



## Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us) | Equal Opportunity Employer

September 21, 2012

TO: INTERESTED PARTIES

RE: Baers Poultry Company (Old Barn) 2013 Retrofit

The Minnesota Pollution Control Agency (MPCA) has approved the Findings of Fact, Conclusions of Law, and Order for a Negative Declaration on the need for an Environmental Impact Statement on the proposed Baers Poultry Company (Old Barn) 2013 Retrofit, Clay County. The Findings of Fact, Conclusions of Law, and Order document concludes that this project does not have the potential for significant environmental effects. The decision for a Negative Declaration completes the state environmental review process under the revised Environmental Quality Board rules, Minn. R. ch. 4410. Final governmental decisions on the granting of permits or approvals for the project may now be made.

These documents can be reviewed at the following locations: the MPCA offices in St. Paul and the Minneapolis Public Library at 300 Nicollet Mall, Minneapolis. The document can be viewed on our MPCA website at <http://www.pca.state.mn.us/news/eaw/index.html>. Requests for copies of these documents may be made by contacting the St. Paul office at 651-757-2101.

We want to express our appreciation for comments submitted on the Environmental Assessment Worksheet. Comments and responses to them have been incorporated into the Findings of Fact, Conclusions of Law, and Order and have been considered by MPCA staff during the permit process for the proposed project.

Sincerely,

A handwritten signature in black ink that reads "Craig Affeldt" followed by a stylized flourish.

Craig Affeldt  
Supervisor, Environmental Review Unit  
St. Paul Office  
Resource Management and Assistance Division

CA:mbo

**STATE OF MINNESOTA  
MINNESOTA POLLUTION CONTROL AGENCY**

**IN THE MATTER OF THE DECISION  
ON THE NEED FOR AN ENVIRONMENTAL  
IMPACT STATEMENT FOR THE PROPOSED  
BAERS POULTRY COMPANY (OLD BARN) 2013 RETROFIT  
EGLON TOWNSHIP, CLAY COUNTY, MINNESOTA**

**FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER**

**FINDINGS OF FACT**

Pursuant to Minn. R. 4410.1000 - 4410.1600, the Minnesota Pollution Control Agency (MPCA) prepared an Environmental Assessment Worksheet (EAW) for the proposed Baers Poultry Company (Old Barn) 2013 Retrofit project. Based on the MPCA environmental review, the EAW, comments and information received during the comment period, and other information in the record of the MPCA, the MPCA hereby makes the following Findings of Fact, Conclusions of Law, and Order.

**Project Description**

1. Baers Poultry Company (or project proposer) is proposing to retrofit an existing 40-foot by 876-foot total confinement pullet barn (facility or project) located in Section 24, Township 139, Range 44, Eglon Township, in Clay County, Minnesota. The existing pullet barn currently houses 144,000 animals (4,752 animal unites), and has a clay lined manure storage basin for temporary storage of the manure. The project would be done in two phases. Phase I, expected to be completed in 2013, would consist of retrofitting the north half of the existing 40-foot by 876-foot barn structure by installing new battery cages, as well as a manure storage building with a concrete floor. The continuous manure air drying system will allow for further drying of manure before removal to the new manure storage building. Phase II, expected to be completed in 2018, would consist of retrofitting the south half of the existing 40-foot by 876-foot barn structure, also by installing a new manure air drying and conveyor system, and constructing an additional 40-foot by 150-foot roofed manure storage building with a concrete floor. After completion of the second phase, the clay-lined liquid manure basin will be eliminated. Total number of animals after the second phase will be 294,912, but the number of animal units will be decreased to 884.74, because of the conversion to the dry manure system.

**Procedural History**

2. A draft Environmental Assessment Worksheet, as well as permit modification application for coverage of the proposed project under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Feedlot Permit was submitted to the MPCA on March 20, 2012. Additional required information was submitted to the MPCA by the project proposer on April 23, May 18, July 3, and July 26, 2012.
3. There has been no past environmental review of the existing facility.

4. Pursuant to Minn. R. 4410.1000, subp. 3.C, the proposer submitted a voluntary draft EAW to the MPCA. An EAW was prepared by MPCA staff on the proposed project. Pursuant to Minn. R. 4410.1500, the EAW was distributed to the Environmental Quality Board (EQB) mailing list and other interested parties on August 3, 2012.
5. The MPCA notified the public of the availability of the EAW for public comment. A news release was provided to media in Clay, Becker, Douglas, Mahanomen, Norman, Ottertail, Traverse, and Wilkin Counties, as well as other interested parties, on Tuesday August 7, 2012. The notice of the availability of the EAW was published in the *EQB Monitor* on August 6, 2012, and the EAW was made available for review on the MPCA website at <http://www.pca.state.mn.us/news/eaw/index.html>.
6. The public comment period for the EAW began on August 6, 2012, and ended on September 5, 2012. During the 30-day comment period, the MPCA received one comment letter from a governmental unit. The comment letter is included as Appendix A to these findings.
7. The application for modification to the existing coverage under the General NPDES/SDS Permit was placed on public notice on August 6, 2012, and came off public notice on September 5, 2012. The MPCA received no comment letters on the application for coverage.
8. The MPCA prepared written responses to the comment letter received during the 30-day public comment period. The comments received and the responses to the comments are included as Appendix A to these findings.

#### **Criteria for Determining the Potential for Significant Environmental Effects**

9. Under Minn. R. 4410.1700, the MPCA must order an Environmental Impact Statement (EIS) for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the MPCA must compare the impacts that may be reasonably expected to occur from the project with the criteria set forth in Minn. R. 4410.1700, subp. 7. These criteria are:
  - A. Type, extent, and reversibility of environmental effects.
  - B. Cumulative potential effects. The responsible governmental unit (RGU) shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project.
  - C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project.

- D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

**The MPCA Findings with Respect to Each of These Criteria  
Are Set Forth Below**

**Type, Extent, and Reversibility of Environmental Effects**

10. The first criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is the “type, extent, and reversibility of environmental effects” Minn. R. 4410.1700, subp. 7. A. The MPCA findings with respect to this criterion are set forth below.
11. The types of impacts that may reasonably be expected to occur from the project include the following.
- air quality impacts related to hydrogen sulfide, ammonia, and odor emissions
  - impacts on groundwater and surface water quality
12. With respect to the *extent* and *reversibility* of air quality impacts that are reasonably expected to occur from the project, the MPCA makes the following findings.
13. Air quality modeling estimated the atmospheric concentrations of hydrogen sulfide and ammonia, and the intensity of odor-producing gases at the project’s property lines, and at the feedlot’s 35 nearest neighbors. The model also considered the air emissions from four neighboring feedlots in the project area, and a neighboring compost facility. The modeling protocol and report were reviewed and approved by MPCA staff. The table below provides a summary of the air quality modeling results.

Proposed Site Property Boundary	Hydrogen Sulfide (ppb) (with a 17 ppb background)	Acute Ammonia ( $\mu\text{g}/\text{m}^3$ ) (with an 148 $\mu\text{g}/\text{m}^3$ background)	Maximum Hourly Odor Intensity (OU, d/t) <sup>1</sup>
North	23.45	781	59
East	22.71	982	53
South	26.05	1,272	84
West	25.14	1,265	65

ppb = parts per billion

$\mu\text{g}/\text{m}^3$  = micrograms per square meter

OU = odor unit

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<sup>1</sup> Odor impact assessment based on OUs. A value of 72 OUs is considered to be a faint odor detectable by most people.

#### Air Quality Impacts Related to Hydrogen Sulfide Emissions

14. The CALPUFF modeling results indicated that the proposed project will not violate the Minnesota ambient air quality standard for hydrogen sulfide. The CALPUFF-predicted maximum project-specific contribution to the ambient hydrogen sulfide concentration was 9.05 ppb. When the background hydrogen sulfide concentration of 17 ppb was added to the CALPUFF prediction, the maximum property-line hourly concentration was 26.05 ppb, which indicates that the half-hour standard of 30 ppb will not be exceeded. Thus, violations of the hydrogen sulfide standard are not expected to occur, and the proposed project is expected to be in compliance with the applicable air quality standards for hydrogen sulfide.
15. The CALPUFF modeling results also indicated that the proposed project will not cause the sub-chronic hydrogen sulfide inhalation health risk value (iHRV) to be exceeded at neighboring residences. The estimated facility-specific maximum 13-week time-averaged hydrogen sulfide concentration for the facility's neighbors was  $0.51 \mu\text{g}/\text{m}^3$ . When a background concentration of  $1 \mu\text{g}/\text{m}^3$  is added to the CALPUFF estimate, the 13-week neighbor hydrogen sulfide maximum concentration was  $1.51 \mu\text{g}/\text{m}^3$ , which is below the sub-chronic hydrogen sulfide iHRV of  $10 \mu\text{g}/\text{m}^3$ .

#### Air Quality Impacts Related to Ammonia Emissions

16. The CALPUFF modeling results for ammonia suggests that the proposed project will not exceed the acute ammonia iHRV. The CALPUFF model predicted a maximum hourly property-line concentration of  $1,124 \mu\text{g}/\text{m}^3$ . When a background concentration of  $148 \mu\text{g}/\text{m}^3$  was added to the CALPUFF prediction, the maximum property line ammonia concentration was  $1,272 \mu\text{g}/\text{m}^3$ , which is below the acute iHRV for ammonia of  $3,200 \mu\text{g}/\text{m}^3$ .
17. The CALPUFF results also indicate that the feedlot would not result in air concentrations of ammonia exceeding the chronic ammonia iHRV at the neighboring residences. The estimated maximum one-year time-averaged ammonia concentration among the feedlot's neighbors was  $56.81 \mu\text{g}/\text{m}^3$ . When a background ammonia concentration of  $5.72 \mu\text{g}/\text{m}^3$  was added to the CALPUFF estimate, the maximum annual ammonia concentration at any neighboring residence was  $62.53 \mu\text{g}/\text{m}^3$ , which is less than the chronic ammonia iHRV of  $80 \mu\text{g}/\text{m}^3$ . Thus, the chronic ammonia iHRV is not expected to be exceeded.

#### Air Quality Impacts Related to Odor

18. Ambient air quality standards are not established for the regulation of odor in Minnesota; however, the CALPUFF model was used to estimate the ground level odor intensities at the feedlot's property lines and at neighboring residences. As indicated in the table in finding number 13, the maximum hourly odor intensity predicted at the expanded feedlot's effective property line was 84 OUs, which is above the "faint" odor threshold of 72 OUs. This level was predicted to occur for 1 hour out of the 43,824 hours that were modeled. The modeling report data suggest that any "faint" or stronger off-site odors generated by the project will be confined to a small area just outside the feedlot's southwest corner. Modeling of ground-level intensities indicated the estimated maximum nearest neighbor odor intensity is 61 OUs, which is below the 72 OU threshold for "faint" odors.

19. With respect to the reversibility of air quality impacts that are reasonably expected to occur from the project, air emissions from the facility will continue while the facility remains in operation, and would cease only if the facility were to be temporarily or permanently closed. While in operation, the project is expected to meet applicable air quality standards and criteria. If excessive air emissions or violations of the ambient hydrogen sulfide air standards were to occur, or if iHRVs for ammonia were exceeded, air quality impacts would be temporary in nature and corrective measures could be implemented. Such measures could include the initiation of a complaint investigation by the MPCA and requiring the project proposer to make operation and maintenance changes. In addition, as noted in the proposer's Air Emissions Plan and Complaint Response Protocol, if higher than expected levels of air odor emissions are anticipated, notification will be made to neighbors. Therefore, the impacts on air quality that are reasonably expected to occur from the project are reversible.
20. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to assess the impacts on air quality that are reasonably expected to occur from the project. Methods to prevent significant adverse impacts have been developed.
21. The MPCA finds that the project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts on air quality that are reasonably expected to occur from the project.

#### Impacts to Groundwater and Surface Water Quality

22. With respect to the extent of potential impacts to groundwater and surface water quality that are reasonably expected to occur from the proposed project, the MPCA makes the following findings.
23. All livestock will be housed in a total confinement building and will not have access to surface waters. After Phase I, all manure generated in the north half of the pullet facility will be dried with the continuous manure air drying system, and then stored in the constructed dry manure storage barn for further composting before transfer of ownership for land application. After Phase II construction on the south half of the pullet facility, all manure generated will be dried with continuous manure air drying, and stored in either of the two constructed dry manure storage barns for further composting before transfer of ownership for land application. The facility itself will be required by the General NPDES/SDS Permit to meet a zero discharge standard. The General NPDES/SDS Permit requires that stormwater pollution prevention and management plans that include best management practices for the operation of the facility be developed and maintained on site.
24. All manure at the existing facility is and will continue to be transferred and is not land applied on property owned by the proposer. All applicators of manure, whether transferred or applied at permittee-owned sites, are required to follow state and local requirements pertaining to testing, limits, restrictions, setbacks, records, and reporting spills.

25. The details of the manure application methods to be implemented as part of this project are outlined in the proposer's Manure Management Plan (MMP), which is for transferred ownership of manure. Although ownership of all manure is to be transferred, the MMP for transferred manure will be an enforceable provision of the NPDES/SDS Feedlot Permit for the project. When ownership of manure is transferred, the MMP includes requirements that both the feedlot owner and manure recipient must meet. The feedlot owner is also responsible for providing the manure with state requirements concerning soil testing, rate limits, seasonal restrictions, setbacks, keeping records, and reporting spills. In turn, the recipient must conduct manure management planning and recordkeeping that is specific to the fields and crops. The owner of the manure must keep records for the three most recent years, including the amount and nutrient content of manure delivered, the name and address of any commercial hauler or applicator who received the manure, the location where the manure was applied, and the rate of application. The commercial applicator spreading manure not owned or leased by the owner of the animal feedlot or the manure storage area from which the manure is produced must keep records, and a copy of the records submitted to the owner of the feedlot or manure storage area from which the manure is produced, no later than 60 days following land application.
26. In order to avoid contaminating the groundwater at the manure application sites, manure must be applied at agronomic rates based on the type of crop grown, the soil type, and the soil chemistry to minimize the potential for nitrate leaching into the groundwater. MPCA and/or county water supply well setback requirements, whichever are the more restrictive, must also be observed. As a result, it is not expected that the manure incorporated at the manure application sites will result in an adverse impact on groundwater quality.
27. The land application of manure, if done improperly, can adversely impact surface-water resources through manure-laden runoff or manure residue leaching into drain tile lines that outfall to surface waters. Therefore, MPCA and/or county setback requirements, whichever are more restrictive, must be observed around drain tile intakes located within and adjacent to manure application areas, and near other surface-water resources. Additional requirements of the General NPDES Permit and the MMP are expected to minimize the potential for manure applied at manure application sites to come in contact with surface or groundwater.
28. The quality of stormwater runoff from land application areas for the transferred manure is not expected to significantly change if managed in accordance with the MMP for transferred manure required by the NPDES/SDS Permit. Improved soil tilth through the use of organic fertilizer and immediate incorporation of manure has the potential to improve runoff characteristics.
29. With respect to the *reversibility* of water quality impacts that are reasonably expected to occur from this proposed project, the MPCA makes the following findings.
30. The prevention of adverse effects on water quality due to manure storage and application is addressed in the NPDES/SDS Permit. Although no significant adverse impacts to water quality are expected, the operation and management of the feedlot and the MMP can be modified if water quality impacts were to occur. The water quality impacts that are reasonably expected to occur from this proposed project are reversible.

31. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to assess potential impacts to water quality that are reasonably expected to occur from the project. Measures to prevent or mitigate these impacts have been developed.
32. The MPCA finds that the project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts related to groundwater or surface-water quality that are reasonably expected to occur.

### **Cumulative Potential Effects**

33. The second criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is the "cumulative potential effects." In making this determination, the MPCA must consider "whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effects; and the efforts of the proposer to minimize the contributions from the project." Minn. R. 4410.1700 subp.7.B. The MPCA findings with respect to this criterion are set forth below.
34. The EAW addressed the following cumulative potential effects of the proposed project:
  - air quality
  - water quality of surface waters

### Air Quality

35. Cumulative potential effects on air quality were evaluated by comparing state ambient air quality standards for hydrogen sulfide, iHRVs for ammonia, and odor intensity thresholds with concentrations in the air predicted by air modeling. The modeling analysis included the estimated emissions from the proposed project and incorporated conservative background concentrations to account for the potential impacts of air emissions from four other feedlots located in the project area. Air concentrations were estimated for these pollutants at the 35 residences closest to the facility. All modeled concentrations were below ambient air quality standards for hydrogen sulfide and the health-based and odor criteria used in the analyses. Therefore, the cumulative potential effects on air quality are not believed to be significant in the project area, nor is the proposed project expected to contribute significantly to adverse cumulative potential effects on air quality.

### Water Quality of Surface Waters

36. The facility is located in the Buffalo Red River Watershed District (BRRWD), which includes the Buffalo River, and portions of the Red River of the North Watershed. The feedlot's pullet barn and existing liquid manure storage basin are located in the Hay Creek subwatershed of the Buffalo River major watershed. There are several waters within this Buffalo River Watershed area that are listed on the MPCA's 303(d) list of impaired waters, including portions of the Buffalo River (impaired for aquatic life due to excess turbidity and fish bioassessments) and Sand Lake, Sorenson Lake, and Talec Lake (impaired for aquatic recreation because of eutrophication). These listings require the development of acceptable Total Maximum Daily Loads (TMDLs) that must be achieved for each relevant pollutant in order to remove the impairments.

37. The addition of the two roofed permanent manure storage barns (40 feet by 150 feet each) will create an impervious surface over a 12,000-square foot area. The water will be drained away from the facility into natural drainage. Stormwater runoff from the facility is to one of the unnamed waterbodies east and west of the facility. These unnamed waterbodies drain to Axberg Lake.
38. The manure will be dried with the continuous air drying manure system, transferred to the dry manure storage barn, and composted and stored on a concrete floor away from the elements. After completion of construction of both phases, no manure will be exposed to stormwater.
39. Numerous permitted facilities produce, manage, and dispose of wastes within these watersheds including feedlots, a solid waste landfill that is expanding, private septic systems, and wastewater treatment facilities with surface water discharges. The development of TMDLs for these waters will include an assessment of all sources of pollutants related to the impairments. The process will also develop waste load allocations for permitted sources of pollutants from point sources and load allocations for all nonpoint sources, including runoff from land uses. After the approval of an acceptable TMDL, an implementation plan will be prepared that establishes strategies and priorities for targeted load reductions needed to address the impairments. Current and future projects must continue to conform to allocations established through an approved TMDL and TMDL implementation plan and addressed under the NPDES/SDS Permit requirements, or on a voluntary basis, if applicable. To the extent that future strategies or control measures are identified in implementation plans, additional or modified control measures may be required to be incorporated in future permit re-issuances, including the re-issuance of the general permit for feedlots, as allowed by prevailing laws and regulations. The MPCA finds that the project will not result in significant cumulative potential effects on water quality.
40. Based on information on the project obtained from air modeling, permit application and plan review processes, ongoing water quality assessments, and presented in the EAW, the MPCA does not expect significant cumulative potential effects from this project.

#### **The Extent to Which the Environmental Effects Are Subject to Mitigation by Ongoing Public Regulatory Authority**

41. The third criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is "the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority," Minn. R. 4410.1700, subp. 7.C. The MPCA findings with respect to this criterion are set forth below.
42. The following permits or approvals will be required for the project:

<b>Unit of Government</b>	<b>Permit or Approval Required</b>
MPCA	NPDES/SDS Animal Feedlot Permit
MPCA	NPDES Construction Stormwater Permit
MPCA	Notification/Status Change for Underground Storage Tanks
Minnesota Department of Natural Resources (DNR)	Water Appropriation Permit
Clay County	Conditional Use Permit

43. MPCA NPDES/SDS Livestock Production, Construction, Operation (Feedlot) and Stormwater Permit. An NPDES/SDS Feedlot and Stormwater Permit is required for the project. The NPDES/SDS Feedlot Permit incorporates construction and operation requirements, and includes operating plans that address manure management, emergency response protocols, and odor/air quality management. The attachments are an enforceable condition of the NPDES/SDS Permit.
44. DNR Water Appropriation Permit. A modification of the proposer's DNR Water Appropriation Permit will be required, as the project proposer may potentially withdraw up to 5.4 million gallons per year.
45. County Conditional Use Permit. The proposer is required to obtain all required building and conditional use permits required by local units of government to ensure compliance with local ordinances. The conditional use permit will address local zoning, environmental, regulatory, and other requirements that are needed to avoid adverse effects on adjacent land uses.
46. The above-listed permits include general and specific requirements for mitigation of environmental effects of the project. The MPCA finds that the environmental effects of the project are subject to mitigation by ongoing public regulatory authority.

**The Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Available Environmental Studies Undertaken by Public Agencies or the Project Proposer, Including Other EISs**

47. The fourth criterion that the MPCA must consider is "the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs," Minn. R. 4410.1700, subp. 7. D. The MPCA findings with respect to this criterion are set forth below.
48. The following documents were reviewed by MPCA staff as part of the environmental impact analysis for the proposed project.
  - data presented in the EAW
  - NPDES/SDS Feedlot Permit Application, with attachments
  - Air Quality Modeling Report
  - permits and environmental review of similar facilities
49. This list is not intended to be exhaustive. The MPCA also relies on information provided by the project proposer, persons commenting on the EAW, staff experience, and other available information obtained by staff.
50. There are no elements of the project that pose the potential for significant environmental effects that cannot be addressed in the project design and permit development processes, or by regional and local plans.
51. Based on the environmental review, previous environmental studies, and MPCA staff expertise and experience on similar projects, the MPCA finds that the environmental effects of the project that are reasonably expected to occur can be anticipated and controlled.

52. The MPCA adopts the rationale stated in the attached Response to Comments (Appendix A) as the basis for response to any issues not specifically addressed in these Findings.

### CONCLUSIONS OF LAW

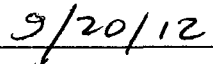
53. The MPCA has jurisdiction in determining the need for an EIS for this project. The EAW, the permit development process, and the evidence in the record are adequate to support a reasoned decision regarding the potential significant environmental effects that are reasonably expected to occur from this project.
54. Areas where the potential for significant environmental effects may have existed have been identified and appropriate mitigation measures have been incorporated into the project design and permits. The project is expected to comply with all MPCA standards.
55. Based on a comparison of the impacts that are reasonably expected to occur from the project with the criteria established in Minn. R. 4410.1700, subp. 7, the project does not have the potential for significant environmental effects.
56. An EIS for the proposed Baers Poultry Company (Old Barn) 2013 Retrofit project is not required.
57. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

### ORDER

The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the Baers Poultry Company (Old Barn) 2013 Retrofit project and that there is no need for an Environmental Impact Statement.

### IT IS SO ORDERED

  
\_\_\_\_\_  
John Linc Stine, Commissioner  
Minnesota Pollution Control Agency

  
\_\_\_\_\_  
Date

**Minnesota Pollution Control Agency**

**Baers Poultry Company (Old Barn) 2013 Retrofit  
Environmental Assessment Worksheet**

**LIST OF COMMENT LETTERS RECEIVED**

1. Mary Ann Heidemann, Manager, Government Programs and Compliance, State Historic Preservation Office (SHPO), Minnesota Historical Society (MHS). Letter received August 28, 2012.

**RESPONSES TO COMMENTS ON THE EAW**

1. Comments by Mary Ann Heidemann, SHPO, MHS. Letter received August 28, 2012.

**Comment 1-1:** Concludes that there are no properties listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by the Project.

**Response:** Comments noted.

**Comment 1-2:** Comment letter does not address requirements of Section 106 of National Historic Preservation Act of 1966, and 36 CFR800, for the protection of historic properties. If project is considered for federal assistance or requires a federal permit, it should be submitted to SHPO office by responsible federal agency.

**Response:** Comments noted.



STATE HISTORIC PRESERVATION OFFICE

August 28, 2012

Mr. Charles Peterson, Project Manager  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194

RE: Baers Poultry Company (Old Barn) 2013 Retrofit and Construction of Manure Storage  
Facility at 28802 40<sup>th</sup> Avenue South, Lake Park  
T139 R44 S24 SE  
Egdon Twp., Clay County  
SHPO Number: 2012-2657

Dear Mr. Peterson:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given to the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Based on our review of the project information, we conclude that there are **no properties** listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, Procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal permit or license, it should be submitted to our office by the responsible federal agency.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Ann Heidemann', written over a horizontal line.

Mary Ann Heidemann, Manager  
Government Programs and Compliance