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## Scanlan Feedlot Expansion CUP, Haverhill Township, Olmsted County (DNR Comments)

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Lehman, Nicole (DNR) <nicole.lehman@state.mn.us> Mon, Jul 19, 2021 at 11:00 AM

To: David Meir <david@tcpamn.org>

Cc: "Weiss, Jeffrey L (DNR)" <jeffrey.weiss@state.mn.us>, "Stauffer, Kevin W (DNR)" <kevin.stauffer@state.mn.us>, "Barry, John (DNR)" <john.barry@state.mn.us>, "Collins, Melissa (DNR)" <Melissa.Collins@state.mn.us>, "Richter, Joe G (DNR)" <joe.richter@state.mn.us>, "Schad, Brandon (DNR)" <brandon.schad@state.mn.us>, "Crawford, Matt (mcrawford@rochestermn.gov)" <mcrawford@rochestermn.gov>

Hi David,

DNR has reviewed Mr. Scanlan's proposed Conditional Use Permit for a feedlot expansion at the property located at 3322 80<sup>th</sup> Ave NE, Eyota, MN in Viola Township and offers the following comments:

- Silver Creek (M-034-072) and Unnamed Creek (M-034-072-002) are DNR regulated public watercourses. While the proposed feedlot expansion is not located within the shoreland or floodplain the DNR would like to note the information provided about the manure application fields shows that 21 of them have intermittent streams and five have floodplains. This increases the likelihood of manure runoff from these fields even though manure will be injected. By rule, a 25 ft setback is required from these features for injected manure, but this seems inadequate given the potential lateral movement of water in the soil, especially where the depth to bedrock is shallow. The DNR recommends:

*of 330 feet*

- Additional application setbacks (beyond 300 feet) are utilized along the Unnamed Creek/Silver Creek, even with manure injected into the soil at the time of application.

- Areas shown to have a shallow depth to bedrock contain a minimum setback of 300 feet and that berms be placed around sinkholes within applications sites, to prevent runoff from entering them. As a reminder, not all sinkholes have been mapped and new sinkholes can appear over time. The DNR recommends that karst walks be completed on all proposed manure application sites prior to permitting and that an annual karst walk be required on all manure application sites to assure manure application meets the required setbacks for surface karst features. Karst

walks should also occur on the feedlot site annually. New sinkholes occasionally appear when water levels in an area of karst are lowered by pumping wells. The project proposer should be advised of the possibility of this occurring and develop contingency plans should this occur.

- There is potential for phosphorous loading from manure application and impacts on water quality to the Silver Creek Reservoir. The Rochester flood control reservoirs are already very productive and likely eutrophic with an outstanding fish population and receives very high angling pressure particularly in the winter. Increased nutrient levels could potentially lead to oxygen depletion problems and fish kills. Several years ago a significant summer die-off of Northern Pike occurred in the reservoir. This was likely due to extremely high water temperature that larger pike could not tolerate. Also, high temperatures reduce oxygen levels. High water temperature combined with increased nutrient loading could be a recipe for a significant fish kill. Another consideration is that Lake Zumbro is impaired by nutrients and has a TMDL for nutrient reduction. The potential nutrient load increase from this feedlot expansion is inconsistent with water quality goals for Lake Zumbro.

- Silver Creek is not currently impaired by bacteria according to the MPCA. This may be due to the presence of Silver Creek Reservoir which is downstream from the proposed feedlot location. The reservoir provides extended exposure to sunlight which kills bacteria. However, the South Fork Zumbro River where Silver Creek enters is impaired by bacteria (aquatic recreation impairment). Reducing bacteria/aquatic recreation impairments are goals of the Zumbro River One Watershed, One Plan, WRAPS, and the DNR. This feedlot expansion is inconsistent with these goals. Since Silver Creek is one of the few streams not currently impaired it is important to protect it and the reservoir.

*Watershed Restoration AND Protection Strategy*

- The number of streams impaired by bacteria is a continuing concern to our agency because of our focus on aquatic recreation. The proposed feedlot is inconsistent with agency clean water goals and the goals of the Zumbro River TMDL, WRAPS, and One Watershed, One Plan.

*TOTAL MAXIMUM DAILY LOAD*

- As a reminder, the Proposer should apply for a DNR Water Appropriation Permit to serve 2,400 finish hogs, in addition to the existing facility of 720 animal units or 2,400 swine between 55 and 300 lbs. Using water use numbers for the facility that are listed in the document, the 2,400 finishing hogs will exceed the 1.0 million gallons of water per year threshold for requiring a DNR Water Appropriation Permit. The Proposer will need to use the Minnesota Permitting and Reporting System (MPARS) to apply for a preliminary assessment of the proposed well site. The

preliminary assessment is intended to warn the proposer of potential environmental problems associated with the location of the well before money has been spent to drill the well.

When the facility is being constructed, if the construction dewatering (for structures, ponds, lagoons, and utilities) will occur in volumes that exceed 1.0 million gallons per year, or 10,000 gallons per day, a DNR Water Appropriation Permit is required for the dewatering. Projects that propose to use less than 50.0 million gallons will occur over a time period of less than one year and are not located in areas with sensitive resources are eligible to use a General Permit for Temporary Appropriation with an expedited review period and less expensive application fee.

Once the facility has been expanded, then you will need to amend DNR General Permit for Livestock Appropriation Authorization 2017-1705 to show the location of the new facility, and the new well. Once again, if the livestock will use less than 5.0 million gallons of water and the facility qualifies to be covered under the General Permit for Livestock Watering, then it will qualify for expedited review and no application fee, and will not require an annual water use fee. You would need to apply online in MN Permitting and Reporting System (MPARS) [here](#). Please contact Joe Richter with any questions [joe.richter@state.mn.us](mailto:joe.richter@state.mn.us).

Thank you for the opportunity to comment.

**Nicole E. Lehman**

Area Hydrologist | Ecological and Water Resources Division

**Minnesota Department of Natural Resources**

2118 Campus Dr. SE, Suite 100

Rochester, Minnesota 55904

Phone: 507-206-2854

Email: [nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)

[mndnr.gov](http://mndnr.gov)

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## Scanlan Feedlot Expansion CUP, Haverhill Township, Olmsted County (DNR Comments)

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Hi David,

One clarification regarding the Water Appropriation permit.

The existing DNR Water Appropriation Permit will need to be changed. The permit is required to show the existence of the new well. You would need to apply online in MN Permitting and Reporting System (MPARS) [here](#). Please contact Joe Richter with any questions [joe.richter@state.mn.us](mailto:joe.richter@state.mn.us).

Thank you.

Nicole E. Lehman

Area Hydrologist | Ecological and Water Resources Division

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