

ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED  
 FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)  
 Form 1600-8

Department of Natural Resources (DNR)

Region or Bureau Bureau of 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 2, 2000.

Contact Person Doris Thiele
Title Environmental Engineer
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Telephone Number (608) 266-3906

Applicant: Paul Schmidt

Address: 3170 Golden Lane, Bonduel, WI 54107

Title of Proposal: Schmidt's Ponderosa, LLC

Location

County: Shawano City/Town/Village: Hartland Township

Township: 26N Range: 17E Section(s): 28 (NW ¼)

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

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1. **General Project Description**

This environmental assessment is associated with the issuance of a Wisconsin Pollutant Discharge Elimination System (WPDES) permit for an existing dairy operation named Schmidt's Ponderosa, LLC. The operation has not held a WPDES permit in the past. Schmidt's Ponderosa has requested a permit to operate at current levels of animal units which exceeds the 1,000 animal unit threshold. During the next five years, Schmidt's Ponderosa plans to undergo additional expansion to the existing operation.

Schmidt's Ponderosa consists of three sites, all of which are contiguous, and will be addressed in the proposed WPDES permit. Current conditions are as follows. Site 1, known as the Home Farm, consists of housing for approximately 60 dry cows and 60 springing heifers. The cattle have access to an outdoor lot and there is an earthen manure storage facility. Site 2, known as Paul's Farm, is utilized as maternity housing with approximately 50 cows and heifers. The cattle at this site have access to an outdoor lot. Site 3, the Dairy Center, was newly

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constructed in 1998 and consists of two freestall barns, a two-stage earthen manure storage facility, and a double 12 parallel milking parlor. This site currently handles a milking herd of 800. The total number of cattle at the three contiguous sites is the equivalent of 1,370 animal units.

The operation has plans to modify their current dairy operation to maximize use of the newly-constructed milking parlor by doubling their milking herd (at Site 3) to 1,600 cows. The manure storage facilities would have to be redesigned to handle the increased volume as well as construction of another freestall barn for housing the additional animal units. Expansion is expected to be completed by the fall of 2002.

The earthen manure storage facility used for storing the manure from the dry cows at Site 1 was constructed in 1993 and has a capacity of approximately 1,000,000 gallons of liquid manure. A small shed is used for housing small heifers. The heifers are heavily bedded and the resulting manure pack is a dry pack. The maternity cows at Site 2 are also heavily bedded. Manure storage at Site 3 currently consists of a two-stage settling/storage system. A concrete reception pit is the collecting point for the manure from the freestall barn. It is handled as a liquid with utilization of sand bedding. The first stage of the storage facility is a primary settling pond and the second stage manure storage facility has the capacity of 2,500,000 gallons. This volume includes all milking center washwaters. This facility is emptied ever 4 to 5 months and applied to croplands. Options being considered as alternatives to the current manure handling system are: installation of a manure solid separator, solid manure drying equipment and a methane digester.

With over 1,000 head, annual manure production is estimated at over 4,000,000 gallons. About 700 acres of cropland are available for this manure application. Schmidt's Ponderosa owns 500 acres of cropland and rents an additional 200 acres. Application rates are determined through the use of a comprehensive manure management plan in accordance with USDA Natural Resources Conservation (NRCS) 590 Standard. The manure management plan is designed to limit application of manure to the level needed to adequately supply the nutrient needs of crops being raised. Manure management plans must identify environmentally sensitive areas susceptible to manure runoff to surface or ground water. Precautions must be taken to avoid runoff by incorporating the manure into the soil and by restricting application to warm months or during periods of non-frozen soil conditions.

The project cost is estimated at \$745,000 including building expansion and livestock purchase.

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

- 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

## **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 Laura Wind-Norton, Farm Business Consulting, LLC
- Post construction documentation for previously constructed manure storage facilities submitted by Shawano County Land Conservation Department

**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

Since the operation is already in existence, long-term physical impacts are not expected to be associated with the act of issuing a WPDES permit to the operation, or the eventual increase in cattle numbers. Short-term physical impacts would primarily be connected to possible construction resulting from permit requirements. As part of processing the WPDES permit application, the Department will be reviewing construction documentation (as-builts) for existing manure storage facilities and runoff controls to determine if existing standards were met. Based on the Department evaluation, the operation may be required to upgrade or abandon the existing facilities or take additional action to protect water quality. Any necessary upgrades or modifications will be required in the compliance language of the proposed permit. The permit being issued to Schmidt's Ponderosa does not allow discharges to waters of the state except under extreme weather conditions occurring during a 25 year rainfall event which would exceed 4.2 inches of rain in 24 hours. Compliance with an appropriate manure management plan will ensure that manure applications are limited in volume per acre to the amount of nutrients necessary for optimum crop growth. Excessive applications of manure will not be allowed.

Short-term physical impacts would be primarily associated with past and future construction activities at the site. These impacts include noise and dust from machinery and traffic from construction equipment. Storm water runoff from the site during the construction phase could also result in environmental impacts such as silt and sediment being transported to area wetlands and surface waters. Excavation for the construction at all three contiguous sites has been planned and completed in a staged manner in order to lessen the environmental impact. If construction activities disturb 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 (BMPs) to address impacts from storm water runoff. If properly controlled, impacts associated with construction activities would be relatively short in duration and would not be expected to be significant.

There will also be an increase in traffic, noise and possibly dust in the area associated with the transportation of livestock, feed and milk as the operation expands to its full capacity. Since the operation is located in a predominantly rural, farming community, substantial problems with the increased traffic and visual impacts are not considered to be significant.

Stormwater runoff controls in place are designed to direct any lot runoff to on-site manure storage facilities or adjacent crop fields. Movement to a road ditch or open water is unlikely. If the Department discovers a water quality problem related to stormwater runoff, the operation will be required to implement a management plan and additional installation or redesign of BMPs as necessary.

The most significant long-term physical impact associated with the operation is due to the increased production of manure at the site. 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, emptying the storage facilities and manure landspreading activities are unavoidable.

The operation has proposed ways to minimize this impact by considering alternative manure handling systems. The options include the installation of manure solid separator, solid manure drying equipment and a methane gas digester.

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This would change the characteristics of the material being landspread as well as reducing the frequency with which landspreading occurs.

Groundwater levels in the area could be affected by water usage at the operation; however, the WPDES permit does not regulate this. If future expansion of the operation causes their water usage to reach or exceed 70 gallons per minute, they would be required to obtain a high capacity well permit and water impacts to the water table would be evaluated at that time.

### Biological

Review of the state's Natural Heritage Inventory records indicates that two species were found in a 1926 inventory. *Lythrurus umbratilis* (redfin shiner) and *Lepomis megalotis* (longear sunfish) are two threatened species found in the West Branch of the Shioc River. Most recent inventory information regarding these species is not available.

The area contained in the three contiguous sites has historically been utilized as farming operations. The proposed expansion would have minimal impact on the existing vegetative species located in the area. The immediate farm area, and former cropland converted for animal housing or manure storage, would be expected to provide habitat for common animal species acclimated to farm operations.

Provided manure landspreading is limited to existing (already disturbed) croplands and application practices avoid increased nutrient loading to surface waters, 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. A high capacity well is not required for this site at this time.

The most significant possible long-term biological impact is associated with the production of manure at the site. It is anticipated that after expansion, 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.

Since the majority of 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. The manure storage facility itself was designed to meet the requirements of the Shawano County manure storage ordinance and 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 with surface waters. Since this operation requires coverage under a WPDES permit due to its size, landspreading of its manure is regulated in accordance with a Department approved Manure Management Plan. The Manure Management Plan can be an effective tool to proactively address possible problems that would otherwise be associated with manure landspreading activities. This is a direct benefit to the environment since livestock operations with less than 1000 animal units are not required to obtain a WPDES permit and may not be adequately planning their landspreading activities. This lack of planning may result in adverse impacts to water quality.

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

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Winter landspreading activities will be allowed with site restrictions. No runoff of manure or ponding in fields is allowed at any time.

Nutrient loadings in the Wolf River Drainage Basin are a significant water quality concern. The Wolf River is on a list of waterbodies (referred to the 303(d) list) that includes outstanding and exceptional (high water quality resources) as well as impaired (degraded) waterbodies. Portions of the Wolf River are designated as outstanding/exceptional water resources. Landspreading activities from the operation will be occurring on fields that drain to the Wolf River Drainage Basin. Usually manure applications rates are based on the nitrogen needs of the crop. Since crops utilize more nitrogen than phosphorus, if manure is applied to the nitrogen needs of the crop on a regular basis, phosphorus soil levels will become elevated. In order to protect against increased phosphorus loadings to the Wolf River Drainage Basin, the proposed WPDES permit would require the operation's Manure Management Plan address phosphorus loadings from fields where the operation landspreads manure. While phosphorus is a critical component of ensuring healthy crop growth, excessive phosphorus that is applied on the land can make its way to surface waters where it contributes to excessive algal growth. Excessive algal growth causes such problems as low dissolved oxygen in surface waters. The permittee will need to implement field and site specific restrictions and practices as part of their Manure Management Plan submitted to the Department for review and approval. These restrictions and practices will need to take into account existing soil nutrient levels, buffers, crop rotations, and other relevant factors.

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 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.

### Cultural

Per contact with Dr. Victoria Dirst, Department Archeologist, on September 19, 1999 there are no known archeological or historical resources that will be impacted by the operation.

[Since the operation itself will not change significantly as a result of the issuance of the WPDES permit, there should be no adverse direct, indirect or secondary impacts on land use as a result of the issuance of the WPDES permit. The site will not be significantly changed in terms of type of land use. The site is zoned agriculture, which is the predominant land use in the area, and will not need to be changed as a result of the issuance of the WPDES permit or any future expansion.

The site will not be significantly changed in terms of type of land use as a result of the proposed expansion (year 2002). However, there may be adverse indirect impacts associated with the proposed expansion, 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 operation expansion 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. Additional economic expansion of the area is also anticipated for suppliers of various commodities required for the operation of the dairy including feed components,

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machinery and dairy supplies. Services will be required from local veterinarians, agronomists, plumbers and contractors. It is also estimated that \$289,000 will enter the local economy as a result of added employment opportunities and business such as the operation's purchase of feed from local suppliers.

### 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 a vicinity that the land base would be compromised. According to the operation, neighboring landowners that have gone away from sustaining a milking herd, but still continue to cash crop their acreage, will continue to provide spreading sites and want the landspread manure as a soil additive and crop fertilizer.

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 facilities 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?**

The operation's existing manure storage and runoff control facilities will be evaluated either prior to permit issuance or as part of a compliance schedule contained in the permit to determine if they have been built in accordance with currently accepted standards. If the facilities fail to meet current standards they will be required to upgrade the facilities to meet current standards in accordance with a compliance schedule in their WPDES permit.

Proposed expansion (year 2002) of the manure storage and runoff control facilities at the operation will be built in accordance with currently accepted standards to minimize the risks of ground and surface water contamination. Plans and specifications for proposed facilities must be reviewed and approved by Department staff prior to construction.

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 has the responsibility to 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 manure temporarily stored in the storage facilities may vary. Unidentified variations in

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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 any proposed manure storage facilities 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 any 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. For example, the scraping of areas where small amounts of "spilled" manure have collected and/or changing operating procedures to avoid small "spills". This will 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. Admin. 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 an approved Manure Management Plan, which does not allow poor land application practices. Operating practices should have a 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. Permitting this operation would not foreclose future options for taking necessary actions to protect the environment (i.e., revocation or modification of the

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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 quality 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.

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## **ALTERNATIVES**

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**Briefly describe the impacts of no action and of alternatives that would decrease or eliminate adverse environmental effects.**

No Action: If the operation had not been constructed or expanded to the current size, the adverse consequences could have been avoided but the economic benefits would not have been realized. These economic benefits include a substantial addition to the local tax base, the creation of new jobs and the additional purchases of goods and services in the local community. The permit is being issued to insure the environmentally sound management of the business. Schmidt's Ponderosa has been a part of the local agricultural community for years and is seeking expansion to remain economically viable for future generations.

Reduced Size of Operation: The economy of the dairy industry is creating a trend toward larger dairy businesses. The current operation and proposed expansion has been designed to take advantage of economies of scale and lead to greater long-term viability of the business. The expansion of the operation allows for the construction of a better long-term manure storage system. These systems are expensive and require more cows to be milked to pay for them. Reducing the size of the farm is not economically viable.

Alternate Location: The farm would have limited ability to use existing facilities for dry cows and heifers if they did not have available all three contiguous sites. A new site would be required to be much larger to house all the animals and store all the manure at one site. There is no evidence that locating the operation in a new area would change the environmental impact of the business.

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### 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 facility, upgrading the facility or replacing the facility

The selected alternative will be based on the information collected as part of this environmental assessment, 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 facilities' design or operation based on water quality concerns

The selected alternative will be based on the information collected as part of this environmental assessment and any 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.

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### SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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

- Laura Wind-Norton, F&L Farm Business Consulting, LLC – Consultant, completion of EA Questionnaire
- Paul Schmidt - Operation owner, submittal of permit application materials
- Doris Thiele – DNR Central Office – Permit Drafter
- Victoria Dirst – DNR Archaeologist, site check
- Ron Ostrowski – Shawano County LCD – site inspection
- Bob Wilson – NRCS Engineer, design plan review

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.

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**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 <i>D. Shill</i>	Date Signed <i>6-9-00</i>
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Number of responses to news release or other notice:

CERTIFIED TO BE IN COMPLIANCE WITH WEPA	
Regional Director or Director of BISS (or designee) <i>Jan D. Peck</i>	Date Signed <i>6/13/2000</i>

**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 case hearing provisions of section 227.42, Stats. This notice is provided pursuant to section 227.48(2), Stats.