

ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED  
FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Department of Natural Resources (DNR)

Form 1600-8

District or Bureau Watershed Management
Type List Designation Type II

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., June 1, 2000.

Contact Person Doris Thiele - WT/2
Title Environmental Engineer
Address 101 South Webster Street P.O.Box 7921 Madison, WI 53707
Telephone Number 608 - 266-3906

Applicant: Dave Stahl

Address: 224 Grandview Road  
Green Bay, WI 54301

Title of Proposal: Da-Ran Dairy LLC

Location  
County: Kewaunee City/Town/Village: Luxemburg Township

Township: 24N Range: 23E Section(s): 31, (NW ¼)

---

**PROJECT SUMMARY - DNR Review Information Based on:**

---

**1. General Project Description**

This environmental assessment is associated with the issuance of a WPDES permit for proposed expansions of a dairy operation named Da-Ran Dairy located in Kewaunee County, in the township of Luxemburg, T24N, R23, Section 31, NW ¼, W1/2. This review includes an evaluation of two expansions at this location and associated activities associated with manure storage and runoff control facilities.

## Da-Ran Dairy EA

Da-Ran Dairy consists of two separate sites. Site 1 is the future site of the Dairy Center. The Dairy Center has an existing small freestall barn and an earthen manure storage facility. Currently 200 milk cows are housed in an existing freestall barn. Construction plans include a new milking parlor, an additional freestall barn and another, larger, earthen manure storage facility. The new freestall barn will be housing approximately 650 milking cows. In addition, current housing exists for up to 100 small heifers. The total number of head proposed by September 2000 is at least 850 cows or 1,190 animal units. Since the site will house greater than 1,000 animal units, Da-Ran Dairy has applied for a Wisconsin Pollutant Discharge Elimination System (WPDES) permit. Per NR 243, Wis. Adm. Code, a WPDES permit is needed for all livestock operations that house more than 1,000 animal units. It is planned to have a second freestall barn constructed by September 1, 2002, with an estimated capacity of 650 milking cows. At the Dairy Center, construction and expansion plans are to have 1,300 to 1,400 milking cows by September 2002. All of the dates are estimates and are subject to extensions based on economic factors. The dates listed are based on current plans.

Site 2, is referred to as the DeGrand Farm. It is located in the NE  $\frac{1}{4}$  of Section 31, T24N, R23E, at E130 County N, Luxemburg. Approximately 40 cows are milked at this site. In addition, up to 40 dry cows and 20 freshening heifers are housed at this site. An earthen manure storage facility stores manure generated inside the barns and manure generated on the outdoor lot. The future plans for this site include dry cow housing and possibly a quarantine site. After completion of the first freestall barn at the Dairy Center, the milking cows at the DeGrand Farm will be moved to the Dairy Center. Plans for the DeGrand Farm is to house approximately 100 dry cows. After the second freestall barn is completed, the use of the DeGrand Farm will be re-evaluated. One option being considered is using the DeGrand Farm as a quarantine site. There are no construction plans for the DeGrand Farm.

At the Dairy Center, the existing earthen manure storage facility was built in the late 1970's. This storage has the estimated capacity of 1,000,000 gallons, the amount produced by 200 cows for one year. The present storage is an earthen manure storage facility with concrete sides and a concrete ramp. It is located more than 250 feet from water supply wells. Da-Ran Dairy is planning to build an earthen manure storage facility with the capacity of 15,750,000 gallons. Milking center washwaters will be directed to this storage. The Department has received formal plans and specification for the proposed storage and will complete a review as prescribed in 281.41, Wis. Stats. The current heifer housing consists of a barn that is cleaned as needed. The heifers are consistently kept under roof. The heifers are heavily bedded and the resulting manure is a dry pack.

At the DeGrand Farm, the existing earthen manure storage facility was constructed prior to 1996. It was installed with technical assistance provided by the Kewaunee County Land Conservation Department staff. Manure from the storage facility is land applied in the fall. The storage has the estimated capacity of 700,000 gallons. In addition to manure being stored, Animax adds 70,000 gallons of processing sludge once per year. Per ch. NR 213, Wis. Adm. Code, if the addition of industrial waste is limited to 10% of the storage's capacity, and the storage facility meets performance standards, no additional approvals or conditions are needed for the mixed waste. The waste is considered to manure and regulated under ch. NR 243, Wis. Adm. Code.

At the Dairy Center there are no open or outside lots proposed for the cattle. At the DeGrand Farm, there is an existing outdoor lot. The lot is scraped several times each week (weather permitting). The manure is transferred to the storage facility through the use of the barn's reception pit. Any runoff leaving the lot is directed to a grass area to the west of the lot. The grass area is well maintained, and grazing is allowed on a portion of the grass area. The grazing is managed to protect the grass cover. Dry cows and spring heifers have unrestricted access to the lot. The milking cows at the site are on the lot a minimum amount of time. This lot poses little potential for a discharge

With 850 milking cows, it is estimated that approximately 4,000,000 gallons of manure will be produced per year. Da-Ran Dairy crops approximately 2,250 acres of land, both owned and rented. Given the rotation commonly used by Da-Ran Dairy, over 300 acres of corn are grown (an annual basis) on land that Da-Ran Dairy owns and operates. This cropland is available to receive all manure and milking center washwaters that will be produced by Da-Ran Dairy with the first expansion. Annual application of the liquid dairy cow manure

## Da-Ran Dairy EA

is proposed. Da-Ran Dairy plans to landspread the liquid manure in the fall after the corn has been harvested. In addition, the heifer dry pack will be surface applied on a year round basis.

The project cost is estimated at \$2,400,000 for buildings and facilities and \$1,035,000 for cattle.

The Department of Natural Resources has the following authorities regarding this operation:

- Wisconsin Pollutant Discharge Elimination System (WPDES) Permit for Land Disturbing Construction Activities affecting five or more acres (WI-0067831)
- Review and approval authority of manure storage facilities
- Wisconsin Pollutant Discharge Elimination System (WPDES) Permit for Concentrated Animal Feeding Operations (CAFO), those operations with 1,000 animal units or more
- A permit for air emissions is not required for this operation. However, odor control requirements may be imposed by order of the Department if the Department determines that a violation of s. NR 429.03 – Malodorous Emissions, Wis. Adm. Code, occurs
- Water regulation and zoning permit for projects affecting navigable waters

### 2. List documents, plans, studies or memos referred to and provide a brief overview

The following documents have been used in conducting this environmental assessment:

- Wisconsin Pollutant Discharge Elimination System (WPDES) Permit application
- Environmental Analysis Questionnaire for Livestock Operations completed by Mike Rasmussen
- Soils maps, topographic maps, wetland maps, and aerial photographs
- Plans and specifications for proposed manure storage facility completed by Rock Anderson
- Preliminary Manure Management Plan prepared by Jack Donaldson, Cooperative Services, Denmark.
- Internal Department correspondence regarding possible environmental impacts associated with the operation

---

## **DNR EVALUATION OF PROJECT SIGNIFICANCE (complete each item)**

---

### 1. Environmental Effects and Their Significance

**Discuss the short-term and long-term environmental effects of the proposed project, including secondary effects, particularly to geographically scarce resources such as historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered species or ecologically sensitive areas, and the significance of these effects. (The reversibility of an action affects the extent or degree of impact.)**

#### Physical

The site has most recently been used for cropland or other agricultural related purposes (e.g., contained agricultural related structures such as a barn or farmhouse). In many respects, building the operation will result in the conversion of the land from one type of agriculture use to another. Approximately 50,000 cubic yards of soil will be disturbed over a period of 30 months as a direct result of the construction of the facilities associated with the expansions of the operation. Short-term physical impacts will be primarily associated with construction activities at the site. Disturbance of former cropland or agricultural related lands, noise and dust from machinery and traffic from construction equipment are the expected short-term environmental impacts. Storm water runoff from the site during construction phases could also result in environmental impacts such as silt and sediment being transported to area wetlands and surface waters. If properly controlled, impacts associated with construction activities will be relatively short in duration and would not be expected to be significant.

## Da-Ran Dairy EA

The proposed permit requires construction documentation (as-builts) for the existing manure storage and runoff control facilities. Based on the Department findings, the operation may be required to upgrade or abandon the existing facilities or take additional actions to protect water quality. Any necessary upgrades or modifications will be required per a compliance schedule found in the proposed permit.

Since the project will result in the disturbance of five or more acres, the operation must obtain a storm water construction permit (WI-0067831-1), which requires the operation to implement Best Management Practices (BMP's) to address impacts from storm water runoff.

Long-term physical impacts include visual impacts. The expansion of the operation will result in visual changes at the site as a result of new structures (e.g., manure storage facilities) or buildings. There will also be increased traffic in the area associated with the transportation of livestock, feed, and milk. Given that much of land in the area is used for agriculture and is relatively sparsely populated, increased traffic and visual impacts are not considered to be significant. In addition, while the physical appearance of the site will be substantially changed, the use of the site will remain agricultural in nature.

The primary long-term physical impacts associated with the operation are that odors in the immediate area could be objectionable during certain periods of the year. Odors from the operation, especially during agitation of the manure contained in the storage facility in preparation for landspreading activities are unavoidable impacts. The operation has proposed ways to minimize this impact by:

- reducing the frequency with which landspreading occurs
- using mattresses and sawdust for cattle bedding
- emptying the pit when humidity, ambient temperature and winds are such that odor is minimized
- maintaining a crust on all storage facilities

Water usage at the operation is estimated at 41,000 gallons of water per day. Groundwater levels in the area could be affected by water usage at the operation; however, the WPDES permit does not regulate this. If the operation's water usage was 70 gallons per minute or greater, it would be required to obtain a high capacity permit and water impacts to the water table would be evaluated.

There is a private sewage system designed at the site for all the human waste, office and employee water usage.

## Biological

Per a April 3, 2000, contact with Elizabeth Spencer, two species were collected from School Creek in 1906. *Clinostomus elongatus* (redside dace) and *Fundulus diaphanus* (banded killifish) are two fish of Special Concern in Wisconsin, and were found in the area of Da-Ran Dairy. Most recent inventory information regarding the current presence of these species in this area is not available.

The immediate farm area (former cropland) would be expected to provide habitat for common animal species acclimated to farm operations. Provided manure landspreading is limited to existing croplands and application practices avoid increased nutrient loading to surface waters (see later discussion in this section), no serious threat to sensitive resources in the vicinity would be expected. Therefore, long-term significant impacts on terrestrial animals and vegetation are not expected.

No waterways or aquatic resources will be re-routed or altered as a result of this project. Water usage associated with cattle drinking and cleaning operations is expected to average 41,000 per day. A high capacity well is not required for this site.

## Da-Ran Dairy EA

The distance to the closest navigable water is greater than 500 feet from the proposed project. Short-term impacts on area surface waters or wetland resources are not expected during construction of the operation if BMP's are implemented and maintained for storm water runoff control.

The most significant possible long-term biological impact is associated with the production of manure at the site. It is anticipated that approximately four million gallons of liquid waste consisting primarily of manure will need to be stored and land applied every year. Nutrients associated with manure can have detrimental impacts on groundwater (nitrogen) and surface waters (nitrogen and phosphorus) if not properly land applied. Biochemical oxygen demand associated with manure can reduce dissolved oxygen levels in surface waters. In addition, ammonia in the manure can be toxic to fish and aquatic life.

At the Dairy Center, since the cattle will be held in buildings where they are totally confined and manure from these buildings will be transferred to a storage facility. Long-term nutrient impacts on wetlands and surface waters from the cattle housing area are not expected. All manure storage facilities will need to meet appropriate NRCS design standards to ensure that groundwater impacts do not occur.

The land application of manure on area cropland poses the greatest risk of environmental impact if it is not done properly. Impacts from nutrient loadings, biochemical oxygen demand and ammonia are water quality concerns in the Kewaunee River Watershed. Since this operation will be a CAFO and requires coverage under a WPDES permit, landspreading of its manure will be regulated in accordance with a Department approved Manure Management Plan. This is a direct benefit to the environment as other livestock operations in the area are not regulated due to their smaller size (i.e. do not exceed 1000 animal units and therefore do not require a WPDES permit).

The permit includes injection and/or incorporation requirements based on proximity to surface waters which are intended to ensure that manure does not runoff to surface waters and cause short-term impacts associated with biochemical oxygen demand and ammonia.

Examples of specific restrictions include that manure shall not be landspread:

- in a waterway, terrace channel or any areas where there may be concentration of runoff
- on fields with soils less than 10 inches thick over fractured bedrock
- beyond the cropping boundaries of fields identified in the Manure Management Plan
- restrictions on landspreading on frozen and snow covered ground
- such that ponding on or run off from sites occur

Landspreading manure in accordance with an approved Manure Management Plan is advantageous to both the farmer and the environment. The nitrogen and phosphorus from the manure provide nutrients for crop growth and lowers the need for commercial fertilizer. In many instances, the net nutrient application will not change, only the type of fertilizer. When manure is spread in suitable amounts and promptly tilled into the soil, the potential of manure runoff causing off-site problems is minimized. The WPDES permit will regulate application rates, applied acreage, spreading techniques and other specifications through the approved Manure Management Plan. The operation will also be required to conduct manure and soil sampling to determine appropriate application rates, depending on soil and crop types.

If the operation conducts landspreading in accordance with an approved Manure Management Plan, maintains an adequate land base for landspreading, and properly inspects and maintains manure storage and runoff control facilities, the threat to groundwater and surface water should be minimal under normal operating and climatic conditions.

## Da-Ran Dairy EA

### Cultural

Per a September 15, 1999 contact with Dr. Victoria Dirst, Department Archeologist, there are no known archeological or historical resources that will be impacted by the operation.

The site will not be significantly changed in terms of type of land use as a result of the proposed expansion. The site is zoned for agriculture, which is the predominant land use in the area, and will not need to be changed as a result of this project. However, there may be adverse indirect impacts associated with the proposed expansions, primarily related to non-agricultural uses of lands in the area. There may be decreases in land values associated with residential uses within areas zoned as agricultural due to concerns, real or perceived, associated with the operation (increased traffic, odors, etc.). It is difficult to assess the extent or existence of such impacts and these impacts are beyond the regulatory authority of the Department.

The proposed expansions will also have beneficial indirect effects. The area's economy will benefit from jobs associated with the operation and an increase in the area's tax base. It is anticipated that the operation will employ more than 10 local residents. It is also estimated that \$ 1,200,000 will enter the local economy as a result of added employment opportunities and business such as the operation's purchase of feed from local farmers.

## 2. Significance of Cumulative Effects

**Discuss the significance of reasonably anticipated cumulative effects on the environment (and energy usage, if applicable). Consider cumulative effects from repeated projects of the same type. Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.**

There is a trend in the livestock industry towards larger-scale operations of this kind. Large-scale operations have rapidly become an economic necessity due to changing pricing structures and the need to reduce capital inputs while maximizing production. Economies of scale associated with CAFOs have allowed producers to increase production without increasing costs. If numerous projects of this type are proposed in this area there is a concern that the land base available for landspreading manure could be overwhelmed and would make a number of such projects nonviable, primarily with respect to costs associated with hauling manure long distances for landspreading. The Department is not aware of additional projects of this type in such vicinity that the land base would be compromised.

Any future projects will be examined at the appropriate time. With each new operation or expansion proposed, cumulative effects such as impacts from manure landspreading activities are considered. Unless these operations are poorly sited or concentrated in a small area, the cumulative impacts to the environment should not be significant.

### Significance of Risk

- a. **Explain the significance of any unknowns that create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analysis would eliminate or reduce these unknowns?**

Proposed manure storage and runoff control facilities at the operation will be required to meet currently accepted standards to minimize the risks of ground and surface water contamination. Once the permit is issued, plans and specifications for any proposed facilities must be reviewed and approved by Department staff prior to construction.

## Da-Ran Dairy EA

Ensuring the manure storage and runoff control facilities meet currently accepted standards is intended to address possible adverse impacts to ground and surface waters. Once the permit is issued, the operation will be required to obtain Department approval of all new manure storage and runoff control facilities prior to construction to ensure that the facilities meet current standards.

The operation must comply with its WPDES permit and associated Manure Management Plan. Consequently, the landspreading of manure should not yield any substantial increase in risk to the environment. The Manure Management Plan will include acres that may not have previously been managed in accordance with a nutrient management plan, which could mean environmental benefits compared to existing manure application practices.

The nutrient content of liquid manure temporarily stored in the storage facility may vary. Unidentified variations in nutrient content may result in over-application of nutrients (nitrogen in particular) that could impact groundwater. The WPDES permit issued to this operation will require manure and soil testing to ensure this does not occur.

These factors are sufficient to indicate that the risk of environmental harm is not significant.

**b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.**

Possible operating problems that could impact the environment include failure of manure handling and storage facilities or poor manure land application practices that lead to nutrient runoff to surface waters or leaching of nutrients to groundwater.

Department review of proposed manure storage structures or evaluation of existing manure storage facilities to ensure that they are appropriately designed (for example, berm slopes and construction materials) makes the probability of failure of storage facilities highly unlikely. In addition, the operation will be need to address small-scale manure spills as part of their operation and maintenance plan for the operation (as part of the review process of manure storage facilities or as part of the WPDES permit). This plan typically addresses spills associated with general operation and maintenance of the operation. These small "spills" may not represent an immediate environmental impact but may need to be addressed by the operation (e.g., scraping areas where small amounts of "spilled" manure have collected, changing operating procedures to avoid small "spills") to ensure that impacts to waters of the state, primarily through runoff resulting from storm events, do not occur. Massive failure of the manure storage facility would likely be formally defined as a spill under ch. NR 706, Wis. Adm. Code. Ch. NR 706 describes requirements for immediate notification of the Department in the case of a spill. A requirement to follow ch. NR 706 is included in the WPDES permit. Inappropriate or inadequate responses (i.e., time frame of response and action taken to eliminate or mitigate environmental impact) to spills and associated environmental impact are subject to Department enforcement. However, Department and permittee action is contingent on a case-by-case evaluation of actual environmental impact and correction actions taken by the operation.

Department inspections based on complaints or general compliance efforts will help to serve to evaluate whether the operation is properly addressing minor "spills." In addition, the operation will be required to conduct inspections of storage facilities to ensure that more significant problems are addressed prior to any sort of massive facility failure.

Manure will be landspread in accordance with a Manure Management Plan, which does not allow poor land application practices thus operating practices should have minimal affect on the environment.

4. **Significance of Precedent**

**Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Describe any conflicts the proposal has with plans or policy of local, state or federal agencies. Explain the significance of each.**

No. All future projects will be evaluated by their own specific adverse and beneficial impacts. There are other similarly sized dairy operations in Wisconsin. Each individual project is considered separately based on its own merits.

The Department primarily considered issues that fall under our regulatory authority as part of this assessment. The project is not known to conflict with plans or policy of local, state, or federal agencies. The operation will need to apply for and receive the appropriate approvals from all involved agencies prior to operating. Permitting this operation would not foreclose future options for taking necessary actions to protect the environment (i.e., revocation, modification of the permit). In actuality, through enforcement of the WPDES permit, the Department has a means to avoid or address possible negative impacts to water quality associated with the operation.

5. **Significance of Controversy Over Environmental Effects**

**Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy.**

There is the possibility that public controversy may be generated as a result of the permitting of this operation. State and area citizens may express concerns about the environment such as possible air and water quantity/quality issues. The Department has some authority to address odor complaints should they arise. The Department is starting a process to study and address odor and air toxics issues on a statewide basis. This study is expected to develop standards and voluntary best management practices to reduce or minimize potential problems from CAFOs. Water quantity issues are addressed to a certain extent if the operation is required to obtain a high capacity well permit. However, neither of these issues is addressed by the issuance of the WPDES permit, which is strictly intended to address the water quality concerns.

There may also be socio-economic concerns such as animal treatment issues, the trend towards large-scale farming in the state, impacts larger-scale farming may have on the viability of smaller operations and concerns of smaller operations and non-farming rural inhabitants regarding changes in the agricultural landscape associated with CAFOs. The socio-economic issues are difficult to quantify and there is significant disagreement as to the validity of these concerns. These socio-economic issues are beyond the scope of the WPDES permit and the Department's overall regulatory authority.

---

**ALTERNATIVES**

---

**Briefly describe the impacts of no action and of alternatives that would decrease or eliminate adverse environmental effects. (Refer to any appropriate alternatives from the applicant or anyone else.)**

EVALUATION OF EXISTING FACILITIES

The Department's alternatives when evaluating existing runoff control and/or manure storage facilities either as part of processing a permit or the permit itself are:

- Determine that the facilities meet current standards, will prevent a discharge of pollutants to navigable waters, and will comply with surface water quality standards and groundwater standards, and require no further action on behalf of the operation
- Determine that the facilities do not meet current standards and allow the operation the option of abandoning the facilities, upgrading the facilities or replacing the facilities

The selected alternative will be based on the information collected as part of this environmental assessment and permit application materials, and any further Department review.

REVIEW OF NEW FACILITIES

The Department's alternatives for review of proposed runoff control and/or manure storage facilities either as part of processing a permit or the permit itself are:

- Deny the plans and specifications for the design of the proposed facilities based on water quality concerns and require resubmittal of plans and specifications
- Approve the plans and specifications for the design of the proposed facilities without conditions
- Approve the plans and specifications for the design of the proposed facilities, but with conditions requiring additional components to the operation's design or operation based on water quality concerns

The selected alternative will be based on the information collected as part of this environmental assessment, permit application materials and further Department review.

WPDES PERMIT

Within the constraints of the Department's existing permitting authority for CAFOs, the Department has limited alternatives to the issuance of a WPDES permit for the operation. Based on the information available to the Department, the Department cannot justify denial of the WPDES permit for the operation since it is expected that the operation will be able to comply with the conditions of the permit and not cause an exceedance of water quality standards. The Department could require more stringent conditions in the permit if it determined the conditions were necessary to protect water quality. The Department will use the information collected as part of the environmental assessment as well as part of the public comment period associated with the issuance process of a WPDES permit to make its final determination on issuance of the permit and to determine if additional restrictions in the permit are necessary.

---

**SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES**

---

**List agencies, citizen groups and individuals contacted regarding the project (include DNR personnel and title) and summarize public contacts, completed or proposed.**

- Rock Anderson, WDATCP Engineering Technician
- Tom Konop, Kewaunee County Land Conservation Department Technician
- Steve Holger, DNR Northeast Region Fishery Biologist

The Department is currently reviewing plans and specifications for a proposed manure storage facilities to be located at the Dairy Center. The proposed permit requires the evaluation of the existing manure storage and runoff control facilities at the operation. The proposed WPDES permit for the operation will be public noticed for comments as part of the permit issuance process. In addition, an informational hearing will be held on the proposed WPDES permit to receive additional comments.

Da-Ran Dairy EA

**DECISION (This decision is not final until certified by the appropriate authority)**

In accordance with s. 1.11, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

A. EIS Process Not Required  X

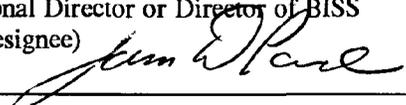
The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action that would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department on this project.

B. Major Action Requiring the Full EIA Process \_\_\_\_\_

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator 	Date Signed 6-9-00
---	-----------------------

Number of responses to news release or other notice:

CERTIFIED TO BE IN COMPLIANCE WITH WEPA	
Regional Director or Director of BISS (or designee) 	Date Signed 6/13/2000

**NOTICE OF APPEAL RIGHTS**

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested provisions of section 227.42, Stats. This notice is provided pursuant to section 227.48(2), Stats.