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STATE OF ILLINOIS  
Pollution Control Board

PC#1

ASSISTANT MAJORITY LEADER

**J. PHILIP NOVAK**

STATE REPRESENTATIVE - 79TH DISTRICT

September 2, 2003

Illinois Pollution Control Board  
Brad Halloran, Hearing Officer  
James R. Thompson Building, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Dear Mr. Halloran:

I am writing this letter on behalf of my constituent Ms. Barbara Stuart. I ask that this letter be an attachment to her case file No. PCB-02-164.

It is my understanding that the reason that this noise complaint was filed is because of the use of propane cannons to deter crows from melon crops. Ms. Stuart filed this case against her neighbor Mr. Franklin Fisher for the use of such cannons. This area of Beecher is agricultural and residential. I do agree that, to the residential citizens, the use of these cannons is a noise nuisance. However, for farmers this is one of few effective permissible uses to protect their crop. Therefore, it leaves only one alternative for the residential citizens, and that unfortunately is to go to the Illinois Pollution Control Board with a citizen enforcement case.

As the Representative of this area, I find this a very difficult situation when solutions between neighbors cannot be worked out to accommodate both the resident for noise and the farmer to protect his crop. Both are entitled to property rights under the law. I do commend Ms. Stuart for her efforts in taking this issue to the Pollution Control Board. I see that this is the only way for resolve.

Mr. Halloran, as the PCB board case proceeds, I ask that all professional resources from the Illinois E.P.A. to the Illinois Department of Natural Resources to the U. S. Department of Agricultural Wildlife Services be consulted to address this matter in making the decision that will affect both of these citizens and their quality of life. For, if there is a violation of noise, we can correct and work together for alternative methods of crop damage by birds.

Thank you in advance for your consideration of my request.

Sincerely,

Assistant Majority Leader  
J. Philip Novak  
State Representative  
79<sup>th</sup> District

9-0-5