with wondering if our school systems
06:33 10 know that any of this is coming, what the impacts
11 of it might be. Have they had a chance to do any
12 studies on how many extra teachers they could
13 possibly have to come up with, whether it be for
14 different languages or just absolutely to handle
06:34 15 the children.

16 I was told by a school board member
17 that for every 10 kids that one more job has to
18 be put in effect to cover those kids. That was
19 from a school board member. I don't know that
06:34 20 personally myself for sure. I guess the only
21 other thing I would say -- what I'd leave you
22 here with is: If this is so much better than
23 what they were doing before, then how bad was the
24 stuff we were putting in the ground before that?
06:34 25 I don't know if it's good or bad.

1 But I would leave you with one thing
2 and everybody in this room and everybody in this
3 room and everybody sitting here. I want you to
4 think really hard. If this was being put in your
06:34 5 backyard, if it would be such a good thing and if
6 you would really be for that? That, I want
7 everybody in here to think about. And, with
8 that, I guess I'm done.

9 MR. CHAIRMAN: Thank you, Tagg.

06:35 10 MR. ANDRESEN: I'm Craig Andresen. I
11 want to thank you for taking the time tonight to
12 hear people out on this topic. We saw quite a
13 presentation of all the great things that an
14 operation like this is supposed to do and of the
06:35 15 things it is not supposed to do. It's all on
16 paper.

17 We've also heard from several people
18 already tonight who have practical experience
19 with these types of operations, and it seems like
06:36 20 maybe what's on paper isn't what's practical.

21 Ed mentioned the right to quiet
22 enjoyment. It's not an abstract thought. It's
23 not a figment of somebody's imagination. It's
24 actually a part of a law. Every landowner has a
06:36 25 right -- property right -- to quiet enjoyment.

1 And that extends not only from sight and sound,
2 but also smell. If you look up the right to
3 quiet enjoyment, you'll find that it's one of the
4 most often sited property rights there is.

06:37 5 If you listen to Tagg, he lives only a
6 couple miles away. It seems to me his right to
7 quiet enjoyment would be gone. Ed's right to
8 quiet enjoyment would be gone.

9 What about the town of Crookston? What
06:37 10 about the people that live in that area and have
11 to deal with that traffic?

12 It's interesting to me in talking with
13 Ed Brown and hearing what we heard earlier
14 tonight. This project is five years in the
06:37 15 planning. Ed's a neighbor. They told him about
16 it 30 days ago. Now, you would think, if this
17 was as great as it's been purported to be on
18 paper, they would have beat a path to every
19 neighbor, saying, "Guess what we're doing? Guess
06:38 20 what we're planning? It's going to be a great
21 thing." But, in reality, it didn't work out that
22 way.

23 As you contemplate this tonight, you've
24 got to weigh the positives and the negatives of
06:38 25 this. When you weigh the negatives of it, I

1 think one of the things you have to take into
2 great account is the effect it will have on
3 individuals who live in that proximity.

4 I think down the road, regardless of
06:38 5 the decision tonight, maybe something planning
6 and zoning in Cherry County should investigate is
7 including the right to quiet enjoyment in their
8 regulations. We hear a lot about property rights
9 at CUP times. Nobody wants to talk about that
06:39 10 one, but maybe if it was part of the regulations,
11 maybe when somebody starts an idea like this five
12 years ago, the first thing they do is they go and
13 talk to their neighbors and work out some sort of
14 a compromise or a way to deal with the issues
06:39 15 that individual neighbors have, rather than
16 waiting four and a half years to do that and
17 landing it in your laps.

18 If they had to come and apply for a CUP
19 with the written statements of their neighbors
06:40 20 that they approve of it, imagine the contention,
21 the problems, the litigation down the line that
22 could be avoided. The right to quiet enjoyment
23 of somebody's land should be paramount in Cherry
24 County. Not the thing that gets ignored. Thank
06:40 25 you.

1 MR. CHAIRMAN: Thank you, Craig.

2 MR. PERRETT: My comments tonight are
3 more for the --

4 THE REPORTER: Could you state your
06:41 5 name, please?

6 MR. PERRETT: Gregg Perrett. I don't
7 think we're going to solve what I'm going to say
8 tonight, but you can sure think about it and try
9 to make our country better. Probably everyone
06:41 10 here loves to have a good steak, likes pork chop,
11 sausage, bacon. You can damn sure tell I do.
12 Probably have a turkey here before too long. You
13 like a good road, nice concrete, parking lot, but
14 nobody wants a rock or gravel pit, hog
06:41 15 confinement, feedlot, turkey confinement, chicken
16 confinement anywhere near them. So where are
17 they going to be? In China like most of our
18 other products? Just something to think about.

19 MR. CHAIRMAN: Thank you, Greg.

06:42 20 MS. SNYDER: Hi. Um...

21 MR. CHAIRMAN: Excuse me. Name?

22 MS. SNYDER: I was. My name is Kim
23 Snyder, and I live two miles from the hog
24 facility north of Ainsworth, Nebraska. And I'm
06:43 25 here today to express my concerns over the

1 building of any confined animal facility.

2 You work your entire life to build a
3 home, family, property, and the moment that hog
4 facility was approved, my life was changed
06:43 5 forever. I no longer have the freedom to use my
6 property the way I wanted, and every decision we
7 make now we take into consideration that hog
8 facility is next door.

9 You don't bring those most important to
06:43 10 you on your property where you have constant
11 health concerns for yourself. Several days and
12 certain times of the year when they're doing
13 applications and different things -- it's many --
14 I have headaches, stuffiness, and nausea that was
06:43 15 never present before this building. I too also
16 have had pneumonia. And if that smell is not
17 looming throughout the property, what it leaves
18 behind continues to make you feel sick.

19 Always thought I would build a new home
06:44 20 on the property here. And members of my family
21 spoke about moving here. Even went to Tennessee
22 and took a timber frame class and come back to
23 this hog issue when I returned. After this
24 facility, my answer for family moving back, they
06:44 25 tell me no. My answer for investment in my

1 property, to do anything else now, build a home,
2 is no. I refuse to put any money into my own
3 property because I know I will never get a return
4 on my investment due to the intentional risk, not
06:44 5 only from the facility, but in my situation the
6 County placed on myself, my family, and everyone
7 else living in close proximity to this type of
8 facility.

9 Let me be clear. Not only would these
06:45 10 facilities impact your daily lives and your right
11 to use and enjoy your property, they come at a
12 high cost and a cost to the taxpayer. These are
13 horizontal and vertical integrated corporations.
14 And they're here, just like they've stated,
06:45 15 because of the biosecurity that they need to
16 raise these hogs. And they're not here to be a
17 family farm. They're here -- I heard Greg Wilke,
18 and I don't know if he's behind this one, but
19 I've heard him myself say he was going to be the
06:45 20 biggest pig multiplier in the world. Not in the
21 county, not in my county, or surrounding
22 counties, not just this state, but in the world.

23 Most of these facilities -- Tyson,
24 Smithfield -- they are owned by China
06:45 25 corporations. Just -- it's unbelievable.

1 And I hear them saying -- in my
2 situation they put restrictions. They don't
3 enforce those restrictions. That producer found
4 a way around them. If you closely read that
06:46 5 application, those engineers write it to where
6 they can vary 10 percent. So what you approve
7 today, if you don't make it specific if you
8 choose to approve it -- which I hope you don't --
9 what they build is not what they presented to
06:46 10 you.

11 The comment was made "we think we might
12 have met the odor setback" on the rose thing. I
13 can tell you they didn't. I can tell you when
14 you wake up at two, three o'clock in the morning
06:46 15 after they've set that aeration -- or whatever
16 they do -- with my windows closed in my house and
17 I wake up nauseated. And this doesn't happen
18 once a year or seven days out of the year. And
19 they're not going to invest this kind of money
06:47 20 into a facility without the intention of
21 expanding.

22 And just in closing, I'm going to say
23 there's many people who has fought before me for
24 the freedom to use their land against these hog
06:47 25 facilities. And the next time it could be anyone

1 in this room, in this county who loses their
2 freedoms -- (microphone falls off of stand) -- to
3 utilize their property the way they want due to
4 intentional negligence. It could be anyone who
06:47 5 loses their health. It could be anyone who loses
6 their property values. It literally could be
7 anyone. And it's time we draw the line, and we
8 ask when is enough enough?

9 MR. CHAIRMAN: Kim, do you realize you
06:47 10 just did what three engineers couldn't do?

11 MS. SNYDER: Not sure how to put it
12 back.

13 And I want to say one more thing.
14 People probably think I'm just a nimby and I
06:48 15 don't want it in my backyard. We have a ranch.
16 I even have a few hogs. It's not about being
17 against ranching. In fact, I support
18 agriculture. I just think there's a better way
19 to do it than confined facilities, whether it's
06:48 20 hogs, chickens, or whatever.

21 I traveled -- when this affected me, I
22 actually traveled to the east coast. I met with
23 people. I spoke with people that have lost
24 everything that went into these types of
06:48 25 businesses. I spoke with the people that were

1 affected by it. And I can tell you that it does
2 cause damage. It divides the community, and it
3 does put out other farmers. I mean, they're
4 going to keep getting better. They get multiple
06:48 5 corporation names, and they just keep going.

6 And I don't know how many people in
7 this room are ranchers or raise beef cattle or
8 whatever, but I think what we see with the hog
9 industry and everybody went out, I truly believe
06:49 10 they're coming after beef.

11 MR. CHAIRMAN: Thank you, Kim.

12 MS. FROM: Hello and good evening. My
13 name is Jayme From, and I'm a resident of Cherry
14 County who lives south of Crookston by way of
06:49 15 German Settlement Road.

16 I would like each of you to take a
17 quick moment and have you think of what your why
18 is. Your why is why you wake up every morning.
19 Your why is why you look forward to each day and
06:50 20 seeing the sun come up. You know what my why is?
21 My why is 17, 16, 15, and 13. And I'm sorry I'm
22 shaking, but this scares me to death. The one in
23 the middle is 40, and I care about him, too, but
24 those other four are my life.

06:50 25 In the last five years since our girls

1 have begun driving, we as parents know that we
2 have taken that risk to put them in a vehicle and
3 allow them to drive to the bus stop every day.
4 From Sandhills Lane to Highway 20, there's been
06:50 5 minimal traffic for them to deal with, with the
6 exception of harvest time.

7 During harvest time, the semi traffic
8 increases tremendously. And during this time it
9 makes my girls so nervous about meeting so many
06:51 10 semis on German Settlement due to the narrow
11 width, the sharp corners, and being pushed off
12 the side of the road. The incredibly large
13 amount of traffic, especially semis, hauling
14 feed, pigs, and manure to this facility on the
06:51 15 German Settlement Road increases the risk of my
16 children being in an accident. The last call
17 that you want to get is that your child or
18 grandchild has been in an accident. Does it
19 sound familiar? I think some of you have had
06:51 20 that call before.

21 Since 2009, truck accidents have
22 increased by 52 percent, with 72 percent of those
23 being fatal passenger vehicle accidents that have
24 involved large trucks. Most of these accidents
06:51 25 occur during the day between noon and 3:00 p.m.

1 Truck accidents are estimated by 2030 to become
2 the fifth largest cause of death in the U.S.

3 Look at this picture. Does it look
4 like the car wins? Nope.

06:52 5 With increase of 50-plus vehicles a
6 day, I believe there needs to be more of an
7 investigation of the road. The narrow width, the
8 blind sharp corners, and if you've ever driven
9 your car by those bins of Danielskis', those
06:52 10 semis are just hidden enough that they can't see
11 us and we can't see them. I'd encourage a
12 traffic study or survey.

13 And, again, I bring up: Does the
14 County understand the maintenance that this would
06:52 15 bring? You've heard already comments in regards
16 to Brown County, but Blaine County and Wheeler
17 County officials have expressed how their road
18 expenses have increased tremendously due to the
19 hog confinements in their county. And we already
06:52 20 know that the county is already on a tight budget
21 for their county roads.

22 I would ask that each of you sit back
23 and put yourselves in our shoes of having your
24 children drive that road every day with a large
06:52 25 amount of traffic, the narrow roads, the sharp

1 corners, and those blind turn-offs. I'm begging
2 you to take a moment and rethink not only the
3 dangers for my four girls, but there's a lot of
4 other families that live out there that take that
06:53 5 road every day, little ones that will be driving
6 right after ours do, the men and women that
7 travel that road every day to go to their work as
8 well. Let's think of the elderly population, the
9 ones that don't see very well, but you know what,
06:53 10 sometimes you have to slow down and get out of
11 their way just because you don't want to cause an
12 accident with them.

13 I believe that everybody's life
14 matters, and so I guess I'm asking you guys to
06:53 15 think of everybody that does live out there and
16 make -- and try to keep their life from being in
17 danger. Thank you.

18 MR. CHAIRMAN: Thank you, Jayme.

19 MS. SCHUMANN: Hi, my name is Shirley
06:54 20 Schumann. I'm just a concerned citizen. I live
21 in Crookston. I have not heard anything about
22 where the employees will come from or where they
23 will live. I have talked to people. I was doing
24 the census for several weeks this summer. I have
06:54 25 ran across people that would like to move here,

1 but they can't find affordable housing. That is
2 greatly lacking. And where in the world will you
3 put 80 families? It could be a problem also.

4 Also, as was mentioned by Froms, the
06:55 5 school system. If people are coming but are
6 limited in English language, that would be an
7 increase of second-language teachers. And the
8 big influx on the schools would probably be
9 spread out between Cody-Kilgore and Valentine,
06:55 10 but then the school system would have to be a
11 concern for them. That's all. Thank you.

12 MR. CHAIRMAN: Thanks, Shirley.

13 MS. NELSON: Good evening. My name is
14 Nina Nelson, and we live just a mile and a half
06:56 15 from this proposed site. We actually border
16 Danielskis to the east. Our fence runs along
17 their pivot right at this site. That's where our
18 calves are raised, our kids play, our dogs run.

19 And I don't know who made this up, but
06:56 20 I don't understand why -- I'm not a scientist.
21 I'm a rancher. I don't understand why it goes
22 north and south for two miles but only a mile
23 east and west. I'm sure it has something to do
24 with the wind, but you can't tell me that if you
06:57 25 drop some manure in this room it's not going to

1 spread very evenly.

2 And we're only a mile and a half from
3 this facility, and I have major concerns. Our
4 son is 13. His health is already compromised by
06:57 5 allergies. If we have to live in this, I don't
6 know what we're going to do.

7 My husband is from Valentine. All I
8 have ever heard -- he grew up here. He was born
9 and raised here. All I have ever heard is how
06:57 10 great the Sandhills of Nebraska are. Here about
11 five years ago when we moved back to the area, we
12 were at Ainsworth, and we purchased this
13 multi-million-dollar ranch property, just my
14 husband and I. That is a big investment for one
06:57 15 family, okay? And now we're being threatened by
16 something like that moving in on our fence line.
17 I am very, very concerned. Trust me.

18 I'm not just concerned about the smell.
19 I'm concerned about our property value. I'm
06:58 20 concerned about our future. I'm concerned about
21 our kids' future. I'm concerned about the
22 traffic. I'm concerned about the workers. I
23 can't find calving help, and they're going to
24 find 80 people to work at that facility? I'm not
06:58 25 the only one in our neighborhood that can't find

1 help, and they're finding 80 people to work.

2 Have you guys ever been to any of the
3 towns that have feedlots, that have hog
4 facilities, and the people it brings into the
5 town and the crime it brings into the town?

06:58

6 As you can tell, I'm not from around
7 here. I was actually born and raised in Germany.
8 I've been surrounded by stuff like this and
9 fights like this. I'm from an agricultural
10 family. My family has been in agriculture since
11 the 1500s. I actually have a book that I can
12 show you all, but that's -- we're not talking
13 about me. I'm not a tree hugger. I'm a rancher.
14 I'm an agricultural person, but I don't want to
15 smell that when I wake up in the morning.

06:59

16 We came to the Sandhills for a reason.
17 We invested a lot of money in our property, and I
18 would like to enjoy our property the way we know
19 it. I believe very strongly the way we know and
20 enjoy our property today is going to be done with
21 once this facility comes up.

06:59

22 I respect the Danielskis for all they
23 have done in this area, and I've had several
24 talks with them personally. I really respect
25 them for businessmen. I don't understand why it

06:59

1 would be okay to put something like that a mile
2 and a half from my front porch, and I am very
3 seriously concerned. And I hope you guys
4 consider our concern as a local family that has
07:00 5 invested, that is trying to make a future here in
6 this county, and that respects the county and the
7 way of life that we have lived here.

8 I have not come 5,000 miles from my own
9 home country to have to deal with something like
07:00 10 that. I came here for peace and quiet. I came
11 here to be a rancher and to have kids, live out
12 in wide open spaces with healthy and clean air,
13 with healthy and clean water, and not being
14 crowded.

07:00 15 Sometimes I believe that some of the
16 people around here don't even really realize the
17 treasures you all have here. There are very few
18 places in this world left that are as untouched
19 as the Sandhills of Nebraska. And I would like
07:00 20 to be an advocate of keeping it that way.

21 I thank you guys all very much for your
22 time. I hope you consider all of the concerns
23 that have been brought to you guys here tonight
24 by several other people that have also been in
07:01 25 contact with these facilities at Ainsworth where

1 we have also resided for a couple of years.

2 And, trust me, smell don't know
3 one-mile boundaries. It goes past that, and it's
4 going to be an annoyance to our life. I quite
07:01 5 frankly don't know what we will do if this
6 facility goes up. Thank you guys for your time.

7 MR. CHAIRMAN: Thank you, Nina.

8 MR. MILES: Craig Miles. Dean, good to
9 see you. Very impressive presentation.

07:02 10 Danielski Farms did a really good job of getting
11 the environmental study, and they did a good job
12 but -- and one other thing I want to say is that
13 Danielskis are great people and bar none have one
14 of the best farming operations in the nation,
07:02 15 obviously. And they don't forefoot any -- they
16 go the extra mile. That's good and I appreciate
17 that and all they've done for Cherry County.

18 But with that being said, I guess the
19 bottom line to me is they leap-frogged and
07:03 20 already got approval by the State of Nebraska.
21 That's kind of interesting to me that they -- I
22 guess, they can go beyond the county zoning. So,
23 anyway, I just find that kind of interesting when
24 this is what affects Cherry County.

07:03 25 And another thing I also -- I guess I

1 want to challenge the board and say you know what
2 are we going to forefoot in the future? I mean,
3 they're asking for an exemption on the size of
4 the facility, but I guess my question to this
07:04 5 board is what are we willing to forefoot in
6 Cherry County in the future? So I hope we just
7 take that into consideration. So thank you for
8 your time.

9 MR. CHAIRMAN: Thanks, Craig.

07:05 10 MS. MILLAR: Good evening. I'm Eve
11 Millar. My husband, Jess, and I live two miles
12 to the southeast of where the proposed site is
13 going to be.

14 We're not the oldest people living in
07:05 15 the German Settlement community, but we've been
16 there since 1998. So I have other neighbors that
17 have been there for generations, but we've been
18 there for 22 years.

19 And I'm not for this, and I'm not
07:06 20 against it because I don't have enough
21 information about it to even have an opinion
22 about it at this point. The information that I'm
23 going to share is more what I know about the
24 community and how things have been the last 22
07:06 25 years.

1 So we moved to that community because
2 there was an elementary rural school there, a
3 mile from my house. It was perfect. We got
4 married in '98 and moved there as newlyweds.
07:06 5 Within a year, we had babies, and from then,
6 we've had three kids that are almost fully grown.
7 I've got a grandbaby. We have made that
8 neighborhood our own. And we've had great
9 neighbors all of those years.

07:06 10 And one of the very first things that
11 we struggled with moving into that community was
12 the road. I remember when German Settlement was
13 all gravel, and it was horrible. There had been
14 some accidents on that road, and I could not wait
07:07 15 until they paved it. I can remember sitting in a
16 county commissioner meeting one summer with my
17 husband. And they were going through the
18 six-year plan with us. I think it took eight
19 before they finally got it paved. And it is
07:07 20 black top, and I very much appreciate it. It has
21 made my commute back and forth to Valentine or
22 Cody much better.

23 However, it is narrow blacktop. You
24 can meet a truck, but you've got to move over.
07:07 25 And I heard someone say this evening that it is

1 breaking away. And with the more increased truck
2 traffic -- you know, I don't know what that's
3 really going to look like, but it will need some
4 long-term maintenance. And so I guess the point
07:07 5 being made about the roads is that I really want
6 you to consider what that expense is going to be.
7 Because, much like Tagg said, the roads don't get
8 maintained.

9 And last year and the year before with
07:08 10 all the flooding, I know Cherry County has really
11 struggled to maintain the main part of the roads
12 that they have. I realize that really isn't your
13 position because you're not the commissioners.
14 But it has been an issue in the past to be able
07:08 15 to maintain the thousands of miles of roads that
16 we have in Cherry County. With this increased
17 traffic, it's just one more thing.

18 It is somewhat dangerous. There are
19 two -- it's got an S-curve in it, and there are
07:08 20 two blinds spots for sure. My kids have traveled
21 those roads -- that road for years, and we've
22 only had one accident, but it was a rollover, and
23 it was within those corners. So, it is a little
24 bit spooky. I mean, when I got there, she
07:08 25 thankfully had her seatbelt on, and she stayed

1 with the pickup. Nothing else stayed in that
2 vehicle. Everything was laying on the road. So
3 there is a safety concern for the road and for
4 the maintenance.

07:09 5 And then I have some questions. I
6 mean, I just don't know enough about this, and I
7 didn't learn enough from the presentation. So
8 I'm just going to throw my questions out there,
9 and this is just things for you to think about.

07:09 10 I heard housing was talked about.
11 Where are the employees going to come from? I
12 had heard that there would be housing built
13 onsite. That sounds like a good perk. You're
14 not going to have any married families there.
07:09 15 You will have young men. More than likely that
16 would be in probably dormitory-style housing. So
17 that's something we can think about, how that's
18 going to look, what that's going to do for our
19 bars and our restaurant industries as we have
07:09 20 young men moving into the neighborhood. I would
21 love to see families come in. Absolutely.

22 But the next thing that I'm concerned
23 about: We do not live in the Cody-Kilgore
24 district. That area is zoned for the Valentine
07:10 25 school district. So when our kids got old

1 enough -- they closed our little country school
2 -- we had to choose were we going to go to
3 Valentine, or were we going to go to
4 Cody-Kilgore? And we opted to go to Cody-Kigore.
07:10 5 And I don't have specific percentages, but I
6 believe Cody-Kilgore is at over 52-percent option
7 enrollment. That puts a strain on that school
8 system because that money from the County is not
9 coming to that school for those option kids. So
07:10 10 that's a thought to think about. Where are those
11 -- if we have young families coming in with
12 students, where is that money going to come from
13 for those option students that choose to go to
14 Cody-Kilgore?

07:10 15 And then it was said that employees --
16 where are they going to come from?

17 I want to say one last quick thing.
18 What I know about pig poop -- pigs are fun, but
19 what I know about pig poop is the day that I
07:10 20 assisted the 4-H kids to get their pigs to the
21 sale ring, I had to let those boots sit for a
22 year before I could wear them again because I
23 couldn't get the smell out. Thank you. I
24 appreciate your guys' time very much. I
07:11 25 appreciate everybody that came this evening.

1 Thank you very much.

2 MR. CHAIRMAN: Thanks, Eve. Is there
3 anybody else here this evening that would like to
4 say something?

07:12 5 So, Keith, I'm wondering if it would be
6 possible for us to take a little break, recess,
7 and then come back. Let the planning commission,
8 perhaps, ask some questions. Is that
9 permissible?

07:12 10 MR. MARVIN: Yes.

11 MR. CHAIRMAN: We've been at this for
12 two hours. Let's stretch our legs, maybe.

13 MS. COYLE: I have some written
14 testimony that was provided prior to the hearing
07:12 15 to enter in, too.

16 MR. CHAIRMAN: Okay. At this time
17 we're going to take a short break. We've been
18 sitting for two hours. Maybe use the restroom.
19 It will be a 10-minute break. And when we come
07:14 20 back, the planning commission will have some
21 questions, possibly, for some of the speakers.
22 We're going to take a small break.

23 (Brief recess was taken.)

24 MR. CHAIRMAN: Okay. At this time I'm
07:30 25 going to reconvene the public hearing, and I

1 would like to give anybody that has something new
2 to add to the testimony an opportunity before we
3 move to the next stage.

4 Jessica, during our recess, I was
07:31 5 provided more written testimony to be entered in.

6 Okay. I guess we don't have any
7 individuals coming back.

8 Next phase that we're going to allow
9 the applicant five minutes to address any issues
07:32 10 that was brought up, that they can clarify. And
11 then at that point, the planning commission will
12 ask questions. And after we are done with
13 questioning, we will close the public hearing.
14 And then we'll go to the regular meeting and
07:32 15 discuss the CUP.

16 So would the applicant care to address
17 anything? Again, five minutes.

18 MR. SETTJE: Thank you, board members.
19 I appreciate the time to come back and visit for
07:33 20 a little bit more.

21 The first thing I would add is there
22 was several questions about housing and housing
23 being onsite. There are no plans and no
24 intention to put housing on this site. They
07:33 25 clearly do not want to do that, so that

1 clarifies, I think, that question.

2 The next question that came up several
3 times was the issue of groundwater contamination.
4 Groundwater contamination is first and foremost
07:33 5 in our minds when we put together these sites.
6 We figure out and make sure we're not causing
7 problems. Groundwater contamination results,
8 obviously, from mismanagement and poor
9 construction. And we're trying to demonstrate
07:33 10 tonight that those two things are not going to
11 happen with this project in terms of how they're
12 being built, how they're being designed, and how
13 they'll be managed long-term. The foundation in
14 terms of what we're proposing on this site is as
07:34 15 good as any. And you heard from the NRD manager
16 as well. They're very comfortable with that
17 process in addition to that.

18 The notion that we need to install
19 groundwater monitoring wells is always one that
07:34 20 comes up in a lot of meetings like this. We've
21 been installing and monitoring groundwater
22 monitoring wells for 20 years. And we're
23 probably monitoring more wells throughout the
24 state than any other firm in the state with
07:34 25 regards to livestock waste control facilities.

1 So we understand them. We know what they can do,
2 and we know what they can't do.

3 We rely on what the Department of
4 Environment and Energy groundwater monitoring
07:34 5 section looks at and evaluates on sites like
6 this. We look at what is the containment
7 structure, what is their depth to groundwater,
8 what is their soil profile and geology, and what
9 are those risks associated with those three or
07:34 10 four things. They are the ones that get to make
11 that determination with respect to requirements.
12 You obviously, as the County, can take the
13 prerogative to move forward and require it as
14 well.

07:35 15 I would caution you against that for
16 the simple reason that any time you act as a
17 regulatory agency then you have to deal with the
18 results that are coming out of that and figuring
19 out what that means and how that goes. I would
07:35 20 encourage you to leave that in the hands of the
21 Department Environment and Energy. They're the
22 ones that are going to evaluate that, and
23 certainly you can petition them to reconsider
24 that notion. But I would caution you from
07:35 25 looking at it from a perspective of the County

1 requiring it because that can get to be a little
2 bit of a treacherous slope.

3 As far as odor production is concerned,
4 I get what everybody is saying, and I appreciate
07:35 5 that. I've been around livestock facilities my
6 entire life. It's a real concern. It's
7 something that everybody needs to be able to
8 understand and not take lightly and make sure
9 that what we say we're doing is going to happen.

07:35 10 The best thing that we can do is try to
11 figure out what is that footprint and how does
12 that affect other people? And the County
13 setbacks that are in place, that gives us
14 guidance to look at and make sure that there are
07:36 15 no problems within that, and are our setup and
16 are established. We've met those setbacks, and
17 we've demonstrated that.

18 The second part of that is we've
19 overlaid that Odor Footprint Tool, which is the
07:36 20 most scientific tool out there today to be able
21 to predict odor from -- and originate from a
22 livestock waste control facility. And those odor
23 footprint tools, in my opinion in what we've seen
24 and being around these systems every day, it's
07:36 25 pretty doggone accurate. Especially if what

1 we're putting in is accurate and then it's
2 getting managed the way we say it's going to get
3 managed. Those two things obviously --

4 (Microphone cuts out.) I think my battery died.

07:36 5 Well, those two things are obviously
6 things that need to be looked at very closely.

7 But what we've also shown is that Odor
8 Footprint Tool does not exceed what the County
9 has already described as an adequate setback for
07:36 10 odor annoyance and making sure that it doesn't go
11 above and beyond any portion of the regulations,
12 as well as what's acceptable to the County. Is
13 their odor an acceptable rate? That's something
14 that you have to decide, but that's not what your
07:37 15 county zoning regulation says. It basically
16 says, if you meet the setback, that should be an
17 acceptable rate. As a matter of fact, the Odor
18 Footprint Tool is actually smaller than what your
19 county setback rate includes.

07:37 20 There was another question from the
21 crowd that why is the setback narrower east to
22 west than it is north to south? Well, again, it
23 follows that same logic. It looks at wind
24 patterns and wind flows and tries to figure out
07:37 25 what's predominant and where problems are going

1 to occur or most likely to occur before they get
2 to a -- you know, are affected by the wind
3 themselves.

4 So those are the things that come up
07:37 5 that I think need to be looked at. I sincerely
6 appreciate what people are saying. I know I've
7 worked with this family long enough now to know
8 they're sincere in what they're doing. We're
9 going to try our darnedest to make sure those
07:38 10 things happen together. Thank you very much.

11 MR. CHAIRMAN: Thank you, Dean.

12 Planning commission members, questions?

13 Mr. Palmer, I wonder if you could tell
14 me the type of hog confinement facilities that
07:38 15 are in Brown County? Is Mr. Palmer here still?

16 AUDIENCE MEMBER 1: He left.

17 MS. SNYDER: I know the one north of
18 town started out as a deep pit, just like is
19 being proposed tonight. And then just a couple
07:39 20 years after that they expanded. And I find it
21 really funny because now we have this big deep
22 pit lagoon. And I hear comments about how they
23 plan so much for, you know, to store the waste of
24 twice what you need. But in our case over there,
07:39 25 either they've got more hogs over there than what

1 they say or their models are seriously flawed.
2 Because they had to go to the County and ask for
3 permission to empty that lagoon through the
4 pivots even, which was against their application.

07:40 5 My experience is that once they get
6 there, what their application says -- just like I
7 stated, then they go and do something else, and
8 they continue to make modifications without any
9 consequences. But the one south of town, I
07:40 10 believe, had some pull plugs underneath it in the
11 beginning. They, too, also have a lagoon.
12 They're in the process of repairing that lagoon
13 right now. I don't know all of the details
14 behind it, but that's what's going on.

07:40 15 And when you speak to the water,
16 they're supposed to be doing water samples up
17 there. The DEE, which was the DEQ at the time,
18 went back and changed the paperwork and said,
19 "No, you don't have to do it." Our county
07:40 20 required it. I don't know what happens, but I do
21 know that once it hits the DEE, there's no
22 consequences. They're allowed to have so many
23 bad test results on the water before they do
24 anything else about it.

07:40 25 And if you want -- I don't want to

1 throw names out or operations, but I'd be happy
2 to show you right on the DEE website exactly what
3 I'm talking about. There's one facility that the
4 same producer owns. Since 2011, he's had very
07:41 5 bad tests every year. Every year since 2011, the
6 first record on their website, they highly
7 recommend that he does something about it. No
8 consequences. Same letter every year.

9 MR. MURPHY: Who is that? I would like
07:41 10 to know who that is. Who is that? Because they
11 either have people hired to come up and test that
12 stuff or we at the NRD come and test it.

13 MS. SNYDER: I can show you. Same
14 producer.

07:41 15 MR. MURPHY: Yep, okay.

16 MS. SNYDER: Give me your name, and I
17 will gladly give you that. I don't know the
18 facility name off the top of my head. And I wish
19 I would have brought those papers. I didn't
07:42 20 think about it. If somebody's got a computer, I
21 can try to look it up.

22 MR. CHAIRMAN: Mike, since you're still
23 here, I have a question for you. On monitoring
24 wells, does the NRD take any responsibility on
07:42 25 that?

1 MR. MURPHY: We have one to the west of
2 this currently. The plan requires sampling. We
3 do monitoring yearly, where the plan only
4 requires it every other year. The additional
07:42 5 sampling, as I talked to you guys before -- I
6 guess I would encourage, if anybody has a water
7 quality concern within a half mile or 5-mile
8 radius, we'll work with you. We'll sample your
9 water, so you have that free sample.

07:42 10 AUDIENCE MEMBER 2: But then what?

11 MR. MURPHY: That's why --

12 AUDIENCE MEMBER 2: But then what?

13 MR. MURPHY: Nitrates are naturally
14 occurring in water.

07:42 15 AUDIENCE MEMBER 2: (Inaudible.) And
16 then what?

17 MR. CHAIRMAN: Excuse me, guys. Gene,
18 I appreciate your questions, but we need to move
19 along here. And the planning commission --

07:43 20 MS. SNYDER: May I just say one more
21 thing? That is not in Brown County, this
22 facility that I was speaking of. I just want to
23 tell you that --

24 MR. MURPHY: And I'm talking on behalf
07:43 25 of NRD, which covers the north half of Brown

1 County.

2 MS. SNYDER: I just want to say, when
3 we talk about the DEE, nothing is being done. I
4 just want to clarify: It's not in Brown County.

07:43 5 AUDIENCE MEMBER 2: (Inaudible.)

6 MR. CHAIRMAN: Gentlemen, this is for
7 the planning commission. If you don't want to
8 play our game, I'm going to ask you to leave.

9 Okay. I'm still not real clear on
07:44 10 this. Mike, let's say we require that they --
11 the facility -- the hog confinement facility put
12 in more monitoring wells. Would the NRD be
13 responsible for them, or would the County be
14 responsible for them?

07:44 15 MR. MURPHY: The county would be if
16 it's your requirement. You guys have no
17 statutory requirements for water quality or
18 quantity. The NRD does. Now, you can have that
19 come back to our board, if necessary. But as
07:44 20 long as they're meeting the state permitting
21 processes, it's not required.

22 Now, any extra monitoring is always
23 going to be beneficial. So there's the advantage
24 of having additional monitoring network set up.
07:44 25 But, there again, when you're starting at base

1 zero, you have no timeline or history to
2 document, so there's the problem there. But
3 that's why I'm saying, if there's truly a water
4 quality issue in the area, what needs to be
07:45 5 looked at and drafted are what each of these
6 wells are at now. A lot of our wells are old.
7 Then they start having failures. We've got a
8 handful of wells in that area.

9 The water quality is very good here in
07:45 10 Cherry County. We actually show a decrease in
11 nitrates across Cherry County. But that doesn't
12 mean everything is perfect. We sample household,
13 domestic, and irrigation wells and monitoring
14 wells throughout our county. But to have a
07:45 15 baseline, you better take it seriously and truly
16 get people -- whether it's a household or
17 irrigation well or whatever in that surrounding
18 area to test and have their water sampled prior
19 so you have some baseline to go off of and look
07:46 20 at.

21 I don't think you guys as the planning
22 commission or County wants to take on a water
23 quality/quantity responsibility. Brown County
24 did that. We, as the NRD, went out and collected
07:46 25 those samples for the first year or so, sent them

1 the bill, and then they told us they didn't want
2 to continue to pay it. That landowner has
3 continued to have us do quarterly samples at his
4 choosing, so there is a track record of it.

5 AUDIENCE MEMBER 3: Can I ask who pays
6 for that?

7 MR. MURPHY: The landowner.

8 AUDIENCE MEMBER 4: Who is the
9 enforcement on that?

10 MR. MURPHY: On the high nitrates?

11 AUDIENCE MEMBER 4: Yeah.

12 MR. MURPHY: That comes back to the NRD
13 and then county to the county court system.

14 MR. CHAIRMAN: Thank you, Mike.

07:46 15 MR. MURPHY: It's about a clear as mud
16 answer. That's the problem.

17 MR. CHAIRMAN: Okay. Other
18 questioners?

19 MR. KIME: I've got one for Danielskis.
07:47 20 How much more truck traffic do you think this
21 will cause?

22 MR. DANIELSKI: I can answer that one.
23 Actually, I can also make the argument that the
24 truck traffic will actually decrease. Right now,
07:47 25 we are bringing in composted cattle manure and

1 chicken litter on our organic ground at a rate of
2 four tons per acre. That's approximately -- on a
3 28-ton load, that's one truck per seven loads.
4 So if this hog unit will service 1500 acres, that
07:47 5 will reduce the truck traffic by approximately
6 210 loads per year.

7 MR. MOSER: And right along those same
8 lines, you know, organic production probably
9 yields 75 percent of conventional, so you see
07:48 10 harvest traffic go down, because there's not as
11 many loads of grain to come out.

12 And then I understand the alarm and
13 everyone always is scared of the unknown, but I
14 think the reality of it will be -- besides the
07:48 15 employees traveling in and out in their cars,
16 this is not going to be a, you know, rush-hour
17 situation.

18 And then this unit is only two miles
19 south of Highway 20. This isn't all the way down
07:48 20 on the river. So the most German Settlement Road
21 will ever be impacted is the two miles, you know.
22 So, I mean, I understand the alarm, but I really
23 feel the traffic issue is -- will not be -- it
24 just -- you won't even hardly notice it. I mean,
07:49 25 there's a lot of traffic going down that road now

1 for a hundred different reasons, and a little bit
2 more is going to be, what I feel, immaterial.

3 MR. DANIELSKI: It could possibly be
4 less, displacing the fertilizer we're hauling in.

07:49 5 MR. MOSER: Right.

6 MR. FROM: Gary, can I say anything to
7 that or no?

8 MR. CHAIRMAN: No.

9 MR. ANDREWS: I have a question for
07:49 10 Danielskis, too. Your total animal units was
11 6,896? It went by pretty quick. I think that
12 was the total with Phase 1 and Phase 2.

13 MR. SETTJE: Yes, very close to that.

14 MS. LUTHY: I also have a question for
07:50 15 you. Based on your site, is there room on the
16 site for expansion or any plans for that in the
17 future? I just thought I would ask.

18 MR. SETTJE: The two things that we
19 look at on that is: Yeah, is there room for
07:50 20 expansion or not? The Danielskis were very
21 forthright and open, if you will, in saying let's
22 put both phases on there so the expansion is on
23 there right away, so we're not coming back here
24 in a year or two and expanding.

07:50 25 So, you know, the whole idea is to get

1 that out in front. That's why we have two phases
2 on this approach, just trying to be honest with
3 everybody.

4 MR. MOSER: To go along with that, to
07:51 5 go outside of what's currently proposed, it
6 couldn't happen without taking a center pivot out
7 of production, which I think you guys can take
8 comfort in thinking why would we do that? So,
9 yeah, the idea that this is going to multiply
07:51 10 into this growing and growing thing, it isn't
11 reality.

12 MR. DANIELSKI: Yeah, there's only so
13 much area in that corner between the two fields.
14 And to your question, Chelsea, no, there isn't
07:51 15 room for expansion. And if there was, it would
16 obviously be another CUP issue with a different
17 location. But at this time, we have no
18 intentions of that at all.

19 MR. ERICKSEN: You said 100 percent of
07:52 20 the neighbors there signed easements. Is that
21 people that you're applying the fertilizer to?

22 MR. SETTJE: No, that would be the
23 people that would be within that setback circle
24 defined by the County. All that was shown two
07:52 25 miles wide and four miles north and south --

1 MR. DANIELSKI: Two and one.

2 MR. SETTJE: Two and one, I'm sorry.

3 If there's a residence within that setback

4 circle, they have to sign a cattle country

07:52 5 easement, in which they have. That allows the

6 permit to move forward to this stage.

7 MR. ERICKSEN: So the lady that was

8 from Germany, she signed an easement?

9 MS. NELSON: No, we did not. We were

07:53 10 never approached. We're just a half of a mile,

11 apparently, out of this circle, which I don't

12 understand. The circle is just narrow enough

13 that my front porch did not meet, so I did not

14 get approached.

07:53 15 But my property is within 200 yards of

16 that building. My front porch just happens to be

17 about less than half of a mile outside the

18 proposed circle, which I find very interesting.

19 MR. MARVIN: Dean, I've got -- for the

07:53 20 people here, I'm Keith Marvin. I'm a consultant

21 working with the county on their zoning stuff.

22 You stated in your presentation that

23 there would be 365 days of containment

24 underneath. Is that -- going back to the

07:54 25 question that was asked about what happened in

1 Brown County, how all of a sudden Phase 2
2 happened, and now they have half the capacity.

3 Will there be still 365 days of
4 capacity with Phase 1 and Phase 2, or will the
07:54 5 deep pit be decreased in capacity with Phase 2?

6 MR. SETTJE: That's a good question.
7 And, no, it will not. So when Phase 2 is added
8 on, it adds on the like and kindness of that same
9 capacity of what Phase 1 has. And so the end
07:54 10 result is still going to be above the 200-percent
11 level when we're done, so it really doesn't
12 change.

13 MR. CHAIRMAN: So the 365 days is for
14 both facilities?

07:54 15 MR. SETTJE: It will be for both
16 facilities. That's correct.

17 MS. LUTHY: I have a question on the
18 five year that you were asking. What's the
19 timeline on construction after Phase 1? Phase 1
07:55 20 seems like it would be under construction fairly
21 soon. Why then five years after?

22 MR. SETTJE: The two things that happen
23 in a construction phase: Obviously, it's going
24 to take a year or two to build out Phase 1. And
07:55 25 by the time you get that up and running, get it

1 staffed, it doesn't just happen overnight. That
2 staff comes in over time, and so not, you know,
3 80 employees show up the first day. The first
4 day you're going to have five employees. Then
07:55 5 several months later you're going to have 10.
6 Several months later you'll have 20. And that's
7 going to ramp up until you get through Phase 1.
8 That takes a couple years to make that happen.

9 And at that point in time, you need
07:55 10 time to get everything operating correctly, get
11 all your processes and procedures to go
12 correctly. And then you start thinking, "Okay,
13 now we're ready for Phase 2." So you want to
14 walk into that slowly, and so it just takes -- it
07:56 15 takes a couple years at least for each phase to
16 be implemented because of all those
17 circumstances. If that helps.

18 MR. MARVIN: I guess one more question.
19 It was brought up with the idea that your
07:56 20 application, as it was given to the County, talks
21 about different methods of applying the manure,
22 but tonight you said something about injection.
23 Is it -- would it be feasible to go back and
24 amend that application with DEE so that that is
07:56 25 on record?

1 MR. SETTJE: Yes. And, as a matter of
2 fact, that's already done. That amendment has
3 been made, and it is injection only. No surface
4 application. And that's the way it has to be. I
07:57 5 appreciate you bringing that up. I should have
6 mentioned that earlier in my comments.

7 MR. CHAIRMAN: Do we have that on
8 record?

9 MR. SETTJE: It will be in the DEQ
07:57 10 application as well. You can make it a condition
11 of your permit as well, if you need to.

12 The DEE permit. I said that wrong.

13 MR. MARVIN: I haven't gotten used to
14 that yet either.

07:57 15 MR. SETTJE: It's taken a while. It
16 used to be the DEC for a long time.

17 MR. CHAIRMAN: Somebody said something
18 that you would be pumping manure across the
19 Minnechaduza Creek. Is that true?

07:57 20 MR. SETTJE: No, there's no intention
21 to pump manure that far. If manure is going to
22 be applied to those parcels, they're going to
23 have to be trucked to that location. And right
24 now, the way the application is set up, we have
07:58 25 twice as much land as we need. I highly doubt --

1 in talking to Chris and his team, you know, they
2 highly doubt that that's going to get used, if at
3 all. It's on the application, but it certainly
4 does not need to be used to fulfill the
07:58 5 requirements of the permit or the acres that are
6 required. It wouldn't be piped across the creek.

7 MR. DANIELSKI: Yeah, I probably
8 shouldn't have even put that on the application.
9 I put that there as basically a secondary option
07:58 10 because there was a concern that we did not have
11 enough acres to satisfy all the production, which
12 I feel, no, we do. But I just want to leave that
13 option out there in case it came to that point,
14 just to give reassurance to everybody that there
07:58 15 is available land nearby if we needed to use it.
16 But as far as pumping goes, I guess you guys
17 could answer more, Dean. Outside of three miles,
18 it's unusable for pumping.

19 MR. KIME: I have another question for
07:59 20 you. Is it a possibility that, if you run into
21 trouble finding help and stuff, that you'll just
22 stop at Phase 1 and won't move to Phase 2?

23 MR. DANIELSKI: I think it's -- you
24 know, as far as our operation goes, we've had
07:59 25 trouble finding help just like anybody else. And

1 as a farming operation, we have several avenues
2 of knowing how to get help, as in H-2A. We've
3 been doing that program for over eight years. We
4 also hire some contract labor, migrant workers,
08:00 5 which do help with the organic.

6 So as far as ending at Phase 1, I think
7 this is kind of a whole system plan. We would
8 want to do both phases.

9 MR. SETTJE: It goes back to the
08:00 10 phase-in plan we talked about a minute ago with
11 Chelsea's comment, and that's something that
12 obviously isn't going to happen just immediately.
13 It's phased in over time, and so it gives time
14 for growth, time for housing, time for all those
08:00 15 things to transpire, which is a good thing.

16 MR. MARVIN: Does the County have the
17 amended application?

18 MR. SETTJE: I don't know if they would
19 or not. I can certainly check on that to make
08:01 20 sure and provide that tomorrow.

21 MR. DANIELSKI: Keith, you're referring
22 to the injection?

23 MR. MARVIN: Yes.

24 MR. DANIELSKI: I believe that we have
08:01 25 the NDEE permit. And, I believe, if you read the

1 permit, it only allows injection.

2 MR. SETTJE: I will make sure that you
3 actually have that.

4 MR. DANIELSKI: But according to the
08:01 5 NDEE, we're not allowed to apply surface or
6 through irrigation.

7 MR. MARVIN: The one I've got is dated
8 May 22.

9 MR. SETTJE: Yeah, there's been
08:01 10 amendments to it since then. I apologize for
11 that, Keith.

12 MR. ANDREWS: I think one of the people
13 brought up about -- and I didn't quite read all
14 about it in the plan there, but on mortalities,
08:02 15 could you maybe address that just a little bit so
16 people know what happens?

17 MR. DANIELSKI: I will let them touch
18 on the composting, but as far as mortality goes,
19 they'll be composted, and if anybody knows about
08:02 20 compost -- whether you're composting manure or
21 dead animals, when the final product is
22 composted, it's odorless.

23 Now, during the composting process when
24 you're turning, there will be odors, but by the
08:02 25 time it's to spread on the field, it's an

1 odorless product. And Dean can probably
2 enlighten us a little more on how the onsite
3 composting of dead animals works.

4 MR. SETTJE: Yeah, it's basically done
08:03 5 in bays. And so there's a composting bay and
6 then just keep using separate bays for different
7 intervals. And taking sawdust, we use it --
8 easiest way to compost dead animals and -- wood
9 chips, sawdust of some type like that. And at
08:03 10 that point in time -- you get them to a point --
11 you turn them until it gets to a point where
12 there's nothing left of the physical animal, and
13 at that point in time, it is odorless and you
14 spread that product.

08:03 15 MR. ANDREWS: Spread it on the field?

16 MR. SETTJE: Spread it on the field,
17 yes.

18 MR. LEE: Those bays, are they sealed?
19 At the start of the composting, are you going to
08:03 20 be able to smell it?

21 MR. SETTJE: At the start of
22 composting, no, because you're going to put
23 woodchips over them immediately. And so that
24 minimizes that dramatically. And, again, the
08:03 25 concrete bays are sealed.

1 MR. OGREN: It takes an equal pound of
2 compost to an equal pound of carcass. So if you
3 have a 300-pound sow, it takes 300 pounds of
4 compost. And then you'll continue to turn
08:04 5 that -- or wood chips. Excuse me.

6 MR. SETTJE: The industry's been
7 battling with trying to figure out what rendering
8 and disposal of dead animals really means and so
9 has every other industry that produces livestock.
08:04 10 And, you know, the good ol' days are gone where
11 rendering picks up your animal and takes it away
12 for you.

13 But the advantage the swine industry
14 has is that 95 percent of your deaths are usually
08:04 15 in young stock. Young stock tends to compost
16 very easily. The older the animal, the harder it
17 is to compost, as one can imagine. You watch the
18 old cow die in the pasture, and it takes her
19 forever to go away, but that calf dies and he's
08:04 20 gone in a year or two or less.

21 So the same thing applies with a
22 smaller animal. So there's an advantage from
23 that standpoint as well. A fair percentage of
24 the deaths are going to be younger stock.

08:06 25 MR. CHAIRMAN: Nina Nelson, I have a

1 question for you. I want to have you verify on
2 the map where your home site is. Set it down
3 here. Here or here?

4 MS. NELSON: That is a terrible map.
08:06 5 Do you have something that is a little clearer?

6 MR. CHAIRMAN: Okay. So we should be
7 able to identify that on this poorer map. Okay.
8 Where is your place at?

9 MS. NELSON: Probably right there.

08:07 10 MR. CHAIRMAN: Okay. So I think this
11 is your house right here.

12 MS. NELSON: Yes, correct.

13 MR. CHAIRMAN: Okay. Any more
14 questions?

08:10 15 Do you have a relevant question, Keith?

16 MR. MARVIN: No.

17 MR. CHAIRMAN: Are we ready to close
18 the public hearing guys, or how do you feel?

19 MR. MARVIN: Same thing I told you
08:10 20 earlier, if you close the hearing and let's say
21 just in case you were to table any decision, you
22 are not to have any communication with anybody
23 between now and that meeting. Any correspondence
24 is -- would be -- I would say would be limited to
08:10 25 getting the updated application with the permit.

1 Because you run into this, if you start getting
2 information on the outside, it will corrupt the
3 whole proceedings. And it's actually -- I'm not
4 an attorney, but it would give cause to have a
08:11 5 procedural error, which is challenging. So just
6 to give you a warning, if there's anything else
7 you think you may want, you would have to
8 continue the hearing to a date and time specific.

9 MR. ANDREWS: So table this hearing?

08:11 10 MR. MARVIN: You would continue it.

11 MR. ANDREWS: Continue it. Continue it
12 to another date?

13 MR. MARVIN: Yes.

14 MR. ANDREWS: But we'd have to
08:11 15 advertise again?

16 MR. MARVIN: I would probably put one
17 more advertisement in, but technically the people
18 that are interested are here, and they would know
19 about it, but I would CYA it.

08:12 20 MR. ANDREWS: Just to make sure.

21 MR. MARVIN: Yes.

22 MR. KIME: Okay. If we would do that,
23 we can ask questions outside this?

24 MR. MARVIN: You could ask for more
08:12 25 information and have it put into the record. If

1 you close it, you are done receiving any
2 information on the record other than what's been
3 requested.

4 MR. KIME: But what if we continue it
08:12 5 and say we come up with a question for somebody
6 -- Danielskis or somebody -- can we ask it
7 outside of this?

8 MR. MARVIN: No.

9 MR. KIME: Okay.

08:12 10 MR. ANDREWS: It has to be at a public
11 hearing?

12 MR. MARVIN: It has to be at a public
13 hearing. Both sides have to have access to that
14 information.

08:12 15 MR. LEE: I don't know who can answer
16 this. I'm going to ask Mike Murphy. It seems a
17 lot of the concern, especially from the folks in
18 Brown County, is the smell. What are those hog
19 confinement -- what is their manure holding
08:13 20 facility? What are they like there? Are they
21 like this at all? Are they just lagoon? Why do
22 we have such a --

23 MR. MURPHY: They're a tarp -- they're
24 a lined tarp pit.

08:13 25 MR. LEE: So they're not in storage

1 facilities like what Danielskis are proposing to
2 do with theirs?

3 MR. MURPHY: Correct.

4 MR. CHAIRMAN: They're open lagoons?

08:13 5 MR. MURPHY: They're an open lagoon.
6 They've got a -- I don't know -- a 30 or 70 mil
7 liner, and that's laid down in there. You know,
8 we've planted a lot of trees around them and
9 stuff like that.

08:13 10 MR. CHAIRMAN: But they're open to the
11 air?

12 MR. MURPHY: But they're open. This is
13 a pit and I mean --

14 MR. CHAIRMAN: It's a confined pit.

08:13 15 MR. MURPHY: And I don't know -- I
16 think Dave might have been the one that said
17 these pits, in Nebraska, there's never been one
18 to fail. And so there's been pipes that connect
19 to them and stuff like that, that have maybe had
08:14 20 a crack or a failure, but in Nebraska, he says
21 these are the safest and best way to go from
22 contamination. Technology that's available for
23 other odor control measures, there's plenty of
24 experts sitting in this room people can work with
08:14 25 on that.

1 At the end of the day, there's a lot of
2 different things that -- when you drive up and
3 down the roads and my guys are out sampling
4 day-to-day, you know, they say they don't smell
08:14 5 it.

6 MR. LEE: But they're a different type
7 of system. There's nothing down there like what
8 they're doing?

9 MR. MURPHY: No.

08:14 10 MS. SNYDER: Again, ours started out
11 that way. And then later they asked for
12 modifications. You know, they filed other
13 applications. And they expand, and then they put
14 in a big lagoon. That's what happened to us.

08:14 15 And you can still smell it with the
16 other. Just when they were smaller, of course,
17 and it was contained underneath, of course it
18 wasn't as strong as it is now. That's how they
19 start out.

08:15 20 MR. MARVIN: Now, really quickly, I
21 want to amend what I told you guys. You guys
22 can't have any more say -- or if you close it,
23 you can't take any more testimony. But they
24 still have an opportunity to testify at the
08:15 25 county board meeting so...

1 MR. ANDREWS: The people do?

2 MR. MARVIN: Yes.

3 MR. ERICKSEN: How is this pit
4 different? Because the way I understand it, they
08:15 5 still had vents blowing stuff out of the pit.

6 MR. CHAIRMAN: Well, why don't you ask
7 the experts over here, Albert.

8 MR. ERICKSEN: All right. So the open
9 air fumes go up, and the way I understand it,
08:15 10 you're venting -- have fans to vent that pit, so
11 what's the difference?

12 MR. SETTJE: There's a substantial
13 difference. Number one, lagoon systems obviously
14 have got a lot more surface area and a lot more
08:16 15 exposure on the outside of that building when you
16 have a system that has a lagoon than compared to
17 when you have a deep pit setting. That deep pit
18 setting is a very confined area and a very much
19 smaller area in relationship to the surface area
08:16 20 that it has compared to that lagoon, which is
21 much, much larger.

22 The second thing is that a pit fan
23 creates a consistent air flow. That consistent
24 air flow is what keeps that odor from being a
08:16 25 problem. And so you want to have those on 24/7,

1 365 days a year. They don't ever turn off.
2 Because that consistent air flow, again, is what
3 you want, so it doesn't have a build up of odor
4 and cause an obnoxious plume.

08:16 5 The solution to pollution is dilution.
6 Everybody knows that. And the more you can
7 dilute that, the better off you are on that
8 process. Again -- but it's a much, much smaller
9 area that you're dealing with, so it's a
08:16 10 controlled environment.

11 We don't have rainfall. We don't have
12 sun. We don't have heat exposure. We don't have
13 freezing, thawing, and we certainly don't have
14 wind on it that is excessive, obviously, other
08:17 15 than what the pit fans themselves are creating.

16 MR. MARVIN: Dean, is this very similar
17 to the one that was built outside of Central City
18 right off of Highway 30? I can't think of the
19 guy's name. He's one of the vice presidents of
08:17 20 Farm Bureau.

21 MR. SETTJE: I don't know, Keith. I've
22 got to think for a minute. I don't know if that
23 is or not. Is it a deep pit?

24 MR. MARVIN: I thought it was.

08:17 25 MR. SETTJE: Most likely it is, but I

1 can't say that for certain.

2 MR. CHAIRMAN: So back to the issue of
3 when we're going to make this decision and our
4 options. We could close this public hearing and
08:18 5 possibly table this matter until the next meeting
6 if we wanted to, but we just can't take any more
7 testimony.

8 MR. MARVIN: That's correct.

9 MR. CHAIRMAN: And not talk to anybody?

08:18 10 MR. MARVIN: Nope.

11 MR. ANDREWS: I have a question for
12 Keith. Like if -- is it better to have a
13 discussion about maybe a concern I have with this
14 facility in accordance with their plan -- would
08:19 15 that be later in discussion after we close the
16 hearing and stuff?

17 MR. MARVIN: It could be. Now, you're
18 talking about in relationship to your current
19 plan and all that?

08:19 20 MR. ANDREWS: Yeah, with what they're
21 proposing and with what our current plan is, if
22 there's a discrepancy there, I think that needs
23 to be addressed. That's one thing I'm kind of
24 concerned about.

08:19 25 MR. MARVIN: What is the discrepancy

1 you're thinking about?

2 MR. ANDREWS: We have a 2,000 animal
3 unit maximum per section of land, and this thing
4 is way over. And, you know, I'm not against it
08:19 5 being over it. It's just I think it's -- for us
6 I'm kind of a rule follower. I like to follow
7 the rules, and I'd like to stay as close to this
8 plan as possible. If we want that big of a
9 facility here, I think we're putting the cart
08:19 10 before the horse. I think we need to change our
11 plan to accommodate that facility so the numbers
12 jive, if that's what the County wants.

13 Otherwise, it's up to the discretion of
14 the Cherry County Board of Commissioners to
08:20 15 approve this or not approve it. We just
16 recommend what we think we should do. We're, you
17 know, basically advisors for them. But I think
18 that's really kind of a -- it's kind of a
19 slippery slope there.

08:20 20 Because if it was 2,100 animals, that
21 wouldn't be such a big deal, but it's almost
22 three times. If we set precedence on that --
23 what I'm really worried about is we run into
24 troubles down the road and somebody comes after
08:20 25 us and says, "You guys went over your plan."

1 MR. MARVIN: What you have to do with
2 this, if you wish, is the way your regs are
3 written it says "not to exceed 2,000 animal units
4 per section of land. But authorization to exceed
08:21 5 this limit" -- so there's your out. There's an
6 out -- "authorization to exceed this limit may be
7 approved by the county board of commissioners."
8 All you're doing is recommending.

9 "If the owner of the proposed confined
08:21 10 feeding use can provide assurances acceptable to
11 the county board of commissioners that such
12 larger numbers of animals will not result in more
13 properties being subjected to unreasonable levels
14 of odor for unreasonable duration periods" -- so
08:21 15 as you go through this, what you've got to
16 determine, eventually when you make a
17 recommendation on this, is you need the board --
18 the planning commission will need to make a
19 finding that there are -- in your mind that there
08:21 20 are acceptable assurances. Okay.

21 Now, if that's part of your finding in
22 the motion to recommend approval, if you don't
23 agree with that then, that would be a "no" vote.
24 So the rule is in here that says 2,000, but there
08:22 25 is a way to get around that that was written into

1 i t.

2 MR. ANDREWS: Okay.

3 MR. MARVIN: So it's not a hard and
4 fast yes or no.

08:22 5 MR. ANDREWS: Yeah, I guess that's why
6 I was confused. I just didn't want to bend the
7 rules per se. Stay as close to the rules as
8 possible.

9 MR. CHAIRMAN: That's obviously
08:22 10 something we would be flagging on our conditions.

11 MR. ANDREWS: Correct. And, you know,
12 you can go by one study or 10 studies, but you
13 know, it's -- where we don't know what it's going
14 to do or not do for sure. I mean, they have a
08:23 15 pretty good idea, but I hate to -- I don't know.
16 It's kind of a slippery slope there. I don't
17 know what to do. Where it's exceeded that many,
18 that seems excessive.

19 MR. LEE: You saw on the map the amount
08:23 20 of acres it takes to run one hog as opposed to
21 one fat steer. I mean, you can put 6,000 hogs in
22 a pretty small area. You can't put 6,000 fat
23 cows in that same area. You're not really
24 comparing apples to apples.

08:23 25 MR. ANDREWS: We need to update our

1 rules or the plan or something.

2 MR. MARVIN: But you've got to play
3 with the rules that are in front of you.

4 MR. ANDREWS: And it's -- maybe it's
08:23 5 not friendly for hog confinements right now.

6 MR. CHAIRMAN: It's deliberately not
7 that way. In other words, if they can't show the
8 -- in other words, this hog confinement facility
9 falls within the setbacks on odor. Okay. If it
08:24 10 was a different type of facility with the same
11 number of animals -- let's say it's an open
12 lagoon -- in all likelihood, it would not, and
13 then you would say no.

14 MR. ANDREWS: Right. But, you know,
08:24 15 they have the 94 percent and 96 percent. What
16 about the other 6 percent or 4 percent?

17 MR. MARVIN: And I'm going to say this
18 publicly and it's just based upon experience -- I
19 don't have anything to gain either way -- couple
08:24 20 of things that are positive that I've heard is
21 the double capacity. The more you can contain
22 over that time period and the fans, the better
23 they are.

24 Find a deep pit facility on a windy day
08:24 25 and go find it and drive it.

1 MR. ANDREWS: We should, yeah.

2 MR. MARVIN: I will tell you, in my
3 mind, having started doing this in '97 when it
4 was basically lagoons and they were pumping out
08:25 5 of the lagoons right through a pivot, airborne
6 technologies -- I hate to say this in cattle
7 country -- but technologies for hogs have
8 exceeded cattle for odor.

9 But you need to find that probably on
08:25 10 your -- that would be one good reason to maybe
11 table it, is to go find -- not as a group --
12 individually find one of these facilities and
13 drive around it.

14 You know, the Brown County one, the
08:25 15 problem they apparently have is they started out
16 as a deep pit. Once they doubled up on that
17 capacity, they created a problem.

18 MR. ERICKSEN: Can we recommend this as
19 just Phase 1 or do you have to do both?

08:26 20 MR. MARVIN: I think, personally, you
21 could approve Phase 1 and tell them to come back
22 for Phase 2, or you could approve both on the
23 basis that you want to see how Phase 1 is
24 working.

08:26 25 These are things to think about. So if

1 you want to take that approach and close the
2 hearing, I can -- part of what I'm here for is I
3 can throw out examples of conditions for you that
4 you can pick and choose from and -- you know, to
08:26 5 make your decision if you want to -- if you want
6 to recommend approval. That's all you're doing,
7 is you're moving it on to the county board at
8 this point in time.

9 MR. LEE: How many people do you think
08:27 10 it will take to run Phase 1? If we say, okay,
11 you can do Phase 1 and see how it goes, how many
12 people is it going to take?

13 MR. OGREN: So two things with that.
14 In Phase 1, the onsite GDU -- gilt developer unit
08:27 15 -- is built for both phases. The onsite nursery
16 in Phase 1 is built for both phases. The office
17 in Phase 1 is built for both phases, so there's
18 that part. Just within the first part to run
19 that, it would be roughly a little bit over half.
08:27 20 So you could get by with probably around 35-ish
21 people.

22 MR. LEE: Okay.

23 MR. OGREN: But you can see in the
24 drawings -- on the drawings, the GDU that's
08:28 25 attached, that's built for both phases. And then

1 on the detailed drawings you can see the onsite
2 nursery which is large enough for both phases, as
3 well as the office space.

08:28 4 MR. CHAIRMAN: Take a vote? Close the
5 public hearing or not?

6 MR. MARVIN: I was going to say, do you
7 want to -- just to clear it, ask for a motion and
8 second. Take a vote on closing the public
9 hearing. Which means no more testimony.

08:28 10 MR. CHAIRMAN: Is there a motion to
11 close?

12 MR. KIME: I'll make a motion.

13 MR. LEE: I'll second.

14 MR. CHAIRMAN: Motion has been made by
08:29 15 Duane Kime and seconded by John Lee to close the
16 public hearing. The planning commission will now
17 vote. Chelsea Luthy?

18 MS. LUTHY: Yes.

19 MR. CHAIRMAN: Wade Andrews?

08:29 20 MR. ANDREWS: Yes.

21 MR. CHAIRMAN: Michael McLeod?

22 MR. McLEOD: Yes.

23 MR. CHAIRMAN: Duane Kime?

24 MR. KIME: Yes.

08:29 25 MR. CHAIRMAN: John Lee?

1 MR. LEE: Yes.

2 MR. CHAIRMAN: Albert Ericksen?

3 MR. ERICKSEN: Yes.

4 MR. CHAIRMAN: Chair votes yes.

08:29 5 I'm officially closing the public
6 hearing of CUP 001/20.

7 Now, planning commission, we move into
8 the discussion phase. Keith, would you like to
9 go over some of the issues that you and I
08:30 10 identified?

11 MR. MARVIN: Some of the things that I
12 made note of during the public hearing we've
13 gotten answers on, and that is on the nutrient
14 management plan and the injection.

08:30 15 We've had some discussion on the
16 monitoring wells, so that's one of the things you
17 and the county board will have to decide if
18 that's what you want to require, or as Dean said,
19 you can petition the DEE to require them.

08:30 20 One of the other things is, I believe,
21 that prior to -- as part of what you guys
22 recommend to the county board would be that they
23 probably need to look at a road and maintenance
24 plan with the facility in order to make sure that
08:31 25 the roads don't get any worse than they already

1 are.

2 And then the other one was the deep
3 pit, and Dean answered that.

4 So besides that, I just started going
08:31 5 through some ideas for conditions to put on
6 these. And some of them would be, obviously,
7 injection of manure only, monitoring wells for
8 the NRCS letter, application of the material
9 nutrients would only occur prior to planting and
08:31 10 not on frozen ground or after harvest.

11 I have question marks on if Phase 1
12 should be all that's allowed at this point in
13 time. It's kind of up to you guys.

14 Any of the monitoring wells, I guess I
08:32 15 would want to see some testing on phosphorus.
16 That could become an issue. There have been
17 places -- and it's been a number of years ago,
18 but they -- in Iowa and that they were getting
19 phosphorus burn. Some fields were bad enough
08:32 20 that they couldn't plant. It was going to be
21 five, six years before they could get a corn crop
22 back on the land.

23 Again, the road maintenance plan. And
24 then also either way that on the two -- Phase 1
08:32 25 and Phase 2, make sure they maintain the 365-day

1 capacity as part of the permit.

2 MR. CHAIRMAN: Another issue that has
3 to be addressed is does the application meet the
4 requirements of our zoning regulations?

08:33 5 MR. MARVIN: I think as a part of the
6 motion, if you move to make a motion tonight, you
7 need to make a finding that they do meet the
8 exception clause and that they've taken
9 appropriate actions to deal with the verbiage
08:33 10 that's exactly in the regulations.

11 MR. CHAIRMAN: The 2,000-head limit?

12 MR. MARVIN: Yeah, the exception to
13 that whole issue. I think that needs to be a
14 finding in your motion. If you want to think
08:34 15 about it, you've got to table the decision until
16 your meeting on -- what was it, December 1?

17 MR. CHAIRMAN: December 1.

18 MS. LUTHY: There's one thing I would
19 like to discuss. I like the idea of using
08:34 20 multiple conditions. One thing for me would be
21 the phasing. I think in general, from a
22 standpoint, if you're going to do a project, do
23 the whole project. Because, just in general, if
24 you're only going to be doing part of a project,
08:35 25 that really messes with the plan as far as the

1 feasibility and that sort of a thing.

2 So I'm not sure I'm in the same place
3 as far as only allowing one phase to go. I
4 understand where that comes from, but I think I
08:35 5 would be more on the aspect of, if we're going to
6 recommend approval with conditions, let's make
7 our conditions be strong enough so that the
8 applicant knows whether the project itself would
9 be feasible or not.

08:35 10 MR. CHAIRMAN: We have a certain amount
11 of paradox. I think our regulations require
12 completion of anything that we approve in two
13 years.

14 MR. MARVIN: I think you could probably
08:35 15 -- by allowing Phase 2, you could allow for that
16 phasing to be done over a five-year period.

17 MR. CHAIRMAN: Or we could not give the
18 five-year request and, in fact, require
19 re-approval if it's not completed.

08:36 20 MS. COYLE: They can apply for
21 extension within the first two years up to five
22 years total. That's in Section 1010 of the
23 regulations.

24 MR. MARVIN: I guess, either way, you
08:36 25 need a motion to do something.

1 MR. KIME: I make a motion that we
2 continue until our next meeting.

3 MR. MARVIN: One suggestion: If we
4 want to try to make this a working meeting, maybe
08:37 5 we need to move that time to earlier than four
6 o'clock.

7 MS. COYLE: We can't. There's court.

8 MR. MARVIN: I guess we can't. I'll
9 get you stuff in advance.

08:37 10 MR. CHAIRMAN: Okay. Duane Kime has
11 made a motion to table -- what did you say,
12 Duane?

13 MR. KIME: Table the approval or
14 nonapproval to next meeting.

08:38 15 MR. CHAIRMAN: Table the approval or
16 nonapproval to our next meeting. Is there a
17 second?

18 MR. ANDREWS: I'll second it.

19 MR. CHAIRMAN: Wade, you second this
08:38 20 motion?

21 MR. ANDREWS: I'll second this motion.

22 MR. CHAIRMAN: Duane Kime made a motion
23 and Wade Andrews has seconded to table approval
24 or disapproval of this application until the next
08:38 25 meeting.

1 And we'll now vote on it -- discussion
2 on the motion.

3 MS. LUTHY: Is there any reason for
4 tabling? Gather more information on our own?

08:39 5 MR. KIME: Yeah, I'd like to try. My
6 main concern is the odor.

7 MR. LEE: I'm kind of on the same page,
8 Duane. I would like to get next to one of these.

9 MR. KIME: I'd like to get this over
08:39 10 tonight, but that's...

11 MR. LEE: You know, I'm sure in
12 November, when it's cooler, it's not going to be
13 like July when's it's 110, but you can visit with
14 the people around it and get an idea of what it's
08:39 15 going to be.

16 MR. CHAIRMAN: End of discussion?
17 Okay.

18 Duane Kime made a motion to table the
19 vote on the approval or disapproval of the CUP.
08:40 20 Wade Andrews seconded. We'll now vote.

21 MR. CHAIRMAN: Chelsea Luthy?

22 MS. LUTHY: Yes.

23 MR. CHAIRMAN: Wade Andrews?

24 MR. ANDREWS: Yes.

08:40 25 MR. CHAIRMAN: Michael McLeod?

1 MR. McLEOD: Yes.

2 MR. CHAIRMAN: Duane Kime?

3 MR. KIME: Yes.

4 MR. CHAIRMAN: John Lee?

08:40 5 MR. LEE: Yes.

6 MR. CHAIRMAN: Albert Erickson?

7 MR. ERICKSON: Yes.

8 MR. CHAIRMAN: Chair votes yes.

9 (Discussion had off the stenographic
10 record. Meeting was then adjourned.)

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C E R T I F I C A T E

I, Amanda L. Colburn, General Notary Public, duly commissioned, qualified, and acting under a general notarial commission within and for the State of Nebraska, do hereby certify that the foregoing proceedings were taken by me at the time and place herein specified; that I am not counsel, attorney, or relative of either party or otherwise interested in the event of this suit.

IN TESTIMONY WHEREOF, I have hereunto set my hand officially and attached my notarial seal at Valentine, Nebraska, this 27th day of November, 2020.

General Notary Public