

DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 6, 2020

Dr. Barry Kerkaert
Bobcat Farms RE, LLC
P.O. Box 188
Pipestone, MN 56164-0188

Re: Revised Nutrient Management Plan (NMP)

Dear Dr. Kerkaert:

The Department of Environment and Natural Resources (DENR) received your request to add the fields listed in the following table to your approved nutrient management plan (NMP). Your existing NMP is part of your application for state permit coverage under the 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (general permit). Your animal feeding operation was originally approved on August 27, 2018, and permitted on June 14, 2019. You received state permit coverage under the 2017 general permit on June 14, 2019 (**State Permit # SDG-100557**).

Fields Being Added to NMP					
Field #	County	Legal Description	Available Acres	Soil Sampling Requirements	
				0-2 feet	Additional
16	Brookings	NW 1/4 of NE 1/4, Sec. 6, T110N, R47W	22.4	Yes	No
32	Brookings	SW 1/4, Sec. 6, T110N, R47W	137.2	Yes	No
33	Brookings	SE 1/4, Sec. 6, T110N, R47W	125.1	Yes	No
34	Brookings	NE 1/4 Sec. 7, T110N, R47W	119.4	Yes	No
35	Brookings	NW 1/4, Sec. 8, T110N, R47W	119.1	Yes	No
39	Brookings	NW 1/4, Sec. 25, T111N, R48W	82.1	Yes	No
41	Brookings	NW 1/4, Sec. 24, T111N, R48W	105.4	Yes	No
46	Brookings	NW 1/4 and N 1/2, Sec. 2, T110N, R48W and S 1/2 of S 1/2, Sec. 35, T111N, R48W	221.8	Yes	No
48	Brookings	S 1/2 and E 1/2 of NE 1/4, Sec. 26, T111N, R48W	191.4	Yes	No
49	Brookings	N 1/2, Sec. 34, T111N, R48W	159.1	Yes	Yes
50	Brookings	N 1/2 of N 1/2, Sec. 35, T111N, R48W	38.5	Yes	Yes
51	Brookings	NE 1/4, Sec. 1, T110N, R48W and S 1/2 of S 1/2, Sec. 36, T111N, R48W	69.6	Yes	No

Fields Being Added to NMP					
Field #	County	Legal Description	Available Acres	Soil Sampling Requirements	
				0-2 feet	Additional
52	Brookings	Sec. 31, T111N, R47W and NW 1/4, Sec. 6, T110N, R47W	218.7	Yes	Yes
53	Brookings	N 1/2 of N 1/2 of SW 1/4, Sec. 1, T110N, R48W	26.1	Yes	No

A portion of fields 39, 41, 46, 48, 49, 50, and 52 are within ¼ mile of a stream where Topeka shiners have been observed or have potentially occupied. You need to review your Endangered Species Action Plan prior to land applying to any of these fields.

None of the new fields are identified as winter or emergency manure application areas. Currently, *Fields 15 and 31* are identified as winter or emergency manure application areas. The winter or emergency manure application maps identify the appropriate setbacks that need to be excluded from land application when the soil is saturated, snow-covered, or frozen and land application is absolutely necessary. Please refer to Section 1.4.4.1.t., beginning on page 31 of the general permit for the requirements for manure application on saturated, snow covered, or frozen soil. **You should notify the department and review the winter/emergency field maps prior to land applying during these soil conditions.**

We are approving the modifications and are including *Fields 16, 32, 33, 34, 35, 39, 41, 46, 48, 49, 50, 51, 52, and 53* in your approved NMP. **Please put one copy of the approved field information in Appendix D of your copy of the permit.** You are required to comply with the terms and conditions of your permit.

You are also responsible for contacting the local planning and zoning office in the county where manure application will take place to determine if there are any local ordinances or requirements with which you need to comply.

All of the new fields will require soil tests from 0 to 2 feet prior to manure application.

Fields 49, 50, and 52 are also identified as being located over a shallow aquifer and have additional soil testing requirements. For these fields, soil tests are required from 0 to 2 feet and 2 to 4 feet prior to manure application. Please refer to section 1.4.4.3., beginning on page 35 of the 2017 general permit for the annual nutrient management requirements.

For fields that require additional soil testing from 2 to 4 feet, you have the option to either conduct the initial 0 to 2-foot and the 2 to 4-foot soil test prior to land application of manure or the alternative option to conduct the initial 0 to 2-foot soil test prior to manure application and a second 0 to 2-foot soil test within four weeks after harvesting the crop. Please refer to section 1.4.4.3., beginning on page 35 of the 2017 general permit for the annual nutrient management requirements.

Dr. Barry Kerkaert
Bobcat Farms RE, LLC
October 6, 2020
Page 3 of 4

You must notify the department in writing if you plan to use the post-harvest soil sampling option.

As part of your annual nutrient management planning requirements, soil and manure tests must be analyzed by certified soil testing and manure testing labs. The laboratory analyzing the soil samples must be accredited by the **North American Proficiency Testing Programs' Proficiency Assessment Program** and the labs that are currently accredited are listed on the following website: <http://www.naptprogram.org/pap>. The laboratory analyzing the manure or process wastewater must be certified by the **Manure Testing Laboratory Certification Program** and the manure testing labs that are currently certified are listed on the following website: <http://www2.mda.state.mn.us/webapp/lis/manurelabs.jsp>.

If you or your crop consultant sends your soil or manure samples to a lab that is not listed on either of these websites, you and/or crop consultant may want to tell them that you need to use a certified lab so they can become certified.

The land application sites must be located at least 150 feet from a private well owned by you, 250 feet from a private well not owned by you and 1,000 feet from any public supply well or other public drinking water source. These setback distances from identified wells cannot be included as part of the land application acreage. Buffer zones are also required around any natural or manmade drainages or wetlands. Please review the buffer zone requirements on the land application maps included with the nutrient management plan in Appendix D of your permit prior to land applying manure.

If a mobile land application system using temporary piping will be used for the land application of liquid manure or process wastewater, the equipment must be equipped with an on-board radio controller and flow meter that can be overseen by the applicator. See Section 1.4.4.1.m. on page 30 of the 2017 general permit for more information on this requirement.

To add fields to your approved phosphorus-based NMP, you must submit the required information for each additional field to the department for our review and approval. Information on adding fields to your approved phosphorus-based NMP may be obtained from your local Natural Resources Conservation Service (NRCS) office. You may also contact us for assistance at (605) 773-3351, or visit our website at <http://denr.sd.gov/des/fp/fieldadditions.aspx> for instructions on adding fields. **You may not apply manure to any fields not included in your approved NMP.**

If manure application will involve placing hoses or other equipment in a state highway right of way (for example, in a road ditch or through a culvert), you must first obtain a Permit to Occupy Right of Way. Application for this permit may be made through the local South Dakota Department of Transportation area office. Contact your local SD DOT area office for more information on this permit. In addition, please contact your county highway superintendent to determine if your county has similar requirements.

Dr. Barry Kerkaert
Bobcat Farms RE, LLC
October 6, 2020
Page 4 of 4

One copy of the field information is being retained for our files. The attached field list is an updated listing of the fields that are currently approved for manure or wastewater application. The attached map shows the location of each field. Please review this information and notify the department if any of the information is incorrect. If the enclosed field list and map are correct, please place them in your NMP.

If you have any questions regarding the content of this letter, please feel free to contact Spencer Van Overbeke, Feedlot Permit Program at (605) 773-3351. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Wegleitner', with a large, sweeping flourish extending to the right.

Paul N. Wegleitner
Natural Resources Project Engineer
Feedlot Permit Program

cc: Kevin Banken, Centrol, Brookings, SD
Brookings County Commissioners

Enclosures: Field List
Field Map

Bobcat Farms RE, LLC Approved Field List

October 6, 2020

All fields require a zero to two foot soil test prior to manure application. The fields identified as being located over a shallow aquifer are shaded in Table 1 below and have additional soil testing requirements. For these fields, soil tests are required from zero to two feet **and** two to four feet prior to manure application. Please refer to section 1.4.4.3., beginning on page 35 of the 2017 general permit for the annual nutrient management requirements.

For fields that require additional soil testing from 2 to 4 feet, you have the option to either conduct the initial 0 to 2-foot and the 2 to 4-foot soil test prior to land application of manure or the alternative option to conduct the initial 0 to 2-foot soil test prior to manure application and a second 0 to 2-foot soil test within four weeks after harvesting the crop. Please refer to section 1.4.4.3., beginning on page 35 of the general permit, for the annual nutrient management requirements. **You must notify the department in writing if you plan to use the post-harvest soil sampling option.**

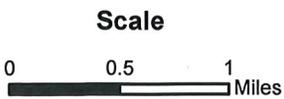
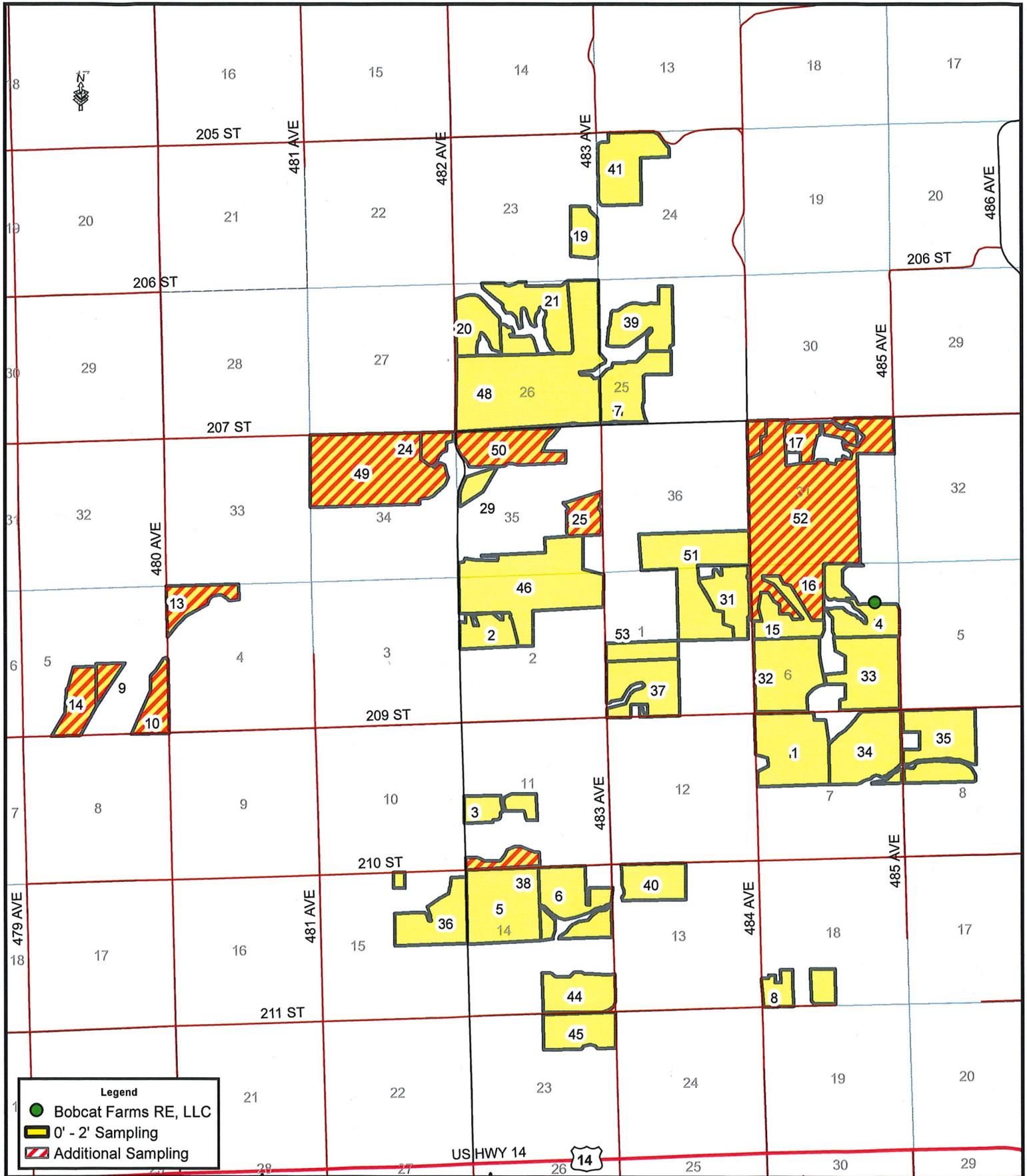
The fields listed in Table 1 below are approved for the land application of manure or process wastewater. **Before manure or wastewater can be applied to these fields, you must have a current soil test and use the table on page 34 of the 2017 general permit to determine whether the field fits into a nitrogen need, one-year phosphorus crop removal, five-year phosphorus crop removal, or no application category based on the current phosphorus level of the field and the predicted annual erosion.** Please refer to the table on page 34 and the annual nutrient management requirements beginning on page 35 of the 2017 general permit prior to the land application of manure to determine the proper procedure for calculating the appropriate application rate for each specific field.

Table 1 – Bobcat Farms RE, LLC Approved Nutrient Management Plan Fields							
Line #	Field or Tract #	County	Legal Description	Acres		Soil Sampling	
				Total	Available	0-2'	Additional
1	Mark's	Brookings	NW ¼, Section 7, T110N, R47W	142.4	142.4	Yes	No
2	Frederiksen 80	Brookings	S ½ of NW ¼, Section 2, T110N, R48W	53.4	53.4	Yes	No
3	Bruning Home N	Brookings	N ½ of SW ¼, Section 11, T110N, R48W	46.7	46.7	Yes	No
4	Sonnek Qtr	Brookings	S ½ of NE ¼, Section 6, T110N, R47W	60.1	59.1	Yes	No
5	West Qtr	Brookings	NW ¼, Section 14, T110N, R48W	154.1	154.1	Yes	No
6	Home QtR	Brookings	NE ¼, Section 14, T110N, R48W	120.2	120.2	Yes	No
7	Sub-Station	Brookings	SW ¼, Section 25, T111N, R48W	94.4	94.4	Yes	No
8	Jansen's	Brookings	S ½ of SW ¼, Section 18, T110, R47W	52.2	52.2	Yes	No
9	The 80	Brookings	W ½ of SE ¼, Section 5, T110N, R48W	19.3	19.3	Yes	Yes
10	Corn Crib	Brookings	E ½ of SE ¼, Section 5, T110N, R48W	45.0	45.0	Yes	Yes
13	Utley's	Brookings	NW ¼, Section 4, T110N, R48W	55.9	53.7	Yes	Yes
14	Fisk Place	Brookings	SW ¼, Section 5, T110N, R48W	56.7	56.7	Yes	Yes
15	Krutz Ranch S	Brookings	NW ¼, Section 6, T110N, R47W	68.7	68.7	Yes	No
16	Bobcat barn (west)	Brookings	NW 1/4 of NE 1/4, Section 6, T110N, R47W	23.4	22.4	Yes	No
17	Krutz Ranch N	Brookings	NW ¼ and NW ¼ of NE ¼, Section 31, T111N, R47W	56.1	56.1	Yes	Yes
19	Steel Coral	Brookings	E ½ of SE ¼, Section 23, T111N, R48W	38.3	38.3	Yes	No
20	Norfeld Crop	Brookings	NW ¼, Section 26, T111N, R48W	63.9	63.9	Yes	No

Table 1 – Bobcat Farms RE, LLC Approved Nutrient Management Plan Fields							
Line #	Field or Tract #	County	Legal Description	Acres		Soil Sampling	
				Total	Available	0-2'	Additional
21	Norfeld Grass	Brookings	E ½ of NW ¼ and W ½ of NE ¼, Section 26, T111N,	130.0	130.0	Yes	No
24	Sheffield Hill	Brookings	NE ¼ of NE ¼, Section 34, T111N, R48W	23.6	23.6	Yes	Yes
25	Eckers	Brookings	NE ¼ of SE ¼, Section 35, T111N, R48W	40.3	40.3	Yes	Yes
29	Sheffield Creek	Brookings	SW ¼ of NW ¼, Section 35, T111N, R48W	18.8	18.8	Yes	No
31	Ed's	Brookings	NE ¼, Section 1, T110N, R48W	69.9	69.9	Yes	No
32	Pankonin SW6	Brookings	SW 1/4, Section 6, T110N, R47W	137.2	137.2	Yes	No
33	Pankonin SE6	Brookings	SE 1/4, Section 6, T110N, R47W	129.6	125.1	Yes	No
34	Pankonin NE7	Brookings	NE 1/4 Section 7, T110N, R47W	135.4	119.4	Yes	No
35	Pankonin NW8	Brookings	NW 1/4, Section 8, T110N, R47W	139.1	119.1	Yes	No
36	Tom's home	Brookings	NE ¼, Section 15, T110N, R48W	99.6	99.6	Yes	No
37	Eeilers	Brookings	SW ¼, Section 1, T110N, R48W	113.6	113.6	Yes	No
38	Bruning Home S	Brookings	S ½ of SW ¼, Section 11, T110N, R48W	28.4	28.4	Yes	Yes
39	Alber's	Brookings	NW 1/4, Section 25, T111N, R48W	84.6	82.1	Yes	No
40	Frank's	Brookings	N ½ of NW ¼, Section 13, T110N, R48W	67.3	67.3	Yes	No
41	Larson SW	Brookings	NW 1/4, Sec. 24, T111N, R48W	107.4	105.4	Yes	No
44	Groen N.80	Brookings	S ½ of SE ¼, Section 14, T110N, R48W	75.3	75.3	Yes	No
45	Groen S.80	Brookings	N ½ of NE ¼, Section 23, T110N, R48W	74.1	74.1	Yes	No
46	Grass-Pasture	Brookings	NW 1/4 and N 1/2, Section 2, T110N, R48W and S 1/2 of S 1/2, Section 35, T111N, R48W	267.8	221.8	Yes	No
48	Grass-Pasture	Brookings	S 1/2 and E 1/2 of NE 1/4, Section 26, T111N, R48W	371.4	191.4	Yes	No
49	Grass-Pasture	Brookings	N 1/2, Section 34, T111N, R48W	251.1	159.1	Yes	Yes
50	Grass-Pasture	Brookings	N 1/2 of N 1/2, Section 35, T111N, R48W	96.5	38.5	Yes	Yes
51	Grass-Pasture	Brookings	NE 1/4, Section 1, T110N, R48W and S 1/2 of S 1/2, Section 36, T111N, R48W	189.6	69.6	Yes	No
52	Grass-Pasture	Brookings	Section 31, T111N, R47W and NW 1/4, Section 6, T110N, R47W	492.7	218.7	Yes	Yes
53	Grass-Pasture	Brookings	N 1/2 of N 1/2 of SW 1/4, Section 1, T110N, R48W	38.1	26.1	Yes	No
Total Acres:				4,332.2	3,501.0		

Please note in your phosphorus-based NMP the estimated time it will take to build the listed fields up to 50 parts per million (ppm) (Olsen test) or 75 ppm (Bray-1 test) of phosphorus. You may need additional land in order to apply manure to your fields based on phosphorus crop removal at that time.

Bobcat Farms RE, LLC Approved Land Application Fields



DENR
SOUTH DAKOTA

FACILITY NAME: Bobcat Farms RE, LLC	PERMIT NUMBER: SDG-100557
LEGAL DESCRIPTION: N 1/2 of the NE 1/4 of Sec. 6, T110N, R47W	
COUNTY: Brookings	DATE: 10/6/2020

Note: Field Locations are approximate within the 1/4 section and should be verified with field maps submitted by the producer.