



AGENDA
Land Conservation Committee
Thursday November 15, 2018 at 3:30 PM
HHS Building, Room 1001
303 W. Chapel St.
Dodgeville, WI 53533

**Iowa
County
Wisconsin**

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Any subject on this agenda may become an action item.

1	Call to Order
2	Roll Call
3	Approve the agenda for this November 15, 2018 meeting
4	Approve the minutes of the September 20, 2018 meeting
5	Report from committee members and an opportunity for members of the audience to address the Committee. No action will be taken.
6	NRCS update
7	Blackhawk Lake update
8	Approve Wildlife Abatement 2019 budget and 2018 claims and crop prices
9	Consider CREP perpetual easement land use requests
10	Consider Farmland Preservation compliance extension request
11	Additional cost-share project approvals
12	Discussion with DATCP about County ordinance options
13	Discussion about possible Manure Storage Ordinance revisions
14	Land Conservation Department updates: a) Farmer outreach b) SW WI Groundwater study c) Budget updates d) Program updates
15	Agenda items for future meetings:
16	Motion to set the next meeting date and adjourn

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	UNAPPROVED MINUTES LAND CONSERVATION COMMITTEE MEETING Thursday September 20, 2018 at 3:30 PM HHS Building, Room 1001 303 W. Chapel St. Dodgeville, WI 53533	Iowa County Wisconsin
Meeting was called to order by vice chair Dan Nankee at 3:30 P.M.		
Roll Call. Members present: Rod Anding, Ron Benish, Kevin Butteris, Don Leix, Thomas McGraw, and Dan Nankee Members absent: Roger Dax Members excused: Dave Gollon Others present: Katie Abbott, Landon Baumgartner, Andy Walsh		
Approve the agenda for this September 20, 2018 meeting. Sup. Leix made a motion to approve the September 20, 2018 agenda. Sup. Benish seconded the motion. Motion carried.		
Approve the minutes of the August 15, 2018 meeting. Sup. Butteris made a motion to approve the August 15, 2018 minutes. Sup. Leix seconded the motion. Motion carried		
Report from committee members and an opportunity for members of the audience to address the committee. No action will be taken. Sup. Benish provided an update on Blackhawk Lake: they installed 50Amp power; a wet Labor Day weekend dropped their revenue compared to 2017. Discussion re: dams and large rains. Sup. Nankee passed around articles from AgriView re: grants and a pasture walk schedule		
NRCS update: Andy Walsh gave an update that the Environmental Quality Incentives Program deadline was moved to November 16; there is a sign-up for storm damage; tariff payment to farmers is through the Farm Service Agency		
2019 budget updates: Ms. Abbott reported that there have been no changes to the Department's proposed 2019 budget. Discussion re: additional funding from DATCP and phosphorus Multi-Discharger Variance program.		
2018 Project approvals: Ms. Abbott provided a list of 13 Nutrient Management Planning cost-share projects totaling \$30,000 and 10 Soil and Water cost-share projects totaling \$22,108.37. The Department still has \$12,891.63 to allocate but has several projects in process and needs to see where some other project costs come in. Sup. Leix made a motion to approve the projects. Seconded by Mr. McGraw. Motion carried.		
Groundwater study update: Ms. Abbott provided an update that an event for the public to learn more about the study will be held Wednesday October 17, 6-8pm in Mineral Point. A press release and letter will go out within two weeks. Water samples will be collected Nov 9 & 10 (Friday and Saturday). The Iowa County sample drop-off locations will be in Dodgeville, Barneveld, and Town of Wyoming.		
Land + Water Conservation Association handbook and LCC involvement: Ms. Abbott had provided the handbook and discussed LCC representation at quarterly Southern Area Association meetings. The annual conference will be March 13-15, 2019 and County Conservationist meeting is Dec 6 & 7. Don Leix agreed to be the primary LCC representative. Discussion re: conservation issues, loss of CRP, and Farm Bill status.		

Land Conservation Department update:

- a) Farmer contact efforts: the newsletter is in progress and will include farmer stories and program information
- b) Farmland Preservation Program update: Landon Baumgartner provided an update that about 20 site visits remain. The annual self-certification mailing will go out soon.
- c) Cost-share project updates: Sarah Hovis took cricket frog training so she will be able to help landowners comply with streambank permits

Agenda items for future meetings: any budget updates; DATCP discussion re: County ordinance powers; Wildlife Abatement budget and claims approvals

Motion to set the next meeting date and adjourn.

The next meeting date was set for Thursday October 18 at 3:30pm. Sup. Benish moved to adjourn. Seconded by Mr. Anding. Motion carried.

Laws affecting livestock operations			
Regulated activity	Local	State	Resources
1. Construction of new or altered livestock structures • Manure storage • Animal lots (a.k.a barnyards or feedlots) • Feed storage	• County manure storage ordinances required construction permits: - o Always for new and altered manure storage structures (including transfer systems) - o Rarely for new or altered animal lots • Livestock facility siting ordinances require permitted facilities to meet standards for new and altered manure storage, animal lots, and feed storage. • Local ordinances may include more stringent standards to protect water quality, and public health and safety. - o State approval may be required	• For livestock operations not subject to DNR CAFOs permits [under 1,000 animal units (714 milking cows)], WI Department of Natural Resources (DNR) may enforce farm runoff standards (without providing cost-sharing) requiring that new or altered storage facilities be installed to technical standards - o DNR may issue notices of non-compliance or take other actions authorized by law • DNR requires plan and specification approval of new or altered structures including storage and digesters for livestock operations permitted as CAFOs - o Permitted CAFO operations are monitored for compliance with standards for manure storage, feedlots, and feed storage • WI Department of Agriculture, Trade, and Consumer Protection (DATCP) requires counties to ensure that that farmers who claim Farmland Preservation Program (FPP) tax credits meet farm runoff standards - o Counties inspect farms every four years, and issue certificates of compliance or compliance schedules as needed	• Access county manure storage ordinances (not all 60 available) https://datcp.wi.gov/Pages/Programs_Services/ManureStorageOrdinances.aspx • Search this map https://datcpgis.wi.gov/maps/?viewer=ls to find one of the nearly 120 local governments with siting ordinances. • Search this database http://dnr.wi.gov/topic/AgBusiness/CAFO/StatsMap.html to find operations with CAFO permits (over 250 permit issued) • Review applicable state rules and statutes - o Performance standards and prohibitions (farm runoff standards) under NR 151, Subchapter II, https://docs.legis.wisconsin.gov/code/admin_code/nr/100/151.pdf - o CAFO rules in NR 243 including Subchapter II, https://docs.legis.wisconsin.gov/code/admin_code/nr/200/243.pdf - o Manure storage ordinances requirements in s. ATCP 50.56, https://docs.legis.wisconsin.gov/code/admin_code/atcp/020/50.pdf - o Livestock facility siting requirements in ATCP 51, https://docs.legis.wisconsin.gov/code/admin_code/atcp/020/51.pdf - o FPP requirements in s. 91, https://docs.legis.wisconsin.gov/statutes/statutes/91.pdf
2. Construction in or near lakes, rivers, wetlands, and floodplains	• Locally enforced shoreland-wetland zoning, floodplain and other ordinances: - o Impose restrictions on activities near streams or lakes, near or in wetlands, or in floodplains - o Require permits for construction or other land-disturbing activities	• DNR may require Waterway and Wetlands Permits for construction near wetlands, streams and lakes. Activities triggering a permit include dredging, grading, and wetlands disturbance - o Note: An Army Corps of Engineers wetlands permit may also be needed.	• Review resources for county shoreland, wetland and floodplain ordinances (includes links to NR 115 and 116), http://www.wccadm.com/resources • Contact county zoning using this list, http://www.wccadm.com/wcca-contacts • Learn about DNR permitting programs, http://dnr.wi.gov/topic/waterways/

Laws affecting livestock operations			
Regulated activity	Local	State	Resources
3. Construction erosion control and post-construction management of stormwater	- Many counties and other local governments require permits for: - Construction projects that disturb land (may apply to less than one acre particularly in near sensitive areas) - Post-construction management of stormwater from areas with impervious surfaces (animal housing, barnyard runoff control systems, manure storage facilities, sand settling lanes)	- DNR requires permits for: - Construction site erosion control involving land disturbing activities (clearing, grading, excavating, filling) over one acre - Post-construction management of stormwater using detention ponds and other approved practices - DNR may pursue enforcement actions on landowners without proper permit coverage or not in compliance with the permit - Livestock operations over 1000 animal units (CAFO) may be required by their DNR WPDES permit properly manage runoff and stormwater	- Learn about DNR program requirements, http://dnr.wi.gov/topic/stormwater - Review applicable state rules - Performance standards (construction site standards) under NR 151, Subchapter III, https://docs.legis.wisconsin.gov/code/admin_code/nr/100/151.pdf - DNR Permitting under NR 216, Subchapter III, https://docs.legis.wisconsin.gov/code/admin_code/nr/200/216.pdf - Review DNR's guidance on model ordinances for local governments, http://dnr.wi.gov/topic/stormwater/documents/ModelOrdinances.pdf
4. Repair or closure of unsafe or unused manure storage structures	- Subject to cost-sharing requirements, a number of county manure storage ordinances may require: - Repair or closure of leaking or failing manure storage structures - Closure of manure storage structures unused for 24 months - Livestock siting ordinances require permitted facilities to maintain the structural integrity of manure storage and have no significant leakage - Livestock siting ordinances must adopt more stringent standards to mandate closure of storage facilities - County and other ordinances may provide for nuisance abatement orders, and if the nuisance is not corrected, authorize a local government to take action and place lien on the property to recover abatement costs (But see no. 9)	- For livestock operations not permitted as CAFOs, DNR may: - Enforce farm runoff standards (subject to cost-sharing for existing facilities) requiring repair or closure of leaking or failing manure storage structures and closure of manure storage structures unused for 24 months be closed. - May issue a notice of discharge (NOD) to correct discharges with or without an offer of cost-sharing - DNR may require CAFO permit holders to monitor systems; install secondary containment; or replace, upgrade or close systems or structures to prevent water quality problems - DATCP requires counties to monitor and verify conservation compliance for FPP claimants. (see no.1)	- See Resources listed in no. 1 (including applicable rules and statutes) and this additional reference: NR 243, Subchapter III (NODs), https://docs.legis.wisconsin.gov/code/admin_code/nr/200/243.pdf - Review farm runoff rule overview: What farmers need to know http://dnr.wi.gov/topic/nonpoint/documents/farmersneed.pdf - Review nuisance law (including right to farm protections) in s. 823, Stats., https://docs.legis.wisconsin.gov/statutes/statutes/823.pdf

Laws affecting livestock operations			
Regulated activity	Local	State	Resources
5. Control of discharges from livestock structures such as manure storage, animal lots, and feed storage	• Subject to cost-sharing requirements, a number of county manure storage ordinances may require farmers to correct violations of these prohibitions: ○ No overflow from manure storage ○ No direct runoff from a feedlot or stored manure into waters of the state ○ No significant discharges of feed storage runoff and other process wastewater • Livestock facility siting ordinances require permitted operations to: ○ Maintain the structural integrity of manure storage, have no significant leakage, and prevent overflows ○ Prevent direct runoff from an animal lot to groundwater • County and other ordinances may require abatement of nuisances (See no. 4)	• For livestock operations not permitted as CAFOs, DNR may: ○ Enforce farm runoff standards (subject to cost-sharing for existing facilities) requiring operators to correct manure discharges from livestock structures and require clean water diversion near lakes and streams. ○ Issue an NOD for discharges (see no.4) • CAFO permit holders are prohibited from discharging manure or process wastewater into waters of the state (including calf hutches) except under limited circumstances (e.g. large rain events) • DATCP requires counties to monitor and verify conservation compliance for FPP claimants (see no.1)	See Resources listed in nos. 1 and 4
6. Manure stacking	• County manure storage ordinances may require: ○ Require a permit for stacking manure (rare) ○ Prohibit manure stacking in a water quality management areas (WQMAs) (more common) • Livestock siting ordinances prohibit unconfined manure piles permitted farms in areas near lakes and waterways	• For livestock operations not permitted as CAFOs, DNR may enforce farm runoff standards (subject to cost-sharing for existing facilities) that prohibit unconfined manure pile in a WQMA and discharges from stored manure • DNR approves manure stacking for CAFOS with conditions designed to protect surface and groundwater • DATCP requires counties to monitor and verify conservation compliance for FPP claimants (see no.1)	See Resources listed in nos. 1 and 4

Laws affecting livestock operations			
Regulated activity	Local	State	Resources
7. Livestock overgrazing of streambanks	• Subject to cost-sharing to correct violations, a number of county manure storage ordinances prohibit overgrazing • Livestock siting ordinances prohibit overgrazing on permitted operations.	• For livestock operations not permitted as CAFOs, DNR may enforce farm runoff standards (subject to cost-sharing for existing facilities) that prohibit overgrazing. • DNR requires that CAFOs meet NR 151 prohibitions such as overgrazing • DATCP requires counties to monitor and verify conservation compliance for FPP claimants (see no.1)	See Resources listed in nos. 1 and 4
8. Cropland applications of manure and nutrients (including soil erosion control, and management of phosphorus runoff)	• County manure storage ordinances may require: - o Submission of a nutrient management plan (NMP) with a permit application - o Some ordinances require annual NMP submissions • Livestock siting ordinances require permitted facilities to develop and update nutrient management plans - o Livestock siting ordinances must adopt more stringent standards to address phosphorus runoff. • Local ordinances may include more stringent standards to protect water quality, and public health and safety. - o State approval is required	• For livestock operations not permitted as CAFOs, DNR may enforce farm runoff standards (subject to cost-sharing for existing facilities) requiring that farmers have and follow a NMP, control soil erosion and manage phosphorus runoff - o Applied manure may not pond or runoff - o Manure spreading subject winter and other restrictions designed to protect ground and surface water • CAFO operators must meet more extensive manure management requirements: - o Required to have storage for 180 days avoid winter spreading - o Additional restrictions on manure applications such as fields with shallow groundwater or bedrock - o Annual reporting • DATCP requires counties to monitor and verify conservation compliance for FPP claimants (see no.1)	See Resources listed in nos. 1 and 4

Laws affecting livestock operations			
Regulated activity	Local	State	Resources
9. Irrigation of manure on fields	• Selective local governments have adopted ordinances that: ○ Define as manure irrigation as a public nuisance and ban center pivot and related irrigation ○ Require a conditional use permit	• In addition to requirements in no. 8, CAFO operators must meet: ○ Distribution requirements and application rate limits ○ Setback requirements including 500 feet from inhabited dwellings	• See pages (19-28) <i>Considerations for the Use of Manure Irrigation Practices</i> https://fyi.uwex.edu/manureirrigation/files/2016/04/Manure-Irrigation-Workgroup-Report-2016.pdf • Review applicable rules ○ NR 243.15(6) (see no. 1 for link) ○ NR 214.14 (irrigation and treatment), NR 214.20 and 214.21 (soil investigation and monitoring) and NR 243.14 (land application), https://docs.legis.wisconsin.gov/code/ad_min_code/nr/200/214.pdf
10. Air emissions, odor, dust and noise <i>Note:</i> Right to Farm Law precludes private nuisance claims unless the farm activity poses a substantial threat to public health and safety, and limits remedies to corrective actions	• Many local governments have zoning codes that: ○ Segregate land uses by districts (residential, commercial, industrial, and agricultural) to avoid conflicts and nuisances ○ Enforce setbacks for livestock structures from roads, property lines and other features • Livestock siting ordinances require most permitted facilities to meet odor standard for their production area ○ Odor standards do not currently apply to manure spreading ○ A few permitted operations have odor management plans to control dust and odor	• DNR does not regulate the emission of hazardous air contaminants associated with agricultural waste except to the extent required by federal law (s. 285.28, stats.) • DNR has power regulate malodorous emissions but it has not been applied to farms (DNR code NR 429.03)	• View this map of zoned communities, ftp://ftp.wi.gov/DOA/public/comprehensiveplans/2011-Report/11-CVT-Zoning-12272010.pdf • Right to Farm Law, s. 823.08, Stats. https://docs.legis.wisconsin.gov/statutes/statutes/823/08 ○ Cranberry farming practices were not a nuisance in <i>State of Wisconsin v. Zawistowski</i> https://www.wicourts.gov/ca/opinion/DisplayDocument.html?content=html&seqNo=31742 ○ Nuisance action settled in <i>Nelson v. Matsche Farms Inc.</i>, No. 02-CV-120 https://wcca.wicourts.gov/pdfs/CD1653E9A72A749F45E785B3F2215068.render6/courtRecordEvents7542773004915747381.pdf ○ Manure in a well is pollutant in <i>Wilson Mut. Ins. v. Falk</i> https://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=132427

Laws affecting livestock operations			
Regulated activity	Local	State	Resources
11. Well and groundwater protection	• Zoning and other local ordinances may require that wells be setback from livestock structures	• DNR sets standards for private well construction including setbacks from livestock structures • DNR approves high capacity wells (capable of pumping 70 gallons per minute) • DNR operates compensation program for wells contaminated by manure • DATCP has licensing requirements for dairy farm water supplies	• Learn about DNR program requirements, http://dnr.wi.gov/topic/wells • Review applicable state rules - o Well requirements in NR 812, https://docs.legis.wisconsin.gov/code/ad_min_code/nr/800/812 - o Dairy farms requirements in ATCP 65, https://docs.legis.wisconsin.gov/code/ad_min_code/atcp/055/65.pdf
12. Spills and releases (Also see no. 5 for discharges)	• Livestock siting ordinances require permitted facilities to develop and follow an environmental incident response plan	• DNR requires operators must report incidents (e.g. manure spill) and take corrective actions • CAFO permit holders must develop response plans for manure and other spills • DNR issue an NOD or require a CAFO permit based on the incident • DATCP has spill provisions related to pesticides, and bulk storage of fertilizers and pesticides	• Access applicable state statutes and rules including NR 243, Sub. III, - o Spill law, https://docs.legis.wisconsin.gov/statutes/statutes/292.pdf - o Pesticides (ATCP 29), https://docs.legis.wisconsin.gov/code/ad_min_code/atcp/020/29 - o Fertilizer and pesticide and fertilizers, (ATCP 33) https://docs.legis.wisconsin.gov/code/ad_min_code/atcp/020/33
13. Road access, and vehicle weight and size limits	• Counties and other municipalities can protect their local roads and public safety by: - o Restricting highway access points - o Enforcing road weight and size limits for agricultural equipment and vehicles (including implements of husbandry) consistent with state requirements - o Posting roads imposing special or seasonal weight limitations. - o Issuing permits for farmers to exceed local limits	• Agricultural equipment and vehicles travelling on state highways are subject to weight, size limitations and other limits • Department of Transportation (DOT) may issue permits to exceed state limits	• Review applicable state statutes - o Vehicle Equipment, Sec. 347 https://docs.legis.wisconsin.gov/statutes/statutes/340.pdf - o Vehicles - Size, Weight and Load, sec. 348, https://docs.legis.wisconsin.gov/statutes/statutes/348.pdf - o State and Local Road Authority, s. 348 https://docs.legis.wisconsin.gov/statutes/statutes/348.pdf • Learn more about agricultural equipment and vehicles from DOT website, http://wisconsindot.gov/Pages/dmv/agri-eq-veh/default.aspx