

# You Could Try

**By: Northeast Iowans for Clean Air and Water**

We have learned a lot about trying to prevent CAFOs from entering our neighborhood since February of 2017. It is hard to believe that we didn't even know what a CAFO (Concentrated Animal Feeding Operation) was back then. We now know what they are, the impact they can have on the environment and their neighbors, as well as what does and does not make a difference in trying to prevent them from being built. We want to share with you our story and what we have tried in hopes that it can guide your journey if a CAFO (or 2 or 3...) is planned to be built in your neighborhood.

## **#1 You could try to know what to look for or who to ask if you suspect a CAFO might be considered in your neighborhood.**

If you live in or own land in a rural area, know that it is very possible that a CAFO owner/operator might have their sights set on a nearby property. The rate that they are getting approved is substantial across the state. Reach out to concerned neighbors beforehand and be vigilant about watching for changes occurring on properties, like land being staked out or drilling equipment in a field. Test drilling is required beforehand, so being watchful for disturbed ground that may have been drilled can alert you to potential CAFO plans. As we all know in small rural communities, word travels fast, so the more people you have alert to the issue, the more likely you are to get waves of potential building plans. It was through the word of mouth of neighbors that we first learned about the building of CAFOs within our neighborhood. Most "smaller" CAFOs are not required to inform neighbors of their plans to build, and in our case, neither reached out to us prior to building. In hindsight, had we been vocal about our opposition in the neighborhood before these CAFOs submitted paperwork, they may have reconsidered. We will never know. If you make your stance known before it's too late, it might be enough to make a potential owner/operator reconsider.

Another way to keep informed is to check in with your local county courthouse. The courthouse should have records of any paperwork relating to permits to build and/or Manure Management Plans (MMPs). We have worked closely with our county Environmental Health Department regarding concerns to the water and environmental impact of these CAFOs. Although there was not much that could be done, the courthouse did help to provide paperwork for review, information, and water testing.

Lastly, keep your eyes open for information regarding new CAFOs permits in local newspapers, on the DNR website, or through social media. There are many groups like ours (Northeast Iowans for Clean Air and Water) who regularly share information about newly proposed CAFOs in surrounding counties. The more ways you are connected, the better prepared you will be if/when one is proposed in your neighborhood.

## **#2 You could try contacting the owners/operators who are planning to build a CAFO.**

As soon as we learned that not one, but two, CAFOs were going into our neighborhood we reached out to the owners and operators to plead our case. We had very mixed reactions, but ultimately faced the same result- they were built. We, as neighbors, tried sending letters, emails, and Facebook messages, made face-to-face contact, and/or had phone conversations. At first, representatives from one of the CAFOs were willing to take our phone calls and emails, but the more we asked questions, shared our concerns about preexisting health conditions of neighbors, shared our concerns about karst topography of the region, and explained our plans moving forward to protect ourselves as neighbors, they stopped replying to emails and stopped returning phone calls. When attempting to converse with one of the land owners, he yelled at neighbors from our group. An open letter was written to two of the owners/operators, sharing concerns and pleas to reconsider moving

forward. We have yet to hear a reply from one of them, but the other did maintain civil communication through face-to-face interactions and phone calls. In the end, he did still move forward in building the CAFO. Although this attempt did not help in our case, I have read examples of those who will reconsider building a CAFO after neighbors have reached out. It is worth a try, and you will get a clear picture early on in terms of how “neighborly” things are going to be moving forward.

### **#3 You could try reaching out to experts.**

One of the absolute best things we did was contact representatives from SRAP (Socially Responsible Agricultural Project) and/or JFAN (Jefferson County Farmers and Neighbors) who have experience fighting CAFOs nationally and statewide for years. We connected with representatives who worked tirelessly to help educate us, give advice, and support us in any ways possible. We participated in conference calls which helped us all get on the same page, delegate responsibilities, and create an action plan. Our representative helped us review the MMPs (Manure Management Plans) and found many errors. When the errors were shared with the DNR though, nothing much came of it, but it was important to see that there were errors to follow-up on (for example there was an overlap of land in which double-application of manure from two separate CAFOs was to be applied that needs to be remedied). They helped us make sure that the distances from wells, residences, sinkholes, etc. was meeting the requirements. They connected us with state journalists interested in our stories and knew who to contact in Des Moines regarding our concerns. We also received assistance from representatives from ICCI (Iowa Citizens for Community Improvement). They also gave advice, participated in conference calls, helped push out information regarding our case online, and organized an informative meeting at the county fairgrounds to educate other concerned residents about what is going on in rural Iowa. If you are just starting your fight against CAFOs, please consider reaching out to a group with expertise as their knowledge and support has been tremendous.

### **#4 You could try uniting with other concerned neighbors and plan regular meetings.**

This is one of the most pivotal things you can do as you will need a support system through this journey. Reach out to neighbors who share your concerns. Plan regular meetings, potlucks, phone calls, and ways to regularly communicate. Delegate responsibilities. Find the strengths that each neighbor provides and capitalize on those strengths. This can range from neighbors who have strong networking skills, strong organizational skills, strong knowledge of the land and farming practices, strong idea-generating skills, strong writing skills to compose editorials, strong listening skills, strong cooking/baking skills to provide comfort food, strong humor to provide laughs...you name it, you will need it. There is great strength in numbers, but there is also comfort in knowing you are not alone. So, please reach out to neighbors who share your concerns and unite together.

### **#5 You could try creating a social media presence.**

Once regular meetings were established by our group, we formed the name Northeast Iowans for Clean Air and Water. We then developed a Facebook page to help connect with others near and far. We also could share our stories, our progress, get insights from others who have had similar journeys, educate others about the impact of CAFOs, and continue to feel connected to others who care. This has been one of the most influential ways that we have raised awareness to the issues we are facing. With the use of social media, we do have some advice to share. There most likely will be backlash, bullying, profanity, and harassment that happens as this is a difficult topic. Remember that when others go low to always stay high. Share research, raise concerns, ask questions, challenge inaccuracies, but do so out of a place of respect and civility, even if it isn't earned. That is going to

help move your cause forward and earn respect from those in support or those who are trying to make up their minds regarding how to feel about what is happening.

#### **#6 You could try writing editorials for newspapers.**

This is also such a significantly important step in the process. By writing editorials to your local newspaper (and potentially statewide newspapers), you are reaching out to those people who are most invested in what is happening in your county or state and to those who do not use social media. We have found that the editorials we have written have inspired others to learn more, question more, talk more, and even write their own editorials. There are people who care greatly about the environment and the people of our state who have no idea what CAFOs are and their potential implications. Editorials are a chance to share the very personal ways that CAFOs are impacting others while also educating community members of an issue that should warrant their attention. Understand that not all people are comfortable with writing editorials, but even if you find one or two people within your network or neighborhood group who are comfortable with writing, you can spend time brainstorming topics together that can then be pushed out to the newspaper with fine-tuning. We have heard the impact that our editorials have had within our county, so it is worth the time investment.

#### **#7 You could try making your stance known visibly.**

In addition to the work we have done on social media and in newspapers, we did also try to make our stance known visibly in our neighborhood by putting up signs. In our case, we put up four separate signs. The first three read: Clean Air. Clean Water. Our Future. The fourth sign was worded to put a stop to a local CAFOs from going in. These signs were put up with the permission of a land owner in proximity to the CAFOs. Although we did not choose to participate in formal protests or rallies that some groups have tried, we did feel this was a way of making our position known within our neighborhood. What we didn't anticipate is that early one morning the fourth sign would be sawed off and stolen. Although the local police did investigate, the person/people who stole the sign have yet to be identified (we remain hopeful that someone will do the right thing and report those responsible). The only silver lining that came from this event is that our Facebook post regarding this stolen sign has reached over 23,000 people- far more than would have ever seen it on the side of the rural road. Although we decided to not take the route of protests or rallies, there are other visible ways to make your viewpoint known within your neighborhood.

#### **#8 You could try working with DNR officials.**

Our first involvement was early on in the process. Two of our members chose to drive to Manchester, IA to visit with the DNR personally to share the dilemma of the hog confinement going in within the neighborhood. Concerns were shared regarding the CAFO being put in a location on karst terrain, with known sinkholes. One of the sinkholes was measured in excess of 75 feet deep with a river running underneath, but had been covered over. Also shared were health concerns for a lady with hog allergies, which involved air quality in addition to concerns about water contamination with liquid manure and land riddled with sinkholes. We left feeling as though they might have made a difference.

As time went by we talked to three different DNR officials at the Manchester office. We brought up a number of issues including the tiling that was running from that farm into open sinkholes on a neighbor's property. Each time they were polite and gave the illusion that they would help. We even talked to Chuck Gipp in Decorah, after a meeting of which he was a presenter. What we

realized after all these interactions was that the DNR either could not help us, or would not, we started looking for other avenues to help us.

By this time a second confinement was staked out nearby, and the first confinement needed to move its site farther away. So our attempt continued to point out sinkholes in that area. They did come to investigate, but were not convinced that the pond, newly formed, next to the CAFO was a sinkhole. We contacted the DNR numerous times to have them measure the distance from the CAFO to the nearest Amish neighbor. They never did measure to see if it was 1,250 feet away. Those neighbors are suffering from the horrible smells coming from the confinements. We are not convinced that the DNR fully met their responsibilities in regard to our pleas, our letters, our suggestions, and our needs as a neighborhood. The question remains, are they even allowed to help?

### **#9 You could try monitoring conditions after they are built.**

If you are like us and you have tried all you can but the CAFOs have still been built, there are a few things that you can still do. One of which is to continue monitoring the impact the CAFOs are having within your neighborhood. This can include making note of the days the smell reaches your property- perhaps marking it on a calendar. Water testing will also be recommended, especially after rainy periods or recent manure application. If you have a pre-existing condition like those within our group do, make note of any health changes or allergic reactions. Unfortunately, as of March 2017, filing a legal claim of nuisance against these CAFO operations has become more difficult, but keeping track of the information still may prove helpful down the road. Don't be afraid to share the information you have collected through social media and editorials. People who don't know what it is like to live next to CAFOs deserve to know what others are experiencing, so help paint the picture for them by telling your story.

### **#10 You could communicate and work with county supervisors.**

We have found our Howard County Board of Supervisors very supportive of our concerns. Reach out to your county supervisors and let them know how you feel. You might be surprised to see what they are willing to try to support you. Invite them to your meetings or ask about attending and speaking at a board meeting. We are grateful to what our county supervisors have been trying to do in support of our county.

### **#11 You could try putting pressure on state government officials.**

For our government officials to make change, they need to feel as though there are enough people out there who would support and vote for the change. Writing letters, sending emails, sharing your stories, and demonstrating strength in numbers does bring attention to the issue. This is a bipartisan issue that merits attention. Let legislators know that you would support those running for office who plan to strengthen the Master Matrix and have tighter rules and regulations for CAFOs.

### **#12 You could try our newest approach- a restrictive covenant.**

We are excited to share our latest efforts in hopes that it will make a difference. We feel it will give people a chance to take a stand, stop the spread of CAFOs in rural areas, and make lawmakers take notice.

## **Consider Forming a Covenant**

As defined in Webster's Dictionary: a written agreement or promise usually under seal between two or more parties especially for the performance of some action.

### **How does this work?**

For our group, Northeast Iowans for Clean Air and Water, in Howard County, Iowa, after exhausting all possible actions to stop two hog confinements, we were interested to hear about a covenant by a lawyer in NE Iowa, Karl Knudson. He came to our weekly meeting, along with a man who was familiar with a covenant that Karl had written for his neighborhood.

After listening and learning about how a covenant can be used to keep CAFOs out of our area, we were interested. After the lawyer left, we talked, voted, and we were in!

The good part of taking this action is that you are finally in control of your lands. We decided that with the lawyer's help we would draft an agreement that would appeal to a large number of people. After discussing several different ideas, we decided to keep the covenant simple. Simple works.

Our covenant contains the basic agreement that we, now and in the future, will not allow CAFOs and liquid manure on our lands. Of course, in legal talk, it sounds more important. None the less, it allows neighborhoods to stop the spread of CAFOs in their area, if enough people sign up.

After the covenant was agreed upon, the lawyer created the document. After that, our group contacted the neighbors, had informational meetings about the covenant and found neighbors who wanted to join our cause. Finally, we had a meeting to sign the document in the presence of a notary with the last step being to record the document at the Howard County Court House.

### **What you need to know:**

First of all, you need to form a group who can meet weekly for updates. You need a group of dedicated people with some time to plan, organize, and contact neighbors. You will need someone to keep the information in one place.

Next: You need to create a covenant, or you can use our covenant, if you want, which would save you time and money. The lawyer is willing to allow others to use the covenant that was created by our group. In other words, there is no need to reinvent the wheel. We will share our covenant.

Then I would suggest that you invite the neighborhood to a meeting to have a pledge night with someone who would explain what you are attempting to do with the covenant. At that meeting, you could have the neighbors who are interested, sign a pledge sheet. I would also have them write their name and address which will help you in the next step.

The next step would be to send one member of your group to the court house to the Recorder's Office. You might want to tell the office staff what you need and why. Tell them that your neighborhood is entering into a covenant to restrict CAFOs in the neighborhood. If you provide the names and addresses of the interested neighbors, they can provide the legal descriptions of the exact location of their lands which you will need for the final document, the covenant. You will be charged a small fee for each page.

Once you have contacted the remaining neighbors who did not attend the pledge meeting, and collected their names and addresses you should have your group. You will need to get their legal descriptions of locations of their lands from the court house, as well.

One thing that our lawyer wanted us to follow was the policy of touch and concern. This basically means we have a common concern about air and water quality, as well as quality of life and hope to preserve this by restricting CAFOs in our neighborhood. Touch means that our properties touch or nearly touch each other.

Next someone willing to type, perhaps a lawyer or someone within the group, will need to type up the covenant, with the legal descriptions of locations of the lands owned, and the legal names of husband and wife, as shown on the deed or abstract. Once that is done you will need a signature page with final signatures of husband and wife which must be notarized by a notary on a notary page.

Once it is recorded, it will be good for 21 years. Someone in your covenant will need to renew it in about 20 years so it does not lapse. This continues until that time that no one rerecords it. Once a person and their land, is in the covenant they are in, along with those who own the land after them and so on. The covenant runs with the sale of the land.

Much of this can be done by your group for your group, thereby cutting down on costs. Our group was a sort of pilot project with a skilled lawyer, Karl Knudson, who has developed this idea. It is our collective hope that others will opt to try this plan and secure your neighborhoods. You can benefit by what we have learned.

If you have not yet been infiltrated by CAFOs, it's only a matter of time. This plan would be ideal for areas that have not yet gotten the news that a hog confinement is scheduled to be built on your block. It might be worth your effort to spend the time now before it is too late.

Our suggestion to you is to keep quiet about your plans. Work with trusted neighbors. Have weekly meetings. Working with a loyal, dedicated group, will get you where you want to be, living in a neighborhood with clean air, clean water, and a bright future. It is our wish to help those who love where they live and do not wish to move.

Currently our covenant has 43 families with 63 properties encompassing about 5,500 acres in 4 townships. Now that is a good start in Iowa.