

CHERRY COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING REGARDING

CONDITIONAL USE PERMIT APPLICATION

CUP 001/20 DANIELSKI HARVESTING & FARMING LLC/

VALENTINE FEEDERS SWINE FACILITY

TO BE USED FOR BREEDING, GESTATION, AND FARROWING

held at the

Cherry County Courthouse

365 North Main Street

Valentine, Nebraska 69201

February 11, 2021

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1 open that public hearing. And it's 2:01, I
 2 believe.
 3 So we are going to begin today's
 4 hearing by allowing the applicant the time they
 02:07 5 need to go through their application and provide
 6 us with any additional information and, of
 7 course, any questions that we may have.
 8 And so who do you have designated to
 9 speak?
 02:07 10 MR. DANIELSKI: Do I need to go to the
 11 microphone?
 12 MADAM CHAIRMAN: Yes. And, just so
 13 everybody knows, we do have speakers set up in
 14 the hallway, so we are being, I guess, broadcast
 02:07 15 out into the hallway as well.
 16 MR. DANIELSKI: Thank you for today,
 17 and my name is Leonard Danielski. I'm the guy
 18 that's proposing the farrowing facility southwest
 19 of Crookston. My nephew Chris is here with me
 02:07 20 today. And we hired Settje Agri-Services to help
 21 us with this project, and I guess with that I'll
 22 turn it over to Dean, and he can tell us all
 23 about it. Thank you very much.
 24 MADAM CHAIRMAN: Thank you. And you
 02:08 25 may have to get kind of close to the microphone
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1 (Public hearing commenced at 2:00 p.m.)
 2 with the following members present: Tanya
 3 Storer, Chairman; Martin DeNaeyer; and James
 4 Ward. Also present were Elise Hamling, Cherry
 5 County deputy clerk; Jessica Coyle, zoning
 6 administrator; and Eric Scott, Cherry County
 7 attorney, along with various members of the
 8 audience.)
 9 MADAM CHAIRMAN: All right. It's two
 02:06 10 o'clock. I think we'll call the meeting to
 11 order. Our Open Meetings Act is posted here in
 12 front. Roll call when you're ready.
 13 MS. HAMLING: James?
 14 MR. WARD: Yes.
 02:06 15 MS. HAMLING: Tanya?
 16 MADAM CHAIRMAN: Yes.
 17 MS. HAMLING: Martin?
 18 MR. DENAEYER: Here.
 19 MADAM CHAIRMAN: Please stand for the
 02:06 20 Pledge of Allegiance.
 21 (Pledge of Allegiance recited.)
 22 MADAM CHAIRMAN: We have -- our first
 23 agenda item is to hold the public hearing for CUP
 24 002/20 Danielski Harvesting & Farming,
 02:06 25 LLC/Valentine Feeders Swine Facility. So we will
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1 there, Dean.
 2 MR. SETTJE: I'm just going to grab it
 3 and use it this way if that's okay. I'm going to
 4 try to stand where everybody can see better.
 02:08 5 Madam chairman, members of the board,
 6 we appreciate the opportunity to visit with you
 7 today. My name is Dean Settje. I'm with Settje
 8 Agri-Services out of Raymond, Nebraska. We'll
 9 talk a little more about what we do, but I'd like
 02:08 10 to start out by thanking everybody for the time
 11 to visit, and we look forward to the opportunity
 12 to answer some questions as we go through this
 13 presentation.
 14 A little bit about who we are and what
 02:08 15 we do so you understand the content of what we're
 16 going to be talking about today. We're a
 17 professional engineering company that focuses
 18 primarily on livestock facilities. We have about
 19 9 or 10 engineers in the office today that work
 02:09 20 on these types of projects. Construction
 21 management service, in terms of being able to
 22 design and build a facility like this.
 23 Recordkeeping and compliance, that's obviously
 24 one thing that we can do. Get the facility built
 02:09 25 and you need to keep it in compliance, and we
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1 specialize in that as well. Agronomy services,
 2 geological service, and of course, groundwater
 3 monitoring services.
 4 We were formed in 1997. Again, most of
 02:09 5 our projects are livestock facilities. This is
 6 what we do. This is what we know. We have
 7 clients all over the United States and a couple
 8 of other countries today, and we keep kind of
 9 working on trying to make sure that we keep up
 02:09 10 with the demand that we have.
 11 There's a picture of our office staff
 12 and what we do. Again, the staff is very similar
 13 to what we just lined out. We're not going to go
 14 through every detail, but we're very proud of our
 02:09 15 staff and what they do and what they are able to
 16 accomplish for our customer base.
 17 When we look at engineering services,
 18 we have an unprecedented service and experience.
 19 We've done a lot of these. We understand them.
 02:10 20 We know how they work. We know what goes on in
 21 these type of facilities, and we understand how
 22 to fix these type of facilities. Being a design
 23 and build company has advantages because you're
 24 able to look at what you did on the last project
 02:10 25 and figure out how to make it better for the next

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1 project and you keep learning as you go. It's
 2 those types of things that give us the
 3 opportunity to really design and build the
 4 facility that we call a state-of-the-art facility
 02:10 5 every time we go out and try and do a new
 6 project.
 7 The permitting side of the equation
 8 starts in these kinds of environments right here
 9 today. The county and zoning side of the
 02:10 10 equation. Of course, state and federal permits.
 11 We do a lot of third-party verification, making
 12 sure that the customer is doing what they say
 13 they're going to do and verify that back to
 14 different agencies, county level, whatever the
 02:10 15 case may be.
 16 The construction management side of the
 17 equation. Having the advantage of doing the
 18 design and build, again, as I mentioned earlier,
 19 is something that we're very proud of and take a
 02:11 20 lot effort and put a lot of effort into. The
 21 design side of things is one thing, but being
 22 able to go out and actually build it is another
 23 can of worms. So once you learn how to design
 24 and you can build. Once you learn how to build
 02:11 25 it, you do a better job of designing it.

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1 The compliance side of things is
 2 something that a lot of people don't really pay
 3 much attention to when they're in the first phase
 4 of these projects. But we pay a lot of attention
 02:11 5 to it long-term, making sure that once we get
 6 that facility up and running, how do we ensure
 7 that facility is going to stay in compliance
 8 long-term? We work with a multitude of customers
 9 across the United States on this very issue,
 02:11 10 making sure they don't have problems long-term
 11 and that they do what they say they're going to
 12 do.
 13 Swine finishers are one example of
 14 projects that we've done. We've done a lot of
 02:11 15 these over the years. Farrow-to-wean facilities,
 16 like we're talking about today. Cattle feedlots.
 17 We probably have built more cattle feedlots in
 18 Nebraska and the surrounding states than most
 19 anybody. We take a lot pride in what we've done
 02:12 20 there. Cattle-handling facilities, panel
 21 facilities, holding ponds, lagoon projects, dairy
 22 facilities as well.
 23 The other thing that we always try to
 24 figure out is: Once we capture these products in
 02:12 25 containment, how do we get rid of them in a good

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1 way? How do we take advantage of the products
 2 that we're harvesting? We'll talk a lot about
 3 nutrient management today as we go along.
 4 The Valentine Feeders project is one
 02:12 5 that is unique in many ways, and we're going to
 6 go through how that is and how that plays out.
 7 It's a 12,440-sow unit -- we'll talk about those
 8 numbers here in just a second -- to be built in
 9 two phases over the next several years. Of
 02:12 10 course, you already know it's proposed by the
 11 Danielski family. The nutrients are a key
 12 component in this project because we're trying to
 13 create a larger base for their organic farming
 14 program. Again, it's also a PIC multiplier herd.
 02:12 15 You're going to hear more from Eric about that in
 16 just a few seconds.
 17 I've had the opportunity to work with
 18 this family for the past six months, and I always
 19 judge people by their character and how they
 02:13 20 treat people and how they treat others and how
 21 they treat us. I'm very proud to say that the
 22 Danielskis have treated us very, very good.
 23 They're a family that says and does what they --
 24 excuse me -- they do what they say they're going
 02:13 25 to do, and you all know them way better than I

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1 do. I've enjoyed working with them to this
2 point.
3 Talking a little bit about the facility
4 itself, I want to turn it over to Eric and let
02:13 5 him do just a little bit about the operational
6 side of this facility and how it works.
7 MR. OGREN: Thank you, Dean. And thank
8 you, commissioners, for allowing me to speak here
9 today as well. My name is Eric Ogren, and I'll
02:13 10 spend the next few minutes just talking about the
11 facility from an operational standpoint, what's
12 going to happen inside the facility.
13 So the proposed facility here -- the
14 goals and objectives of that is to be an elite
02:13 15 multiplication farm to supply breeding stock to
16 commercial farms around the U.S. and the world.
17 I will walk you through on how we do that and why
18 we do that and what our targets and objectives
19 are inside the facility.
02:14 20 So, to start off on Phase 1, after the
21 completion of that barn or that Phase 1, we'll
22 actually stock that farm with elite gilts, and
23 those would be -- for those that aren't familiar
24 with gilts, those would be virgin gilts going
02:14 25 into the farm. This would be a one-time infusion
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1 of animals into this facility.
2 At that time, we will then supply semen
3 to this farm where we will do the mating. And
4 just -- just for some information, like, the
02:14 5 gestation period time on sows is 114 days or
6 three months, three weeks, three days is an easy
7 way to figure that through. Once we start that
8 mating process, those animals will go into a
9 gestation building. From there, when they're
02:15 10 ready to farrow, they'll go into a farrowing
11 facility, which is actually in this picture here
12 in the background. This is a farrowing facility.
13 At that point in time, they'll farrow. And three
14 weeks later, those piglets will be weaned off
02:15 15 their mother.
16 At that time, those pigs will be sorted
17 by gender. The gilts will be separate from the
18 barrows, which are castrated male pigs. And the
19 barrows will be sent to a wide variety of
02:15 20 customers around the Midwest, where those will be
21 finished out in finishers for roughly around six
22 months until at that time where they'll be
23 harvested.
24 The gilts is what the key aspect is of
02:15 25 this facility and the Danielskis, is to sell
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1 breeding stock. So at that same period of time
2 -- if you go back to the weaning period after
3 three weeks with those individual gilts -- those
4 will be shipped to a wide variety of customers
02:16 5 both here in the U.S. and globally as replacement
6 breeding stock for their commercial farms. And
7 so they --
8 This facility will produce enough
9 breeding stock to supply upwards of a
02:16 10 quarter-million sows in the U.S. and globally.
11 And that is money and that is genetics coming
12 right out of here in Cherry County, being
13 inseminated across country and the world, for
14 that matter. Which, that's a pretty big deal.
02:16 15 And they would be very proud to say that, if
16 given the opportunity, they can do that right
17 here in Cherry County.
18 In addition to that, inside the
19 multiplication farm there will be a percentage of
02:16 20 those sows that will be mated pure line, and so
21 we will make our own internal replacement for
22 this facility after that initial infusion of the
23 breeding stock -- the one-time infusion at the
24 beginning. We will make a certain percentage of
02:17 25 pure-line mating where we'll be able to farrow
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1 those pigs off, have those held in an onsite
2 nursery -- and we'll go through some of the
3 designs here in a bit. I'll let Dean share on
4 that -- but those pigs will never leave the
02:17 5 facility. They will be internal replacements,
6 and there's an onsite nursery.
7 They'll go to a separate barn on the
8 design plan, which is labeled as a GDU, which
9 stands for gilt development unit. And what that
02:17 10 is, is that's a building designed for the future
11 breeding stock of that farm. It has the right
12 square footage. It has the right air quality,
13 water, feed, all of the essentials for raising
14 this next elite animal to go into the herd, and
02:17 15 that will all stay on the farm. So once that
16 first initial infusion of the elite gilts or
17 virgin females comes in, no other animals will
18 enter this farm.
19 On a weekly basis, between three to
02:17 20 five times a week, those weaned pigs will leave
21 this facility. There's an onsite holding nursery
22 designed in this to hold those pigs over, if
23 needed, because of weather concerns, snowstorms,
24 what have you. We do have a designated area for
02:18 25 those animals to stay in as well. And from there
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1 they'll go out.
 2 That is the operational side inside the
 3 barn. Here's another example of inside a
 4 farrowing facility here.
 02:18 5 And if there's any other questions from
 6 an operational standpoint and what goes on inside
 7 the barn, I would be happy to answer questions
 8 and walk through that with you. But I'll turn
 9 this back over to Dean here.
 02:18 10 MR. WARD: How many piglets are going
 11 out and how fast?
 12 MR. OGREN: The question was: How many
 13 piglets are going out and when?
 14 MR. WARD: Yes.
 02:18 15 MR. OGREN: So, on average, we'll have
 16 roughly around a thousand piglets going out per
 17 day out of that facility.
 18 MADAM CHAIRMAN: And that would be --
 19 weight-wise, how much will they weigh?
 02:19 20 MR. OGREN: And the question was: What
 21 will those pigs weigh? And when those pigs get
 22 weaned at three weeks of age, those will be
 23 roughly around 14 to 16 pounds.
 24 MR. DENAEYER: And how many trucks
 02:19 25 would you need for a thousand pigs of that size?

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1 MR. OGREN: Yes, sir. And the question
 2 was: How many trucks would we need for a
 3 thousand pigs of that size? You could fit those
 4 on one semitrailer, very comfortably.
 02:19 5 MR. DENAEYER: Thank you.
 6 MR. SETTJE: Thank you, Eric.
 7 I want to talk a little bit about the
 8 application itself that we submitted to the NDEE
 9 and has been approved. That application -- just
 02:19 10 so everybody understands what's involved with an
 11 application like that -- essentially contains the
 12 plan of how this facility is going to be built
 13 and how it's going to be operated.
 14 So the engineering side of it is all
 02:20 15 contained within that plan to make sure that
 16 we're doing things the way that we're supposed to
 17 according to the State and Federal regulations,
 18 and at the same time, be able to demonstrate that
 19 to the contractor when we build the facility.
 02:20 20 Nutrient management plan goes into the
 21 details. We'll cover it more in depth in a
 22 minute, but it goes in depth about how the
 23 product is actually applied to crop ground and
 24 how that regulatory process works.
 02:20 25 The closure plan. It's what you do

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1 when you're done with the facility, if that ever
 2 happens.
 3 Operation and maintenance plan is how
 4 you operate the facility on a day-to-day basis.
 02:20 5 Emergency response, mortality, and
 6 groundwater management plan review. We'll talk
 7 more about those as we continue on.
 8 A little bit of detail about the
 9 deep-pit swine facility. So everybody
 02:20 10 understands, this facility is not one that has a
 11 lagoon or a holding pond outside of the structure
 12 itself. It's basically a deep-pit facility.
 13 That means the pit is enclosed underneath the
 14 building itself. And so we'll talk a little more
 02:21 15 about that when we show you the plan.
 16 It utilizes that for all of its manure
 17 storage, and the facility's designed to have 365
 18 days of storage capacity. By law, we need to
 19 hold 180 days of capacity. This one is twice
 02:21 20 that size. It gives the opportunity for the
 21 owner to be able to go in and apply that product
 22 when he needs it, not when he has to. It's a
 23 very, very nice luxury, but it's an expensive
 24 luxury. Of course, construction specs and
 02:21 25 concrete planning go along with that.

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1 The proposed facility. It talks a
 2 little bit more about numbers and how it is set
 3 up in terms of the 12,000 sow units. To get to
 4 that, basically there's sows and gilts involved.
 02:21 5 We figured out there's roughly 10,000 of those
 6 involved, and a lot of them are not sows yet, if
 7 you will. They're still in the gilt phase. And
 8 so Phase 1 would have roughly 10,000 head in
 9 there, 0.4 of an animal unit. So we're looking
 02:22 10 at 4,200 animal units. Nursery, same thing:
 11 2,000 head; they're at 0.4 of an animal unit --
 12 or 0.04 of an animal unit. So 80 animal units
 13 for those guys. Phase 2 then kicks in and
 14 basically brings in more sows. Mostly sows, not
 02:22 15 necessarily gilts. Gilts are part of Phase 1.
 16 That's why the numbers are lopsided from Phase 1
 17 to Phase 2.
 18 That gives everybody an idea what we're
 19 looking at from a head count standpoint and how
 02:22 20 that facility would operate as Eric was talking
 21 about.
 22 Here's an actual drawing of what this
 23 facility would look like on the land as it is
 24 today, and so you can visualize the pivot corners
 02:22 25 about where this project will be sitting. This

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02:22 1 gives you an idea from a bird's eye view of what
 2 it would look like if you were up in the air a
 3 couple hundred feet, looking back down at it.
 4 This gives you an idea of what it would
 02:22 5 look like if you drove in the driveway of the
 6 facility.
 7 Here again, it gives you an idea or
 8 perspective of where it is at in relationship to
 9 the crop ground that surrounds it today.
 02:23 10 And this gives you another view as you
 11 drive inside the facility, going from one set of
 12 feed bins to the other, around the backside of
 13 the facility. Hopefully it gives everybody a
 14 visualization of what this project actually looks
 02:23 15 like when it's completed.
 16 When you look at this plan, it gives
 17 you a top view and basically goes into detail of
 18 what these portions of the facility is doing.
 19 This is Phase 1 portion of the facility from the
 02:23 20 gestation standpoint and Phase 1 of the farrowing
 21 standpoint. This is the nursery down here. And
 22 then Phase 2 gestation; Phase 2 farrowing. So it
 23 basically just mirrors itself and flips itself
 24 over from Phase 1 to Phase 2. It gives everybody
 02:23 25 kind of a rough idea how that looks like.

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02:25 1 opposed to putting a lagoon alongside the
 2 facility is a substantial cost. It's roughly
 3 going to be \$800,000-plus to do that. But that's
 4 the thing, we'll have a much higher recovery rate
 02:25 5 on the nutrient value and organic farming
 6 content. It also gives the ability to minimize
 7 odors dramatically.
 8 This gives you an idea of what a
 9 deep-pit facility looks like during the
 02:25 10 construction phase to help you visualize it. So,
 11 in this case, when you look at the building,
 12 basically this is your wall, the outside
 13 perimeter wall, and then these are columns that
 14 support the slatted floor within that. There
 02:25 15 will be a beam that sits across those, and then
 16 the slats go across the top of those to fill in
 17 the gaps, if you will.
 18 Looking at one from the inside once the
 19 slats are located on it, it gives you a
 02:25 20 visualization of what that looks like from a
 21 standpoint if you're standing inside the building
 22 underneath the slats.
 23 Concrete underfloor pit. Basically
 24 this gives you a detail -- I know it's hard to
 02:25 25 see, but it shows the concrete reinforcement

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02:24 1 From a topographical standpoint, we
 2 obviously need to make the facility look good and
 3 presentable, level. Excavation plans allow us to
 4 do that. They become very handy to make sure it
 02:24 5 looks like it's supposed to when it's all said
 6 and done.
 7 The manure storage side of the equation
 8 -- I know there's been a lot of question about
 9 how many days of storage will this facility have,
 02:24 10 and will they really be able to apply manure just
 11 once a year? And the answer is yes. Again, that
 12 State and Federal requirement gives 180 days.
 13 NRCS has a very similar calculation to that.
 14 The system is designed in this case
 02:24 15 with a pull plug system that actually has manure
 16 underneath the farrowing side. It will be about
 17 a two-foot deep pit. It then can be -- plugs can
 18 be pulled, and that manure will transfer over and
 19 go underneath of the gestation unit, and that's
 02:24 20 where the manure will be stored until application
 21 proceeds. It's a 12-foot deep pit under that
 22 gestation side and the gilt developer side.
 23 That's where a bulk of the manure is stored
 24 before use.
 02:24 25 Building this type of facility as

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02:26 1 details. That's just a vague example of the time
 2 and effort that we put into it to make sure that
 3 this thing isn't going to go anywhere. Our
 4 number one goal is to make sure we don't have a
 02:26 5 structure failure. We take into consideration
 6 the geology that's on the outside around us and
 7 make sure that we don't have problems with
 8 sloughing, sinking, any kind of cracking, things
 9 of that nature.
 02:26 10 Third-party oversight is very important
 11 in this kind of project. We take this part very
 12 serious. Third-party oversight really goes back
 13 to what the State expects us to do and make sure
 14 that that facility is built the way that the
 02:26 15 owner says it's going to be built, according to
 16 that application. We do that third-party
 17 verification all the time on projects. On-site
 18 verification; make sure everybody is doing what
 19 they're supposed to be doing. Make sure the
 02:26 20 rebar is placed correctly, make sure the concrete
 21 forms are fail safe, make sure that we don't have
 22 any fail tests, things of that nature.
 23 I want to talk briefly about the
 24 economic impact to Cherry County and what that
 02:26 25 means in terms of long-term growth to the county

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1 and the diversification of revenue streams that
 2 are in this county today.
 3 Number one, look at our population
 4 growth. This comes from the Cherry County
 02:27 5 Comprehensive Plan. We know that in 1980 we had
 6 a pretty healthy population of 6,700 people. In
 7 2017, that number decreased a fair bit.
 8 According to the plan, they project another
 9 decrease over the next 10 years. When we look at
 02:27 10 Cherry County's household median income, it's
 11 increased quite a bit as a percentage of the
 12 State average over the past 10 years from 2000 to
 13 2010. This suggests that will probably continue
 14 into 2020, once that data becomes available. It
 02:27 15 does show that we are below average in this
 16 county. And we need to figure out ways to be
 17 able to bring that back up.
 18 Let's talk briefly about employee
 19 benefits. Everybody's been talking about -- we
 02:27 20 know we've got 80 employees that are eventually
 21 going to be employed at this particular facility.
 22 The average salary of all employees is roughly
 23 \$48,000. They also have full health insurance,
 24 dental insurance, eye coverage, 401k plus a
 02:28 25 4-percent match; vacation, holiday pay, and sick
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1 pay as well -- forgot to add that in there. So
 2 the total value of that benefit package is
 3 roughly about \$63,000 to that employee. So it's
 4 a very, very substantial number when you compare
 02:28 5 that back to the average of what the county has
 6 today.
 7 The annual impact, when you add those
 8 numbers up -- 80 people times that \$63,000 -- it
 9 roughly gives you a \$5-million direct economic
 02:28 10 impact.
 11 This quote was taken from the
 12 comprehensive plan as well. And I thought it was
 13 very fitting to what we're trying to accomplish
 14 today. "Agriculture has historically been a
 02:28 15 major part of Cherry County economy. It appears
 16 that its importance will only grow during the
 17 planning period of this document. It will be
 18 critical to maintain a balance in the type of
 19 livestock and grains raised in order to minimize
 02:29 20 future economic downturns." So we're trying to
 21 accomplish two things there. Diversification of
 22 livestock is exactly what this project will do
 23 for Cherry County. And also the grains raised --
 24 organic grain product that's going on at the same
 02:29 25 time.
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1 Thirty percent of the employee base in
 2 Cherry County is tied to exportation of goods and
 3 services. The county needs to continually work
 4 on business retention and expansion process in
 02:29 5 order to make these employers -- help these
 6 employers stay in Cherry County. That's exactly
 7 what Eric just talked about. The product that is
 8 going out is going to be sold all over the United
 9 States and even in foreign countries. It could
 02:29 10 not fit that plan any better.
 11 We talk about base multiplier. There's
 12 always a controversy as to really what this
 13 number means and how it's applied. I'm just
 14 going to quote exactly what the comprehensive
 02:29 15 plan says about what that may mean.
 16 Cherry County has a base multiplier of
 17 6.7. Which means for every job considered to be
 18 basic, 6.7 other jobs are impacted by that job.
 19 This is illustrated by comparing basic and
 02:30 20 non-basic percentages. And if you go through it,
 21 the potential to lose approximately 6.7 jobs from
 22 the non-basic employment side. So if you lose
 23 one job, it has an impact on other people, is
 24 really what it's saying.
 02:30 25 We've got two different studies that
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1 we've used at different times. We'll talk a
 2 little bit about that and what does that mean for
 3 the impact to rural Nebraska. If we look at the
 4 per capita income right now, it's 14.2 percent
 02:30 5 higher in the top 10 rural livestock counties
 6 compared to non-metropolitan rural counties. So
 7 if you basically compare counties that have the
 8 most livestock in the state and you compare them
 9 against all the other counties that are
 02:30 10 non-metropolitan counties that are rural-based
 11 and have a very low number of livestock, and
 12 you've got basically a per capita income change
 13 of 14 percent.
 14 Here's a graph that's kind of fun.
 02:31 15 This one comes from the Custer County NPPD
 16 Economic Impact Study in Custer County that was
 17 done by NPPD. If you look at the total
 18 distributions impact in Custer County, Custer
 19 County's got a lot of similarities to what
 02:31 20 Valentine does. It's a very large county, not as
 21 large as your, but it's still very large, and
 22 it's got a lot of livestock, and they're got a
 23 lot of diversity of livestock, not only cattle,
 24 but the swine side as well.
 02:31 25 When we look at that total distribution
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1 number, it's a very, very large number. And so
 2 we've got to figure out: What does that mean to
 3 a county in sustainability long-term?
 4 We've already talked about the direct
 02:31 5 economic impact, and the property tax value will
 6 also be attached to that once the project is
 7 done. When we look at tax revenue -- everybody
 8 always talks about tax review. Now, what does
 9 that really mean? And there'll be revenue coming
 02:31 10 out of a facility like this that has an impact
 11 that really makes a meaningful change long-term
 12 in the county. Local tax revenues are
 13 significantly enhanced by the present livestock
 14 production activity when you look at these two
 02:32 15 data sets. Per-acre taxes levied on agriculture
 16 operating were \$6.39 for the 10 leading livestock
 17 counties. \$3.40 for the others. It's about
 18 double.
 19 The per-acre assessed valuation,
 02:32 20 excluding land, was about 565 bucks for the 10
 21 leading counties and about half of that for the
 22 non-livestock counties. So when you look at
 23 those numbers, we know that livestock has a very
 24 important meaning to the county economic health
 02:32 25 and what that means long-term.

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1 Shifting gears a little bit to land
 2 valuation, it's about the same number. The
 3 per-acre valuation on those 10 leading counties
 4 is roughly \$4,000. The non-metropolitan rural
 02:32 5 counties are less than half of that. And so it
 6 makes a very compelling argument that livestock
 7 does add value to our cropland, to our farm
 8 ground, to our ranch ground, and everything
 9 around it.
 02:33 10 I want to shift gears and talk a little
 11 bit about manure fertilizer and what that means
 12 to this particular project. There's been a lot
 13 of questions that revolve around how do we get
 14 that product to the field, and how do we do it
 02:33 15 without disrupting the neighbors? And so that's
 16 a key to this whole project and making sure that
 17 we can do that efficiently. Manure is obviously
 18 very valuable. It's an organic form of
 19 fertilizer. It can be used on organic crop
 02:33 20 production, and it's something that today can be
 21 applied just as uniform as we would if we had
 22 commercial fertilizer products.
 23 Soil testing procedures are part of the
 24 plan and 100 percent required by the State in
 02:33 25 terms of how they apply this product. Manure is

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1 one of the most highly regulated nutrients in the
 2 country because every agency regulates nutrients
 3 coming from animals, but they sometimes fail to
 4 regulate nutrients that come from the co-op.
 02:34 5 It's an interesting situation.
 6 We use UNL guidelines and NRCS
 7 standards. They have to be used all the way
 8 through the application process.
 9 Sample the products. Sample every
 02:34 10 piece of crop ground before application, 0 to 8,
 11 8 to 24 sampling depths so we know what we've got
 12 going on through our profile. Nitrogen annually
 13 prior to any application. Phosphorus prior to
 14 first application, then every five years.
 02:34 15 Irrigation water also has to be sampled every
 16 five years to know what we're getting from our
 17 nitrate concentration on groundwater.
 18 The manure side of things, we've solved
 19 a lot of problems today that we couldn't even
 02:34 20 five or ten years ago with the type of equipment
 21 that we're using. Consistency is the key to
 22 making products be able to work. The application
 23 process is one now that we can actually apply on
 24 a precision basis. We can take that and apply it
 02:35 25 every -- every bit of it just like we would a

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1 commercial fertilizer. Obviously, it's a good
 2 thing for the soil, and it's a good thing for
 3 what we're trying to accomplish with the organic
 4 portion of our project. And, again, everything
 02:35 5 has to be applied prior to planting. We cannot
 6 apply product in the fall.
 7 Dragline system is basically one of the
 8 major types of systems that will be used to
 9 accomplish that. The dragline system basically
 02:35 10 involves a pump that sits at the manure deep pit.
 11 That pump then agitates the product and pumps it
 12 into a line -- that flexible line like you seen
 13 on the drawing up here -- and it basically then
 14 goes right up to the tractor and the applicator.
 02:35 15 And so that product is pumped right through that
 16 line and drags behind the tractor, it's pumped
 17 into the ground, and we make sure that we can
 18 incorporate it immediately with that type of
 19 tillage equipment.
 02:35 20 Here's a better view from right behind.
 21 It gives you a better idea of what that looks
 22 like when it's accomplished.
 23 Inline booster pump allow us to go
 24 great distances to be able to accomplish that.
 02:36 25 If we're only pumping a half a mile or a mile, we

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1 can usually do it with one pump. If we're going
 2 two, three, or four miles, we usually have
 3 booster pumps to get that product where it needs
 4 to be without losing horsepower or pressure that
 02:36 5 we need to accomplish the goal.
 6 If we're going to remote locations that
 7 are not accessible through that dragline system,
 8 then obviously we can use a tank to a wagon with
 9 that same applicator attached to the back. It's
 02:36 10 a simple process that accomplishes the same goal.
 11 I want to talk a little bit about the
 12 comparison between not only the manure product
 13 that we're developing and what we're getting out
 14 of this facility, but the footprint to give
 02:36 15 everybody a perspective. So when we look at this
 16 facility, we know it's going to generate roughly
 17 175 tons of manure a year. A 3700-head deep pit
 18 cattle facility is going to generate about that
 19 same amount. An open cattle feedlot is going to
 02:36 20 generate about that same amount at the tune of
 21 about 15,000 head. We have a high, high loss of
 22 nitrogen on feedlots is why there's such a
 23 dramatic difference between those two. Open
 24 feedlots retain very little nitrogen. Deep pit
 02:37 25 facilities retain almost all nitrogen.

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1 When we look at the footprint size of
 2 this equation, it also gives us -- we know we're
 3 going to be on about 10 acres. The 3,700 deep
 4 pit facility is going to be roughly 5. And then
 02:37 5 in terms of an open feedlot of that same size, it
 6 would be about 150 acres. So it puts it in
 7 perspective the size of the facility and what
 8 that really means and, again, the pounds of
 9 nitrogen that we're getting out of that in any
 02:37 10 given year.
 11 This will show you an application map
 12 that -- of where the product will be applied.
 13 The pink dot in the middle, that's where the
 14 facility is located, and it allows them, you
 02:37 15 know, to be able to apply manure to all of these
 16 tracts. Again, if these tracts are used, at that
 17 point in time we'll have to take a tank wagon up
 18 there. Obviously, a dragline is not going to
 19 work in that scenario. But it gives you a
 02:38 20 perspective of where that product will be
 21 intended to be applied.
 22 When we're talking about composting in
 23 this particular situation, we're talking about
 24 dead animals. Anything that dies in that
 02:38 25 facility, obviously we've got to find a place for

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1 it. And what the industry has learned in the
 2 last 10 years is that composting that carcass is
 3 something that's pretty easy to do.
 4 And so what we do is we basically set
 02:38 5 up a series of concrete compost bays. And there
 6 would be three or four of those in a row, if you
 7 will. And you put the dead pigs on the bottom
 8 and put sawdust or the straw on top of that, and
 9 you cover that every day. It eliminates the odor
 02:38 10 problem and basically creates a biodegradation
 11 that takes that carcass down to virtually
 12 nothing. It works very well. It's just got to
 13 be managed, and it gives the opportunity to be
 14 able to get rid of deads in a very easy and in an
 02:38 15 environmentally-friendly fashion.
 16 Ventilation systems. There's a couple
 17 different ventilation systems that are out there.
 18 There's really two key components to ventilation.
 19 Where are you taking that product from and where
 02:39 20 are you putting it at? How does that work
 21 through the system?
 22 When we look at ventilation, we're
 23 trying to accomplish two things inside that barn.
 24 This cross section of barn gives you an example.
 02:39 25 When we bring in air, we're bringing in air

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1 basically from the attic, if you will, through
 2 the ceiling. It's going down at that point in
 3 time. On days of high volume air where we need
 4 it in the summertime, it's going to go out of
 02:39 5 these particular fans on the bottom. So that fan
 6 is basically a system we call tunnel ventilation.
 7 That ventilation basically brings it from one end
 8 of the building to the other. It keeps the pigs
 9 and humans that are working in there in a much
 02:39 10 fresher environment. It also makes an
 11 environment that doesn't cause any odor problems.
 12 The odor problem is also solved by
 13 being able to keep more air flowing through the
 14 underfloor pit. We found probably five, six,
 02:39 15 seven years ago that the key to keeping odor down
 16 as low as possible in a lot of these facilities
 17 is keeping this air in the underfloor pit fresh.
 18 If you leave it stagnant, it gets to be a
 19 problem, and at that same time it also starts to
 02:40 20 rise up and go through basically the slatted
 21 floor and gets to the pigs and gets to the
 22 humans. It's all counterproductive to
 23 production. It's all counterproductive to what
 24 we're trying to create for an environment in that
 02:40 25 facility. With those two types of fans -- which

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1 is essentially what we'll use in a facility like
 2 this -- and done correctly, can do a really nice
 3 job of being able to solve the problems of
 4 intense odor coming out of these things.
 02:40 5 There's a lot of different things you
 6 can do to reduce odor. The first one I want to
 7 talk about is that we're injecting that product.
 8 No surface application of manure whatsoever.
 9 That is huge. That is absolutely huge. Can you
 02:40 10 smell the manure that's being injected on a field
 11 if you're walking out there? Yes, you can. If
 12 you're 200 yards away, can you smell it? I would
 13 argue that you would have a hard time smelling
 14 it. I've been around it a hundred times. That's
 02:40 15 basically what you're going to find. So it's
 16 really a simple process in being able to get that
 17 product to the root level and making sure it
 18 stays there, so we can use it from an agronomy
 19 standpoint.
 02:40 20 When we look at the deep-pit facility,
 21 there's a huge additional cost of doing that
 22 based on what we're constructing versus a lagoon
 23 system. It's much cheaper to go the lagoon
 24 route. It's about \$800-and-some-thousand
 02:41 25 cheaper. And so that's a step they were doing
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1 for two reasons. One, odor control. Two, a
 2 better product and nutrients to go to cropland
 3 and harvest more of those products.
 4 We already talked about ventilation. I
 02:41 5 won't go into that particularly on that slide.
 6 Mechanical ventilation does a lot of things, like
 7 we talked about. Obviously, we're trying to keep
 8 the animals and employees -- in the wintertime,
 9 we're trying to remove moisture. In the
 02:41 10 summertime, we're trying to basically increase
 11 speed so we keep that livestock cool. It cannot
 12 be compared to those facilities that are older in
 13 nature. It's a completely different process.
 14 One that works much, much better, and we can
 02:41 15 change the airflow through these systems so much
 16 quicker than we ever could in the past. This
 17 changes not only the environment inside but the
 18 environment outside. There's absolutely no
 19 comparison to these types of facilities to what
 02:42 20 we used to do 10 years ago.
 21 Cherry County regulations require
 22 one-mile setback and two-mile setback east and
 23 west -- I'm sorry -- north and south. And that
 24 comes from page 27. There's been some confusion
 02:42 25 on this. And when you look at the regulations,
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1 you need to look at what the regulations are
 2 stating in terms of intensive facilities versus
 3 confined facilities. A confined facility is what
 4 we're talking about here. An intensive facility
 02:42 5 would be a beef cattle feedlot. For a confined
 6 facility, the setbacks are one mile and two
 7 miles.
 8 We have -- 100 percent of the neighbors
 9 within that setback have signed an easement and
 02:42 10 agree with the ability to put that facility
 11 there. Class AN, anaerobic. This is not a Class
 12 AN covered building because we're putting air
 13 into that pit underneath there, so that
 14 disqualifies it from being a covered facility.
 02:42 15 Again, it's not in a floodplain.
 16 When we look at that setback map of one
 17 mile east and west and two miles north and south,
 18 this gives you a perspective of how that looks
 19 around the facility.
 02:43 20 We use the Nebraska Odor Footprint Tool
 21 to figure out what does this really mean to you
 22 all? What does this really mean in terms of
 23 causing problems from a long-term perspective?
 24 We can all debate whether the Nebraska Odor
 02:43 25 Footprint Tool is a good one or not. But I think
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1 what we have to agree is that it's obviously one
 2 that's been tried and true in Nebraska for some
 3 time now.
 4 We have a Supreme Court ruling showing
 02:43 5 that it is a legitimate document to use when
 6 we're talking about these types of models. The
 7 inputs that go into that model -- we talk about
 8 the animal numbers, the sizes, and the type;
 9 manure storage system -- underfloor pit, lagoon,
 02:43 10 whatever the case may be -- what are the actual
 11 sizes of the buildings on a square-foot basis?
 12 What are the odor control factors? Are we adding
 13 anything that may help that odor control
 14 situation? In this case, we put that as: No,
 02:43 15 we're not. We're showing it as just the fans
 16 that are there. And then the weather data goes
 17 into it. Wind speed, wind direction,
 18 temperature, topography. All those things get
 19 lined into a spreadsheet that basically says,
 02:44 20 This is what a setback looks like.
 21 This setback is a 94-percent annoyance
 22 rate. So basically it says 6 percent of the time
 23 you would smell something outside of that circle
 24 according to that model. This one is a
 02:44 25 96-percent annoyance rate. So it increases that.
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1 So basically it says now 4 percent of the time
 2 you're going to smell something outside of that
 3 particular oval. So it gives you a perspective
 4 of what's going on with the odor footprint and
 02:44 5 how it works. It looks at -- again, it takes
 6 into consideration wind speed, wind direction,
 7 and what's going to happen with that odor at the
 8 time of the year when it probably matters most.
 9 When we compare the Odor Footprint Tool
 02:44 10 to the County and Zoning regulations setback, it
 11 actually matches up pretty well. And, again,
 12 this particular oval for the odor footprint is
 13 based on 16,000-plus pigs that we have on this
 14 site. It's not based on 2,000 or any other
 02:45 15 number. It's based on the total number of
 16 animals we have on that site. The County setback
 17 obviously is based on a number that is somewhat
 18 arbitrary, but it does show that there -- they do
 19 coincide to some extent -- and to a great extent.
 02:45 20 So it's something to think about as we move
 21 forward.
 22 MADAM CHAIRMAN: Is there anyway to
 23 overlay -- can you go back to that slide -- was
 24 94 within that as well?
 02:45 25 MR. SETTJE: So if we look at the 94 --
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1 if we look at the 94, it basically surrounds the
 2 complete section of ground -- I don't have the
 3 ability to do it right now, but you get an idea.
 4 But the complete section of ground where the
 02:45 5 facility is and half of the other sections around
 6 it and a little bit more on that south side. And
 7 then if you compare that, it's going to be right
 8 about like that.
 9 MADAM CHAIRMAN: The 94 would not
 02:46 10 include any residences?
 11 MR. SETTJE: That's correct.
 12 MADAM CHAIRMAN: The 96 would not
 13 include anything other than those two?
 14 MR. SETTJE: It would include, yeah,
 02:46 15 this residence here and they signed the easement.
 16 We thought at one time we needed to have this one
 17 signed as well. It is signed, but it's not in
 18 the setback. But we do have a signed document.
 19 When we look at the County regulations,
 02:46 20 we try to figure out: Okay, how do we work
 21 within the regulations that gives us the ability
 22 to do what we want to in terms of size? We know
 23 that the size of this facility is much larger
 24 than is typically recommended by the county. So
 02:46 25 we go and try to ask ourselves, How do we get to
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1 a point of being able to show that we're within
 2 some degree of reason -- and that number can be
 3 argued, obviously -- but some degree of reason
 4 with what an unreasonable level of odor is in any
 02:47 5 certain location?
 6 And, obviously, I want to talk through
 7 this one because it's very important to what
 8 we're talking about today. "To minimize the
 9 potential for unreasonable odor impacts on
 02:47 10 abutting and neighboring properties and/or to
 11 minimize the extent of the number of properties
 12 which may be occasionally impacted through
 13 surface application manure" -- in this case we're
 14 injecting, so we solved that problem -- "in any
 05:44 15 general location the number of animal units
 16 confined in any animal feeding unit shall not
 17 exceed 2,000 animal units." Again, we're above
 18 that number quite a ways. "Authorization to
 19 exceed this limit may be approved by the county
 02:47 20 board of commissioners if the owner of the
 21 proposed facility can provide assurances
 22 acceptable to the board of commissioners that
 23 such larger numbers will not result in more
 24 properties being subjected to unreasonable levels
 02:47 25 of odor for unreasonable periods of time."
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1 So what that really boils back to, if
 2 we're in that circle and that's a 96-percent
 3 annoyance rate, is that an unreasonable level to
 4 have anything on the outside of it? That's
 02:48 5 really what the question boils down to.
 6 Nebraska Supreme Court just came out
 7 with a ruling that was very interesting and
 8 supports, I guess -- I guess, the legitimacy of
 9 the Odor Footprint Tool. They just released this
 02:48 10 not too long ago. And there was a neighbor's
 11 claim regarding the odor and air quality with
 12 respect to a poultry facility, noting that
 13 evidence in the record of that Odor Footprint
 14 Tool developed by the university estimated that
 02:48 15 even in the immediate vicinity of the facility
 16 would be free of odor 94 percent of the time.
 17 So, in this case, the 94 percent number
 18 is what they used. We jumped that up, obviously,
 19 and went to a 96 number to show that impact,
 02:48 20 obviously, on further out from the actual
 21 facility itself. So, if anything, we're being
 22 conservative with that number.
 23 There's a couple of conditions that
 24 were offered by the planning and zoning board
 02:49 25 that I want to talk a little bit about to make
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1 sure that we're clear on them. Number one is the
 2 the condition of monitoring wells that basically
 3 says that monitoring wells shall be tested
 4 annually by the NRD for nitrates and phosphorus,
 02:49 5 and the fees shall be borne by the producer.
 6 Condition number 16 ties into that one,
 7 is why I bring it up at the same time. "Nitrate
 8 management plan. Create an existing nitrate
 9 level baseline of the area by testing the
 02:49 10 domestic wells prior to the facility being built
 11 at the applicant's expense."
 12 So that basically infers that there's a
 13 requirement to put groundwater monitoring wells
 14 in. I'll talk more about that in a second. And
 02:49 15 then at the same time, test everybody's wells and
 16 make sure we know what the baseline is. So if
 17 there's a problem over time, it can be fixed. It
 18 makes sense from a practical standpoint.
 19 Groundwater monitoring is something
 02:49 20 that I want to make sure everybody understands so
 21 at least the board has a good idea what
 22 groundwater monitoring really is and what that
 23 means. In this case, groundwater monitoring was
 24 reviewed and looked at by the NDEE geologists and
 02:50 25 engineers to figure out, Do we need to put
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1 structures and earthen ponds and synthetic-lined
 2 ponds, this is very valuable because it tells us
 3 a lot, because we know that earthen-lined ponds
 4 usually do leak to some extent. And we've
 02:51 5 monitored hundreds of these over the years. And,
 6 yes, they do in some cases, and we need to know
 7 that and be able to fix that.
 8 In this case, we've got a concrete pit.
 9 Obviously, it's going to have a lot less chance
 02:51 10 of causing leak problems. And that's probably
 11 why the State looked at it and said, No, it
 12 doesn't make sense to put groundwater monitoring
 13 here.
 14 Again, third-party sampling testing is
 02:51 15 done twice a year. Things that they test for are
 16 nitrates, chloride, and ammonia. You don't test
 17 for phosphorus, as indicated by the
 18 recommendation. Phosphorus is not water soluble
 19 and does not get into the groundwater, and
 02:51 20 therefore, there's not a reason to test it. But
 21 nitrates, ammonia, and chloride do. Chloride is
 22 the best indicator to see what's going to happen
 23 with that facility long-term, so it's an item we
 24 look at very closely if groundwater monitoring is
 02:52 25 required.
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1 groundwater monitoring requirements on this
 2 facility?
 3 They look at the depth of water, the
 4 soil type, what kind of manure containment system
 02:50 5 do we have, and figure out what is the risk
 6 factor. They look at all these across the state,
 7 and I would say a third to maybe a little higher
 8 than that actually have groundwater monitoring
 9 because of their proximity to groundwater and the
 02:50 10 type of facility that they have. In this case,
 11 they concluded groundwater monitoring was not
 12 required at this site.
 13 Groundwater monitoring is really a
 14 series of wells that basically look at
 02:50 15 up-gradient flow in the aquifer and compares it
 16 to down-gradient water flow in the aquifer.
 17 Installation of a series of wells.
 18 Basically, one up-gradient that gives us a
 19 benchmark; two down-gradient wells, basically are
 02:50 20 receptor wells, and if there's anything that
 21 comes -- leaks out of that system, it can be
 22 received, if you will, from those two receptor
 23 wells, making sure that we know when there's a
 24 problem if one occurs.
 02:51 25 In this case, when we have earthen
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1 And then you just look at: Are there
 2 changes? What are those changes a result of?
 3 And that's really what groundwater monitoring is.
 4 I'm not going to sit here and argue
 02:52 5 whether that's right or wrong. I just want you
 6 to know what groundwater monitoring is and what
 7 it means to a facility.
 8 Condition 17: Decommissioning plan of
 9 the deep pit. This is one that causes a little
 02:52 10 bit of grief with our customer, and we need to
 11 talk a little bit about it. When we go through
 12 and look at what does that mean, it's basically
 13 the disposal of remaining waste and compost.
 14 That's covered, obviously, in the NDEE closure
 02:52 15 plan. And it goes on to say that we need to
 16 eliminate the deep-pit structure. And so the
 17 question comes up: Why do we need to eliminate a
 18 structure if there's no contamination within it?
 19 And then the third one is a funding mechanism.
 02:52 20 And so that gets to be a question of: Are other
 21 livestock facilities being required to do this as
 22 well? So there's a couple things that we feel
 23 need to be considered in terms of condition
 24 number 17.
 02:53 25 Shifting back a little bit to the
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02:53 1 summary of benefits, local ownership is huge.
 2 The economic benefit is very obvious. A lot of
 3 jobs. We know what kind of impact that will
 4 have. Replaces commercial fertilizer from
 5 imported poultry manure to be able to accomplish
 6 the organic farming process. And, of course, the
 7 tax base is there as well.
 8 As far as the requirements of the
 9 conditional use permit met, we've met or exceeded
 02:53 10 all setbacks with easements. We've engineered
 11 the design to minimize air and water pollution.
 12 Obviously, it's been reviewed and approved by the
 13 NDEE. Exceeds requirements of nutrient
 14 application, and we have more acres than are
 02:53 15 needed. All nutrient products will be
 16 incorporated without exception. No surface
 17 application. Obviously, allow access for
 18 inspection from the County. And we know we're
 19 not in a floodplain.
 02:54 20 Why is this a good site? A couple of
 21 things. We know it's zoned for agriculture. We
 22 have fairly good roads. The roads need to be
 23 maintained and improved as we go along. We all
 24 understand that. Availability of acres for
 02:54 25 organic crop production. Very close to

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02:54 1 productive feed stuffs, and it's the perfect
 2 climate for being able to raise swine. It's
 3 lower humidity, obviously, that's a better
 4 scenario -- it's a good scenario in Cherry
 5 County.
 6 Next steps really are to obtain a
 7 conditional use permit and then construct the
 8 facility and certify the facility, operate the
 9 facility, and demonstrate compliance.
 02:54 10 Professional oversight is one, again,
 11 that we talked about. I won't get involved with
 12 that a whole lot. But, obviously, not only did
 13 the NDEE review this, NRCS, NRD, and ourselves
 14 and our engineering team looked over that and
 02:55 15 will be able to watch that as it progresses.
 16 Here's basically what we're requesting
 17 today: Approval of a conditional use permit is
 18 recommended by the Zoning and Planning Board for
 19 both phases of the project. Modifications are
 02:55 20 suggested. Considerations on 9 and 16 about
 21 groundwater and what that means, and of course,
 22 modification to number 17. Approve exemption to
 23 the animal unit limit of 2,000 animal units per
 24 the Cherry County regulations that we talked
 02:55 25 about. The odor impact will not result in more

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02:55 1 properties being subjected to unreasonable levels
 2 of odor for unreasonable duration periods. No
 3 surface application of manure.
 4 At this time, I'll stop and turn it
 5 over to the board for questions.
 6 MADAM CHAIRMAN: One early on in the --
 7 you referred a lot to Phase 1 and Phase 2. Can
 8 you just explain what, really, that means? The
 9 time frame, why it's necessary to have this, or
 02:55 10 why you're presenting this in two phases?
 11 MR. SETTJE: So the idea of Phase 1 and
 12 Phase 2 is to be able to get the facility up and
 13 running in a reasonable manner. If you build
 14 everything at once, it gets hard to staff it; it
 02:56 15 gets hard to build it; it gets hard to populate
 16 it with swine. There's all those different
 17 reasons. And so if we can push that out and
 18 spread that out, that, obviously, is what's
 19 needed.
 02:56 20 In hindsight, if we knew that was going
 21 to be an issue, we probably wouldn't have even
 22 included it, but in full disclosure, we wanted
 23 everybody to know that, no, we're not going to
 24 build the whole thing at once. It just doesn't
 02:56 25 make sense for a lot of different reasons. Build

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02:56 1 the first half. Get it up, get it running
 2 correctly, and make sure that the staffing and
 3 everything else is ramped up in a gradual fashion
 4 and then go to Phase 2.
 5 MADAM CHAIRMAN: And is there a
 6 timeframe from completion of Phase 1 and the
 7 beginning of Phase 2 or the completion of Phase
 8 2?
 9 MR. SETTJE: I don't know if we have a
 02:56 10 specific timeframe in mind. I think it's begin
 11 immediately, if possible, and I would say within
 12 a year or two of Phase 2.
 13 MR. OGREN: From the start of Phase 1,
 14 from the start of dirt work until completion, it
 02:57 15 can vary, weather dependent, obviously, but a
 16 good timeframe to use would be six and a half to
 17 eight months. So I would say seven, eight
 18 months, for sure get done by then.
 19 The target on this facility would -- as
 02:57 20 I've spoken with Leonard -- would be around six
 21 months, but things happen. So being honest, it
 22 would probably be six to eight months.
 23 MADAM CHAIRMAN: And then how long is
 24 anticipated between the completion of Phase 1 and
 02:57 25 the beginning of Phase 2?

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1 MR. OGREN: As far as starting Phase 2
 2 -- so once that first phase gets built -- and as
 3 I mentioned earlier, the gilt development unit,
 4 the nursery, and the office is all in Phase 1.
 02:57 5 And that is sized as such for both phases in
 6 order to minimize the overall footprint of the
 7 facility, to reduce the number of buildings and
 8 size there. That second phase would have to be
 9 completed, according to your zoning regulations,
 02:58 10 within five years. So within a couple years of
 11 -- within one to two years of Phase 1 being built
 12 is when Phase 2 would be started. And then the
 13 timeframe for Phase 2 would be shorter than Phase
 14 1 due to the fact -- as Dean mentioned earlier --
 02:58 15 just basically doing a mirror image of the
 16 farrowing and gestation barns.
 17 MR. SETTJE: Other questions from the
 18 board?
 19 MADAM CHAIRMAN: Regarding the concrete
 02:58 20 pit, is there -- can you explain to those of us
 21 who are unfamiliar with, you know, differences in
 22 concrete in general. What assurances -- what can
 23 you explain to all of us that helps us understand
 24 what's put into place in terms of preventing
 02:59 25 leach or of that being compromised with our
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1 history, based on other pits, in terms of knowing
 2 what kind of risk is there?
 3 I mean, we know that sand moves. We
 4 live in the Sandhills. And things can move and
 02:59 5 crack. I guess, just walk through that a little
 6 bit.
 7 MR. WARD: And I'm kind of looking more
 8 for what your specifications are going to say?
 9 Water stops, what are you using at your keyways?
 02:59 10 What are you doing in the actual construction?
 11 What's your concrete mix designs?
 12 MR. SETTJE: I don't have all of that
 13 in front of me, but I can help get you to that
 14 point, and at the same time, be able to answer
 02:59 15 those questions.
 16 So let's start out with the facility in
 17 terms of the underfloor pit. The underfloor pit
 18 is basically going to be poured in two segments.
 19 So the floor goes down first, and that floor is
 03:00 20 going to have surface spec of 3500 PSI and a
 21 certain amount of flash, those kinds of things,
 22 will all be incorporated into that. And
 23 underneath that will basically be footers that
 24 basically all of those tiers set on. So when you
 03:00 25 seen that picture of all the tiers that were
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1 setting in there -- the columns -- basically
 2 there's a footer underneath all of those, spread
 3 footer. And that spread footing is, of course,
 4 double rebar matted, and basically it gives the
 03:00 5 ability to put weight in that a particular
 6 location from the slats above to make sure that
 7 we don't have a problem with the giving of the
 8 floor.
 9 The floor is really the most critical
 03:00 10 part of that process because it keeps the inside
 11 of the building the way it needs to be long-term.
 12 And so that is the first pour.
 13 The second pour then would be your
 14 walls around it. And so the walls themselves are
 03:00 15 going to be roughly anywhere between 8 and 10
 16 inches depending on where we're at, and it's
 17 going to be a double rebar mat on virtually the
 18 entire perimeter of that facility. And, again, a
 19 12-foot setting. It will be -- it might be
 03:01 20 thicker, now that I think about. I don't know
 21 that off the top of my head. I apologize. It's
 22 probably going to be 10- or 12-inch wall. I
 23 don't know that right now, but that's what goes
 24 on there.
 03:01 25 The second thing then we look at is,
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1 you know, what are our cull joints doing? How do
 2 we stop and start those problems? We don't allow
 3 cull joints in any one continuous pour of the
 4 wall. If we do, we have to barricade that off,
 03:01 5 obviously; start, put a water stop in before we
 6 start from there. And so we're very specific
 7 about how that process works.
 8 The second part would be in terms of --
 9 really the only potential we ever have for
 03:01 10 leaching out of a facility like this would be at
 11 the joints of the floor and the wall itself. And
 12 that's probably the most critical area, so we use
 13 a water stop in that joint. We also then go back
 14 in and we actually apply an epoxy in that corner
 03:02 15 joint just to make sure we don't have excess
 16 moisture getting down in there.
 17 MR. WARD: What type of water stops are
 18 you using? Hydraulic? PVC?
 19 MR. SETTJE: I don't know that answer
 03:02 20 right now. I really don't. I would have to talk
 21 to my engineers and see what they put together on
 22 that. But I can get that for you. I would be
 23 more than happy to get a complete spec for you on
 24 that.
 03:02 25 MR. WARD: And then on your wall bores
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1 and stuff, what are you doing for cohesion of
 2 water stops around the concrete to make sure that
 3 you've got a good seal --
 4 MR. SETTJE: Adherence to it?
 03:02 5 MR. WARD: Yeah.
 6 MR. SETTJE: Again, I can print off
 7 that construction spec and hand that to you. I
 8 can't recite it from memory right now, but I can
 9 certainly get that for you.
 03:02 10 MR. WARD: I would like to see that.
 11 MR. SETTJE: I will send you the entire
 12 document from end to end. There's two things we
 13 look at. We don't need to meet NRCS standards,
 14 but we do need to meet NDEQ standards or NDEE
 03:02 15 standards. We meet both. We look at it from a
 16 structural standpoint, so we have structural
 17 engineering staff as well. So not only are we
 18 trying to meet the standard, we're going to make
 19 the structure standard at the same time. We look
 03:03 20 at geology and everything else going on around
 21 that facility, things of that nature. I'll be
 22 more than happy to get that for you.
 23 Tanya, does that answer your question?
 24 MADAM CHAIRMAN: I think so. I mean, I
 03:03 25 guess my only other question is: Is there any
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1 statistical evidence of these type of structures
 2 being compromised or leaking?
 3 MR. SETTJE: The only ones that we know
 4 of that were compromised were facilities that
 03:03 5 were basically poured with what we call a
 6 trencher wall. So someone in mainly clay soil
 7 took a trencher and dug in an 8-inch, 9-inch
 8 trench, set the rebar down in it, never used
 9 forms, and poured concrete. Just basically using
 03:03 10 the earth as a wall. And that was allowed for a
 11 long time. We personally never did it because we
 12 didn't believe in it. We didn't want to be
 13 involved with those. We've watched several of
 14 those have failures. The failures weren't
 03:04 15 catastrophic, which is the good news, but they
 16 did have a lot of cracking, and we know that can
 17 cause some problems.
 18 The good news about a concrete
 19 structure is that we can control where it cracks.
 03:04 20 We can control where things are going to happen.
 21 If we do that correctly, we know where it's going
 22 to leak and can prevent that from happening. The
 23 bad news about concrete is that it will crack,
 24 and so we've got to be prepared for that. But
 03:04 25 the cracks are usually very minimal.
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1 We pulled soil samples from a facility
 2 by Howells, Nebraska, and we went and looked and
 3 tried to figure out what was leaching around it.
 4 So we dug down and pulled soil samples. As far
 03:04 5 as we could tell in that particular case in clay
 6 soil, we had about 2 or 3 or 4 foot of leaching
 7 below that line, that they didn't get it put
 8 together right in terms of the union between the
 9 floor and the wall. So it wasn't catastrophic,
 03:05 10 but it was leaking, so it did cause a problem.
 11 So if that's as bad as it gets, I feel
 12 pretty confident we're not going to have much of
 13 a problem.
 14 MADAM CHAIRMAN: And how often do they
 03:05 15 test -- what's required by NDEE for testing
 16 within the perimeter of that?
 17 MR. SETTJE: As far as the actual
 18 testing for leaching?
 19 MADAM CHAIRMAN: Right.
 03:05 20 MR. SETTJE: There's no testing
 21 procedure on that from the NDEE. If there's
 22 groundwater monitoring required, that would give
 23 you a test if the thing was leaking --
 24 MADAM CHAIRMAN: If we required it.
 03:05 25 MR. SETTJE: But there's no requirement
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1 for testing.
 2 MADAM CHAIRMAN: And what's the
 3 requirement by NDEE for water? For monitoring
 4 the groundwater?
 03:05 5 MR. SETTJE: The groundwater? That
 6 standard would basically be if you had
 7 groundwater monitoring wells. Then you need to
 8 test twice a year for nitrogen, chloride, and
 9 ammonia. And so those three things have to be
 03:05 10 tested twice a year. And, again, as I mentioned
 11 earlier, chloride's an indicator that basically
 12 says we have a problem. It's the first one to
 13 get there because it's the most water soluble.
 14 And so, if we see chloride showing up, that
 03:06 15 usually tells us that nitrates are behind it.
 16 And ammonia comes somewhere between the two.
 17 That part is more of a science that's since been
 18 basically resolved doing 10, 15 years of testing.
 19 We monitor 900 to 1,000 wells across
 03:06 20 the state right now as a third-party for our
 21 customers and present that back to the DEQ. And
 22 you know, there's two or three a year, maybe,
 23 that have a problem. You know, usually it's one
 24 that weeds are growing on the side banks and it's
 03:06 25 not maintained properly. It's usually pretty
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1 obvious. The concrete pit, I haven't seen one
 2 that's given us a groundwater issue, groundwater
 3 problem.
 4 MADAM CHAIRMAN: And you mentioned
 03:06 5 phosphorus, and I know that has come up, I think,
 6 in some of the planning and zoning meetings. But
 7 explain to me again: That's not something that
 8 NDEE requires?
 9 MR. SETTJE: Yeah, as far as
 03:07 10 groundwater monitoring is concerned, they don't
 11 care about phosphorus. Phosphorus is not a
 12 water-soluble product. And, therefore, it's not
 13 leaching down to groundwater. Nitrates,
 14 chloride, and ammonia are, so it's going to test
 03:07 15 the groundwater for those three things.
 16 Phosphorus doesn't need to be in there.
 17 Phosphorus is more a result of crop management
 18 monitoring. And as far as the nutrient
 19 management plan, they have to test for phosphorus
 03:07 20 every five years and show what that benchmark is
 21 and make sure that we don't have an accumulation.
 22 MR. WARD: During construction, who
 23 will be doing your construction inspection
 24 services? Will that be something you're
 03:07 25 providing to your client?
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1 gotten that far yet. I assume we're going to try
 2 to. That's usually the goal.
 3 MADAM CHAIRMAN: On the odor -- I
 4 actually sat down and watched a webinar recently
 03:09 5 that Dr. Akin [phonetic] did on the Odor
 6 Footprint Tool. Are you -- what was used before
 7 that, or are there other acceptable tools that
 8 are used for odor detection or odor monitoring?
 9 MR. SETTJE: Yeah, there's a variety of
 03:09 10 tools that have been used by a variety of
 11 industries over the years. The Odor Footprint
 12 Tool is the first one that was really applied to
 13 livestock production as we know it here in the
 14 Midwest. So that was reassuring.
 03:09 15 The second part of that is: Are there
 16 other tools that can do it? To a point, yes,
 17 there are other models that are out there. Most
 18 of them are not as applicable to this as the Odor
 19 Footprint Tool is because it was designed
 03:09 20 specifically for livestock facilities with our
 21 weather patterns. And so it took those things
 22 into consideration.
 23 We haven't found anything that makes
 24 more sense at this point. Again, there's a dozen
 03:10 25 other systems out there. This one is -- in my
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1 MR. SETTJE: Yeah, we provide that to
 2 our client, and we'll have an engineer onsite as
 3 many times as needed. You know, and we set
 4 protocol for when they're going to be here, when
 03:07 5 those pours are occurring. We do inspect
 6 excavation, make sure excavation is right. And
 7 then we start out and make sure that we're here
 8 when there's pours. And we do it at random basis
 9 so the concrete contractor doesn't know when
 03:08 10 we're showing up.
 11 MR. WARD: You don't have an inspector
 12 onsite all the time?
 13 MR. SETTJE: Not all the time. I would
 14 say probably 75 percent of the time during the
 03:08 15 major pours that are going on with the walls and
 16 floors, that type of thing. Once that's done,
 17 we're probably -- oh, 50 percent of the time, I
 18 suppose. Somewhere in there, just based on
 19 what's going on. You know, framing and that type
 03:08 20 of thing are pretty simple, but concrete's really
 21 the highest priority, to make sure we've got that
 22 right.
 23 MR. DENAEYER: Where will you source
 24 the concrete? Locally?
 03:08 25 MR. SETTJE: I don't know if we've
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1 opinion and in our company's opinion -- probably
 2 the one that has the most credence and definitely
 3 one that applies to what we're doing. It was
 4 specifically designed --
 03:10 5 MADAM CHAIRMAN: This is the one in the
 6 recent case that the Nebraska Supreme Court stood
 7 behind?
 8 MR. SETTJE: That's correct.
 9 MADAM CHAIRMAN: All right.
 03:10 10 MR. SETTJE: I'll get you those
 11 construction specs.
 12 MR. WARD: I'd appreciate that.
 13 MADAM CHAIRMAN: And you're going to be
 14 available at the end if some other questions
 03:10 15 arise?
 16 MR. SETTJE: Yes.
 17 MADAM CHAIRMAN: All right. Thank you
 18 very much.
 19 MR. SETTJE: Thank you. Appreciate
 03:10 20 your time.
 21 AUDIENCE MEMBER: Can we ask questions
 22 from the floor?
 23 MADAM CHAIRMAN: I think we'll do
 24 testimony first. And then towards the end, if
 03:11 25 there's some unanswered questions, that may be an
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1 appropriate thing to do, if that is all right.
 2 We will open this up for the public
 3 testimony at this time. And we will need you to
 4 come forward to the microphone up here, and we
 03:11 5 have a sign-up sheet by the microphone, if you
 6 would just write your name.
 7 Is that all you need is just name?
 8 MS. HAMLING: Yep.
 9 MADAM CHAIRMAN: I think she has it
 03:11 10 laid out there, but please print and then sign.
 11 And we will give you three minutes, I guess, to
 12 present any comments that you would have.
 13 Jessica over here will give you a heads up when
 14 you're about at, what, two and half minutes?
 03:11 15 MS. COYLE: Thirty seconds left.
 16 MADAM CHAIRMAN: Thirty seconds left?
 17 Okay. Certainly, we ask you to try and be as
 18 respectful of that timeframe as possible so we
 19 allow everyone here that wishes to speak the time
 03:11 20 to do that. Certainly, I would remind folks to
 21 be respectful of those as they give testimony.
 22 Certainly, we will not tolerate any sort of --
 23 whether it be positive or negative -- comments
 24 from the crowd when folks are speaking. And so
 03:12 25 with that, I guess, just line up as you wish.

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1 But, anyway, I have noticed a great
 2 increase in traffic on the roads. And the
 3 maintenance that the County has had to do has
 4 greatly increased. This is one of the things we
 03:13 5 raised earlier, and I don't see anything in the
 6 studies, even though the gentleman indicated that
 7 they covered all of the requirements. And I
 8 don't see any study on this road deal and what
 9 that's going to cost the County.
 03:14 10 I mean, these people have to be out
 11 there every day, otherwise these hogs are in
 12 jeopardy. And if they don't get there, they die
 13 if they aren't getting cared for. And this means
 14 365 days out of the year -- and it doesn't make
 03:14 15 any difference if it's a three-day blizzard and
 16 you can't see, they still have to get out there.
 17 And that's what Brown County road crews
 18 had to go through in order to make these people
 19 available to get out there, and they've gone
 03:14 20 through hell and high water, I want to tell you.
 21 And so it costs extra time. It costs overtime.
 22 It costs -- it's hard on the equipment. And it
 23 does everything --
 24 These are things that I think the
 03:14 25 County -- these are hidden costs that you don't

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1 And it looks like we have somebody to start us
 2 off.
 3 MS. COYLE: I'll start the time when
 4 they state their name.
 03:12 5 MADAM CHAIRMAN: I don't know if you
 6 heard Jessica. She'll start your time clock once
 7 you state your name.
 8 MR. PALMER: I'll state it at the end.
 9 MADAM CHAIRMAN: Well, that works.
 03:12 10 MR. PALMER: My name is Rodney Palmer.
 11 I'm an attorney from Ainsworth, Nebraska. I'm
 12 here on behalf of Ed Brown and Amorak, Inc., who
 13 is doing business as Two Rivers Ranch in Cherry
 14 County. He's a neighbor out there, has an
 03:13 15 operation out there for some time, and he's
 16 concerned about this application.
 17 I want to talk to you today about a
 18 couple of practical things that I have observed
 19 because I, living in Brown County, have --
 03:13 20 there's a hog confinement north of town. And I
 21 have to travel the same road to go out to it that
 22 all of the people have to go out to every day.
 23 And so I go out there every day to take care of
 24 my cattle and operation. And they're probably
 03:13 25 wanting water broke right now.

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1 look at when you look at something like this.
 2 Now, I've got nothing against hog
 3 operations. I've got nothing against the
 4 Danielski family. They're a fine family and good
 03:14 5 operators, but the cost to the general public has
 6 to be considered when you are the arbitrators and
 7 the final judge in this matter.
 8 The other thing that I've noticed is
 9 that -- I go to court all the time. We have a
 03:15 10 great increase in our court system from
 11 out-of-county people that are sometimes
 12 associated -- many times with the hog
 13 confinement. And it makes additional work for
 14 this county attorney. It makes additional work
 03:15 15 for our county attorney. It makes additional
 16 expense for the County for jury trials and things
 17 like that. So these --
 18 And there's no study on this, even
 19 though it said all of the requirements have been
 03:15 20 covered. There's been no study on the court
 21 system and what it's going to cost and what the
 22 additional expense is going to be. And let me
 23 tell you: It's very substantial. And you need
 24 to take a look at this. If you don't, you're not
 03:15 25 looking at the whole picture. Those are just two

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1 little areas that haven't been covered by these
 2 folks. And they're very professional, but
 3 there's a couple of areas they missed. Thank
 4 you.

03:15 5 MADAM CHAIRMAN: I have a quick
 6 question, Mr. Palmer. Just so I understood you
 7 right, but you're saying that there's been
 8 additional expenses -- court-related expenses as
 9 a result of the hog confinement?

03:16 10 MR. PALMER: What I have noticed is
 11 this: There are people in the community that are
 12 not from that community. And I know that they're
 13 related to the hog confinement as employees, and
 14 they're in court -- quite a few of them. And so
 03:16 15 I've noticed that -- I have represented them, as
 16 a matter of fact, on many occasions. I'm
 17 representing them right now. They are in court,
 18 and it's an expense. It's going to be an
 19 additional burden on the County that the County
 03:16 20 just doesn't know anything about at this point
 21 unless you look into it.

22 MADAM CHAIRMAN: Thank you. Any other
 23 questions?
 24 And if you are prepared, don't be
 03:16 25 bashful. Come up as you...

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1 all familiar with. Below that lies what we in
 2 the industry or -- and geologists categorize as
 3 the cap rock formation. It's the geologic part
 4 that you can see when you go out to Merritt or
 03:18 5 the Niobrara valley with the hard-faced rock that
 6 sticks out sides of the canyon. That is the
 7 telltale marker in western Nebraska of the top of
 8 the Ogallala Aquifer group.

9 It is predominant in most regions from
 03:19 10 here west. That formation is exceptionally
 11 dense. It's exceptionally difficult for water to
 12 move vertically through it. It lies in thickness
 13 of approximately 60 feet in that area. It varies
 14 in density in that 60-foot zone from not as hard
 03:19 15 as concrete but certainly very, very dense and
 16 stiff material to more of a sandstone type of
 17 formation, but nonetheless, still a pronouncely
 18 dense -- what we would term as aquitard geologic
 19 formation.

03:19 20 Below that are the Ogallala sands and
 21 sandstones that make up the true aquifer that the
 22 water is actually in when we pull water out of --
 23 to supply water for a facility and the irrigation
 24 and the people of the region.

03:20 25 And so I just want to help you

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1 MR. BECK: Rod's handwriting is worse
 2 than mine.

3 MADAM CHAIRMAN: Hopefully the print is
 4 readable.

03:17 5 MR. BECK: You can read mine and I can
 6 read Rod's. The signature is a little tough.
 7 Can you guys hear me okay?
 8 My name is Tonny Beck. I'm the water
 9 well contractor from Ainsworth, Nebraska. I'm
 03:17 10 not here to testify in favor or in opposition of
 11 this facility. I'm here to testify about the
 12 groundwater and the geology that lays underneath
 13 this facility for your information.

14 There's a lot of misconception about
 03:17 15 facilities of this nature and their potential for
 16 contamination. And a lot of that is due to a
 17 misunderstanding of the geology as it lays
 18 underneath these facilities, so I'm hoping to
 19 bring some of that to light for you.

03:18 20 We live in the Sandhills. This
 21 facility is located in the Sandhills. That does
 22 not mean this facility is setting on top of pure
 23 sand with a line straight to the aquifer. This
 24 facility will be on top of approximately 40 to 50
 03:18 25 feet of dune sands -- Sandhills sand that we're

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1 understand that the potential for groundwater
 2 contamination from this facility is exceptionally
 3 miniscule. Even if it gets beyond the concrete
 4 and all of the engineering and all of the other
 03:20 5 things being done, it's going to be exceptionally
 6 difficult for anything to reach the actual
 7 groundwater.

8 The static water level of this location
 9 is approximately 140 feet.

03:20 10 And she says I'm out of time, and
 11 that's fine. If you have questions for me, I'll
 12 answer them. I think I said what I needed to
 13 say. I wanted to get that on the record.

14 MADAM CHAIRMAN: How many wells a year
 03:20 15 do you dig?
 16 MR. BECK: We average new construction
 17 between 35 and 40 of different sizes and shapes.
 18 Everything from small domestic to large
 19 irrigation.

03:20 20 MADAM CHAIRMAN: Primarily in the
 21 Sandhills?
 22 MR. BECK: Primarily in a nine county
 23 area of north central Nebraska and south central
 24 South Dakota. Basically, Gordon to O'Neill,
 03:21 25 Winner to Broken Bow.

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1 MR. WARD: Have you drilled any wells
 2 in that area out there?
 3 MR. BECK: Not in that direct location.
 4 Not within a mile of there, but I have accessed
 03:21 5 and researched the well logs of the well
 6 registration of all the irrigation wells in the
 7 area within the last week.
 8 MR. WARD: And just for the record, the
 9 well logs, can you explain what a well log
 03:21 10 contains?
 11 MR. BECK: Well logs contain -- so
 12 every well that's drilled in the state of
 13 Nebraska since 1950-ish -- don't quote me on
 14 exact year, but roughly in there -- if it's an
 03:21 15 irrigation well, it was required to be registered
 16 to the State of Nebraska, okay. Part of that
 17 registration requires a geologic log of the
 18 geologic formations that are encountered as that
 19 well is drilled. So all of the irrigation wells
 03:22 20 that are drilled out in that area, all the ones
 21 from the late '60s, early '70s, and into the
 22 1990s and up until today, there's a geologic log
 23 attached to every one of those well
 24 registrations.
 03:22 25 That's public information. It's
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1 available on the Department of Natural Resources
 2 website. You're welcome to look it up. That's
 3 how I accessed it. You can access it either by
 4 ownership name, township and range, registration
 03:22 5 numbers. If you have that information available,
 6 it's very easy to access. I encourage anyone
 7 that's interested to look at it. I wanted to
 8 bring it to your light.
 9 I've testified both for and against hog
 03:22 10 facilities in my service territory for this
 11 reason. I'm very passionate about the quality of
 12 the groundwater that we all get to use in our
 13 part of the world.
 14 I've done virtually no business with
 03:22 15 the Danielski family in the past 30 years. We're
 16 not their water well contractor of choice. No
 17 ill will in that regard. That's the reality of
 18 our relationship. I'm not here to beat the drum
 19 because I'm going to necessarily do any of the
 03:23 20 work on this project.
 21 We have done work for other facilities
 22 in Brown County and in Holt County. Certainly no
 23 promises have been made that will happen with
 24 this project. We would love the opportunity, but
 03:23 25 that's not why I'm here.
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1 The reason I'm here is, as an example,
 2 my uncle John Gross [phonetic] wanted to build a
 3 facility in western Brown County. It was the
 4 last year hearing I was at. That facility was --
 03:23 5 the bottom of those deep pits were four feet from
 6 static water level. He wanted to build that
 7 facility in proximity to an old gravel pit that
 8 was zero aquitard.
 9 If anything went wrong, there was no
 03:23 10 way to react to it before it got in the
 11 groundwater. And the one end of the barn was
 12 literally 50 feet from a creek. So there was no
 13 time, no ability to react in any positive way to
 14 do anything to stop a contamination situation.
 03:24 15 The beauty of this location and this
 16 facility, with the placement that they've chose
 17 is that it's a long ways to water. There's a lot
 18 of confining material between it and the aquifer.
 19 There's zero surface water as far as stream
 03:24 20 impact. They're not in a floodplain. There's a
 21 lot of really good things about where they're
 22 being placed as far as water safety is concerned.
 23 That's why I wanted to testify to that.
 24 So I also testified in Holt County
 03:24 25 against barns that were placed in areas where I
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1 didn't feel like they were sound to be built
 2 because of the geology that was available to
 3 them.
 4 Like I said, I'm not here for or
 03:24 5 against it. I'm just trying to make sure there's
 6 good information. That's all I have. If you
 7 don't have other questions, I'll be done.
 8 MADAM CHAIRMAN: Thank you.
 9 MR. WARD: Thank you.
 03:25 10 MR. HAMANN: I think you can read my
 11 handwriting.
 12 My name is Lee Hamann. Chairman
 13 Storer, members of the commission, I'm
 14 representing Ed Brown and Amorak, Inc. doing
 03:25 15 business as Two Rivers Ranch.
 16 Before I get to my comments, I would
 17 like to put in the record a -- Rod Palmer had
 18 intended -- who shall I give this to?
 19 Rod Palmer had intended to leave a
 03:25 20 letter that was more to his comments. And I
 21 would also put in a copy of the transcript of the
 22 proceedings from the planning commission
 23 November 12, 2020, meeting; the planning
 24 commission December 1, 2020, meeting; and the
 03:26 25 planning commission January 5, 2021, meeting.
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1 There's a great deal of testimony there that you
 2 didn't have the benefit of, and we can't do
 3 anything about that, but we wanted available to
 4 you the comments that are pertinent to this that
 03:26 5 we won't have time to cover today.
 6 As Mr. Settje pointed out, there are
 7 more than three times -- he didn't give you the
 8 calculation, but more than 3,000 -- three times
 9 the 2,000 animal-unit limit. And as he also
 03:26 10 pointed out, your zoning resolutions specifically
 11 state that larger numbers -- that you have to be
 12 assured that larger numbers of animals will not
 13 result in more properties being subjected to
 14 unreasonable levels of odor for unreasonable
 03:27 15 duration periods. "Will not" is not "may not."
 16 And they did give us more detail today
 17 about the air management system and the potential
 18 impact that has on odor concentrations and things
 19 like that, but it's discussion -- we really
 03:27 20 haven't seen any of the science behind it. Odor,
 21 as you know, is kind of a complicated issue. It
 22 tends to be subjective. People wonder if you can
 23 even measure it.
 24 You know, the County has a duty to
 03:27 25 protect its citizens. And we don't have the
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1 details. He talked about the knowledge -- the
 2 graphs of the Odor Footprint Tool. We don't
 3 disagree that that is -- that's a useful tool.
 4 It's a predictive tool. It's not necessarily an
 03:27 5 analytical tool, so you use that to try to gauge
 6 what the impact is going to be. What we don't
 7 have is -- there's a spreadsheet that goes along
 8 with that tool, if you follow the guidelines of
 9 the University of Nebraska. We don't have any of
 03:28 10 that data. We don't know how they arrived at
 11 their conclusions. They may be somewhat on
 12 target. They may not be.
 13 But they're also using a 94- to
 14 96-percent, you know, annoyance factor. And the
 03:28 15 UNL authors of the footprint tool themselves
 16 said, to be a good neighbor, you have to be in
 17 the 98-percent range. What this really boils
 18 down to is you need to have an odor management
 19 plan. I covered that in my letter. The FCS
 03:28 20 engineering report covered it in detail. If you
 21 don't have that, it's all subjective. There's
 22 nothing you can enforce.
 23 MADAM CHAIRMAN: Your time is up. Any
 24 questions for Mr. Hamann?
 03:29 25 I guess I would have one. You
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1 mentioned -- I actually watched the presentation
 2 from the authors of that NOFT tool, and they were
 3 very clear they weren't suggesting what that
 4 magic number was --
 03:29 5 MR. HAMANN: Right.
 6 MADAM CHAIRMAN: -- in terms of 94, 96.
 7 I don't recall them mentioning 98 but -- so I
 8 would be interested to know at what point they
 9 maybe put that in writing or if they suggested
 03:29 10 98.
 11 Is there -- in your opinion, as you
 12 said, odor is sort of difficult -- it's
 13 subjective to some extent; right?
 14 MR. HAMANN: It feels subjective. Go
 03:29 15 ahead. I'm sorry.
 16 MADAM CHAIRMAN: What tool would you be
 17 aware of or would you suggest that could give
 18 100-percent, sort of, statistical...
 19 MR. HAMANN: Well, there are different
 03:29 20 ways to measure it. And if you look at the FCS
 21 report that I attached to my last letter, these
 22 guys are experts in it, and I can't do it
 23 justice, but there are different ways of
 24 measuring odors. And that gets to the point of
 03:30 25 the odor management plan. Because if you don't
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1 build in these parameters --
 2 Again, the footprint tool is merely
 3 predictive. It's not analytical. So if you
 4 don't build in a 96-percent, 98-percent
 03:30 5 non-annoyance factor -- if you don't build in the
 6 parameters for, you know, background and how
 7 you're going to measure it, how you're going to
 8 test it, how you're going to report it -- all
 9 that stuff is included in the FCS letter. And
 03:30 10 there are very good methodologies for evaluating
 11 the intensity of odors, the effects of odors
 12 downwind, and honestly, it's so important to have
 13 an odor management plan.
 14 Some states build it into their
 03:30 15 statutes. Nebraska has specifically said the
 16 state is not going to regulate odor. We feel
 17 that that's something that needs to be regulated
 18 by the county level because you're the people
 19 that have to live with it.
 03:31 20 So that's why we've been adamant that
 21 you really have to address that as part of this.
 22 And that's not -- it's not a difficult thing to
 23 do. There's a lot of industry standards out
 24 there and a lot of methodologies. It requires
 03:31 25 professional engineering by people in the odor
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1 management business.
 2 MADAM CHAIRMAN: So, I'm sorry, one
 3 further question: So if I understand you
 4 correctly, you're not disputing the predictive
 03:31 5 model of NOFT, but you're saying that you believe
 6 there should be something in place for ongoing
 7 management for analytical data year to year?
 8 MR. HAMANN: Two things. We don't take
 9 issue with the NOFT tool. What we don't have in
 03:31 10 this case is the Settje spreadsheets that go into
 11 what they used for the wind calculations, their
 12 gradient calculations. There's a number of
 13 things that go into this, and if you don't do all
 14 these calculations correctly, then the NOFT is
 03:32 15 going to produce an envelope that is not going to
 16 be accurate, so we don't have that.
 17 But then to go one step further to
 18 answer the other part of your question, going
 19 forward, if you get complaints from neighbors
 03:32 20 that there's a problem -- hopefully there will be
 21 none, but we don't know that. We're just all
 22 kind of shooting in the wind, if you will. If
 23 you get a complaint from a neighbor, how are you
 24 going to measure that? What's your baseline
 03:32 25 going to be? Just like the water, they're going
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1 highway when they're constructing this. Now,
 2 I've poured concrete, and I drove concrete trucks
 3 for five years of my life. I know there's
 4 millions of tons of concrete that are going to go
 03:34 5 into this.
 6 The other thing as to the setback
 7 rules -- and I read it. I've been to every
 8 meeting up to this point. The setback rules of
 9 the 1 and 2 are in 2,000 animal units. Not three
 03:34 10 times that amount, and I want to make that clear.
 11 That everybody needs to realize that. That's
 12 2,000 animal units. That's not 6,000 animal
 13 units. So I don't know if that setback is quite
 14 where it should be on that deal.
 03:35 15 The other thing is we've heard about
 16 composting these animals. We've heard that, once
 17 they get there, they'll never leave this
 18 facility. That came from both of these gentlemen
 19 right here. Well, if you have 18,000 hogs, they
 03:35 20 never leave that facility, 18,000 of them are
 21 going to die.
 22 Yes, it's going to be composted. We
 23 have not yet once heard what they're going to do
 24 with that compost. We've been told that nothing
 03:35 25 will be applied directly to the ground above the
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1 to test the wells around the facility. What's
 2 your baseline? And what's the methodology for
 3 testing? And then what's the enforcement
 4 mechanism? Do you have curtailment? Or are you
 03:32 5 just writing nasty letters? I think it needs
 6 more than just, okay, they've explained what
 7 they're going to do. But if it doesn't work,
 8 what's the County going to do?
 9 MADAM CHAIRMAN: Thank you.
 03:33 10 MR. HAMANN: Thank you for your time.
 11 MR. FROM: Hi, thanks for the
 12 opportunity to talk to you. My name is Tagg
 13 From. I manage the ranch for Ed Brown, which
 14 sets out there south and west of Crookston, which
 03:33 15 is 2.6 miles directly south of where this
 16 confinement is proposed to be built.
 17 And I just want to bring up a few
 18 questions of my own that I would like you guys to
 19 take into consideration. There's been a lot of
 03:33 20 the things said from Mr. Settje, from people that
 21 you've heard already about concerns, and there's
 22 a lot of concerns I think you as commissioners
 23 need to really take into consideration.
 24 One is nobody has even mentioned the
 03:34 25 amount of traffic that it's going to put on that
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1 soil. Where are they going to go? I just --
 2 that's a question I think somebody needs to
 3 answer.
 4 And, I mean, I also want to bring up
 03:35 5 something that, yes, it's not in a floodplain.
 6 But you as commissioners, I think you know quite
 7 well what happened in 2018. And I have videos
 8 and recorded calls with one of your county road
 9 managers that, yes, when it floods and it storms
 03:36 10 for three days out there, the road washes out.
 11 And it runs right past my yard, through my yard
 12 right to the Niobrara River. And I have many,
 13 many, many videos to prove that. And the water
 14 came directly from the north side of that road.
 03:36 15 And the other thing I want mention is:
 16 The people that signed easements, the people that
 17 are putting this facility in, not one of them --
 18 and I mean not one of them lives there.
 19 MADAM CHAIRMAN: Your time is up
 03:36 20 Mr. From.
 21 MR. FROM: Okay. Thank you.
 22 MADAM CHAIRMAN: All right. Thank you.
 23 MR. WARD: Thanks, Tagg.
 24 MR. WEBER: Thank you for your time and
 03:37 25 your service to the community and the county. My
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1 name is Rick Weber. I own -- my wife and I own a
 2 couple businesses in town here, a storefront
 3 business and another business.
 4 We all seen what happened the last year
 03:37 5 with the Covid thing economically for the town.
 6 Any time you can put a \$5-million payroll in a
 7 community this size, you're getting something
 8 done.
 9 I've done some business with the
 03:37 10 Danielski family. That's just the way it is.
 11 Everything they do is first class. For the
 12 people that don't know them, I invite them to go
 13 visit with them. Their farming operation is
 14 first class. The trucking operation is first
 03:38 15 class. Their organic farm is first class. The
 16 truck stops down the road are first class, and
 17 they've been a pillar in this community for a lot
 18 longer than me. I've seen what they've done for
 19 this community as far as cleaning it up, donating
 03:38 20 to several schools' functions, ag society, you
 21 name it. When there's a function going on, the
 22 Danielski family is involved in it.
 23 I don't have no horse in this race.
 24 This community has been good to us. We come here
 03:38 25 20-some years ago. This is our home. If I
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1 thought this operation would in any way harm it,
 2 I wouldn't be in favor of it. I do understand
 3 the people that have concerns.
 4 I was probably -- when they started
 03:39 5 building them back home where I was from, I was
 6 probably a little leery, too. But Mr. Settje and
 7 them -- they hired a first class outfit. I don't
 8 think in any way, shape, or form the Danielski
 9 family would do anything to harm this community.
 03:39 10 One thing I have noticed is this isn't
 11 a foreign operation like some of the other stuff
 12 you've had to deal with. I think Danielski
 13 Harvesting & Farming -- that facility is tied to
 14 their ground, and it's not an isolated thing
 03:39 15 they're going to walk away from.
 16 In closing, I just would like you to
 17 consider the economic impact that it would have
 18 to this community. Thank you.
 19 MADAM CHAIRMAN: Thank you.
 03:40 20 MR. ADAMSON: I'm Jerry Adamson, a
 21 Cherry County rancher. First of all, I'm
 22 surprised I haven't heard the name "property
 23 rights" today. I'm a strong believer in property
 24 rights. I'm a strong believer in economic
 03:40 25 development, and I'm sure not jealous of my
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1 neighbor if he or she is trying to make an extra
 2 buck or two off of their own land, are you?
 3 Somebody else can use the rest of my time. It's
 4 that simple. Thank you.
 03:40 5 MADAM CHAIRMAN: Be sure and sign your
 6 name, please. Thank you.
 7 MR. SUHR: My name is Gordon Suhr.
 8 MADAM CHAIRMAN: I might have you get
 9 just a little close to the microphone. Sorry.
 03:41 10 Thank you.
 11 MR. SUHR: Thank you for your
 12 dedication to Cherry County, to our residents.
 13 The focus of today's meeting is establishing the
 14 first large hog confinement in Cherry County.
 03:41 15 The application for the conditional use
 16 permit requests to build a facility three times
 17 larger than the Cherry County zoning regulations
 18 allows. A conditional use permit for a hog
 19 confinement business of this magnitude and
 03:42 20 changing the zoning laws to fit a particular
 21 situation may be catastrophic to our pristine
 22 natural resources. Starting with a smaller
 23 amount of animals, as the current zoning
 24 regulations state, would allow for the safety and
 03:42 25 protection of Cherry County citizens and its
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1 natural resources.
 2 This would initially lessen the amount
 3 of waste generated by the animals and reduce the
 4 amount of resources needed to handle those
 03:42 5 numbers, easing the strain on the area's most
 6 valuable and treasured assets: The land; clean
 7 air; clean water, including the Ogallala Aquifer;
 8 and people and their livelihoods.
 9 Hog manure smells. I grew up on a farm
 03:42 10 where we raised a few small number of pigs. The
 11 smell permeated our home, clothes, and vehicles.
 12 Anyone having drove down a road near a large hog
 13 facility knows it lingers in the area for past
 14 one or two miles. No one wants to be forced to
 03:43 15 live that close to the smell of hog manure.
 16 Section 303.21 of the conditional use
 17 for the Cherry County Zoning Regulations say, A
 18 land use that would not be generally compatible
 19 with other permitted land use in a zoning
 03:43 20 district, but which if controlled as to number,
 21 area, location, relation to surrounding uses, or
 22 other attribute, could become compatible with
 23 such permitted land use that would promote the
 24 public health, safety, convenience, and general
 03:43 25 welfare.
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1 We cannot protect the value, use, and
 2 enjoyment of adjoining and neighboring properties
 3 if we allow a large hog confinement, larger than
 4 the zoning regulations allow, to locate directly
 03:43 5 next door to other landowners.
 6 Farmers have been awarded special
 7 privileges, exemptions, and variances under a
 8 whole host of public policies from taxation to
 9 environmental regulations because they were
 03:43 10 trusted to behave in the public interest.
 11 Large-scale corporate hog operations
 12 will not create new appeal to our children and
 13 their children who choose to live and grow here.
 14 If this conditional use permit is
 03:44 15 granted, there will be no way to stop the next
 16 facility from moving into our county. Approving
 17 this conditional use permit will run the risk of
 18 allowing corporate to dictate our future. Thank
 19 you.
 03:44 20 MADAM CHAIRMAN: Thank you. I had just
 21 a -- oh, go ahead.
 22 MR. WARD: You said you grew up on --
 23 MR. SUHR: Yes.
 24 MR. WARD: How many hogs did your
 03:44 25 family raise?
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1 MR. SUHR: Around a hundred.
 2 MR. WARD: What do they do with the
 3 manure and stuff at that time?
 4 MR. SUHR: Of course, it was a lot
 03:44 5 different years ago, but I mean it was a -- in
 6 that -- eastern Nebraska, the big joke was you
 7 could always tell who was a hog farmer, I mean,
 8 just by the smell of their vehicle or -- and I'm
 9 not -- I like hogs, you know, but not everybody
 03:45 10 does.
 11 MADAM CHAIRMAN: So the type of
 12 facility was very different?
 13 MR. SUHR: Would definitely be
 14 different.
 03:45 15 MADAM CHAIRMAN: I had one quick
 16 question. You had mentioned that we shouldn't be
 17 rewriting zoning laws, which concerns me. What
 18 -- specifically, what are you referring to, or
 19 what do you believe would be rewritten?
 03:45 20 MR. SUHR: The number.
 21 MADAM CHAIRMAN: And for clarification,
 22 because I've been very tuned in to that issue
 23 specifically, in an effort to make sure that
 24 we're absolutely doing things right. So as it
 03:45 25 reads, it allows no more than 2,000 animal units
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1 per section of land, unless it can be
 2 demonstrated that the odor is still within that
 3 -- basically that setback of two miles north and
 4 south and one mile east and west; correct?
 03:46 5 I just want to be -- and I'm not -- I'm
 6 making sure we're all on the same page that it's
 7 really not rewriting, but taking into
 8 consideration the condition under which that can
 9 be approved if it exceeds 2,000 animal units;
 03:46 10 correct?
 11 MR. SUHR: Yeah.
 12 MADAM CHAIRMAN: Okay. Thank you.
 13 MR. WARD: Set it right there, Gordon.
 14 Thanks.
 03:46 15 MR. SCOTT: Tanya, I need to leave.
 16 I've got Zoom court. I will try and be back.
 17 MADAM CHAIRMAN: Whoever would like to
 18 go next, please feel free to come on up.
 19 MR. BROWN: Hello, my name is Ed Brown.
 03:47 20 I ranch just south of the proposed hog
 21 confinement.
 22 I and many others believe that the
 23 planning and zoning commission made a wrong
 24 decision and didn't do their job and were, in
 03:47 25 fact, negligent in their duty to this board and
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1 the people of Cherry County.
 2 When one planning commissioner says, We
 3 need to hurry up and vote because Leonard would
 4 like an answer, and another informs the
 03:47 5 commissioners that Leonard said there would be
 6 less traffic on German Settlement Road but
 7 doesn't bother to ask for any data to back up the
 8 claim, something is not right. Planning and
 9 zoning apparently ignored documents and studies
 03:47 10 done by recognized professionals. In fact, they
 11 didn't show enough interest to ask a single
 12 question, not one in regards to what we and
 13 others presented.
 14 It appears the outcome of their vote
 03:48 15 was decided last spring. Planning and zoning
 16 didn't any ask any questions, but let me ask you
 17 a couple of questions. Would you honestly vote
 18 for this if it were being put across the fence
 19 from you? Maybe your parents?
 03:48 20 Mr. Ward, would you honestly vote for
 21 18,000 pigs and 19-million gallons of waste just
 22 north of town here? Would you honestly do that
 23 to the people of Valentine?
 24 One more question. How is this good
 03:48 25 for the people of Cherry County? The citizens
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1 that live anywhere near this don't want it, and
 2 it is clear by the signed petitions that you have
 3 in front of you. The issue here is who knows
 4 better what's best for the people? Is it this
 03:48 5 board or the people themselves?
 6 The professionally done studies that
 7 you have before you seriously disagree with what
 8 has been presented by the applicant. One of the
 9 studies done by a professional odor engineer is
 03:49 10 totally at odds with what has been presented by
 11 the applicant. An economic study done by a noted
 12 economist shows that this project could actually
 13 be a cost to the taxpayers of Cherry County.
 14 The applicant acknowledges the
 03:49 15 employees won't be from Cherry County, nor the
 16 state of Nebraska, or even from this country.
 17 Well water tests near hog confinements
 18 in Brown and Custer Counties that you have show
 19 nitrate levels at times being 15 times the safe
 03:49 20 drinking level. And, by the way, these studies
 21 also have been reviewed and approved by state
 22 geologists and were built using the latest
 23 technology.
 24 In letters to planning and zoning by
 03:49 25 Mr. Hamann and others, there have been many
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1 concerns raised and questions asked that have
 2 never been addressed or answered. The people of
 3 Cherry County deserve to have these issues
 4 addressed.
 03:49 5 It was planning and zoning's
 6 responsibility to get this done, and they didn't
 7 do it. These same questions and concerns are now
 8 in your hands. Again, how is this good for
 9 Cherry County? Maybe the question should have
 03:50 10 been, who is this project good for? Planning and
 11 zoning didn't seem to want any information that
 12 went against their already decided vote.
 13 This raises questions how unbiased
 14 this board can be. The Danielskis were a major
 03:50 15 contributor to Chairman Storer's recent political
 16 campaign. Heart City Plumbing and Heating has
 17 been asked to bid on a 40-plus-person break room
 18 and shower facility at the proposed site if it
 19 were to be approved.
 03:50 20 Nothing here --
 21 MADAM CHAIRMAN: If you could wrap up,
 22 your time --
 23 MR. BROWN: Yeah, Levi, could you
 24 finish this up for me, please?
 03:50 25 MADAM CHAIRMAN: And before you step
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1 down, quick question. I guess, in summary, what
 2 specifically -- how do you feel this conditional
 3 use permit is specifically in violation of Cherry
 4 County zoning laws?
 03:50 5 MR. BROWN: I didn't say it was. Did I
 6 say it was?
 7 MR. WARD: I would like to correct you,
 8 too, Mr. Brown.
 9 MR. BROWN: Yes.
 03:51 10 MR. WARD: I do take it personal when
 11 you attack me and my company. I'm giving up any
 12 opportunity economically for myself personally to
 13 bid on that. I have not been asked to bid on it
 14 and nor will my company be bidding on anything
 03:51 15 that comes before this board.
 16 MR. BROWN: So you're telling me that
 17 your brother misinformed me?
 18 MR. WARD: My brother doesn't speak for
 19 me, and I can tell you that our company will not
 03:51 20 be bidding on anything that has to do with this
 21 project.
 22 MR. BROWN: Okay. Great.
 23 MR. WARD: We're giving up a
 24 significant economic opportunity. I would guess
 03:51 25 it's probably a 2-, \$300,000 economic opportunity
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1 that I'm personally giving up.
 2 MR. BROWN: Good. That's fine. I was
 3 only telling you what I was told by your brother.
 4 Levi, please.
 03:52 5 MR. BROTT: My name is Levi Brott. I
 6 work for Mr. Ed. I will continue on where he
 7 left me. So -- nothing illegal but it would
 8 certainly be unseamingly for either Chairwoman
 9 Storer or Commission Ward to ever vote to approve
 03:52 10 this project.
 11 Speaking for myself -- and I believe
 12 many others -- I don't believe this commission is
 13 unbiased and is capable of any fair assessment
 14 of this application. The right and only thing
 03:52 15 for this commission to do is to not vote at all
 16 on this application and let an unbiased board of
 17 the future make the decision after the
 18 application has been revisited first by a
 19 planning and zoning commission that is capable of
 03:53 20 what they have been asked to do. And that is all
 21 we have. Thank you very much.
 22 MADAM CHAIRMAN: Thank you.
 23 MR. WARD: Sir, what was your last
 24 name?
 03:53 25 MR. BROTT: Brott.
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1 MR. WARD: Brott. And you're reading
 2 Mr. Brown's statement, so when you said this is
 3 -- you're continuing with your words, it was
 4 Mr. Brown's?
 03:53 5 MR. BROTT: Yes, I was continuing on
 6 with Mr. Brown's statement.
 7 MR. WARD: Yeah, well, you stated in
 8 there that you were -- it's your opinion in your
 9 statement when you were reading there.
 03:53 10 Question for you, does Mr. Brown -- as
 11 he already left -- does he have any animal
 12 feeding operations?
 13 MR. BROTT: Animal feeding operations?
 14 MR. WARD: Yes. Does he have any
 03:53 15 confined animal feeding? A background lot or
 16 anything like that?
 17 MR. BROTT: At our place?
 18 MR. WARD: Anywhere in your operation.
 19 I understand he's a fairly big operator.
 03:53 20 MR. BROTT: Yes, he owns a feedlot.
 21 MR. WARD: He owns a feedlot?
 22 MR. BROTT: Cattle feedlot.
 23 MR. WARD: Where's that feedlot?
 24 MR. BROTT: I myself cannot personally
 03:54 25 tell you.

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1 MR. DENAEYER: Mr. Brown is still here.
 2 MADAM CHAIRMAN: And you're employed by
 3 Mr. Brown?
 4 MR. BROTT: Yes.
 03:54 5 MR. WARD: Where's your feedlot at,
 6 Mr. Brown?
 7 MR. BROWN: My feedlot is near Bruning,
 8 Nebraska. What does that have to do with
 9 anything?
 03:54 10 MR. WARD: What county is that?
 11 Thayer?
 12 What zoning regulations does Thayer
 13 County have?
 14 MR. BROWN: I couldn't tell you.
 03:54 15 MR. DENAEYER: How do you control odor
 16 at your feed yard?
 17 MR. BROWN: We have the Settjes help
 18 us.
 19 MR. WARD: You have the Settjes help
 03:54 20 you?
 21 MR. BROWN: Yeah.
 22 MR. WARD: Okay.
 23 MADAM CHAIRMAN: Therefore, you trust
 24 their qualifications?
 03:54 25 MR. BROWN: Where we are, I do.

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1 MADAM CHAIRMAN: All right. Anyone
 2 else?
 3 MR. WHITE: Good afternoon. My name is
 4 Howard White. I have a property close to one of
 03:55 5 the properties to the north that has a potential
 6 to be -- have manure spread on it. My questions
 7 here today would be more with where Mr. Palmer
 8 was going. And, Mr. Settje, you described the
 9 average wage of 48,000 with a total of 63,000 in
 03:55 10 benefits in aiding employees. My question is:
 11 What would be the high wage out there and what
 12 would be the low wage? And what would be the
 13 distribution of those wages? What is an entry
 14 level wage at this feed yard or feeding
 03:56 15 operation?
 16 And I don't expect you to answer today,
 17 but what are the -- obviously, you've done some
 18 studies on demographics of the workforce there as
 19 far as educational level, age, family status,
 03:56 20 ethnicity. Have we done any studies on the
 21 impact of schools? Have we done any housing
 22 impacts?
 23 And I'll go back to what Mr. Palmer was
 24 talking about, the social cost. If we have a lot
 03:56 25 of Latinos, probably noncitizens, will you use

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1 e-verify to verify citizenship? Will they be
 2 English-speaking? Will the schools have to hire
 3 additional staff for bilingual teachers?
 4 It's also been suggested that the Cody
 03:57 5 school would be a place to go. My perception
 6 would be they should come to Valentine. They
 7 have a bigger school base, more people. They
 8 have more things to do in Valentine. They have
 9 24-hour services in Valentine. I know if I moved
 03:57 10 my wife to Cody, I might get along, but most
 11 people would not get along moving their family to
 12 Cody because of lack of services. We'll also
 13 need medical services for these 80 people. Those
 14 kind of things should be in some kind of plan.
 03:57 15 It should be mapped out to where we know what
 16 people are coming into this community, what they
 17 are like, and what we can expect.
 18 And if we're going to do it, we need to
 19 do it right. You need to show them friendliness.
 03:57 20 They have to have services. They have to be
 21 welcomed to the community, and we can't do that
 22 unless we have services available for those
 23 people. Adequate housing and education and
 24 medical. That's all I have. Thank you.
 03:58 25 MADAM CHAIRMAN: I have a couple

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1 questions. And I'm not intending any disrespect
 2 at all for your concerns expressed, but can you
 3 be more specific in terms of how those concerns
 4 are in direct conflict with our Cherry County
 03:58 5 zoning regulations?
 6 MR. WHITE: I don't know as they are.
 7 I don't know zoning regulations, Tanya. I do not
 8 know. As a citizen, as a landowner, I mean I
 9 have to admit -- I think Mr. Brown talked about
 03:58 10 it -- I think the book should cook on this deal.
 11 But I think there's some additional needs that
 12 we're not looking at if we bring people into our
 13 community, because if we have unmet social costs,
 14 if we have drug problems -- especially to the
 03:59 15 north, at St. Francis, I'm told and I've talked
 16 to people up there, and it's really bad there.
 17 And if you bring in additional people, we're
 18 going to have additional problems; i.e. Mr.
 19 Palmer's legal fees, legal costs.
 03:59 20 Will we need additional deputies? With
 21 all this traffic, we're going to have accidents.
 22 We need patrolmen. Will our law enforcement have
 23 to add staff, and where will they live.
 24 If we have to bring in bilingual
 03:59 25 teachers, if we have housing issues --
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1 the poop going to fall? It's going to be in your
 2 lap because you approved this. And, therefore,
 3 whose -- when taxes go up to hire new deputies,
 4 to hire new attorneys and legal counsel --
 04:00 5 whatever issues we have -- that is not going to
 6 be on the citizens. It's going to be on you, the
 7 three of you.
 8 MADAM CHAIRMAN: So I would just ask
 9 once again: Our authority based on
 04:01 10 regulations --
 11 MR. WHITE: I'm just saying --
 12 MADAM CHAIRMAN: So, again, is there
 13 any specific concern that you could direct us to
 14 that would be directly related to --
 04:01 15 MR. WHITE: I don't know zoning. I'm
 16 just saying: Take ownership for your decisions.
 17 MADAM CHAIRMAN: Thank you. Next?
 18 MR. MARTIN: Good afternoon. My name
 19 is Steve Martin with the Alliance For the Future
 04:01 20 of Agriculture of Nebraska, or AFAN. The role of
 21 AFAN as a statewide organization is to support
 22 and grow the livestock industry in Nebraska. And
 23 we're supported by commodity boards and then we
 24 have some private sponsorship from some different
 04:02 25 companies.
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1 MADAM CHAIRMAN: And I truly mean no
 2 disrespect to those concerns, but I want to be
 3 very clear sort of what's within the purview of
 4 this board and what we're really here to decide
 03:59 5 and our limitations fall within the zoning
 6 regulations that are set before us, which, you
 7 know, certainly there's a little room for --
 8 MR. WHITE: You can hide behind the
 9 zoning regulations all you want. But those
 03:59 10 zoning regulations and these decisions that you
 11 make affect all of us, whether it's zoning or
 12 not.
 13 MADAM CHAIRMAN: And, again --
 14 (Simultaneously speaking.)
 04:00 15 MR. WHITE: -- business plan by Settje
 16 to define what's going on here to ease people's
 17 minds.
 18 MADAM CHAIRMAN: And I'm not being
 19 disrespectful of your concerns, but to be clear,
 04:00 20 we only have authority within a certain set of
 21 rules. It's not hiding behind them. It's
 22 adhering to them.
 23 MR. WHITE: These other people can
 24 worry about it, I guess. When you bring people
 04:00 25 in that don't have services, whose -- where is
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1 One of the things that we do is we work
 2 to support and grow responsible livestock
 3 production. So we look at -- in this case, do
 4 they meet state requirements? Do they meet local
 04:02 5 requirements? And when they do -- and especially
 6 in this case, going above and beyond in many
 7 cases -- that we lend our support and just as an
 8 opinion, really, to say this is a good thing and
 9 it's going to be a good thing for the community.
 04:02 10 We do have some experience with some of
 11 these projects. We were very instrumental in the
 12 Costco project in Fremont. You know, when we
 13 started that project, there was a big shortage of
 14 housing. They have a housing boom in Fremont and
 04:02 15 the surrounding area right now. So it has worked
 16 out for the contractors and the construction
 17 companies, apartment complexes, and those types
 18 of facilities.
 19 Again, seeing that they've met or will
 04:03 20 meet requirements from the state and local level,
 21 we encourage you to approve their application.
 22 And when you look at the big picture of what this
 23 this means for Cherry County -- I think we've
 24 seen the taxes, we've seen investments that
 04:03 25 they're going to put into this facility, the
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1 wages that they're going to provide their
 2 employees, and for -- really, looking at where
 3 you are transportation-wise, most of that is
 4 going to get spent here. Food and housing and
 04:03 5 other things that are going to be bought within
 6 this region. It's an opportunity. It's an
 7 opportunity for Cherry County to grow.
 8 As we look at why we want to add
 9 livestock to farms -- if I'm a farmer and I want
 04:03 10 to grow, I've got a couple options. I can add
 11 acres, or I can add another layer, some diversity
 12 or other enterprise. If I add acres, the only
 13 thing I'm doing is moving another farmer off of
 14 that farm and taking over that operation.
 04:04 15 So, really, from a big picture sense,
 16 me as row crop farmer, growing my row crop
 17 operation, it doesn't help them much. When I add
 18 an enterprise like this and the investment that
 19 goes with it and the jobs that it creates and
 04:04 20 then the other jobs in the community, everybody
 21 wins in this. And it's a good thing for the
 22 community. So, with that, thank you.
 23 MADAM CHAIRMAN: I have one quick
 24 question that's maybe not necessarily -- just out
 04:04 25 of personal curiosity. When the Costco project
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1 went in and there's a housing shortage in
 2 virtually every community in the state, I was
 3 curious -- again, from a personal curiosity --
 4 how did they address that or what sort of enabled
 04:04 5 -- because now there's a housing boom if I
 6 understood you correct.
 7 MR. MARTINE: Yeah, so I think -- and
 8 my numbers are round, because I don't know them
 9 exactly. In the city of Fremont, they were short
 04:04 10 about 7,000 spaces. They are at 9,000 spaces
 11 now. So they just -- a part of it is they
 12 allowed some development -- they approved some
 13 development sites around town, approved some
 14 apartment buildings be built. And then they just
 04:05 15 turned the contractors loose and let them build.
 16 MADAM CHAIRMAN: And so when you say
 17 "they," that's like the the city council?
 18 MR. MARTIN: City council, yes.
 19 MADAM CHAIRMAN: So there was some
 04:05 20 incentive from local government to build.
 21 MR. MARTIN: Yes, from the city
 22 council.
 23 MADAM CHAIRMAN: Okay. Thank you.
 24 Next?
 04:05 25 MRS. FROM: My name is Jamie From. I
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1 am married to Tagg From, which we work on the Two
 2 Rivers Ranch south of Crookston. Not only just
 3 us two, but raising four children. They're 18,
 4 16, 15, and 14.
 04:06 5 Some of the things that -- I know Tanya
 6 had a great point that, you know, what does this
 7 have to do with the zoning? How does this affect
 8 you guys as the County?
 9 Some of the things that I just want to
 04:06 10 touch base on that were brought up in previous
 11 testimonies: Number one is litter patrol. We
 12 don't have Louis Day doing our ditches anymore.
 13 So one of the gals from Ainsworth did say -- as
 14 well as Mr. Palmer mentioned it at one time --
 04:06 15 they know it's trash from the facility because
 16 it's the little blue booties that are in the
 17 ditch. And there's a lot of trash that comes
 18 with this. So I'd be curious, you know, in
 19 regards to kind of a litter patrol, trash pickup
 04:07 20 because we all love Cherry County and it's a
 21 beautiful county, and we want to keep it
 22 beautiful.
 23 The composting pile. A woman talked
 24 about -- I had spoken with someone in Custer
 04:07 25 County that has the same type of facility near
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1 them, that has an open pit like that. Yes,
 2 there's talk of that it is open. There's piles
 3 of dead pigs constantly in it, which is fine.
 4 They say it's a nuisance because of the coyotes.
 04:07 5 And we have too many ranchers in our area that
 6 already deal with coyotes, so it would make it
 7 worse. Just something to think about.
 8 Property values could possibly
 9 decrease. That was brought up as testimony from
 04:07 10 an Ainsworth neighbor of the facility south of
 11 Ainsworth.
 12 I think definitely the odor footprint
 13 needs to be looked into a little bit more. The
 14 Christensen [phonetic] family in Custer County,
 04:07 15 they were a family that agreed to allow Thomas
 16 Livestock to bring in one of their facilities on
 17 their property. The wife is now moving and
 18 building a new house because she was
 19 misrepresented with odor. She can't get it out
 04:08 20 of her house. They had new windows that were
 21 supposed to keep it out. That's something that
 22 needs looked into, is the odor issue. If the
 23 2,000 animal units is one mile wide and two miles
 24 north and south, maybe that odor footprint should
 04:08 25 change a little bit.
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04:08 1 The application site map that they
 2 showed with all of the application of those 28
 3 fields, originally, in the one presentation, it
 4 was talked about that the six by Crookston were
 04:08 5 not going to be put on there, but they were on
 6 this slide. As Tagg mentioned with the flooding,
 7 those are right north of Crookston and right
 8 north of the Minnechuduza Creek. So if we do
 9 have flooding, there's a huge potential of doing
 04:08 10 that again as well.
 11 The zoned area is agriculture, but
 12 according to the zoning regulations, this
 13 facility would be considered a commercial
 14 property.
 04:09 15 And, also, the timeline has changed.
 16 Originally, they asked for two years to build
 17 with a -- they were going to ask for up to a
 18 five-year extension, and that has been changed
 19 now. I know the gentleman said here, I believe
 04:09 20 your regulations say that it's five years, but
 21 it's not. It's two years. So they need to have
 22 things built within those two years.
 23 We love our family and think it's
 24 great. We love being out there in Cherry County.
 04:09 25 If this is approved, perhaps we can just put in a

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04:09 1 couple safeguards. Number one would be limit it
 2 to Phase 1 --
 3 MADAM CHAIRMAN: Can you wrap up here?
 4 MRS. FROM: Yep. Limit it to Phase 1
 04:09 5 of the project. See how that goes. And then
 6 approve Phase 2 at a later time. And second of
 7 all, we love Cherry County. You know, we want
 8 legal employees here. Let's make sure -- let's
 9 put that safeguard on there as well, that they're
 04:09 10 all local, you know, legal employees. Thank you.
 11 MADAM CHAIRMAN: I have one quick
 12 question for you. And I don't know -- I guess
 13 I'm just going to pose the question, and there
 14 may be something I'm missing, but I've heard the
 04:10 15 concern about the flood, you know. And certainly
 16 we did experience recently a 100-year flood in a
 17 way that none of us have probably ever
 18 experienced in the Sandhills. With that being
 19 said, do you think there's a different kind of
 04:10 20 risk with organic fertilizer versus commercial
 21 fertilizer?
 22 MRS. FROM: That's not -- I have lots
 23 of testimonies in regards to organic manure as
 24 well, and there's health risks no matter what.
 04:10 25 MADAM CHAIRMAN: I'm just curious

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04:10 1 because that farm ground's been there for some
 2 time, but I would be very interested if there's
 3 something I'm not aware of if there's a
 4 difference between organic and commercial when we
 04:10 5 start talking about leaching or potential flood
 6 exposure.
 7 MRS. FROM: Right. I'm not a
 8 professional in application.
 9 MR. WARD: You were talking about the
 04:11 10 lady that she can't get the smell out of her
 11 house?
 12 MRS. FROM: Mm-hmm.
 13 MR. WARD: What kind of facility is she
 14 next to?
 04:11 15 MRS. FROM: A hog confinement.
 16 MR. WARD: A hog confinement. And how
 17 close is she to it, and how far away is she?
 18 MRS. FROM: She's within a one-mile
 19 setback. But, again, it was just misrepresented
 04:11 20 to her. I mean, they encouraged the facility.
 21 They wanted the facility. They wanted to be able
 22 to offer that. It just -- it was misrepresented
 23 with the odor.
 24 MR. WARD: Is she moving her house way
 04:11 25 away from it now?

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04:11 1 MRS. FROM: Yes.
 2 MR. DENAEYER: Was it similar
 3 construction to this facility?
 4 MRS. FROM: Yes, it's an enclosed pit.
 04:11 5 MADAM CHAIRMAN: Thank you.
 6 MS. SHELBOURNE: I'm Marla Shelbourne.
 7 According to the data in the proposed 2020 Cherry
 8 County Proposed Comprehensive Plan, the
 9 population of Cherry County has actually remained
 04:12 10 stable or increased from 2010 to 2017.
 11 Population of all towns has increased except
 12 Nenzel, which has remained stable. And I hope
 13 you guys read the new proposed -- 2020 proposed
 14 plan. These facts were not brought forward in
 04:12 15 the CUP presentation, which makes me suspect of
 16 the other data they've presented today, because
 17 they said that they read it, and they read that
 18 also and failed to mention it.
 19 The geologic formation causes water to
 04:12 20 move laterally through the soil profile, and the
 21 water goes down. It has to go somewhere. It
 22 doesn't come back up. So it moves laterally with
 23 gravity, in this case, towards the Niobrara
 24 River.
 04:13 25 In the resolution from the planning

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1 commission, it states the zoning administrator
 2 may designate an individual to complete site
 3 inspections. I would suggest that you guys
 4 change that, if it passes, to allow the zoning
 04:13 5 board to appoint an inspector in case the zoning
 6 administration position is vacant. It would
 7 allow you to move forward.
 8 I want to thank you guys for working
 9 for the citizens of Cherry County. Hopefully you
 04:13 10 read my previous letter to the planning
 11 commission regarding my concerns with the use
 12 permit. In that letter I focus on the potential
 13 for contamination of our natural resource in
 14 Cherry County, especially our groundwater
 04:13 15 resource, other ways to best mitigate the direct
 16 effects of a huge hog confinement facility with
 17 the associated manure being applied to sandy
 18 soils with very high leaking potential.
 19 My suggestions were based on
 04:13 20 recommendations of several land grant
 21 universities that have dealt with hog manure
 22 application for decades. I was disheartened when
 23 the planning commission did not include any of my
 24 suggestions on the resolution they forwarded to
 04:14 25 you. The reason that the listed requirement

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1 options available to the commissioners on page 22
 2 of our present zoning regulations and my
 3 suggestions aligned is because these are proven
 4 methods developed over decades to protect ground
 04:14 5 and surface water.
 6 There have been comments today about
 7 the high cost of fertilizer; no reasonable
 8 landowner would over-apply nutrients.
 9 Over-application occurs when the management
 04:14 10 objective shifts from fertilizing the growing
 11 crops to getting rid of excess manure.
 12 My suggestion that a reputable
 13 third-party conduct a soil and water sampling to
 14 avoid conflict of interest with the Middle
 04:14 15 Niobrara Natural Resource District is based on
 16 the following: Leonard Danielski is the Middle
 17 Niobrara NRD director. As the director, Leonard
 18 Danielski has a responsibility to hire and remove
 19 Middle Niobrara NRD employees. Allowing this NRD
 04:14 20 to conduct the sampling would create tensions
 21 between Leonard Danielski and the NRD employees
 22 if the sampling yields undesirable test results.
 23 The fact that Mike Murphy, Middle Niobrara NRD
 24 manager, stood up and spoke in support of the
 04:15 25 confinement facility during the public comment

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1 section of the January 5, 2020, planning
 2 commission meeting is an example of why there
 3 needs to be separation between Leonard Danielski
 4 and the Middle Niobrara NRD employees.
 04:15 5 I would like the commissioners to be
 6 aware that Greg Wilke, a hog confinement owner in
 7 Brown County, is also a current Middle Niobrara
 8 NRD director.
 9 My science-based recommendations were
 04:15 10 too detailed to be included in my three minutes
 11 today. Please read my letter, and know that I'm
 12 willing to meet with you to help Cherry County if
 13 you have any questions regarding my suggestions.
 14 Thank you for your time and attention.
 04:15 15 MADAM CHAIRMAN: Thank you, Marla. Any
 16 questions for Marla?
 17 All right. Next?
 18 MR. NELSON: My name is Dave Nelson,
 19 born and raised in Cherry County, and I'm also an
 04:16 20 adjacent landowner to the proposed hog
 21 confinement facility on German Settlement Road.
 22 The property is within a half mile of the
 23 building. I would like it to be known that I
 24 have nothing personal against the Danielskis and
 04:17 25 perceive them to be good neighbors to us and to

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1 the people of the community as a whole. I know
 2 they've worked hard for their successful
 3 business. We also have worked hard for ours.
 4 Like most Cherry County residents and property
 04:17 5 owners, I'm a firm believer in property rights
 6 with the right to use and improve your property
 7 as you see fit as long as it does not affect or
 8 cause harm to neighbors, neighboring properties,
 9 the environment, standard of living, surrounding
 04:17 10 community, or the County.
 11 Many laws and regulations have been put
 12 in place to avoid one's ambitions from negatively
 13 affecting others. Anything from building
 14 structures, putting up signs, pollution and
 04:17 15 erosion, noise, straining of trees, wetlands,
 16 drilling wells, building fences, containing
 17 livestock to your own property, and the list goes
 18 on and on. All of these have regulations to keep
 19 people's transgressions from affecting others.
 04:17 20 So I ask you why the current zoning
 21 laws set a maximum capacity of 2,000 animal units
 22 for a commercial confinement facility? Why were
 23 the current zoning laws created to protect the
 24 cattle industry, landowner, recreational
 04:18 25 industry, beauty and clean living in Cherry

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1 County, and what benefit has that gained the
 2 residents of Cherry County up to this point?
 3 By making an exception to the zoning
 4 laws or allowing one large corporation to exceed
 04:18 5 them, who really benefits from it besides mass
 6 hog producers and corporate farms that build the
 7 hog units? And by allowing one and opening the
 8 door for others, does more make it merrier?
 9 In the meantime, adjacent property
 04:18 10 owners live with lower property values --
 11 potential lower property values and lower
 12 standards of living. Yes, it may create a few
 13 jobs for a few local people and may bring some
 14 families from other communities, along with
 04:18 15 several immigrant workers. Will this really
 16 enhance the local economy? If so, why are there
 17 so many counties that already have confinement
 18 barns, along with other industries that bring in
 19 outside workers, have lower housing, worse
 04:18 20 economic incomes, and lower standards of living
 21 than we already do? Why are those counties
 22 starting to zone them out and keep them from
 23 building more confinements in their county? Why
 24 are they complaining of the environmental impacts
 04:19 25 on their community? Why are the mass hog
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1 How far -- oh, go ahead.
 2 MR. WARD: I was just going to say:
 3 Where do you live exactly from the facility?
 4 MR. NELSON: East of the facility. Our
 04:20 5 house is, I think, 1.8 miles east. Our property
 6 line is a little less than half a mile.
 7 MADAM CHAIRMAN: So you would fall
 8 outside of the current setbacks? The question --
 9 MR. NELSON: The house would.
 04:20 10 MR. WARD: But your property comes over
 11 -- basically all along that?
 12 MR. NELSON: We border it. We share a
 13 fence line.
 14 MR. WARD: You share a fence line.
 04:20 15 MADAM CHAIRMAN: And just for
 16 clarification, the setbacks are specifically to
 17 schools, churches, residences -- our current
 18 setbacks. So they don't allow for a property
 19 line setback, but rather a residence.
 04:21 20 MR. NELSON: That's my understanding,
 21 yeah.
 22 MADAM CHAIRMAN: I appreciate your
 23 time. Thank you.
 24 MR. WARD: Thanks, Dave.
 04:21 25 MADAM CHAIRMAN: Anyone else?
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1 producers looking for tracts in counties like
 2 Cherry to go to? It's because they can't build
 3 where they're already at.
 4 They may have a few more jobs and
 04:19 5 people filling them, but your chances of getting
 6 in a car accident and the other driver having no
 7 insurance is also greatly increased.
 8 Neighboring Brown County has several
 9 large feedlots and three -- and two hog
 04:19 10 confinements, and yet houses sell cheaper, good
 11 jobs are fewer, and businesses are closing faster
 12 than in Cherry County.
 13 We ask that you do not approve the
 14 proposed project as it is being applied for.
 04:19 15 Either scale it down, not to exceed the 2,000
 16 animal unit that is currently regulated; wisely
 17 limit or regulate the project and establish
 18 further setbacks to adjacent property lines, not
 19 just residences, to accommodate such large
 04:20 20 corporate facilities without adversely affecting
 21 others' rights and property values; or just say
 22 no. I'm sure if the tables were turned, it would
 23 be an easy vote no.
 24 MADAM CHAIRMAN: Any questions for
 04:20 25 Mr. Nelson?
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1 MR. BOUSQUET: Good afternoon my name
 2 is Kris Bousquet. I work for the Alliance for
 3 the Future of Agriculture in Nebraska as their
 4 director of livestock development, and I also
 04:21 5 serve as the lead executive director of the
 6 Nebraska State Dairy Association, so I guess you
 7 could say I've made a career out of supporting
 8 and advocating for not only dairy farmers, but
 9 farmers in general throughout Nebraska. And I
 04:22 10 take a lot of pride in that.
 11 You know, I've been to a lot of county
 12 hearings before and listened in to similar
 13 testimony. And, typically, it comes from, you
 14 know -- the hearings that I guess that I've
 04:22 15 attended, a lot of the testimony comes from
 16 within the city limits. You know, it's usually
 17 the people that are in the city that are a little
 18 bit worried about, you know, the contaminants and
 19 what it's going to do to the quality of life.
 04:22 20 It makes me think about, you know,
 21 agriculture supports agriculture and being
 22 unified as an entity. Because where I live in
 23 Lincoln, Nebraska, it's difficult to talk to the
 24 community about the importance of agriculture to
 04:23 25 the state, to the people that live inside the
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1 cities and the urban areas.
 2 And, you know, things that we think
 3 about and what I've dealt with throughout my
 4 career as a prior dairy farmer and livestock
 04:23 5 grower, we've had nuisance or issues with manure.
 6 And I know that a lot of farmers out there -- and
 7 there could people in this room that have manure
 8 on their boots. And it's -- we're -- we should
 9 all be -- we're all familiar with organic
 04:23 10 material and manure in general. It's very much
 11 an organic nutrient that our soils can use and
 12 prosper from, our crops can grow with. And I
 13 guess, you know, the agriculture cycle is
 14 something that's beautiful. And, you know, we
 04:23 15 completely support this opportunity and support
 16 any and all agriculture across the state and
 17 especially here in Cherry County where
 18 agriculture grows. With that, I can take any
 19 questions you might have.
 04:24 20 MADAM CHAIRMAN: Just out of curiosity
 21 -- Bousquet?
 22 MR. BOUSQUET: That's correct.
 23 MADAM CHAIRMAN: Where are your
 24 facilities located here in Nebraska?
 04:24 25 MR. BOUSQUET: So my family's dairy
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1 proximity, I should say, to other crops. So
 2 that's an interesting commonality for some
 3 industries looking specifically for that
 4 isolation.
 04:25 5 MR. BOUSQUET: Yes, correct. You know,
 6 the dairy industry in particular -- we're very
 7 conscientious of biosecurity. Anybody that
 8 enters the farm has to be cleared through,
 9 typically, the office building. We all have to
 04:26 10 wear rubber boots and sometimes we have to wear
 11 coveralls. Mainly because lameness is the number
 12 one killer of dairy cows. Hairy foot warts, foot
 13 rot, even Johne's, as I'm sure people have heard
 14 those terms before. They detrimentally affect
 04:26 15 our herd's production, and basically, if a cow
 16 gets one of those things, they're down for the
 17 count. And so isolation in situations like this,
 18 controlling who comes in and who comes out are
 19 extremely important, not only to the animal
 04:26 20 health, but to the health of all the animals
 21 around the area.
 22 MADAM CHAIRMAN: Any questions?
 23 MR. DENAEYER: I've got a lot of
 24 questions for you, but it doesn't pertain to this
 04:26 25 permit.
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1 operation, they got out in November of 2019, but
 2 South Sioux City, Nebraska, is where their farm
 3 is. Majority of the dairy farms are on the
 4 eastern side of the state mainly because of
 04:24 5 proximity to market.
 6 So it's a little bit more difficult --
 7 we can control biosecurity issues and disease,
 8 where maybe the hog industry has a little bit
 9 more difficult time. I wouldn't say difficult
 04:24 10 time, but it pays better for somebody in a hog
 11 confinement to be more isolated to prevent
 12 disease issues.
 13 Eastern side of Nebraska -- I was at a
 14 brand hearing yesterday. And so on the other
 04:25 15 side of the brand line -- we have roughly 22
 16 dairies left over on this side of the brand line.
 17 So if that gives you an idea of where the dairy
 18 farms are in the state.
 19 MADAM CHAIRMAN: It's interesting that
 04:25 20 you mention biosecurity. And this is maybe
 21 irrelevant to this hearing, but a lot of people
 22 aren't aware that here in Cherry County we also
 23 have the largest potato seed stock producer in
 24 the nation, and they've chosen to locate here for
 04:25 25 disease purposes and proximity -- or lack of
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1 MR. BOUSQUET: Look me up. I can get
 2 you a card or something.
 3 MADAM CHAIRMAN: Thank you.
 4 And not sure if Gary is still in here,
 04:26 5 but I feel like that microphone is not working
 6 all of a sudden.
 7 MR. WITTE: It's kind of blinking in
 8 and out. I think that one out there jumps and
 9 then this one jumps.
 04:27 10 MADAM CHAIRMAN: Okay.
 11 MR. WITTE: My name is Gordon Witte. I
 12 live in Cherry County German Settlement. I don't
 13 really have anything to say that hasn't already
 14 been said, but the zoning -- the size of the
 04:27 15 facility is what concerns me.
 16 I mean, we raised pigs when I was
 17 young. Pigs stink. The manure smells. With
 18 this many hogs in one facility and they're
 19 storing manure for a year, there's going to be
 04:28 20 considerable smell there. The fans suck it out
 21 of the hogs, but it's still putting the smell
 22 into the atmosphere. I mean, it's got to go
 23 someplace.
 24 Our house is a mile and a half from the
 04:28 25 facility. It would be our west place -- not
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1 where we live, but we have background our calves
 2 and stuff. The line comes within an 1/8 of a
 3 mile of what they say is going to be 94-percent
 4 intolerable. Well, you can't tell me the next
 04:28 5 quarter mile is not going to smell. I mean,
 6 we're going to have to smell this most of the
 7 time over there. And that's where we work and
 8 shop.
 9 We have two pivots just to the south of
 04:28 10 it. We spend a lot of time there putting up hay,
 11 so we're going to be in the odor quite a bit.
 12 The water contamination -- I know
 13 that's a low chance, but it's still a chance.
 14 The people of Cherry County -- that's why we live
 04:29 15 here. Clean water, clean air. This could
 16 compromise both of those.
 17 Our schools. That's been brought up.
 18 This many foreign students coming into our
 19 schools, it's going to cause problems. How much?
 04:29 20 Who knows. There's just so much unknown we don't
 21 know until we get into it.
 22 If it was a smaller portion, like the
 23 2,000 head, so we could see how it's going to
 24 affect the schools, the water, and then maybe
 04:29 25 move on, I would be more comfortable with it.

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1 for me.
 2 MR. WITTE: Inside of that circle
 3 there's 94 percent no odor?
 4 MADAM CHAIRMAN: Correct. So, I
 5 mean --
 6 MR. WITTE: Or is that outside of that
 7 circle?
 8 MR. SETTJE: There would be odor
 9 present 6 percent of the time.
 04:31 10 MR. WITTE: So you're saying from this
 11 line this way, it's 94 percent of the time, and
 12 from the line that way it's 6 percent?
 13 MR. SETTJE: No. The only thing it
 14 says is that outside of that is 6 percent of the
 04:31 15 time you have a chance for odor. Inside is
 16 irrelevant to that discussion.
 17 MR. WITTE: So inside, it's going to
 18 smell.
 19 MR. SETTJE: Well, it depends on where
 04:31 20 you're at. There's a different percentage every
 21 time you move that in.
 22 MADAM CHAIRMAN: So I want to make sure
 23 I understand that correctly and you did as well.
 24 MR. WITTE: Yeah.
 04:31 25 MADAM CHAIRMAN: Take the flip of that.

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1 But it's such a large scale right off the bat.
 2 If it does get built and the odor is worse than
 3 they say, what is going -- I mean, just, Oh,
 4 sorry. I guess, that's just the way it's got to
 04:29 5 be. We can't do nothing now. We've already got
 6 it built.
 7 Those are the things that concern me.
 8 It's not what's going to happen for sure. It's
 9 what -- how is it going to happen? We don't
 04:30 10 know. I mean, they can say the smell is only
 11 going to go a mile, but if it goes two miles,
 12 what are they going to do about it? I mean, we
 13 need something to protect us from if what they're
 14 saying don't pan out like they say.
 04:30 15 And the schools, the same way. There's
 16 a lot of problems in the schools right now with
 17 Covid and everything going on. We don't need
 18 another log thrown on the fire. I mean, the kids
 19 already have enough issues. They don't need
 04:30 20 more.
 21 MADAM CHAIRMAN: I have a couple, I
 22 guess, questions. Now, as I understand the Odor
 23 Footprint Tool, the 94 percent means 94 percent
 24 of the time there will be no odor but -- and I
 04:30 25 don't know if anybody can confirm or deny that

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1 So 6 percent of the time there's a possibility
 2 for odor in the circle.
 3 MR. WITTE: Yeah. That's what they're
 4 saying.
 04:31 5 MR. SETTJE: Outside of the circle.
 6 MR. WITTE: My question is: What if
 7 it's higher than that, what are they going to do
 8 about it?
 9 MADAM CHAIRMAN: So if I'm hearing you
 04:31 10 correctly, really, your may concern is what are
 11 the ramifications or how do we monitor or --
 12 MR. WITTE: Right. How do we make sure
 13 what they're stating and what's in the proposal
 14 -- if it doesn't work out that way, what are we
 04:32 15 going to do about it? You know, I mean, they can
 16 say there's not going to be water contaminants
 17 because of the well testing. Well, by the time
 18 the nitrates get to the water, it's a little too
 19 late. I mean, if it's all on its way down there,
 04:32 20 it's going to be hard to stop it once it gets to
 21 our groundwater. Because, I mean, it's going to
 22 take a while to leach down that far, but in the
 23 sand, it leaches pretty fast. And once you start
 24 detecting it in the water test, then it's going
 04:32 25 to take a long time to clean all that up.

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1 MADAM CHAIRMAN: Is your concern more
 2 with the pit -- leach from the pit or leach from
 3 the application on the --
 4 MR. WITTE: I would say leach from the
 04:32 5 pit would be my biggest concern. I think they're
 6 going to spread it on the fields enough to where
 7 it should be fine, but the leach from the pit --
 8 if you've got a year supply in that -- and
 9 everybody says in concrete: It's not if it's
 04:32 10 going to crack; it's when it's going to crack.
 11 So, I mean, it's going to crack, and they've got
 12 to monitor the leach that's coming out of that
 13 pit, so it's not going directly to the water.
 14 And I've also heard, when they're
 04:33 15 pumping it on, the hoses -- there's a lot of
 16 cases of blowouts with huge amounts of manure
 17 because there's nobody sitting right there at the
 18 pump. And when they have blowouts, it's a huge
 19 mess of manure pumped out before they can get it
 04:33 20 shut off. That can be a problem.
 21 So the odor is -- and if they have it
 22 in piles, that could be a contamination area,
 23 too, because it's going to leach in a huge
 24 amount.
 04:33 25 MADAM CHAIRMAN: Which piles?
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1 MR. WITTE: If they have a blowout and
 2 it -- if they're pumping that and it just starts
 3 pumping -- you know, blow a hose. I mean, that
 4 happens.
 04:33 5 MADAM CHAIRMAN: That's a question that
 6 maybe they'll be able to answer here at the end.
 7 MR. WITTE: Okay. All right.
 8 MADAM CHAIRMAN: Thank you.
 9 MR. WARD: You brought up about what
 04:34 10 happens if they violate or go beyond --
 11 MR. WITTE: Uh-huh.
 12 MR. WARD: I would encourage you to
 13 read the zoning regulations. In zoning
 14 regulation -- it's 501.05 Conditional Uses,
 04:34 15 number 15, and then subparagraph i; it says,
 16 "Each confined animal feeding use authorized by
 17 the county board of commissioners shall agree to
 18 unannounced access to the waste handling
 19 facilities of the use to allow inspection of the
 04:34 20 premises by a person designated by the county
 21 board of commissioners to assure compliance with
 22 all conditions established by the county board of
 23 commissioners in authorizing such use."
 24 And if you go on through it, there are
 04:34 25 penalties up to including removal of all animal
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1 units until they're in compliance.
 2 MR. WITTE: Who will police it? I
 3 mean, who will go out and check on it?
 4 MR. WARD: Well, it would be a case
 04:34 5 where -- if they're not in compliance and there's
 6 complaints that they're not in compliance, then
 7 that would activate that. I'm not going to say
 8 we're going to have a sheriff's deputy go drive
 9 by every day and --
 04:35 10 MR. WITTE: Well, I've heard policing
 11 of it is the sheriff's job. So if we think
 12 there's too many pigs, we can call the sheriff to
 13 go out and count pigs?
 14 MR. WARD: You talk to Rusty about
 04:35 15 that.
 16 MR. WITTE: I already did. He said he
 17 wasn't doing it. Lopez was going to have to do
 18 it.
 19 MADAM CHAIRMAN: That's a fair
 04:35 20 question.
 21 MR. WITTE: Thank you.
 22 MR. WARD: Thanks, Gordon.
 23 MADAM CHAIRMAN: Your name for me first
 24 there.
 04:36 25 MR. SINKLER: Okay. I'm not a public
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1 speaker so bear with me. Well, I'll just say
 2 that --
 3 MADAM CHAIRMAN: Just real quick, state
 4 your name for us as well.
 04:36 5 MR. SINKLER: My name is Darrel
 6 Sinkler.
 7 MADAM CHAIRMAN: Thank you.
 8 MR. SINKLER: And I'm one of the ones
 9 that's right in that area, and I signed off to
 04:36 10 have stuff put on my place. I have two center
 11 pivots that are what I call glorified blowouts.
 12 This organic fertilizer would greatly improve
 13 those two quarters. And to let you know how
 14 worried I am about it, my house sits right on the
 04:36 15 southeast side of the northwest pivot, and that's
 16 how worried I am about it. A lot of the smell
 17 stuff comes from --
 18 I just want to say that I came to
 19 Cherry County 25 years ago. And prior to that --
 04:37 20 I'm from Holt County. And a lot of people heard
 21 the stories about the stretch between Atkinson
 22 and O'Neill where, if you drove down the road,
 23 you needed a gas mask. And that's for real. I
 24 can tell you, because I lived down there.
 04:37 25 But what they did back then is they
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1 pumped this stuff into the center pivot. And all
 2 these pivots went around spraying this out in the
 3 pivot, and naturally that made a horrible smell.
 4 And it took a lot of court cases and stuff. And
 04:37 5 then they learned that, if you knifed it into the
 6 ground, you didn't have that.
 7 And now surely you people have been
 8 around places where they really grow corn like
 9 Illinois and Iowa and stuff. And they knife in
 04:38 10 anhydrous. And I want to tell you, anhydrous
 11 ammonia is much worse than anything you're going
 12 to smell out of a hog confinement. But you don't
 13 smell it do you? Because they knife it into the
 14 ground.
 04:38 15 And I've long been an advocate of
 16 organic fertilizer and feed and everything else.
 17 And I really believe that this -- I mean, I've
 18 always had concerns about the chemical stuff that
 19 we put on. And I'm a lot more in favor of
 04:38 20 putting organic fertilizer on my place than I am
 21 putting the chemicals on.
 22 And I guess if anybody has anything you
 23 would like to ask --
 24 I actually had a farrow-finish unit
 04:39 25 when I lived in Holt County prior to when we

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1 So your background is farming as well
 2 as cow-calf?
 3 MR. SINKLER: I go back so far I can
 4 remember pitching manure spreader with a team of
 04:40 5 horses. My two brothers and my grandpa and I.
 6 MADAM CHAIRMAN: Believe it or not, I
 7 actually used to pull the hay off with a curved
 8 pitchfork before hydraulic pulls.
 9 MR. SINKLER: You know, the old Farmall
 04:40 10 and you flip over and locked the steering wheel
 11 and crawled up on the stack, I still have that.
 12 MADAM CHAIRMAN: My question, I guess,
 13 in relevance to that -- because I don't have a
 14 farm background -- what is the benefit or the --
 04:41 15 what is the pros and cons of organic versus
 16 synthetic or commercial fertilizer in terms of --
 17 MR. SINKLER: I think nitrogen leaches
 18 and -- especially in the Sandhills, it leaches
 19 down. And they do it better now because --
 04:41 20 MADAM CHAIRMAN: One versus the other
 21 or --
 22 (Simultaneous speaking.)
 23 MR. SINKLER: -- pivot, and then you
 24 only put -- you know, like I do it for
 04:41 25 Danielskis --

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1 moved up here. It was small. It was just 30
 2 sows. And because of the number of cows we had,
 3 we only farrowed twice a year rather than three
 4 times. We farrowed in the spring and the fall,
 04:39 5 so I know a little bit about this stuff.
 6 I'm not very concerned, trust me. I
 7 wouldn't let Danielskis put that on my place with
 8 my house setting right on the corner if I was
 9 very worried about it. Because I've seen the
 04:39 10 difference between --
 11 They have one great big gun that shot
 12 it out there about 150 yards. And it was called
 13 a pooper shooter. And they injected the manure
 14 right into it and put it out as they were
 04:39 15 watering. And, like I said, you couldn't drive
 16 down the road without a gas mask on.
 17 But, you know, think about what we have
 18 for telephones 25 years ago and what we have now.
 19 And agriculture is a lot of the same. It keeps
 04:40 20 changing, evolving, and we learn more and we do
 21 things better. And they do it a lot better now
 22 than they did when I was over there 25 years ago.
 23 MADAM CHAIRMAN: I hate to cut you off.
 24 I think your time is up. But certainly if
 04:40 25 there's any questions from the board members...

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1 MADAM CHAIRMAN: I might ask you to
 2 come back to the microphone so others can hear
 3 you. I'm sorry.
 4 MR. SINKLER: I do it myself for them,
 04:41 5 and I think it's better than it used to be
 6 because they inject it into the pivot, and it
 7 goes around. And they only put about what the
 8 plants can absorb in 10 days. And then you
 9 have --
 04:41 10 MADAM CHAIRMAN: So are you talking
 11 commercial fertilizer or organic?
 12 MR. SINKLER: The liquid nitrogen. It
 13 has some other stuff in it, too. That way the
 14 root system picks it up before it has a chance to
 04:42 15 leach in. It used to be they put it all on at
 16 once, and then it would leach into the ground.
 17 And, you know, I think that's what increased
 18 nitrate in water.
 19 But, you know, like I said, the
 04:42 20 difference between phones that we had 25 years
 21 ago and now -- you can send a picture to
 22 Australia in a matter of minutes. And
 23 agriculture has changed, too. They learn more
 24 about it.
 04:42 25 You know, they come to my place -- the

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1 people from Marlin, they come there twice a year
 2 -- every spring. And they measure the water
 3 levels to see if the groundwater is going down.
 4 And they test for nitrates, too. And I have one
 04:42 5 well that shows it's a little high, but it's down
 6 in a corral where there's manure from cattle and
 7 stuff. And they think that's a point source. It
 8 isn't in any of the other ones. And they check
 9 about six of them, and they measure them to
 04:43 10 determine whether the water --
 11 And amazingly when they shut them off
 12 in the fall, the water level is higher than it is
 13 in the spring when they measure it, after it's
 14 been pumping. I have a theory to that. I think
 04:43 15 it's because the water's rushing to that well and
 16 then you just suddenly shut it off, I think it
 17 makes it go up. I don't know if there's any
 18 truth to that. That's my theory.
 19 MADAM CHAIRMAN: All right. Thank you
 04:43 20 very much. I feel like we could visit all
 21 afternoon here. Any other questions?
 22 MR. WARD: Thank you.
 23 MADAM CHAIRMAN: Others?
 24 I hope that wasn't due to ice.
 04:43 25 MRS. NELSON: Um, yes.
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1 My name is Nina Nelson. And we're
 2 adjacent landowners to the east of this proposed
 3 facility, within a two-mile radius. We have a
 4 couple of sections bordering that facility. Our
 04:45 5 house may sit at 1.7, but we're ranchers. We're
 6 not going to be in our house. We're out and
 7 about. We fall on the ice. We do things. We
 8 ride our horses. We brand the cows. We feed the
 9 cattle, and we're going to be right next to that
 04:45 10 facility, doing all of that.
 11 But my talk that I prepared for you, I
 12 would like to ask the question: Do you know the
 13 beautiful neighborhood of the German Settlement?
 14 Well, I do. It's a neighborhood that's been
 04:45 15 established for lots of generations. Lots of
 16 generations of ranchers, people who love the land
 17 and their animals. Also, there's a lot of
 18 beautiful wildlife where we live. We get hunters
 19 from all over the nation in the German Settlement
 04:45 20 each hunting season because of it.
 21 We have submitted extensive research,
 22 several documentations that can show how that is
 23 the very one-sided opinion of the research. They
 24 have shown, for example, Brown County reports on
 04:46 25 the water, but like Marla mentioned, there were
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1 several things that weren't brought up that
 2 actually are, but I don't have 45 minutes. I
 3 have 3. So I hope you read it. That's all I'm
 4 asking.
 04:46 5 Anyways, we have brought petitions. I
 6 mean, over one hundred people. Lots of people in
 7 the county who strongly oppose this. I wish you
 8 guys would have been there to talk to them guys.
 9 They really don't want it. Not just the
 04:46 10 neighbors. There's so many people that are
 11 opposed to this. I wish you guys could hear what
 12 they had to say.
 13 We're not just concerned about our
 14 health, our livestock, the environment, the
 04:46 15 wildlife, our property values -- which also is
 16 something, again, I point you to the research --
 17 the property values will suffer. We're right
 18 next to them. We've made a big investment, my
 19 husband and I, in a cattle operation. And we
 04:46 20 don't -- we can't afford losing value in that.
 21 We've only owned it for a few years, and it's
 22 just not fair to be subjected to that.
 23 I'll move on. Why is Cherry County so
 24 special? Why is it set apart from other counties
 04:47 25 in Nebraska? Because of the people, because of
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1 the sandhills, because of the ranching, because
 2 of the quality of life, because of the nature,
 3 because of the rivers, because of the treasure
 4 that so many towns wish they had.
 04:47 5 Some of the outfitters this year in the
 6 region have had one of the best years -- 2020,
 7 the year of corona. The crazy year. The year
 8 where people didn't know what to do next. What
 9 caused this record year of tourists? People were
 04:47 10 trying to get away from their over-commercialized
 11 counties, so they came to God's own cow country.
 12 Rivers and parks saw lots of new people move into
 13 the area exactly for the same reason. Clean
 14 living and high quality of life.
 04:47 15 Sometimes progress means to protect the
 16 treasure that's already right in front of you.
 17 So I hope you'll listen to all of the people, to
 18 the petition, to the testimonies, and to the
 19 pleads not to prosecute this county to this.
 04:48 20 Last but not least, I'd like to remind
 21 you there is one rule that governs over all of
 22 mankind that stands above all county law and
 23 above any state law, which is the command to love
 24 your neighbor as yourself. If this command would
 04:48 25 have been followed in the first place, we would
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04:48 1 not be in this controversy today, because no one
2 who cares for their neighbor would subject them
3 to live within a two-mile radius of an
4 18,000-animal facility for the same reasons that
5 were named to you today.

6 One more thing. There was a 3 to 5
7 vote that night at the zoning board. And one of
8 the guys came up to me afterwards, and his
9 statement to me personally really hit me hard.

04:48 10 His words were, "I'm very sorry. I apologize to
11 you. We have failed you tonight. Nobody should
12 ever have to live by a facility of that size in
13 that proximity." So three people voted against
14 it that night. I sure hope that three people are

04:49 15 voting against it here because the only reason
16 you wouldn't would be the false dollar signs.
17 Like you're already heard, there's going to be a
18 lot of other hidden costs here.

19 MADAM CHAIRMAN: Your time is up. I
04:49 20 don't want to cut you unduly short.

21 MRS. NELSON: Okay. Just my last
22 statement is God calls us to be good stewards of
23 his lands, not to endanger it, so please consider
24 that.

04:49 25 MADAM CHAIRMAN: Thank you very much,
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1 operation as a commercial use. Therefore, it
2 would not be allowed in an agricultural district.

3 However, your regulations also allow
4 for a conditional use permit. And I know at the

04:51 5 planning commission -- in the minutes, it said
6 that the requested use is allowed as a

7 conditional use, and I know you've heard about
8 that today, but that is incorrect. This is in

9 your purview. It's in your regulations. A
04:51 10 conditional use is only to be allowed if it would

11 promote the public health, safety, convenience,
12 and general welfare. This is a direct quote from

13 your regulations. It is referenced nowhere in
14 the findings of fact by the planning commission.

04:51 15 So those are just some questions that
16 come up. Because what you have to do today when

17 you're making this decision is how can you tell
18 your fellow citizens that allowing this facility

19 is promoting safety? How is almost 19,000 swine
04:52 20 housed above a pit of excrement promoting health?

21 How is the additional traffic that you've heard
22 about showing convenience? How is the public

23 welfare of Cherry County being promoted despite
24 the fact that I know you've been handed a

04:52 25 petition of over 150 signatures opposed to it?
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1 Nina.

2 Any questions for Nina?

3 MS. PISKORSKI: Okay. Can you hear me?

4 My name is Jessica Piskorski, and I'm here on
04:50 5 behalf of Dave and Nina Nelson, who you heard
6 speak briefly. I'm an attorney from Ord,
7 Nebraska.

8 And I have reviewed your comprehensive
9 plan and your zoning regulations, and what I can

04:50 10 see based on findings the planning commission
11 recommended to you is that it feels like we

12 zoomed in on the conditions and we zoomed in on a
13 few things. So I'm just here to remind you and

14 recommend that you zoom out, because zooming in
04:50 15 is the wrong approach. Zooming out, reviewing

16 your regulations in light of the current
17 comprehensive plan, saying yes to the application

18 is a problem.
19 Number one, under your current

04:51 20 comprehensive plan in your zoning regulations,
21 this is agricultural district. It's intended to

22 preserve and protect ranch and farm operations
23 from conflict with non-ag uses. I know it's been

24 said today that ag is ag, but really your zoning
04:51 25 regulations define a confined animal feeding

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1 Mr. Palmer discussed it; also, Mr.

2 White discussed it earlier that there may be some
3 additional tax dollars, that the extra money may

4 be spent on costs for more patrols, increased
04:52 5 crime, additional needs of schools, extra work

6 due to the increase of truck weight, and
7 maintenance of county roads.

8 I'm aware that our Brown County
9 neighbors did not see some of these consequences

04:52 10 when they were sitting in your shoes. So these
11 are just some things that -- for your

12 consideration that you can consider.
13 Okay. I'm going to move on. I only

14 have thirty seconds left. One thing I also want
04:52 15 to remind you of in your zoning regulations:

16 Even if every single part of the conditional use
17 provisions are met -- which they aren't here --

18 you may permit this. That is permissive. It is
19 not something you have to do. You can say no.

04:53 20 And, technically, you should, unless your
21 findings are going to state how the use promotes

22 the health, the safety, the convenience, and the
23 general welfare of the entire Cherry County.

24 Unless you add a lot of conditions about making
04:53 25 sure all the workers will be legal, etc.

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1 My last point -- and it's in there, but
 2 I will just say it: By allowing this conditional
 3 use, you are creating a piecemeal district,
 4 deciding which parts of this ag district get to
 04:53 5 be ag and which parts of this ag district get to
 6 be commercial, because the confined animal
 7 feeding operation is commercial. And so you're
 8 setting yourself up for creating issues of
 9 whether you're applying these exceptions to your
 04:53 10 zoning regulations in arbitrary and unreasonable
 11 manner, which is not allowed under our state law
 12 or county law or your zoning regulations.
 13 MADAM CHAIRMAN: And your time is up.
 14 MS. PISKORSKI: Yes, and that's it.
 04:53 15 MADAM CHAIRMAN: Any questions?
 16 One -- you had made a -- and I realize
 17 we're talking fast trying to fit --
 18 MS. PISKORSKI: Yeah.
 19 MADAM CHAIRMAN: But a comment about
 04:54 20 safety based on people being illegal. Can you
 21 repeat --
 22 MS. PISKORSKI: Yeah, I smushed all
 23 that together. No my comment was that the
 24 conditional use permit in your regulations, by
 04:54 25 definition of the conditional use permit, you
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1 missed somewhere that they have said that they
 2 will be employing someone of a specific culture?
 3 MS. PISKORSKI: No. Two things. I do
 4 think it's within your purview under the
 04:55 5 conditional use permit definition, and I cited it
 6 in the testimony I gave you. So I do think it's
 7 in your purview. But, no, I'm basing that off of
 8 information of what's happened in other counties
 9 where they've allowed hog confinement facilities.
 04:55 10 MADAM CHAIRMAN: So that's presumptive;
 11 nothing that's been presented --
 12 MS. PISKORSKI: Something for you to
 13 consider. If I were you, I would consider it if
 14 I was making this decision for benefit of --
 04:55 15 MADAM CHAIRMAN: So am I understanding
 16 that you believe that if we presume -- which is
 17 really a rumor, or it's not a fact --
 18 MS. PISKORSKI: Yes, it's a
 19 presumption.
 04:56 20 MADAM CHAIRMAN: That this operation
 21 would bring people who are not a legal citizen,
 22 and the next presumption would be that there
 23 would be a direct result of increased crime.
 24 MS. PISKORSKI: I don't know. I don't
 04:56 25 think I can say that. I'm saying that --
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1 have to find before you can allow it that it
 2 promotes the safety, convenience, health, and
 3 general welfare. So, in my mind, sitting in your
 4 shoes, I'm thinking how is a confined animal
 04:54 5 feeding operation with 19,000 swine promoting
 6 those things?
 7 MADAM CHAIRMAN: But you said something
 8 specific about illegal.
 9 MS. PISKORSKI: Oh, and then I later
 04:54 10 said unless you're going to make some specific
 11 finding if you grant it that maybe all the
 12 workers will be legal -- I know someone else had
 13 mentioned that, too -- or that all the wells
 14 tested will fall within a certain amount, that
 04:54 15 maybe you could find that. That's a question
 16 that I had.
 17 MADAM CHAIRMAN: So is there -- and I'm
 18 just asking this question because nowhere in this
 19 permit -- in our zoning regulations, we make no
 04:55 20 reference or segmentation to where one originates
 21 from.
 22 MS. PISKORSKI: Yeah.
 23 MADAM CHAIRMAN: And in this permit I
 24 have not seen, nor do I think it's within our
 04:55 25 purview of the zoning regulations, but have I
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1 MADAM CHAIRMAN: I know you were
 2 talking really fast.
 3 MS. PISKORSKI: Yes.
 4 MADAM CHAIRMAN: Thank you. Anyone
 04:56 5 else? Do we have people being bashful or -- we
 6 have all kinds of questions for you.
 7 MR. KIME: My name is Duane Kime. I'm
 8 on the zoning board. I think you had some
 9 questions for me.
 04:57 10 First, I would like to say that someone
 11 said that the zoning board didn't do their job.
 12 We had a hearing like we were supposed to. The
 13 hearing was closed. We had evidence and stuff
 14 presented to us after that, but we did take that
 04:57 15 into consideration. With that, when we --
 16 We had some conditions that we would
 17 like to see you folks put in. Some of them maybe
 18 have been -- might get thrown out. That's fine.
 19 But one thing we asked Jessica Coyle,
 04:57 20 the zoning administrator, if everything met -- if
 21 the CUP met all the requirements, and she said
 22 yes except for the number of animal units. And
 23 that's up to you guys to decide, from my
 24 understanding, if that's permissible.
 04:58 25 MADAM CHAIRMAN: And so I've read over
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1 that myself several times. And my understanding
 2 is, again, that's 2,000 animal units per section
 3 of land unless the applicant can demonstrate that
 4 there's no nuisance -- odor nuisance,
 04:58 5 specifically -- beyond that setback.
 6 MR. KIME: That's the way I understand
 7 it, yes.
 8 MADAM CHAIRMAN: I'll start our
 9 conversation with a couple of questions based on
 04:58 10 the conditions that you forwarded, and just sort
 11 of to help me understand why or -- you know,
 12 sometimes we just get the final product and don't
 13 understand the conversation that led up to that.
 14 So the one regarding decommissioning of
 04:58 15 the pit. If I am reading that correctly, it is I
 16 think maybe -- it says, "Facility's proposed deep
 17 pit capacity of 365 days of waste shall remain at
 18 this capacity and shall not be reduced" -- wait.
 19 Not the right one.
 04:59 20 Where you're asking for decommissioning
 21 of the actual pit. 13, I guess, yeah.
 22 "Decommissioning plan of the deep pit.
 23 Applicant, prior to construction, shall provide
 24 the County with decommissioning plan, including
 04:59 25 disposal of remaining waste, elimination of said
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1 private ground.
 2 MADAM CHAIRMAN: So under what
 3 circumstances would you see county taxpayers'
 4 dollars being used to remove a pit on private
 05:01 5 ground? I mean, I'm not being critical. I'm
 6 just trying to get in the minds of maybe why, the
 7 thinking behind that.
 8 MR. KIME: I'm not sure.
 9 MR. WARD: That was my main question,
 05:01 10 actually.
 11 MR. DENAEYER: That was what stuck out
 12 to me.
 13 MADAM CHAIRMAN: I guess, my other
 14 question is on, you know, the proposal that
 05:01 15 Phase 2 would require a second CUP. I've heard
 16 some testimony today that, you know, they felt
 17 like Phase 1 would give the opportunity to make
 18 sure everything worked appropriately. We have
 19 been presented with all of the numbers. NDEE has
 05:01 20 approved the project based on those numbers for
 21 the entire project, so what benefit does your
 22 board have in recommending to us to make it a
 23 second CUP process?
 24 MR. KIME: If I remember right, that
 05:02 25 was a recommendation of Keith Marvin, our
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1 deep pit structure, and funding mechanism
 2 produced to ensure the cost will not be borne by
 3 the taxpayers of Cherry County."
 4 Can you help me understand, I guess --
 04:59 5 in the plan, the applicant has presented an
 6 abandonment plan to get rid of the manure to
 7 ensure that that pit is emptied out to prevent
 8 any leaching in the future, you know, if there's
 9 manure left in there.
 05:00 10 So the part that does -- I have
 11 questions specifically is the elimination of the
 12 pit itself. How would that pit on private ground
 13 prevent a health or safety issue to people of
 14 Cherry County, or was that part of the reasoning?
 05:00 15 MR. KIME: No. I don't know. We were
 16 undecided on that. I think there was a question
 17 mark beside that one, wasn't there?
 18 MADAM CHAIRMAN: There is.
 19 MR. KIME: Our main concern that we had
 05:00 20 was getting rid of the manure, and that doesn't
 21 seem to be a problem. The other one was -- on
 22 that -- whether -- we didn't want any taxpayer
 23 dollars to go into it if it is decommissioned, is
 24 the main thing. I don't know whether you can
 05:00 25 require it. We debated that, where it's on
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1 consultant, on that, that he would recommend
 2 that, that that's something for you guys to
 3 consider.
 4 MADAM CHAIRMAN: So if we reached out
 05:02 5 to him he --
 6 MR. KIME: Yeah.
 7 MR. DENAEYER: It could be handled with
 8 an extension as long as it's within the time
 9 frame?
 05:02 10 MR. KIME: Yeah.
 11 MADAM CHAIRMAN: You had mentioned that
 12 there was some information that came to the
 13 planning and zoning board after you voted. Was
 14 there anything specific that we should be aware
 05:02 15 of that --
 16 MR. KIME: I think it's probably all
 17 been given to you guys at this time, as far as I
 18 know. But Keith Marvin said once we close the
 19 hearing we cannot take any -- into consideration
 05:03 20 anything that was given to us after that.
 21 MADAM CHAIRMAN: So is there any
 22 particular thing you would bring our attention to
 23 that maybe we haven't --
 24 MR. KIME: Nothing that I can think of
 05:03 25 that we didn't put in the conditions -- the
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1 conditions that we passed on.
 2 I will say that I did go to facilities
 3 like this in Iowa, only it was a smaller one.
 4 And it was a deep pit. I talked to neighbors
 05:03 5 around there. Any of them that I talked to said
 6 that up to a mile you might be able to smell
 7 some, but after that, they said there wouldn't
 8 be. When we was there, there was a strong north
 9 wind, and there was -- I would say about 200
 05:03 10 yards south was a road, and we drove down that
 11 road. And I would say you might be able to smell
 12 it some. And a neighbor there was injecting
 13 manure into a field. It was dark that night, and
 14 I couldn't tell whether it was injecting or
 05:04 15 whether he was broadcasting, but you could smell
 16 that when they was doing that.
 17 MADAM CHAIRMAN: Full disclosure: I
 18 was able to go look at the same facility. So I
 19 don't know if we visited with the same neighbors
 05:04 20 or not, but it's a very similar experience. I
 21 think one of the neighbors was about two miles
 22 southeast maybe of that barn.
 23 MR. KIME: The ones I talked to was a
 24 mile. Two of them was a mile north maybe and one
 05:04 25 was a mile and a quarter and the other one was
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1 I do not want your job. You are on the brink of
 2 opening Pandora's chest. How many of these
 3 operations -- are you going to put any limit on
 4 it? Anybody, anywhere? Once you get it started,
 05:07 5 it's really hard to stop.
 6 My personal situation -- I just moved
 7 here from Iowa, and I moved because a hog
 8 confinement destroyed my farm. I invested
 9 heavily and built 10 beautiful barns. I lived
 05:08 10 off grid solar, built my own house, minded my own
 11 business. And I owned all the land to control
 12 the runoff water from all directions except from
 13 the north, and that was in CRP. So I thought my
 14 watershed was safe. That sold and now they're
 05:08 15 putting hog manure on it.
 16 In one day in one application of
 17 supposedly knifed-in hog manure, we got a
 18 four-inch rain two days after they applied it.
 19 It came into my ponds, put a two-inch sludge on
 05:09 20 top of it, killed all my fish, killed the frogs.
 21 My dock, right out in front of my house --
 22 I used to spend a lot of the day in my
 23 beautiful ponds. I had egrets. I had herons.
 24 It was a paradise for me, and you couldn't even
 05:09 25 swim in it. It turned to blue-green algae. I
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1 south. The main wind is out of the south, so
 2 they suggested that I talk to anybody north. And
 3 it was all -- they had no problem with it, the
 4 ones I talked to about it.
 05:05 5 MADAM CHAIRMAN: Anything else you
 6 would like us to know on behalf of planning and
 7 zoning?
 8 MR. KIME: No. Hopefully, we did our
 9 job. We spent five meetings total discussing it
 05:05 10 and going over it. One thing -- I know there's
 11 been some comment about the road. Kent Lopez is,
 12 I guess, the road coordinator or whatever you
 13 call it. He was at our meeting, and he said that
 14 the road should hold up. Normal maintenance,
 05:05 15 maybe some shoulder work on it, but that was --
 16 it was his feeling at the time.
 17 MR. DENAEYER: I would like to thank
 18 you for all your time. I know you donated your
 19 time traveling to Iowa, out of your own pocket
 05:05 20 and nobody paid for that.
 21 MR. KIME: Yep, got my wife to drive me
 22 back.
 23 MADAM CHAIRMAN: Thank you.
 24 MR. WARD: Thanks, Duane.
 05:06 25 MR. SCHMIDT: My name is Rod Schmidt.
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1 moved. I thought I had it so isolated that what
 2 my neighbors did would not affect me, but then
 3 they took it out of CRP and put the manure on
 4 there. You need to keep your operation --
 05:10 5 I welcome somebody to make a living off
 6 of their own land as long as they can keep it on
 7 their own land. You think odor is the problem.
 8 It's the concentration.
 9 My sister-in-law lives three miles from
 05:10 10 a hog confinement place. And when she hangs
 11 laundry, she's got to check the wind direction.
 12 Because if it's the wrong way from a confinement
 13 three miles away, she will have to rewash the
 14 laundry because it will stink so bad. You
 05:10 15 shouldn't inflict that on your neighbor. So I'm
 16 sorry -- my time is up. Thanks.
 17 MR. WARD: Sir, where do you live? Are
 18 you living out in that German Settlement area
 19 now?
 05:11 20 MR. SCHMIDT: No. I lived in southern
 21 Iowa. And first, there was one hog confinement,
 22 and then there was two, and then there was 30.
 23 And now there's a hog confinement almost -- you
 24 connect the dots within three miles of each
 05:11 25 other. They're all over the place.
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1 Now I'm -- you know, I'm an old man. I
 2 can't start over again. I raised buffalo and elk
 3 and minded my own business, made half a million
 4 dollars a year in my industry. How are you going
 05:11 5 to bring guests in when they can't swim and catch
 6 fish in your own pond? There was no recourse for
 7 me to get my business back.
 8 But, fortunately, I moved to Valentine
 9 for my last years because there's a wilderness 10
 05:12 10 minutes drive for me to go live my life.
 11 MADAM CHAIRMAN: Thank you, Mr.
 12 Schmidt. Any other questions?
 13 MR. WARD: Thank you, sir.
 14 MADAM CHAIRMAN: Anyone else? Just a
 05:12 15 show of hands so we have some idea how many
 16 others wish to speak. No one. Okay.
 17 I would like to ask our NRD manager to
 18 come up if there is no one else. I think we have
 19 a few questions for you as well, Mr. Murphy.
 05:13 20 MR. MURPHY: Mike Murphy for the Middle
 21 Niobrara Natural Resource District.
 22 MADAM CHAIRMAN: I guess before we ask
 23 any questions, anything generally that you would
 24 have for us?
 05:13 25 MR. MURPHY: Well, yeah, I can talk on
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1 and layers, it provides some drastic challenges.
 2 When you get into that additional
 3 monitoring stuff, you know, a regular well is set
 4 up completely different than what a monitoring
 05:15 5 well is. It's different type of, you know,
 6 fittings or joints. You know, most pipes are
 7 glued together so you can avoid contamination and
 8 stuff like that. Monitoring wells get into
 9 threaded pipe and different pipe diameters and
 05:15 10 how you sample.
 11 And I think that's one of the key
 12 things when you get into the sampling aspects, in
 13 order to break a seal, that's very clear by State
 14 law you either have to be a landowner that can
 05:15 15 break a seal on your own property or a licensed
 16 contractor or individual that falls under that or
 17 an NRD licensed technician.
 18 MADAM CHAIRMAN: And what do you mean
 19 by "break a seal," just so we all know?
 05:15 20 MR. MURPHY: On a well, when you open
 21 the cap and break that seal, that's considered
 22 opening -- you're intruding into that deal, and
 23 that's to avoid contamination or anything else.
 24 And that's why that law is in place. Licensed
 05:16 25 contractors, us as the NRD staff technicians have
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1 a few different things. I think one of the key
 2 things here is that there is a process that has
 3 to be followed with this type of facility, any
 4 type of facility in the state of Nebraska.
 05:13 5 Number one, was their application to
 6 the State Department of Environment and Energy,
 7 the Title 130 Livestock Waste application, and
 8 follow that application to a T. Throughout that
 9 process, the State has individuals that look at
 05:13 10 the agronomic factors, the water quality factors,
 11 the geology factors, and the engineering factors.
 12 And they all had to be met before that
 13 application could be pursued and approved.
 14 I think one of the big things here is
 05:14 15 -- that's been stated -- yes, we know we live in
 16 the Sandhills. You know, water quality is
 17 important and everything else. That was one of
 18 the top things when you visit with the DEE on
 19 this, is the distance and proximity to
 05:14 20 groundwater, you know, greater than a hundred
 21 foot. That's why they weren't requiring
 22 additional monitoring efforts. That time and
 23 that zone -- I think the same thing what Mr. Beck
 24 talked on is that the distance and how it
 05:14 25 permeates through the different soil structures
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1 to maintain that license. Every two years you've
 2 got to maintain those certified education credit
 3 hours to maintain that proper licensing.
 4 MADAM CHAIRMAN: So -- and you've kind
 05:16 5 of walked through that -- but just sum up again
 6 kind of the -- because one of the things I'm
 7 learning through this process, this being the
 8 first confined animal feeding operation that has
 9 come before the board in my time and coming from
 05:16 10 a ranching background, not a farming background,
 11 but, really, if you could -- if you could sort of
 12 segment for us the responsibilities of NDEE on a
 13 project like this when it comes to waste
 14 management and water monitoring and the NRCS and
 05:16 15 the NRD. Could you put those in boxes for us to
 16 sort of understand who is responsible for what?
 17 MR. MURPHY: I'll try to. The State --
 18 number one, the State processes are the key here.
 19 You know, that's the most strict rules that have
 05:17 20 to be followed by the applicant. If there's
 21 contamination that's detected, the State is going
 22 to step in and get involved in that process.
 23 At the local level of NRCS, when they
 24 get into their crop management and soil
 05:17 25 applications and stuff like that, that's where
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1 their farm plans and crop plans -- the NRCS has a
 2 say on program requirements and stuff.
 3 We as the NRD -- kind of that next tier
 4 in on the local level. We've had in place since
 05:17 5 1995 a groundwater management plan. And that's
 6 based on both water quality and quantity aspects.
 7 So those are some of the things that we look at,
 8 and then that ties back into those best
 9 management practices that individuals are
 05:17 10 required to perform on their land when it comes
 11 back to the agronomic side of things.
 12 MADAM CHAIRMAN: And right now are
 13 there -- how many are there -- how many
 14 monitoring wells are there in that -- like within
 05:18 15 a -- within like a 4-mile radius of this proposed
 16 project?
 17 MR. MURPHY: That's a question for Tim.
 18 I know there's one within a quarter mile to the
 19 west of the proposed facility. We sample
 05:18 20 numerous domestic and irrigation wells in that
 21 proximity, but we do not sample all of them.
 22 It's ones that have been set up over many years
 23 of knocking on doors.
 24 MADAM CHAIRMAN: So from your -- and
 05:18 25 you're the water specialist, I would say, in the
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1 organic manure to the field for that crop
 2 utilization.
 3 MADAM CHAIRMAN: But in terms of the
 4 way the fields have been managed, you don't see
 05:20 5 any change in a higher risk or need for water
 6 management based on using this organic fertilizer
 7 versus the fertilizer that's been previously
 8 applied?
 9 MR. MURPHY: No. That technology and
 05:20 10 agronomic side of things have come so far. It
 11 comes down to cost and effort and timing. With
 12 the commodity markets where they are, these guys
 13 have to do a good job of that application. You
 14 just can't -- we're not in a timeline to be
 05:21 15 over-applying and over-applicating just due to
 16 the simple costs. And the precision farming
 17 aspects that they have today -- whether it's
 18 through the pivot or through the tractor
 19 driven -- you know, the precision equipment
 05:21 20 that's available, I only see it getting better as
 21 far as individuals in the farming side of things
 22 go.
 23 MADAM CHAIRMAN: Are you aware of any
 24 other fields in Cherry County that use organic
 05:21 25 fertilizer?
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1 room here. What unique risks does this proposed
 2 project have to water quality versus what's been
 3 done with the property up to this point?
 4 MR. MURPHY: Limited. I mean, unless
 05:19 5 there's a complete catastrophic failure of the
 6 cement-lined lagoon -- and I'm going to refer to
 7 NDEE's specialists that have been sent out to
 8 approve this -- to this date, they have yet to
 9 have a failed lagoon system of this type. But as
 05:19 10 we all know, things can happen.
 11 The application to the field, you know,
 12 whether they're in their different management
 13 zones with the proposal of doing the direct
 14 injection, knifing it into the ground versus
 05:19 15 through the pivot system, definitely should aid
 16 in timing -- it's a timing issue. It's getting
 17 that nutrients to where the roots are when the
 18 roots are there.
 19 You know, I think that's one of the
 05:20 20 questions I have, is I keep hearing they're going
 21 to have a year's worth of material. I think
 22 there's more that they have the capacity to have
 23 a year's worth of material because somewhere
 24 during that growing season and planting season
 05:20 25 will be when they apply and want to bring that
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1 MR. MURPHY: We work with a few other
 2 producers on some different organic aspects;
 3 horse manure, sheep manure, and then I know
 4 there's some different stuff that gets hauled in
 05:21 5 from out of the county.
 6 MADAM CHAIRMAN: But has there been any
 7 additional monitoring or need for monitoring?
 8 MR. MURPHY: No. We've -- working with
 9 the university, we have been doing some
 05:21 10 monitoring to look at soil moisture benefits,
 11 soil temperature, and then the biggest one that
 12 takes so much time is the soil organic matter.
 13 And anything they do in our sand to help build
 14 that soil organic matter is a benefit not only to
 05:22 15 the land, but to the resources and the water
 16 quality.
 17 MADAM CHAIRMAN: So the only real
 18 difference that I'm -- I'm kind of trying -- like
 19 I said, this has been a learning process for
 05:22 20 me in terms of understanding fertilizer and the
 21 application aspect of this.
 22 So the pit itself, it seems they
 23 present the biggest question mark or concern for
 24 people in terms of potential leaking or leaching
 05:22 25 into the -- that would be different from how the
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1 property's been used prior.
 2 MR. MURPHY: Yeah. On the pivot corner
 3 -- you know, going over the farming history, that
 4 probably can be answered by the Danielskis, but I
 05:22 5 mean, generally most pivot corners here in Cherry
 6 County will be hayed, grazed, something. But I
 7 think the difference is, you know, there's other
 8 pivot corners that people bring in manure.
 9 They'll pile it on there. And by State law you
 05:23 10 can't leave it sit more than nine months.
 11 That's something very similar -- we see
 12 a lot of it in Brown County with the cattle
 13 feedlots down there. And can you have some
 14 runoff when you have them piles sitting there?
 05:23 15 Especially after events like 2019, most
 16 definitely you can.
 17 But back to getting that out of the
 18 feedlots and -- and it's putting it back and
 19 utilizing it back on the field and trying to make
 05:23 20 the economics of it all work and the logistics of
 21 keeping less -- you know, less commercial
 22 fertilizer being applied.
 23 MADAM CHAIRMAN: So if we agree that
 24 maybe there's a need to monitor closer to the
 05:23 25 pit, you know, for any sort of leaching, what
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1 on. Spring and fall we sample for static water
 2 levels in them. And then our monitoring wells we
 3 have dedicated data loggers. And then once a
 4 year, we also do a nitrate analysis. You know,
 05:25 5 grab a water sample. The chemigation systems on
 6 the center pivot systems we check every other
 7 year. It's on a rotating, you know, basis. And
 8 that's to make sure that all the fittings and
 9 seals is not backflowing, you know, back into the
 05:25 10 well and causing contamination.
 11 And then, yeah, with the -- just varied
 12 on -- right now it's set up on a five-year basis
 13 with the State. We do check service water
 14 quality that we, you know, do collect kind of
 05:26 15 depending on where they determine the need is.
 16 Then we also assist them with that service
 17 aspect, too.
 18 MADAM CHAIRMAN: So who would be the
 19 appropriate -- you know, if there was a consensus
 05:26 20 to monitor soils, it sounds like would be more
 21 prudent than water near the pit --
 22 MR. MURPHY: If you're going to try to
 23 determine a leak or something. There again, I'm
 24 not an engineering expert in stuff like that, but
 05:26 25 let's just say that the cement cracked, and you
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1 would make the most sense there in terms of...
 2 MR. MURPHY: Probably more than -- with
 3 the depth of water -- you're really looking at
 4 your soil quality and soil monitoring versus the
 05:24 5 water quality.
 6 MADAM CHAIRMAN: So you're going to see
 7 leaching from soil sampling before you're going
 8 to see it from water?
 9 MR. MURPHY: Yeah, I mean, honestly I
 05:24 10 think the chloride -- these guys are the experts
 11 -- would be the first thing that would show up on
 12 the water side of things and probably even the
 13 soil side of things. That's -- those are --
 14 that's the big difference when you get into the
 05:24 15 livestock manure aspects, is to tell where your
 16 contamination is coming from. If it's
 17 commercial, it wouldn't have that chloride
 18 aspect.
 19 MADAM CHAIRMAN: Questions for Mike?
 05:24 20 MR. WARD: You do sample wells and
 21 stuff around there, like irrigation wells and
 22 stuff?
 23 MR. MURPHY: Yeah, we have a network of
 24 wells across the district that are a combination
 05:25 25 of livestock, domestic, irrigation wells and so
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1 noticed a soft spot or wet spot or something in
 2 there, I mean, obviously there'd have to be
 3 something that can be taken. But back to the
 4 plan, I think some of that soil stuff has to be
 05:26 5 monitored on a five-year basis.
 6 MR. SETTJE: On the application side.
 7 MR. MURPHY: On the application side.
 8 As far as the building construction side, that
 9 goes back to state NDEE design protocol that was
 05:27 10 met with the application.
 11 MR. WITTE: Can I ask him a question?
 12 MADAM CHAIRMAN: Are you okay with
 13 that? I think the more information everybody can
 14 get and questions answered --
 05:27 15 MR. WITTE: My question is: They're
 16 applying all their fertilizer to this field at
 17 one time in the spring of the year. Where right
 18 now when you fertilize a field, you put a little
 19 bit on when you plant. You put a little bit on
 05:27 20 as the crop grows, and the crop is using the
 21 nitrogen as you put it on. In this system,
 22 they're putting all the nitrogen out there at one
 23 time, so is there more leaching, beings how that
 24 nitrogen is all setting there waiting to be used,
 05:27 25 than it is putting it on in a timely fashion that
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1 the crop can absorb it as the season is going on
 2 and you keep applying a little bit here, a little
 3 bit there instead of having the whole thing there
 4 at one time?
 05:28 5 MR. MURPHY: You raise two different
 6 questions. And I don't know what their plan of
 7 application is, if it's a one-time or multiple
 8 times.
 9 MR. WITTE: Well, it'd have to be a one
 05:28 10 time if they're injecting it before a crop is
 11 planted.
 12 MADAM CHAIRMAN: And that may be a
 13 question that the applicant can answer here
 14 but --
 05:28 15 MR. MURPHY: But back to that, timing
 16 can be an issue. That's why we -- you know, in
 17 our own groundwater management requirements for
 18 the district, we try to avoid fall applications
 19 and stuff like that.
 05:28 20 MR. WITTE: Because I know when -- if
 21 right after you plant you get a big rain, a lot
 22 of farmers say, Well, we just threw away our
 23 starter fertilizer, because it leached away.
 24 Well, this, if you keep getting rain
 05:28 25 added, it's certainly going to keep leaching,
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1 Because, I mean, if you can reduce your amount of
 2 water application, you know, by one or two passes
 3 of a pivot, that's huge from the economic side,
 4 but that's what we're saying, is we're keeping
 05:30 5 that water and that nutrient in that root profile
 6 or that root zone area. That's where you're
 7 going to get better absorption, better
 8 utilization, and better bang for your dollar.
 9 MADAM CHAIRMAN: And I think we will
 05:30 10 have questions later --
 11 MR. MURPHY: Yeah, and that's fine. I
 12 offer up anything we can provide. I mean, like I
 13 said, the staff -- you know, maps, if you need
 14 maps.
 05:30 15 You know, I mean, Tonny talked about
 16 the well registration database. You know, that
 17 has all registered wells. Household, livestock,
 18 domestic. That doesn't mean it has every well.
 19 We all know we have a fair amount of unregistered
 05:31 20 wells across the state and stuff.
 21 So, I mean, we sample some of them, but
 22 I think the one thing with nitrates that seems to
 23 be the hot topic is -- if extra monitoring is
 24 needed, it's really looking at that proper well
 05:31 25 construction and wearing, how it gets screened
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1 isn't it?
 2 MR. MURPHY: Any time you add more
 3 water to something, we can push it down through
 4 the system. But there's your benefit of trying
 05:29 5 to build that soil profile, build that organic
 6 matter to help hold that -- anything you apply to
 7 it. I mean, it's no different than what people
 8 do in their yards.
 9 MR. WITTE: But it will leach more.
 05:29 10 MR. MURPHY: It could leach more.
 11 MADAM CHAIRMAN: Marla has a question.
 12 MS. SHELBOURNE: That's why the
 13 30-inch-deep soil sample has value in this case.
 14 Because once that nutrient -- whatever it is --
 05:29 15 gets past 30 inches, the crop can't use it
 16 anymore, and so it will go down. So that's one
 17 way to catch it and realize that there may be an
 18 issue before you have a test that shows up in the
 19 groundwater. Thank you.
 05:29 20 MR. MURPHY: I mean, the tools for soil
 21 sampling and water application -- you know, the
 22 water sensors and stuff that are out there are
 23 fantastic tools for landowners to utilize.
 24 That's one thing the district's been cautionary
 05:30 25 on is those educational tools for landowners.
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1 and stuff. A general well is going to be farther
 2 and deeper down, and probably when you get into
 3 more the monitoring side, you're going to want to
 4 look at more of a top-level screening to try to
 05:31 5 catch some of that stuff. That's what we've been
 6 talking about today.
 7 MADAM CHAIRMAN: While you're up here,
 8 also, in the conditions that were forwarded, it
 9 mentioned phosphorus as well as nitrates. But I
 05:31 10 think it was mentioned earlier that phosphorus is
 11 not water soluble. Is there -- help me
 12 understand why we would monitor phosphorus or if
 13 we would need to.
 14 MR. MURPHY: You're getting more into
 05:32 15 the agronomic sides of it. I was going to say,
 16 Tim --
 17 MS. SHELBOURNE: I can answer that.
 18 MR. MURPHY: I was going to say, Marla,
 19 if you want to because I'm not --
 05:32 20 MS. SHELBOURNE: The phosphorus is what
 21 caused this gentleman's blue-green algae bloom.
 22 It's much more prevalent and is transported over
 23 land much more than through percolation through
 24 the soil.
 05:32 25 MADAM CHAIRMAN: So not groundwater,
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1 but surface water?
 2 MS. SHELBOFURNE: Surface water, yes.
 3 MADAM CHAIRMAN: Thank you.
 4 MR. MURPHY: Any other information we
 05:32 5 can help or provide, that's what we're here for.
 6 MR. DENAEYER: Thank you.
 7 MADAM CHAIRMAN: Anyone else wish to
 8 make any comments before we kind of wrap this up?
 9 And we'll let the applicant come up and certainly
 05:32 10 address any questions that came up or just
 11 closing comments.
 12 MR. HAMANN: Do you mind if I add just
 13 a couple minor points?
 14 MADAM CHAIRMAN: I don't know if we
 05:33 15 want to get into allowing two opportunities for
 16 testimony, but you're welcome to provide them to
 17 us in writing if you would like.
 18 All right. I will certainly turn it
 19 over to whomever.
 05:33 20 MR. SETTJE: I've got about six pages
 21 of notes here, so I'm trying to figure out where
 22 to stop and start on these. And if there's some
 23 that I missed, please feel free to ask.
 24 One of the questions that keeps coming
 05:33 25 up is the legitimacy of the Odor Footprint Tool
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1 out where the risk is. And I sit here and try to
 2 ask myself, okay, you know, where is the biggest
 3 risk when it comes to this facility? And I think
 4 the biggest risk really quite frankly is
 05:35 5 operation and maintenance of that facility long
 6 term.
 7 We can design the best facility. We
 8 can monitor the best facility. We can do all
 9 these things, and everybody has everybody's
 05:35 10 approval and blessing on it. But when it comes
 11 to operating it long-term, you have to look back
 12 at that point as to what are the owners like?
 13 What is their track record? What are they able
 14 to do? What have they done with other businesses
 05:35 15 and their farming practices? That's really the
 16 risk in my opinion. The risk is extremely
 17 negligible in my mind in terms of that pit
 18 causing problems.
 19 It's something that doesn't happen, and
 05:35 20 when it does, it's something that's pretty easily
 21 figured out and solved. It's not like an
 22 open-lagoon system that we have that has an
 23 earthen basin. You know, those systems are five
 24 times more likely to leak -- maybe ten times. I
 05:36 25 don't know what the number is, but it's a bunch.
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1 and what does that mean? I'm not an expert in
 2 the Odor Footprint Tool, and although I admit
 3 that, few people are. And what we have done,
 4 though, is we've worked closely with the people
 05:34 5 who wrote the Odor Footprint Tool to make sure
 6 we're using it correctly and that we used it the
 7 way it was intended and that we filled out
 8 everything the way it was supposed to be. And we
 9 went over that in great detail. We took that as
 05:34 10 serious as we've taken anything. I want to
 11 reiterate that for the sake of the credibility of
 12 that tool.
 13 Now, what's that tool worth outside of
 14 that? That's your decision to make. It's
 05:34 15 certainly not something that we can sit here and
 16 say, Yeah, it's the only thing that's out there.
 17 It's what we have that we know works
 18 the best in these scenarios. So, yes, it's our
 19 recommendation, but it's simply that, that it is
 05:34 20 a tool that can be used to determine what the
 21 odor frequency rate is on certain situations. So
 22 with that being said, I won't get into a lot more
 23 detail on that.
 24 There's been quite a bit of discussion
 05:34 25 about leaking and monitoring and trying to figure
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1 But, you know, a concrete basin that is
 2 protected from, you know, the weather elements on
 3 80 percent of the structure because it's below
 4 grade, you just eliminate the freeze/thaw action.
 05:36 5 You eliminate a lot of those problems that can
 6 cause issues with a facility like that. And it's
 7 just not a high risk.
 8 I want people to get a comfort level
 9 with that, because we're running these things all
 05:36 10 the time, and we see them constantly. And it's
 11 just not an area that I get concerned with in our
 12 job and our line of work.
 13 The other side of that is from a
 14 nutrient management standpoint. And the nutrient
 05:36 15 management goes back to how do they operate the
 16 facility? How do they operate their cropping
 17 programs? And, again, it's probably a scenario
 18 of trying to figure out, okay, making sure that
 19 they do it right. What's in place?
 05:36 20 If they apply commercial fertilizers,
 21 there's very little to no regulation on that
 22 process. You can do pretty much what you want
 23 with the exceptions of maybe fall application and
 24 certain things and stuff like that. When you get
 05:37 25 into the regulation of nutrients derived from
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1 animals, it's the most highly regulated thing
 2 that we have.
 3 And that's, again, you know,
 4 accomplished through the DEE, and they take that
 05:37 5 part very serious. I wouldn't concern myself a
 6 lot with them not being able to do that because
 7 they do. We watch it all the time. We are on
 8 those inspections. We have one of our employees
 9 on all of those inspections virtually every day
 05:37 10 of the week, and so we can watch that 100 times a
 11 year, a thousand times a year. And if it's not
 12 done right, there's repercussion.
 13 And so, again, it goes back to
 14 operation and maintenance and making sure that
 05:37 15 client, that owner is doing the right thing. And
 16 that's really the big issue.
 17 As far as the application of nutrients,
 18 yeah, you're going to obviously need to spread or
 19 apply most of that manure, you know, prior to
 05:38 20 planting season. No question about it. It's got
 21 to be done with due diligence, too. As we
 22 mentioned earlier and Marla -- she had a very
 23 good point, too -- watching that deep soil sample
 24 is really what it boils down to, to know if
 05:38 25 you're doing it right.

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1 applying is about the consistency of a chocolate
 2 malt. I mean, it's a thick, runny product, if
 3 you will. And the product that Mike was
 4 referring to in terms of stockpile manure would
 05:39 5 come out of an open feedlot that you would apply
 6 with a manure spreader. It's a drier product, if
 7 you will.
 8 So separate those two for a minute. As
 9 far as the hose leaking, yeah, there's
 05:39 10 precautions that need to be taken there. So the
 11 applicator needs to be able to have a
 12 pressure-sensitive shutdown system. When a hose
 13 breaks, pressure changes. As soon as that
 14 pressure changes, the engines turn off. And so
 05:40 15 is there a leak? Yes. Is it catastrophic? No.
 16 And if it's done right, it's a leak that's small
 17 in a contained area. Go in, clean it up, and
 18 apply it and solve the problem.
 19 I'm not going to say it's never going
 05:40 20 to happen, because it will at some point in time.
 21 That's just part of doing business. But done
 22 right and monitored correctly, it's minimized.
 23 And that's what you've got to shoot for. Make
 24 sure you're doing it right, and it minimizes
 05:40 25 problems. Is it a catastrophic leak that spews

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1 When you start getting nitrate levels
 2 down to that bottom level, that's when you start
 3 to have problems. You know, you're
 4 over-applying. The product is not getting to
 05:38 5 where it needs to be. Once it's passes that root
 6 zone, it's gone, and, you know, you're not going
 7 to get it back. And so, making sure, again, the
 8 operation side of things is doing things the way
 9 they're supposed to be doing it. That's the key.
 05:38 10 There was a question on average salary
 11 that came up. Eric, would you like to address
 12 that? Just the average salary.
 13 MADAM CHAIRMAN: And before you jump
 14 up, I know one of the questions that Mr. Witte
 05:39 15 had was if there was an application process where
 16 it's being piped through that flexible tube, if
 17 that was to break or rip and there was a
 18 significant amount in one area, is there an
 19 additional risk? I mean, I learned something new
 05:39 20 today. I guess Mike said you're allowed to pile
 21 manure up to 90 days. Would it be different than
 22 that? How would that be remedied?
 23 MR. SETTJE: So there's a big
 24 difference between what you can pile and what
 05:39 25 you're applying. So the product that we're

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1 manure all over forever? No, that doesn't
 2 happen.
 3 And what there really needs to be is
 4 just equipment that is set up with
 05:40 5 pressure-sensitive shutoff switch. As soon as
 6 you have a leak, pressure changes immediately.
 7 When that pressure drops, you know there's a
 8 problem, and that turns everything off. And you
 9 solve the problem within seconds, not minutes or
 05:41 10 even hours.
 11 MADAM CHAIRMAN: I just want to make
 12 sure that was one of your questions we were going
 13 to try and address, Mr. Witte.
 14 MR. SETTJE: That's a good question.
 05:41 15 MR. WITTE: As long as they have to
 16 have them sensors on there, it would make sense.
 17 MR. SETTJE: I agree.
 18 I will have Eric talk about the average
 19 salary.
 05:41 20 MR. OGREN: I believe the question was
 21 in regards to -- and help me if I misinterpreted
 22 it, but what the average salaries were and what
 23 the range of salaries were at this facility. I
 24 can go as in depth as you'd like to, but I'll
 05:41 25 just start.

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1 So at this type of facility, starting
 2 wage -- and this has been talked through planning
 3 this whole deal -- the minimum wage is starting
 4 salary at \$16.

05:41 5 With that, there is a wide variety of
 6 jobs and occupations within this facility. So
 7 there is sanitation specialists within the
 8 facility all the way up to farm manager. And I
 9 see you look at me and you say, "Sanitation
 05:42 10 specialist?", kind of get that face like -- those
 11 would be people like power washers in there,
 12 cleaning those facilities. And I call them
 13 sanitation specialists because they're very
 14 important. They -- their job is these facilities
 05:42 15 is extremely important to the health and
 16 wellbeing of not only the pigs but also the other
 17 employees. I call them sanitation specialists.
 18 Starting salary at the unit will be
 19 \$16. With that being said, now there's
 05:42 20 department heads within the barn. So,
 21 specifically, the GDU -- that gilt development
 22 unit that I was talking about -- you will have a
 23 manager and assistant manager there. Those types
 24 of jobs, depending on their qualifications when
 05:42 25 they apply and we review their resumes, could be

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1 qualifications, for the facility that can be
 2 anywhere between 80 to 90,000.

3 All of this that I'm saying to you is
 4 contingent on the applicant and their
 05:44 5 qualifications. So I think that's very fair of
 6 me to say that it's extremely realistic and to --
 7 as far as industry standard -- and I can't speak
 8 to facilities in the East, but I can talk from
 9 facilities from Illinois to Wyoming and from
 05:44 10 Minnesota to Oklahoma that I have experience
 11 with, and those are realistic numbers that will
 12 be used and have been discussed as far as
 13 bringing in applicants.

14 I'd also like to mention that, from an
 05:45 15 employee standpoint -- I will say this because
 16 it's been brought up a few times here: We would
 17 like to encourage anyone that is local to apply
 18 for these positions. Not only is there jobs at
 19 facilities of this -- like the one proposed here
 05:45 20 where your actual animal husbandry comes in line,
 21 but there's also a lot of accounting jobs.
 22 There's a lot of paperwork, tracking of matings
 23 to make sure that that data is inputted, so that
 24 we can track pedigrees and genotypes of these
 05:45 25 animals as they continue mating patterns. Those

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1 anywhere from 18 to \$20 an hour depending on
 2 their level of knowledge within that.

3 It's just like any job. If you're
 4 hiring employees for it, there's different levels
 05:43 5 and different skill sets that you have. On top
 6 of that, you also have breeding managers and
 7 breeding assistant managers. These are people
 8 that are in charge of a crew of six to eight
 9 people, making sure that the sows are getting
 05:43 10 bred with the right semen at the right time on
 11 the right day and managing that. Those
 12 individuals, just a GDU manager, they can make
 13 anywhere from 19 to \$21. Some upwards of 22 to
 14 \$23 depending on their time there.

05:43 15 You also have farrowing managers and
 16 assistant managers as well. Within the farrowing
 17 house, where the pigs are actually being birthed,
 18 you'll have a manager and assistant manager along
 19 with a farrowing crew that they'll manage. The
 05:43 20 same thing applies there as it would in the
 21 gestation.
 22 Then you have to have an overall
 23 manager for the farm. Those positions can be
 24 anywhere from a 100 to \$120,000 job a year.
 05:44 25 Their assistant managers, depending on their

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1 are very specific jobs that show up to this
 2 facility, and they may never go into the unit.
 3 Same with accounting.

4 You can imagine the amount of just
 05:45 5 laundry detergent and shampoo and all those types
 6 of cosmetic things; you know, pens, pencils. All
 7 that has to get sourced locally here to bring out
 8 to the facility. There needs to be somebody in
 9 charge of ordering those supplies. And so
 05:46 10 there's also other jobs within the facility
 11 outside of working with the livestock that we
 12 look for. And I would encourage anybody that is
 13 local -- I mean, Dean went through the slide set
 14 and talked about employee benefits. That was
 05:46 15 something that I gave to him because that's the
 16 employee benefits. There's health insurance.
 17 There's dental insurance. There's eye insurance.
 18 There's paid time off, paid vacation, 401k match.
 19 It's hard to find jobs that can have a benefit
 05:46 20 package like this.
 21 I'm not saying they don't exist. I'm
 22 not saying that at all. I'm saying this is a
 23 good choice if somebody is looking for an
 24 occupation or a job that would offer those
 05:46 25 services.

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1 I work with a lot of people in Nebraska
 2 here and South Dakota that -- I get a lot of
 3 ranch hands and cowboys that rodeo, and they are
 4 excellent, excellent livestock and
 05:47 5 animal-handling people. And those make some of
 6 our best animal handlers in the facility because
 7 they're good with livestock. And they come and
 8 they work at different operations, be that
 9 finishing or a sow farm, whatever that may be.
 05:47 10 And they do it for the benefits that they get
 11 with it.
 12 MR. WARD: What kind of educational or
 13 training has to go along with these jobs and
 14 stuff that you're creating? I mean, just break
 05:47 15 that down. The people that are, I presume, vet
 16 techs down to somebody pushing a broom. Give me
 17 an idea.
 18 MR. OGREN: Yeah, absolutely. I mean,
 19 it goes across the whole gamut that you're saying
 05:48 20 there. I mean, somebody that -- you know, you
 21 mentioned pushing a broom. That could be, like I
 22 said, a sanitation specialist, somebody that's a
 23 power washer. The skill level for that isn't as
 24 high as, say, for a farm manager. Most of our
 05:48 25 farm managers across the Midwest with the farms
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1 what's that going to do to -- I mean, it's going
 2 to be on your field. What are you going to do?
 3 What do you do about that?
 4 Because, I mean, you can't -- even if
 05:49 5 it's a small one.
 6 MR. SETTJE: Yeah, as far as what's
 7 required, if it's in a road ditch or somewhere
 8 where it's public, you've got to get that cleaned
 9 up immediately and pick everything up out of
 05:49 10 there and get it applied. If it's on your own
 11 ground, obviously if it's a puddle the size of
 12 this table, it's not going to hurt anything. You
 13 know, if it's a puddle the size of two of these
 14 rooms, then you need to get it cleaned up, you
 05:50 15 know. So it's a judgment call you have to make.
 16 And get a loader out there and -- you know.
 17 MR. WARD: Just go scoop it up?
 18 MR. SETTJE: Scoop it up and apply it
 19 and get it spread out.
 05:50 20 MR. WARD: Okay.
 21 MADAM CHAIRMAN: It would be the
 22 equivalent of leaving the gas pump on, though, in
 23 terms of dollars. For the perception, I think
 24 sometimes those of us, you know, out of that
 05:50 25 industry -- we're all sort of experts in our own
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1 that I work with are college educated. Most of
 2 them have bachelor's degrees either in animal
 3 science or animal husbandry, those types of
 4 things. Those are very complex, where you have
 05:48 5 to think about a magnitude of variables within
 6 the farm every day and be able to manage 80
 7 people. If anybody's ever managed 80 before,
 8 that can be, you know, time consuming in itself.
 9 And on top of that, managing a farm -- and in
 05:48 10 this particular case, an elite breeding stock
 11 herd -- requires a skill set higher than just an
 12 average education.
 13 I hope I answered your question
 14 correctly.
 05:49 15 MADAM CHAIRMAN: Thank you. Any other
 16 closing comments you would like to make, or
 17 Mr. Danielski would like to make?
 18 MR. SETTJE: I don't think so. Do you
 19 have any, Leonard?
 05:49 20 MR. DANIELSKI: That's why I brought
 21 these guys in. I'm a farmer. These are the guys
 22 with the knowledge.
 23 MR. SETTJE: We appreciate the --
 24 MR. WARD: I did have one question.
 05:49 25 What if you did have a hose break? I mean,
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1 little world, but if you were pumping gas into
 2 your car, it would be the equivalent of throwing
 3 the nozzle on the ground.
 4 MR. SETTJE: Right. You don't -- it's
 05:50 5 worth too much to be able to misuse and misapply
 6 and not pay attention to it. There's no
 7 question. It's one of the big economic benefits
 8 of the project quite frankly.
 9 Other than that, no, I don't have any
 05:50 10 other comments. If you have any questions, I'd
 11 be more than happy to entertain those. I
 12 sincerely appreciate the time that you folks have
 13 taken and what's all required to accomplish this.
 14 MADAM CHAIRMAN: Do you have a
 05:51 15 question, Nina?
 16 Do you mind taking a question?
 17 MR. SETTJE: No.
 18 MS. NELSON: I did have another
 19 question in regards to the dead pigs. There
 05:51 20 hasn't been a lot of clarification. How many
 21 animals, with such a large facility, are you
 22 going to put in that dead pit every single day?
 23 MR. SETTJE: I don't have an exact
 24 number on that, Nina. I can probably get one for
 05:51 25 you.
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05:51 1 MR. OGREN: I can comment on that. Can
2 you hear me? Nina's question -- and correct me
3 if I'm wrong. Your question was in regards to
4 how many dead animals would we have on a daily
5 basis?

05:52 6 And that would fluctuate on a daily
7 basis, so I'll use a weekly basis, okay? If for
8 the total Phase 1 and Phase 2 when that's up and
9 running and it's -- it can be a moving target,
10 right, depending on health status. But you're
11 going to have somewhere between 25 to 28 sows
12 that could potentially die on a weekly basis.
13 Yes, that would be composted.

05:52 14 I've been around a lot of composting
15 facilities. Some are extremely well managed and
16 conducted. And I've been around some really,
17 really poor ones. And I can understand your
18 concern after being around the ones that are
19 poorly constructed. That was taken into
20 consideration when Settjes were designing this
21 compost facility.

05:52 22 This has more than enough bays to keep
23 the compost contained both structurally and away
24 from animals -- I'll get to that in a second, but
25 the bays are designed as such where even the

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05:54 1 In regards to animal -- somebody made
2 the comment about coyotes being out there. And,
3 you know, you don't have to listen to what -- I
4 come from Iowa. I come from northwest Iowa, the
5 most hog dense, first or second in the entire
6 country, but I also raised cow-calf operation.
7 So I understand the coyote perspective.

05:54 8 This is facility will have a perimeter
9 fence all the way around it, and that is for that
10 exact specific reason, for coyotes. Because
11 another best -- you can do all the best jobs on
12 compost management, but if you're getting dogs or
13 a pack to go in there, it completely eliminates
14 the integrity of the structure from a composting
15 perspective. So there will be a perimeter fence
16 put up around this facility for that exact
17 reason.

05:55 18 MS. NELSON: What in regards to fly
19 control? I mean, you can't eliminate all of the
20 smell around the facility. And, like we said,
21 our calves -- our cow-calf operation is just a
22 few hundred yards across. They graze along the
23 fence right there. I mean, what gives us
24 reassurance that we're not going to be plagued by
25 flies and the calves stand around getting hoof

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05:53 1 concrete bays, which have a concrete floor and
2 concrete walls, just like we talked about on the
3 underfloor pit, but in addition to that, it's
4 also sloped to the back, to make sure that if
5 there is any moisture that could potentially leak
6 out, it's leaking into itself. It's containing
7 that, and we're self-containing that.

05:53 8 The key to good composting is turning
9 it and also water. And so in addition to the
10 jobs that I was talking about -- actually, I
11 appreciate you bringing this back up. There's
12 also full-time outside maintenance jobs. Maybe
13 somebody that doesn't want to work in the
14 facility but wants to work outside and be around
15 things and help fix things, those are full-time
16 maintenance jobs as well to keep that
17 composting --

05:53 18 It's very complex, and there's a lot of
19 science behind it. I can't quote you all of the
20 science behind it. I've just done it from an
21 operational standpoint, but compost management is
22 more of a science than anything. And the way
23 that we have -- I should say Settjes along with
24 Danielskis have designed this composting is
25 second to none.

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05:55 1 rot around the water hole because the flies are
2 so bad and they can't even see out of their eyes?

05:55 3 MR. OGREN: Absolutely. You bring up a
4 great point about the watering holes. That's a
5 birthing ground for flies. And a composting
6 facility, if managed poorly, can have that
7 potential to have carcasses that are exposed to
8 outside elements, which would be a breeding
9 grounds for flies. Proper compost management,
10 you would not see any of the carcass. So from a
11 fly standpoint, it would eliminate from the fly
12 standpoint.

05:56 13 Now, as far as the facility goes, Dean
14 could probably talk fly control as it pertains to
15 that more than I can.

05:56 16 MR. SETTJE: The other thing on the fly
17 control side is no different than if it's a
18 feedlot or a swine facility or anything. It's
19 maintenance around the outside, keeping weeds
20 mowed, keeping grass mowed, keeping everything
21 short. Fly breeding ground is in taller plants.
22 Any time we can keep that down to a short, lawn
23 type of manicure we minimize, if not eliminate,
24 most of our fly breeding ground areas.

05:56 25 And, obviously, in a building like
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1 this, there's no feed outside, so that makes it
 2 even easier to deal with fly control problems,
 3 because everything is contained inside. And, you
 4 know, like Eric, I've been in a lot of these
 05:56 5 facilities, and inside you rarely find a fly.
 6 Outside, if it's kept up right and maintained
 7 right -- that goes back to what I mentioned
 8 earlier. It's about operation and maintenance.
 9 And if those things are done right, it
 05:57 10 can be a very bad environment for a fly, so we
 11 don't have a lot of problems with that. But I
 12 appreciate that comment.
 13 MS. NELSON: I see. I do have one last
 14 question that was in regards to the
 05:57 15 decommissioning because it's been mentioned that
 16 is an issue to the applicant.
 17 I don't know if any of you guys have
 18 ever been by White River, but there was a fairly
 19 large hog facility there that's never been taken
 05:57 20 care of. The tin is falling off the roof. I
 21 mean, it's very unsightly. It's not a good
 22 thing.
 23 And, I mean, are there going to be
 24 further steps taken in the discussion of that?
 05:57 25 And with that being tied in, what is your life
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1 expectancy of a huge facility like that? I've
 2 heard it's only going to be maybe 15, 20 years,
 3 and then all those buildings are going to be
 4 standing empty for next 100 years. I mean,
 05:58 5 what's the long-term plan on something that huge?
 6 MR. SETTJE: I appreciate that
 7 question. And, again, for one thing, I can tell
 8 you that that -- the facilities that are being
 9 built today are all 50- or 75-year structures.
 05:58 10 They're not 20- or 30-year structures. The way
 11 they're built -- designed, engineered, and built,
 12 there's way too much money going into a facility
 13 like this to make it be a 15-year or 20-year
 14 structure.
 05:58 15 You know, this is a \$20-plus-million
 16 facility, and it simply needs to pay out longer
 17 than than. And so the incentive there from the
 18 owner obviously is to make sure they maintain it
 19 appropriately.
 05:58 20 The other thing you made a comment on
 21 and I appreciate, if you drive around the
 22 country, you see facilities that are -- have been
 23 abandoned and, quite frankly, are an eyesore.
 24 That's never good either. And so that goes back
 05:58 25 to the track record of the Danielski family and
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1 knowing what they have done and what they can do
 2 in terms of operation and maintenance. And as
 3 long as they're involved, my guess is, is it
 4 won't be a problem. And so I would lean back
 05:59 5 toward that side of it.
 6 There's never an assurance that this
 7 facility isn't going to be, you know, torn down
 8 or left for dead, so to speak, but you've got to
 9 have some belief in the fact that the family
 05:59 10 that's running it and that owns this thing is one
 11 that's going to take care of things. And that's
 12 really what it boils down to.
 13 I mean, I go back to that all the time.
 14 We can sit here and preach how great this
 05:59 15 facility is that we're building, but it's the
 16 people that run it that make the difference.
 17 That's -- every time that's the case. And
 18 there's not an exception to that. That's the
 19 part that I think bears credence in this
 05:59 20 discussion.
 21 MS. NELSON: I appreciate your time for
 22 that.
 23 MR. SETTJE: Thank you.
 24 Board members, any other questions?
 05:59 25 AUDIENCE MEMBER: So what's to prevent
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1 a corporation who wants to put a facility that
 2 size across the fence from them, or how close
 3 could they put it?
 4 MADAM CHAIRMAN: You mean if there was
 06:00 5 a second facility proposed?
 6 AUDIENCE MEMBER: Yeah, as large as
 7 that. Could it be right next door?
 8 MR. SETTJE: No.
 9 AUDIENCE MEMBER: Why?
 06:00 10 MR. SETTJE: The setback distances --
 11 and, Jessica, help me out if I'm right here.
 12 There's a setback distance between other
 13 livestock facilities, too. I don't know what
 14 that is off the top of my head, but there's a
 06:00 15 setback that prevents --
 16 MS. COYLE: It's in the zoning
 17 regulations.
 18 MR. SETTJE: I don't know what it is
 19 right now.
 06:00 20 MS. COYLE: We're pretty sure it's five
 21 miles between facilities.
 22 AUDIENCE MEMBER: So the problem is the
 23 disease factor?
 24 MADAM CHAIRMAN: For?
 06:00 25 AUDIENCE MEMBER: Building another one
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1 within five miles?
 2 MR. SETTJE: Right, that's always a
 3 consideration.
 4 MR. DANIELSKI: To answer your
 06:01 5 question, one thing about it, you've got to have
 6 the farmland around it to apply the nutrients.
 7 So that kind of eliminates that. I know I hear
 8 about massive units coming in. There's only so
 9 much farm ground in Cherry County. I don't see a
 06:01 10 lot of facilities coming in the future because
 11 you've got to have the farm ground to back the
 12 facility up. If that helps your question a
 13 little bit.
 14 You still have to have the ground to do
 06:01 15 it.
 16 MADAM CHAIRMAN: That's part of the
 17 NDEE process?
 18 MR. DANIELSKI: Yeah.
 19 MR. SETTJE: That's included in the
 06:01 20 application.
 21 MADAM CHAIRMAN: I just learned
 22 something else. But that actually is pretty
 23 enlightening. I mean, that it's limiting to the
 24 number of facilities like this that could come
 06:02 25 into Cherry County because of the amount of farm
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1 said they had issue.
 2 MADAM CHAIRMAN: And that's a dry
 3 product that's sort of broadcast?
 4 MR. DANIELSKI: It's dry, but if
 06:03 5 there's humidity, you know...
 6 MADAM CHAIRMAN: All right. With that,
 7 I think we will -- last opportunity for anybody
 8 that has any public comments.
 9 You're the last shot. You have to come
 06:03 10 up here and sign in.
 11 MR. ADAMSON: Sorry, I'm late. It's a
 12 little slow feeding cows today.
 13 I don't know what's been said today,
 14 but I'm probably going to repeat a lot of stuff
 06:04 15 but --
 16 MR. DENAEYER: I know we all know you,
 17 but will you state your name please?
 18 MR. ADAMSON: Oh, I'm sorry. Todd
 19 Adamson, ranch out south of Cody, Nebraska.
 06:04 20 But I can appreciate, you know, people
 21 that are going to live close to this are going to
 22 have concerns and things need to be done right
 23 and in a responsible manner.
 24 A lot of people don't believe in
 06:04 25 zoning. And I personally do believe there needs
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1 ground, and we're limited on acres of farm
 2 ground.
 3 MR. LEONARD: Because we're limited on
 4 acres. I mean, not saying it couldn't happen,
 06:02 5 but it's not likely you're going to see it on
 6 every section of ground in Cherry County. You've
 7 got to have the acres for the management plan --
 8 nutrient management plan to justify it.
 9 I guess one -- am I talking out of line
 06:02 10 here?
 11 MADAM CHAIRMAN: Nope, you're still
 12 good.
 13 MR. DANIELSKI: We've been organic
 14 farming for ten years, applying chicken manure
 06:02 15 and doing it very successfully. No contamination
 16 or anything. The only difference here is we're
 17 going to be raising nutrients right here. The
 18 rest of the process is basically the same. We've
 19 been doing it for many, many years -- 10 years or
 06:03 20 more -- and doing it successfully without any
 21 contamination to any neighbors or anything.
 22 A lot of people think chicken manure
 23 smells a lot worse than swine manure. And as of
 24 today, nobody's ever called me about the chicken
 06:03 25 manure we're applying on top of the ground and
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1 to be some zoning. I don't think there needs to
 2 be a feedlot right beside somebody's house. I
 3 don't think somebody has to be in the shadow of
 4 a wind turbine. So in -- common sense way is a
 06:04 5 good rule that needs to be put in place, and I
 6 think they have. And, to my understanding, these
 7 rules have been followed.
 8 And I guess I get the feeling -- you
 9 know, I love to ranch, and every time something
 06:05 10 comes up today, Cherry County is becoming a place
 11 that -- it's very scrutinized, that maybe we're
 12 becoming a playground, maybe we're becoming a
 13 place that -- more scenic, national-park-type
 14 stuff. And my fear is that --
 06:05 15 I believe in two things: Economic
 16 development -- that we need in this county.
 17 Almost everyone in here that's been around for a
 18 while knows that our schools are drying up. Our
 19 towns are drying up. And any time some economic
 06:05 20 development comes up -- other than a golf course
 21 -- everybody is up in arms about it. But I don't
 22 hear of anybody solving any problems.
 23 And property rights is my other thing
 24 that I'm very concerned about. That -- like I
 06:06 25 said, rules need to be in place if they're
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1 followed in a responsible manner. But it's a
 2 pretty slippery slope if we start picking and
 3 choosing what we can do in this county. This is
 4 all right -- a golf course is fine, but a hog
 06:06 5 confinement isn't. But this is fine, but this
 6 isn't.
 7 My livelihood is ranching. And once
 8 you start down that slope, I truly believe that
 9 down the road that there's people out there that
 06:06 10 don't like cattle ranching in the Sandhills. And
 11 if precedence is set, then we better pack our
 12 bags.
 13 And so, anyway, I appreciate what the
 14 planning commission has done, setting good rules.
 06:06 15 I appreciate they've been followed. And those
 16 are my comments.
 17 MADAM CHAIRMAN: You also need to sign
 18 your name.
 19 MR. ADAMSON: Print or sign it?
 06:07 20 MADAM CHAIRMAN: Both.
 21 MR. ADAMSON: Thank you.
 22 MADAM CHAIRMAN: Last call.
 23 MR. WARD: I see Tim standing in the
 24 back. Before, I was asking Mike, how many wells
 06:07 25 are out there? Do you know, Tim, about how many
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1 wells are in that area? I asked Mike earlier,
 2 and he said you can probably answer that, maybe.
 3 MR. STORM: No, not right off the top
 4 of my head. How many total wells there are?
 06:07 5 MR. WARD: Yeah.
 6 MR. STORM: No, no. We could look that
 7 up.
 8 MR. WARD: Would you mind looking that
 9 up and just e-mailing it?
 06:07 10 MR. STORM: Yeah.
 11 MR. WARD: Thank you.
 12 MR. MURPHY: We'll get you a copy of
 13 that. You want all registered, livestock,
 14 domestic?
 06:07 15 MR. WARD: Yeah, just whatever you guys
 16 are looking at out there.
 17 MR. MURPHY: Well, there's them and
 18 then there's the ones we sample at. I can create
 19 a map --
 06:08 20 MR. WARD: I think the sampling ones is
 21 what I would be more interested in, where you're
 22 pulling samples from.
 23 MS. PARKHURST: It's been a long
 24 afternoon and what I wanted to say has been said
 06:08 25 today.
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1 MADAM CHAIRMAN: Sorry, can you --
 2 MS. PARKHURST: I'm sorry. I'm Janet
 3 Parkhurst. I signed in.
 4 And I'm just a property owner in Cherry
 06:08 5 County, and my concern -- I will just echo what
 6 Todd said. My concern is I just believe that we
 7 should be able to do what we want with our
 8 property as long as we are considerate of our
 9 neighbors.
 06:08 10 And the Danielski family has proven
 11 that they are considerate of their neighbors. I
 12 think I even heard David say that he had no
 13 struggle against Danielski farms, so I just
 14 believe that they're trustworthy people.
 06:08 15 I visited with them. And I just feel
 16 like economic growth in our community would be a
 17 good thing, as well. And I know maybe there's
 18 some concern about Latino workers. I would just
 19 like to say at the potato farm there in Cody
 06:09 20 there are some. And I know they are well
 21 respected in the Cody school system.
 22 We had a shed put up. A whole crew of
 23 Latinos came. They were hard workers. They
 24 stuck to their job and did not mess with anything
 06:09 25 on our property. So I just feel like we
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1 shouldn't judge other folks who are just looking
 2 for a job and that perhaps are coming to help in
 3 that way.
 4 And I think everything else has been
 06:09 5 said, and I'd just like to thank you for doing
 6 your best to follow the law. And I know I feel
 7 for neighbors when something new is coming in,
 8 and we're not sure what the outcome will be.
 9 Because the truth is nobody knows. So many
 06:10 10 things can happen.
 11 But I would just echo what the company
 12 that's representing Danielski is saying. They
 13 have proven their character here. They have
 14 given dollars in donations. They have provided
 06:10 15 many jobs in the past. I feel like they're an
 16 asset to our community and will continue to be.
 17 That's all I have to say.
 18 MADAM CHAIRMAN: Any questions for
 19 Janet?
 06:11 20 MR. PARKHURST: My name is Rob
 21 Parkhurst. I'm a rancher out south with my wife
 22 and family.
 23 And we drive through Ainsworth, Broken
 24 Bow feedlots just on the north side -- south
 06:11 25 side. I don't know where your feedlot is from a
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1 town, but I bet it stinks. Every feedlot I've
2 been by -- Gordon Witte's -- it smells. You can
3 smell it. I mean, everybody talks about smell.
4 And the way I understand it, this is probably
06:11 5 going to smell less than any of them.
6 And I can't figure out why, you know,
7 neighbors are always pitting against neighbors
8 these days. Because this is Cherry County, and
9 we're supposed to be above that, to me.
06:11 10 So, you know, I'd really like to see
11 everybody get what they want out of this.
12 There's going to be people that aren't and think
13 they're not but -- and in the long run, who
14 knows. And if you don't have economic
06:12 15 development in your community, then it's going to
16 die. I mean, that's just a fact.
17 You know, ranchers are being -- and
18 farmers, you know, the average age is what now;
19 59, 60? They won't let young people come in
06:12 20 anymore because they can't afford it, and here we
21 are knocking farming and ranching down because we
22 are afraid of something.
23 I think this is all based on fear that
24 we don't even know is going to happen yet. So I
06:12 25 just ask everybody to have an open mind. Thank
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1 you.
2 MADAM CHAIRMAN: Questions for
3 Mr. Parkhurst?
4 MR. WARD: Thanks, Rod.
06:12 5 MADAM CHAIRMAN: Well, I think we will
6 try to wrap things up here. We will go ahead and
7 close at this time the public hearing. I can't
8 read the clock. 6:07.
9 We are set up to take action on this.
06:13 10 Certainly, I don't know what the will of this
11 board is. I feel like we've had a lot of
12 information here. There may still be some
13 technical questions. I know you're going to get
14 some information requested to Mr. DeNaeyer --
06:13 15 both Mr. Settje and Mr. Murphy.
16 So unless there's a strong will to do
17 anything different, I think we can discuss
18 setting a subsequent date to take a vote on this.
19 MR. DENAEYER: I agree.
06:13 20 MADAM CHAIRMAN: I just want to say, as
21 chairman, I appreciate the courtesy of folks. I
22 appreciate the patience. I appreciate all the
23 questions, because it was very much my desire
24 that we would have a packed house today, more
06:14 25 than anything for education and questions. Not
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1 only for the commissioners to hear from people,
2 things that maybe we haven't thought about, but
3 also for the public to get questions answered as
4 well.
06:14 5 Because, you know, fear, I think, is a
6 very human aspect, and when there's something
7 we're not familiar with, we instantaneously are a
8 little fearful. And so I hope that we've gotten
9 questions answered today. Again, we have some
06:14 10 additional information that we want before we're
11 to a point that we're ready to make a decision.
12 But any --
13 I think after -- we've now closed the
14 public hearing, so we will no longer accept any
06:14 15 comments for record, that would be part of the
16 public record. Certainly, if folks want to reach
17 out to any of us, just personal, we always
18 welcome that. Just know that it won't be part of
19 the official record at this point.
06:15 20 So anything else, Mr. Scott, that I'm
21 overlooking?
22 MR. SCOTT: No. Just set a date.
23 MADAM CHAIRMAN: Our next regular
24 meeting is February 23. I'm certainly open to
06:15 25 your suggestions. If you feel like you're ready
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1 at that point or you want to -- we don't have to
2 advertise that because it's just...
3 MS. COYLE: You don't have to advertise
4 it.
06:15 5 MR. WARD: Would you mind making it the
6 first meeting in March?
7 MADAM CHAIRMAN: The 9th?
8 MR. WARD: Yeah.
9 MADAM CHAIRMAN: Do you have any issues
06:15 10 with that?
11 MR. DENAEYER: I don't have an issue.
12 That will give everybody the opportunity to get
13 the information to us that we requested.
14 MR. WARD: That's what I would like,
06:16 15 and go through the rest of the stuff we've got
16 here.
17 MR. WARD: I move to set -- table the
18 adoption, resolution, discussion of that until
19 March 9, the regular meeting.
06:16 20 MR. DENAEYER: Do you want to set a
21 time?
22 MR. WARD: Morning or afternoon? Any
23 preference?
24 Say eleven o'clock on March 9?
06:16 25 MR. DENAEYER: I'll second James's
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1 motion.
 2 MADAM CHAIRMAN: There's a motion to
 3 set -- to vote on this on our March 9 regular
 4 meeting at eleven o'clock. We have a second by
 06:16 5 Commissioner Denaeyer.
 6 Roll call when you're ready.
 7 MS. HAMLING: Tanya?
 8 MADAM CHAIRMAN: Yes.
 9 MS. HAMLING: Martin?
 06:16 10 MR. DENAEYER: Yes.
 11 MS. HAMLING: James?
 12 MR. WARD: Yes.
 13 MADAM CHAIRMAN: All right. Thank you
 14 again. I think with that we'll be adjourned.
 15 (Meeting was adjourned.)
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1 C E R T I F I C A T E .
 2 I, Amanda L. Colburn, General Notary Public,
 3 duly commissioned, qualified, and acting under a
 4 general notarial commission within and for the
 5 State of Nebraska, do hereby certify that the
 6 foregoing proceedings were taken by me at the
 7 time and place herein specified; that I am not
 8 counsel, attorney, or relative of either party or
 9 otherwise interested in the event of this suit.
 10

11 IN TESTIMONY WHEREOF, I have hereunto set my
 12 hand officially and attached my notarial seal at
 13 Valentine, Nebraska, this 22nd day of February,
 14 2021.

15
 16 _____
 General Notary Public
 17
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 21
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