MINUTES
LIVESTOCK FACILITY SITING REVIEW BOARD
TELECONFERENCE MEETING
Friday, November 5, 2010

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

Chair Holte called the meeting to order at 12:09 p.m. Other LFSRB members present were Andy Johnson, Bob Selk, Fran Byerly, Lee Engelbrecht, Jerry Gaska and Bob Topel. A quorum was present. All LFSRB members participated by phone. DATCP staff present were Cheryl Daniels, Mike Murray, Richard Castelnuovo and Mark Jenks.

Call to order: open meeting notice; approval of agenda; approval of May 21, 2010, meeting minutes

Holte confirmed the meeting agenda was publicly noticed, as required, and then presented the agenda for approval. No changes were necessary.

Holte presented the May 21, 2010, meeting minutes for approval. Johnson made a motion to approve the minutes as written, and Engelbrecht seconded the motion. The motion passed unanimously.

Status of renewal of LFSRB members

Daniels reported that she does not foresee any problems with renewal of members on the committee. However, with all the changes that occur after major elections, it may be necessary to send a reminder notice regarding the appointments to the appropriate parties in the near future so the appointments are not overlooked. Members awaiting reappointment for 2010 are Holte and Byerly; for 2009 Selk and Gaska.

Response to appellate court decision on Larson Acres, Inc. v. Town of Magnolia, Docket No. 07-L-01

Daniels provided an update on the status of the case. The court has not decided yet if the court will be accepting the case. A timeline for the decision is unknown.

Appeal of LFSRB decision in Larson Acres, Inc., v. Town of Magnolia, Docket No. 10-L-01

Daniels reported that the case is currently in circuit court awaiting a decision by the court of appeals. The decision made by the appeals court will impact LFSRB action on the previous agenda item.

Daniels also pointed out that recently there was an article in the Capitol Times about the Larson farm. An open house held there recently attracted about 3,000 visitors.

Status of ATCP 51 review

Murray provided an update on the work the technical expert committee has been doing as part of DATCP's four-year review of ATCP 51. The technical expert committee has formed three subcommittees that each have their own charge and specific questions they are to answer. Subcommittees were formed to deal with: 1) nutrient management; 2) odor; and 3) manure storage/runoff. Each subcommittee is to present their findings to the technical expert committee on November 11, 2010. The technical expert committee is then to make final recommendations by December. Committee meeting agendas, notes and other information are posted online at: http://www.datcp.state.wi.us/arm/agriculture/land-water/livestock_siting/technical_expert_committee.jsp

On Oct. 26th the ATCP Board approved a scope statement to revise ATCP 51. A link to the scope statement for the rule revision process is provided here: http://legis.wisconsin.gov/rsb/code/register/reg658a.pdf.

DATCP will review the recommendations of the technical expert committee and begin to formulate draft changes to the current rule. Based on the work of the subcommittees so far, it is anticipated that possible changes will include the subjects of odor calculations, nutrient management, and feed storage leachate. Issues not addressed by the technical committee, yet within the approved scope can be considered during the rule revision, for example fees charged by local government. A timeline for rule revision has not yet been determined and will likely wait until the appointment of the new DATCP secretary.

Electronic submittal of case files discussion, feedback, and bylaw changes

Daniels led a discussion focused on possible updates to the bylaws that would require or allow the submittal of electronic files in order to make use of current technologies, reduce paper and improve efficiency. The draft text was distributed to interested parties including the Wisconsin Counties Association and Wisconsin Towns Association, however no feedback was provided by outside groups. A question was raised about the ability of some people to access the technology necessary to prepare electronic submittals. The group generally agreed that the topic can be divided between what the expectations should be for records of decision that are submitted by local units of government and electronic communications with all other impacted parties. The general thought was local governments must file electronic records and that citizens filing appeals or position statements be advised that electronic submittals are preferred yet be given allowances to file hardcopy documents.

Next was a larger discussion that considered several additional topics including file types and their organizational structure, requiring indexes or table of contents with submittals, providing guidance on creating .pdf's, and searchable vs. non-searchable documents. Daniels agreed to prepare a revised appendix to the bylaws that incorporates all the suggested changes based on the discussion. The overall goal is to improve communications and ensure that all parties in a siting decision are heard. It was suggested that draft language should be a topic of discussion at the January 2011 meeting.

Board schedule and future agenda items

Since there are no major issues pending the LFSRB members decided to cancel the December 2010 meeting. Looking ahead to 2011 meetings, Holte expressed that he has a conflict with the currently scheduled July 15, 2011 meeting. No other comments were received regarding conflicts with future meeting dates.

The next meeting of the LFSRB will be January 21, 2011 at noon. At that time Murray will provide an update on the report sent to the DATCP Secretary by the Livestock Facility Siting Technical Expert Committee and Daniels will present information regarding proposed changes to the bylaws regarding submittal of case files in electronic format and related communications issues.

Adjourn

Being no further business before the LFSRB, Johnson moved to adjourn the meeting and Selk seconded the motion. The motion passed, and the meeting adjourned at 12:55 p.m.

Respectfully submitted,

2.3.2011

Bob Selk, Secretary Date

Recorder: MJ