

RESOLUTION # 21-2

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2021 and January 31, 2022 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JASPER COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).



Chair, Board of Supervisors

Date: 4 Jan 2021

ATTEST:



County Auditor

Date: January 4, 2021

To: Boards of Supervisors
From: Kristi Harshbarger, ISAC General Counsel
Re: Master Matrix
Date: November 18, 2020

If a county chooses to use the master matrix to evaluate applications for construction permits for large animal confinement operations, the board of supervisors must adopt a "construction evaluation resolution" annually.

According to the DNR's administrative rules, if the board of supervisors wants to use the master matrix between February 1, 2021 and January 31, 2022, **the board of supervisors must submit an adopted "construction evaluation resolution" to the DNR between January 1 and January 31, 2021.**

A sample construction evaluation resolution is attached to this memo.

The construction evaluation resolution should be submitted to Kelli Book through mail or email:

Kelli Book
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, IA 50319-0034
kelli.book@dnr.iowa.gov

Counties will receive a confirmation email for all CERs received.

The board of supervisors can adopt the resolution at any time, as long as it is actually mailed or faxed to the DNR during January of 2021.

If a county board of supervisors does not adopt a construction evaluation resolution for 2021, then the county cannot:

- 1) submit a formal recommendation to the DNR concerning a particular construction permit application; the county can submit comments, but they are not given nearly as much weight by DNR as a formal recommendation would be;
- 2) send county employee along on a DNR site inspection; or
- 3) appeal the DNR's decision regarding a construction permit application to the Environmental Protection Commission.

In addition, if the county chooses to use the master matrix, then applicants must meet stricter environmental standards than they would have to meet otherwise.

If you have any questions about this memo, you can call Kristi Harshbarger at ISAC 515.244.7181 or Kelli Book at the DNR at 515.210.3408.