

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 11/1/2016 *

MINUTES MEETING OF THE LAND CONSERVATION COMMITTEE USDA AG CENTER CONFERENCE ROOM Tuesday, October 4, 2016 at 9:30 a.m.

The meeting was called to order at 9:35 a.m. by Chairman Leon Wolfe. Others present: Bahr, Bartels, James, Marion, Wang, Sauer, Lange, Loeffelholz, Bartz, and Larson. Also present: Gallagher, Char James, Jean, Kieler, Laeser, Schilling, Terrall-APHIS, arriving later - FSA-State Office - Edelburg, Kunsman, Hanson, and Soldner
Excused: Hammer

Larson stated that the agenda and amended agenda were posted in the USDA Service Center, by the County Clerk's Office, the Darlington Municipal Building, on the Lafayette County Webpage; and was sent to the press, DNR, and DATCP.

Motion was made by Bartels and second by James to approve the amended agenda.
Motion carried.

Motion made by Marion and second by Bahr to approve the minutes of the 9/1/2016 as presented. Motion carried.

Public Comment: Sauer asked to schedule a Joint meeting with LCC and the Health Department prior to the October 11, Finance meeting. Discussion followed with agreement on a Monday, October 10th date at 8:00 a.m. Need to decide about the water sampling in regard to retaining a full-time position at Health for water sampling. See if Paul from Iowa or Victoria from Green County can also attend. The Health Department will send the agenda.

Karst - it is on the agenda. At this point, Lafayette County is following the law.

Marion: WI Farmers Union has a resolution (not for committee action) regarding a moratorium on large dairies until a hydrologic study can be done. (See copy)

At this time a Resolution from WI Farm Bureau was also presented regarding the suspension of the Lafayette County Livestock Licensing Ordinance. (See Copy)

Sauer stated that he felt we should sit pat with what we have on licensing. Both resolutions should be on the next agenda.

FSA State Office representatives had not yet arrived, so we continued with Dave Terrall, USDA-APHIS

Annual Wildlife Budget - David Terrall - Terrall assists landowners with wildlife damage from deer, turkeys, Canada geese, bear, and elk. He goes out to the sites, then makes recommendations. 1) Abatement assistance such as fencing and pyrotechnics. The landowner

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must then allow hunting. However, deer doesn't have to be public; the landowner can receive tags. Then there is no dollar claim allowed however. It was asked how many we have in Lafayette County. Terrall responded it is generally 2 to 5, this year we have four.

To start the process you need to contact Terrall to come out. DNR doesn't pay on the first \$500, and damages must be \$1,000 or the potential of that. The landowner then signs up. Gardens are not included unless it is a CSA, Timber is no, Nursery Stock is yes.

The budget is different depending if the venison program is in or out. Deer donation is for all hunters. Reichers meet processing in South Wayne is our only processor in the County.

Motion to approve the 2017 Wildlife Damage Budget by James and second by Bartels.
Motion carried.

Karst Feature Kendall Township: Sauer commented that we had Dr. David Hart here to examine the feature in Kendall township. Loeffelholz stated that he had spoken to the landowner and his attorney about filling the feature. Attorney Kranz stated they will talk, but are still considering it. Sauer commented that winter is coming, and he would like to see something done, he has spoken to Tom Jean, Hwy also.

After the last meeting we talked to Dr. Hart, then went out to the site and scraped it with a shovel. He recommended reverse grading, and would like to be involved. This may cause other sites to open.

Bahr – This reverts back 3 years, when Lapp was given a fire number. He had Bowden Surveying out (See letter.) He doesn't feel just shoveling is possible. The hole is larger now than it was. He is not in agreement with an illegal manure pit. This is within a mile of his house, and 1 well is already not usable. Bahr stated he looks to hold the County 100% responsible. He feels this is more severe than you realize. Two days after Loeffelholz was out, manure was spread up to it.

Kieler-Lapp has money borrowed here, and Federal Crop Insurance says you must be in Compliance.

Loeffelholz – That is Federal funding. What law has he broken?

Kieler – I have to put gutters on my barn, and that barnyard is a natural flush of runoff.

Bahr – We need to protect the groundwater.

Marion – We (the County) have no regulations or enforcement.

Sauer – Can the driveway be bermed and divert it?

Bahr – Spoke with Max Fink and he said it was a dirt road and they tried to put in a ditch. It was bermed 70 years ago. We have 66', and can put in a 15' berm.

Marion – Can Loeffelholz design it? No, it must be done by an engineer.

Jean – That is 33' from the centerline. Jean will take a look at it. They can design it.

What about the sealing? Bentonite or concrete? Who pays? Authorize Jean to design & complete. Dr. Hart, Hydrologist, had no guarantees that this will work. Marion: We need to do it. Keiler-The 2nd one has opened. You can only fix it by taking out the driveway & put in the berm. It was all done illegally.

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Marion-Can we berm without? Jean-We will have to go out and look. He has used a combination of clay and bentonite for sealing ponds, and has capped mining sink holes. Bahr stated it is LCD's responsibility to protect the groundwater.

Sauer-Jean should bring facts & figures by the October 10 meeting. Loeffelholz should talk to the landowner.

Loeffelholz – Next week is the driveway litigation.

Kendall Township had no driveway ordinance at the time it was put in.

Funds will come from the General Fund.

Jean left at this time.

FSA State Office Representatives arrived: Introductions

Randy Kunsman – Farm Service Agency: Patty Edelburg, Brandon Soldner, and Warren Hanson were also here from the State Office of the Farm Service Agency. Edelburg took over Brad Pfaff's position when he went to Washington. She had asked to meet to help resolve the numerous complaints from Lafayette County.

Sauer stated he had met Edelburg at the time of the Leifker appeal. He has been on the County Board for 15 years, and has 1,100 acres. He would like to know what they are doing with the concerns. She (Olsen) needs to be gone. He stated he had started a petition in April, but is waiting to find out what should be done with it to get action on it. He also stated that Monica no longer comes to the counter if he is here.

Following the highly energized discussion, Edelburg asked for specifics.

1. Sauer – All the old employees are gone. State response said it was because of retirements. Sauer said not all were retirements; a transfer, took other jobs, and one employee only stayed 2 weeks before she quit.
2. Program sign-ups always start late, and then you end up being put on a register. If you miss, you pay for a late sign-up.
3. Sauer & Kieler regarding disaster program for pastures – deductions for trees, then there wasn't enough pasture for the number of cattle. Payments were significantly reduced.
4. ARC – Was told last fall they needed rentals for 2014, and it was the first one he had brought in. Payments are a month later than Grant County. Everything has to go across Monica's desk.
5. Who has the right to fire her? Unanswered.
6. One farmer had told Sauer he had complained, and everything he said was twisted.
7. Another with land in Grant and Lafayette Counties was the only one who told him he didn't want to see someone without a job. Lafayette County farmers don't need to be treated like this.
8. Marion – New County Board member. Most of the calls she has received have something to do with FSA. She had complaints about
 - a) calls not being returned. Call back to sign up in 2 weeks.

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b) deadlines being missed and then receiving fines. Complaints that Monica feels she has to check everything. Producers can't get through the programs before the deadlines.

c) People don't want to come into the office.

d) Phone calls not being returned for 2 weeks (a recurring theme).

e) Needs to manage and delegate.

People are discouraged from participating in Conservation programs because of this.

Sauer asked again about the procedure for complaints. He has the petition, but doesn't know where to take it. He has called Senator Johnson's office – the aide thought it was about FFA. He has considered sending it to Kansas City.

Wolfe stated that at one time, it was the County Committee who hired and fired. Federal employees do have protections, but there is a system. No comment from the State Office.

Laeser – Met a couple of years ago, and had some of the same issues. He started the contract prior to Olsen being here. He received a letter to do a burn. There was some confusion on his part when he received a letter that he needed to report the burn. At the time he sent a letter saying he felt the FSA letters should be re-written to be more understandable. His comment was, that he felt he "paid" for sending the letter. Laeser appealed to the State. His cost report (for the burn) was sent in 2015, August 1 or 15. It was not paid until April of 2016. Since his letter he has had lots of issues. An inspection request to verify the tree contract, which the Forester had approved, was terminated because it was not planted correctly. Six months were lost in a land purchase because of this.

For a CREP re-enrollment they were told there were too many trees, and there will be a fine and payback. He will appeal.

Kieler - many producers are dropping out of programs

Sauer – Producers are not in programs for Conservation, but only because of Crop Insurance. Also, Bard Materials has a quarry with 8.5 acres of cropland. He has a written contract for this land, but it took 3 years to get on the 578. "I don't want to see anyone without a job. Don't fire her, but change her County." At the start (of Olsen's employment here) he got questions from CRP producers about firing her. He told them she was a Federal employee, not County.

Laeser commented that many he knows have dropped out because of the rules.

Soldner stated that they work with specific job sheets. Laeser asked where do we go if we feel the job sheets should be changed? The State Technical Committee is in charge of those. The Committee has members from NRCS, Pheasants Forever, DNR, US Fish & Wildlife and the Nature Conservancy. NRCS is the technical arm, and have worked with many successfully.

Sauer – The first 3 years most of his calls were CREP calls with technical errors.

Laeser – he had an early contract with scrapes on a CREP contract. He was docked for this. At renewal he has CRP-21 bordering CRP-23. He tore up the tile. It is a conservation area. Soldner stated that they are working on a solution.

Sauer asked who he needs to contact to resolve this.

Edelburg said they need the team to meet.

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Sauer asked again, who is responsible? And what will be done? Payment amounts are paid late, or not at all. A 15-year CRP contract was notified in the 14th year of the contract that they didn't have enough trees, and paybacks would be required.

Soldner stated that the Policy Handbook is 1,400 pages, mostly compliance. The office does not do yearly checks.

Sauer – Then take care of it in the new contract, not 14 years later.

Marion stated that Olsen is going by the book.

Edelburg – This is a Technical – vs – Customer Service issue.

Loeffelholz asked regarding Customer Service, is there a set time for call backs?

Edelburg responded that it goes by office.

Schilling stated that he received a post card regarding reporting fall crops. When he called in, he was told to call back in 2 weeks.

C. James – From what she has seen and heard here, Olsen is very much a micro-manager. The staff was trained, but she approved everything. They were sitting at a desk for their appointment, and the staff member left to have the paperwork checked and signed by Olsen. She feels the staff before felt their jobs were respected and took pride in their work, and that was taken away. They are afraid. People are no longer respected.

Sauer asked if Mike Gallagher will direct this back.

Hanson – Customers should be acknowledged within days – not weeks. He also stated that the County Committee is Program Administration only.

Edelburg – We have been hearing complaints, and want to get to the bottom of it.

Wolfe thanked the FSA State Office for coming to the meeting, at which time they left the meeting for the County FSA Office.

Sauer left at this point.

Field Staff Reports and Department Head Update: Lange handed out his Tech Report. Brandt had sent photos for Cottonwood and Schillings. There are no additional animals at either site.

Marion asked what the County's role is for CAFO construction. Brandt documents the construction, for non-CAFO sites there can be cost share, designs are by private engineers, and there are storage permits.

Wang asked about Cottonwood. They are limited on space & clay. There is not enough clean manure for a flush system.

Schillings are putting up larger storage, and it will catch leachate also.

Loeffelholz – Structure on Holland Road – They have hired a private engineer (over 5,000 cubic feet of storage) to see if the structure will meet. The licensed engineer is the one who will need to stamp it. They are doing borings around the outside.

Hwy 81 and 126 – There were 3 different events. Currently (yesterday) puts some waterways in. Will put in a contour line and headlands. In the events there was a bent tube, replaced by a 18" tube, then a 24" tube. Highway did this work.

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USDA Programs: Bartz reported they are busy with:

- construction of riprap and a crossing.
- They had 2 whistleblower complaints.
- CREP Training
- Toolkit Training
- Cover Crops
- RCPP was submitted in December. They believe it has a good chance. Farm Bureau pledged some money. We won't know until June, 2017.

Other Agency Reports: None

Pecatonica Pride Application for Producer-Led Watershed Improvement – Kriss Marion:

The grant is for producers along the Pecatonica River in the Blanchardville/Argyle area. This is also support for the RCPP. Their main goal is Conservation Education. Other members are: Mike Berg, Steve Hermanson, and Ron Niemann. They will be hosting dinners and "water events".

Approval of Cost Share Contracts: Contracts for Carolyn Laeser – Wetland Restoration. Muskrats burrowed through, and they wish to do a berm repair.

Motion by Bartels and second by James to approve the Carolyn contract for cost share. Motion carried.

Nominations for State Farmer Award: Loeffelholz said that Hammer had discussed sending an award to State last year, but some had operations changes or more to be done. If an award wins, that County will host Conservation Observance Day the next year. There would be cost to the County, but WI Land & Water also contributes some funds. Also, winners attend the WLWCA Conference at a cost to the County. Wolfe stated he felt it is a good program, and good for the County. Bring information and more names to the next meeting.

Water Testing Information: A joint meeting will be held with the Health Department on Monday, October 10.

Budget: The next Finance meeting will be October 11.

In Correspondence: We received a landowner letter regarding the self-certification form and the \$30 fee. He was only in partial compliance, and is opting out of the program. He requested a refund of the \$30. We received it September 14 and sent a response on September 21. There has been no reply. The certification is used to claim the Working Lands Initiative/Farmland Preservation. The fee was implemented by the Committee to offset the cost of Administration. A nutrient management plan is needed to meet compliance. If a planner does it, they must get a copy of the plan to the office. They may also sign a Voluntary Notice of Non-Compliance. In 2016, Nutrient Management will also include pastures if there is more than 1 animal unit per acre, or if fertilizer is mechanically spread. Loeffelholz stated we have not

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refunded payments in the past. That payment would have been for the 2014 tax credit. (This year's letters will be sent in early November.)

Approval of Vouchers: Motion by Bahr and second by James to approve the vouchers. Motion carried.

Land Conservation Performance Evaluation: Motion by Marion and second by Bahr to go into Closed Session at request of Land Conservation Committee pursuant to Section 19.85(1)(c) Wis.Stats. regarding item #16 (consideration of employment, promotion, compensation, or performance evaluation data of any public employee over which Lafayette County has jurisdiction or exercises responsibility).

Roll Call vote: Hammer-absent, James-yes, Bahr-yes, Marion-yes, Wolfe-yes, Bartels-yes, Wang-yes. Motion carried.

Reconvene to Open Session: Motion by Marion and second by Wang to reconvene to open session. Roll Call vote: Hammer-absent, James-yes, Bahr-yes, Marion-yes, Wolfe-yes, Bartels-yes, Wang-yes. Motion carried. Regarding matters discussed in closed session. Motion by Marion and second by Bahr to accept the Retirement Letter from Alan Brandt. Motion carried.

Future Agenda Items: Karst Feature, State Application for Conservation Farmer Nominees, Farm Bureau and Farmers Union Resolutions.

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

Motion by Bartles and second by James to adjourn the meeting at 12:30 p.m. Motion carried.

Recorded By

Nikki Larson

Nikki Larson

For Leon Wolfe

LCC Secretary

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APPROVAL OF MEETING MINUTES

Leon Woyte

K L H

John Bartels

Alice Wray

Michael M. Bahr

**Wisconsin Farmers Union South Central Chapter Resolution to Lafayette County Board
Regarding Livestock Licensing Ordinance**

Whereas, Lafayette County is the most agriculturally dependent county in Wisconsin, and as such should be a leader in land and water conservation policy, innovation, and implementation, and

Whereas, Lafayette County has had a rich history of conservation leadership but now has 9 waterways on the 303d impaired list for 2016, including Yellowstone Lake, Yellowstone River, and the Pecatonica River.

Therefore, be it resolved that Wisconsin Farmers Union South Central Chapter recommend that the Lafayette County Board affirm and enforce a Livestock Licensing Ordinance for facilities housing 750 or more animal units, as modeled by DATCP, for the purpose of establishing minimal county oversight of large livestock facilities with the goal of maintaining minimum set-backs from property lines and roads, and of encouraging judicious placement and engineering of barns, sheds, manure lagoons, driveways and other alterations to the landscape that could impact surface or groundwater quality or the economic opportunity, quality of life and health and safety of neighbors.

Furthermore, Wisconsin Farmers Union South Central Chapter recommends that Lafayette County undertake a hydrogeologic survey, including depth to bedrock and karst mapping, for the purpose of producing science-based tools to guide further development in the county relative to surface and groundwater quality, as well as to inform the design and implementation of nutrient management plans.

Be it further resolved that Wisconsin Farmers Union South Central Chapter recommends that Lafayette County, following the lead of Bayfield and Douglas Counties, as well as Sylvester, York, Cadiz, New Glarus and Clarno Townships, to adopt a moratorium on the development of livestock facilities of over 750 animal units, or the expansion of current livestock facilities to 750 animal units, until such time as a hydrogeologic survey is complete, and conservation staff are hired, trained and/or empowered to implement the Livestock Licensing Ordinance, including the public hearing process.

Finally, Wisconsin Farmers Union South Central Chapter recommends that Lafayette County create a Study Committee to evaluate the results of the hydrogeologic survey and develop a science-based update to the Manure Storage Ordinance as well as any other ordinances the Study Group deems necessary to protect the health and welfare of county residents.

Passed by Wisconsin Farmers Union South Central Chapter 10-3-2016

Yes 24

No 0

9-19-16

Please see below resolution that passed Monday, Sept 12, 2016
at the Lafayette County Farm Bureau Annual Meeting.

Linda

Lafayette County Farm Bureau Secretary

2016 LAFAYETTE COUNTY FARM BUREAU PASSED RESOLUTIONS

State Resolutions

1. We support the current fencing laws as written.
2. We support farmers having access to a drug residue test for meat animals.
3. We support all scientifically proven Food Industry Safety Practices.
4. We support the organization of an educational task force lead by county Farm Bureau members, in assured confidentiality, to help county Farm Bureau members evaluate and address environmental risks on their farms.

County Resolutions

1. We recommend the Lafayette County Board's Conservation Committee offer a motion to the Lafayette County Board to suspend indefinitely Ordinance for Licensing Livestock Facilities.