

Chippewa County Land Conservation
Committee Meeting
October 21, 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. Cronquest, S. Lane, E. Rineck, and L. Willkom.

Members absent were M. Goettl.

Agency staff present at times throughout the meeting were M. Dahlby, D. Masterpole, J.T. Jensen, and J. Schemenauer – Recorder, (LCD).

Others present were M. Fleming and K. Schmitt.

Item #1 – Approve Minutes. Review Summary of Conservation Plans/Contracts/Agreements.

The minutes of the 09/16/09 LCC meeting were presented. Motion to approve the 09/16/09 meeting minutes: Brost/Rineck. Motion carried.

Staff presented and the LCC reviewed a table titled: Conservation Reserve Enhancement Program (CREP) Contracts Completed for Approval in October, 2009, (LCD 10/09, on file). 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 |
|------------------|--------------|-------------|--------------|------------|--------------|-------------|--------------|-------|
| D. Burzynski | T7948 | T30N | R5W | 36 | 2.9 | Easement | Yes | |

Staff presented and the LCC reviewed a table titled: Chippewa County Farmer’s Fund Contracts, October, 2009 – Land Conservation Committee Review, (LCD 10/09, on file). The table shows the location of the field plan(s) developed by landowners to meet the requirements of state administrative rules, under the Farmer’s Fund Program. 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 |
|------------------|--------------|-------------|--------------|------------|--------------|-------------|--------------|-------|
| D. Burzynski | T7948 | T30N | R5W | 36 | 21.7 | Easement | Yes | |
| A. Steinke | T50248 | T29N | R7W | 16 | 11.3 | Easement | No | |

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

D. Masterpole reported that the LCD has been approached by the Jacob Leinenkugel Brewing Company to develop a business partnership to advance community-based water conservation efforts in Chippewa County.

D. Masterpole presented a \$10,000 corporate donation from the Jacob Leinenkugel Brewing Company to be applied toward a demonstration project to restore the natural functions of a drained wetland in the Little Lake Wissota watershed (T28N, R8W, Section 26). The project will be constructed in 2009 to pond water, increase groundwater recharge, and reduce the nutrient load to Frederick Creek and Little Lake Wissota.

Item #2 – Consider Draft Resolution to Accept Land and Pursue Options to Establish the Paul & Lillian Peterlik Wildlife Area, T30N, R7W, Section 35.

M. Dahlby distributed and the Committee reviewed a draft resolution titled: Resolution to Accept a Land Donation and Pursue Options to Establish the Paul and Lillian Peterlik Conservation Area, (on file). The draft resolution has been prepared to seek County Board authorization to:

1. Apply the appraised value of the property as the county's match grant contribution toward a future land conservation and public land recreational project.
2. Negotiate the terms of custodial management of the donated property, including the option of transferring title to the donated property to an appropriate public agency.
3. Develop and execute an agreement to convey this property to a custodial agency for the purpose of establishing the Paul and Lillian Peterlik Wildlife Area.

There was general discussion. Discussion focused on:

1. The significant environmental and community benefits resulting from the Peterlik donation.
2. The advantages and disadvantages of retaining the property under county ownership as compared to transferring the property to another public entity.
3. The type of outdoor recreational uses that are now allowed on the property and the measures that can be taken to assure public safety and avoid conflicts among user groups.

Motion to approve the proposed resolution, in principle, and to forward the resolution to the County Board, with allowance for language changes by Corporation Counsel to clarify intent: Brost/Boettcher. Motion carried.

Item #3 – Review 2010 Land Conservation Department Budget; Associated Staffing Adjustments, and Anticipated Program Service Reductions.

D. Masterpole and J. T. Jensen distributed and the Committee reviewed the following material (on file):

1. Table titled: Initial Budget Adjustments Made to the Land Conservation Committee’s Budget as Part of the 2010 County Budget Process, (LCD 10/21/09). The table shows adjustments made to the 2010 LCD budget after administrative review. The adjustments are as follows:

Department Requests Approved

| <u>Line Item</u> | <u>Budget</u> | <u>Description</u> | <u>Amount</u> |
|------------------|---------------|--|---------------|
| #100-17-54825 | Recycling | Add .75 time maximum hours for Recycling Coordinator | \$ 11,550 |
| #100-52-57417 | SWRM | Add .50 time state eng. rates for Environmental Engineer | \$ 11,342 |
| #100-52-57417 | SWRM | Add 1200 hours Eng. Coop student | \$ 20,040 |

Department Budget Reductions

| <u>Line Item</u> | <u>Budget</u> | <u>Description</u> | <u>Amount</u> |
|------------------|--------------------|---|---------------|
| #100-52-57417 | SWRM | Reduce .5 FTE (layoff) | \$ 39,039* |
| #100-52-57423 | Non-Metallic Mines | Disapprove 600 hour LTE | \$ 7,493 |
| #100-52-57425 | CREP | Disapprove 600 hour LTE | \$ 7,493 |
| #100-17-54825 | Recycling | Reallocate funds for 2’ contour mapping project | \$120,000 |
| #100-52-57425 | CREP | Reallocate funds for 2’ contour mapping project | \$ 40,000 |
| #236-52-57760 | Stewardship | Disapprove capital improvements request | \$100,000 |

*Permanent levy reduction

2. Spreadsheet titled: Recommended Program Adjustments and Service Cuts to Meet 2010 Budget Allocations – Land Conservation Department, (LCD 10/20/09). The spreadsheet outlines recommended program adjustments and service as follows:

| Program | 2009 Ranking | 2009 State or Federal Mandate | 2010 Budget Service Adjustments |
|---|---------------------|--------------------------------------|--|
| Ch. 92 Program Implementation | 1 of 12 | Yes | 1. Delay/Defer L&W Plan initiatives. |
| Farm. Preservation & Working Lands Cons. | 2 of 12 | No * | 1. Curtail FLP monitoring & spot checks. 2. Restrict/Limit new services to select ag producers participating in AEA pilot & biomass project(s). |
| Stewardship Fund | 3 of 12 | No | 1. End project planning support to NCO's. 2. Curtail land donation planning support to landowners. |
| Stream Corridor & Wetland Buffer | 4 of 12 | No | 1. End proactive recruitment (CREP). |
| Water Conservation & Pollution Control (Regulatory) | 6 of 12 | Yes | 1. Curtail livestock operation complaint response. (speed, freq.) 2. Curtail livestock operation enf. & tech. asst. (1-2 sites/yr.) 3. End 590 nutrient planning/training services. 4. Curtail 590 monitoring & spot checks. 5. End wetland delineation services (Hwy, NMM). |
| CF Urban Area Storm Water Program | 8 of 12 | Yes | |
| Disturbed Lands Rec. | 9 of 12 | Yes | |
| Water Conservation & Pollution Control (Voluntary) | 10 of 12 | No | 1. Delay/Defer until additional \$ & staff secured. |
| Community Outreach & Support | 11 of 12 | No | 1. End/Curtail youth education. 2. End/Curtail community events. |
| Recycling | 5 of 12 | Yes * | 1. End business evaluations. 2. End community event recycling support. 3. Advance MFR eval./feasibility study. |
| County Recycling Collection program (Clean Sweep) | 7 of 12 | No | 1. Curtail & consolidate collections. |
| City of CF Recycling contract | 12 of 12 | No | |

*Priority

There was general discussion. Discussion focused on:

1. The 2010 budget guidance and process.
2. Reductions in the LCD work force and associated conservation service cuts.
3. Resolution #33-90 as it pertains to the consolidation of the Forest & Parks Department with the Maintenance Dept., Hwy. Dept., and Land Conservation Dept.
4. The account balance in the Chippewa County operating Stewardship Fund, and the budget decision to not allocate funds in 2010 toward the County Stewardship Program.

S. Lane left the meeting at 9:25 a.m.

Item #4 – Consider Statutory Responsibilities, Service Costs, and Funding Options to Meet Requirements of Wis. Stats. 91, Farmland Preservation.

J.T. Jensen distributed and the Committee reviewed a summary titled: An Outline of Statutory Responsibilities, Service Costs and Funding Options to Meet Requirements of Wis. Stats. 91, Farmland Preservation, (LCD 10/21/09), (on file). The summary outlines the legislative changes to Wis. Stats. 91, effective 6/30/09, and the estimated time and LCC service costs to meet soil and water conservation requirements.

Statutory Responsibilities Chapter 91 Farmland Preservation

“Subchapter V Soil & Water Conservation

1. **91.80 Soil and water conservation by persons claiming tax credits.** An owner claiming farmland preservation tax credits shall comply with applicable land and water conservation standards promulgated by the department.
2. Compliance monitoring. (1) COUNTY RESPONSIBILITY. (a) A county land conservation committee shall monitor compliance with s. 91.80.
 - (b) For the purpose of par. (a), a county land conservation committee shall inspect each farm for which the owner claims farmland preservation tax credits under subch. IX of ch. 71 at least once every 4 years.
 - (2) NOTICE OF NONCOMPLIANCE. (a) A county land conservation committee shall issue a written notice of noncompliance to an owner if the committee finds that the owner has done any of the following:
 1. Failed to comply with s. 91.80.
 2. Failed to permit a reasonable inspection under sub. (1)(c)1.
 3. Failed to certify compliance as required under sub. (1)(c)2.
 - (b) A county land conservation committee shall provide to the department of revenue a copy of each notice of noncompliance issued under par. (a).
 - (c) If a county land conservation committee determines that an owner has corrected the failure described in a notice of noncompliance under par. (a), it shall withdraw the notice of noncompliance and notify the owner and the department of revenue of the withdrawal.
 - (3) PROCEDURE. The department may promulgate rules prescribing procedures for the administration of this section by land conservation committees.”

Service Costs

Table 1. Estimated Time and Costs to Provide Services

| Type of Service | Initial | | Annual | | Every 4 Years | | Noncompliance | |
|-------------------------|----------------|----------------|----------|--------------|---------------|--------------|---------------|----------------|
| | Hours | Costs | Hours | Costs | Hours | Costs | Hours | Costs |
| Process Application | 4 | \$200 | | | | | | |
| Conduct Farm Evaluation | 20 | \$1,000 | | | | | | |
| Achieve Compliance | <i>Unknown</i> | | | | | | | |
| Monitor Compliance | | | 6 | \$300 | 10 | \$500 | | |
| Issue Non Compliance | | | | | | | 40 | \$2,000 |
| Subtotals | 24 | \$1,200 | 6 | \$300 | 10 | \$500 | 40 | \$2,000 |

Funding Options Available to Offset Program Costs

- Option 1. Absorb new program costs through levy shifts or increases.
- Option 2. Adopt service fees to cover costs of program administration and public services.
 - a) Application fees.
 - b) Annual certification fees (per/acre).

There was general discussion. Discussion focused on the following:

1. The state soil and water conservation standards (NR 151) and the program framework and procedures now used by the LCC to administer those standards.
2. The service costs and use of service fees to meet state mandates.

Item #5 – Introduce Proposal and Project Design to Advance an Agricultural Enterprise Area (AEA) Pilot Project Under Wis. Stats. 91.84(1).

D. Masterpole distributed and the Committee reviewed a draft proposal titled: Working Draft of a Proposal and Project Design to Advance an Agricultural Enterprise Area (AEA) Pilot Project in Chippewa County, (LCD Draft 10/20/09), (on file). The proposal summarizes changes to Wis. Stats. 91, made as part of the 2009-2011 state budget process, and outlines a process that would be used by the LCC to advance a pilot project(s), under Wis. Stats., Chapter 91.84. A summary of the core content of the report is as follows:

Issue

- Significant changes have been made to Wis. Stats. 91 to update and reform the Wis. Farmland Preservation.
- To meet future demands for food, fuel, and fiber, the State now requires each county to identify blocks of productive “working lands” that should be planned and preserved to support ongoing agriculture and forest production.

Purpose

- A pilot project is proposed under Wis. Stats., Chapter 91.84. The pilot project will establish a local procedure that will be used to respond to petitions for agricultural enterprise areas (AEA), consistent with the requirements of Wis. Stats. 91.84.

Methods

- Develop an AEA pilot proposal and project design consistent with requirements of Wis. Stat. 91.84(1). Contact landowners and towns who have conveyed a formal interest to the LCC to sponsor a pilot proposal. Finalize a project design and budget.
- Enter Wis. Stats. 66.03 intermunicipal agreement or comparable contract that outlines the roles and responsibilities of each party, and the time and financial commitments toward the project.
- Initiate public information and education efforts to inform residents of the AEA pilot project and to solicit eligible farms and potential petitioners. Determine the extent of interest expressed by landowners, including a list of petitioners and the location of farmland preservation agreements that could be anticipated through the project.
- After considering the extent of expressed interest, determine the proposed boundary of the AEA. Develop and submit a petition meeting requirements of Wis. Stats. 91.84.
- If approved, document the staff time and public and private sector resources required to develop a farmland preservation agreement, and to achieve/maintain compliance with state soil and water conservation standards.

Project Time Frame and Schedule

- This pilot project will be implemented over a two year period (01/01/10 - 01/01/12).
- Project commitments will be sought to allow project applications to be submitted before 2/26/2010.

Core Assumptions of Project Design

- Participation in the AEA pilot project by a petitioning town and eligible landowners is voluntary.
- The public costs of planning and administering the pilot project will be incurred by the county and participating towns.
- The public costs of receiving and servicing applications for farmland preservation agreements, including the public costs of achieving and verifying compliance with state soil and water conservation standards, will be offset by program participants through a fee structure developed by the county.

Results and Product Deliverables

- Cooperative agreement between the county and town to participate in pilot project.
- AEA Map of the Agricultural Enterprise Area (AEA) and the associated petition.
- Farmland Preservation applications submitted under Wis. Stat. 91.64.
- Final project report.

Budget

- A two year project budget that outlines the costs and funding sources will be developed, within the limitations of existing funding sources.

There was general discussion. Discussion focused on:

1. The purpose of the pilot project and methods that will be established to implement the project.
2. Establishing a tentative fee structure that would be used to offset program costs of the revised Farmland Preservation Program.

Staff was directed to solicit feedback from potential program participants on a proposed fee structure, including an initial \$300 application fee and a \$.30 - \$.50 per/acre monitoring fee, to offset the public costs of achieving and verifying compliance with the state soil and water conservation standards.

Item #6 – Public Wishing to be Heard.

There was no public wishing to be heard.

Item #7- Committee Communication.

L. Willkom presented a letter from a representative of the Chippewa County Snowmobile Association withdrawing their support for Resolution #33-09, approved at the 10/13/09 County Board meeting.

The next regularly scheduled LCC meeting is set for 11/18/09 at 8:00 a.m.

Motion to adjourn: Boettcher/Rineck. Motion carried.

The meeting was adjourned at approximately at 10:30 a.m.