CITIZEN ADVISORY COMMITTEE for the GENERIC ENVIRONMENTAL IMPACT STATEMENT (GEIS) on ANIMAL AGRICULTURE Meeting Notes

April 10 & 11, 2001
Holiday Inn, Arden Hills

CAC members or alternates in attendance: Troy Gilchrist, Mara Krinke, George Raab, Ken Albrecht, Paul Christ, Fraser Hart, Jeanne Scharf, Larry Schultz, Helen Palmer, Harold Stanislawski, Jim Sullivan, Tina Rosenstien, Dave Preisler, Kris Sigford, Tom Dunnwald, Jim Ische, Pat Henderson, Dennis Bottem, and Pat Bloomgren

Not represented: Gary Allen, Ed Hegland, Andy Steensma, Galen Lisell, Chris Radatz

EQB Staff: George Johnson, Gregg Downing, Angela M^{c}Govern

Facilitator: Virginia Pierce, Charlie Peterson, Department of Administration
Audience: Matt Drewitz, Jean Coleman, Paul Burns, Paul Toren, Scott Freburg, Bev Durgan, Deborah Elias Morse, John Hoshal

The meeting came to order at 7:45 a.m.

Please note that these minutes are only an extract and summary of the discussion, which took, place over two full days. These minutes do NOT include every remark made by every person. The minutes try to capture some of the major ideas. An audiotape of the entire meeting is available to any interested party to review. I apologize if this was unclear to anyone or they felt I was misquoting them. I take full responsibility for my editorial license. Remember, twenty people can talk faster than one can type.

Welcome, overview, and introductions

The meeting opened with remarks by George Johnson. He informed the CAC members of the contents of the mailing sent and pointed out additional materials at their place. He announced the formation of a special GEIS GIS Task Force to help guide the spatial analysis work of the CAC. This group is voluntary, open to all CAC members and other interested parties with special expertise. Mr. Scott Freburg of LMIC spent two years collecting, manipulating and checking feedlot inventory and census data in every Minnesota county. He is now working to use this data and other geographic information to conduct spatial analysis of the collected feedlot information. This group will meet twice monthly until July 1, 2001 to guide the spatial analysis of feedlot data for the GEIS.

Mr. Johnson made some general remarks on the ongoing policy development process. He stressed the need for continuous revision and interaction with the CAC. During the course of policy writing multiple versions will be generated marked up, edited and rewritten. Occasionally CAC members with special knowledge or expertise will be tapped to look at earlier versions of policy to help with revision. Due to the limited time available in CAC meetings, an attempt is made to bring members documents that have been reviewed and hopefully improved during the revision process.

Mr. Johnson gave a brief update of feedlot related activities being considered at the Legislature. Specifically, EQB is seeking additional money to continue the CAC process beyond the first of July 1, 2001. Galen Lisell called to say he could not be at this meeting. Gary Allen suffered three broken ribs and could not attend. Dennis Bottem was in Washington meeting with top officials in Agriculture and EPA.

Mr. Downing briefed the group on the updated calendar. Our policy work is taking longer than anticipated. We will need to have more meetings, longer meetings or work more efficiently in order to accomplish our work in the time remaining. He also explained the action of the EQB Board, which redirected some $ 53,000 of the excess funds of the GEIS to conduct air modeling on the disputed Hancock Pro Pork cost dispute. This situation was a very unusual case where an EAW was done on a system of multiple hog operations in Pope and Stevens counties. PCA determined the EAW was adequate and issued construction permits. The facilities were built, but a group of citizens challenged the MPCA's decision and a District Court and later an Appellate court required that an EIS be done. The facilities were built and had been operating, which created some difficulties in doing an EIS. In order to resolve the case the EQB Board tried several meetings to solve the problem. Our group was ordered to pay for this action with GEIS money.

Ms. Pierce reviewed the agenda and plans for the meeting. She asked the group about their feelings on the policy recommendation process we were using. Mr. Christ commented that it was useful to have a hard deadline to spur the CAC to action. Ms. Palmer commented that she found the discussion to be free, open and productive. Several people commented on the advantages and disadvantages of using the cards to secure the floor. Ms. Palmer indicated that the group needed to stick to the topic. People tend to go off on tangents. Mr. Albrecht pointed out that people often resurrect debris from past discussions. With limited time we need to focus on the task at hand which is reaching consensus on policy recommendations.

The first major activity of Tuesday was a presentation on Land Use by Ms. Jean Coleman of Biko and Associates. She was supported by Carol Seersland a GIS specialist from BRW Inc., Bob Koehler an Extension educator from U of MN, Lamberton and Dr. David Pitt, a land-use specialist, from the University of Minnesota, Department of Landscape Architecture. Ms. Coleman made introductory remarks on the draft TWP and maps on the Land Use Conflict and Regulation topic. Her team focused their study on the changes in animal agriculture in Minnesota during the period from 1982 to 1997.

Originally they developed about 200 maps from the available data approximately fifty of these were deemed to be most useful for CAC's needs.

The Census of Agriculture and US population data from this period were the primary sources. Her team focused on elucidating the demographic trends that were manifested during this time. This information was primarily illustrated by a series of 11 map plates with four maps on each plate. This format enabled one to see the starting numbers in 1982 and ending numbers in 1997 and the changes, which occurred for each category examined. For example, in this fifteen-year period the total number of farms decreased by 29% but the average size increased. Ms. Coleman went through and explained all the map figures in detail.

Figure 2 compares the change in farms broken down by farm size in the form of bar charts. The general trend was that there were fewer small farms as the number of larger farms increased. Some discussion revolved around the use of farm size based on production of at least $ 10,000.00. This definition which is used by the Census of Agriculture as a standard results in many small operations being counted which would not be considered as viable economic operations. There are several definitions out there. For consistency with the data it is necessary to use the $ 10,000 limit. CAC members argued that a farm making only that much could not be considered a full time farmer.

Figure 3 was a set of maps showing change in population. One of the most difficult issues here is the increasingly significant number of non-farm rural residents. These individuals live in the country but are not involved with agriculture directly. These persons tend to have more problems with the nuisances associated with traditional farming practices. In Minnesota the Metro fringe counties are increasingly rapidly, spreading out into what were formerly exclusively agricultural areas. Farm ownership patterns also create some complications in land use conflicts. There are full owners, partial owners who own some land and rent other acres and tenant farmers who work the land without any ownership.

Figure 5, 6, 7 portray information by species for hog, dairy cows and beef cows. There was not enough data available to analyze for the trends in poultry. Data is displayed by the number of animal facilities and also by the number of animals. Stearns County had the largest number of dairy farms and the largest number of dairy cows. Ms. Coleman moved to discuss their research on the causes of conflict. The biggest single factor of conflict from feedlots is nuisance odors. This effect creates conflict whether or not there is a health impact from the odor. Quantifying conflict is quite a challenge. Ms. Coleman was not able to find much data on this area. Her team developed a series of conflict indexes to calculate the level of conflict and factors that could predict this result.

Dr. David Pitt devised methods to predict situations likely to generate conflict around feedlot issues and rural non-farm residents. Three sets of conflicts were defined. First of these was visual impression, seeing many animals together in a single facility, seeing many structures in a confinement facility, or seeing larger structures than one is accustomed to can create the potential for conflict. The second major source of conflict

is the odor generated by the facility or ancillary operations like manure stockpiling or lagoon pumping. The third area for potential conflict is land application off the facility site. Mr. Christ brought up the point that a great deal of conflict can also occur among farmers. Odor transfers across property lines are a significant source of neighbor disputes. Different types of farmers may have conflicts based on their differing practices. Livestock farms may wish to apply accumulated manure to land when soil is too wet for crop farmers to incorporate the material into the soil.

Non-farm rural residents were targeted for more study because the Social and Community TWP team determined that this class of residents was a much more significant source of conflict with farmers, than those between farmers. Data analysis is hampered by privacy issues associated with who is making odor complaints. It is much harder to track down a problem if a facility doesn't know by who, and exactly where and when the complaint was generated. There can be confusion as to the real source of the odor by the complainant. There are cases where neighbors are intimidated into not complaining when real odors exist. There are cases where odor complaints are made for reasons that have little to do with actual presence of odors.

A number of CAC commented that the prediction of the indices did not correlate well with actual areas where conflict or problems had occurred. A couple of the counties with high index values do show up with a large number of complaints. Ms. Coleman is going to correlate this data with the results of the Social and Community TWP teams. The complaint issue is a very controversial one with CAC. There is going to be at least one policy recommendation dealing with upgrading the complaint system.

Mr. Raab pointed out in an extremely witty way, that the lack of conflict data associated with poultry operations implied that there were no problems with these facilities. Ms Coleman clarified that using the poultry data was very challenging due to a number of unique demographic factors. Data suppression of most poultry data is due to the legal requirements of the Agricultural Census. This is because of the limited numbers of facilities makes it hard to do county comparisons on poultry facilities. The number of operators is so small, and facilities so concentrated that revealing any data would clearly indicate individual farmers or facilities in many counties.

The Land Use team did interview to check what innovations in land use regulation are being used out in the various local units of government. Bob Koehler talked about using current ordinances and setback distances to minimize conflicts. The OFFSET model developed by the University of Minnesota was used to calculate recommended setbacks. Mr. Koehler used the MDA collection of County Feedlot Ordinances as a source of data for odor setbacks used in Minnesota. He presented a complex set of odor emission numbers in an example he had calculated. Mr. Koehler went through a detailed discussion of how he calculated the values. He also spent many hours sorting through the details of 43 County feedlot ordinances. Interpreting the ordinances and all the associated qualifications and clauses was very tedious work.

Ms. Rosenstein commented on some of her practical experiences using OFFSET and setting up ordinances and setbacks from feedlots at the county level. Mr. Jim Sullivan talked about his involvement with odor issues and testing the OFFSET model with actual air monitoring work the MPCA was doing in Nicollet County. Mr. Ische indicated that Carver County had recently promulgated an OFFSET based odor setback ordinance as well, using ellipsoids representing the 93% and 94%.odor-free zones around every facility as a guideline.

Ms. Coleman summarized that after all their work, they were able to identify model elements that seemed to work well. One of the most important factors was involving as many interested and affected people as possible early on in developing the draft ordinances and comprehensive planning. She suggested, that approaches requiring Agricultural-only district or tiered agricultural zoning and mandatory setback distances were widely used. Several counties use a land use notification notice that they sign stating that they understand normal agricultural practices can create certain nuisance-like conditions. She also cited the use of conflict management teams deliberately created to respond to complaints. Provide technical assistance to reduce conflict. Public education on agricultural practices is also useful in reducing conflict. Most importantly better communication between neighbors and facilities seem to be extremely effective in defusing and resolving conflict. Policy recommendations were provided on page 73 & 74 of the Land Use TWP report. Complaint data needs to be collected more effectively and more quickly communicated to facilities.

Paul Burns joined the CAC meeting. He gave a brief update on activities at the Legislature. There is an Omnibus Feedlot Bill being considered by both the House and the Senate. One item would allow Level 1 Feedlot Inventories to substitute for the registration process mandated by the year 2000 Feedlot rules. There is an attempt to establish a Feedlot Permit Specialist for the Department of Agriculture. Increased funding for cost-share money for environmental was being considered. Ms. Sigford expressed her concern that the move to allow for less precise inventories of feedlots works against the recommendations of the CAC to collect more detailed feedlot information.

CAC was asked to identify key issues on Land Use after hearing the initial presentation from Ms. Coleman. Ms. Palmer wondered why the report does not talk about poultry in more detail. She expressed the desire that we be sure to mention what is not in the report and why it is not there. Ms. Sigford expressed concern that the report did not reflect the effect of the new large animal agriculture operations and conflict associated with these limited number of operations. Her organization’s experience with citizen’s complaints MPCA’s data on and resolution of complaints was at variance with some of the Land Use TWP findings and recommendations. It appeared to me that she was concerned that too little emphasis was being placed on facility information and monitoring data.

Mr. Hart stressed the necessity of adequate data on complaints. Mr. Christ wanted to be sure that there was harmonization of land use restrictions was addressed. Oftentimes adjacent counties or townships will have significantly different regulations for areas adjacent to each other. Ms. Henderson was interested in further exploration of Agricultural Production Zones and tiered Agricultural Zoning. Ms. Scharf wanted to be sure we defined our terms consistently and why we applied the OFFSET model just to swine and dairy. She also wondered why the model example used only a couple of the many animal production system models. Mr. Stanislawski wanted to include the consideration of a fund for possible government buyout of feedlots in sensitive areas.

He also was interested in exploring environmental tax credits to facilitate enhancement of proper production in targeted regions. Ms. Palmer commented that the emphasis of conflict between farmers and new rural residents is facile. It tends to demonize the new resident and lampoon the farmer. She asked for more detail about the farmer to farmer conflict. CAC expressed a mixed set of opinions on this question. Farmers can get away with a lot, but the dynamics in any community can be quite complex. Mr. Preisler asked if we could have a more detailed discussion on transfer of development rights. Troy Gilchrist from the Minnesota Association of Townships will provide a copy of the article John Dooley, former CAC alternate, prepared on this subject.

Mr. Preisler mentioned that some of the worst conflicts he had seen in Le Seuer County on the rural/urban fringe where one farmer is trying to get out and redevelop his land, while neighbors are remaining there as traditional farmers. Mr. Albrecht reminded the CAC that many times the complaint is merely a tool one farmer uses to harass his neighbor for other things that may be between them. Mr. Gilchrist reminded the group that there are many innovative approaches to this problem being used throughout the USA to solve these problems. He stressed the importance of cooperation between various levels of government. Mr. Larry Schultz asked Mr. Sullivan why the OFFSET model did not address land application sites, when this was clearly the largest source of complaints. Mr. Sullivan suggested that based on his regulatory experience with air issues the proposed recommendation for conflict management teams would be one of the most useful and cost-effective means of dealing with these problems.

Ms. Sigford expressed the need for a good externality study, which is beyond the scope of our current study. Most feedlot conflicts come down to a balancing of rights issue. ***Just how much external cost do we allow an individual to dump on society in the pursuit of individual or corporate profit? – GJ*** Ms. Sigford asks , Is it OK to impose air quality impacts and property devaluation on another person or their property.
Ms. Henderson concurred that the real need for more data on externalities is critical in answering these type questions.

Air Quality policy discussion followed after lunch. The first eight policy recommendations were agreed to in the previous month's meeting. This month we looked at four additional recommendations to deal with certain outstanding issues. Mr. Johnson made an initial presentation on the outstanding issues. Number nine dealt with the need for a detailed inventory of air quality data. Number ten referred to the agitation and pump-out issue. Number eleven talked about expanding MPCA's ambient air quality program to better delineate impacts from animal agriculture. Number twelve dealt with requiring feedlot sites to use the OFFSET model or equivalents, to establish appropriate setback distances from facilities. Ms. Pierce then went around the room to get an initial vote on people's feelings about the draft recommendations. CAC felt all four items needed further discussion.

Ms. Sigford asked for clarification on item nine. She recalled that the inventory had been presented as an examination of facilities where complaints had been received. Mr. Jim Sullivan pointed out that item nine was actually a subtask of existing policy recommendation 1C in Air Quality. Mr. Stanislawski stated that he felt items 10, 11, and 12 were actually subtasks of policy item three in air quality. These items were added as directed by CAC. Mr. Christ provided some history and clarification of the discussion that occurred around the feedlot inventory/census project conducted by LMIC for the animal agriculture GEIS. Mr. Albrecht also provided his recollection of the financial limitations inherent in the LMIC effort. Mr. Jim Sullivan indicated that possibly we were using inventory in two senses , one the feedlot inventory being conducted by counties, MPCA and LMIC through our grant, two; inventory can also refer to the air emission inventory of sources for odors and gases being emitted. Mr. Sullivan indicated that the air emission inventory was a very important data need. Ms. Rosenstein asked if CAC was prepared to recommend that every county in Minnesota be required to conduct a Level 2 or 3 feedlot inventory. This has proven to be a very controversial issue with regard to the farmers right to privacy of certain business data versus the public need to know data with potential environmental and public health consequences. The need for a widespread feedlot inventory at level 2 or 3 was moved to the parking lot for future consideration.

Mr. Sullivan talked about his experience with agitation and pump-out of manure lagoons. The key issue is the need for notice and the unavoidability of odor generation during this event. According to Mr. Preisler and Mr. Sullivan in Europe they recognize there is no good solution to the odor of agitation. They require advance notice and a five or ten day window of operation, which is somewhat shorter than the twenty-one day window that Minnesota currently permits. There may be some worker health concerns, which CAC has not yet addressed. Mr. Preisler explained the operational obligations imposed in order to qualify for the pump-out exemption. Mr. Preisler stated that he thought we needed to focus more on facility design in controlling odor problems from agitation and pump-out.. Ms. Scharf indicated that she felt we were not considering the most

important aspects of the feedlot problem.
The language was misleading and it was shortsighted to direct attention away from the real problems. Mr. Dunnwald said that we needed more specifics. He felt that if the CAC recommendations were too general these would be useless. He thought we should give examples of all the major problems we were aware of in animal agriculture. Mr. Sullivan proposed a compromise, which was agreed to by the group. Mr. Raab agreed that the language should be general enough to cover the management of all types of manure. He felt if we got too specific, we would not include the entire variety of agricultural operations that are found.

Mr. Sullivan recommended that we delete policy eleven as it was contained substantially in items two and three. Ms. Sigford expressed concern that PM(10) and other air issues be adequately addressed. Mr. Sullivan stressed that policy recommendation number two was adequate to meet all these concerns.

Dr. David Mulla from the University of Minnesota appeared to present his final TWP on Water Quality. He focused on clarifying some of the questions that arose last time. He also developed initial policy recommendations for the consideration of CAC. First was to focus regulation on land application of manure, as that is more important in terms of WQ contamination. Ninety per cent of the manure nutrients that go on land are generated by feedlots with greater than 100 A.U.s. Current feedlot rules don't include nutrient management as a priority for feedlots less than 300 A.U.'s. Dr. Mulla also stressed a focus on voluntary best management practices for both fertilizer and manure combined. He stressed that not all the water quality problems are from manure. This situation varies from region to region. Dr. Mulla stressed his support for the Phosphorus index tool. He said that this tool was an important part of nutrient management planning. Total maximum daily loading (TMDL) was another topic he was going to discuss in detail. Finally he was going to talk about animal density limits as a policy.

In the Minnesota River basin, there is 55,000 tons per year of Nitrogen in the surface water. Dr. Mulla's analysis shows that down in South Central Minnesota, way too much Nitrogen is going on the land relative to the crop nutrient needs. Anywhere from 32 pounds per acre beyond the normal corn crop recommendation of 120 pounds of Nitrogen per acre. With Phosphorus the pattern is not so general, instead you tend to see clusters of high phosphorus going on in limited areas near large feedlots. Ms. Scharf asked how much of this data correlates to fertilizer recommendations based on soil sampling test results. Farmers traditionally have applied extra Nitrogen and Phosphorus as a relatively cheap insurance to maximize crop production. Ms. Scharf indicated that her experience was that many farmers in her area did careful soil sampling to establish crop nutrient needs. Mr. Preisler expressed that in his experience as an Extension agent it was not uncommon for some fertilizer dealers to recommend excessive nutrients. He stressed that nutrient timing and application technique was extremely important to optimizing nutrient

uptake and minimizing pollution from excess nutrients. Mr. Preisler also pointed out that it is very frustrating to manure applicators to become more heavily regulated when there is less control over chemical fertilizers. This situation tends to discourage manure use in crop production. He felt that we needed to more fairly evaluate all the nutrient sources.

Dr. Mulla stressed the importance of nutrient problems in the Minnesota River. To illustrate the differences in different regions of Minnesota he gave the ratios of excess Nitrogen from fertilizer and manure. In south central Minnesota for Nitrogen, 80% of the excess Nitrogen is from fertilizer and 20% is from manure. That ratio is about the same in southeastern Minnesota. In south western Minnesota 60% of the excess Nitrogen is from manure and 40% from fertilizer. In central Minnesota 80% of the excess N is from manure and 20% from fertilizer. The ratios are region dependent due to the differences in animal types, production systems, soils and in the mixes of crops grown.

For Phosphorus the situation is a little different. Manure tends to dominate in terms of sources, because manure is much richer in P than in N. The ratios of excess Phosphorus from fertilizer and manure follow different patterns. In south central Minnesota for Phosphorus, about 50% of the excess P is from fertilizer and 50% is from manure. In southeast, south central and central Minnesota, manure becomes much more dominant. The differences in nutrient ratios influence the strategy we would have to use to control the problem. Each region would need a differing manure management strategy.

MPCA has set a TMDL for Phosphorus in the Minnesota River. They are recommending a 40% reduction in P going to the Minnesota River. Dr. Mulla looked at a number of policy options that could be used alone or in combination to improve surface and groundwater quality associated with feedlot operations. The first major category is voluntary measures, which can accomplish a great deal. He felt that more precise accounting for legume N credits, improved timing of nutrient application, precision agriculture, and wetland treatment and using ditches to denitrify run-off water. Conservation tillage and buffer strips along with wetland detention of surface run-off would greatly reduce P pollution from agriculture.

Dr. Mulla brought up the subject of animal density limits. Voluntary limits and practices can certainly help control pollution. In some watersheds the density of animal operations may be too high for the ecosystem to handle the outputs of manure. Nutrient management planning should be done for individual feedlots, but we also need to do a macro-scale analysis of the total cumulative effect of all operations in the region. If you get to a point where there are too many animals in a watershed than it may become necessary to severely restrict further expansion.

One of the most significant revelations from Dr. Mulla's work was the importance of controlling manure management in maintaining water quality.

The major topic for the second day was the Role of Government TWP by Decker and Paddock. During the introductory remarks, Dennis Bottem told CAC about his recent experience at a national Cattleman's Association meeting in Washington D.C. His group met with the EPA Administrator, Christine Todd Whitman and the head of USDA, Ann Venneman. According to Mr. Bottem the new Administration is encouraging the agencies to be more helpful to all consumers. He said that the five states in the northern states were going to be meeting to plot coordinated strategies to comply with the federal rules.

Ms. Pierce reviewed the agenda and reminded the group of the ground-rules for policy discussion. Ms. Palmer pointed out her objection to the EQB Board's action of redirecting funds from the animal agriculture GEIS to the Hancock Pro Pork EIS. The major basis of her objection was the use of public money to benefit a private business. Other CAC members voiced similar feelings. Ms. Rosenstein explained that the expenditure of these funds actually would provide useful information for our generic EIS.

The group began to evaluate the draft policy recommendations for water quality. Mr. Johnson explained that as the process went on there were multiple versions and edits of the policy documents. Ms. Sigford provided detailed comments and other draft recommendations that were incorporated in a hybrid document. Mr. Johnson also added draft recommendations based on the ideas suggested by Dr. Mulla in his presentation on water quality. Mr. Peterson led the policy discussion process. He began by asking CAC members to use the dot ranking process. In response to questions from CAC, Mr. Johnson stated that in his opinion, once we had finished discussing the individual policies by topic area, it would be necessary for CAC to go back and look at all policies in totality. Ms. Bloomgren suggested that the EQB update the GEIS biannually to correspond to the Legislative budget cycle.

CAC discussed the recommendation promoting the use of the Phosphorus Index. There was a lively discussion of this topic with very active participation of the group. The next major recommendation looked at the advisability of using state cost-share funding to encourage proper manure management. Mr. Christ brought up the dilemma that the benefit went largely to private industry and secondarily to the public. On that basis he felt cost-sharing was reasonable. Mr. Larry Schultz pointed out that we needed to be especially sensitive to the needs of smaller farmers for cost-share monies in order to upgrade facilities to comply with the environmental requirements of the new feedlot rules. Ms. Sigford questioned the need for this cost-share funding to underwrite the operating costs of a private business. Mr. Bottem stated that consumers fail to appreciate the extremely inexpensive costs they pay for their food. He said that it is not unreasonable to ask the public to help subsidize some portion of the costs of environmental upgrades. Ms.Scharf stressed the importance of realizing the economic impact of environmental regulation on farmer's production costs.

Mr. Christ pointed out the fundamental economic truth that if you want more of something you subsidize it, if you want less of it you tax it. He encouraged the CAC to support subsidies to improve land application technology. Mr. Dunnwald stated that he could support this cost-sharing policy if it was tied to use of the Phosphorus Index.

Sharon Decker, Lee Paddock, Barb Friese joined to present their draft report on the Role of Government. Ms. Decker began with an overview of the TWP. She explained the study looked at several areas; reviewed of the previous Literature Summary, looked at additional current literature identified by EQB staff, surveyed feedlot regulatory programs in other states, examined how grants and loans affected feedlot operations, looked at the current Minnesota regulatory program, including the environmental review components, looked at the issue of cumulative impacts in feedlots, examined the recent feedlot rule changes, discussed the policy implications of the rule changes and discussed future uses of the Generic EIS.

A survey of 31 open-ended questions was sent to eight states. These questions dealt with existing permit programs, incentives available, experiences with environmental review, how they handled public complaints and a category of general issues not covered elsewhere. The states chosen to survey were Iowa, Wisconsin, Nebraska, Missouri, North Carolina, South Carolina, California and Idaho. Ms. Decker discussed the articles she reviewed. These could be grouped into; regulation of agriculture, jurisdictional boundaries of feedlot regulation, impact of regulations on development, command and control regulations versus self-control, right to farm laws and finally corporate farming issues. In 1997 there were more than 38,000 feedlots in Minnesota. Between the years 1993 to 1997 inclusive, MPCA issued almost 4,000 feedlot permits. During that same time period there were 47 feedlot EAW's conducted or just over 1% of the permitted sites had EAW's completed. Decker's conclusion was that generally the EAW works pretty well to get the information out to the public.

Early involvement by the public and interested local units of government help find solutions and alternatives as soon as possible. One comment uncovered by Ms. Decker in support of the EAW was that these help stop rumors. Rumors, misunderstandings and exaggerations arise in the absence of factual information. By getting the facts out early, the EAW actually helped prevent damaging rumors from circulating on proposed projects. Accurate information out early is useful in identifying potential problems. EAW mitigations seemed to be incorporated quite fully into permit documents. MPCA and County Boards acted on issues identified in the EAW process. Ms. Decker recommended minor changes in the permit and environmental review process for feedlots. She suggested that MPCA needed to do a better job of record keeping. It was very difficult for her to get detailed permit information from MPCA. The current MPCA feedlot permit file system is scattered and cumbersome to extract information. MPCA does not maintain a comprehensive file of EAW's and/or summary EAW information.

In order to get information Decker's staff had to go through each individual feedlot paper file. This arrangement would make it very difficult for a member of the public to obtain feedlot permit information. There is a need for additional training of county feedlot regulatory staff on details of environmental review. It was not clear to some people what an EAW negative declaration actually meant. A "Neg Dec" does not mean there are no problems with the project. It actually means that based on the data reviewed there does not appear to be sufficient justification to order an EIS for the project. Ms. Decker recommended that the current feedlot EAW form and process be expanded to look at alternatives, mitigation measures and potential for cumulative impact from the operation.

Cumulative impact is an important impact in environmental review and it has been an issue for a number of feedlots, including a couple of recent court cases. The first question is, "What is cumulative impact?" This term is used in many different senses by different people. In Minnesota rules Chapter 4410.0200, EQB defines the term as follows; "Cumulative impact" means the impact on the environment that results from incremental effects of the project in addition to other past, present and reasonably foreseeable future projects regardless of what person undertakes the other projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The issue of cumulative impact is used primarily to decide if there is a need for a full Environmental Impact Statement done on a proposed facility or project. Ms. Decker looked at a number of Federal and State cases including court decisions on cumulative impact. This issue has been raised in Minnesota with regard to air impacts from feedlots. MPCA has tried to address this issue in the past and their policy has been evolving. New York and Massachusetts use cumulative impacts as an integral part of their environmental review. The concepts of cumulative actions, connected actions, phased actions , related actions and secondary effects are all used as ways to approach the overall concept of cumulative impacts. A key issue in cumulative impacts is the concept of fairness. If you are the tenth project in an area, is it fair that you should have to solely assess the cumulative impact of your project and the previous nine? How should you apportion the assessment cost among potentially involved parties becomes a very difficult questions. One must recognize that cumulative impact analysis may have to be done on several levels.

Barb Freese gave an overview of their team's analysis and recommendations. First of all she advised CAC to recommend as policy that a couple of priorities be identified and work focused on these items. The present programs are trying to do too many things and are not accomplishing as much as they otherwise could. She also opined that by setting priorities the public is much more likely to support the overall program. In order to come up with priorities, Ms. Freese suggested that CAC would have to go through a process. The GEIS is a major part of this process but it would also involve public meetings.

She suggested the following priorities as an example:

1. Surface water discharges in high priority watersheds
2. Improved nutrient management
3. Resolving the air emission/odor issue

Mr. Paddock stressed the need to focus on priorities. He explained a program he termed a "compliance management system" which involved a customized and integrated use of available tools to fit particular feedlot situations. He suggested nine major tools to consider using, which is documented in chapter four of the Role of Government TWP. These included:

1. Education,
2. Stewardship programs,
3. Financial and Technical Assistance
4. Trading Programs (pollution credits)
5. Promoting viable alternatives to CFO's
6. Nutrient management tools (like a manure exchange)
7. Self-Audits
8. Inspections (targeted and random)
9. Enforcement

Mr. Paddock stated that their research indicates the fear of enforcement is much greater than the reality. A significant issue was the sense that State and County feedlot staff do not feel supported in doing feedlot enforcement. There is a strong staff sentiment that upper management does not want to prosecute recalcitrant operators. EPA has shown a renewed vigor in prosecuting feedlot problems. There are some differences between Federal and State feedlot rules. The Decker team recommended that it was important for MPCA and County feedlot staff to develop better cooperation and a stronger sense of working together on common problems.

Mr. Paddock suggested it would be extremely desirable to establish an implementation team that would evolve out of the GEIS. This advisory group could carry on the recommendations of policy and take a role in overseeing the ongoing process of updating the document as future changes occur. He stressed the need for increased public involvement at all sizes of feedlots. Informal options for public involvement will facilitate ongoing education and consensus. There also needs to be an emerging issues research agenda. One of the major reasons for our present situation was there was no mechanism to identify and deal with the rapid consolidation and growth in swine facility size which occurred in the last ten years.

CAC asked the Decker team. Mr. Raab asked if they could elaborate on improving the public involvement process. Ms. Palmer asked how to deal with persons promoting their

own personal agenda to the detriment of the public good. Mr. Christ talked about a delegation sent to Idaho to deal with their exploding dairy industry and how the state was able to improve cooperation and compliance. Mr. Jim Sullivan asked about enforcement techniques and compliance strategies. Mr. Stanislawski was involved with the Idaho program and he elaborated on his experiences with the inspection and certification program. The program is size-neutral. Everyone is inspected regardless of facility size.

Ms. Henderson expressed interest in the Decker recommendation to establish priorities and focus limited resources available in a targeted feedlot program. Ms. Sigford asked about the cost-share program and how to best use limited monies in this program. Ms. Krinke stressed the importance of not relying entirely on the government to solve farming problems. Mr. Christ talked about the need to be flexible in our approaches to solving agricultural problems. Ms. Krinke replied with some insights on her experiences with sustainable agriculture. Mr. Preisler commented on some of the legal and political realities regarding cost-share programs. Mr. Raab expressed the frustration that many producers have with widely varying feedlot regulations in adjacent townships and counties. He wondered, "how can we level the playing field?" Mr. Bottem commented on the dilemma of size. He said that in Minnesota our facilities are quite small relative to other parts of the USA. Mr. Dunnwald commented on pending feedlot legislation. Mr. Downing gave closing observations on the whole issue of environmental review of feedlots.

CAC discussed the major issues on the role of government using the policy recommendations provided in the draft TWP. The group then began policy recommendation discussion for Human health and Water Quality. Ms. Bloomgren facilitated the discussion of Water Quality policies following a brief introduction buy Ms. Pierce. Ms. Scharf encouraged the CAC to avoid rehashing every policy recommendation multiple times. Mr. Raab expressed the concern of the poultry industry that scientific evidence on the antibiotic usage was inconclusive. He presented several references that indicated it was premature to recommend a ban on antibiotic use in livestock. Ms. Bloomgren went through the rest of the Human Health and Air Quality recommendations, explaining her perspective on the items in detail.

Scott Freburg from LMIC made a presentation on his work on the Feedlot Inventory and spatial analysis of this data. He has spent almost two and one half years collecting county inventory data and agricultural census data. LMIC has now largely finished data collection and is beginning to conduct spatial analysis. George Johnson of EQB has formed a CAC task Force on spatial analysis which is meeting twice a month to guide this analysis and the preparation of interpretive maps. This Task Force is open to all members of CAC and other parties with special interest and expertise. Mr. Freburg gave some history on the project and brought CAC up to date. He also brought some examples of the maps he had generated as examples of the types of products LMIC can generate.

John Hoshal the project manager from LMIC was also on hand to present on the project. A couple of handouts on the GIS project were distributed to all CAC members present. There are presently about 5.3 million Animal Units in the State of Minnesota.

4:45 Summary/Check-in

5:00 Meeting Adjourned