



**Walworth County  
Land Conservation Committee Meeting  
Monday, September 17, 2012 at 2:00 p.m.**

**Walworth County Government Center  
County Board Room 114  
Elkhorn, WI 53121**

Land Use and Resource  
Management Department

Dan Kilkenny– Chair, Nancy Russell - Vice Chair  
Tim Schiefelbein- Supervisor

Sue Bellman – USDA/FSA Representative, Rosemary Badame – Citizen Member

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*(Posted in Compliance with Sec. 19.84 Wis. Stats.)*

*It is possible that a quorum of the County Board or a committee of the County Board could be in attendance.*

**AGENDA**

1. Call to order
2. Roll call
3. Approval of the Agenda
4. Approval of Minutes from July 16, 2012 LCC Meeting and Public Hearing
5. Public Comment
6. Discussion/Possible Action – Certification of the Walworth County Farmland Preservation Plan – Louise Olson (enclosure, pages 1-4)
7. Discussion/Possible Action – ACE, McHenry County, IL discussion – Nancy Russell (enclosure, pages 5-11)
8. Discussion/Possible Action - Southeast Area Land and Water Conservation tour, Wednesday, October 17, 2012; host, Kenosha County – Louise Olson (enclosure, page 12)
9. Discussion/Possible Action – DNR Nonmetallic Mining Performance Review Report for Walworth County – Louise Olson/Staff (enclosure, pages 13-17)
10. Discussion/Possible Action - Hackmatack Named Chicago Region's First National Wildlife Refuge - Louise Olson (enclosure, page 18)
11. Discussion/Possible Action – Results of DATCP County Survey of Impacts Related To Reductions In State Funding, Louise Olson (enclosure, pages 19-21 )
12. Next meeting date: Monday, October 15, 2:00 p.m.
13. Adjournment

**Submitted by: Michael P. Cotter, Director, Land Use and Resource Management  
Department, Louise Olson, Deputy Director, Land Conservation Committee Designee**

Posted: September 7, 2012

**Walworth County Land Conservation Committee  
And FPP Ordinance Amendment Public Hearing  
MINUTES**

Monday, July 16, 2012 at 2:00 p.m.

Walworth County Board Room 114  
Elkhorn, WI 53121

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The LCC Meeting/FPP Ordinance Amendment Public Hearing was called to order by Chair Kilkenny at 2:05 p.m.

**Vice-Chair Russell and Supervisor Schiefelbein moved and seconded to open the public hearing. Motion carried 4-0.**

There was no public comment regarding the public hearing.

**Supervisor Schiefelbein and Citizen Member Badame moved and seconded to close the public hearing. Motion carried 4-0.**

Roll call - Committee members present included: Supervisors, Kilkenny, Russell, and Schiefelbein and Citizen Member Badame. USDA, FSA Representative Sue Bellman was absent, excused. A quorum was declared.

County staff present – David Bretl, County Administrator (2:07 p.m.); Michael Cotter, Director of Land Use & Resource Management (LURM); Louise Olson, Deputy Director; and Joeann Douglas, Recording Secretary.

Also in attendance – Marilee Holst, Geneva Lake Conservancy; Carl Redenius, Walworth County Board Supervisor

Approval of the Agenda – **Supervisor Schiefelbein and Citizen Member Badame moved and seconded approval of the agenda as presented. Motion carried 4-0.**

Approval of the Minutes – **Supervisor Schiefelbein and Vice-Chair Russell moved and seconded approval of the May 14, 2012 minutes. Motion carried 4-0.**

Public Comment – none

Walworth County Farmland Preservation Ordinance Amendment, Chapter 26 – Louise Olson said the ordinance amendment was basic housekeeping changes such as definitions based on state statutory changes. **Supervisor Schiefelbein and Citizen Member Badame moved and seconded to approve the Farmland Preservation Ordinance Amendment as presented. Motion carried 4-0.**

Next Meeting Date – Monday, September 17, 2012 at 2:00 p.m. (no August meeting)

Adjournment – **On motion and second by Supervisor Schiefelbein and Citizen Member Badame, Chair Kilkenny adjourned the meeting at 2:09 p.m. Motion carried 4-0.**

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Submitted by Joeann Douglas, Recording Secretary. Minutes are not considered final until approved by the committee at the next regularly scheduled meeting.



State of Wisconsin  
Governor Scott Walker

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**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

August 2, 2012

Louise Olson, County Conservationist and Deputy Director  
Walworth County Land and Resource Management Department  
100 West Walworth  
PO Box 1001 Room 222  
Elkhorn, WI 53121

Dear Louise:

**Re: Certification of the Walworth County Farmland Preservation Plan**

Attached is a department order certifying Walworth County's Farmland Preservation Plan under s. 91.16, Wis. Stats. The plan is certified through December 31, 2022. Because the County Board has already adopted the plan, there is nothing else that the County needs to do at this time.

We look forward to working with you in the future on farmland preservation in Walworth County. If you have any questions, feel free to contact me.

Sincerely,

*Alina Volk (for Keith Foye)*

Keith Foye, Chief  
Land Management Section  
608-224-4603

*Agriculture generates \$59 billion for Wisconsin*

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STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

**WALWORTH COUNTY FARMLAND  
PRESERVATION PLAN**

**DOCKET NO. 12-33-64-000-P**

**ORDER CERTIFYING PLAN THROUGH  
DECEMBER 31, 2022.**

**INTRODUCTION**

Walworth County has asked the Department of Agriculture, Trade and Consumer Protection ("DATCP") to certify a proposed comprehensively revised county farmland preservation plan pursuant to s. 91.16, Wis. Stats. DATCP has considered the request and adopts the following decision:

**FINDINGS OF FACT**

- (1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin's farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28.
- (2) Walworth County is a county of the State of Wisconsin.
- (3) In order for a county and its residents to participate in the farmland preservation program, a county must have a state-certified farmland preservation plan. Among other things, the certified plan must clearly designate farmland preservation areas that the county plans to preserve for agricultural use.
- (4) Walworth County has a state-certified farmland preservation plan that expires on December 31, 2012.
- (5) Under s. 91.16(8), Wis. Stats., the certification of a farmland preservation plan does not cover any subsequent plan revision (adopted after July 1, 2009) unless DATCP certifies that plan revision.
- (6) On July 20, 2011, DATCP received from Walworth County a request to certify a comprehensively revised county farmland preservation plan under s. 91.16, Wis. Stats. The county submitted the application in the form required under s. 91.20, Wis. Stats. The application included the certifications required under s. 91.20(3), Wis. Stats.
- (7) On July 10, 2012, the Walworth County Board of Supervisors adopted the farmland preservation plan text (dated July 2012) and maps (dated May 2012).
- (8) Under s. 91.16(3)(a), Wis. Stats., DATCP may certify a county plan based on the county's certification under s. 91.20(3), Wis. Stats., that the plan meets applicable certification standards under s. 91.18, Wis. Stats.
- (9) DATCP may certify a farmland preservation plan if the plan meets applicable statutory standards under s. 91.18, Wis. Stats. DATCP may certify based on the representations contained in the county's application, but may conduct its own review and verification as it deems appropriate.

(10) Under s. 91.10(2), Wis. Stats., the farmland preservation plan must be consistent with the Walworth County Comprehensive Plan, and the County must include the farmland preservation plan in the County Comprehensive Plan.

(11) Under s. 91.16(2)(a), Wis. Stats., DATCP may certify a county farmland preservation plan for a specified period of up to 10 years. Under s. 91.16(6), Wis. Stats., DATCP may make its certification contingent upon the county adoption of the certified plan text and maps, in the form certified.

(12) Under s. 91.16(9), Wis. Stats., DATCP may withdraw its certification at any time if DATCP finds that the certified plan materially fails to meet applicable certification standards under s. 91.18, Wis. Stats.

### CONCLUSIONS OF LAW

(1) Based on Walworth County's certification that the attached county farmland preservation plan meets applicable certification requirements under s. 91.18, Wis. Stats., DATCP may certify that plan for up to 10 years.

(2) DATCP may make its certification contingent upon the county adoption of the certified plan text and maps, in the form certified, and contingent upon its adoption as part of the County comprehensive plan.

(3) Certification does not apply to plan amendments made after the certification date, unless DATCP certifies those amendments.

(4) DATCP may withdraw its certification at any time if DATCP finds that the certified plan text and maps materially fail to meet applicable certification standards under s. 91.18, Wis. Stats.

### ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The attached Walworth County Farmland Preservation Plan text (July 2012) and maps (May 2012) are hereby certified under s. 91.16, Wis. Stats.

(2) The certified farmland preservation plan area for Walworth County is titled "Farmland Preservation Area."

(3) This order takes effect on the date on which the county adoption of the plan text and maps, in the form submitted, takes effect.

(4) This certification expires at the end of the day on December 31, 2022.

Dated this 31<sup>st</sup> day of July, 2012.

STATE OF WISCONSIN,  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By Ben Brancel  
Ben Brancel, Secretary

Parties for Purposes of Review Under s. 227.53, Wis. Stats.:

Louise Olson, County Conservationist and Deputy Director  
Walworth County Land and Resource Management Department  
100 West Walworth  
PO Box 1001 Room 222  
Elkhorn, WI 53121



**MCHENRY COUNTY**  
**AGRICULTURAL & CONSERVATION EASEMENT (ACE)**  
**MINUTES • JULY 18, 2012**

**Public Meeting**

**County Board Conference Room**

**7:00 PM**

667 Ware Rd, Administration Building, Woodstock, IL 60098

**1. WELCOME - TO A JOINT COMMISSION MEETING**

ATTENDANCE: Susan Urbas - Boone County ACE, Gina DelRose - Boone County Planner, Janice Hill - Kane County Planner, Kimberly Kolner - McHenry County Planner, Nancy Russell - Walworth County Board of Supervisors, Rosemary Badame - Walworth County Citizen Representative, Nancy Schumm - Village of Barrington Hills, Lenore Beyer-Clow - McHenry County ACE, Richard Brook - Brook Farm, Rob LaPorta - McHenry County ACE, Mike Eisele - McHenry County Department of Health, Mary McCann - McHenry County Board, Virginia Peschke - McHenry County Board, Richard Gadke - Boone County ACE, Henry Zierer - McHenry County ACE, Michael Walkup - Walkup Heritage Farm and Garden, Jean Urbas-Porter - Kings Bench Preferred Properties, Mike Bularz - Kane County Planning Intern.

Ms. Kolner welcomed and thanked everyone to the Joint Commission Meeting. She explained how the event would proceed.

**2. CHICAGO METROPOLITAN AGENCY FOR PLANNING PRESENTATION**

Jason Navota, Senior Planner at the Chicago Metropolitan Agency for Planning (CMAP) introduced that CMAP is the regional planning agency that plans for the economic prosperity of life and the quality of the economy of the 7 county region of the Chicagoland area, which includes over 1200 units of local government. He explained how the region has developed over the last 120 years, centralized in the City of Chicago and radiating out following the train lines. In the 1950's, development then following the interstate highways and the post-war development boom occurred. Development continued throughout the region until the recent slow down of the economy.

Mr. Navota explained that CMAP also looks at population projections and that the Go To 2040 plan projects that the region will need to accommodate for 25% more residents by the year 2040. CMAP drafted the Go To 2040 plan to address many of the impacts that a large population growth would have on the region. The Go To 2040 plan is a comprehensive plan for the entire region which has four key topics of recommendations; Livable Communities, Human Capital, Efficient Governance, and Regional Mobility. Mr. Navota shared that under the recommendation of Livable Communities CMAP is focusing on the local production of food by encouraging sustainable local food production and processing, farmland protection, access to food by eliminating food deserts, and creating awareness about local food through education. Ms. Navota explained that CMAP has an implementation plan in place to address these issues through public policy, research, and offering technical assistance to the local governments.

Mr. Navota also addressed some of the trends in local food stating that local food is becoming a priority issue at all levels of government and that policies, plans, and economic development programs are starting to include local food strategies. Mr. Navota expressed that there is a lot of market researching being done on local food and that strong numbers are showing support for local food. He presented a few examples of retailers and restaurants that are using local food, and marketing it to differentiate themselves from the market. Mr. Navota showed data indicates an increase in the number of farmers markets over the past 20 years. He also showed a graph of the number of state legislative bills focusing on local foods which has increased over the past few years. He believes that the policy is following the market demand for local food. Mr. Navota stated that the majority of the food dollars spent in Illinois leaves the state, while Illinois has some of the best agricultural land in the world. He feels that there is a huge potential for economic growth in the food industry. He closed with the idea that smaller scale food production may be appropriate where large scale crop production is no longer viable.

Mr. Brook had a comment for Mr. Navota, stating that there is nearly a billion pounds of food grown locally that gets shipped all over the United States. Mr. Brook explained that while the trend in this region is that there is a larger number of smaller farms, it is the opposite down state, smaller farms are being merged together into very large acre farms. He also stated that the farmers markets are successful more in the urban areas and would be cost prohibitive in rural areas.

Mr. Walkup stated that he feels that many farmers nowadays are part-time farmers, and that they need to have a full-time job to be successful. Also many of the farms are losing their diversity, but there is a new shift back to that. However, the knowledge base needs to be recreated because it was not passed down by prior generations.

Mr. Gadke stated that at one time there were hundreds of acres of tomatoes and green beans because they were being grown for Campbell's Soup, but they have all be moved to other areas that have irrigation.

### 3. COUNTY PRESENTATIONS

#### Kane County Presentation

Ms. Hill a planner from Kane County explained that since the 1970's Kane County has planned to have the western third of the County remain in agricultural production and those plans even mentioned transfer and purchase of development rights. However, the farmland protection program was not established until eleven years ago. Currently, Ms. Hill explained, Kane County holds about 30 family farms or 5,000 acres in agricultural conversation easements, purchased with federal funds and local matching funds provided by the river boat casino.

Ms. Hill stated that Kane County recently received a grant for the Pew Charitable Trust to conduct a health impact study addressing the impacts of possibly including smaller farms which produce local foods into the farmland protections program. Ms. Hill said that there are about 45 local food producers in Kane County, but that none of them are currently participants in their farmland protection program. The study would survey those 45 local food producers, as well as consumers to determine the demand for local food in the area. Kane County has already interviewed over 70 community leaders for the study and the top benefits that they see would be that it could simulate local business, retain local dollars, and make local food accessible to all local residents. Ms. Hill mentioned that over 2000 farm owners will be surveyed about what they think about the idea of local food and would they be interested in producing local food, or in leasing out some of their land for local food production. Ms. Hill explained that the study will also include an analysis of job projections and possible barriers. Kane County is hoping that the grant will be done in about a year, but they will have much of the survey results by next spring.

Ms. Hill also mentioned that the Illinois Farm Bureau has a staff member, Cynthia Haskins that is working more on local foods. She stated that Ms. Haskins is hosting a "Meet the Buys" conference in Stevenson County that will address things such as Good Agricultural Practices (GAP) certification and training, and market ready. She also mentioned that Kane County is exploring a possible arrangement with the Northern Illinois Food Bank to contract with local farms to produce food for the food bank.

Ms. McCann asked if Ms. Hill has ever heard of a program that would use land with agricultural conservation easements and encourage the farmers to operate it as a co-op. Ms. Hill has not found a good model that incorporates both the agricultural easement and the co-op, but that is something that they are looking into. Ms. Hill also explained that another program that Kane County is investigating would allow term easements of 10-20 years coupled with a loan for the farmer to grow something for the local food bank.

Mr. Brook asked if Kane County has studied labor availability. Ms. Hill mentioned that labor will be something that will be incorporated into their study including the regulation on housing and sanitation for migrant workers and the seasonal nature of the agriculture in this area.

Mr. Walkup asked if the zoning regulations in Kane County are any different from McHenry County in regards to what type of uses that allow for farm businesses, specifically mentioning Heritage Farms. Ms. Hill explained that Heritage Farms had to come to the County to request special uses and variations to do many of the things on their site. Ms. McCann explained that the process in McHenry County is very similar to the process required by Kane County.

### **Boone County Presentation**

Ms. Urbas explained that in 2006 Boone County adopted their Farmland Protection Program however, the Commission did not know what they could do with it because there was not funding available. Ms. Urbas, as a realtor, had potential clients that were interested in a lot that was not a lot of record, meaning a house would not be allowed to be permitted on the site. However, her clients needed a home in order to operate their farm. As a result, Ms. Urbas explained that the Commission discussed the idea of creating a market incentive to help promote the Farmland Protection Program. The Commission with the help of Staff's research proposed creating a special use that would allow a single-family residence to be constricted on a parcel, regardless of its buildability status, if 60 acres or more has been placed into an agricultural preservation easement. Currently, Ms. Urbas stated Boone County has two farms or 523 acres of agricultural preservation easements since the special use was approved in 2009. She mentioned that Boone County is now focusing on educating farmers, attorneys, and the general public about the program and what it means by possibly creating an educational video and hosting a farmland conference in June of 2013.

Ms. DelRose introduced a relatively new regulation in Boone County, that lets small rural businesses to be allowed by right in agriculture zoning districts, while large rural businesses would still require a special use permit. She also explained the details of the farmland conference, and handed out a draft agenda for the two-day event inviting all of the attendees to participate and help with the conference. Ms. DelRosa also explained that the Commission is currently working on developing qualifying criteria for the Farmland Protection Program based off of the McHenry County qualifying criteria, but adjusted for the soils and hydrology of Boone County.

Ms. McCann mentioned that she heard that there were some township within Boone County that had adopted the program. Ms. DelRose explained that there are two townships in Boone County that are almost 100% rural with very little development. Those townships hold about 95% of the County's "Ag Area," a voluntary State Program that protects properties from nuisance regulations related to agricultural activities.

### **Walworth County Presentation**

Ms. Russell, who is on the land conservation committee, and is the County Board Chair for Walworth County addressed the three main economic drivers in Walworth County as tourism, manufacturing, and agriculture.

Ms. Russell explained that within the past 30 years over 500 farm owners have taken advantage of the State Farmland Preservation Tax Credit Programs. Ms. Russell mentioned that Walworth County was the first county in Wisconsin to adopt a Agricultural Preservation Plan in 1978. She addressed that even though the population has increased by 25% over the past 20 years, only 6% of the County's farmland was lost in that time period. Ms. Russell stated that some of the goals of the plan include preservation of Class I, II, and III soils, preserving large blocks of farmland, using best management practices to minimize the impact of farming activities on the environment, and supporting the purchase of agricultural Conservation Easements. The Multi-jurisdictional Comprehensive Plan of Walworth County: 2035 includes the vision for a strong agricultural resource base closely connected to resource-rich open space.

Walworth County is unique in two ways. The first is that there is County-wide zoning except in Bloomfield which is the only town to incorporated. The second is that most of the County was glaciated and very flat.

The County has a couple thousand acres that is rented out to farms as a revenue source. The state of Wisconsin has value use property taxes, so that farmland is taxed on the value of the crops not the value of the land.

Ms. Kolner asked for some clarification on the map that was handed out. Ms. Russell explained that the Agriculture Zoning is all of the land available for the States farmland protection tax credits and is also included in their Farmland Preservation Plan.

#### **McHenry County Presentation**

Mr. LaPorta explained that the McHenry County Agricultural Conservation Easement and Farmland Protection Commission (ACE) was created in 2006 to administer a program for the permanent protection of farmland. The Commission spent the first few years coming up with the qualifying criteria for the program. Mr. LaPorta mentioned that right now between 60-70% of McHenry County is farmland or over 200,000 acres in about 1000 farms, averaging 200 acres per farm; however many of the commodity growers have thousands of acres. He stated that McHenry County's Comprehensive Plan projects that the County is at risks losing 15% of its farmland by 2030, which is approximately 46,000 acres of the richest farmland in the world.

Mr. LaPorta stated that according to the 2000 McHenry County Zoning Ordinance agricultural activities are allowed in Agricultural and Estate Zoning Districts. He mentioned that foods grown on-site can be sold on-site; however processed food requires a conditional use permit to be sold on-site. Mr. LaPorta explained that the County is currently working on changes to the zoning ordinance by drafting a Unified Development Ordinance which includes proposed changes that could impact agricultural activities within the County.

Ms. Beyer-Clow mentioned that due to the strong public interest, the Commission realized that local food was a topic that needed to be addressed but was not sure how local food fit in with farmland preservation. The Commission decided to investigate how creating a viable local food system actually connects with farmland protection, and how those two things interrelate. Therefore, the ACE Commission created a task-force which included members of ACE, the Environmental Defenders, Farm Bureau, Openlands, McHenry County Conservation District, the University of Illinois Extension Office, and some local food producers assigned with the task of conducting a local food and farmland assessment. Ms. Beyer-Clow explained that the assessment is looking at the supply by identifying the 83 local food producers in McHenry County and interviewing 73 of them. The task-force has also been looking at demand doing some sample surveys and using some other data that is available. She mentioned that the task-force is also doing land use analysis to identify some key factors of the area such as soils and current protected areas, to help determine where local farming may be appropriate in McHenry County. Ms. Beyer-Clow stated that the assessment will also include policy analysis, education, and identification of barriers, as well as make recommendation to help improve the local food environment in McHenry County. She stated that it is exciting to see that some of the recommendations that have been identified are already starting to take action within the County's Departments of Health and Planning and Development. She is hoping that some of the results of the assessment will be able to feed into some regional studies for the Chicagoland area.

Ms. Schumm asked if the assessment has looked at other local farm resources such as hay.

Ms. Kolner mentioned that the McHenry County ACE Commission is hoping to host a meeting for the farm community when the Unified Development Ordinance draft becomes public to gather the input and comments of those stakeholders.

Ms. Russell stated that the University Extension office of south-east Wisconsin publishes a farm atlas each year.

#### **4. BREAKOUT SESSION**

The attendees divided themselves into 2 small groups to discuss agricultural preservation topics. They were asked to discuss challenges to farmland protection programs and to brainstorm program ideas that Commissions would be able to implement.

## 5. IDEA SHARING

Each group shared what they had discussed with all of the attendees. The first group identified lack of financing, incentives, and legislative support as the main challenge for farmland protection programs. They also addressed education to elected officials, landowners, investors, general public and related professionals. They proposed the Commissions could host conferences, events, and grants to help with the educational efforts. They also recommended Commissions develop a strategic approach to the farmland protection programs by using market incentives and informal mitigation.

The second group also addressed that farmland protection Commissions need to better articulate the connection between farmland and ground water resources, because of the current drought situation farmland is a vital recharge area. The second group identified three main challenges; lack of funding, that many people see it as someone else's problem, and currently there is no development pressure. Some of the program ideas the second group presented were to look into mitigation ideas, to clarify the language for transfer of development rights so that they are legal in the whole state, working with developers that need to purchase LEED credits, trying to convert NIMBYs into activists, work with local environmental groups, research agriculture tax incentives for small farms, propose changes to zoning codes and subdivision regulations to encourage agri-business. Partnerships the second group identified were the health departments, economic development commissions or organizations, university extension offices, and local environmental groups.

## 6. ADJOURNMENT

Ms. Kolner thanked everyone again for attending the Joint Commission Meeting. She said that she was going to send out two emails to all of the participants within the next two weeks, one will be a short survey for the attendees for their feedback about tonight's meeting and the other will include any materials from the meeting so that they can be shared with those that were not able to attend.

# CHALLENGES

## 1 - LACK OF FINANCING / INCENTIVES

• legisLATE Support

### 2A - EDUCATING ELECTED OFFICIALS

### 2B - EDUCATING LANDOWNERS + INVESTORS

- OVERCOMING EASEMENT RESISTANCE  
DUE TO SHORT-TERM FINANCIAL & FAMILY  
CONSIDERATIONS

- OWNERSHIP + INCOME OPPORTUNITIES  
FLAT RATE RENT VS. % age CONTRACTS

### 3 - EDUCATING GENERAL PUBLIC

- IMPORTANCE TO FUTURE = Political LEVERAGE  
TOWARD LEGIS/INCENTIVES - AT LOCAL +  
REGIONAL + NATIONAL LEVEL.

## 4 COMMISSION

### EDUCATING RELATED PROFESSIONALS

- Trust Advisors/LAWYERS  
- REALTORS  
- Accountants  
- FIN PLANNERS

- EXPAND KNOWLEDGE - CONFS, GRANTS,

- STRATEGIC APPROACH DEVELOPMENT -

- Pressure on legislature for \$B

- ARTICULATE AG / UTR TIE-IN

- THINK OUTSIDE BOX  
- MARKET INCENTIVES  
- INFORMAL MITIGATION

## Challenge

\$\$\$

Somebody else's problem

No development pressure

Fear of having a government agency hold an easement  
option - Use a Land Conservancy agency as the  
agent to hold the easement

## IDEAS

Mitigation

TDR language  
(clarify legality)

LEED Projects

Convert Nimbys to Activists

Environmental Group (local)

Ag tax incentive for small farms

Better zoning codes for subs +  
Agri business

Health Dept on Board

Economic Development

Involve Extension Offices

**Southeastern Area Land and Water Conservation  
Tour  
Kenosha County**

The Southeastern Area Land and Water Conservation Tour will be held this year on Wednesday, October 17, 2012 in Kenosha County. Some highlights include:

- Touring the outstanding Uline facility with lunch in their magnificent administration building in Pleasant Prairie
- A preview of Kenosha County's newest West End Park
- Viewing of the results of the very successful Floodplain Buyout Program
- The ongoing renovation of Petrifying Springs Park.

The cost of the tour is \$25.00 per person. A formal invitation and tour agenda will be forthcoming in the near future.

Subject: Boss Family LLC and Barker site reclamation

:

From: "Tom Portle"

To: lolson4, famerson

Date: 08/16/2012 01:59 PM

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Louise and Fay,

Please find my cover –background information on the two sites we have discussed.

This comes with two attachments (will later be attached to audit findings letter).

These are for the Baker site and the Boss site.

**BACKGROUND:**

The Department is required by ch. NR 135 Wis. Adm. Code and s. 295.12 (3) Stats., to periodically conduct program review audits of all nonmetallic mining reclamation programs. Pursuant to ch. NR 135.47 (4), Wis. Adm. Code, these must be done at least once every ten years and a written compliance determination must be provided to the audited regulatory authority (RA).

Recently, on July 25, 2012 I performed a NR 135 Reclamation Program review audit for Walworth County. Of special interest during the field portion of this audit were two sites that have attracted controversy in the recent past. These were the Baker Site and the Boss Site. I was present at the Baker site during reclamation last September. As you are well aware, these two sites have been the subject of much attention and controversy of late.

As part of the performance review under NR 135.47 and in the context of program technical assistance as per NR 135.52 I am obliged to provide feedback regarding the aforementioned sites. I intended to provide the results of the NR 135 Program audit of July 25, 2012 in within the written compliance determination letter to Walworth County at the earlier possible time. However, unanticipated demands on my time have made this impossible to do so. The Department has 90 days, per NR 325.47, to complete the process and provide the County with the letter contain the audit findings and compliance determination.

**BOTTOM LINE:**

Instead, I have opted to address each of these sites as a “field finding report” - these will ultimately be included with the forthcoming NR 135 Reclamation Program compliance determination letter for the Walworth County NR 135 Reclamation Program.

Regards,

Thomas Portle  
Reclamation Specialist

## FIELD FINDING REPORT

August 16, 2012

**The Boss – active mine site**  
Walworth County

### BACKGROUND

On analysis of the circumstances of the Boss site I have concluded that most issues that have risen in the recent past (some to which I have been privy to due to citizen inquiries, information provided and other input.

### INITIAL COMMENTS

- The NR 135 Reclamation rule is silent on most operational and land use matters and I have been awaiting the results of the permittee and the CUP hearing before formulating what is appropriate from the point of view of the WDNR and NR 135. An on-going but important challenge is the separation between zoning (CUP) requirements and reclamation requirements per NR 135 and county applicable reclamation ordinance.
- Complaint was addressed through proper channels. Most of the land use issues, storage of improper materials or operational acts that may not have been included in the original CUP have been addressed in due course and are being addressed.

### Drivers for my involvement:

- Complaint from Mr. Ron Piening of Delevan
- Conversation with former State Senator Jim Baumgart (Original author of statute enabling NR 135 Reclamation rule.
- Additional conversations with Ron Piening
- Conversations with Wayne Renenus (Town Board);
- Discussion with Matt Weidensee; obtained background on more about the permitting history and the actions that the county is taking with regard and review of requirements/documentation provided to Boss Family LC by Mr. Weidensee.
- Discussion and site visit to the Boss Townline Road site accompanied by with Fay Amerson July 25, 2012.

### OBSERVATIONS:

- I observed removal of timber matts, the distribution of topsoil for the purpose of site reclamation and areas that have been planted in the last few months.
- Obtained and reviewed copy of here letter stating reclamation ordinance requirements to ensure requirements in the existing permit and the Walworth County Nonmetallic Mining Reclamation Plan and ordinance. (covers detailed requirements for the standpoint of the NR 135
- I observed nothing, from the reclamation point of view, at the Boss Family, LLC site that appeared out of the ordinary when compared with many similar mines in the region and the state. **I was mostly concerned about the lack of minimizing the area disturbed and the lack of due diligence** in following the reclamation plan which requires contemporaneous reclamation – ALSO REQUIRED BY Chapter 295 State. Stats.

### CONCLUSION:

- Ms. Amerson provided detailed requirements for the standpoint of the NR 135 reclamation program, the amendments to the reclamation plan that may be necessary and I believe a clear

signal that contemporaneous reclamation needs to be promptly pursued in accord with the phased approach to the mining operations and reclamation plan and applicable zoning permits, rules and state and County reclamation rules.

- I have concluded that nearly all issues at the site are NOT under the jurisdiction of the stat NER 1325 Reclamation Program but are clearly issues best addressed under zoning.
- However, there are certain on-going issues related to top NR 35 and to the NR 135 reclamation permit issued by Walworth County. Specifically, these entail the failure to perform contemporaneous reclamation and minimize the area disturbed at any on time during the extraction, processing and or storage of nonmetallic minerals.

**REMARK:** Having said that, I as pleased to see the reclamation work that had been done and would expect that phased reclamation would be in a rough balance with site development and operations in the future as a matter of course not requiring letters and inspections to facilitate what is already a requirement and should be undertaken as a matter of curse. and a commitment's concern were vehicle tracks going up and down

Thomas Portle  
Reclamation Specialist

## FIELD FINDING REPORT

August 16, 2012

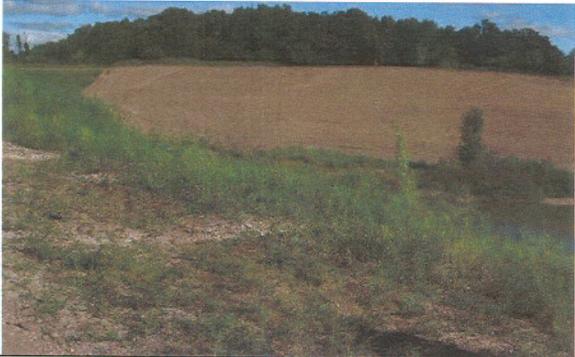
### The Baker – reclaimed former mine site Walworth County

I had previously visited the Baker sit in Walworth County on September 6, 2011. Purpose: Both in response to a complaint I had received from an aggrieved citizen (in this case it happened to be the property owner), and at the request of Walworth County: to provide technical assistance as per NR 135.52 (1). Additionally I had received a complaint from

My second site visit was during the July 25, 2012 Walworth County NR 135 Reclamation Program review.

On that day I had both the opportunity to view reclamation progress at the site but also to be available to provide technical assistance as per NR 135.52 (1), if requested, by the County. Further this was done as part of a routine, periodic NR 135 Reclamation program audit. It afforded a chance to view a reclamation success evaluation<sup>1</sup> at this site and to inspect similar previously reclaimed sites to ensure compliance with the uniform statewide reclamation standards contained in subchapter II. of NR 135 Wis. Adm. Code.

(Please see below photos).

2011	2012
<p>Reclamation, slope stabilization and revegetation activities were taking place during my site visit in September 6, 2011.</p> 	<p>The below shots were taken during the NR 135 Reclamation program review on July 25, 2012.</p> 
<p>Above and below shots taken while reclamation activities were in progress.</p> 	

<sup>1</sup> County performs a final site inspection while considering the issuance of a Certificate of Completion (COC). This field inspection is to confirm site reclamation and overall success in achieving the approved post mining land use is a necessary part of the process through which the County may the COC.

2011 site overview.	2012 site overview.
2012 close-ups of erosion mat and vegetation.	
 <p data-bbox="142 761 776 929">Nurse crop planted last year is still and has worked to promote site stability and cover for emerging seedlings. With recent rain after protracted drought – one can observe the emergence of plants that were contained in the approved WisDOT seed mix.</p>	 <p data-bbox="808 793 1425 857">Erosion mat still visible and appears effective in stabilizing the site during the period of revegetation.</p>

**CONCLUSION:**

As part of the NR 135 program audit and as the result of the reclamation I observed in the field on July 25, 2012 it appears reasonable advisable for the county to issue a COC for this site. There was no question as to the overall stability and therefore overall-safety. Vegetation is doing well despite drought and looks to be improving in response to belated precipitation. It appears that the reclamation work in 2011 at this site has achieved its objective with the former mine site having been restored to a productive and stable state and a productive post mining land use. .

**REMARK:** Of concern were vehicle tracks going up and down the slope. This practice increases the risk of forming rills and eventually erosion gullies in the future.

Thomas Portle  
Reclamation Specialist

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## Hackmatack Named Chicago Region's First National Wildlife Refuge

Chicago - 08/15/2012

The creation of a new [Hackmatack National Wildlife Refuge](#) is "a wonderful chance for millions of people in the Chicago and Milwaukee area to get outdoors and enjoy nature," Beth White, Chicago Director of The Trust for Public Land, said today.

Her comments came shortly after the announcement by Interior Secretary Ken Salazar that the Interior Department had approved the addition of the Hackmatack refuge to the nation's system of National Wildlife Refuges.

"Creation of this refuge on the Illinois-Wisconsin border will help protect a beautiful landscape of prairies, oaks, and pristine streams, and would be the first refuge in the greater Chicago region," Ms. White said. "It is within an hour's drive for the 12 million people who live in the region between Chicago, Milwaukee, and Madison, Wisconsin."

"Today's announcement began with strong support from local residents of the area which will be covered by the Hackmatack NWR," said Ms. White. "We look forward to working with Friends of Hackmatack and other supporters to help protect this property in the years ahead."

Salazar's announcement came after a review by the Fish and Wildlife Service. The FWS will use a variety of tools to protect the area, including the purchase of land from willing sellers using the [Land and Water Conservation Fund](#) and other federal and non-federal sources; agreements with landowners, known as easements, that protect the conservation value of the land; and private stewardship agreements aimed at creating contiguous natural corridors. These options would protect the rights of the private landowners while providing unparalleled benefits to the public.

The Hackmatack National Wildlife Refuge became possible through the work of an array of local, regional and conservation organizations, chiefly Friends of Hackmatack, the local citizens whose vision and work was the project's impetus; Openlands; the Illinois chapter of the Sierra Club; and The Trust for Public Land.

The Hackmatack project area is part of President Obama's America's Great Outdoors initiative to develop a 21st century conservation and recreation agenda. The Land and Water Conservation Fund is the federal government's main source of money for protecting land. It is funded by royalties paid by energy companies in exchange for oil and gas extraction from federal offshore leases.

The Trust for Public Land is a national conservation organization which protects land for people to enjoy as parks, gardens, and natural lands. Founded in 1972, The Trust for Public Land has completed more than 5,200 conservation projects in 47 states.

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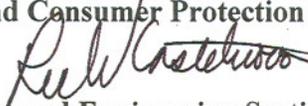
**Our Blogs:**

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**CORRESPONDENCE/MEMORANDUM** \_\_\_\_\_ **STATE OF WISCONSIN**

**DATE:** August 21, 2012

**TO:** Kathy Pielsticker  
Director, Land and Water Resources (LWR) Bureau, Department of  
Agriculture, Trade and Consumer Protection (DATCP)

**FROM:** Richard Castelnovo   
Resource Management and Engineering Section, LWR Bureau

**SUBJECT:** County survey of impacts related reductions in state funding

**Introduction**

This summarizes the results of a survey designed to gain better insight into 2012 and 2013 impacts of funding reductions for county conservation staff, and to identify areas where DATCP might provide targeted assistance (other than increased grant support) to meet county needs. In July 2012, DATCP sent all counties a survey by email, and after several follow-up contacts, we received responses from 67 of the 72 counties.

Whether through grant funds or other support, DATCP has a significant stake in the statewide conservation delivery system organized around county programs. County staff are the unquestioned hub that drives implementation of a diverse array of federal, state and local conservation programs including high priority initiatives such as Farmland Preservation Program (FPP). For all of their different responsibilities, county staff at their core are the boots on the ground to coordinate and deliver cost-share assistance from DATCP, Department of Natural Resources (DNR) and Natural Resources Conservation Service, as well as provide invaluable technical assistance to farmers. Counties are remarkably effective at leveraging the state's investment in staffing grants to bring in dollars that help landowners. From the survey, for example, we learned that the midsized county of Marinette with a staff of 6 brought in roughly \$1.5 million in 2012 for agricultural BMP's, invasive species control, habitat work, environmental education and hiring of LTEs. Many other examples can be found that prove this point.

The following summary is organized based on county responses to survey questions A, B, C, D and E. General comments provided in response to Question F are woven into the summaries for the first five questions.

**Questions A & B**

In 2012, counties confronted the prospect of declining funds on multiple fronts. More than a quarter of the county conservation programs experienced a reduction in funding from county levies, while about the same saw reductions in funding from federal and other sources. Stretched to the limit, county staff were resourceful in identifying sources of funding to maintain staff, but even with these efforts couldn't prevent layoffs, furloughs and other actions that diminished available staff. Four counties reported loss of staff due to layoffs, 8 reported a reduction in staff hours, and 8 counties lost staff through position consolidations. To avoid reducing staff, some counties pushed already stressed local officials to find up \$10-15,000 in local levy to make up for lost funding, while others diverted funds from programs such as county cost-sharing to make ends meet. Counties continued the trend of merging departments in the hope of some new efficiencies and cost savings.

In significant ways, farmers were directly impacted by these reductions. A number of counties have or will increase fees for manure storage permits, compliance checks and other services used by farmers. County staff are spending more time than ever looking for new funding, and when they find new funds, they are shifting staff time to activities such as invasive species that offer reliable sources of support. For a number of counties, frac sand mining has diverted their focus.

When counties are unable to devote the same level of staff time to assisting agricultural customers, farmers do not get full access to technical assistance needed to meet conservation requirements for FPP and available state and federal cost-share funds. Like farmers, state agencies will need to adjust their expectations about county capacity to implement state conservation priorities, and identify new pathways to promote successful implementation. With uncertainties about future funding for staff, counties may be reluctant to pursue TRM and other cost-share opportunities.

Looking to 2013, counties have fewer alternatives for coping with reduced funding, while they continue to anticipate funding reductions on multiple fronts. Thirty counties are preparing for reduced funding from levies, while 19 anticipate additional losses in federal and other grant funding. Counties have exhausted rainy day funds and other options of last resort, and now face the daunting task of managing reductions with only the most drastic options available. Few will be able to make the case for levy increases to cover costs, but some may be successful in pushing through fee increases that may fall mostly on the shoulders of local farmers. In addition to increased fees for manure storage permits, counties may look at fees for other services such as compliance checks and processing cost-share contracts. Recognizing that they cannot fully make up lost funding, a significant number of counties are considering more extreme measures to reduce staff. Fourteen counties are prepared to layoff staff and 26 are considering reduced hours for staff, either of which will also impact the local, rural economy of the county.

If implemented, these actions will have immediate impacts on the delivery of services by highly trained and experienced staff. In addition, the nagging doubts and insecurity over funding have had a demoralizing effect on departments and may lead to attrition among our next generation of conservationists and public sector agronomists. Counties that are fortunate enough to secure alternative funding will most likely perform less work related to agriculture. They may take on responsibilities once carried out by other departments in the county such as non-metallic mining, or receive outside support for non-agricultural activities such as invasive species control.

As much as any group, farmers will bear the brunt of the county response to reduced funding. Many will lose assistance needed to meet conservation compliance standards required to claim FPP tax credits. Lost in the mix is the elimination of county outreach that helps farmers prevent runoff problems before these turn into high stakes actions involving enforcement. No livestock farmer wants to receive a mailing from DNR containing a notice of discharge or a permit application for animal feeding operation under 1,000 animal units. Less obvious, but no less important, fewer county staff contacts with farmers undermines relationships and trust established over time, and this change will ultimately erode fundamental components necessary to achieve statewide conservation goals including soil erosion control, water quality protection, drinking water accessibility, and agronomic productivity.

### **Questions C & D**

As a result of reduced funding, counties will need the most help in the areas of engineering services, nutrient management (NM), and compliance activities. Ideally they would like increased

state funding to maintain their internal capacity in these areas, rather than receive external support to complete these activities. A few counties expressed an interest in the idea of regional staff that could support efforts of multiple counties in key areas such as NM. If counties received added support to carry out activities such as NM and engineering assistance, which they identified as critical areas where help is needed, they indicated that county staff could dedicate more time to FPP compliance monitoring.

**Question E**

Counties resoundingly stated that they do not need DATCP to make changes to facilitate the sharing of staff between counties. Many counties pointed out the challenges in sharing staff including the efforts in coordinating inter-county work and the risks in shortchanging one county's priorities in favor of another's.