

The Public Hearing of the Conditional Use Permit Application for Blackshirt Feeders LP was held on August 11th, 2022 in the county court room of the county courthouse. The notice of this meeting was published in the July 27th, 2022 issues of the county paper.

Roll Call: Commissioners Jerry Fries, Richard Bartholomew, Scott Olson, all present

Chairman Scott Olson called the hearing to order at 1:31 p.m. Chairman Olson announced the location of the Open Meetings Act poster in the Commissioner's Meeting Room.

Motion by Olson to approve the agenda for the August 11th Board of Commissioners' Public Hearing, seconded by Bartholomew.

Ayes: Unanimous

Zoning Administrator Pam Reichert provided the proof of publication of notification.

Chairman Olson yielded the floor to Blackshirt Feeders (Applicant) to present their petition.

Eric Behlke introduced Blackshirt Feeders' team members and yielded to Dean Settji of Settji Agri-Services. Settji explained that he was going to talk about the scope of the project, its impact, regulatory standpoint, and conclude. Project scope; 150k head facility, and methane digester system. Discussed innovations of project. Spoke to location change due to various factors; number of close proximity neighbors, tax revenue entirely in Dundy County, footprint similar to original C.U.P., although larger. Road access from Colorado, rather than Dundy County. Applicant's meeting with Yuma County commissioners to discuss road use proved promising. Roller Compacted concrete eliminates pen maintenance issues, improves cattle performance, reduces dust and odor, and is safer for groundwater. Discussed methane digestion: accelerates the breakdown of manure to produce methane in a controlled environment, such as the practices in use by swine and dairy producers. Product from roller compacted concrete pens is homogenous and aids greatly in the methane digester system. Product is placed into tank, held for ~30 days, and heated. Methane is then harvested from the top of the holding tank. The resultant green natural gas (GNG) is sold to the natural gas market. NDEE Permit: oversees engineering plans, operation, mortality management, Odor, and groundwater. Surface water protection is paramount; facility will be built to handle a 100-year storm event. Groundwater is also highly important. RCC pens prevent seepage, and create a cleaner environment. Captured water is held in lagoons lined with 60mL HDPE liners, practically impermeable, produces zero seepage. NDEE also deals with groundwater monitoring. NDEE determines based off of permit application and engineering, and will almost certainly require groundwater monitoring for this facility. We have 13 proposed well locations, that will provide water for the facility's needs. Water will be piped down from an area to the north, into the facility. This is a zero net-increase in water use, only the same allocations of water as the pivots previously used will be used at the facility. Facility costs: Phase 1, \$50M, Phase 2 & 3, \$25M each, Methane Digester, \$100M. 127 Employees, benefit and salary package totals \$8,255,000/yr. Settji stated the project meets or exceeds all Zoning Regulations, and exceeds all setbacks of neighbors. The covered anaerobic methane digester does not change setbacks. Any science based additional requirements set forth by Dundy County Commissioners will be adhered to. If we comply with all portions of the application, Dundy County Zoning regulations state that the application shall be approved. The waste-handling facility shall also meet or exceed all conditions of Commissioners and NDEE. Dundy County shall be allowed to inspect both facilities when they desire. Facilities will be required to obtain state and federal permits.

Finally, Settji addressed the question of "Why don't we give up the permit for the previous site once this one is approved?" and stated that once all requirements are met on this new proposed site, and construction begins, Applicant will withdraw their previously approved permit at the northern site. Settji then concluded the Applicant's presentation.

The Board of Commissioners then asked questions of the applicant:

Olson: Will there be a flame at the Digester?

Yes, for emergency shutdowns to be able to dispose of the gas safely.

Olson: Is there an odor?

No

Bartholomew: What was the discussion about ovular setbacks during the Planning Committee hearing?

That is how the regulations are drafted, there is a N/S component and an E/W component that have different setback distances and those lead to oval shaped setbacks.

Chairman Olson then explained how the public commentary period will work, with individuals being called from the sign in list, and being allowed 5 minutes to have their say. The Public commentary period then commenced, and testimony was given from several individuals in favor, neutral, and in opposition to the approval of the Conditional Use Permit.

Individuals speaking in favor of approval: The Blackshirt Feeders team, Eric Behlke's two children, Carrie Behlke, Jerry Kuennine, Tina Vrbas, Denny Vrbas, Pete Wilson, Brady Buck, Brandon Larsen, Brad Williams, Courtney Williams, Dustin Deines, Maureen Deines, Jesse Mallett, Tim Both

Individuals speaking neutral of approval: Jodi Buck, Rex Buck, Duane Dinnel, Spencer Parker, Lori Ripley

Individuals speaking in opposition of approval: Brad Dixon, Karen Harford

After the period of Public comment, Chairman Olson opened the floor for questions of the Applicant, with the Applicant's rebuttal period to follow. Several members of the public provided questions and comments for the commissioners as well as the Applicant, and a discourse between the parties followed.

Concluding the question and answer period, Chairman Olson recessed for a short break at 3:22 P.M., to return at 3:40 P.M.

Chairman Olson called the hearing back to order at 3:42 P.M.

Motion by Fries, Seconded Bartholomew, to approve the application for Conditional Use Permit on the grounds that all Zoning Administration requirements have been met.

Ayes: Unanimous

The County Commissioners and Applicants then discussed the conditions as currently written, and made alterations to the conditions, before arriving at the following:

1. Approval Contingent upon NDEE Approval

2. Separation distances are subject to NDEE finding this facility is an aerobic facility, otherwise, if anaerobic then the separation distances need to be re-examined. The anaerobic digester is covered, and the associated setbacks are the same as those of aerobic setbacks.

3. There shall be a Fly and Dust Mitigation Plan in place

4. The facility will not be converted to a standard feedlot with dirt pens without modifying the C.U.P. and having a new Public Hearing.

5. All water runoff and liquid waste shall be contained on-site as proposed and all grades shall be such to create positive drainage from parts of the facility.

6. Groundwater monitoring wells shall be required and installed according to NDEE guidelines.

7. Blackshirt Feeders shall notify the Dundy County Board of Commissioners prior to resuming activities on the original CUP #1 permit process, and the original CUP #1 permit will be withdrawn upon the start of construction of the second CUP #2 proposed facility.

8. Dead animals shall be disposed of in a proper manner accordance with the NDEE approved Mortality Management Plan.

9. The applicant shall pay the defense deductible for NIRMA's representation of Dundy County if litigation should arise in regards to the CUP.

Motion by Fries, seconded by Olson, to approve the additional conditions as discussed.

Ayes: Unanimous

Motion by Olson to adjourn, seconded by Bartholomew.

Ayes: Unanimous

These minutes are not the official record and may be corrected. A copy of the approved minutes is available to The Public in the Dundy County Clerk's Office.

/s/ Miles Preston

Deputy Clerk

/s/ Scott Olson

Chairman