

LAND CONSERVATION COMMISSION MINUTES

Thursday, August 16, 2018 • 5:00 p.m.

Eau Claire County Courthouse • 721 Oxford Ave. • Room 1277

Eau Claire, Wisconsin

Members Present: Robin Leary, Gary Gibson (arrived at 5:14 pm), Ray Henning (arrived at 5:40 pm), Ricky Strauch, Heather Deluka, Glory Adams, Dean Solie, Tami Schraufnagel

Members Absent: (none)

Staff Present: Greg Leonard and Amanda Peters (Land Conservation), Mark Hagedorn (UW-Extension)

Others Present: Jane Mueller, Aaron Wilhelm, Jody Wilhelm, Eleanor Wolf, Steve Strey, Charles Harschlip, Menno Otten, Rachel Kummer, Beth Ivankovic, Sue Waits, Kathy Tuttle, Kayleen Strauch, Bethany Strauch, Alvin Kohlhepp, Will Fantle, Joe Knight, Jeremy Gragert, Lorraine Henning, Tammy Smith Schroeder, Gail Halmstad, Libby Stupak, Kevin Stelljes, Dawn Gibson, Kate Beaton

1. Call to Order

Chair Leary called the meeting to order at 5:03 pm.

2. Confirmation of Compliance with Open Meetings Law

Leary confirmed compliance with the open meetings law.

3. Public Input Session (15 minutes maximum) – Discussion

Leary noted with the large number of people who wish to provide public input that the time for public input would be extended for this meeting, but reminded the public present that the 3-minute limit for each speaker will be observed.

Jane Mueller, Eau Claire County farmer, spoke in opposition to the proposed livestock moratorium.

Jody Wilhelm, Eau Claire County agronomy consultant, thanked Land Conservation for the recent Soil Health Workshop and spoke of the need for nutrient input, including manure's benefits, for crop production.

Eleanor Wolf, Eau Claire County citizen, spoke in support of the proposed livestock moratorium.

Steve Strey, Eau Claire County farmer, thanked the Land Conservation Commission for the Conservation Farmer Award and spoke in opposition to the proposed livestock moratorium.

(Gibson arrived)

Charles Harschlip, retired Dunn County farmer, spoke of the Dunn County livestock moratorium and the DNR's process for approval of CAFO operations.

Menno Otten, Eau Claire County farmer, did not wish to speak.

Rachel Kummer, Dunn County farmer, spoke of the Dunn County livestock moratorium, and reminded those present a moratorium is temporary.

Beth Ivankovic, Eau Claire County citizen, spoke in support of the proposed livestock moratorium.

Sue Waits, Eau Claire County citizen, did not wish to speak, but is in favor of the moratorium.

Kathy Tuttle, Eau Claire County citizen, did not wish to speak, but is in favor of the moratorium.

Kayleen Strauch, Eau Claire County citizen, did not wish to speak.

Bethany Strauch, Eau Claire County citizen, did not wish to speak.

Alvin Kohlhepp, Eau Claire County citizen, did not wish to speak.

Will Fantle, Eau Claire County citizen, spoke in favor of the proposed livestock moratorium.

Joe Knight, Eau Claire County citizen, spoke in favor of the proposed livestock moratorium.

Jeremy Gragert, Eau Claire County citizen, spoke in favor of the proposed livestock moratorium.

Lorraine Henning, Eau Claire County citizen, did not wish to speak, but is in favor of the moratorium.

Tammy Smith Schroeder, Eau Claire County farmer, spoke in opposition to the proposed livestock moratorium.

Gail Halmstad, Eau Claire County citizen, did not wish to speak, but is in favor of the moratorium.

Libby Stupak, Eau Claire County citizen, spoke in favor of the proposed livestock moratorium.

Kevin Stelljes, Eau Claire County citizen, spoke in favor of the proposed livestock moratorium.

Dawn Gibson, Eau Claire County citizen, did not wish to speak.

Kate Beaton, Eau Claire County citizen, spoke in favor of the proposed livestock moratorium.
(Henning arrived)

Leary asked if anyone else wished to speak. No one did. Leary asked if Mark Hagedorn would like to provide some comments.

Mark Hagedorn, UW-Extension, stated he has received 30-40 phone calls in relation to the proposed livestock moratorium. Farms and farming have experienced change in the state, but interestingly livestock numbers in Eau Claire County have not varied significantly over the last 50 years and have become static. It is important to understand both sides of this issue, but ultimately there is no room for fear or emotion in the development of public policy. Science and facts are needed to make well informed decisions. Education and taking time to discuss the issue are important. Everything said tonight has been right. Do we need a moratorium, do we need to send that message? That may be a step too far.

Leary again asked if anyone wished to speak. No one did. Leary thanked the public for their input.

4. Approve Minutes from July 16, 2018 meeting – Discussion/Action

ACTION: Motion by Gibson to approve the minutes as presented. Motion carried, 8-0-0.

5. Temporary Moratorium on the Expansion and Creation of Large-Scale Livestock Facilities Pending 12 Month Review Ordinance – Discussion/Action

MOTION: Motion by Schraufnagel to adopt the Temporary Moratorium on the Expansion and Creation of Large-Scale Livestock Facilities Pending 12 Month Review Ordinance. Leary opened the floor to the Commission for discussion.

DISCUSSION: Adams had concern that the moratorium only points to one group, large scale livestock operations, and does not consider operations which are smaller and contributing problems, or septic, or cash crop operations. Gibson also expressed the same concern that this is only pointing at one group and we need to look at the causes, which the Eau Claire River Watershed project does. Strauch agreed with the concerns expressed by Adams and Gibson, and that this moratorium will not address those other sources. Gibson added that the groundwater report addresses many of the issues brought up tonight, and there is a timeline in place. Solie agreed with Strauch and Gibson, and that animal agriculture is not the only source of concern. Nutrient management planning that the Land Conservation Division emphasizes is important and should be required for everyone. Gibson added that minimum lot sizes in subdivisions is being looked at for groundwater protection. Leary asked Leonard to explain the process for requiring nutrient management. Leonard explained the state currently requires a nutrient management plan on every cropland acre in the state, but we also must, by state rule, provide a valid offer of cost-share. We have limited funding available to do this from the state. Leary commented that there is also concern about groundwater quantity, and a moratorium will not address these issues. Schraufnagel commented that there is a need for a work group with, or without, a moratorium. Adam stated that several comments were heard tonight that about the concern of DNR's enforcement of the state rules and asked if there is a way for Eau Claire County Land Conservation to take over this. Leonard stated that contained within the groundwater report is the recommendation to incorporate the NR-151 Ag Performance Standards and Prohibitions into county code. This would then provide a way for the county to formally take on enforcement. Leary questioned if there was anything the LCC could provide. Leonard replied having enough staff is currently limiting, but our recent DNR grant application may help offset this by allowing an existing part-time staff to go to full time. Schraufnagel asked if UW-Extension could help with the study group tasks. Deluka asked what we currently have for protection within existing county code and other regulations if a large livestock facility wanted to be created today. Leonard explained that a new large livestock facility would likely need manure storage, and our Animal Waste Storage ordinance currently requires construction to meet the existing state and federal standards. The ordinance also requires development of a nutrient management plan to properly apply all manure from the facility. Areas within the county which are currently zoned have areas zoned as agriculture, and other areas zoned as rural residential. The areas not zoned as agriculture have limits on the number of livestock animal units which would prohibit large scale livestock facilities. Eau Claire County also has in place the Stormwater and Erosion Control ordinances which would regulate stormwater runoff from impervious surfaces

and construction site erosion. What is missing from existing county code is if a new livestock operation was created and this operation created “new” cropland by clearing areas which were not cropland before. Eau Claire County today does not have the requirement that this new cropland would be required to follow a conservation plan or nutrient plan, unless it was required under the Animal Waste Storage ordinance. These ordinances are Eau Claire County Land Conservation or Planning and Development Department responsibilities. Currently if there is a complaint to the DNR on the NR-151 standards, the DNR typically relies upon Land Conservation to assist on follow-up. Deluka asked how the moratorium would address runoff from an existing facility. Leonard explained how state rules typically require offering cost-share assistance to address existing facilities. Deluka asked if a son or daughter of a farmer came home and wanted to start farming on an adjacent piece of land, would this be considered an expansion of the existing farm and how would the moratorium affect them. Leonard explained this may, or may not, be considered an expansion, based on land ownership, if the land was contiguous, and manure management. Leonard provided on-screen examples of different possible scenarios. Leary asked if the moratorium would place challenges on staff resources. Leonard replied that staff are in the process of opening up and revising the Animal Waste Storage ordinance, with anticipated completion by June 2019, regardless if there is a moratorium or not. The revision will look at including the NR-151 performance standards and will explore livestock siting possibilities. Leary asked if there were any other questions or revisions to the motion. Hearing none, Leary called for a vote.

ACTION: Leary reminded the commission the motion is to adopt the Temporary Moratorium on the Expansion and Creation of Large-Scale Livestock Facilities Pending 12 Month Review Ordinance. Motion failed, 2-6-0.

6. Review Vouchers and Ledger Update – Discussion

July expenditures and revenues were reviewed. Eau Claire County has been collecting fees for Rain to Rivers from the other members. Land Stewardship funds were also reviewed.

7. Cost-Share Applications – Discussion/Action

The following Well Abandonment Cost-Share application was presented for approval:

John & Judy Staszczuk – Well Abandonment - \$262.00 (County funds)

ACTION: Motion by Gibson to approve the Well Abandonment Cost-Share Application. Motion carried, 8-0-0.

The following Nutrient Management Cost-Share application was presented for approval:

Walker Brothers – Nutrient Management Plan– \$12,800.00 (DATCP-SEG grant funds)

Peters explained most of the 2018 DATCP-SEG allocation is committed, but NMFE funds are still available.

ACTION: Motion by Strauch to approve the Nutrient Management Cost-Share Application. Motion carried, 8-0-0.

The following Best Management Practice Cost-Share application was presented for approval:

Perry Nelson – Stream Crossing - \$620.00 (County funds)

Leonard explained this is a small repair to the site which was visited by the LCC on their tour earlier this year.

ACTION: Motion by Adams to approve the Best Management Cost-Share application. Motion carried, 8-0-0.

8. DATCP and DNR grant updates – Discussion

Leonard provided an updated on the 2019 Joint Preliminary Allocation Plan, which includes grant funds from DATCP and DNR. DATCP staffing allocation will be slightly down due to the state funding formula. DATCP Bond Cost-Share funding will return nearly to previous levels as a result the resolution drafted by Eau Claire County to remove the NOD funding portion of the funding formula. DATCP SEG Cost-Share funding for nutrient management was maximized by Eau Claire County. For the DNR grants, the Small-Scale project ranked number 4 in the state, and for the Eau Claire River Watershed Large-Scale project, both Eau Claire and Clark Counties ranked number 2 in the state, as the two counties competed in different categories. The DNR grants seem as if they will be funded, but there is no official word yet. Because of this, these anticipated grants have not been included in the budget yet.

6:25 pm – Gibson and Schraufnagel excused themselves as they had another meeting to attend.

9. State of the Groundwater in Eau Claire County, Wisconsin – 2018 report – Discussion
This item was not discussed and will be discussed at the next meeting.
10. Budget discussions
Leonard mentioned previously under the grant updates that the DNR grants are not included in the budget yet.
11. Staff and Agency Updates
Mark Hagedorn, UW-Extension, reported that Farm Technology Days (FTD) 2020 planning continues.
12. Future agenda items
Follow up on the livestock moratorium and discussion of the groundwater report will be placed on the next LCC agenda.
13. Set date for next meeting
The date for the next LCC meeting was set for Thursday, September 20, 2018 at 5:00 pm in the Ag Center.
14. Adjourn
Leary adjourned the meeting at 6:32 pm.

Respectfully submitted,

A handwritten signature in black ink that reads "Greg Leonard". The signature is written in a cursive, flowing style.

Greg Leonard
Clerk, Land Conservation Commission