



AGENDA
Land Conservation Committee
Wednesday July 22, 2020 at 1:00 PM
HHS Building, Community Room
303 W. Chapel St.
Dodgeville, WI 53533

**Iowa
County
Wisconsin**

Public remote attendance option:
<https://us02web.zoom.us/j/83189919663>
 Conference call #: 1-312-626-6799
 Meeting ID: 831 8991 9663

For information regarding access for the disabled please call 935-0399.

Any subject on this agenda may become an action item.

1	Call to Order
2	Roll Call
3	Approve the agenda for this July 22, 2020 meeting
4	Approve the minutes of the June 17, 2020 meeting
5	Report from committee members and an opportunity for members of the audience to address the Committee. No action will be taken.
6	FPP Notice of Noncompliance appeal
7	NRCS update
8	Land + Water Association video
9	Blackhawk Lake Commission update
10	FPP policy revision proposal
11	Approve cost-share rates for cropping practices and nutrient management planning
12	Land Conservation Department updates: a) Second vehicle arrangement b) Birch Lake valve repair timeline c) County Conservation virtual meeting summary
13	Agenda items for future meetings: cost-share project approvals, CREP management plan approvals, regional invasive species coordination, 2021 budget proposal, Land + Water video
14	Motion to set the next meeting date and adjourn:

Posting Verified by: your name or title Date: _____ Initials: _____

	UNAPPROVED MINUTES LAND CONSERVATION COMMITTEE MEETING Wednesday June 17, 2020 at 1:30 PM HHS Building, Community Room 303 W. Chapel St. Dodgeville, WI 53533 Public remote attendance option: https://us02web.zoom.us/j/84214338845 Conference call #: 1-312-626-6799 Meeting ID: 842 1433 8845	Iowa County Wisconsin
Meeting was called to order by Chair David Gollon at 1:32pm.		
Roll Call. Members present: Rod Anding, Ron Benish, Bob Bunker, Roger Dax, Dave Gollon, Don Leix, and Dan Nankee. Members excused: Kevin Butteris Others present: Katie Abbott, Landon Baumgartner (via Zoom)		
Approve the agenda for this June 17, 2020 meeting: Sup. Nankee made a motion to approve the June 17, 2020 agenda. Sup. Dax seconded the motion. Motion carried.		
Approve the minutes of the May 20, 2020 meeting: Sup. Benish made a motion to approve the May 20, 2020 minutes. Mr. Bunker 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. Nankee shared the Grant County Conservation office annual report, including a sinkhole project and youth poster contest, and gave a summary of the March Land & Water Association conference. Discussion re: CWD.		
NRCS update: no update was provided		
Blackhawk Lake Commission update: Sup. Leix reported that the parks is ahead in income and park pass sales compared to the same time last year. They installed some new decks. The park is open with social distancing, and camping is going well. Pontoon use has increased but the boat landings can get backed up. The Commission looked at the DNR responses to the County's questions and didn't have many comments.		
Choose Iowa County Conservation Awards winners: Discussion of award nominees. Sup. Benish made a motion to award the Farmer of the Year award to Wayne, Dan, and Mark Ramsden. Sup. Leix seconded the motion. Motion carried. Mr. Bunker made a motion to award Bill Spurley the Water Quality Leadership award. Sup. Leix seconded the motion. Motion carried. Sup. Benish made a motion to award David Anderson the Wildlife Habitat award. Seconded by Mr. Dax. Motion carried. Sup. Benish made a motion to award Gene VanDyke the Friend of Conservation award, seconded by Sup. Nankee. Motion carried. Mr. Dax made a motion to ward Dick Powell the Tree Farmer of the Year award. Seconded by Sup. Leix. Motion carried.		

FPP compliance extension requests: Mr. Baumgartner provided information about the four extension requests, including the Haffner farm waterway issue. Discussion of issues between landowners and their farmer renters. Discussion of waterway issues and equipment size. Sup. Benish moved to approve the extension requests for Eric Drachenberg, Drachenberg Land LLC, Joanie Haffner, and Hanley Farm LLC. Seconded by Sup. Nankee. Motion carried.

FPP policy revision proposal: Discussion of tying FPP compliance to the operator and enforcement of farming practices. Sup. Benish made a motion to delay approval for one month so staff can look into the Committee's enforcement questions. Seconded by Mr. Dax. Motion carried.

Approve cost-share rates for cropping practices and nutrient management planning: Ms. Abbott and Mr. Baumgartner provided information about the proposed use of some of the DATCP cost-share funding for cropland practices. Discussion of level of interest, how to prioritize funds, and practice standards. Sup. Benish moved to postpone approval until July, seconded by Mr. Dax. Motion carried.

Land Conservation Department updates:

- a) Cost-share projects and FPP: Ms. Abbott provided an update on the status of the programs.
- b) Birch Lake dam valve repair: Ms. Abbott reported that her grant application for DNR funding for the valve repair was prioritized for funding, but Friends of Birch Lake (FOBLA) delayed the lake dredging project due to Covid-19. The Committee requested Corp. Counsel's recommendation on if the delay puts FOBLA out of compliance with any County approvals or permits.
- c) MDV funding: Ms. Abbott reported that the DNR approved the Department's plan for prioritizing the funding and they can move forward with projects.
- d) Bloomfield prairie: Ms. Abbott reported that there was a complaint about dogs running loose at the property and she is working with Jake Tarrell on signage.

Agenda items for future meetings: FPP Policy Revision proposal, cost-share rates approval, LCD truck request, CREP management plan approvals, regional invasive species coordination, 2021 budget proposal (August), Land +Water video. Discussion re: holding a join meeting with Blackhawk Lake later this summer, possibly September. Sup. Leix will ask the Commission if they still want to have a joint meeting.

Motion to set the next meeting date and adjourn. The next meeting date was set for Wednesday July 22, 2020 at 1:00pm. Mr. Bunker made a motion to adjourn. Sup. Benish seconded the motion. Motion carried. Meeting adjourned at 3:06pm.

Katherine Abbot and Land Conservation Committee,
5/25/2020

We would like to appeal the notice of non compliance for farmland conservation as we are currently working with the WDNR for WPDES permit. We are working with MSA engineering and an agribusiness consultant to work our way through the final permit process.

We apologize for the lack of communication as we were unaware of the different departments that we needed to maintain governmental compliance. We have been working with Tyler Wix, Eric Struck, and Claire O Connel to work towards to compliance with the DNR.

Please let us know if you would like to visit or need pictures.

Thank you , Dan and Cheryl Spurley family

Don & Cheryl Spurley

Home telephone # 608 6232189

Don cell ⁶⁰⁸⁻ 574-2890

Shaun cell 608 341-9936



LAND CONSERVATION DEPARTMENT
303 W Chapel Street, Suite 2100
Dodgeville, WI 53533

TO: Land Conservation Committee
FROM: Katie Abbott, County Conservationist
DATE: 7-10-2020
RE: Spurley family compliance history

According to the Land Conservation Department records, the Spurley's received three letters from our office in the last two years:

- June 26, 2018- post-visit letter listing the items that needed to come into compliance, with a deadline of July 1, 2019.
- July 23, 2019- letter asking if any progress had been made or if they want to request an extension before the upcoming Land Conservation Committee meeting.
- August 19, 2019- letter with a copy of the Notice of Non-Compliance

We received no response to any of these letters.

In addition, we received notice of a manure spill February 23, 2019 and observed significant erosion on May 23, 2019.

Based on the lack of communication, lack of action to correct the feed leachate problem found in the 2018 inspection, and the additional observed issues, the Iowa County Land Conservation Committee voted to issue a Notice of Non-Compliance on August 15, 2019.

We can reverse the Notice of Non-Compliance for future tax years if the farm comes into compliance (for example when they receive their CAFO permit).



FARMLAND PRESERVATION TAX CREDIT PROGRAM COMPLIANCE

Date Originated:

Date of Modifications: June 10, 2020

Policy Number: 1202

1. PURPOSE:

To describe the process for issuing Notices of Noncompliance Wisconsin's Farmland Preservation Tax Credit Program (FPP).

2. ORGANIZATIONS AFFECTED:

Land Conservation Department

3. POLICY:

Compliance determination shall follow guidelines set forth in Wisconsin Administrative Code ATP 50.

The Land Conservation Department (LCD) staff shall require an annual Compliance Self-Certification Form from each FPP participant. Participants who do not return their form by the deadline will be issued a Notice of Noncompliance.

Each farm shall also have an on-site compliance check by LCD staff no less than once every four years. A site visit will also be conducted if LCD staff receives a complaint or has other compliance concerns. Any compliance issues found during the site visit shall be resolved by the landowner within the compliance timeframe set forth below. If the compliance timeframe is not met, the Land Conservation Committee (LCC) will issue a Notice of Noncompliance.

Tier 1 violations: one year compliance schedule

- Soil Tests Overdue (Nutrient Management Plan Violation, NR 151.07)
- Idle Manure Storage Closure Needed (NR 151.05)
- Not following guidelines set forth in the most current University of Wisconsin Division of Extension publication A2809, "Nutrient application guidelines for field, vegetable, and fruit crops in Wisconsin." (Nutrient Management Plan Violation, NR 151.07)
- Not following nitrogen or manure application limitations in sensitive areas (Nutrient Management Plan Violation, NR 151.07)

Tier 2 violations: one year compliance schedule*

- Clean Water Diversions needed for feedlot, barnyard, or manure storage in a Water Quality Management Area (WQMA- 300ft from a stream, NR 151.06)

- 70% self-sustaining cover is not present on pasture streambanks (NR 151.08)
*fencing to exclude cattle or reduce average stocking density must be installed within 6 months
- Unprotected concentrated flow channel identified (Nutrient Management Plan Violation, NR 151.07)
- 5 ft tillage setback from streambanks not being followed (NR 151.03)

Tier 3 violations

- Overflowing manure pit (NR 151.08): one-month compliance schedule
- Cracked, leaking, or failing manure pit (NR 151.05): six-month compliance schedule
- Tillage results in rotational T exceedance (NR 151.02): one year compliance schedule
- Phosphorus Index violation, not using P-reduction strategy when needed (NR 151.04): one year compliance schedule
- Not following manure winter spreading restrictions, groundwater conduit/well setbacks, or SWQMA spreading strategies (Nutrient Management Plan Violation, NR 151.07): one-year compliance schedule
- Manure stacking occurring in a WQMA (NR 151.08): one-month compliance schedule
- Significant Discharge of Process Wastewater to waters of the state (NR 151.055): one-year compliance schedule
- Direct runoff of manure into waters of the state (NR 151.08): immediate action required to stop manure flow; three-month compliance schedule to prevent reoccurrence

The LCC may approve an extension of the compliance window, not to exceed three years, under extenuating circumstances. The LCC may also approve an immediate Notice of Noncompliance for grievous violations, lack of cooperation by the landowner, or other circumstances as warranted.

Multiple Violations: Subsequent violations found after the site visit may result in shorter compliance timeframes or immediate NONs according to the following guidelines:

If the first site visit found:

- Only Tier 1 violation(s): if 2 subsequent Tier 2 and/or 3 violations are found within one year of the site visit, a Notice of Noncompliance (NON) is issued immediately.
- Any Tier 2 or 3 violations(s): If a subsequent Tier 2 or 3 violation is found within one year of the first site visit, a NON is issued immediately.

Probationary Period: Once a participant has achieved compliance they will fall under a one-year probationary period. Within one year of achieving compliance from any Tier of violation:

- A subsequent Tier 3 violation will result in an immediate NON
- A subsequent Tier 2 violation will result in a written warning and a schedule of compliance set for one year. If not achieved, a NON is issued with no extension possibility.
- A subsequent Tier 1 violation will result in a 1 year schedule of compliance after which an extension request may be made for no more than 1 year. No further extensions may be requested

Voluntary reporting: If a participant voluntarily reports a subsequent compliance issue on their own property or operation that would have resulted in an immediate NON under the Multiple Violations or Probationary Period procedures above, the NON will not be issued immediately. Instead, the Participant will be allowed half of the time listed in the compliance timeframe to come into compliance. The LCC may approve an extension at their discretion.

Requests for response: If a letter from the Department requests or requires that the landowner respond, the landowner shall have thirty (30) calendar days to provide the response.

4. REFERENCES:

Wisconsin Administrative Code Chapter ATCP 50
Wisconsin Administrative Code Chapter NR 151

5. PROCEDURES:

- a. The LCD shall mail Compliance Self-Certification Forms to all FPP participants in mid-October each year with a deadline of December 1 (or nearest week day).
- b. Participants who turn in their Form after the December 1 deadline will be assessed a late fee.
- c. The LCC will approve Notices of Noncompliance for participants who have not turned in their form by the December LCC meeting date.
- d. LCD staff will send Notices of Noncompliance to the Department of Revenue by December 31 each year.
- e. If at any time the LCD is made aware of an issue with a farm enrolled in FPP, staff shall visit the site as soon as possible to verify the issue, and will work with the landowner to address the problem within the compliance timeframe.

If the FPP participant is a member of the County Board or Land Conservation Committee, is a sibling, parent, spouse, or child thereof, or is considered county staff, at least one neutral party, who is not an Iowa County Employee, Supervisor, or Committee member, shall be asked to

accompany Iowa County staff on site visits. The neutral party may be from the Natural Resources Conservation Service, a different County's Land Conservation Department, or other qualified party.

DRAFT

Cost-sharing for cropland practices

SUMMARY AND RATES:

DATCP allows us to use a portion of our SEG funds (the pot of money we use to fund Nutrient Management Plans) for cropping practices to support nutrient management, soil erosion control, and soil health. In 2020 we can use 25% of our SEG funds; in 2021 we'll be able to use up to 50%. Our 2020 total SEG funds are \$35,000. We requested \$50,000 in 2021 but will likely not receive that much.

DATCP allows the following maximum rates:

- Cover crop \$25/ac/yr up to 4 years
 - o Estimated interest: 350 acres per year; Annual cost: \$8,750
- Residue management \$18.50/ac/yr up to 4 years
 - o Estimated interest: 350 acres per year; Annual cost: \$6,475
- Contour farming: \$9/ac/yr up to 4 years
 - o Estimated interest: 100 acres per year; Annual cost: \$900
- Stripcropping \$13.50 /ac/yr up to 4 years
 - o Estimated interest: 150 acres per year; Annual cost: \$2,025

Total estimated cost at full rates: \$18,150

Available in 2020: \$8,750 Available in 2021: likely \$17,500- 25,000

Land Conservation staff would like to begin cost-sharing cropping practices in 2020. We recommend full rates except for residue management. We recommend full rates for no-till and half the rate for reduced tillage.

The money would be prioritized for cover crops and residue management practices. We plan to reserve 75% of the available cropping practice funding (37.5% of our total SEG funds in 2021) for these two practices. If we haven't used up the funding by October 1 of any year, we can then cost-share additional contour farming, stripcropping, or nutrient management plans.

We will not cost-share a practice if the same practice on the same acreage is receiving cost-sharing or incentive payments from NRCS.

We will not cost-share cover crops or residue management (no-till) if the fields have had that practice applied within the last 8 years (i.e. we want to incentivize new practices). We will likely cost-share one year at a time unless it makes more sense to cost-share multiple years at once for a particular situation, provided funding is available.

We can't cost share cover crops and no-till on the same acres in the same year without DATCP permission. All practices must follow NRCS standards and have a Nutrient Management Plan.

Due to the farm economy we should also consider increasing our Nutrient Management Planning rate. The maximum NMP rate is \$10/ac/yr for four years. We currently pay \$7/ac/yr.

DEFINITIONS and STANDARDS:

Cover crops: According to WI Code ACTP 50.82, covers crops are defined as: close-growing grasses, legumes, or small grain grown for any of the following purposes:

- (a) To control erosion during periods when major crops do not furnish adequate cover.
- (b) To add organic matter to the soil.
- (c) To improve soil infiltration, aeration, or tilth

NRCS standard general criteria include:

1. Plant species, seedbed preparation, seeding rates, seeding dates, seeding depths, fertility requirements, and planting methods will be consistent with Wisconsin Agronomy Technical Note 7, "Cover and Green Manure Crops". Soil and site conditions will be evaluated.
2. Non-certified seed can be used. At a minimum, cover crop seed must be 85 percent germination.
3. Select species and planting dates that will not compete with the production crop yield or harvest.
4. The cover crop plant species selected will be compatible with the current cropping system, previously applied herbicides, nutrient and pest management plans and other components of the conversation plan.
5. Cover crops shall meet the grower's objective and follow termination guidance in Wisconsin Agronomy Technical Note 7 Cover and Green Manure Crops.
6. Do not burn cover crop residue.
7. When grazing or haying a cover crop follow pesticide label restrictions Grazing or haying of the cover crop shall not compromise the performance of the crop to meet conservation purposes.
8. Soil testing and nutrient applications are not required for the establishment of cover crops.

Residue management: According to WI Code ACTP 50.82, "residue management" means any of the following:

- (a) Preparing land surfaces for the planting and growing of crop plants using methods that result in a rough land surface which is covered in varying degrees by vegetative residues

of a previous crop, and which provides a significant degree of resistance to soil erosion by raindrop impact, surface water runoff, or wind.

- (b) Planting crop seeds in a narrow slot or a narrow strip of tilled soil, in order to maintain residue cover and avoid disturbing the entire soil surface.

The NRCS residue management- no till general criteria include:

1. Residue shall not be burned.
2. Distribute all residues uniformly over the entire field. Removing residue from directly within the seeding or transplanting area prior to or as part of the planting operation is acceptable.
3. This practice only involves an in-row soil disturbance operation during strip tillage, the planting operation, and a seed row/furrow closing device. There is no full-width soil disturbance performed from the time immediately following harvest or termination of one cash crop through harvest or termination of the next cash crop in the rotation regardless of the depth of the tillage operation. The soil tillage intensity rating (STIR) value shall include all field operations that are performed during the crop interval between harvest and termination of the previous cash crop and harvest or termination of the current cash crop (includes fallow periods). The crop interval STIR value shall be no greater than 20.

The NRCS residue management- reduced tillage general criteria include:

1. This practice includes tillage methods commonly referred to as reduced (conservation/ mulch) tillage where the entire soil surface is disturbed by tillage operations such as chisel plowing, field cultivating, tandem disking, or vertical tillage. It also includes tillage/planting systems with few tillage operations such as ridge till, hoe drills, air seeders, and certain “no till” drills that do not meet the STIR criteria for WI NRCS Conservation Practice Standard (WI NRCS CPS), Residue and Tillage Management, No Till (Code 329).
2. Residue shall not be burned.
3. Residues shall be uniformly distributed over the entire field. Removing residue from the row area prior to or as part of the planting operation is acceptable.
4. Minimum planned residue levels will be maintained from harvest until after planting of the next crop. Removing residue from the row area prior to or as part of the planting operation is acceptable.
5. The Soil Tillage Intensity Rating (STIR) value shall include all field operations that are performed during the crop interval between harvest of the previous crop and harvest or termination of the current crop (includes fallow periods).
6. The annual STIR value rating shall be no greater than 80, and no primary inversion tillage implements such as a moldboard plow shall be used.

Contour farming: According to WI Code ACTP 50.82, “contour farming” means plowing, preparing, planting, and cultivating sloping land on the contour and along established grades of terraces or diversions.

The NRCS standard specifies the minimum and maximum row grade (how far a crop row is from being perpendicular to the slope of the hillside), minimum ridge height (surface condition during times of highest rainfall/erosion), and maximum slope length.

Stripcropping: According to WI Code ACTP 50.82, “stripcropping” means growing crops in a systematic strip arrangement in which strips of grass, legumes, or other close growing crops are alternated with strips of clean tilled crops or fallow, and in which all of the strips are established on the contour or across a slope to reduce water or wind erosion.

The NRCS standard specifies the number of strips, strip width, alignment, minimum and maximum row grade, stable outlets, and vegetative cover. General criteria include:

1. Soil erosion shall be equal to or less than Tolerable levels as calculated utilizing the appropriate approved soil erosion prediction model.
2. Strips of crops susceptible to erosion shall be alternated with strips of erosion-resistant crops
3. The alternating crop rotation shall be followed on each adjacent strip to achieve the desired conservation planning objective.
4. The orientation shall be at angles as close as practical to perpendicular to the critical wind and water erosion vectors.