

Chippewa County Land Conservation
Committee Meeting
May 20, 2009

The meeting was called to order by the Chair, L. Willkom, at approximately 8:00 a.m. Members present were D. Boettcher, J. Brost, C. Cronquist, M. Goettl, S. Lane, E. Rineck, and L. Willkom.

Agency staff present at times throughout the meeting were T. Pauls (Asst. Corp. Counsel), W.H. Reynolds (Administrator), M. Dahlby, D. Masterpole, D. Nashold, R. Yohnk, and J. Schemenauer – Recorder, (LCD).

Others present were J. Turner.

Item #1 – Open Meeting. The Land Conservation Committee will Convene into Closed Session According to Wis. Statutes 19.85 to Deliberate or Negotiate the Purchasing of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session.

Motion to convene into closed session according to Wis. Statutes 19.85 to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: Boettcher/Brost. Roll call: Boettcher – Aye, Brost – Aye, Cronquist – Aye, Goettl – Aye, Lane – Aye, Rineck – Aye, Willkom – Aye. Motion carried.

•Reconvene to Open Meeting.

Motion to come out of closed session at approximately 8:45 a.m.: Goettl/Rineck. Motion carried.

Motion to:

1. Accept a written offer of land donation (on file), submitted by P. Peterlik, for the purpose of establishing a permanent conservation area for public use, located in the Southwest ¼ of Section 35, T30N, R7W, Town of Arthur, Chippewa County, using the authority of Wis. Stats. 92.07 and Sections 4.1 and 4.2 of the Chippewa County Stewardship Fund Policy & Procedures for Program Administration, and
2. Authorize the Land Conservation Department and Corporation Counsel to prepare all necessary legal work which may include an easement for ingress and egress, warranty deed, real estate transfer return, and execution of said documents by the County Administrator and County Clerk:

Lane/Rineck. Motion carried.

Item #2 – Public Wishing to be Heard.

J. Turner, Town of Bloomer, addressed the Committee. As a concerned citizen, she has attended meetings of the Non-Metallic Mine Ad Hoc Advisory Committee. She asked that the County clarify the process used to enforce the Chippewa County Solid Waste and Non-Metallic Mining ordinances, and the penalties invoked in circumstances when an ordinance has been violated.

D. Masterpole outlined the stepped enforcement process used in administering the solid waste and non-metallic mining ordinances. It was noted that the penalty cost of a citation, if issued to resolve a violation, is now set at \$50.00 - \$200.00. It was also noted that citations are rarely issued and only after voluntary measures to gain compliance are fully exhausted.

The Chair thanked Ms. Turner for her interest and continued participation in the process.

Item #2 – Approve Minutes. Review Summary of Conservation Plans/Contracts/Agreements.

The minutes of the 04/15/09 and 04/24/09 LCC meetings were presented Motion to approve the 04/15/09 and 4/24/09 LCC meeting minutes: Goettl/Boettcher. Motion carried.

Staff presented and the LCC reviewed a table titled: Conservation Reserve Enhancement Program (CREP) Contracts Completed for Approval in May, 2009, (LCD 5/09). The table shows the location of the field plan(s) developed by landowners to meet the requirements of State and Federal administrative rules, under the Conservation Reserve Enhancement Program (CREP). They are as follows:

<u>Landowner</u>	<u>Tract</u>	<u>Town</u>	<u>Range</u>	<u>Sec</u>	<u>Acres</u>	<u>Type</u>	<u>Eval.</u>	NR151
P. Nicolai Trust	T50196	T29N	R8W	5	1.9	15 Year	No	

Motion to accept the CREP field plan(s): Lane/Brost. Motion carried.

The Chair changed the order of the agenda.

Item #5 – Consider County and Municipal Responsibilities to Meet “Illicit Discharge” Monitoring Elements; Chippewa Falls Urban Area Storm Water Programs; Permit #WI-S050121-1.

D. Masterpole distributed and the Committee reviewed the following sections of the Chippewa Falls Urban Area, Storm Water Management Plan, (10/10/07):

1. Table 4 titled: Summary of Core Responsibilities of Cooperating Municipalities and Agencies under the Joint Permit and Associated Stormwater Management Program, (LCD 6/6/07). The table outlines the responsibilities of the county and those of the individual municipalities (Lake Hallie, Eagle Point, and Lafayette) as required to implement a storm water program for the Chippewa Falls Urban Area, under WPDES Permit #WI-SO50121-1. Major program areas are as follows:
 - Public Education and Outreach.
 - Public Participation.
 - Illicit Discharge Detection and Elimination.
 - Construction Site/Stormwater Ordinance.
 - Pollution Prevention/Water Quality Model.
 - Storm Sewer System Map.
 - Permit Reporting and Administration.
2. Map titled: Map 5 – Major Stormwater Outfalls and Roads Subject to Illicit Discharge Monitoring; Chippewa Falls Urban Area, (LCD 12/12/06). The map shows the location of major storm water outfalls, and the watershed areas and road ditch networks that convey storm runoff to each outfall.
3. Handout titled: Illicit Discharge and Elimination, (Pages 19-21, Chippewa Falls Urban Area, Storm Water Management Plan, (10/10/07). This section of the storm water plan describes the process used to establish an illicit discharge program and the procedures that will be used by the County and municipalities to maintain the program.
4. Table 2 titled: Results of the Illicit Discharge Detection and Stormwater Outfall Inventory Dry Weather Screening Process, (LCD 12/12/06). The table lists the major and minor storm water outfalls by subwatershed, describes the outfall, and provides the results of dry season monitoring, as documented for each outfall.

There was general discussion. Discussion focused on:

1. The responsibilities of the county and those of the municipalities in conducting annual outfall inspections (conducted by the county), and annual ditchline inspections (conducted by each municipality based upon road classification and custodial maintenance responsibility).
2. Activities that will be scheduled and conducted with the municipalities in 2009 to further implement and maintain the program.
3. The preparation and submittal of a detailed illicit discharge program summary to meet WPDES permit requirements.

S. Lane left meeting at 9:15 a.m.

Item #6 – Consider Outline of Management Issues Resulting from Meeting of Ad Hoc Advisory Committee on County Solid Waste and Non-Metallic Mining Ordinance.

D. Nashold distributed and the Committee reviewed a report titled: Report Summarizing Scope of Management and Ordinance Changes to Address Solid Waste Disposal and Recycling Issues at Non-Metallic Mine Sites in Chippewa County, (LCD 5/20/09). The report:

1. Provides a summary of management issues as they apply to non-metallic mining sites and the use of those sites for solid waste disposal, refuse processing, and recycling.
2. Outlines the charge of an ad hoc advisory committee of industry stakeholders and citizen representatives, formed in February, 2009, to identify issues of concern and management guidelines that will:
 - A. Better define acceptable waste management and recycling activities.
 - B. Improve ordinance compliance at non-metallic mines.
3. Outlines concepts that are recommended as a basis for improvement. They are as follows:
 - A. Site Management
 - i. Formally communicate with site operators and users to inform them of ordinance requirements and best management practices.
 - ii. Control unauthorized access and site security.
 - iii. Concentrate and manage specific refuse reprocessing, recycling, and solid waste disposal activities at select sites.
 - B. Communication and Rule Administration
 - i. Establish procedures for structured communication between site operators and regulatory authorities.
 - ii. Establish procedures for structured communication within permitting agencies, and between municipal, county, and state permit authorities.

- C. County Ordinance Amendment (Chippewa County Recycling Ordinance, Litter Ordinance, and Non-Metallic Mining Reclamation Ordinance).
 - i. Add definitions.
 - ii. Add list of best management practices, prohibitions, and performance standards for management of solid wastes and recyclables.
 - iii. Establish administrative process for the permitting of refuse processing, recycling, and solid waste disposal activities at select sites.
 - iv. Establish procedures for joint site reviews, concurrent decision making, and post-construction verification when multiple jurisdictions apply.

- 4. Recommends the next steps to be used to advance changes in the Chippewa County Non-Metallic Mining Reclamation Ordinance, the Chippewa County Litter Ordinance, and the Chippewa County Recycling Ordinance. They are as follows:
 - A. A listing of best management practices, prohibitions, and performance standards for the management and disposal of solid waste and recyclables at non-metallic mine sites will be compiled by the LCD and DNR staff.
 - B. This list will be forwarded to the ad hoc advisory committee for review and comment.
 - C. Upon receiving the comments, the list will be revised. A conceptual outline of administrative procedures and ordinance changes will then be prepared and presented to the Advisory Committee, the LCC, and the County Executive Committee.
 - D. If acceptable, the list of best management practices and prohibitions and the conceptual outline of administrative procedures will be used to draft ordinance amendments.
 - E. Ordinance amendments will be introduced following a standard process for public notice, public hearing, and ordinance amendment.

There was general discussion. Discussion focused on:

- 1. The issues as identified and the recommendations, as provided by the advisory group.
- 2. Responsibilities of the county in monitoring non-metallic mine sites.
- 3. The citation process and alternatives to streamline that process.

There was general agreement that the process to advance ordinance changes continue following the steps provided.

W. H. Reynolds left the meeting at 9:35 a.m.

Item #4 – Report on 2009 USDA Farm and Rangeland Protection Program and Policy Related Considerations if Applied Toward Current Farmland Protection Projects.

M. Dahlby distributed and the Committee reviewed a report titled: Staff Summary of Consideration of 2009 USDA Farm and Ranchland Protection Program to Assist With the Acquisition of the Proposed Farmland Protection Easement on the S. & K. Siverling Farm in Secs. 35 and 36, T31N, R9W, (5/20/09). The report provides the following information:

Project Background

S. & K. Siverling are working with the county, the West Wisconsin Land Trust, Inc. (WWLT), and the DNR to convey a conservation easement on approximately 295 acres to preserve agricultural land and to establish a public Fishery Management Zone on a portion of the property along McCann Creek to provide public access for hiking and fishing.

On 9/17/08, the LCC approved a Local Match Grant application, submitted by the WWLT to acquire a conservation easement on the property (\$50,000). The State has approved a stewardship grant application to be applied toward the project (\$140,000).

In March, 2009, the USDA-Natural Resources Conservation Service (NRCS) announced that grant funds are available to pursue agricultural conservation easements through the USDA Farm and Ranchland Protection Program (FRPP).

On 4/13/09, LCD, WWLT, and DNR staff participated in a teleconference with the coordinator of the USDA Farm and Ranchland Program (FRPP) to assess the potential of applying the USDA Farm and Ranchland Program (FRPP) to the Siverling Project.

As a result of this meeting, the staff has concluded that there are major factors which preclude the use of the USDA-FRPP for the project. They are as follows:

1. USDA-FRPP rules prohibit payment for the right of public access.
2. Easements obtained through the USDA-FRPP cannot include existing conservation easement areas. The property contains 16.4 acres of county-held CREP easements acquired on 3/18/03.
3. Easements obtained through the USDA-FRPP would not allow required DNR language relating to the fish management zone.
4. USDA-FRPP rules would prohibit the county from joining in the easement conveyance as a co-holder.

There was general discussion. Discussion focused on:

1. The location of public access areas to be established through the county/DNR easement.
2. The administrative requirements of the USDA-FRPP, and the limitations that these requirements present when attempting to apply the federal program in conjunction with the existing land conservation programs now administered in Chippewa County.

Item #7 - Present Annual Activities Reports; Recycling and Land Conservation

R. Yohnk distributed and the Committee reviewed a report titled: 2008 Annual Report of Recycling Activities Conducted by Municipalities in Chippewa County, (LCD – Recycling Program, 5/09).

D. Masterpole introduced and the Committee reviewed a draft report titled: Chippewa County Land Conservation Committee, A Report of Activities, 2008, (5/19/09).

M. Goettl left the meeting at 9:55 a.m.

Item #8 – Committee Communication.

D. Masterpole reported that the West Central Area Land & Water Conservation Association Summer Tour will be hosted by Dunn County on Friday, 6/12/09.

The next regularly scheduled LCC meeting is set for 6/17/09 at 8:00 a.m.

Motion to adjourn: Brost/Boettcher. Motion carried.

The meeting was adjourned at approximately at 10:00 a.m.