MINUTES
LIVESTOCK FACILITY SITING REVIEW BOARD
APRIL 16, 2010

Boardroom 106
Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive, Madison, WI

Chair Holte called the meeting to order at 10:15 a.m. Other LFSRB members present were Andy Johnson, Bob Selk, Fran Byerly, Lee Engelbrecht, Jerry Gaska and Bob Topel. A quorum was present. DATCP staff present were Cheryl Daniels and Lori Price.

Call to order: open meeting notice; approval of agenda; approval of February 19, 2010, meeting minutes

Holte stated the meeting agenda was publicly noticed, as required, and then presented the agenda for approval. Johnson moved to approve the agenda, and Topel seconded the motion. The motion passed.

Holte presented the February 19, 2010, meeting minutes for approval. Engelbrecht made a motion to approve the minutes as written, and Gaska seconded the motion. The motion passed.

Status of appeal on Larson Acres, Inc. v. Town of Magnolia, Docket No. 07-L-01, court of appeals decision

Daniels reported that she is still waiting to see the Court of Appeals decision in this case. The Court will first write out the decision and then circulate it amongst the judges for comment before it is released to the public. This process could take some time.

Larson Acres, Inc., v. Town of Magnolia, Docket No. 10-L-01: case review process, identification of issues on appeal, discussion, LFSRB decision, set date for LFSRB signoff of final written decision on case

Daniels explained that this case deals with the expansion to 4300 animal units for the Larson Acres home farm. The Town of Magnolia reviewed the livestock siting permit request for this facility and granted the permit with six conditions attached to it. Notices for request for review and for a certified copy of record were sent out. The case record the LFSRB received is complete. The Petitioner sent a position statement with their appeal, which was sent to the Board. No other position statements were received. The LFSRB members discussed whether the record for the other Larson case should be consider in this case. It was noted that some of the land used by the home facility to spread manure is also being shared with the other facility. A separate nutrient management plan for the home facility was included with the case record. It was suggested to review the case record before the LFSRB today without formally striking the prior case record from referral, if needed.

On identification of issues on appeal, Byerly commented that the WPDES permit for the facility was recently approved so that may change the entity that is requiring two of the conditions.

Holte commented that the LFSRB should review the case as presented regardless of the status of the WPDES permit. The LFSRB also discussed whether to review all the conditions or just the two that are being appealed. This discussion focused on whether to follow review of the all the conditions as the LFSRB did in the previous case even though only two of the conditions are being challenged, and whether two of the conditions apply to the WPDES permit process and therefore are not the jurisdiction of the LFSRB. The LFSRB agreed to discuss only the conditions that are being challenged, Numbers 2 and 4.

The LFSRB discussed Conditions 2 and 4, and found them to exceed the standards as set for in the law and determined the conditions should be reversed. The LFSRB agreed that the draft decision written by Daniels should be consistent with how the previous decision was written. Topel moved to have the LFSRB direct Daniels to draft the decision subsequent to review at the May 21, 2010, meeting. Engelbrecht seconded the motion. The motion passed.

Board schedule and future agenda items

The LFSRB decided to meet by teleconference on May 21st to review and finalize the draft decision. There will be a room set aside at DATCP for the public to attend the meeting.

The LFSRB reviewed the remaining scheduled 2010 meetings and found there may be conflicts with the August 20th and November 19th dates. They decided that if those meeting dates need to be changed, they would be changed to the 2nd Friday in the month, August 13th and November 12th.

Also, Daniels stated she will keep the LFSRB apprised of livestock siting rule changes as it makes its way through the ATCP Board and technical committee that will recommend changes. She also reported that Holte's and Byerly's appointments to the LFSRB are up in May 2010, so they should be hearing shortly from their respective groups that recommended them to sit on the LFSRB.

Adjourn

Being no further business before the LFSRB, Johnson moved to adjourn the meeting and Engelbrecht seconded the motion. The motion passed, and the meeting adjourned at 11:40 a.m.

Respectfully submitted,

7 June 2010

Bob Selk, Secretary Date

Recorder: LP