

Walworth County Land Conservation Committee

MINUTES

November 18, 2013 – 2:00 p.m.

County Board Room 114 – Government Center

Elkhorn, Wisconsin

DRAFT

The meeting was called to order at approximately 2:01 p.m. by Chairperson Kilkenny.

Roll call – In attendance were Chairperson Kilkenny, Vice Chairperson Russell, and USDA Representative Bellman. Supervisor Schiefelbein and Citizen Member Badame were absent-excused. A quorum was declared.

Others present – David Bretl, County Administrator; Michael Cotter, Deputy Corporation Counsel/LURM Director; Louise Olson, Deputy LURM Director; Fay Amerson, Urban Conservation Specialist, and David Terrall, APHIS/USDA.

Approval of the agenda as amended to hear Item 6 last was moved and seconded by Supervisor Russell and USDA Representative Bellman, with no withdrawals, and carried 3 – 0.

Approval of the September 16, 2013 Land Conservation Committee meeting minutes were moved and seconded by USDA Representative Bellman and Supervisor Russell, with no withdrawals, and carried 3 – 0.

Public comment: None.

Discussion/Possible Action - 2014 budget approval – David F. Terrall- APHIS. Discussion of the 2014 budget by David Terrall. Approval of the budget was moved and seconded by Supervisor Russell and USDA Representative Bellman, with no withdrawals, and carried 3 – 0.

Discussion/Possible Action - 2013 crop price approval - David F. Terrall- APHIS. Discussion of the 2013 crop prices. Statement by USDA Representative Bellman to amend the field corn price to \$5.00. Approval of the crop prices as amended was moved and seconded by USDA Representative Bellman and Supervisor Russell, with no withdrawals, and carried 3 – 0.

Discussion/Possible Action - 5 year Cooperative Service Agreement - David F. Terrall- APHIS. Discussion of the 5 year Cooperative Service Agreement. Approval of the agreement was moved and seconded by Supervisor Russell and USDA Representative Bellman, with no withdrawals, and carried 3 – 0. The agreement is signed by Chairman Kilkenny.

Discussion by David Terrall regarding crop damage issues and questions.

Draft

Discussion/Possible Action – Whelan Nonmetallic Mining Site (Whelan Farms LLC) Partial Reclamation Bond – Michael Cotter. Discussion by Michael Cotter to provide update to the Committee regarding status. Discussions regarding payment stages/performance bonding. Approval of the recommended 50/30/20 payment schedule and performance bond requirement was moved and seconded by Supervisor Russell and USDA Representative Bellman, with no withdrawals, and carried 3 – 0.

Discussion/Possible Action – General Discussion of Ordinance amendment regarding requested review of a determination - David Bretl. Proposed amended ordinance provided by Administrator Bretl. Discussion by County Administrator David Bretl regarding the proposed Ordinance amendment concerning the request for review of a determination requested under Chapter 68 of Wisconsin Statutes. Clarification requested by Chairman Kilkenny. Chairman Kilkenny requests an extension to next month on this issue to have a flow chart provided and input from other committees.

Chairperson Kilkenny did not have any announcements.

The next regular meeting of the land conservation committee was confirmed for Monday, December 16, 2013, 2:00 p.m.

Adjournment. On motion and second by USDA Representative Bellman and Supervisor Russell, Chairperson Kilkenny adjourned the meeting at approximately 3:01 p.m.

Respectfully submitted by Sheril Oldenburg, LURM Assistant.
These minutes are subject to approval by the committee.



Land Conservation Division 2013 Annual Report

Land Use and Resource
Management Department

- Secured funding of \$152,317 from the Department of Agriculture, Trade and Consumer Protection (DATCP) for staff salaries and support expenses.
- Secured funding of \$63,486 for cost sharing conservation practices from DATCP through the Land and Water Resource Management Plan.
- Expenses for the year of the state Aquatic Invasive Species grant totaled \$82,382. This is a 50% cost share grant; credit to the County was \$41,191 this grant had been extended into 2015. A reapplication of an Aquatic Invasive Species Grant was completed which will begin on January 1, 2013, running through December 31, 2015.
- Supervised conservation plans of 420 landowners enrolled in the Farmland Preservation program for 2013; of that 113 were spot checked.
- The number of participants who took the Farmland Preservation tax credit in 2013 (for 2012 tax year) was 302 which provided \$413,397 in tax credit to them.
- Received \$6,645, includes \$250 county administration costs from the Department of Natural Resources (DNR) to administer the Wildlife Damage Abatement and Claims Program.
- Secured a USDA cooperative agreement for technical assistance of \$7,782 for our efforts in the implementation of CRP.
- Received \$22,310 from reclamation permit fees to administer a Nonmetallic Mining Reclamation program. An additional \$3,180 was collected/transferred to the DNR. A loss to the county with this program due to large operator bankruptcy & other legal concerns has totaled to \$16,610.83.
- In conjunction with FSA and NRCS, administered the Conservation Reserve Enhancement Program (CREP), providing \$2,473 to Walworth County landowners in cost sharing (incentive and cost share) in 2013 and \$207,709 since its inception in 2002.
- Erosion Control and Stormwater permits issued totaled 412 bringing \$104,911 in revenue. There were 354 erosion control/Stormwater site inspections with 4 citations and 33 notices issued. Each month a report is provided to the municipalities of the site inspections, appointments, citations/notices issued.
- Provided technical assistance to the Walworth County Lakes Association through information and education including attending meetings, procurement of qualified speakers, pontoon classrooms, handouts, press releases, and newsletter articles.

- Provided a diverse number of conservation related handouts to landowners and businesses at 2013 outreach programs including Pontoon Classrooms, Boater Safety Classes, watercraft inspections, Invasive Species talks, various workshops, and an Invasive Species office Display.
- Aquatic Invasive Species (AIS) Control and Prevention included outreach to approximately 350 people through 12 workshops, presentations and trainings; 13 contacts with plant nurseries, pet stores and bait dealers. Watercraft inspections were conducted at launches throughout the County. A total of 552 watercraft were inspected and 1,082 individuals were educated about AIS and methods to prevent their spread. In 2013 there were also approximately 2,529 AIS educational handouts distributed. In addition, various lakes were monitored for zebra mussels, spiny waterflea, yellow floating heart and sacred lotus. Two aquatic plant management plans are in the process of being produced for under-served lakes.
- As part of a multi-governmental effort, assisted in the mapping for the 13th annual Walworth County Prairie Walk.
- Prepared and advanced a County Board Resolution adopting another Aquatic Invasive Species Grant.
- Continue to conduct Transect Survey on 814 sites.
- Provided technical assistance to the Kettle Moraine Land Trust & Geneva Lakes Environmental Agency
- Memberships – Fay Amerson is a member of the Mukwonago River Initiative and the Coalition of Walworth County Conservation Organizations and Land Trusts.
- Granted through DNR – 2 Grants: Stormwater/ Municipalities and Lake Protection/ Groundwater, these grants are for 2 years at a 50% reimbursement to obtain specific goals.

Practices Installed in 2013

Installed in 2013 through all programs technical support was given:

25,723 acres	Nutrient Management
5 acres	Waterway Systems
1,300 feet	Diversions
8,500 feet	Terrace Systems (includes 1,500 feet of repair)
1	Underground Outlet
105	Conservation Compliance - FPP
2	Barnyard Runoff Systems
21/5760 acres	Conservation Plans/Revisions
814	Visual Inspections

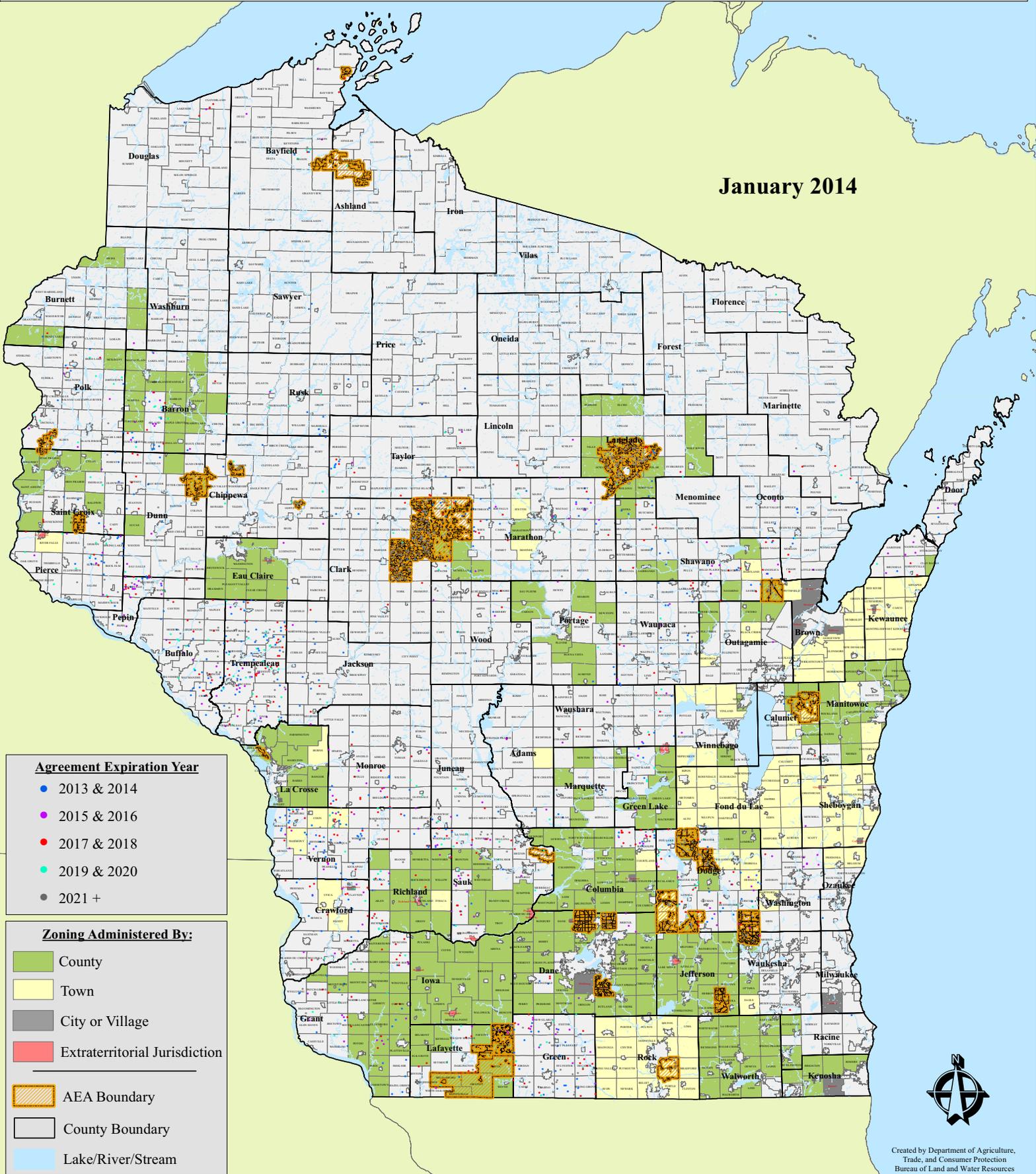


Practical Solutions

*The filter strip acres installed in 2013 will decrease sediment by **114 tons**, Phosphorus, by **236 pounds**, and Nitrogen by **129 pounds**.

Farmland Preservation Program Participation

January 2014



Created by Department of Agriculture, Trade, and Consumer Protection
Bureau of Land and Water Resources

DATCP REPORT

February 2014

DATCP SWRM Grants

- DATCP received \$2.2 million in requests from 60 counties to extend Bond and SEG cost-sharing from 2013 to 2014. This year DATCP required electronic submission of requests. DATCP also received extension requests from cooperators.
- The Joint DATCP/DNR Nonpoint Source Grant Application for Calendar Year 2015 was released and is available [online](#). The county grant application includes the revised staffing grant formula presented to the LWCB in December 2013. New for 2015, counties and others can apply to DATCP for funding to provide farmer nutrient management training.
- The SWRM grants program is updating forms and issuing guidance to implement the revised ATCP 50. This information is available [online](#).
- To continue Lean Six Sigma project success that reduced the time for internal review of inter-county transfers from an average of 10 calendar days to less than 2 days, DATCP will extend the deadline for filing transfer requests to December 1st of the grant year.

Land and Water Conservation Board and Land and Water Resource Management Plans

- The LWCB elected new officers for 2014. Mark Cupp and Tom Rudolph will continue to serve as Chair and Vice Chair, while Chuck Wagner will assume the duties of Secretary.
- County conservation departments should expect to receive the 2013 County Activities Report survey in mid to late February. The survey is a reporting element required by ATCP 50.
- In reviewing extension requests at its February meeting, the LWCB recommended that several counties improve procedures for monitoring and evaluating progress in implementing LWRM plans when the counties are required to revise their plans.

Livestock Facility Siting

- The Wisconsin State Senate confirmed the appointments for five of seven members of the Livestock Facility Siting Review Board (LFSRB). A hearing was conducted for the remaining two members, and their confirmation is anticipated.
- DATCP will present an update on the livestock facility siting rule to the ATCP Board on February 19th and the LFSRB on February 28th.
- In 2014, DATCP will conduct a four year review of the siting rule as required under s. 93.90, Stats.

Agricultural Enterprise Areas (AEAs)

- DATCP is now accepting petitions for 2014 AEA consideration. Petition materials, including detailed instructions and petition forms, are available [online](#). Completed petitions are due **March 31, 2014**. Petitions must be completed jointly by local landowners and local government officials. Prospective petitioners should notify the department of their intent to apply.
- A bill that would increase the cap on AEAs from 1,000,000 to 2,000,000 acres was introduced to the Senate on December 11th. The bill was introduced by Senators Harsdorf, Shilling, and Leibham and cosponsored by Representatives Nerison, A. Ott, Smith, LeMahieu, Strachota, Ballweg, Marklein, Petryk and Vruwink. The bill was referred to the Senate Committee on Agriculture, Small Business, and Tourism, who conducted a public hearing on January 30th. Bureau staff attended the hearing to respond to questions.

Farmland Preservation

- DATCP's 2011-2013 Biennial Farmland Preservation Program Report is available for review on the [DATCP website](#).

- DATCP plans to provide informational materials about FPP programs, CREP, and the Grazing Broker Initiative at Pheasant Forever's "Pheasant Fest" in Milwaukee during February 14th-February 16th.
- Farmland Preservation staff contacted local zoning authorities regarding required reporting of rezones. According to state law, zoning authorities must submit a report of lands zoned out of a certified farmland preservation zoning district to DATCP by **March 1st**. Failure to submit a report may result in DATCP withdrawal of certification of the farmland preservation zoning ordinance. For more information, contact Alison Volk at Alison.Volk@wisconsin.gov.

ATCP 50

- The final draft of ATCP 50 cleared legislative review. Following publication in the administrative register, the revised rule is scheduled to become effective on May 1, 2014.
- DATCP is planning outreach efforts to explain changes and new rule provisions in ATCP 50. Staff will be available to answer questions at various statewide events, and guidance documents and other materials will be posted to the department's website in the coming months.

Nutrient Management (NM)

- NM Staff are available to assist counties with any farmer nutrient management planning, 590 restriction mapping, or NM "Train the Trainer" training you would like to conduct this winter. Please contact a NM staff member to schedule your sessions: Sue.Porter@wi.gov, Mark.Jenks@wi.gov, or Stephanie.Schneider@wi.gov
- Nutrient management staff have been working with WI DNR to provide information through a series of webinars about Adaptive Management and Water Quality Trading to agricultural and municipal stakeholders, and the public.
- Nutrient management staff plan to attend the WI Dairy Business Association's "Access Symposium" on February 18th to provide information about nutrient management and conservation engineering to agricultural producers.

Staff Updates

- Keith Foye was selected as Bureau Director for the Bureau of Land and Water Resources. Keith has spent his entire 38-year career working in soil and water conservation. He first began his career as a county conservationist in Clark County before joining DATCP in 1988 as a land and water planning analyst, and was later named the agency's land management chief in 1992. Congratulations, Keith!
- Scott Karel was hired on January 6th, 2014 to work in the Land Management Section of the Land and Water Resources Bureau. Scott will work on certification of farmland preservation plans and ordinances, administration of PACE easements, and regulatory cost-sharing. Scott comes to DATCP after working for the Wisconsin Farmers Union and Pheasants Forever. He has a law degree from Hamline University in St. Paul. Welcome, Scott!
- Bob Battaglia recently joined the bureau as a new LTE for the Agricultural Impact Statement program. Bob comes to the Bureau with a long career background in agricultural statistics and will provide a broad level of support to the AIS program. Welcome, Bob!

Training

- DATCP and WLWCA have a scheduled a free, day-long training session on **Thursday, February 27th** at the DATCP building in Madison for new county conservation employees. Representatives from DATCP, DNR, NRCS, and WLWCA will be on-site to present information about agency programs and answer questions. To register, contact Brooke Weber at brooke@wlwca.org. There are plans to hold another new employee training in fall, dependent upon county interest.

Links Referenced Above:

- http://datcp.wi.gov/Environment/Land_and_Water_Conservation/SWRM_Grant_Program_Working_Manual/Allocation_and_Other_SWRM_Functions/index.aspx
- http://datcp.wi.gov/Environment/Land_and_Water_Conservation/SWRM_Grant_Program_Working_Manual/index.aspx
- http://datcp.wi.gov/Environment/Working_Lands_Initiative/AEA/Petition_Materials/index.aspx
- <http://datcp.wi.gov/uploads/Environment/pdf/FarmlandPreservationBiennialReport2011To2013.pdf>

Assembly Park Subdivision – Permeable Paving Project -- Town of Delavan

Assembly Park Subdivision is an existing residential community on the shore of Delavan Lake with over 200 homes. The subdivision was developed in the 1900s. The roadway system is privately-owned and maintained by the subdivision association. The subdivision association explored and selected a permeable pavement system to replace over 2.6 miles of the deteriorating asphalt roadways through the subdivision.



Project Engineer: Rachel Tranel, PE., Collins Engineers

Project Contractor: Prairie Tree Landscaping
Pavers: Unilock – Eco-Optiloc Permeable Pavers

Grant Funding: WDNR Lake Protection Grant
Grantee: Delavan Lake Sanitary District

Project Starting Date: November 2013
Expected Completion Date: April 1, 2014 or sooner

Project Estimated Cost: To Be Determined



Permeable Pavement System:

Permeable Paver with joints of graded crushed angular stone; ¼" chip.

Paver setting bed, (1" depth) 3/8" stone.

Permeable Base, (12" depth): 1" clear limestone aggregate.

Approx. 30 Limestone Drywells: 2 to 6 feet deep to existing sand and gravel, filled with 1" clear limestone, wrapped in non-woven geotextile fabric.

Overflow drains and paver lined flume.

Walworth County Nonmetallic Mining Reclamation Program

2013-2014 Report



There are 25 active mining sites in Walworth County, covering approximately 1500 acres. Sand and gravel aggregate are mined and processed from all mining sites, except for one site, which is a hard rock limestone reserve.

Walworth County Nonmetallic Mining Reclamation Ordinance:

Chapter 26, Article VI, of the Walworth Co. Code of Ordinances.

Wisconsin Statutory Authority: Wis. Stats §295.13(1) & NR 135 of the State Administrative Codes.

All nonmetallic mining sites must have a County-approved Reclamation Plan, a Reclamation Permit and maintain financial assurance in form accessible to Walworth County in the event an operator defaults and does not perform the agreed-to reclamation.

2014 Reclamation Permit Renewal: Permit renewal fees are due January 31, 2014. All operators have renewed their Reclamation Permits, with the exception of 5 operators.

Mining Site Inspection: In 2013, all mining sites were inspected for compliance with reclamation plans and compliance with County zoning standards and conditional use permits, where applicable.

Permit Transfers: On or about April 15, 2013, B.R. Amon and Sons, Inc. was ordered into receivership by the Walworth County Circuit Court. B.R. Amon and Sons owned and operated four mining sites and leased and operated an additional four mining sites in Walworth County. It is anticipated that all eight mining sites will have new operators in 2014. The reclamation permits for these mining sites must be transferred to the new operators for mining to resume.

Reclamation Plan Revisions: In 2013, Reclamation Plan revisions were approved for 2 mining sites, (Boss Enterprises and JHGKL, Inc.) A revised reclamation plan for the Whelan Farms, LLC Mining Site has been prepared. A public hearing on the revised reclamation plan is scheduled for February 20, 2014. It is anticipated that several reclamation plan revisions will be requested in 2014. This is based on the staff inspections conducted in 2013 and the anticipation of new operators for the mining sites previously operated by B.R. Amon and Sons.

Noncompliance Orders: The Reclamation Permit for the Jacobsen Mining Site, operated by Mann Brothers, was **revoked**. This operator failed to renew the Reclamation Permit in 2013 and failed to maintain financial assurance. An *Order to Comply* was issued to Whelan Farms Inc., (previously operated by B.R. Amon) to reclaim a portion of the mining site that was excavated beyond the area approved. The financial assurance covering this mining site was released to Walworth County and Whelan Farms to undertake the ordered reclamation.

Financial Assurance: The amount and the form of financial assurance will be reviewed by Walworth County for all mining sites with each operator in 2014. Adjustments to the amounts or the form will be ordered, if needed. Walworth County may claim the funds from the reclamation bonds to conduct contemporaneous reclamation on portions of the mining sites previously operated by B.R. Amon., if determined to be necessary.