

Lafayette County Conservation and Zoning Office



1900 Ervin Johnson Drive
Darlington, WI 53530-9271
Phone: (608) 776-3836

* These minutes are subject to the approval of the Land Conservation Committee on 9/12/2016 *

MINUTES MEETING OF THE LAND CONSERVATION COMMITTEE USDA AG CENTER CONFERENCE ROOM Wednesday, August 3, 2016 at 9:30 a.m.

The meeting was called to order at 9:32 a.m. by Chairman Leon Wolfe. Others present: Bahr, Bartels, Hammer, Marion, Sauer, Wang, Brandt, Lange, Loeffelholz, and Larson. Also present: See attached list.
Excused: James

Larson stated that the agenda was posted in the USDA Service Center, by the County Clerk's Office, the Darlington Municipal Building, the Darlington Post Office, on the Lafayette County Webpage; and was sent to the press, WEKZ, the DNR, and DATCP. It was also sent to Palzkill & Wilson

Discussion regarding agenda, to amend the printed agenda to switch items number 5 & 6, and to delete item number 14. Motion was made by Bartels and second by Hammer to approve the agenda as amended. Motion carried.

Motion made by Hammer and second by Bahr to approve the minutes of the 7/5//16 as presented. Motion carried.

Figuring Livestock Animal Units – Mark Cain, DNR: I. Animal units (au) are a calculation to estimate live weight. The schedule is currently projected based on averages with 1,000 lbs. as the base. This is the standard weight of a mature beef cow. For WI all animal units are counted toward the permit requirement. Nationwide there are individual categories, and these are not added together for a Federal permit (you could have 900 au of cows and 900 au of chickens, but not need a Federal permit; you would however need a permit from the State of WI).

Bahr: estimates that for Lafayette County's Livestock Licensing at 750 au would be about a 400 cow dairy

Wolfe asked where we get the animal numbers for the County. Cain stated they ask the farmers, and also talk to LCD. If they request numbers, it is a required response.

Lange stated they are also listed in the nutrient management plans.

II. See the State Code for definitions (see handout). They do outreach, but most already know when they need a permit. Nutrient management planners, engineers, the Dairy Business Association, and Professional Dairy Producers all keep farmers informed. The process to get a permit is about a year-long: 1. Contact for a preliminary application-3 pages, maps, and animal units. 2. Completing the application is about 6 months. 3. DNR has 6 months to review the application and do a public notice.

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Marion stated that 400 au is relatively small. Any higher level falls under higher environmental protection. Cain said they meet all the same rules; the difference is the land base. Bahr commented that the 750 au is passed with 350 cows and young stock. Animal Feeding Operation (AFO) is a federal term. WI also added State rules – 1. 45 days because of fairs. 2. Common Ownership – a. adjacent b. Common systems for land spreading. 3. Wastes are commingled in storage. A CAFO permit is triggered at 1,000 au; also medium-sized 300-999 au if they have had water quality issues. They can also require a permit if a Notice of Discharge (NOD) has been issued. This comes with a requirement of cost share. Mike Gilbertson is our NOD contact. Litigation takes a long time to get to and through Department of Justice. Maintenance issues can be ticketed. For rain induced sites they can offer cost share, but for overtopping the State does not pay. Kieler stated that Amish sites are all built the same, with natural flush and near a stream. Cain said all farms are treated the same. Complaints follow all the same rules.

Well Testing Information & 3-year Maintenance for Wells: Loeffelholz spoke with Troy Moris. Stevens Point still has the well testing program. Iowa County UWEX has taken the lead there. Sauer commented that the Health Department may be able to do well testing, and suggested doing a percentage of wells in the County. This should be done by 1 person only for consistency. Twelve dollars per sample (?) will test for e-coli and coliform. Conservation & Zoning do water testing at the Fair, but that is for nitrates only. It is used as an indicator for other issues only.

Marion has spoken to Representative Novak regarding public education. High bacteria are already shown in 25% of samples in Lafayette Count.

Loeffelholz had received a suggestion that we consider a Maintenance Check of wells, similar to the septic maintenance; but done less frequently (possibly once every 6 years). This could be used to offset the cost of the tests. Other Points: 1. Move to the department that will be doing the tests. 2. Kieler suggested that if a 3rd party is doing the testing, cost share should be offered. 3. Wilson said the dairy wells are inspected every 3 years. These check to be sure the cap is on, and not cracked; but the casing is not inspected.

Sauer commented on the construction distances of only 25' from a septic tank and 50' from a drainfield.

Sauer suggested that we contact Ohlrogge to learn what they had done to get buy-in for the water testing. Wendy Warren may also have an opportunity for us to partner on a grant. Sauer suggested that we do the water samples first, then consider well inspections.

Public Comment: Discussion was held regarding additions to homes being bigger than the original home. Kieler asked that there be a roll call vote if there is a change to the Ordinance.

Animal Unit Numbers for Livestock Licensing: Sauer asked about who counted if an operation is increasing more than 20%. Loeffelholz had requested number from Wilson over phone. Wilson did not know the multipliers for animal units. The count was at 721 au. Ludlum stated that setbacks for agricultural is 35', but for a CAFO it is 100'. The distance depends on animal unit numbers too. They can't be build any closer, but can run parallel to the existing

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buildings. Marion asked if they are subject to the ordinance – Only if they expand. Wilson stated that organics is in a quota system, so he expects to remain about the same. He also stated that he did work with the LCD on the manure storage and a Nutrient Management Plan. Marion said the intent is not to make people miserable. Wilson said we need time for farmers to react to new rules. He came to speak because he doesn't want rumors about the operation.

Wolfe stated that it is not the intent to physically count animals. We get the numbers when there is a question. We need farmer trust.

Manure Storage Ordinance: Some interest has been expressed in changing the ordinance. Sauer recommend that each Supervisor be given a copy of the Ordinance. We will take it up in Dec., Jan., or Feb. Sauer said we may add some farm members to review it. Suggestions include Carpenter, McComish, Schilling, and Stauffacher.

Revenue Generation: Following discussion of adding a position to the Department, it was suggested that revenue generation be considered. Some possibilities include: 1. A fee to go out to the farms. 2. Raising fees on Planning & Zoning. 3. Sauer asked about charging a fee for Cost Share. This can be done for County Cost Share; but not for DATCP Cost Share. 3. Marion asked how many new licenses there are at the \$750 size farms – None at this time. 4. Charge for Manure Storage permits – currently charge \$500. We receive 2-3 per year. 5. Loeffelholz suggested that we require zoning permits for all structures (currently only charge for non-ag in zoned townships). Agricultural structure permits could be required, but not billed for. 6. Sanitary & Zoning permits could be raised to \$25 from \$20, and Septic Permits could be raised from the current \$375 and \$475 rates.

Marion stated that the position is a technical position, and she was dismayed that it was not supported, but tabled at HR. Loeffelholz stated that we need ways to pay for the position, but by the first of the year would be good. Marion said we need to communicate the seriousness of this for tourism. Budget must be to Finance by September 2. Our usual meeting date would be September 6, but we will need to move it up to meet the Finance deadline. Discussion was held regarding the Departments receiving the monthly department reports that are given to Finance.

Field Staff Reports and Department Head Update: Brandt reported the following projects:

The Kevin Cox storage is complete.

The Siegenthaler Slurrystore is down and the pipe removed.

Fair – Aquatic Invasive Species. Marion commented that the booth was awesome.

Brandt said, if it is completed, we will have the new fish tank display next year.

Tom Brines – Pond is done.

Tom Portle – Mine Reclamation Tour for Lafayette County

Met with Officer Morrissey- Regarding reports of dead calves in a neighbor's field.

Morrissey had received none.

Andy Schilling Soil Borings – They are not adding any cows. Storage only.

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Lange's Tech report is included in the meeting packet. He has completed 59 status reviews, and issued 21 certificates of compliance (186 to date have been issued).

Loeffelholz showed documentation in regard to the 2 Amish sites that were questioned at the last meeting. Both sites meet the requirements for the Lafayette County Ordinance.

USDA Programs: Bartz reported that the Local Work Group met yesterday regarding local trends. The State Conservationist was there also. Patti Jackson-Kelly, Assistant State Conservationist, will be leaving and returning to Louisiana after 12 years in WI.

A new Soil Conservationist, Mary Collier, will be starting on Monday.

25 Compliance checks have been completed, and only 2 are out of compliance. There are a lot of good farmers out there.

Working on many projects – Spring development, 5 riprap projects, roof gutters, and stream crossing.

Sign-up – CSP, Monarch Initiative, and EQIP for September 1.

Marion stated that Lafayette County received a lot of compliments from the higher ups.

Loeffelholz stated that allocations for SEG funds are down \$15,000 and Bonding & Staffing is down \$1,007.

Voluntary Notice of Non-Compliance: None

Other Agency Reports: None

Approval of Cost Share Contracts: John Berget and Marvin Flogel for Well abandonments.

Motion by Bartels and second by Hammer to approve the cost share application of John Berget and Marvin Flogel. Motion carried.

Truck Repair Comparisons: After fueling his truck, Loeffelholz went back to the parking lot to find the fuel tank on the ground. Double G was \$50 less than Ubersox and Virtue's was 75 less. Virtue's was NAPA parts instead of Chrysler parts. Ubersox picked up the vehicle and the other 2 would need to be hauled.

Bahr stated that the Ubersox cost was not out of line. Sauer said he has no problem with Ubersox, but make them aware that we are doing comparisons. Loeffelholz had already informed them.

Conservation Observance Day – August 26, 2016, Calumet County: Planning to attend: Hammer, Marion, and Loeffelholz. 3-1/2 hour drive. Leave at 5:00

Karst Training – August 25 by Paul Ohlrogge, Iowa County UWEX: Planning to attend: Brandt, Bahr, Marion, Wolfe, and Loeffelholz

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Sauer stated that he had been contacted about an Environmental Awareness Tour on August 17. He would like the LCC and the Town Chairs to attend, and for Loeffelholz to be involved with setting up the tour. They will have an air conditioned bus, and be leaving at 8:00 a.m.

Report on Karst Field Visit with Dr. David Hart, UWEX: Dr. Hart suggested reverse grading for the 2 holes, both of which are in the road right-of-way (See report). Bahr feels the driveway was put in illegally, and that Kendall Township is 100% free of the repair. Hart had felt it is probably an ongoing problem, and may re-open, even in different spots. Bahr also feels the farmer has an illegal manure pit. Also, the milk truck is over the weight limit that has been placed on that road. Bahr also questioned the storage on New Line Road that was constructed in January or February, and where they got clay at that time. Loeffelholz stated that at the time the septic was put in, several soil borings had to be done to find a site that would drain. They had 5' of clay at the site. Kieler stated that they are not the size to require a permit, but they built on solid bedrock, and the Engineer was Sam Allgyer.

Sauer stated he felt the sink holes need to be filled in. Bahr stated that at the beginning he had taken the Township off the hook for this, and that it is a runoff problem, not the karst feature. The driveway sets it up for a natural flush. Wolfe asked if a diversion could be done without moving the driveway. Bahr said there are 3 issues: 1. Manure pit 2. Karst feature 3. Fix the road.

Loeffelholz asked if they wanted action on plugging the karst feature.

Sauer asked about the excavation. Bahr stated there is litigation on the driveway, and that issue should be resolved in October.

Loeffelholz stated that according to the legal opinion that was given to Kendall Township by Atty. Ralph Farrell, the County issued all appropriate permits. Kendall Township did not have a driveway ordinance at the time this driveway was installed.

The Amish documentation of 2' of clay has been done, but is voluntary because this is not a manure storage system. Deep gutters were classified as a manure transfer system, not storage. It has one side open, but does have clay under it, and on 3 sides.

Wolfe asked that the meeting move on.

Marion suggested we ask the owner to pay for filling the karst feature, and put a bump in the driveway if it stays. Loeffelholz said he will contact the farmer, but not until he is assured that the Township will not sue him for digging or filling in the road right-of-way. He requests a copy of minutes from the township with this included. Bahr stated he would put it on the next agenda.

Motion by Marion for the County to ask the farmer to fill the karst feature according to the recommendations from Dr. Hart, contingent upon minutes from Kendall Township the would exempt the farmer from litigation for digging or filling in the road right-of-way. Second by Bartels.

Motion carried.

In Correspondence: Bahr handed out an article "Paying for Immigration Laws" (Copy available from Original minutes file at the Conservation & Zoning Office).

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Oak Ridge is currently on hold.
Dr. David Hart's Power Point presentation on Karst Features has been posted to the Lafayette County Website.

Approval of Vouchers: Motion by Bartels and second by Marion to approve the vouchers. Motion carried.

Future Agenda Items: Karst Feature and Budget

The next meeting of the LCC will be September 1, 2016 at 9:30 a.m.

Motion by Bartles and second by Marion to adjourn the meeting at 12:02 p.m. Motion carried.

Recorded By

Nikki Larson
For Leon Wolfe
LCC Secretary

APPROVAL OF MEETING MINUTES
