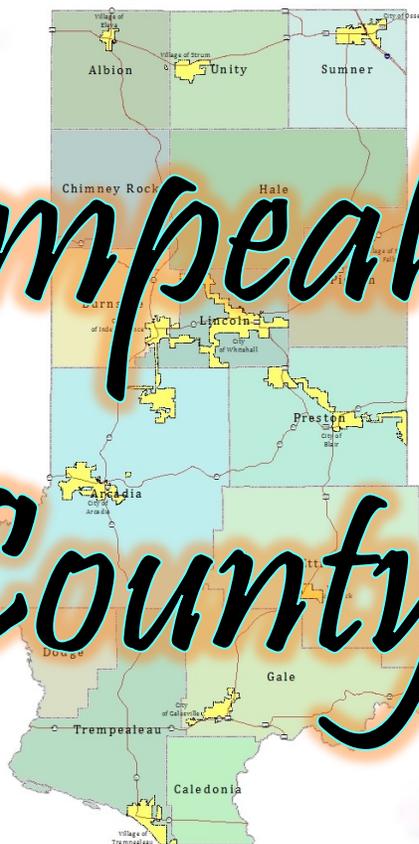


# Land and Water

# Resource Management Plan

# Trempealeau County



December 2016



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# PLAN SUMMARY

## Introduction

In 1997, Wisconsin Act 27 and 1999 Wisconsin Act 9 amended Chapter 92 of the Wisconsin Statutes requiring counties to develop Land and Water Resource Management plans. County Land and Water Resource Management plans were not intended to be just another planning document. Instead the plans were to be a process by which counties assessed their resource conditions and needs and would decide how best to manage their resources.

The 2016 Trempealeau County Land and Water Resource Management Plan (LWRMP), is being revised with the assistance of a Citizens Advisory Committee (CAC). This plan will serve for the next 10 years as the guide for Trempealeau County to protect and preserve the land and water resources of Trempealeau County. The 2016 Trempealeau County Land and Water Resource Management Plan (LWRMP) is an update to the original plans adopted by the Land and Water Conservation Board in 1999 and later updated in 2006 and 2011. In addition to the CAC, this plan revision was overseen by the County's Environment & Land Use Committee (E&LU Committee). Current land uses have been rapidly changing within Trempealeau County due to the rapid growth of non-metallic mining permits for Industrial Sand. Growth in industrial sand mining, increased housing demands and the loss of agricultural crop land has led to Townships revising their comprehensive plans to reflect the changes they are facing.

Trempealeau County has a rich tradition in valuing and protecting its natural resources. The plan revision also relied on public input from past land and water resource protection and preservation efforts. The following information was reviewed and considered during the revision process.

## Resource Assessment

### *Physical Characteristics and Geography*

Trempealeau County is located in west Central Wisconsin. The county is approximately 476,800 acres in size. Its boundaries are partially formed by four rivers: the Mississippi River on the south, the Trempealeau River on the West, the Buffalo River to the North and the Black River on the southeast. Trempealeau County has a humid, continental climate that is characterized by cold and snowy winters and warm summers with hot and humid periods.

Total internal surface water area in the county is 1600 acres (excluding the Mississippi River). Artificial millponds account for approximately 410 acres with streams and rivers accounting for approximately 1,190 acres. There are 25 streams in the county which are Exceptional Resource Waters (NR102) totaling approximately 59 miles. The county has 14 streams totaling 134 miles that are on the Wisconsin 303d impaired waters list. In 2016, 2 waters proposed to be on the Impaired list are 12 miles of the North Fork Beaver Creek for Total Phosphorus and 0.5 miles of Timber Creek for Degraded Biological Community.

Agriculture is by far the most prevalent land use in the County. Dairying and meat animal production together account for approximately 70% of Trempealeau County income.

### *Water Resource Assessment*

Results of well water tests over the past twenty-five years demonstrate increases of nitrate levels and detects of triazine. Results of well water sampling done throughout the county from 2001 through 2005 showed that 36% of the wells tested had nitrate levels above the state and federal public health standards. These results strongly suggest that the ground water quality of Trempealeau County has been affected by land use activities.

Non-point source pollutants are the primary cause of surface water quality problems in the county. Sources of surface water pollutants include: barnyard runoff, nutrient and sediment runoff from cropped fields, manure runoff from improperly stacked/stored animal waste, concentrated flow erosion from cropped fields and logging trails, ephemeral erosion from cropped fields and runoff from construction projects.

Computer modeling of soil particle transport and delivery to surface waters conducted for the three most recent watershed projects within Trempealeau County (Beaver Creek, Middle Trempealeau and Upper Trempealeau) indicate that within Trempealeau County, sediment generated by cropland soil erosion is a significant non-point pollutant. These three watersheds are representative of the entire surface area of Trempealeau County.

### **Plan Goals**

Based on input gathered through public meetings, committee meetings and review of past Land and Water Resource priorities, the following goals for our revised LWRM plan were addressed and grouped under four general category headings. The Department of Land Management (DLM) has used these goals as a foundation for the development of this plan. Objectives for each goal were developed from issues of concern that were identified. Chapter 3 contains specific objective items and action items for each identified goal.

Category 1 – Water Quality:

Goal: Protect the Surface Water Resources of Trempealeau County.

Category 2 – Land Resources:

Goal: Protect and Enhance the Soil Resources of Trempealeau County.

Category 3 – Non-Agricultural Land Management:

Goal: Manage Land Uses to Preserve Land and Water Resources of the County.

Category 4 – Forests and Invasive Species:

Goal: Encourage sustainable forestry practices that protect groundwater and surface water resources.

Goal: Protect forests from invasive species and pests.

### **Implementation Tools and Strategies**

A variety of voluntary and regulatory mechanisms are currently being employed within Trempealeau County to encourage or require compliance with the Agricultural and Non-Agricultural Performance Standards contained within NR151 and County Ordinances.

Strategies implemented to address land and water resource concerns include:

- Information and Education (Newsletters, outreach to landowners, farmers, schools, etc.)
- Interagency coordination (DATCP, USDA, UW Extension, Western Technical College)
- Identification of Priority Farms:
  1. Livestock facilities of any size that have an existing County Feedlot Permit but have not fully complied with State/County Performance Standards due to a lack of cost share funding necessary to require compliance with State Agricultural Performance Standards and Prohibitions (NR151). Livestock facilities located within a WQMA or draining to an Impaired Water shall be given priority consideration in the allocation of available cost sharing. DATCP provides approximately \$61,000.00 per year to cost share practice installation that will result in compliance with a State Performance Standard. The average cost to bring an existing Priority Farm into compliance with all of the State Agricultural Performance Standards is 100,000.00.
  2. Un-permitted livestock facilities that are required to obtain a County Livestock Facilities Permit after July 1, 2006, either because they are new facilities, or are existing facilities that are expanding by equal to or greater than 20% and after expansion shall be equal to or greater than 300 Animal Units.

3. Those livestock facilities that are required to obtain a County Animal Waste Management Storage Ordinance Permit.

Note: The definition of new and existing livestock facilities are those definitions contained within ATCP 51.

### **Funding and Plan Implementation**

The Trempealeau County Land and Water Resources Action Plan is derived from the goals and objectives described in Chapter 3 of the plan. It can be used by all personnel that work to protect soil and water resources in Trempealeau County. This plan also identifies agencies and personnel that will be involved in the implementation of the plan as well as projected costs associated with implementation. The Department of Land Management is the lead agency unless otherwise denoted. We assigned a high, medium or low priority to all activities listed. Those receiving a high level are a core function of the Department and we expect to fulfill those activities. Those receiving a medium rank are considered very important and we will make reasonable efforts to complete those activities. Low priority rankings are highly unlikely to be addressed.

### **Evaluation and Monitoring**

Trempealeau County has a Geo-database system to track compliance with State/County Agricultural Performance Standard(s) on a parcel specific basis. This tracking system will also by tax parcel identification, track animal waste storage permits, livestock facility permits and non-metallic mining permits.

Through the use of Annual Accomplishment Reports, financial data, installed practices, pollutant data, information and education activities and NR151 compliance, will all be reported to DATCP, DNR and other agencies as required.

## CHAPTER 1: INTRODUCTION AND BACKGROUND

### County Land and Water Resource Management Plan Concept

In 1996, Wisconsin Association of Land Conservation Employee's (WALCE) throughout Wisconsin proposed the County Land and Water Resource Management Plan concept in response to draft state agency recommendations for redesigning Wisconsin's nonpoint programs. The concept was promoted by the Wisconsin Land and Water Conservation Association (WLWCA) and the State Land and Water Conservation Board (LWCB) during state legislative deliberations in the spring and summer of 1997. State mandated County Land and Water Resource Management (LWRM) plans became a central theme of landmark state legislation signed into law in October, 1997, as part of Wisconsin Act 27.

Since the last revision to the Trempealeau County Land and Water Resource Management Plan, on December 9, 2011, the **Wisconsin Land and Water Conservation Association (WI Land+Water)**, a conservation non-profit organization, which at the time represented the 72 county Land Conservation Committee (LCC) members, approved merging its organization with the **Wisconsin Association of Land Conservation Employees (WALCE)** that represented the county professional land and water conservation staff supervised by their LCC. On March 1, 2012, WALCE also approved merging with WI Land+Water. The combined organization retained the parent name of the Wisconsin Land and Water Conservation Association and created by-laws that gave supervisors and staff equal representation on its Board of Directors. The primary reason for the merger was the recognition that state commitment to conservation was diminishing despite the best efforts of the two individual organizations. It was felt that a combined organization was needed to raise the profile of locally-led conservation and better advocate for expanded resources for counties to meet increasing natural resource threats.

County Land and Water Resource Management Plans were not intended to be just another "planning document". Instead, the Plans were to be a "process" by which counties assessed their resource conditions and needs and would decide how best to manage their resources. County Land and Water Resource Management Plans were intended to:

- Develop a seamless approach between resource conservation program(s);
- Focus on the conditions of local land and water resources;
- Incorporate existing plans, such as the area wide water quality plans;
- Identify local soil erosion and nonpoint pollution problems and priorities;
- Develop a multi-year work plan for addressing resource concerns;
- Provide a mechanism for partnering with other agencies, municipalities, organizations; landowners and other interested parties;
- Coordinate with local land use planning and zoning efforts;
- Develop a comprehensive information and education strategy to help implement the plan;
- Track progress toward meeting the plan's goals, including compliance with state standards;
- Prioritize staff and financial resources to local soil and water conservation needs;
- Emphasize cost effective solutions;
- Create flexible program rules to encourage creativity.

County Land and Water Resource Management Plans were to be the local vehicles for implementation of the redesigned state water quality program.

## *Wisconsin Act 27*

The 1997 State Biennial Budget, Wisconsin Act 27, required the DATCP and DNR to develop or modify existing programs and administrative rules related to nonpoint source and soil and water resource management. The Act directed Wisconsin agencies to improve existing programs by: specifying water quality goals, identifying practices that would achieve these goals, promoting uniform applications of regulations, and improving the coordination of existing programs. More specifically, these activities were required to include:

- 1) The development of agricultural nonpoint source performance standards and prohibitions designed to meet water quality standards. At a minimum, these standards were required to include the four animal waste prohibitions that came out of the report compiled by AWAC that are now specified in statute;
- 2) The development of non-agricultural nonpoint source performance standards designed to meet water quality standards;
- 3) Prescriptive conservation practices and a process for implementation of the agricultural performance standards. These conservation practices and technical standards were required to address animal waste management, nutrients applied to the soil and cropland sediment delivery;
- 4) Prescriptive process for development and implementation of technical standards to enact the non-agricultural performance standards;
- 5) Criteria for determination of whether cost sharing is available for compliance by an agricultural facility under s. 281.16, s. 92.14, or any other source, as well as criteria for administering those cost-sharing funds provided for compliance;
- 6) Prescriptive procedures for review and approval of proposed local regulations of livestock operations which the local unit of government believes are necessary to achieve water quality standards;
- 7) Development of County Land and Water Resource Management Plans;
- 8) Development of nutrient management policies including incentives, informational and educational outreach provisions and compliance requirements; and lastly,
- 9) Designation of changes needed to restructure the Nonpoint Source Program (s.281.65).

*Steps To Protect Water Quality from Agricultural Sources of Pollution*

Wisconsin Act 27, the 1997 State Biennial Budget, required the Departments of Agriculture, Trade and Consumer Protection and Natural Resources to follow a five step process to improve water quality. The agencies were required to develop or modify administrative rules related to nonpoint source and soil and water resource management. The five-step process is described below

**LEAD AGENCY**

<b>1.</b>	<p><b>ADOPT WATER QUALITY STANDARDS</b>                  Could include both surface and ground water standards for bacteria, phosphorus, sediment, nitrate, etc... to protect public health and welfare.</p>	<b>DNR</b>
<b>2.</b>	<p><b>DEVELOP PERFORMANCE STANDARDS AND PROHIBITIONS</b>                  Includes a level of soil and nutrient management which will maintain agricultural productivity while meeting water quality standards. Prohibitions refer to Animal Waste Advisory Committee Recommendations restricting manure runoff.</p>	<b>DNR</b>
<b>3.</b>	<p><b>DEVELOP PRACTICES TO IMPLEMENT PERFORMANCE STANDARDS</b>                  Includes specific soil and nutrient management practices. Practices must at a minimum address:                  ANIMAL WASTE MANAGEMENT                  NUTRIENTS APPLIED TO THE SOIL</p>	<b>DATCP</b>
<b>4.</b>	<p><b>DEVELOP TECHNICAL STANDARDS</b>                  Includes specifications for practices such as those contained in the Field Office Technical Guide.</p>	<b>DATCP</b>
<b>5.</b>	<p><b>IMPLEMENT THE STANDARDS TO IMPROVE WATER QUALITY</b>                  Coordinate the following state and local programs to promote the installation of practices that result in water quality protection.</p> <ul style="list-style-type: none"> <li>• Land and water resource management plans</li> <li>• Local livestock ordinances under 92.15</li> <li>• Other local ordinances</li> <li>• Basin planning</li> <li>• NR 151 Runoff Management Rules</li> <li>• NR 243 Animal waste management</li> <li>• ATCP 50 Soil and water conservation and animal waste management</li> </ul>	<p><b>DNR</b>  <b>DATCP</b>   <b>Local Conservation Departments</b></p>

## **2006 Revision of the Land and Water Resource Management Plan**

In July 2001, Trempealeau County coordinated departments and formed the Division of Land Management and it became the responsibility of the Division of Land Management Public Advisory Committee to advise Trempealeau County on the Land and Water Resource Management Plan document and to make recommendations for public hearing and County Board approval. In 2006, Trempealeau County undertook a planning process to revise the County Land and Water Resource Management Plan. The Division of Land Management Public Advisory Committee conducted a public hearing on the Land and Water Resource Management Plan on November 2, 2006. The County Board took official action on the Plan during its first regularly scheduled meeting following Land and Water Conservation Board approval of the Plan.

## **2008 Department Merger**

A very strong and cooperative working arrangement has historically existed between the Trempealeau County Departments of Land Conservation, Zoning, Planning and Surveying, the County DNR Forester and the U.W. Wisconsin Extension Agricultural Agent. This relationship had been fostered through the committee structure of the LCC.

The County Land Conservation, Zoning, Planning and Surveying Departments were merged into a Single Department of Land Management as of January 1, 2008. The primary purpose of the Department of Land Management is to ensure compliance with State and County Agricultural and Non-Agricultural Performance Standards contained within State Statutes/Administrative Rules and County Ordinances.

The County Department of Land Management Plan details precisely the roles and responsibilities of the Department of Land Management, U.W. Extension, Land Records, DNR Foresters and Public Health Department in achieving the natural resource protection and land use planning goals of the Department of Land Management.

With the creation of the Department of Land Management, in order to ensure open communication and cooperation between these departments, the Environment & Land Use Committee formerly known as the LCC, by County Board Rule, is required to include:

Five (5) Board Members, two (2) of which also serve on the Agriculture and Extension Committee, three (3) of which represent predominantly rural areas of the County, and two (2) of which represent predominantly urban areas of the County, Two (2) Non-Board Members, one (1) of which is primarily engaged in livestock agriculture and one (1) of which represents the interests of the Town Boards, The Farm Service Agency (FSA) Board Chair (or his/her designee), whom shall receive copies of all meeting agendas and serves as a member of the committee on such agenda items as required by WI Stat. 92.

## **2011 County Land & Water Resource Management Plan Revision**

The County, through the Environment & Land Use Committee, (as created in accordance with Wisconsin State Statute 92.06), and the Department of Land Management with the revision of this planning document have complied with Wisconsin Act 27 (the 1997-1999 Budget Bill) and Wisconsin Act 9 (the 2000-2001 Budget Bill) and amended Chapter 92 of the Wisconsin Statutes, requiring counties to develop and update Land & Water Resource Management Plans.

## **Public Participation**

Public participation is an important part in developing and/or revising a Land & Water Resource Management Plan. Trempealeau County's 2016 plan revision was overseen by the County's Environment & Land Use Committee. The committee gathered public input by several methods. The committee reconvened the Citizen Advisory Committee that assisted in the 2011 revision of the Trempealeau County Land and Water Resource Management Plan. The advisory committee consists of 25 members representing varying interests in the County. The Committee met March 9, 2016, April 6, 2016 and July 27, 2016 throughout the plan revision process to discuss and recommend plan modifications as well as provide an opportunity for public participation. The draft plan is also available on the county website for public comment and review. See [Appendix A](#)

In addition, the committee utilized public input from past planning/ordinance processes (Non-Metallic Mining Ordinance, Feedlot Performance Standards Ordinance, Animal Waste Storage Ordinance, Nutrient Management Planning Self-Certification, etc.) as well as ongoing planning efforts (Trempealeau County Farmland Preservation Plan update, Trempealeau County Comprehensive Plan Update). A public hearing will be held prior to the Trempealeau County Land and Water Resource Management Plan (2016 revision) being approved by the County Board providing additional opportunities for public participation.

## **CHAPTER 2: HISTORY, INFORMATION AND RESOURCE ASSESSMENT**

In 1680, Father Louis Hennepin and early French Voyageurs became the first white men to view from the Mississippi River the land now known as Trempealeau County. Trempealeau Mountain, an imposing rock and forest feature that appears to rise out of the river is frequently mentioned in the early history of the county, and it is the source of the county's name. Early French explorers call the mountain La Montagne Qui Trempe a' l' eau, which has been variously translated to mean the mountain that is steeped in the water, the hill which soaks in the water, or the mountain that stands in the water. The name of the county is composed from this French phrase.

In 1839, the first permanent settler John Douville, an English man, located near the present site of Trempealeau. Douville tilled the soil, planted grain, raised potatoes and became Trempealeau County's first farmer.

### **Physical Characteristics and Geography**

#### County Setting

Trempealeau County is located in west central Wisconsin. Its boundaries are partially formed by four rivers: the Mississippi River on the south, the Trempealeau River on the West, the Buffalo River to the north, and the Black River on the southeast. The County is approximately 42 miles long, from 18-23 miles wide, with a land area of about 476,800 acres. See [Appendix B](#)

Within Trempealeau County are three major drainage basins. The Buffalo River drains the northern part of the county, the Black River drains the southeastern portion of the county, and the Trempealeau River drains the remainder of the county. All three rivers eventually drain to the Mississippi River.

Trempealeau County is in the unglaciated (driftless) region of Wisconsin. Narrow tree-covered ridges and broad, rolling valleys are characteristic landscape features. The bottoms of main stream valleys are rather broad, and well drained terraces are conspicuous features along many of the larger streams. The Mississippi River Valley is from three-fourths to one mile wide and the Buffalo and Trempealeau River Valleys are one-half to three-fourths mile wide. Most of the smaller streams have definite valley floors ranging from one-quarter to



A view of Trempealeau County

one-half mile in width. The average elevation above sea level, of the main streams, other than the Mississippi River, is about 720 feet in the southern portion of the county and about 900 feet in the northern portion of the county.

Trempealeau County has considerable area with slopes of 12% or greater. Approximately 48% of the county has slopes of 12% or greater. The following table lists the acreage in the county by percent slope:

Trempealeau County Acreage by Steepness of Slope

<u>Percent Slope</u>	<u>Total Acres</u>	<u>Percentage</u>
0 - 2	115,363	24.3
2 - 6	70,170	14.7
6 - 12	65,632	13.5
12 - 20	94,530	20.1
20 - 30	85,880	17.9
20 - 45	<u>45,225</u>	<u>9.5</u>
	476,800	100.0%

Climate

Trempealeau County has a humid, continental climate that is characterized by cold and snowy winters and warm summers with hot and humid periods. The number of days per year with temperatures of zero degrees Fahrenheit and below averages thirty-four, and the number of days with temperatures of ninety degrees and above averages twenty per year. The average growing season is one hundred twenty eight days, annual participation averages thirty-one inches, and snow fall averages fifty inches per year. Sixty-five percent of all precipitation occurs from May through September (the growing season). Frozen ground conditions frequently aggravate late winter snowmelt runoff and rainfall runoff.

Bedrock

Trempealeau County has two types of bedrock. They are the Upper Cambrian formations (sandstone with some dolomite and shale) and Prairie Du Chien Group (Dolomite).

Unconsolidated Sediments

Three kinds of unconsolidated sediments occur in Trempealeau County. They are in old lake beds, in unpitted outwash or on driftless uplands.

Old lake beds are in the southern part of the county. They formed in large valleys, along the lower courses of the Tamarack and Trempealeau Rivers and the Beaver Creek. These basins contain deep stratified clay, silt, and sand sediments.

Unpitted outwash occurs as large, nearly level and gently sloping prairie areas, along the Mississippi and Black Rivers in the southern portion of the county. The outwash is mainly stratified sand but contains stratified sand and gravel in a few places. The outwash reaches a maximum depth of about 150 feet.

Driftless uplands throughout most of the county have a mantle of friable, windblown silt less than 15 feet thick. Many valleys associated with driftless uplands are partially filled with silt and sand. Most of this material was eroded from the upland silt mantle and underlying Cambrian sandstone of the uplands. These sediments are about 50 feet thick along the Buffalo and Trempealeau Rivers and along the Beaver, Elk, and Pigeon Creeks.

## Soils

The land of Trempealeau County is a highly dissected plateau that is characterized by narrow ridges and fairly broad valleys. About 55 percent of the county consists of moderately steep and steep soils on uplands. Soils of Trempealeau County have developed over sedimentary rock. Loess (windblown silt) outwash sediments and alluvial material also characterize the development of the county's soils. Those soils formed in Loess are the most common. The combination of climate and soil formation created a landscape of prairie grass and oak. Native trees originally covered less than thirty percent of the county. .

### Trempealeau County Soil Characteristics

Trempealeau County has 8 soil associations. A soil association is a landscape that has a distinctive proportional pattern of soils. It normally consists of one or more major soil and at least one minor soil. The soils in one association may occur in another, but in a different pattern. Each association has somewhat different capabilities for agriculture and requires generally different management practices.

1. **Fayette-LaFarge-Eleva association** – well drained soils that have a subsoil of sandy loam to silt clay loam; moderately deep to deep over sandstone; on uplands. This association occupies approximately 40% of the county. This association consists of gently sloping to very steep, highly dissected sandstone uplands that are characterized by narrow ridgetops and narrow valley bottoms.
2. **Billet-Sparta-Gotham association** – well drained to excessively drained soils that have a sandy loam to loamy sand over sand; on stream and river terraces. This association occupies about 14 percent of the county. This association consists of nearly level to moderately steep stream and river terraces. Most of this association is gently sloping. It is steeper however where the terraces are adjacent to the sandstone uplands.
3. **Ettrick-Pilot-Meridian association** – Poorly drained and well drained soils that have a subsoil of loam to silty clay loam over silt loam and sand; on valley bottoms or stream and river terraces. This association occupies about 12% of the county. Most of this association is nearly level to gently sloping and is steeper where terraces are adjacent to uplands.
4. **Stony and rocky land – Seaton-Palsgrove-clayey subsoil variant association** – Excessively drained to well drained soils that have a subsoil of loam, silt loam, silty clay loam, or clay; shallow and deep over limestone and sandstone; on uplands. This associate occupies approximately 16% of the county and the majority of this association is mostly steep or steeper.
5. **Houghton-Palms association** – very poorly drained organic soils over organic and loamy sediment; along drainage ways on valley bottoms. This association occupies approximately 2% of the county and consists of nearly level valley bottoms along the Tamarack Creek.
6. **Downs-Boaz-Muscatine association** – well drained to poorly drained soils that have a subsoil of silt loam and silty clay loam over silt loam; on valley benches and valley bottoms. This association occupies 7% of the county. This association consists of nearly level to moderate steep valley benches and valley bottoms and can be steeper adjacent to uplands.
7. **Wet alluvial land-Marsh association** – poorly drained soils and very poorly drained soils under shallow water in places; on bottom lands and floodplains along rivers and streams. This association occupies about 3% of the county and is nearly level.
8. **Dickinson-Gotham-Sparta association** – excessively drained to well drained soils that have a subsoil of loamy sand to fine sandy loam over fine to coarse sand; on river terraces. This association occupies about 6% of the county and consists of nearly level to moderately steep high river terraces along the Mississippi and Black Rivers.

### Land Capability Classes

A widely used system of classification of soils primarily for agricultural uses is called “land capability classification.” This system is based on the most intensive longtime use for agricultural land; site, surface

and subsoil characteristics; soil limitations for safe use in crop production; and conservation practices for more intensive longtime land use needed to correct limitations and/or potential soil management problems serve as classification criteria. In this classification system, soils are grouped according to their potential and limitations for sustained production of common crops. This classification places soils in eight capability classes. The risk of soil damage or limitations in use becomes greater in progressing from Class I thru Class VII. Soils in Class VIII are generally non-productive for agricultural purposes and are recommended for wildlife habitat.

Please refer to <http://soils.usda.gov> for the most current land capability class information.

### Surface Waters

Total internal surface water area in Trempealeau County is 1600 acres (excluding the Mississippi River). Artificial millponds account for approximately 410 acres with streams and rivers accounting for approximately 1,190 surface acres. The majority of Trempealeau County's streams are considered cold water streams and are categorized as either cold water forage streams or cold water trout streams. Seventy-two streams totaling nearly 224 miles are classified trout streams. The source of water for most Trempealeau County streams is a combination of springs and groundwater discharge. There are 25 streams in the county which are Exceptional Resource Waters (NR102) totaling approximately 59 miles.



The Pigeon Falls millpond

Sedimentation and habitat degradation from eroding stream banks is a common problem in the county. The majority of streams have substrates of shifting sand and often lack suitable substrate to support a diverse and healthy biota. The county has 14 streams totaling 134 miles that are on the Wisconsin 303d impaired waters list. The Black River, the Mississippi River and Lake Marinuka within Trempealeau County are also listed as impaired for atmospheric deposition of mercury which has accumulated in fish in amounts great enough to justify fish consumption advisories. A map detailing the 303d, ERW and ORW waters are located in Appendix B.

### Groundwater Resources

Groundwater is an essential resource in Trempealeau County. It provides 100% of the rural drinking water supply; 100% of the urban drinking water supply; and the majority, if not all, of the water used in agriculture and industry. The source of the groundwater consists of rainfall and snowmelt that pass through the soil to the aquifers in the county. Although alluvial deposits contain groundwater, the sandstone aquifer is the most common source of well water.

See Appendix C.

### Land Use

Agriculture is by far the most prevalent land use in the county. Trends in Trempealeau County soil and water resources show that there is an increase in agriculture production. Less dairy farms, but larger farms, along with increased acres of corn and soybeans and less hay leave many challenges to conservation staff to help producers stay in compliance with the State's Agricultural Performance Standards and Prohibitions. In the last 15 years, according to the National Agricultural Statistics Service, NASS, hay production has dropped 50%, likely the result of the 70% increase in corn production in Trempealeau County.

See Appendix D.

Dairying and meat animal production together account for approximately 70% of Trempealeau County agricultural income and most of the dairy and meat animals are confined at least some of the time in feedlots

with feed brought to them rather than grazing. Because of the well-dissected, un-glaciated landscape, many small streams exist. Approximately 70% of all feedlots are located within the Water Quality Management Area (WQMA) of the county. The predominant NPS problems identified in DNR Basin Water Quality Management Plans, developed in May 2002, are the result of the dominance of livestock agriculture in the land use and economy of Trempealeau County. These NPS problems include: stream habitat destruction, sedimentation, runoff from cropland and feedlots and associated problems with animal waste.

### *Non-Metallic Mining*

Trempealeau County has separated non-metallic mining into two separate types: Industrial Sand and Construction Aggregate. The purpose of separating Industrial Sand and Construction Aggregate is based upon the type, volume of product and the scale of the mining operations. Construction Aggregate sites are primarily used for infrastructure projects in a given area to reduce hauling from sites that are not in the vicinity. The footprints of Construction Aggregate mining sites are historically much smaller in scale and correspondingly runoff and erosion concerns are significantly reduced. Industrial Sand operations are rarely if ever used for local infrastructure projects; footprints are very large in nature. The separated sand particles from Industrial Sand operations are prone to both wind and runoff erosion at a much higher rate than Construction Aggregate.

Non-metallic mining of industrial silica sand (commonly referred to as frac sand mining) since 2011 has become a significant land use issue that towns and counties in the State of Wisconsin are attempting to manage. The use of frac sand in the oil and gas industry and the demand created for the frac sand has significantly impacted western Wisconsin. The silica sands utilized for fracking processes (the extraction of natural gas and oil from shale) are unique to Trempealeau County and the region. It is recognized that the extraction of this natural resource may have economic benefits to area residents but the benefits must be balanced with potential negative impacts to land and water resources of the county. In the last several years the acreage and number of non-metallic mines for Industrial sand purposes has dramatically increased in the County. In addition to the Trempealeau County non-metallic mining ordinance (regulates unincorporated areas), there are four cities and villages in the county that adopted non-metallic mining regulatory ordinances within their jurisdictions and these communities include the cities of Arcadia, Independence, Whitehall and Blair.

Non-metallic mining of construction aggregate materials has been a staple within Trempealeau County and has been balanced within the rural community setting. These materials include sand and gravel or crushed stone that are predominately produced and used for local and neighboring construction purposes or used for agricultural uses such as ag-lime and bedding sand for livestock operations. The relative number and size of construction aggregate mine sites has remained steady.

### Statistics of Non-Metallic Mining (March 2016)

- 73 Non-Metallic Mines within Trempealeau County
  - 68 Non-Metallic Mines under Trempealeau County regulatory authority
    - 10 Industrial Sand Operations
    - 58 Construction Aggregate Operations
  - 5 Annexed Industrial Sand Mine Operations
- 480.8 acres open under regulatory authority by Trempealeau County Department of Land Management.
- 774 acres open within the municipalities of Arcadia, Blair, Independence and Whitehall.

## **Water Resource Assessment**

### Groundwater Resources

Agencies in the county have been regularly testing groundwater throughout the county for over 25 years. The results indicate that nitrate levels have been increasing and pesticide (primarily triazines) detects are an on-going concern. For example, the Wisconsin Well Water Viewer, a statewide database, indicates that 627 wells in the county have been tested for nitrates. Of these wells, 24% exceed the health standard of 10 mg/l of nitrate. A well water sampling program conducted by the DLM in 1990 showed that 30% of the wells had triazine detects.

In 2015, the county began funding a well water testing cost-share program to test for a variety of contaminants including nitrates, bacteria, metals, and DACT (a component of the triazine family). Since the program began 175 wells have been tested. Residents from 14 of the county's 15 townships have participated, which provides a county-wide snapshot of water quality. The average nitrate level for these samples is 5 mg/l; 16.2% of the samples exceed the health standard of 10 mg/l. About 32% of the samples are above the natural background level of 2 mg/l and below the health standard.

A review of the map in Appendix C, indicate that the nitrate exceedences are a major water quality issue in certain areas of the county. These include the parts of the towns of Caledonia and Trempealeau known as the "Prairie" and agricultural areas along streams. The Prairie is significantly impaired with the percentage of wells exceeding the nitrate standard ranging from 30% to 50% depending on the database used.

Clearly, the groundwater quality of Trempealeau County has been affected by land use activities. These sources include, but are not limited to, chemical fertilizer, animal waste, animal feedlots, septic tanks, urban drainage, and improperly abandoned wells.

### Surface Water Resources

Trempealeau County has implemented an AG 165 Farmers Fund and AG160 Soil Erosion Control Project in the Pigeon Creek Watershed. NPS Priority Watershed Project implementation occurred in the Elk Creek, Beaver Creek, Lower Black River/Hardies Creek, Middle Trempealeau and Upper Trempealeau River Watersheds from the late 1970's through early 2000's. See Appendix E. The surface water quality assessments within all of these plans were remarkably similar. A compilation of all of the surface water quality assessments contained within these plans, as well as, the Black-Buffalo-Trempealeau River Basin Plans, dated May 2002, form the basis for this county wide surface water quality assessment.

Nonpoint source pollutants are the primary cause of surface water quality problems in the county. Pollutants such as sediment, bacteria, organic material, and animal wastes contribute to the existing surface water quality problems associated with all of the surface water resources of the county. In addition to the pollutants that flow into surface water resources, degradation and erosion of stream banks is a major source of sedimentation to the streambeds as well as the impoundments located at the down stream end of many of the county watersheds.

Erosion and instability of stream banks is a common problem through out the county which results in increased sedimentation and removal of important habitat for aquatic life, especially trout. Sedimentation of pools and filling in of spawning substrate in riffle areas are results of both upland erosion (Ag and Non-Ag) and streambank erosion. The filling in of riffle areas reduces reproduction success of trout by reducing oxygen levels in streams and destroying spawning habitat. Sedimentation of stream bottoms also reduces the abundance of invertebrates that constitute a valuable fish food resource.

Agriculture and to a lesser extent, urban land disturbing activities are the primary sources of pollutants to the county's surface water resources. Sources of surface water pollutants include: barnyard runoff, nutrient and sediment runoff from cropped fields, manure runoff from improperly stacked/stored animal waste, concentrated flow erosion from cropped fields and logging trails, ephemeral erosion from cropped fields, and runoff from construction projects.

### Soil Erosion

In 1984, Trempealeau County developed the State of Wisconsin's first County Wide Cropland Soil Erosion Control Plan. This Plan indicated that; 54% of the cropland was at or below "T", 25% was at 2"T", 9% was at 2.5 "T", and 12% was at greater than 2.5"T.

Cropland soil erosion does not necessarily constitute a water quality problem. The movement of soil only becomes a water quality problem when soil particles are transported and deposited into surface water resources. Computer modeling of soil particle transport and delivery to surface waters conducted for the three most recent Watershed Projects within Trempealeau County (Beaver Creek, Middle Trempealeau and Upper Trempealeau) indicate that within Trempealeau County, sediment generated by cropland soil erosion is a significant nonpoint pollutant. Within these three watersheds there are 98,856 cropland acres that produced 116,635 tons of sediment to surface water resources on an annual basis. This equates to an average of 1.18 tons of sediment per cropland acre, per year. These three watersheds are representative of the entire surface area of Trempealeau County.

Soil erosion predictability continues to be a challenge, as stated in a letter from Dr. Francisco Arriaga, UW-Madison Department of Soil Science, *"We don't know what the erosion rates are at this time. Sedimentation and Erosion are two different aspects of the same problem but sedimentation and erosion do not correlate well to each other. If sedimentation is measured in a stream or mill pond, the sediment is only a fraction of what actually happened in the watershed feeding that particular body of water. The reason is that erosion is defined as soil moving from its original position on the landscape to another position on the landscape. Sediment is soil, organic material, and other materials that actually accumulate in the body of water. If a body of water was separated from a field experiencing severe erosion by some physical barrier, then potentially, very little sediment could reach the body of water. The field still experienced severe erosion and soil degradation but very little impact on surface water quality resulted."*

*The Revised Universal Soil Loss Equation (RUSLE) is only a predictive model. Actual soil erosion will vary greatly from that predicted in the RUSLE for many reasons. RUSLE uses average rainfall factors in the calculations. The May 2, 2012 storm would not have been modeled by RUSLE, nor should it be modeled because that storm was an outlier. None-the-less, the storm produced severe erosion. Another reason that RUSLE is not a good gauge of actual erosion rates is the disconnect that can happen between planning and implementation. If a different planting and tillage method is used from what was modeled in the planning phase, then different soil erosion rates will occur. RUSLE is a predictive model and we should not make inferences about erosion rates based on any number of acres that are modeled using RUSLE.*

*Using conservation methods to meet the tolerable soil loss (T) is not a good indicator of soil degradation. Soils will naturally regenerate new a horizon, or topsoil, at a rate of 0.5 to 0.012 tons of soil per year, depending on parent material and other factors. T on most Trempealeau County soils is 2 to 5 tons per acre per year. Farming to T still results in degradation of our soil resources. I am not advocating that the county adopt a stricter T, but, I want people and especially farmers to be aware that T is a false sense of security.*

*Other than actual field measurements, there is no good method to accurately estimate soil erosion rates."*

## Sources of Non-point Pollution within Trempealeau County

### A. Agricultural Sources of Non-point Pollution

1. Sedimentation – Sediments originating from cropland sheet and rill erosion, concentrated flow erosion, streambank erosion, scour erosion, feedlot erosion, critical area erosion, drylot erosion, and field access road erosion are major sources of nonpoint pollution.
2. Fecal Coliform Bacteria – Excessive levels of bacteria exist within the surface water resources of Trempealeau County. The sources of the bacteria are predominantly from barnyard runoff, improper storage and/or application of livestock manure and failed septic systems.
3. Phosphorus – Excessive phosphorus loading to the surface water resources of Trempealeau County occurs. Sources of phosphorus include: cropland runoff, streambank erosion, improper storage and /or application of livestock manure to croplands, transportation of phosphorus-enriched sediments and runoff from feedlots/drylots to surface waters.
4. Nitrates – Elevated nitrate levels in the County’s groundwater are a major concern. Sources of groundwater nitrates include: over application and/or untimely application of nitrogen fertilizer (chemical and/or manure): improper siting and/or design of manure storage Structures; and internally drained feedlots/drylots.
5. Herbicides/Pesticides – Chemical detects in ground and surface water resources result from improper storage and/or application of these chemicals.

### B. Non-agricultural Sources of Non-Point Pollution

1. Sedimentation – Sediments originating from construction sites, nonmetallic mining sites, public roadway development and municipal streambanks are a concern within Trempealeau County.
2. Fertilizers – Over application and/or untimely application of turf and garden fertilizers adversely affect the County’s ground and surface water resources.
3. Nitrates/Phosphorus – Ground and surface water quality is degraded through improper and/or untimely application of septage, whey bi-products and failing septic systems.
4. Stormwater – stormwater discharges from urban areas to surface water resources contain sediments, petroleum, heavy metals and chemical residues.

## History of Commitment to Protecting the Soil and Water Resources of Trempealeau County.

Dating back to as early as 1924, the commitment to soil and water conservation has been a priority in Trempealeau County. The chart below summarizes practices only installed since the Land and Water Plan was first created.

### LWRM PLAN ACCOMPLISHMENTS 1999-2015

<b>Contracts</b>	<b>526 Contracts</b>
<b>Cropland Erosion Control Plans</b>	<b>179,925 Acres</b>
<b>Nutrient Management Plans</b>	<b>162,768 Acres</b>
<b>Construction Site Erosion Control Plans</b>	<b>1,275 Plans</b>
<b>Transportation Facilities Erosion Control/Storm Water Management Plans</b>	<b>145.75 Miles</b>
<b>Bridge/Culvert Designs</b>	<b>109 Designs</b>
<b>Non-Metallic Mining Reclamation</b>	<b>332.72 Acres</b>
<b>Barnyard Runoff Control Systems</b>	<b>76 # Units</b>
<b>Manure Storage System</b>	<b>44 # Units</b>
<b>Streambank Protection</b>	<b>61,470 Feet</b>
<b>Streambank Fencing</b>	<b>59,657 Feet</b>
<b>Streambank Riprap</b>	<b>47,715 Feet</b>
<b>Streambank Slope &amp; Seeding</b>	<b>3,567 Feet</b>
<b>Streambank Crossing</b>	<b>57 # Units</b>
<b>Watering Ramp</b>	<b>3 # Units</b>
<b>Spring Development</b>	<b>2 # Units</b>
<b>Diversion</b>	<b>4,200 Feet</b>
<b>Critical Area Stabilization</b>	<b>170.3 Acres</b>
<b>Cattle Access Lanes</b>	<b>3,198 Feet</b>
<b>Woodlot Fencing</b>	<b>3,713 Feet</b>
<b>Grade Stabilization Structures</b>	<b>58 # Units</b>
<b>Well Abandonment</b>	<b>9</b>
<b>Grassed Waterway</b>	<b>26.15 Acres</b>
<b>Manure Storage Closure</b>	<b>2</b>
<b>Access Road</b>	<b>4,707 Feet</b>

Policy Makers of Trempealeau County along with the Strategic Planning Committee have made one of their goals of the Trempealeau County Strategic Plan be to continue to allocate resources for conservation programs and practices that preserve and enhance our natural environment. The commitment to protecting the resources of Trempealeau County is a high priority.

In 2015 and 2016 the Trempealeau County Board of Supervisors approved a County Cost-Share Program for Low-Cost High-Impact conservation practices and Well Water Quality Monitoring.

## CHAPTER 3: GOALS, OBJECTIVES AND ACTION ITEMS

### *Category 1 - Water Quality*

#### **Goal 1: Protect and Enhance the Water Resources of Trempealeau County**

##### Objective A:

Protect the surface water resources of Trempealeau County.

##### Action Items:

1. Reduce in-stream sedimentation to protect spawning beds and aquatic insects that provide a food source for fish, waterfowl and other wildlife, by encouraging or requiring county land users to adopt management practices and/or install the structural practices necessary to comply with State/County Agricultural and Non-Agricultural Performance Standards.
2. Reduce nutrient loading to streams from manure runoff from feedlots and barnyards, fertilizer (septage, manure, chemical) runoff from cropped fields, leachate runoff from feed storage areas, and runoff from urban sources by encouraging or requiring land users to adopt management practices and/or install the structural practices necessary to comply with NR 151 Agricultural and Non-Agricultural Performance Standards and Prohibitions.
3. Reduce thermal degradation of trout streams by considering thermal impacts when funding, designing, and installing agricultural BMP'S and urban BMP'S installed to comply with Storm Water Management Ordinance requirements. Design and install structures to maximize thermal recovery.
4. Enhance fish and other aquatic habitat by incorporating cold water and warm water fish habitat structures into the design of streambank and lake shore stabilization projects. In addition, continue to partner with the US Fish and Wildlife Service and Trout Unlimited on fish habitat and stream health improvement projects and field days.
5. Reduce phosphorus runoff in order to meet the 0.075mg/L or 0.1mg/L water quality standard for phosphorus in Trempealeau County streams and rivers.
6. As resources allow, work within approved TMDL Watersheds to implement TMDL reduction goals and restore impaired waters.
7. Prepare annual work plan to be submitted with the SWRM Grant application identifying the next year's projects achieving compliance with the goals of the Trempealeau County LWRM Plan.

##### Objective B:

Protect the groundwater resources of Trempealeau County.

##### Action Items:

1. Encourage or require agricultural producers to comply with the State and County Agricultural Performance Standards.
2. Encourage or require agricultural producers to properly abandon failing manure storage structures.
3. Encourage or require property owners to properly abandon unused or improperly constructed wells.
4. Require that 70% of runoff from new urban development (commercial, subdivisions, etc.) is properly infiltrated into groundwater aquifers.
5. Continue well testing program with UW-Extension and Trempealeau County Health Department to establish baselines and continue monitoring to ensure safe well water and identify potential adverse effects and sources if rising contaminant levels are detected.
6. Partner with UW-Extension and Public Health to provide education to homeowners on strategies to protect or improve well water quality.

Objective C:

Protect the wetlands of Trempealeau County.

Action Items:

1. Avoid locating basins, dams, and other agricultural and storm water management BMP'S in wetlands that are not low quality.
2. Protect existing wetland functional values by designing and installing BMP'S that avoid degrading any of the eight functional values described in NR103.
3. To enhance existing wetlands, encourage property owners to design and install wetland conservation activities as identified in NR353.



Preserved wetland near Village of Trempealeau

Note: Chapter 3 was drafted primarily by the Department of Natural Resources - Natural Resources Manager, Dan Helsel. Additional assistance was provided by Cindy Koperski of the DNR. The Goals and Action Items reflect those Goals and Action Items contained within the Buffalo and Trempealeau River Basin Plans. The table listed in Appendix F of this plan is a compilation of the Water Quality Information contained within the Buffalo and Trempealeau River Basin Plans.

## ***Category 2 - Land Resources***

### **Goal 1: Protect and Enhance the Soil Resources of Trempealeau County**

Objective A:

All croplands within Trempealeau County shall be cropped to equal or less than "T" and a phosphorus index (PI) less than 6.

Action Items:

1. As staff time availability permits, provide cropland soil erosion control plans to county producers.
2. Monitor cropland soil erosion control plans for Farmland Preservation participants once every five years to determine if a plan has been developed and if so, if farming operations are in compliance with the plan. Issue Notices of Non-Compliance if a plan has not been developed or complied with.
3. Ensure that all cropland soil erosion control plans required as a component of a nutrient management plan meets the requirements of NR151 and ATCP50.
4. Provide information pertaining to this Performance Standard in the Department of Land Management Newsletter and to individual land owners as appropriate.
5. Encourage participation and program maintenance according to program standards with the CRP Program.
6. To address soil erosion predictability, Department of Land Management staff will conduct the transect survey.
7. Prepare annual work plan to be submitted with the SWRM Grant application identifying the next year's projects achieving compliance with the goals of the Trempealeau County LWRM Plan.

Objective B:

Local Policymakers and Farmers will have an increased understanding of Soil Health to increase infiltration and reduce surface runoff.

Action Items:

1. Promote annual soil stewardship field day.
2. Educate landowners through newsletter articles.
3. Encourage adoption of Best Management Practices.
4. Install and Maintain Best Management Practices.
5. Maintain Low-Cost High-Impact County Cost-share Program.
6. Explore innovative conservation techniques.

Objective C:

Ensure that all areas of gully and ephemeral erosion are adequately stabilized and sodded.

Action Items:

1. The E&LU Committee shall prioritize any available non-animal waste management financial assistance towards the installation of grassed waterways, as required when using the RUSLE2 planning model, and the stabilization of gullies that transport sediment directly to surface water resources. Within the limits of cost share funding available, the county shall attempt to eliminate concentrated flow erosion on two farms per year.
2. Urge DNR to add grassed waterways to the list of Agricultural Performance Standards contained within NR151.
3. Urge DATCP to exempt grassed waterways that are required to be installed as a pre-requisite to the use of the RUSLE2 cropland erosion prediction model, from the cost share, maintenance, and “lost opportunity payment” requirements of ATCP50.
4. Provide information to crop producers pertaining to the requirement that areas of concentrated flow and ephemeral erosion be addressed as a pre-requisite to the use of the RUSLE2 Cropland Erosion Prediction Model.

Objective D:

All croplands farmed in compliance with a nutrient management plan that complies with the technical standards contained within ATCP50.

Action Items:

1. Require that a Nutrient Management Plan, that meets the technical standards contained within ATCP50, be submitted along with a copy of a Livestock Facilities Ordinance and/or Animal Waste Management Ordinance Permit application.
2. Maintain a DLM staff agronomist that is qualified to check nutrient management plans for technical adequacy.
3. Provide information pertaining to this Performance Standard in the Department of Land Management Newsletter and directly to landowners as appropriate.

Objective E:

All Trempealeau County livestock producers to comply with the Manure Management Prohibitions.

Action Items:

1. Require that all county landowners requesting DLM technical or financial assistance cooperate with DLM staff in conducting an on-farm evaluation to determine existing compliance with NR151 Agricultural Performance Standards and Prohibitions. DLM staff shall track compliance and, if applicable, develop a schedule of compliance to ensure compliance with the remaining Agricultural Performance Standards within a time period specified by State Statutes, Administrative Rule or E&LU/DLM policy (approximately 50 on site farm evaluations per year).
2. Require that all livestock producers wishing or required (after July 1, 2006) to be permitted through the County's Livestock Facilities Performance Standards Ordinance and/or the County Animal Waste Management Ordinance to comply with the Manure Management Prohibitions as a condition of the permit.
3. Within the limits of available funding, attempt to bring ten livestock facilities with feedlot permits in existence prior to the enactment of ATCP51 into compliance with the Manure Management Prohibitions.
4. Use all available TRM Grant funds or LWRM Grant funds to cost share practices that are required to be cost shared due to the cost share mandates of ATCP50.
5. Provide information pertaining to the Manure Management Prohibitions in the Department of Land Management Newsletter.



Objective F:

Maintain Use of Productive Farmland.

Action Items:

1. Implement the County's 2016 Farmland Preservation Plan (FPP) locally, and regard lands which have historically exhibited high agricultural yields as an irreplaceable resource whose value should not be impaired for future generations.
2. As part of implementing FPP, assist landowners:
  - who are interested in forming Agricultural Enterprises Areas (AEA).
  - in meeting required agricultural performance standards.
  - to follow through with the proper handling of animal wastes and chemicals so that they produce a minimum effect upon ground and surface waters
3. Provide information and education to landowners about the Working Lands Initiative benefits (benefits derived through implementation of the 2016 FPP).
4. Develop land use regulations which will manage non-agricultural uses of agricultural land which historically exhibited high yields.
5. Support the continuation of the family farm as the basic production farm unit and foundation of the rural Trempealeau County community.
6. Preserve agricultural fields in the community from encroachment of incompatible development (limit fragmentation of crop fields).
7. Encourage the use of conservation easements by private landowners to keep prime agricultural land from being developed.

## Category 3 - Non-Agricultural Land Management

### **Goal 1: Manage Land Uses To Preserve Land And Water Resources of Trempealeau County.**

#### Objective A:

Utilize the Town Land Use plans to separate conflicting land uses and to reverse the trend towards fragmentation of the county's woodlands and farmlands.

#### Action Items:

1. Continue to review and revise the County Comprehensive Plan based on Town input every 5 years or as requested.
2. Provide information to the Town Boards during the annual Department of Land Management meeting with the Town Boards.

#### Objective B:

Ensure that ground and surface water resources are not degraded due to storm water discharges from construction sites.

#### Action Items:

1. Work with DNR to become an "Authorized Local Program" as defined and allowed through NR216.415 State Administrative Rule.
2. Continue to require that the post-development infiltration volumes do not exceed the allowed percentages of the pre-development infiltration volumes based on an average annual rainfall for all construction sites.
3. Continue to provide engineering services to the Towns and to the County Highway Department to ensure that they meet the NR151 storm water management requirements associated with the construction or reconstruction of transportation facilities.
4. Provide information to the earth moving contractors during the annual Department of Land Management Contractors Workshop.
5. Provide information to Developers during initial plan review meetings.
6. Provide information to the general public through the Department of Land Management Newsletter.

#### Objective C:

Protect water resources from construction site sedimentation.

#### Action Items:

1. Continue to enforce the County 1 and 2 family Construction Site Erosion Control Ordinance (approximately 140 per year).
2. Continue to enforce the construction site erosion control requirements of the County Sub-Division Ordinance (approximately 2 per year).
3. Continue to provide engineering services to the Towns and to the County Highway Department to ensure that they meet the NR151 Construction Site Erosion Control requirements associated with the construction or reconstruction of transportation facilities (approximately 10 per year).
4. Continue to enforce the erosion control requirements of the County Comprehensive Zoning Ordinance for all land disturbing activities that involves 4,000 square feet or greater (approximately 200 per year).
5. Continue to enforce the erosion control requirements for land disturbing activities within the County Shoreland Zoning Ordinance (approximately 1 per year).

6. Provide information pertaining to this Non-Agricultural Performance Standard through the Department of Land Management Newsletter.

Objective D:

Ensure that the soil and water resources of Trempealeau County are not degraded due to the improper land disposal of septage and whey.

Action Items:

1. Continue to enforce the septage and whey disposal requirements of the County Comprehensive Zoning Ordinance.
2. Continue to make appropriate parties aware of this county ordinance requirement through direct contacts as necessary.

Objective E:

Ensure that the ground and surface water resources of the county are not degraded by septage effluent discharged from failing/failed septic systems.

Action Items:

1. Continue to enforce the septic system requirements of the County Sanitation Code (all violations).
2. Continue to seek Wisconsin Fund cost share funds to replace failed septic systems (annually) contingent upon funding availability.
3. Continue to notify landowners of these requirements through direct contacts and through the Department of Land Management Newsletter.
4. Continue compiling comprehensive inventory and maintenance program for all POWTS within the governmental jurisdictional area.

Objective F:

Protect land and water resources from being negatively impacted by Non-Metallic Mining sites.

Ensure through the use of Chapter 13 Non-Metallic Mining and Chapter 20 Non-Metallic Mining Reclamation that sites that are including the disturbance of productive agriculture lands will be encouraged to reclaim back to that prior use. Reclamation plans that include returning mined land to productive cropland must meet 70% of the prior yields before considering reclamation as being met.

Action Items:

1. Assist in the permitting of new non-metallic mining reclamation operations.
2. Assist mine operators in meeting ordinance regulations.
3. Amended Trempealeau County Chapter 13: Non-Metallic Mining & Chapter 20: Non-Metallic Mining Reclamation to reflect the differences between Industrial Sand and Construction Aggregate.

<http://www.trempeleaucounty.com/tchome/landmanagement/Zoning/compzoningordinance.aspx>

## **Category 4 – Forests and Invasive Species**

### **Goal 1: Encourage Sustainable Forestry Practices that Protect Groundwater and Surface Water Resources.**

Objective A:

Inform residents and loggers about the importance of sustainable forestry practices.

Action Items:

1. Make information available regarding forest best management practices to landowners and loggers.

**Goal 2: Encourage the Regeneration of Forests and Strive to Manage Invasive Species and Pests.**

Objective A:

Provide opportunities for residents to practice forest regeneration.

Action Items:

1. Continue to maintain the DLM Tree and Shrub Program.
2. Provide information to residents on the WDNR State Nursery Program and the opportunity to purchase seedlings.

Objective B:

Protect forests from invasive species and pests.

Action Items:

1. Inform and educate landowners about the threats posed by invasive species and pests.
2. Assist local and state agencies in eliminating or controlling the spread of gypsy moths and emerald ash borers.
3. Provide information to landowners on identifying invasive plant, animal and insect species.

## CHAPTER 4: IMPLEMENTATION TOOLS AND STRATEGIES

### County Regulatory and Performance Standards to Address and Control Sources of Non-Point Pollution

A variety of voluntary and regulatory mechanisms are currently being employed within Trempealeau County to encourage or require compliance with the Agricultural and Non-Agricultural Performance Standards contained within NR151 and County Ordinances. The promotion and encouragement of compliance with State Performance Standards is viewed as a means to conserve the natural resource base of the county and to protect the health, safety and welfare of the county's citizens. These include:

#### A. Trempealeau County Animal Waste Management Ordinance

<http://www.tremplecounty.com/tchome/landmanagement/documents/ordinances/agwaste/AgWasteOrdinance.pdf>

Trempealeau County adopted its Animal Waste Management Ordinance as of January 1, 1987. The Ordinance is in effect in all 15 towns.

Any person, who constructs, installs, reconstructs, enlarges, or substantially alters an animal waste storage facility; or who employs another person to do the same, on land subject to the ordinance, shall be subject to the provisions of the ordinance.

The purpose of the ordinance is to regulate the location, design, construction, installation, alteration, and use of animal waste storage facilities, and the application of waste from these facilities in order to prevent water pollution and thereby protect the health of Trempealeau County residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of Trempealeau County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation.

#### B. County Livestock Facilities Performance Standards Ordinance

[http://www.tremplecounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER\\_15.pdf](http://www.tremplecounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER_15.pdf)

Trempealeau County adopted the State of Wisconsin's first countywide Feedlot Performance Standards Ordinance. The ordinance was adopted by the County Board of Supervisors on May 18, 1998. The ordinance became effective in all 15 towns on June 26, 1998. From 1998 through 2005, seventy-eight (78) feedlot permits were issued to new and expanding feedlots. In 2006, DATCP pre-empted the County Feedlot Ordinance with its ATCP51 Administrative Rule. To reflect the changes required through ATCP 51, the County Board of Supervisors adopted the Trempealeau County Livestock Facilities Performance Standards Ordinance, to replace the Feedlot Performance Standards Ordinance in October 2006. The original County Feedlot Ordinance was the primary county tool to ensure compliance with State Agricultural Performance Standards as it regulated all new feedlots and all expanding feedlots with equal to or greater than 10 animal units. All practices required to be installed, for permits under 1000 animal units, were subject to the cost share requirements of ATCP50. ATCP51 prohibits the county from regulating feedlots under 300 animal units. However, the cost share requirements of ATCP50 no longer apply to feedlots seeking a permit that have between 300 and 1000 animal units.

**C. Animal Waste Management Regulatory Program (NR-243)**

[http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwjRt\\_ObvPrLAhUK2B4KHVN2DCQQFgguMAE&url=http%3A%2F%2Fdocs.legis.wisconsin.gov%2Fcode%2Fadmin\\_code%2Fnr%2F200%2F243.pdf&usg=AFQjCNHHwCS4DXxV2JYoUOMiCM9BzQczWA](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwjRt_ObvPrLAhUK2B4KHVN2DCQQFgguMAE&url=http%3A%2F%2Fdocs.legis.wisconsin.gov%2Fcode%2Fadmin_code%2Fnr%2F200%2F243.pdf&usg=AFQjCNHHwCS4DXxV2JYoUOMiCM9BzQczWA)

Trempealeau County Department of Land Management staff assists DNR and DATCP staff with the complaint driven NR-243 regulatory mechanism. This program has the ability to be a successful regulatory program, but has historically been under funded at the state level.

**D. Metallic Mining Ordinance**

[http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER\\_14.pdf](http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER_14.pdf)

Trempealeau County adopted the State of Wisconsin's First County Metallic Mining and Prospecting Ordinance on April 15th, 1997. The ordinance is effective within all 15 towns. The ordinance regulates the exploration, prospecting and mining of metallic ores in order to protect the County's natural resources as well as the health, safety and welfare of the citizens of Trempealeau County.

**E. Non-Metallic Mining**

[http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER\\_13.pdf](http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER_13.pdf)

Adopted on December 16, 1996 by the Trempealeau County Board of Supervisors. Since then, Trempealeau County has separated non-metallic mining into two separate types: Industrial Sand and Construction Aggregate. The County Board of Supervisors adopted that revision on January 25, 2014. The purpose of separating Industrial Sand and Construction Aggregate is based upon the type, volume of product and the scale of the mining operations. Construction Aggregate sites are primarily used for infrastructure projects in a given area to reduce hauling from sites that are not in the vicinity. The footprints of Construction Aggregate mining sites are historically much smaller in scale and correspondingly runoff and erosion concerns are significantly reduced. Industrial Sand operations are rarely if ever used for local infrastructure projects; footprints are very large in nature. The separated sand particles from Industrial Sand operations are prone to both wind and runoff erosion at a much higher rate than Construction Aggregate.

**F. Non-Metallic Mining Reclamation Ordinance**

[http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER\\_20.pdf](http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER_20.pdf)

Adopted on July 16, 2001 by the Trempealeau County Board of Supervisors, Trempealeau County requires that all non-metallic mining operations become permitted. The permit encourages active reclamation of inactive portions of non-metallic mining operations through a fee structure that provides financial incentives for mining operations to properly reclaim mining sites immediately after extraction of materials. The permit also requires that sediments not leave the mining site by water transport.

**G. Storm Water Management and Erosion Control Ordinance**

[http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER\\_19.pdf](http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER_19.pdf)

Adopted on September 20, 2010 by the Trempealeau County Board of Supervisors, the general purpose of this ordinance is to establish regulatory requirements for land development and land disturbing activities aimed to minimize the threats to public health, safety, and welfare, and the natural resources of Trempealeau County from construction site erosion and post-construction

storm water runoff. By preventing and controlling the adverse effects of storm water runoff; the following water quality benefits are expected; prevention and control of soil erosion; prevention and control of water pollution; prevention of undue and unnecessary channel erosion; protection of fish and other aquatic organisms; protect fish spawning grounds and to control the safe capacity of existing drainage facilities and receiving water bodies.

Under subchapter III of NR 216, Wis. Adm. Code, a notice of intent shall be filed with the DNR by any landowner who disturbs one or more acres of land. This disturbance can create a point source discharge of storm water from the construction site to waters of the state and is therefore regulated by DNR. Agriculture is exempt from this requirement for activities such as planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock as well as sod farms and tree nurseries. Agriculture is not exempt from the requirement to submit a notice of intent for one or more acres of land disturbance for the construction of structures such as barns, manure storage facilities or barnyard runoff control systems. (See s. NR 216.42(2), Wis. Adm. Code.) Furthermore, construction of an agricultural building or facility must follow an erosion and sediment control plan consistent with s. NR 216.46, Wis. Adm. Code and including meeting the performance standards of s. NR 151.11, Wis. Adm. Code.

An agricultural building or facility is not required to meet the post-construction performance standards of NR 151.12, Wis. Admin. Code.

#### **H. County Comprehensive Zoning Ordinance**

<http://www.trempeleau.com/tchome/landmanagement/Zoning/compzoningordinance.aspx>

Trempealeau County is entirely zoned which is unique for a rural county. All fifteen towns adopted the County Comprehensive Zoning Ordinance in 1972. The County Comprehensive Zoning Ordinance was revised in 2000 to address concerns created by increased development pressures. All 15 townships have adopted the 2000 County Comprehensive Zoning Ordinance.

#### **I. Unified Dwelling Code Ordinance**

<http://www.trempeleau.com/tchome/landmanagement/documents/ordinances/zoning/UDC%20Ordinance%202004.pdf>

The Unified Dwelling Code Ordinance adopted on December 20, 2004 and updated November 15, 2016 by the Trempealeau County Board of Supervisors, is in effect within all municipalities in the County. The Unified Dwelling Code requires that construction sites for 1 and 2 family dwellings comply with county construction site and storm water management requirements. Through the Unified Dwelling Code, the county is able to require construction site erosion control and storm water management within the incorporated areas of the county in order to control sediment delivery to surface water resources.

#### **J. NR151 Transportation Facilities Construction Site Erosion Control and Storm Water Management**

[http://docs.legis.wisconsin.gov/code/admin\\_code/nr/100/151/IV/20](http://docs.legis.wisconsin.gov/code/admin_code/nr/100/151/IV/20)

The Trempealeau County Department of Land Management has entered into service agreements with 12 of the 15 Towns and the County Highway Department to provide engineering and administrative services to assist the Towns and County to comply with the Transportation Facilities Construction Site Erosion Control and Storm Water Management requirements of NR151.

## **K. DNR Forestry Program**

<http://dnr.wi.gov/about/divisions/forestry/>

Woodlands in Trempealeau County cover 170,000 acres, roughly 40% of the total acreage of the county. The vast majority of the wooded acres are privately owned. Oak, hickory, aspen, and birch are the predominant hardwoods; white and red pines have been planted on many of the steep slopes and previously pastured hillsides. Of the total wooded acreage, approximately 50,000 acres (26%) are involved in a forest tax law program. Under the Forest Crop, and the Managed Forest Law, landowners engage in a long-term management plan that, among other considerations, prohibits woodland grazing. In return landowners receive reduced property taxes on their wooded acreage. The overall focus of the forestry program is to help the landowner understand, appreciate, and ultimately manage woodland sustainability. In addition, the DNR Forestry Program is actively managing State owned properties, promoting fish and wildlife habitat and timber stands.

## **L. Wildlife Tree and Shrubs Sales**

[http://www.trempealeau.com/tchome/landmanagement/tree\\_orders.aspx](http://www.trempealeau.com/tchome/landmanagement/tree_orders.aspx)

The Trempealeau County DLM sells several species of native tree's and shrubs to county landowners each spring to reduce erosion, increase and diversify song bird habitat and to reintroduce heirloom fruit tree's into the county landscape to preserve genetic diversity.

## **M. Farmland Preservation**

[http://www.trempealeau.com/tchome/landmanagement/farmland\\_preservation.aspx](http://www.trempealeau.com/tchome/landmanagement/farmland_preservation.aspx)

None of the townships within Trempealeau County are currently zoned for exclusive agricultural use. However, there are 118 Farmland Preservation Agreements in effect which encompass 14,191 farmland acres. DLM staff work with each Farmland Preservation participant to ensure that a cropland soil erosion control plan is in place and that the contract holder is compliant with the plan. All participants who signed up after 2005 are required to also have a Nutrient Management Plan and meet the requirements of the NR151 Performance Standards and Prohibitions. With steady amounts of Farmland Preservation Agreements expiring, DLM staff hopes to begin an initiative in the near future that encourages landowners to form Agriculture Enterprise Areas in Trempealeau County, which is now the only way that new participants can become involved in the Farmland Preservation Program.

The Department of Land Management staff will continue to spot check 25% of the contracts each year and maintain a spreadsheet of their compliance status.

### **Working Lands Initiative:**

The inception of the Wisconsin Working Lands Initiative in 2009, can be found primarily in Chapter 91 of Wisconsin State Statutes and replaced the current Farmland Preservation Program. The main components include: expanding and modernizing the state's existing farmland preservation program; establishing agriculture enterprise areas (AEAs); and protect farmland through the matching grant program, purchase of agriculture conservation easements (PACE). The goal of the Working Lands Initiative is to achieve preservation of areas significant for current and future agricultural uses through successful implementation of these components. The program provides landowners with an opportunity to claim farmland preservation tax credits through participation in the program.

Prior to July 2009 certificates of compliance were not required. However, from July 2009 forward, they are required. A notice of noncompliance can be given if a landowner is not following a schedule of compliance that we have set up for them.

**M. Environmental Quality Incentive Program (EQIP)**

NRCS administers an annual EQIP Program. NRCS refuses to provide information to the county as to which land owners have been approved for funding or if practices installed through EQIP have brought a land owner into compliance with one or more of the State Agricultural Performance Standards.

**N. Trempealeau County Sanitary and Private Sewage System Ordinance**

<http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/powts/PrivateSe wageSystems.pdf>

The county Sanitary and Private Sewage System Ordinance was adopted by the County Board on April 19, 1982. This ordinance was put into place to protect public health and safety and to protect against pollution and degradation in the quality of ground or surface water or soils by regulating installations and operations of private septic systems and other waste disposal systems. Soil onsite inspections, septic system plan reviews, holding tank and septic tank pumping notices and septic system installation inspections are all regulatory mechanisms of this ordinance. Also, under the county's Sanitary and Private Sewage System Ordinance, the Zoning Office can respond to failing septic system complaints and order that they be corrected. The county also participates in the Wisconsin Fund grant program for the replacement of failing septic systems and applies for funding contingent upon availability.

**O. Shoreland and Wetland Protection Ordinance**

[http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/Shoreland\\_1971.pdf](http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/Shoreland_1971.pdf)

Trempealeau County adopted the Shoreland Zoning Ordinance on November 9, 1971 and updated November 15, 2016 by the Trempealeau County Board of Supervisors. This ordinance protects surface water and groundwater quality within the county by regulating what activities can and cannot occur in shoreland zones. Section eight of this ordinance addresses wetland protection. This section designates which areas in the county are regulated as wetlands and what activities can occur there. Activities in shoreland and wetland areas are regulated and tracked through the issuance of permits.

**P. Wind Generators and Wind Generating Facilities Ordinance**

[http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER\\_21.pdf](http://www.trempeleaucounty.com/tchome/landmanagement/documents/ordinances/zoning/CHAPTER_21.pdf)

Adopted on December 17, 2007 by the Trempealeau County Board of Supervisors, the purpose of this ordinance is to establish the regulatory framework for the construction and operation of wind generator facilities in Trempealeau County, subject to reasonable restrictions which preserve the public health and safety.

**Q. County Well Delegation Authority**

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiz0JiL4\\_rLAhVLGR4KHdqPASUQFggcMAA&url=https%3A%2F%2Fdocs.legis.wisconsin.gov%2Fcode%2Fadmin\\_code%2Fnr%2F800%2F845&usq=AFQjCNGIziKlnrXGuT8l6RHE\\_LFMedxQ&bvm=bv.118443451,d.dmo](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiz0JiL4_rLAhVLGR4KHdqPASUQFggcMAA&url=https%3A%2F%2Fdocs.legis.wisconsin.gov%2Fcode%2Fadmin_code%2Fnr%2F800%2F845&usq=AFQjCNGIziKlnrXGuT8l6RHE_LFMedxQ&bvm=bv.118443451,d.dmo)

The purpose of the County to have Well Delegation Authority through Chapter NR 845 is to protect Wisconsin's drinking water and groundwater resources by governing access to groundwater through regulating private well location, construction and abandonment and well and drillhole abandonment.

## **R. Comprehensive Planning**

[http://www.trempeleau.com/tchome/landmanagement/documents/informational/COMPLETE\\_COMPREHENSIVE\\_PLAN.pdf](http://www.trempeleau.com/tchome/landmanagement/documents/informational/COMPLETE_COMPREHENSIVE_PLAN.pdf)

As part of the Trempealeau County comprehensive planning process, the County worked with all 15 Towns to develop Town Land Use Plans. The Land Use Plans are intended to reduce conflicts by separating incompatible land uses and to slow the fragmentation of woodlands and farmlands. With the enactment of ATCP51, the Towns shall have to revisit their land use plans to determine if their designation of Agricultural zones remains an appropriate land use designation.

## **S. Targeted Runoff Management (TRM) Grants**

Trempealeau County requires that livestock producers that are required or desire to apply for Livestock Facilities permits and/or Animal Waste Management permits comply with State/County Agricultural Performance Standards. ATCP50 prohibits the county from forcing a landowner to comply with State/County Agricultural Performance Standards unless the cost share and “lost opportunity” payments mandated by ATCP50 are provided to the producer.

Trempealeau County makes extensive application to DNR for State TRM Grants as a source of funds to be used to require livestock producers to comply with the State/County Agricultural Performance Standards.

## **T. Land and Water Resource Management (LWRM) Grants**

DATCP provides Trempealeau County with approximately \$60,000.00 to cost share practice installation on an annual basis. These funds are primarily used to provide the cost sharing and “lost opportunity” payments required by ATCP50 to livestock producers that the county requires to comply with State/County Agricultural Performance Standards as a condition of a County Feedlot and/or Manure Storage Permit. These funds are also used to properly abandon wells to protect ground water resources and to provide the required cost sharing and “lost opportunity” payments to producers required to install grassed waterways as a pre-requisite for the use of the RUSLE2 cropland erosion prediction model. The current backlog in costs associated with practice installation on existing permits is \$1,500,000.00. Thus, it will take approximately twenty-five years to bring existing permit holders into compliance with State/County Agricultural Performance Standards if LWRM funds are the only source of funds available to the county for this purpose.

## **U. Subdivision Ordinance**

[http://www.trempeleau.com/tchome/landmanagement/documents/ordinances/zoning/CSM\\_Ordinance\\_Final.pdf](http://www.trempeleau.com/tchome/landmanagement/documents/ordinances/zoning/CSM_Ordinance_Final.pdf)

Adopted by the Trempealeau County Board of Supervisors on January 26, 1999, the purpose of this ordinance is to provide for an orderly, precise and consistent means of preparing descriptions in real estate conveyance records and to provide accurate and uniform land records for inclusion in the Trempealeau County Geographic Information System on a countywide basis.

The County Surveyor has two major responsibilities. The first responsibility was to locate and re-monument all PLSS Corner Markers within the county and the second is to maintain a one day per week office presence to provide information and assistance to the public as well as other departments within the county government system that depend on the services and products of the County Surveyor. The County Surveyor also reviews CSM’s and subdivision plats. Accurate re-monumentation provides the foundational element of the County Land Records Modernization and Parcel Mapping programs. In addition, the county surveyor maintains re-monumentation markers.

## V. County Cost Share

The Trempealeau County Board of Supervisors authorized a low-cost, high-impact cost-share program for installing conservation practices that are designed to protect surface and ground water.

## X. NR243

The purpose of NR243 is to establish criteria under which the DNR may issue a notice of discharge or a permit to other animal feeding operations that discharge pollutants to waters of the state or fail to comply with applicable performance standards and prohibitions in ch. NR 151. For other animal feeding operations, it is the intent of the department that a permit would be issued only when it can be demonstrated that an operation has a discharge of pollutants to waters of the state. Cost-share funding may be available for the NR243 program through DNR and DATCP to help a landowner achieve compliance with the NR151 Performance Standards and Prohibitions.

### Conservation Practices Utilized in the County

Conservation practices that are available to bring agricultural producers into compliance with State/County Agricultural Performance Standards are listed in Subchapter 8 of ATCP50. They are: Manure Storage Systems, Manure Storage System Closure, Barnyard Runoff Control Systems, Access Roads and Cattle Crossings, Animal Trails and Walkways, Contour Farming, Cover and Green Manure Crop, Critical Area Stabilization, Diversions, Field Windbreaks, Filter Strips, Grade Stabilization Structures, Heavy Use Area Protection, Livestock Fencing, Livestock Watering Facilities, Milking Center Waste Control Systems, Nutrient Management, Pesticide Management, Prescribed Grazing, Relocating or Abandoning Animal Feeding Operations, Residue Management, Riparian Buffers, Roofs, Roof Runoff Systems, Sediment Basins, Sinkhole Treatment, Streambank and shoreline Protection, Strip Cropping, Subsurface Drains, Terrace Systems, Underground Outlets, Waste Transfer Systems, Wastewater Treatment Strips, Water and Sediment Control Basins, Waterway Systems, Well Decommissioning, Wetland Development or Restoration.



Riprap installed on an eroding streambank.

If public funds in the form of cost share assistance are provided to the producer, compliance with the Technical Standards contained within the NRCS Technical Guide is required. If a conservation practice is installed without the benefit of public funding assistance, only the Performance Standard must be complied with.

### Future Tools to Address and Control Sources of Non-Point Pollution

- A. **Phosphorous Trading:** Is being explored as an on-going cooperative effort between the Municipalities in Trempealeau County, the Department of Natural Resources and the Department of Land Management. The intent is to assist municipalities in reaching their phosphorus discharge goals by trading Best Management Practices on the land with farmers and landowners upstream of their Waste Water Treatment Facility. The Waste Water Treatment Facility pays for the Best Management Practice installation and receives credit for their Waste Water Treatment Facility once the Best Management Practice is in place and functioning.

- B. **Adaptive Management:** A voluntary compliance option for point source facilities to comply with the phosphorus limits in NR217. It is a watershed approach to control phosphorus where a point source facility funds management measures at other point and nonpoint sources. This approach offers flexibility to the permittee to achieve the desired result. It is a strategy built on partnerships between point source facilities, other landowners, municipalities and private and public entities.
- C. **Nine Key Element Plan:** The EPA has identified nine key planning elements that are critical for protecting and improving water quality. Plans that reflect the nine key elements help assess the contributing causes and sources of nonpoint source pollution within a defined watershed area and then prioritize pollutant reduction strategies to restore or protect water quality. Nine key element plans can be used to restore impaired waters or help protect unimpaired waters. In order to be eligible for Clean Water Act (CWA) Section 319 funding from US EPA, a compliant nine key element plan must be developed.

## **Information and Education**

### **Newsletter**

The Trempealeau County Department of Land Management distributes a newsletter to each residence within Trempealeau County. The Newsletter is also available on the Department of Land Management Website. The newsletter focuses on the State Agricultural and Non-Agricultural Performance Standards required by NR151 as well as the various County Ordinances. The newsletter also provides information and education as to services made available through the County Department of Land Management to assist landowners in achieving compliance with County and State Performance Standards. The County shall continue to develop and distribute newsletters on an annual basis or as necessary, subject to available funding. Lastly, the newsletter provides information for the public on how to express concerns or complaints regarding activity detrimental to the land and water resources of Trempealeau County.

### **Landowner Services**

Providing landowner services will continue to be a high priority to implement land and water conservation practices. Services available to landowners include: on-site farm visits or walk-in technical assistance, providing informational and educational materials to landowners about conservation and related programs, update conservation plans, and continuing to do SNAPPLUS classes and on-site manure spreader calibration for compliance with the nutrient management plan standard.

### **School Outreach**

Involving and educating the next generation of landowners about land and water conservation issues is critical to meeting future conservation goals. To achieve this, DLM staff and the E&LU Committee will continue outreach efforts in the local K-12 educational facilities through activities such as: hosting the annual County Land Judging Contest, provide staff for in classroom educational activities, and provide staff for the annual 7<sup>th</sup> Grade Environmental Field Days. In addition, the DLM Staff in coordination with the E & LU Committee host the annual Conservation Environmental Poster and Speaking Contest. .



Land Judging with local youth

### **Tours and Field Days**

Annual tours will continue to be held for the Environment and Land Use Committee and County Board members highlighting accomplishments and challenges the Department encountered during the year. In addition, an annual field day will be held for information and education for landowners about new and innovative conservation practices.

## **Interagency Coordination**

### **Department of Natural Resources**

Trempealeau County has entered into a working agreement with the DNR to implement the Performance Standards contained within NR151. See Appendix G

Performance Standards: NR 151 Performance Standards Implementation Strategy

On October 1, 2002 Wisconsin's rules to manage polluted runoff for farms and other sources went into effect and again were recently updated to include new performance standards in December 2010. The DNR Administrative Rule NR151 set performance standards and prohibitions for agriculture, construction site erosion, and runoff from streets and roads. DATCP Administrative Rule ATCP 50 identifies conservation practices that must be followed to meet the performance standards.

Identification of Priority Farms:

1. Livestock facilities of any size that have an existing County Feedlot Permit but have not fully complied with State/County Performance Standards due to a lack of cost share funding necessary to require compliance with State Agricultural Performance Standards (ATCP50). Livestock facilities located within a WQMA or draining to an impaired water shall be given priority consideration in the allocation of available cost sharing. DATCP provides approximately \$61,000.00 per year to cost share practice installation that will result in compliance with a State Performance Standard. The average cost to bring an existing Priority Farm into compliance with all of the NR151 Agricultural Performance Standards and Prohibitions is 100,000.00.
2. Un-permitted livestock facilities that are required to obtain a County Livestock Facilities Permit after July 1, 2006, either because they are new facilities, or are existing facilities that are expanding by equal to or greater than 20% and after expansion shall be equal to or greater than 300 Animal Units.
3. Those livestock facilities that are required to obtain a County Animal Waste Management Storage Ordinance Permit.

Note: The definition of new and existing livestock facilities are those definitions contained within ATCP 51.

### **Department Of Agriculture, Trade and Consumer Protection**

DATCP provides a minimal staffing/cost share grant to the County to partially offset state mandate costs to the county tax levy. DATCP tracks compliance with state mandated activities and offers to eliminate grant funds if the county fails to comply with state mandates and obligations associated with County Land and Water Resource Management Plans.

### **WDNR NR 135: Non-Metallic Mining Reclamation**

The purpose of this chapter is to require reclamation of nonmetallic mining sites. The rule is promulgated pursuant to ch. 295, subch. I, Stats. The goals of reclamation are to rehabilitate sites where nonmetallic mining takes place after the effective date of an applicable reclamation ordinance, in order to promote the removal or reuse of nonmetallic mining refuse, removal of roads no longer in use, grading of the nonmetallic mining site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water flow and groundwater withdrawal, prevention of environmental pollution, development and reclamation of existing nonmetallic mining sites, and development and restoration of plant, fish and wildlife habitat if needed to comply with an approved reclamation plan. To assure nonmetallic mining operations after the effective date of an applicable reclamation ordinance are conducted in a manner that promotes successful reclamation consistent with the standards established in WDNR NR135, minimizes the cost of nonmetallic mining reclamation, encourages the development and reclamation of existing nonmetallic

mining sites and, to the extent practicable, minimizes areas disturbed by nonmetallic mining at any time and provides for contemporaneous nonmetallic mining reclamation.

The scope of WDNR NR 135 is to accomplish these goals. WDNR NR135 establishes standards for reclaiming nonmetallic sites, sets out nonmetallic mining reclamation permit requirements, defines procedures and requirements applicable to mines subject to this chapter, defines procedures for administering nonmetallic mining reclamation programs, including the exercise of the department's authority for inspection, review and enforcement, and establishes a procedure for landowners to register marketable nonmetallic mineral deposits in order to preserve these resources.

### **USDA Agencies**

Trempealeau County anticipates limited assistance from the USDA Agencies of FSA and NRCS in the implementation of this or any other county natural resource protection plan.

DLM staff are encouraged to make landowners aware of federal programs available to Trempealeau County landowners including the Conservation Reserve Program (CRP), the Environmental Quality Incentives Program (EQIP), the Wetland Reserve Program (WRP), the Conservation Stewardship Program (CSP), the Wildlife Habitat Incentive Program (WHIP) and the Grassland Reserve Program (GRP).

The Department of Land Management participates with NRCS in setting priorities as a member of a local work group. Participation in the local work group promotes communication between the DLM and the NRCS regarding prioritization and installation of BMP's.

### **U.W. Extension**

U.W. Extension Educators provide assistance to the Department of Land Management staff, when requested, to assist with implementing the educational and research components of the nutrient management plan.

### **Western Technical College**

The WTC Farm Business and Production Management (FBPM) Specialist Instructor provides nutrient management plans to student clients when these plans are required and/or desired. The WTC Farm Business and Production Management Specialist Instructor has developed educational curricula that allows student clients to become self certified in the development and annual updating of nutrient management plans. An annual class is offered for this service at the Western Technical College campus in Independence. The Trempealeau County Department of Land Management works closely with the Western Technical College FBPM Specialist Instructor in ensuring compliance with State standards and assists with seeking cost-share funding to help producers off-set the cost of developing a plan. Participants feel that this program allows them to have ownership in their plan and they have a plan they understand and can implement.

## **CHAPTER 5: FUNDING AND PLAN IMPLEMENTATION**

### **Plan Implementation Priorities**

Subject to the limitations of State funding, the primary Land and Water Resource Management Planning Goal of the Trempealeau County Environment and Land Use Committee is to ensure compliance with the Agricultural and Non-Agricultural Performance Standards contained within NR151 and County Ordinances. This section of the 10 year Land and Water Resource Management plan states, for Land and Water Resource Management Planning purposes, the 10 year land and water resource management plan implementation goals of Trempealeau County as well as the action items intended to achieve the goals. Unless otherwise noted, Department of Land Management Staff shall be primarily responsible for all action items.

Each of the Agricultural and Non-Agricultural Performance Standards is followed by a priority ranking. This is a generalized ranking intended to meet the requirements for Plan approval. Each individual request for technical and/or financial services shall be evaluated to determine site specific water quality benefits.

## CHAPTER 6: EVALUATION AND MONITORING

Trempealeau County has created an integrated GIS and database system (geo-database) to track compliance with State/County Agricultural Performance Standard(s) on a parcel specific basis. Determination of compliance is based upon the tax parcel and owner in existence at the time of determination and is then tracked within the geo-database as a compliance parcel. This tracking system will allow tracking of compliance parcel independent of the ownership changes and splits that occur to the actual tax parcel, and for multiple determinations to be made upon the same land area at different times regardless of current ownership. Comparison of compliance determinations and tax parcels after ownership changes and splits can then be achieved through use of spatial join capabilities within GIS software.

The Compliance geo-database was originally populated through:

- Records inventory of existing NPS Contracts that were completed and were still in the required maintenance period.
- A 100% stream inventory to determine compliance with the livestock access performance standard.
- A 100% inventory of existing livestock facilities to determine location, approximate size and animal type.
- Records inventory of Animal Waste Management and Livestock Facilities Permits issued.

In 2002, Trempealeau County adopted and implemented a policy that all county landowners seeking technical or financial assistance through the DLM must agree to having DLM staff conduct an on farm evaluation to determine current compliance with State/County Agricultural Performance Standards. The compliance investigation reports, once completed, are signed by the landowner and the DLM staff person conducting the compliance inventory. Landowners are afforded an opportunity to dispute/appeal the determinations directly to the E&LU Committee. Following signature by both parties, the compliance determinations are entered into the compliance data base. Once compliance with all State/County Agricultural Performance Standards is identified on a specific land parcel, notification of this fact is registered as a notice of compliance in the Register of Deeds Office as an attachment to the land parcel. Future accomplishment reports, which may be required by the State of Wisconsin, shall be generated from this geo-database.

Trempealeau County DLM staff will perform on-site Agricultural Performance Standards and Prohibitions compliance evaluations using the Inventory and Evaluation form attached in [Appendix H](#), which is then tracked within the Compliance geo-database. Options for bringing the site into full compliance with the State/County Agricultural Performance Standards and Prohibitions are provided to the land owner.

Trempealeau County DLM staff will review the results from the Transect Survey.

In addition, all septic systems are tracked for maintenance on a 3 year rotation and tracked in the geo-database system.

Through the use of Annual Accomplishment Reports, financial data, installed practices, pollutant data, information and education activities, and NR151 compliance will all be reported to DATCP, DNR and other agencies as required.

## **APPENDIXES**



**TREMPEALEAU COUNTY ENVIRONMENT AND LAND USE COMMITTEE  
DEPARTMENT OF LAND MANAGEMENT  
COURTHOUSE, BOX 67 WHITEHALL, WI 54773-0067  
(715) 538-2311, Ext. 223**

**THIRD AMENDED REGULAR MEETING AGENDA**

Posted: January 11th, 2016

There will be a Regular Meeting of the Environment and Land Use Committee on **Wednesday, January 13th, 2016 at 9:00 AM** in the **County Board Room** of the **Courthouse, 36245 Main St, Whitehall, WI.**

Note: If deemed necessary by the Committee, there will be a 5 minute break at the top of each hour. If necessary at 12:00 Noon the Committee will take a half hour break. If a Committee member is unable to attend the meeting they are to notify the Dept. of Land Management (715)538-2311, Ext. 223 as soon as possible.

The Agenda is as follows:

1. Call Meeting to Order
2. Roll Call of Committee members
3. Certification of Open Meeting Law Requirements
4. Adoption of Agenda
5. Adoption of Minutes (December 9<sup>th</sup>, 2015)
6. NRCS (Natural Resource Conservation Service) Update
- 9:00 AM 7. Public Hearing – Land Use Change/Rezone – Commercial ( C) to Rural Residential (RR)- Putz LLC, Landowner, Ambrose Schwartz, Petitioner, Trempealeau, WI –Town of Trempealeau
8. LWRM (Land & Water Resource Management) plan update
9. Conservation Projects Workload Update
10. Conservation Poster and Speaking Contest (scheduled for this evening)
11. LWRM (Land & Water Resource Management) and TRM (Target Runoff Management) Requests and Payment Approval
12. Wisconsin Land & Water Conservation Association Dues
13. Codification of County Ordinances including all DLM Ordinances
14. Uniform Dwelling Code (UDC) Ordinance Revisions
15. Update to Trempealeau County Farmland Preservation Plan-Opportunity for public comment
16. Surveying Update and Payment Approval
17. Discussion and possible action on Resolution regarding Assembly Bill 582/Senate Bill 464
18. Notice of Community Forum on Air Quality Testing Results sponsored by the University of Iowa to be held February 4<sup>th</sup>, 2016 in the Tremple Room of the Courthouse
19. Review of Comprehensive Zoning Ordinance, Section 2.05, Table of Uses
20. Review of and Possible Action on Amendments to Comprehensive Zoning Ordinance – Chapter 13- Non-Metallic Mining
21. Review of and Possible Action on Public Hearing Procedures  
\*\*\*\*Special Meeting Agenda Items\*\*\*\*
- 10:30 AM 22. Discussion and possible action in regard to the Final Report on the Public Health Impacts of Nonmetallic Mining. (*Note: All Committee Members should review and bring their copy of Health Impact Study to the Meeting.*)
23. Confirm Next Special Meeting Date and Regular Meeting Date (February 10th, 2016)
24. Adjourn

George Brandt, Chairman

Notice: This meeting agenda includes items as required by WI Stat. 92. The Farm Service Agency (FSA) representative will serve as an authorized member of the Committee for this meeting.



# Appendix A

Bill Sylla  
W20353 County Rd. Q  
Whitehall, WI 54773

Larry Amundson  
W14757 Brown Rd.  
Osseo, WI 54758

Dennis Deitelhoff  
W21355 Browns Add Ln.  
Galesville, WI 54630

Peter Fletcher  
MRRPC  
1707 Main St. Suite 435  
La Cross, WI 54601

Danny Foote  
W14233 Bear Creek Rd.  
Blair, WI 54616

Amber Radatz  
N42496 Hammerstad Rd.  
Osseo, WI 54758

Jon Schultz  
N23277 Kukowski Ln.  
Arcadia, WI 54612

Shane Goplin  
N42880 U.S. Highway 53  
Osseo, WI 54758

Tim Geiger  
N36586 Everette Ln.  
Whitehall, WI 54773

David Thompson  
N40666 Dahl Rd/  
Whitehall, WI 54773

Gerald Hawkenson  
N44244 Hawkenson Valley Rd.  
Eleva, WI 54738

Nancy Horton  
N23302 McCabe Ln.  
Ettrick, WI 54627

Cheryl Rhoda  
S2390 Canada Bridge Rd.  
Fountain City, WI 54629

Sheree Nelson  
N47213 Ellenberger Ln.  
Eleva, WI 54738

Todd Quarne  
N29793 Bennie Olson Rd.  
Blair, WI 54616

Thomas Schank  
N31152 State Rd. 93  
Arcadia, WI 54612

Brian Maliszewski  
W22452 State Rd. 121  
Independence, WI 54747

James Schwartz  
N44065 Blount Rd.  
Osseo, WI 54758

Dick Miller  
615 E. Olson St.  
Blair, WI 54616

Eric Schaffner  
W645 Joos Valley Rd.  
Fountain City, WI 54629

Patrick Sorge  
W18753 Chief Inn Rd.  
Osseo, WI 54758

Sharon Spahr  
W17878 Silver Creek Rd.  
Galesville, WI 54630

Roland Thompson  
W21904 Spires Ln.  
Galesville, WI 54630

Steve Okonek – UW-Extension

Brad Sirianni  
N38584 Johnson Valley Rd.  
Whitehall, WI 54773

Eric Gullicksrud  
W27086 U.S. Hwy 10  
Eleva, WI 54738

Cindy Koperski, WDNR  
3550 Mormon Coulee Rd.  
La Crosse, WI 54601

Ryan Swatik - NRCS

Pat Malone – UW-Extension

**DEPARTMENT OF LAND MANAGEMENT  
COURTHOUSE, BOX 67,  
WHITEHALL, WI 54773-0067  
(715) 538-2311, Ext. 223**

**NOTICE**

**Posted: March 8th, 2016**

This notice published pursuant to WI Stat 19.82(2) regarding Open Meeting Laws.

Members of the Trempealeau County Environment and Land Use Committee may be in attendance of the Land and Water Resource Management Plan Advisory Committee meeting being held on Wednesday, March 9th, 2016 at 6:00 p.m. in the County Board Room of the Trempealeau County Courthouse, which may create a quorum.

**DEPARTMENT OF LAND MANAGEMENT  
COURTHOUSE, BOX 67,  
WHITEHALL, WI 54773-0067  
(715) 538-2311, Ext. 223**

**LAND and WATER RESOURCE MANAGEMENT ADVISORY COMMITTEE  
MEETING AGENDA**

**Posted: March 8<sup>th</sup>, 2016**

A Land and Water Resource Management Plan Advisory Committee meeting will be held on Wednesday, March 9<sup>th</sup> at 6:00 PM in the County Board Room of the Courthouse, 36245 Main St., Whitehall, WI

Agenda Items:

Discussion of Amendments to December 2011 Trempealeau County Land and Water Resource Management Plan.

# Appendix A

The citizen advisory committee meeting was called to order by Kevin Lien at 6:03 p.m.. Roll call was taken. Those in attendance: Peter Fletcher, Thomas Schank, Brad Sirianni, Danny Foote, Shane Goplin, Gerald Hawkenson, Brian Maliszewski, Eric Schaffner, Dennis Deitelhoff, Nancy Horton, Todd Quarne, James Schwartz. DLM Staff members present: Kevin Lien and Carla Doelle.

Kevin Lien gave a brief overview and history of the County's LWRM and why this group was formed and what their purpose and role is.

A few general comments were brought up... as to how the plan was put together originally. Where the benchmark numbers for compliance come from.

Suggestion was made to have electronic links to all ordinances and agencies within our electronic plan.

Suggestion was made to have a key of acronyms.

Discussion took place to have a representative from the mining industry serve on this citizen advisory committee. Motion by Todd Quarne and second by Shane Goplin to seek a representative from the mining industry to serve on the committee.

Discussion took place to add a paragraph into Chapter 2 about the history and changes to the mining industry in the last 5 years. Also, to change the language on page 22 under Objective F: to Protect land and water resources from being negatively impacted by Non-Metallic Mining sites. Under the action items: refer to ordinances for rules and regulations for the Non-Metallic Mining rules and suggest that the CAC meet again in 5 years to verify that the plan is on track as intended.

Discussed the idea of potentially adding Phosphorus Trading and a 9 Key Element plan to the LWRM plan.

The suggestion was made that written comments about the plan be emailed to Carla Doelle at [cj@tremplounty.com](mailto:cj@tremplounty.com) by March 23<sup>rd</sup>. With the next CAC meeting being held on April 6<sup>th</sup> at 6:00 p.m..

Motion to adjourn at 7:55 by Brad Sirianni. Second by Sharon Spahr. Motion carried. Meeting adjourned.

**DEPARTMENT OF LAND MANAGEMENT  
COURTHOUSE, BOX 67,  
WHITEHALL, WI 54773-0067  
(715) 538-2311, Ext. 223**

**NOTICE**

**Posted: April 4, 2016**

This notice published pursuant to WI Stat 19.82(2) regarding Open Meeting Laws.

Members of the Trempealeau County Environment and Land Use Committee may be in attendance of the Land and Water Resource Management Plan Advisory Committee meeting being held on Wednesday, April 6, 2016 at 6:00 p.m. in the County Board Room of the Trempealeau County Courthouse, which may create a quorum.

**DEPARTMENT OF LAND MANAGEMENT  
COURTHOUSE, BOX 67,  
WHITEHALL, WI 54773-0067  
(715) 538-2311, Ext. 223**

**LAND and WATER RESOURCE MANAGEMENT ADVISORY COMMITTEE  
MEETING AGENDA**

**Posted: April 4, 2016**

A Land and Water Resource Management Plan Advisory Committee meeting will be held on Wednesday, April 6th at 6:00 PM in the County Board Room of the Courthouse, 36245 Main St., Whitehall, WI.

Agenda Items:

1. Call Meeting to Order
2. Roll Call of Committee Members
3. New Introductions
4. Certification of Open Meeting Law Requirements
5. Adoption of Agenda
6. Adoption of March 9<sup>th</sup>, 2016 Minutes
7. Discussion of recommended amendments and possible approval of changes to the December 2011 Trempealeau County Land and Water Resource Management Plan chapters below:
  - A. Chapter 1
  - B. Chapter 2
  - C. Chapter 3
  - D. Chapter 4
  - E. Chapter 5
  - F. Chapter 6
  - G. Any other recommended amendments
8. Set Next Meeting Date
9. Adjourn

# Appendix A

The citizen advisory committee meeting was called to order by Carla Doelle at 6:02 p.m.. Roll call was taken. Those in attendance: Peter Fletcher, Thomas Schank, Brad Sirianni, Danny Foote, Shane Goplin, Gerald Hawkenson, Brian Maliszewski, Eric Schaffner, Dennis Deitelhoff, Nancy Horton, Todd Quarne, Bill Sylla, Sharon Spahr, Pat Malone, Tim Geiger, Richard Marino and Patrick Sorge. DLM Staff member present: Carla Doelle. Public in attendance: Kathy Zeglin and Angela Sylla.

Carla Doelle introduced Dick Marino as a representative to the committee on behalf of the non-metallic mining industry and then certified the open meeting requirements had been met.

Motion to adopt the agenda by Dennis Dietelhoff and second by Brad Sirianni.

Motion by Gerald Hawkenson and second by Nancy Horton to adopt the March 9<sup>th</sup> meeting minutes.

Lengthy discussion took place on each chapter of the Land and Water Resource Management plan with few changes suggested.

Additional written comments about the plan can be emailed to Carla Doelle at [cj@tremplounty.com](mailto:cj@tremplounty.com). The next CAC meeting is scheduled for July 27<sup>th</sup> at 6:00 p.m. in the County Board Room of the Courthouse.

Motion to adjourn at 7:45 by Brad Sirianni. Second by Nancy Horton. Motion carried. Meeting adjourned.

**DEPARTMENT OF LAND MANAGEMENT  
COURTHOUSE, BOX 67,  
WHITEHALL, WI 54773-0067  
(715) 538-2311, Ext. 223**

**NOTICE**

**Posted: July 18, 2016**

This notice published pursuant to WI Stat 19.82(2) regarding Open Meeting Laws.

Members of the Trempealeau County Environment and Land Use Committee may be in attendance of the Land and Water Resource Management Plan Advisory Committee meeting being held on Wednesday, July 27, 2016 at 6:00 p.m. in the County Board Room of the Trempealeau County Courthouse, which may create a quorum.

**DEPARTMENT OF LAND MANAGEMENT  
COURTHOUSE, BOX 67,  
WHITEHALL, WI 54773-0067  
(715) 538-2311, Ext. 223**

**LAND and WATER RESOURCE MANAGEMENT ADVISORY COMMITTEE  
MEETING AGENDA**

**Posted: July 18, 2016**

A Land and Water Resource Management Plan Advisory Committee meeting will be held on Wednesday, July 27th at 6:00 PM in the County Board Room of the Courthouse, 36245 Main St., Whitehall, WI.

Agenda Items:

1. Call Meeting to Order
2. Roll Call of Committee Members
3. Certification of Open Meeting Law Requirements
4. Adoption of Agenda
5. Adoption of April 6<sup>th</sup>, 2016 Minutes
6. Discussion of recommended amendments and possible approval of changes to the December 2011 Trempealeau County Land and Water Resource Management Plan chapters below:
  - A. Chapter 1
  - B. Chapter 2
  - C. Chapter 3
  - D. Chapter 4
  - E. Chapter 5
  - F. Chapter 6
  - G. Any other recommended amendments
7. Final Approval and Action to forward draft plan to DATCP and DNR for comments
8. Set Next Meeting Date
9. Adjourn

# Appendix A

The citizen advisory committee meeting was called to order by Carla Doelle at 6:04 p.m. Roll call was taken. Those in attendance: Peter Fletcher, Danny Foote, Gerald Hawkenson, Nancy Horton, Sharon Spahr, Pat Malone, Tim Geiger, Amber Radatz and James Schwartz. DLM Staff members present: Carla Doelle and Kevin Lien.

Carla Doelle certified that the open meeting requirements had been met.

Motion to adopt the agenda by Pat Malone and second by James Schwartz.

Motion by Gerald Hawkenson and second by Sharon Spahr to adopt the April 6th meeting minutes.

Lengthy discussion took place on each chapter of the Land and Water Resource Management plan with minor changes needed.

Motion by Tim Geiger to forward the draft plan to DATCP and DNR with a 30 deadline for their comments so that we may continue to meet our deadlines for the plan approval. Second by Nancy Horton. Motion carried.

The next CAC meeting is scheduled for September 7<sup>th</sup>, 2016 at 6:00 p.m. in the County Board Room of the Courthouse.

Motion to adjourn at 7:30 by Pat Malone. Second by Sharon Spahr. Motion carried. Meeting adjourned.

**TREMPEALEAU COUNTY ENVIRONMENT AND LAND USE COMMITTEE  
DEPARTMENT OF LAND MANAGEMENT  
COURTHOUSE, BOX 67 WHITEHALL, WI 54773-0067  
(715) 538-2311, Ext. 223**

**REGULAR MEETING AGENDA**

Posted: October 4, 2016

There will be a Regular Meeting of the Environment and Land Use Committee on **Wednesday, October 12th, 2016 at 9:00 AM** in the **County Board Room** of the **Courthouse, 36245 Main St, Whitehall, WI.**

Note: If deemed necessary by the Committee, there will be a 5 minute break at the top of each hour. If necessary at 12:00 Noon the Committee will take a half hour break. If a Committee member is unable to attend the meeting they are to notify the Dept. of Land Management (715)538-2311, Ext. 223 as soon as possible.

The Agenda is as follows:

1. Call Meeting to Order
2. Roll Call of Committee Members
3. Certification of Open Meeting Law Requirements
4. Adoption of Agenda
5. Adoption of Minutes
6. NRCS (Natural Resource Conservation Service) Update
7. Wildlife Damage & Claims Program – DeWayne Snobl
  - 1) 2015 WS WDACP Summary Report
  - 2) Set the 2016 WDACP Crop Prices
  - 3) Set the 2016 90% Harvest Cut-Off Date
  - 4) 2017 Trempealeau County WDACP Budget Proposal including deer donation (review/approval)
  - 5) Other Wildlife questions
- 9:00 AM 8. Public Hearing – Conditional Use Permit - Cell Tower - Gary J. Boland, Independence, WI – Landowner, Diamond Towers IV, LLC, 820 Morris Turnpike, Suite 104, Short Hills, NJ 07078 and Wisconsin RSA #6 Limited Partnership d/b/a Verizon Wireless, 1515 Woodfield Road, Suite 1400, Schaumburg, IL 60173, Operator/Petitioner. Contact Individual for both entities is Eric Lennington, Ton 80 Realty Services, Inc. P.O. Box 578790, Chicago, IL 60657-Town of Burnside
9. Action to Remove from the Table - Land Use Change/Rezone – Exclusive Agriculture 2 (EA2) to Commercial (C), Roger A. Swett Revocable Living Trust, Landowner, Renea M. Johnson Trustee POA for Roger A. Swett, Petitioner, Osseo, WI – Town of Sumner
10. UDC (Uniform Dwelling Code) Ordinance Revision
11. Discussion and Action on the 2016 Land & Water Resource Management Plan Update
12. Parks, Tourism & Economic Development Update
13. Vehicle Trade-In and Purchase  
LWRM (Land & Water Resource Management) and TRM (Target Runoff Management)
14. Requests and Payment Approval
15. Surveying Update and Payment Approval- Appearance by County Surveyor Joe Nelsen
16. Confirm Next Special Meeting Date and Regular Meeting Date (November 9th, 2016)  
Adjourn

George Brandt, Chairman

Notice: This meeting agenda includes items as required by WI Stat. 92. The Farm Service Agency (FSA) representative will serve as an authorized member of the Committee for this meeting.

To the Editor:

Please publish the enclosed NOTICE OF PUBLIC HEARING regarding the revision of 2016 Land and Water Resource Management Plan for two weeks in your October 20<sup>th</sup> and 27<sup>th</sup> publications.

Please send the billing and proof of publication to the Trempealeau County Department of Land Management, P.O. Box 67, Whitehall, WI 54773. Thank you.

**NOTICE OF PUBLIC HEARING**  
**2016 Land and Water Resource Management Plan Revision**

TO: The Public

PLEASE TAKE NOTICE that pursuant to 92.10(6)(c) Wis. Stats. the Trempealeau County Environment and Land Use (E & LU) Committee will hold a public hearing on the proposed Revision of the 2016 Trempealeau County Land and Water Resource Management Plan.

PLEASE be further advised that this public hearing will be held at 9:30 a.m. on Wednesday, November 9<sup>th</sup>, 2016 in the **County Board Room** of the Courthouse, 36245 Main St., Whitehall, WI.

Prior to the public hearing, copies of the proposed 2016 Land and Water Plan revision may be viewed at the offices of the Trempealeau County Department of Land Management (DLM) and Trempealeau County Clerk and on the [www.trempealeaucounty.com](http://www.trempealeaucounty.com) website. If you are unable to pick up a copy, please contact the Department of Land Management at 715-538-2311, Extension 273, to ask that a copy be mailed to you.

Written comments will be accepted by the E & LU Committee until 4:30 PM on November 8<sup>th</sup>, 2016. Comments can be e-mailed to [cj@trempealeaucounty.com](mailto:cj@trempealeaucounty.com) or send written correspondence to Carla J. Doelle, Department of Land Management, P.O. Box 67, Whitehall, WI 54773.

Dated this 13th day of October, 2016.

TREMPEALEAU COUNTY E & LU COMMITTEE

By: /s/ George Brandt  
George Brandt, Chairman

**TREMPEALEAU COUNTY ENVIRONMENT AND LAND USE COMMITTEE  
DEPARTMENT OF LAND MANAGEMENT  
COURTHOUSE, BOX 67 WHITEHALL, WI 54773-0067  
(715) 538-2311, Ext. 223**

**AMENDED REGULAR MEETING AGENDA**

Posted: 11/4/16

There will be a Regular Meeting of the Environment and Land Use Committee on **Wednesday, November 9th, 2016 at 9:00 AM** in the **County Board Room** of the **Courthouse, 36245 Main St, Whitehall, WI.**

Note: If deemed necessary by the Committee, there will be a 5 minute break at the top of each hour. If necessary at 12:00 Noon the Committee will take a half hour break. If a Committee member is unable to attend the meeting they are to notify the Dept. of Land Management (715)538-2311, Ext. 223 as soon as possible.

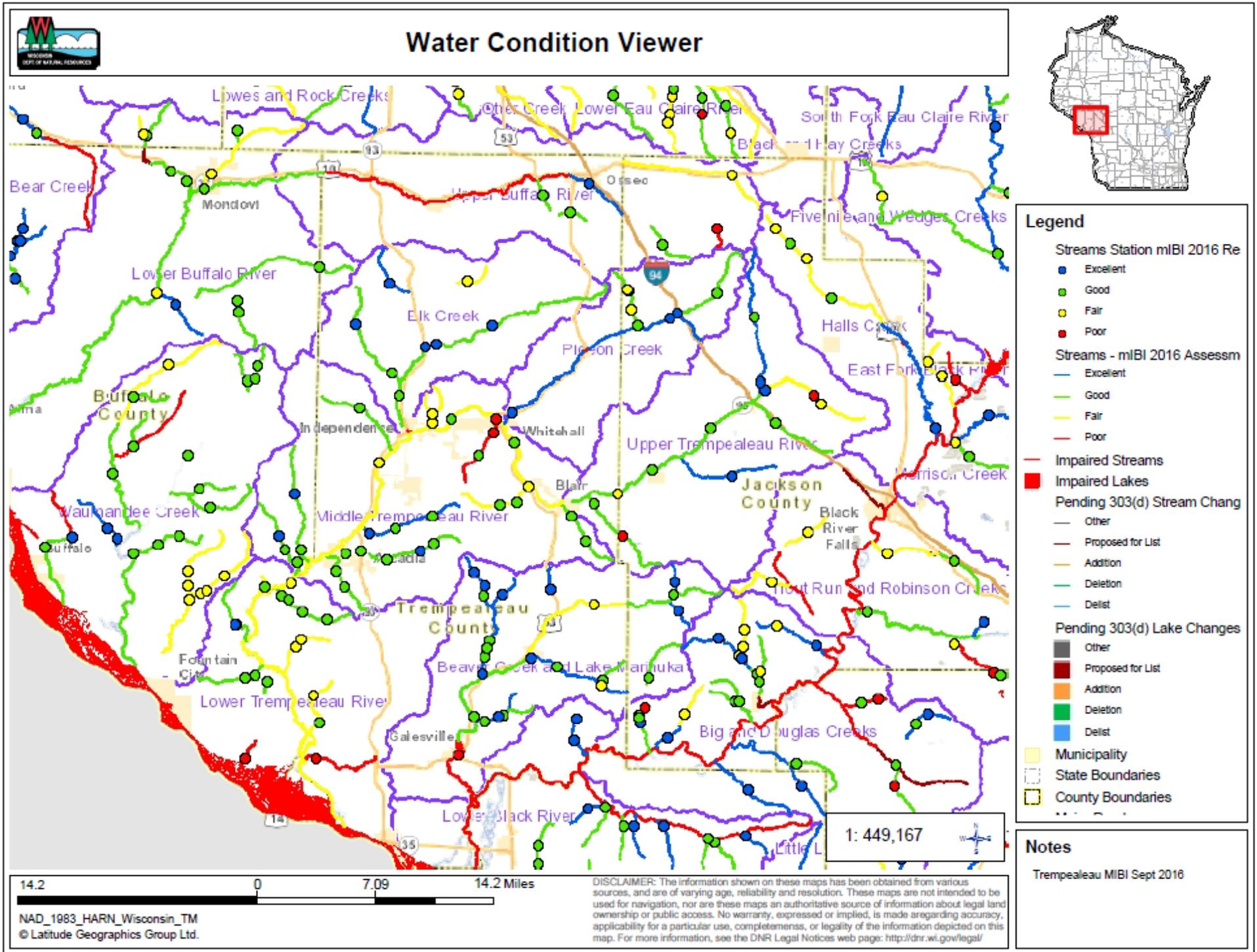
The Agenda is as follows:

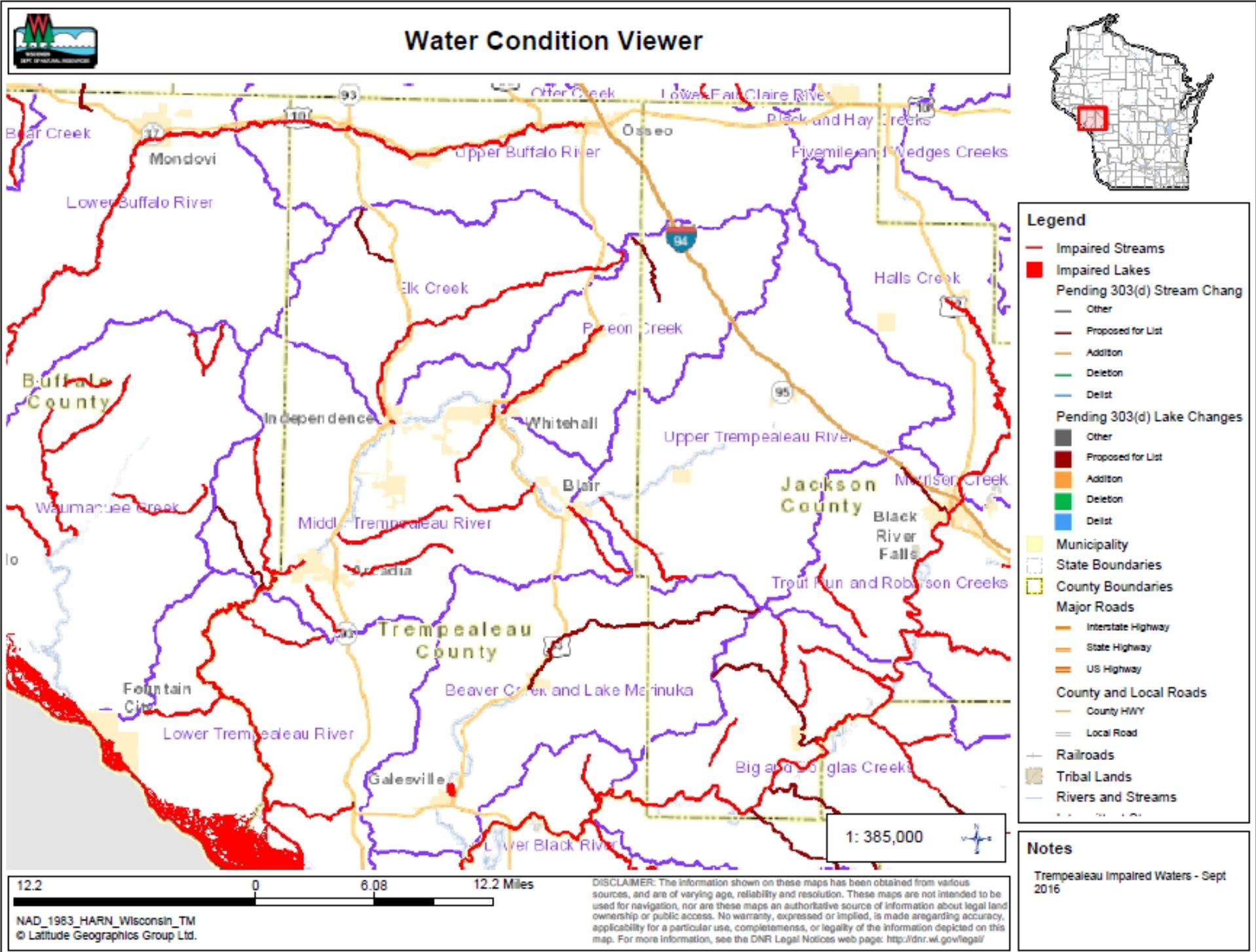
1. Call Meeting to Order
2. Roll Call of Committee Members
3. Certification of Open Meeting Law Requirements
4. Adoption of Agenda
5. Adoption of Minutes
- 9:00 AM 6. Public Hearing - Land Use Change/Rezone - Exclusive Agriculture 2 (EA2) to Rural Residential (RR) -Verdalee Bjorge Irrevocable Trust, Landowner, Michael Bjorge, Trustee, Petitioner, Whitehall, WI. – Town of Pigeon
- 9:05 AM 7. Public Hearing - Land Use Change/Rezone –Transitional Agriculture (TA) to Commercial (C)- Ellen E. Helgeson-Hayes, Landowner/Petitioner, Independence, WI - Town of Burnside
- 9:10 AM 8. Public Hearing – Land Use Change/Rezone – Transitional Agriculture (TA) to Commercial (C )- Jerome G. Kreibich and Carla A. Radsek, Landowner/Petitioner, Eleva, WI –Town of Albion
- 9:15 AM 9. Public Hearing – Land Use Change/Rezone – Industrial (I) to Rural Residential (RR) – Roger J. Losinski, Trempealeau, WI - Town of Trempealeau
- 9:20 AM 10. Public Hearing – Conditional Use Permit – Mobile Service Facility/Cell Tower Replacement Todd H. & Josephine F. Koss Revocable Trust, Todd H. & Josephine K. Koss Trustees, Landowner/Petitioner, Fond Du Lac, WI, United States Cellular, LLC, Madison, WI, Operator- Town of Gale
- 9:25 AM 11. Public Hearing - NR115 Shoreland Zoning Ordinance and Resolution
- 9:30 AM 12. Public Hearing - 2016 Land and Water Resource Management Plan Revision and Resolution
13. \$50.00 Donation to 2017 Wisconsin Envirothon
14. LWRM (Land & Water Resource Management) and TRM (Target Runoff Management) Requests and Payment Approval
15. Confirm Next Special Meeting Date and Regular Meeting Date (December 14th, 2016)
16. Adjourn

George Brandt, Chairman

Notice: This meeting agenda includes items as required by WI Stat. 92. The Farm Service Agency (FSA) representative will serve as an authorized member of the Committee for this meeting.







12.2 0 6.08 12.2 Miles

NAD\_1983\_HARN\_Wisconsin\_TM  
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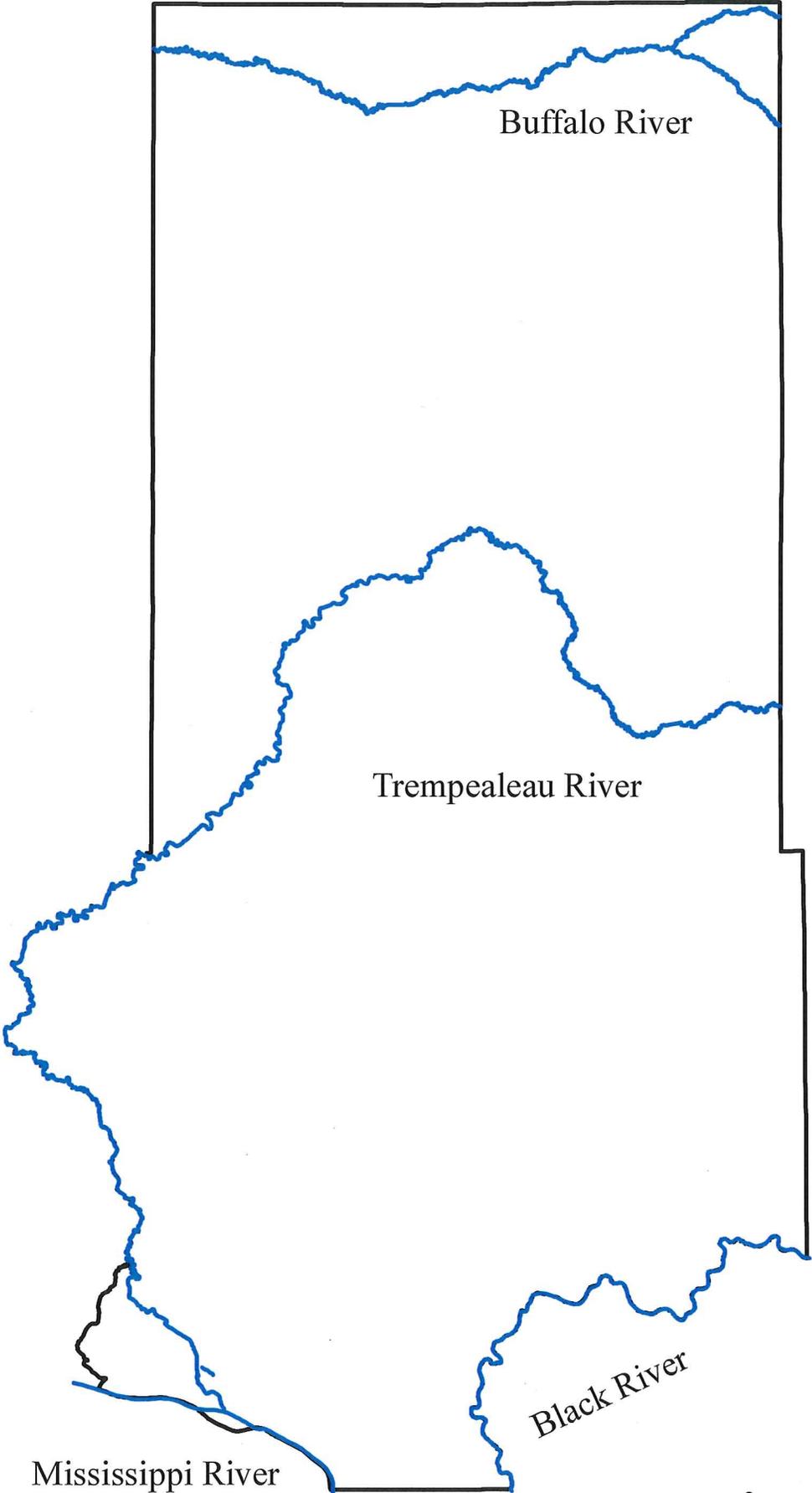
# Appendix B

<b>Trempealeau County 2012 List of Impaired (303d) Waters in (Wisconsin DNR)</b>			
<b>Waterbody</b>	<b>Miles</b>	<b>Reason for Listing</b>	<b>TMDL status</b>
Black River	20	Total Phosphorus	
Buffalo River	14	Total Phosphorus	
Elk Creek	22	Total Phosphorus	
Hardies Creek	2	Sediment/Total Suspended Solids	TMDL Approved
Irvin Creek	5	Sediment/Total Suspended Solids	TMDL Approved
Lake Marinuka		Total Phosphorus/Mercury	
Newcomb Valley Creek	6	Sediment/Total Suspended Solids	TMDL Approved
North Creek	8	Sediment/Total Suspended Solids	TMDL Approved
Tamarack Creek	6	Total Phosphorus	
Tappen Coulee Creek	5	Sediment/Total Suspended Solids	TMDL Approved
Trempealeau River	31	Total Phosphorus	
Trout Run Creek	4	Total Phosphorus	
Trump Coulee Creek	1	Total Phosphorus	
Turton Creek (American Valley Creek)	4	Total Phosphorus	
Welch Coulee Creek	5	Sediment/Total Suspended Solids	TMDL Approved
Total	132		

## 2016 Proposed TMDL'S

North Fork Beaver Creek	12	Total Phosphorus	TMDL Pending
Timber Creek	0.5	Degraded Biological Community	TMDL Pending

# Appendix B



Buffalo River

Trempealeau River

Black River

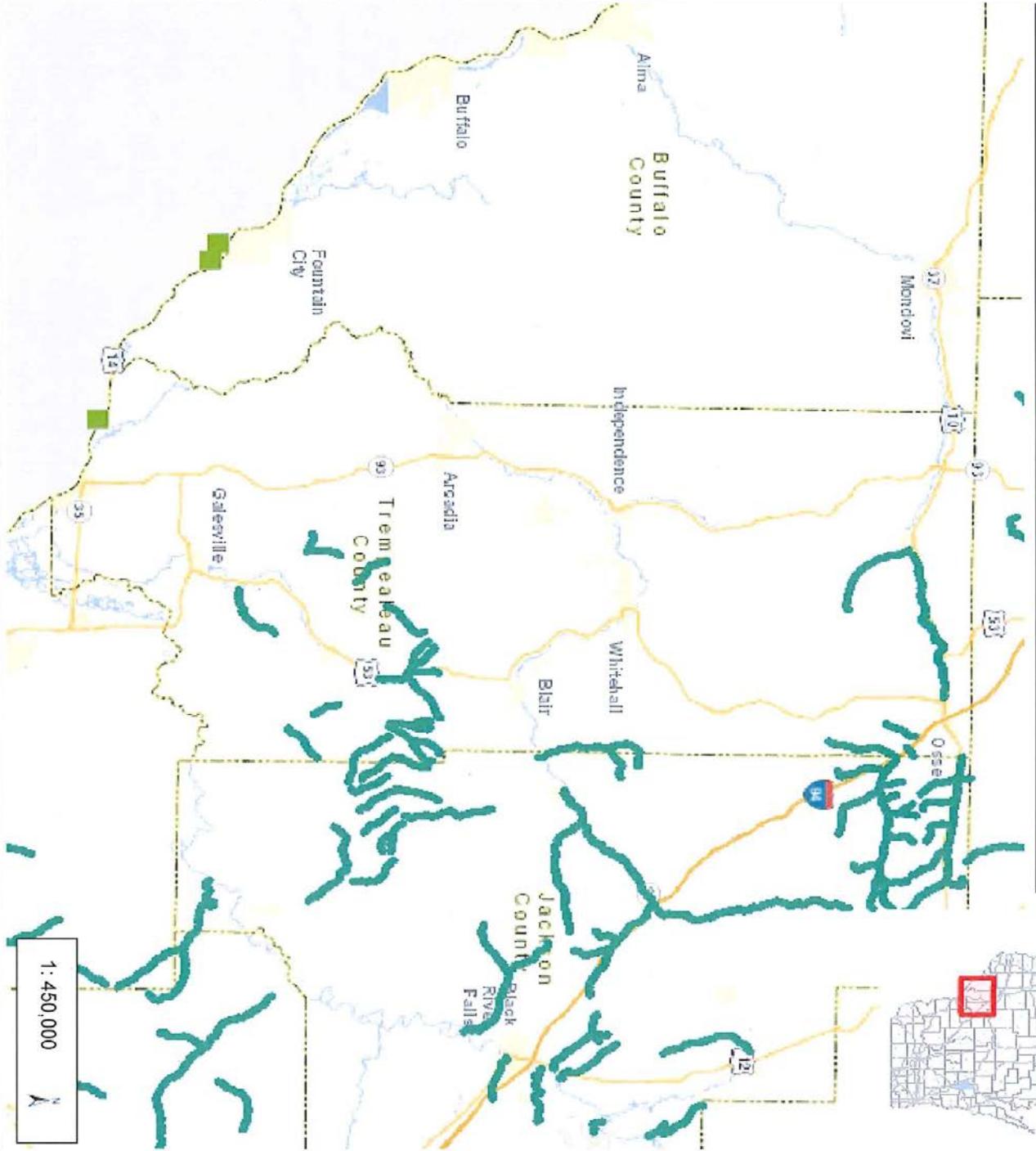
Mississippi River



# Appendix B



## ORW/ERW of Trempealeau County



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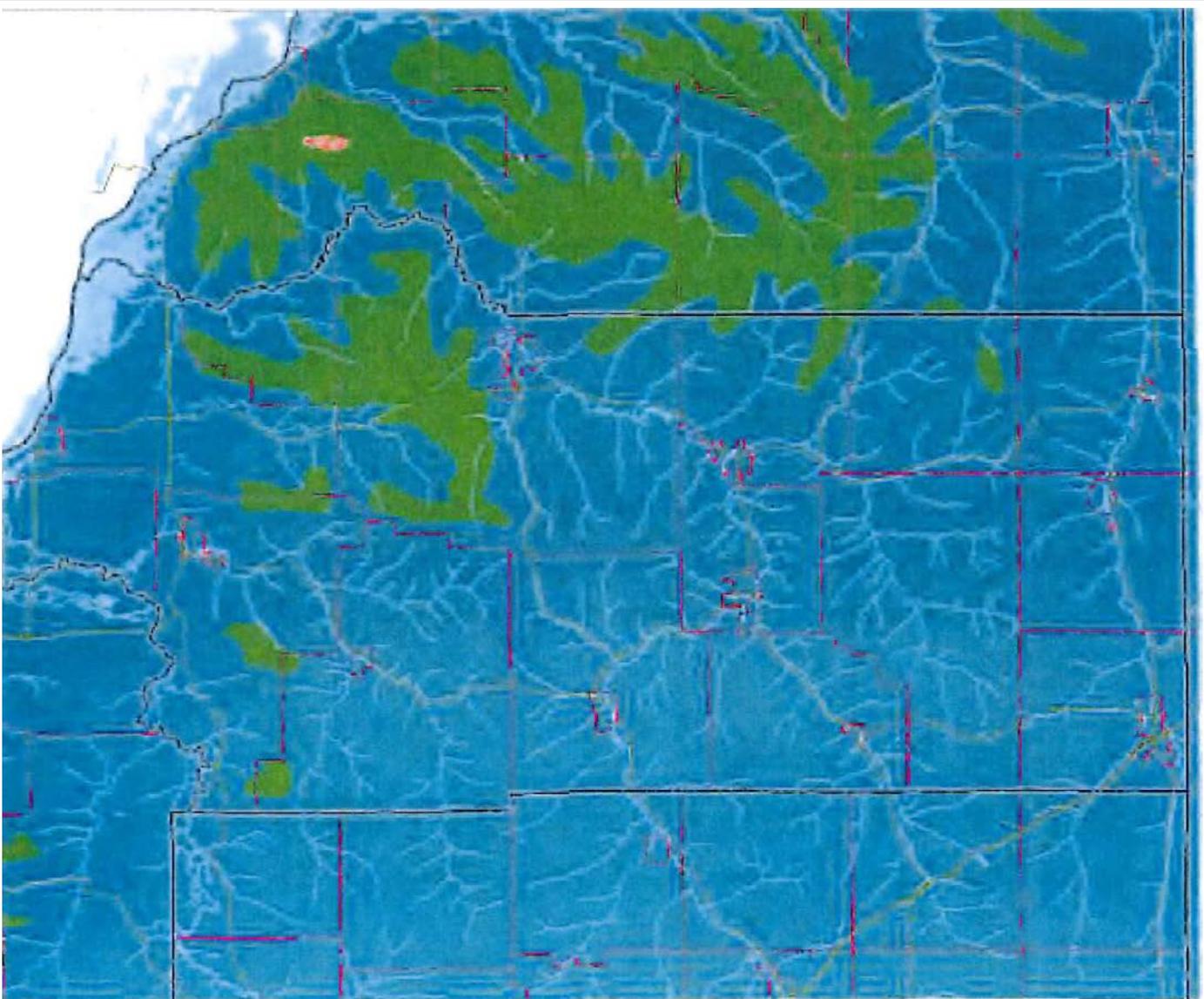


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- Legend**
- Outstanding and Exceptional Streams
    - Exceptional
    - Outstanding
  - Outstanding and Exceptional Lakes
    - Exceptional
    - Outstanding
  - Western Mosquito Fish Points
  - Western Mosquito Fish Lines
  - Western Mosquito Fish Areas
  - Grass Carp Points
  - Municipality
  - State Boundaries
  - County Boundaries
  - Major Roads
    - Interstate Highway
    - State Highway
    - US Highway
  - County and Local Roads
    - County HWY
    - Local Road
  - Railroads
  - Tribal Lands
  - Rivers and Streams
  - Intermittent Streams
  - Lakes and Open water

**Notes**

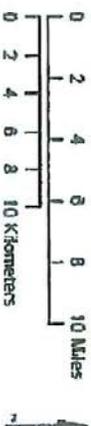


## Trempealeau County

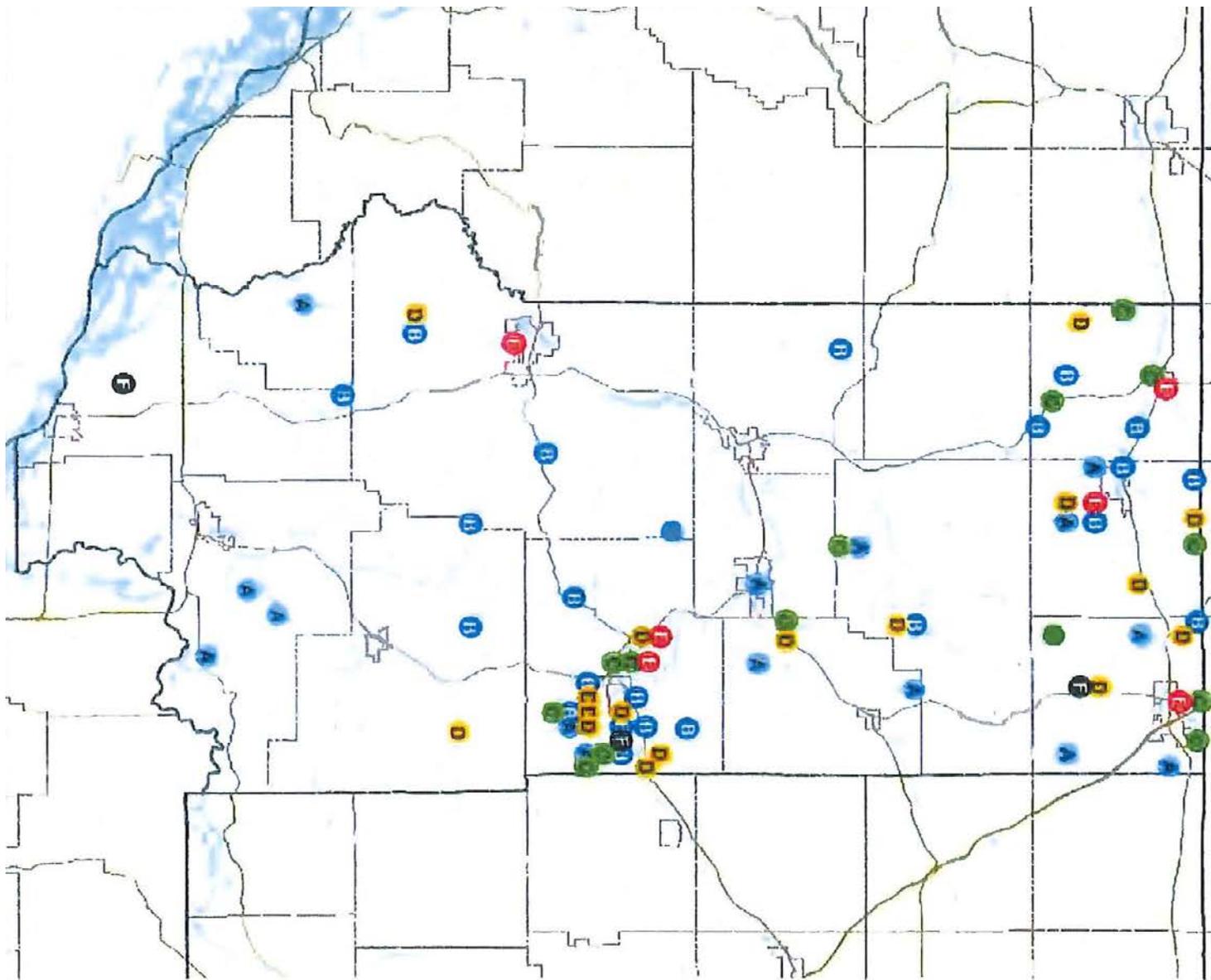
April 2016

### Bedrock Units:

-  Cambrian Sandstone
-  Prairie du Chien Dolomite
-  St. Peter Sandstone

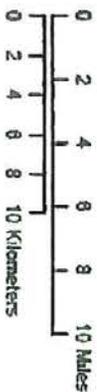


Center for Watershed Science and Education  
College of Natural Resources  
University of Wisconsin - Stevens Point



Trempealeau County			
April 2016			
NITRATE-NITRITE (ppm N)			
A	None Detected	20	22%
B	... 2.0	25	27%
C	2.1 - 5.0	18	20%
D	5.1 - 10.0	16	17%
E	10.1 - 20.0	9	10%
F	20.1 ...	4	4%

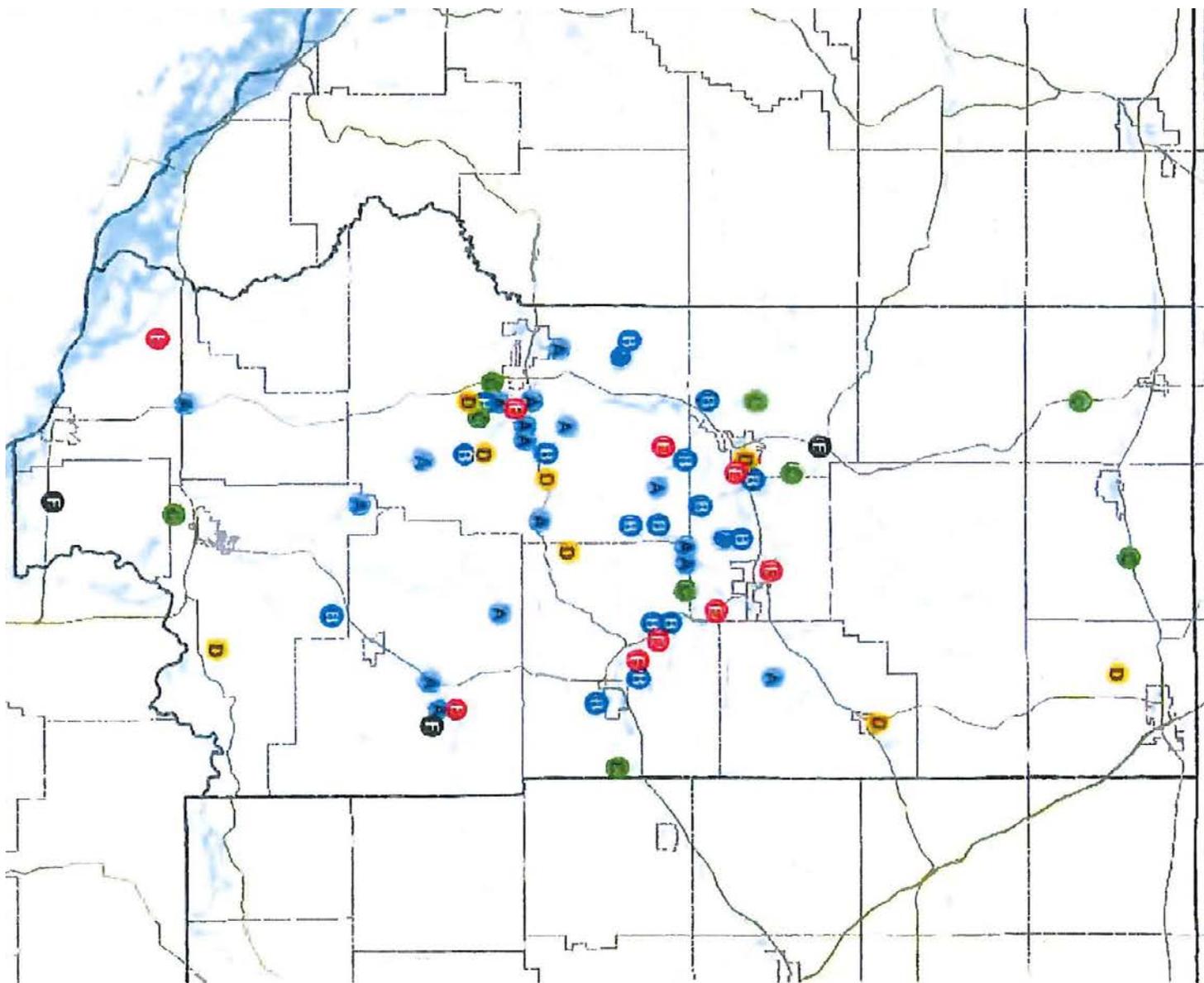
Mapped value is the average for the 1/4 section  
Treated samples not mapped



Trempealeau  
County

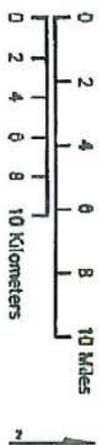


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Trempealeau County			
2015			
<b>NITRATE-NITRITE (ppm N)</b>			
<b>A</b> None Detected	21	30%	
<b>B</b> ... 2.0	17	24%	
<b>C</b> 2.1 - 5.0	11	15%	
<b>D</b> 5.1 - 10.0	8	11%	
<b>E</b> 10.1 - 20.0	8	11%	
<b>F</b> 20.1 ...	6	8%	

Mapped value is the average for the 1/4 1/4 section  
Treated samples not mapped

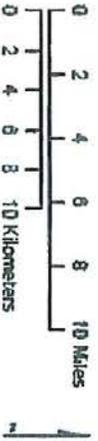


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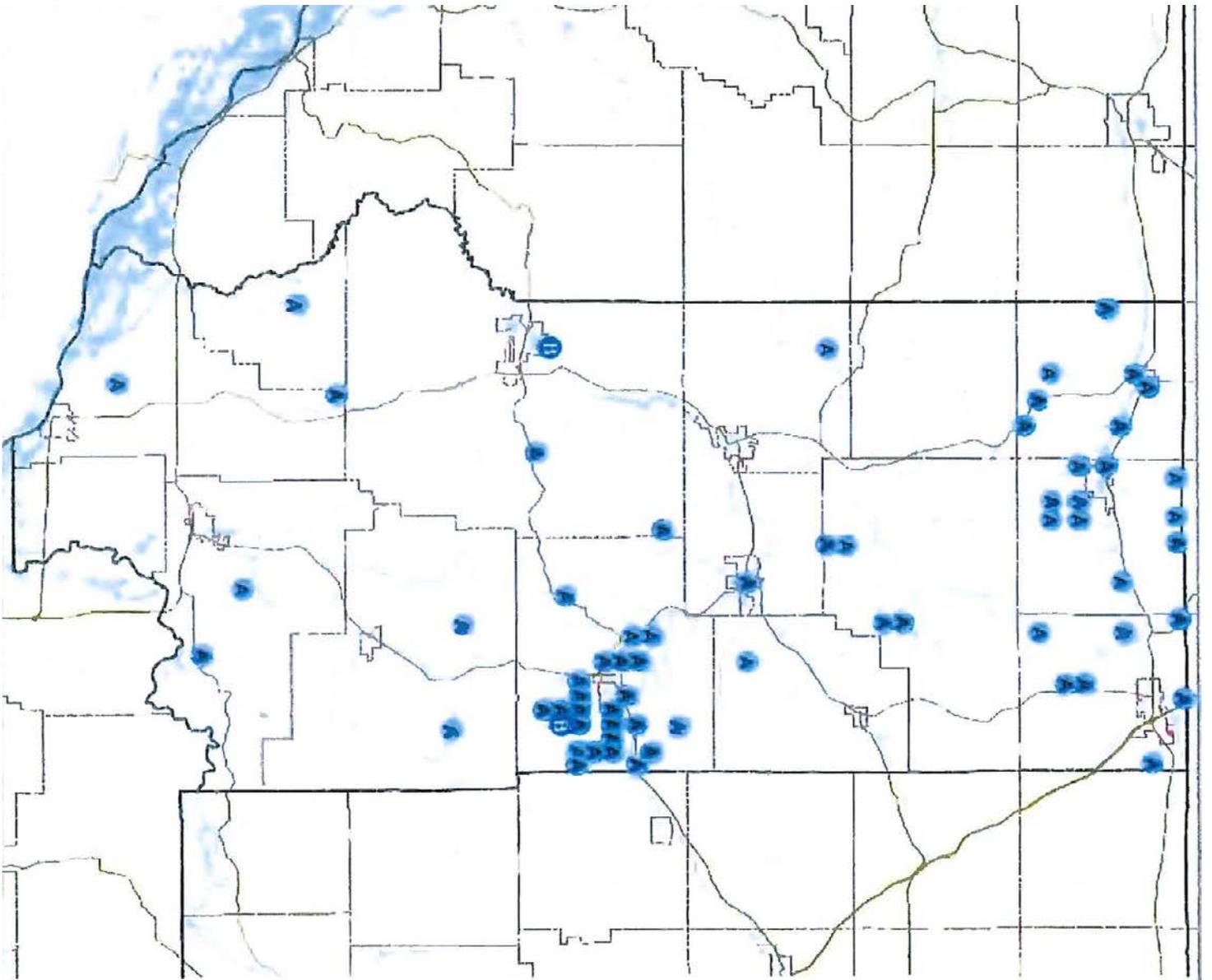


**Trempealeau County**  
**April 2016**

- Land Use:**
- Urban
  - Agriculture
  - Forest
  - Shrub-Grass
  - Wetland
  - Water
  - Other

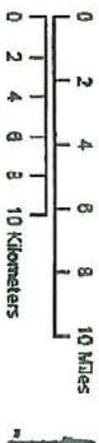


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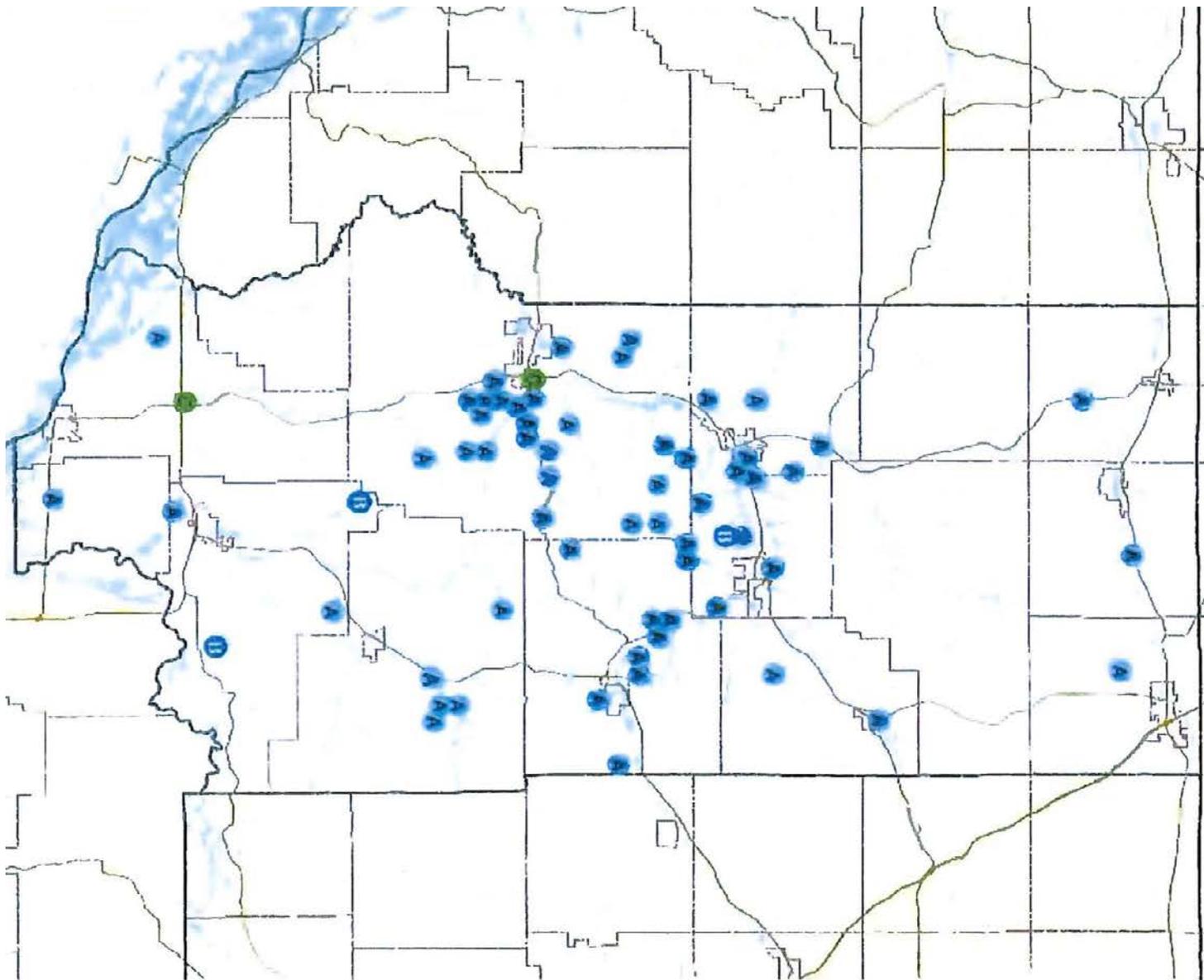
Trempealeau County			
April 2016			
ARSENIC (mg/l)			
A	None Detected	76	97%
B	... 0.010	2	3%
C	0.011 - 0.050	0	0%
D	0.051 - 0.100	0	0%
E	0.101 - 0.150	0	0%
F	0.151 ...	0	0%

Mapped value is the average for the 1/4 section  
Treated samples not mapped



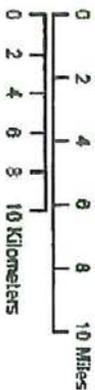
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University of Wisconsin - Stevens Point

# Appendix C



Trempealeau County			
2015			
ARSENIC (mg/l)			
A	None Detected	69	93%
B	... 0.010	3	4%
C	0.011 - 0.050	2	3%
D	0.051 - 0.100	0	0%
E	0.101 - 0.150	0	0%
F	0.151 ...	0	0%

Mapped value is the average for the 1/4 1/4 section  
Treated samples not mapped

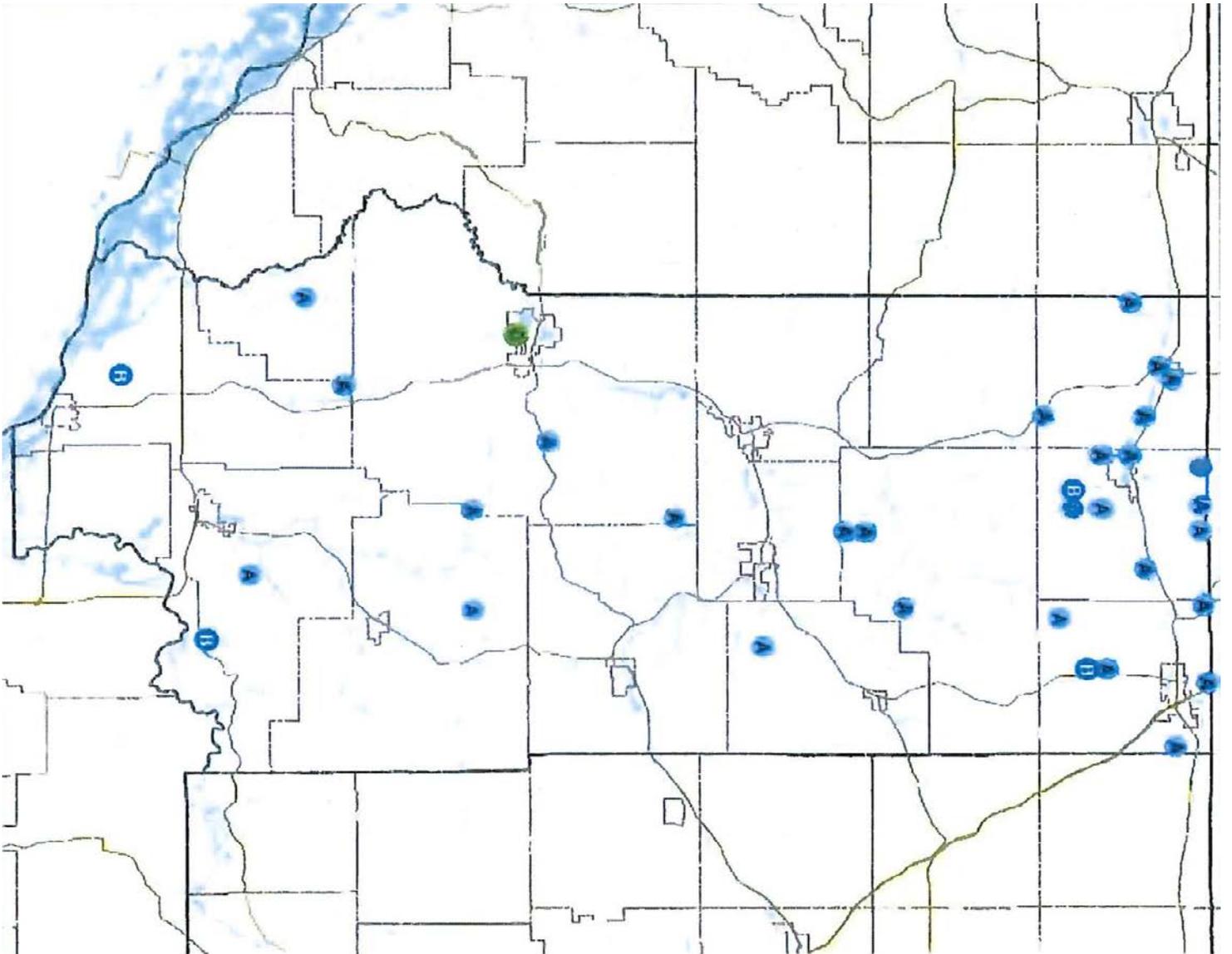


Trempealeau  
County



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# Appendix C

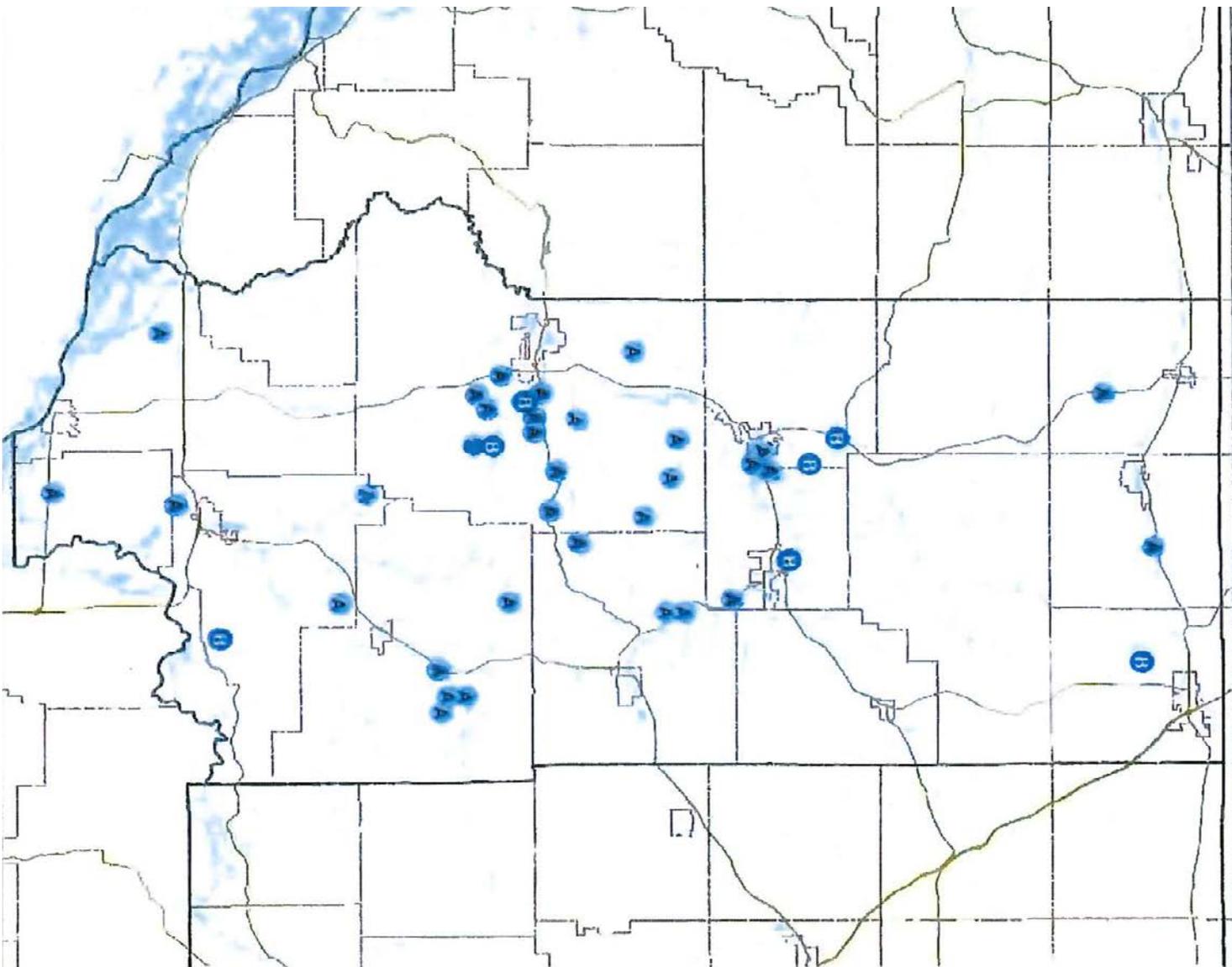


Trempealeau County			
April 2016			
DACT (ug/l)			
A	None Detected	29	85%
B	... 0.3	4	12%
C	0.4 - 1.0	1	3%
D	1.1 - 2.0	0	0%
E	2.1 - 3.0	0	0%
F	3.1 ...	0	0%

Mapped value is the maximum for the 1/4 section  
Treated samples not mapped

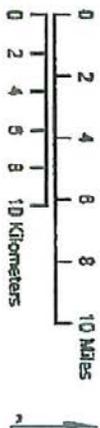


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College of Natural Resources  
University of Wisconsin-Stevens Point



Trempealeau County			
2015			
DACT (ug/l)			
A	None Detected	36	84%
B	... 0.3	7	16%
C	0.4 - 1.0	0	0%
D	1.1 - 2.0	0	0%
E	2.1 - 3.0	0	0%
F	3.1 ...	0	0%

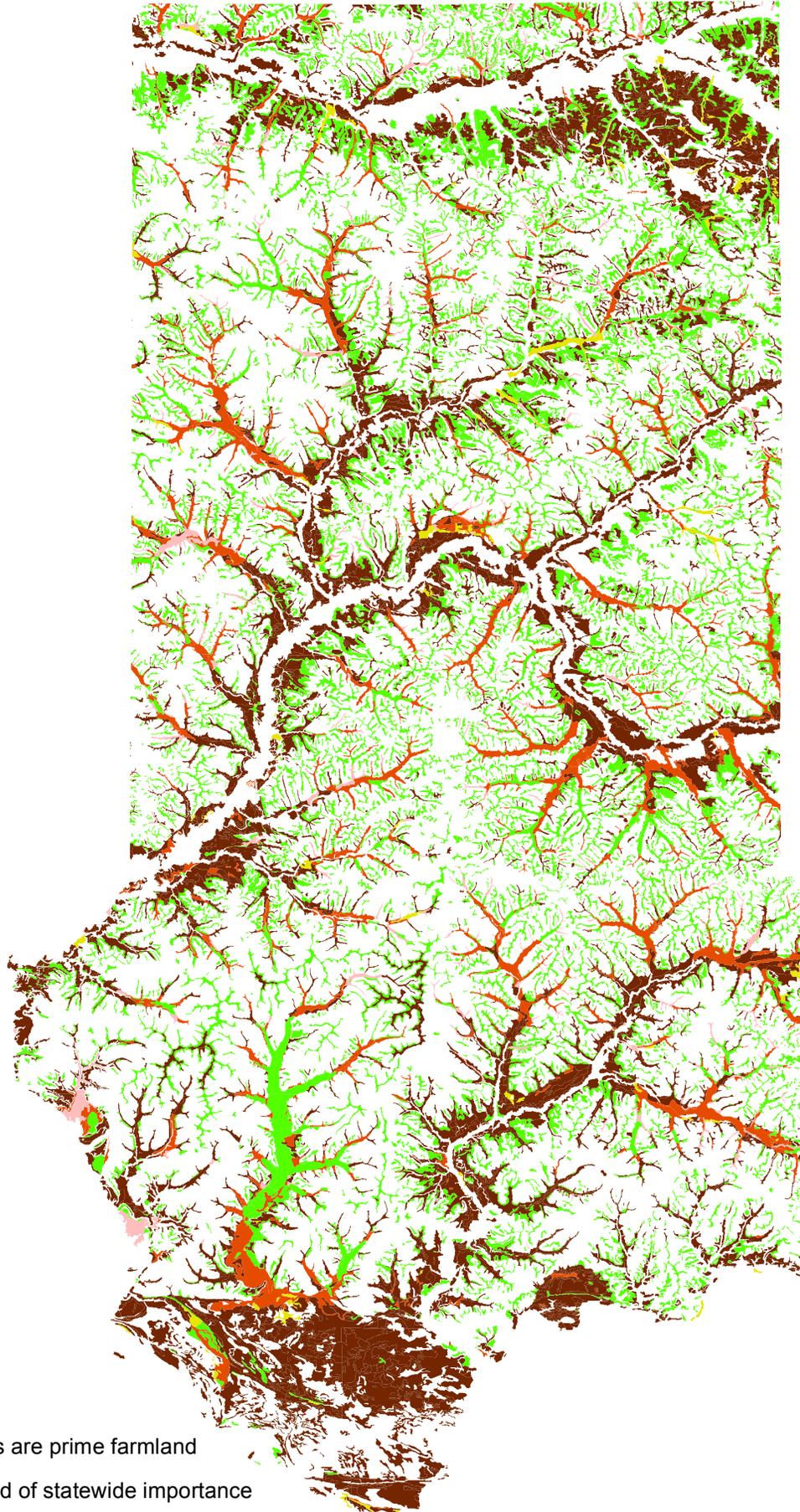
Mapped value is the maximum for the 1/4 1/4 section  
 Treated samples not mapped



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# Appendix D

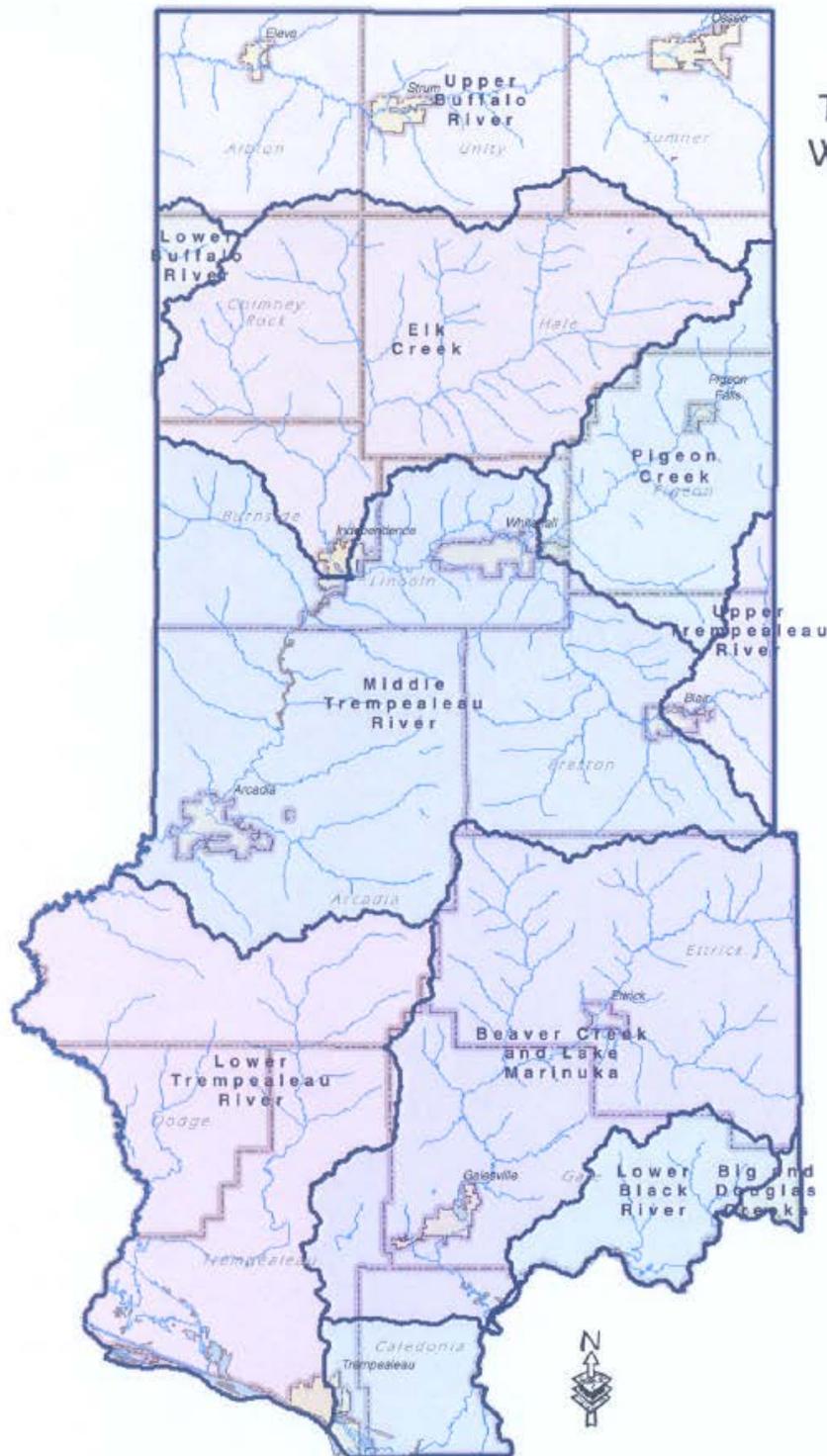
## Prime Farmland



### Legend

-  All areas are prime farmland
-  Farmland of statewide importance
-  Prime farmland if drained
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if protected from flooding or not frequently flooded during the growing season

# Appendix E



Trempealeau County Watershed Boundaries

**WATER QUALITY INFORMATION**  
**CONTAINED WITHIN DNR BASIN WATER QUALITY MANAGEMENT PLANS**

<b>WATERSHED NAME</b>	<b>SURFACE WATER RANKING</b>	<b>GROUND WATER RANKING</b>	<b>WATERS ON 303 LIST</b>	<b>EXCEPTIONAL WATER RESOURCES</b>	<b>NPS / PROBLEMS</b>	<b>NR-120 STATUS</b>
Upper Buffalo	High	Low	No	Yes	HAB, SED, AW, SB	None
Upper Trempealeau	High	Low	Yes	No	HAB, SED, PSB, CL, TEMP., AW, SB	Closed Out
Middle Trempealeau	High	No Rank	Yes	Yes	HAB, SED, PSB, CL, PST, BOD, DO, AW, SB	Closed Out
Lower Trempealeau	High	High	Yes	No	HAB, SED, PSB, CL, AW, SB	None
Elk Creek	High	No Rank	No	No	HAB, SED, PSB, CL, HM, AW, SB	Closed Out
Pigeon Creek	Medium	Low	No	No	HAB, SED, AW, CL, SB, PSB	Closed Out (AG-160/AG-165)
Lower Black River	High	No Rank	Yes	No	HAB, SED, AW	Closed Out
Beaver Creek	High	No Rank	Yes	Yes	HAB, SED, PSB, AW, SB	Closed Out

NPS - Unspecified Nonpoint Source

HAB - Habitat

SED - Sedimentation

PSB - Streambank Pasturing

CL - Chlorine Toxicity

TEMP - Temperature

BOD - Biological Oxygen Demand

DO - Dissolved Oxygen

HM - Hydrological Modification

SB - Streambank Erosion

AW - Animal Waste

**OPERATIONAL AGREEMENT  
BETWEEN DNR & TREMPEALEAU COUNTY LAND CONSERVATION  
DEPARTMENT  
FOR THE  
ADMINISTRATION AND IMPLEMENTATION OF AGRICULTURAL  
NONPOINT POLLUTION PERFORMANCE STANDARDS AND PROHIBITIONS  
UNDER NR151 AND NR243**

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**Appendix A. Working with Landowners to Implement  
Agricultural Performance Standards and Prohibitions Under NR 151**

Overview and Flow Chart

Letter Type A  
Letter Type B  
Letter Type C  
Letter Type D  
Letter Type E

## **Purpose**

This memorandum of understanding is an operational agreement between the Trempealeau County Land Conservation Committee and the Wisconsin Department of Natural Resources, Western Rivers Basin Team.

This MOU has been developed by the Trempealeau County Land Conservation Committee (LCC) and the Wisconsin Department of Natural Resources (DNR) to clarify their respective roles and responsibilities as needed to:

- Implement and enforce agricultural nonpoint pollution performance standards and prohibitions established in ch. NR 151, Wis. Adm. Code.
- Implement ch. NR 243, Wis. Adm. Code as it applies to the permitting of livestock operations and the investigation of livestock facility complaints.

This agreement defines the commitment of each party to conduct administrative tasks that have been defined by Wisconsin conservation agencies as standardized components of a program delivery system. The standardized components are in a guidance document titled *Implementation Strategy for NR 151 Agricultural Performance Standards and Prohibitions*<sup>1</sup> (hereafter referred to as the State-wide Implementation Strategy).

Specifically, this agreement clarifies how the DNR and the County will:

- Incorporate the State-wide Implementation Strategy into routine agency operations.
- Systematically evaluate and define the level of agency commitment to the NR 151 and NR 243 workload using a county-sponsored annual needs assessment and interagency work planning process.
- Conduct information and education activities.
- Systematically select and evaluate parcels to determine compliance with standards and prohibitions.
- Prepare compliance reports and notify landowners of compliance status.
- Provide technical assistance and cost-sharing funding as available to allow landowners to meet performance standards and prohibitions.
- Issue notice letters under NR 151.09 and NR 151.095 as appropriate.
- Monitor compliance.
- Conduct enforcement activities.
- Develop annual reports.

<sup>1</sup> This document was prepared jointly by WI Dept. of Natural Resources, WI Dept. of Agriculture, Trade, and Consumer Protection, the WI Land and Water Conservation Association, and the WI Association of Land Conservation Employees (April, 2002). It has been approved by the Wisconsin Land and Water Conservation Board as Appendix E to the *Land and Water Resources Management Plan Guidelines*. The document can be found at <http://dnr.wi.gov/org/water/wm/nps/rules/NR151.strategy.htm>.

### **A. As a basis for this agreement, the parties agree:**

1. State statutes and associated administrative rules establish the requirement that agricultural performance standards and prohibitions, established in NR151, must be implemented. (ss. 92.07, 92.10, 92.105, 92.14 and 281.16, Wis. Stats., chs. NR 151 and ATCP 50, Wis. Adm. Code.)

2. The responsibility and authority to administer and implement the agricultural performance standards and prohibitions has been delegated through State statutes and administrative rules to DNR, DATCP, and local municipalities, including the County Land Conservation Committees.
3. DNR is the state agency responsible for administering NR 243, and for implementing NR 151.09, and NR 151.095. Notes in NR 151.09(2) and NR 151.095(2) state the DNR's intent to rely on County Land Conservation Committees to fully implement performance standards and prohibitions and to develop intergovernmental agreements to guide implementation.
4. DATCP is the lead state agency responsible for administering staffing grants under ATPC 50.26 for base level conservation, priority watershed activities and performance standards & prohibitions compliance.
5. DNR has authority, but limited funding, to fund best management practices and support local staff under Targeted Runoff Management grants.
6. The Trempealeau County Land Conservation Committee employs qualified staff with the necessary contracting, planning, and engineering expertise needed to implement the NR151 standards.
7. Implementation of agricultural nonpoint standards and prohibitions is contingent upon the availability of trained technical staff and public cost share. Without funding and staff support for contracting and technical assistance, few, if any, contracts will be executed, or conservation practices constructed to implement performance standards and prohibitions.
8. Trempealeau County and the DNR share common goals and objectives toward water resources management and nonpoint source pollution control.
9. To optimize use of available State and County staff and program funding, it is in the mutual interest of the County and DNR to clarify program responsibilities and to make commitments necessary to implement State law and administrative rules.
10. Either party may cancel its agreement with 90 days written notice.

**I. Component 1: Plan the Implementation Approach**

**A. The parties agree:**

1. The State-wide Implementation Strategy provides a structural framework that can be used to discuss and plan how the parties will cooperate to implement the agricultural performance standards and prohibitions.
2. This memorandum of understanding and the County Division of Land Management Plan can be used as the means to document procedures for implementing NR 151.

3. Guidance prepared by DNR and incorporated as an appendix to this agreement (*Working with Landowners to Implement Agricultural Performance Standards & Prohibitions Under NR 151*), is useful for making formal correspondence with landowners concerning compliance issues.
4. The agricultural performance standards and prohibitions are designed to achieve water quality standards by limiting nonpoint source water pollution.
5. NR 151.004 contains a process for developing targeted performance standards where implementation of statewide performance standards and prohibitions may not be sufficient to meet water quality standards.
6. Sections NR151.09, NR 151.095, ATCP 50.04 and ATCP 50.08 require agricultural landowners and operators to meet agricultural nonpoint performance standards and manure management prohibitions. These requirements are contingent upon sufficient cost sharing for existing facilities and practices.

**B. Trempealeau County will, within the capacity of available resources:**

1. Use this memorandum of understanding to coordinate implementation of agricultural performance standards and prohibitions.
2. Implement select portions of the administrative rules and components of the State-wide Implementation Strategy, as defined in this agreement.
3. Revise the County Division of Land Management Plan by July 31, 2007, and include a comprehensive strategy to ensure compliance with the performance standards and prohibitions required by NR151.
4. Focus NR 151 implementation activities on new and expanding cropland practices and livestock facilities.
5. Cooperate with DNR to investigate facilities to determine compliance with NR 151; design appropriate best management practices to bring non-compliant facilities into compliance and pursue cost-sharing funds when required.
6. Cooperate with DNR to identify priority areas where the county may apply for funding under the Targeted Runoff Management Program to alleviate violations of performance standards and prohibitions that result in significant pollutant loadings or impacts to waters of the State.
7. Target its efforts, including education, evaluation, issuing notification letters under NR 151.09 and NR 15.095, and enforcement, toward *achieving* compliance for new and expanding cropland practices and livestock facilities and at *maintaining* compliance for existing and new practices and facilities.
8. Cooperate with DNR in identifying the need for targeted performance standards.

**C. DNR will, within the capacity of available resources:**

1. Use this memorandum of understanding to coordinate implementation of agricultural

performance standards and prohibitions.

2. Implement select portions of the administrative rules and components of the State-wide Implementation Strategy, as defined in this agreement.
3. Assign an agency representative to actively participate in the County Division of Land Management planning process and provide input into the development of the County strategy to implement agricultural nonpoint performance standards and prohibitions.
4. Target its efforts, including education, evaluation, issuing notification letters under NR 151.09 and NR 15.095, and enforcement, toward:
  - a. Areas draining to Outstanding and Exceptional Resource Waters. In doing so, the Department's efforts will be directed toward *achieving* compliance for new and expanding cropland practices and livestock facilities and at *maintaining* compliance for existing and new practices and facilities.
  - b. Areas draining to waters on the federal list of impaired water bodies (303d list), waters not meeting water quality standards or designated uses and source water protection areas. In doing do, the Department's efforts will be directed toward *achieving and maintaining* compliance for existing and new practices and facilities.
5. Work jointly with Trempealeau County to set mutual priorities for implementing agricultural performance standards and prohibitions.
6. Provide Trempealeau County with guidance needed to fulfill its agreed-upon roles and responsibilities to implement portions of NR 151.
7. Conduct high priority implementation activities as needed to supplement county roles and responsibilities agreed upon in this agreement.
8. When appropriate, identify the need for targeted performance standards.

**II. Component 2: Define Level of Agencies' Commitment to NR151 Workload**

**A. The parties agree:**

1. There must be a mutual understanding of each agency's responsibilities and level of commitment in carrying out implementation of agricultural performance standards and prohibitions, including implementation and enforcement activities identified under NR151.09 and NR151.095.
2. The extent of each agency's commitment is dependent upon the availability of public funds and agency priorities and, therefore, may be expected to change through time.

**III. Component 3: Conduct Information and Education Activities**

**A. The parties agree:**

1. That a structured information and educational program is a critical component of an agricultural nonpoint pollution control program.
2. An effective program will:
  - a. Educate landowners about the Wisconsin agricultural performance standards and prohibitions, applicable conservation practices, and cost-share grant opportunities.
  - b. Promote implementation of conservation practices necessary to meet performance standards and prohibitions.
  - c. Inform landowners about procedures and agency roles to be used statewide and locally for ensuring compliance with the performance standards and prohibitions.
  - d. Establish expectations for compliance and consequences for non-compliance.
  - e. Define target audiences, educational messages for each target audience, methods and activities to deliver the educational message to each target audience, anticipated unit costs for each activity, a proposed regional or statewide budget and a proposed implementation schedule.

**B. Trempealeau County will, within the capacity of available resources:**

1. Provide structured input into the development of a state-wide and regional information and education program to be designed by DNR to support and augment NR151 implementation efforts.
2. Within the limits of State funding allocated, implement information and education activities as scheduled through the County's LCC's annual work plan and financed through the County budget process.

**C. DNR will, within the capacity of available resources:**

1. Make available statewide information and education material to the County, and maintain an web site for access to the publications by the general public
2. Work with University of Wisconsin-Extension and DATCP to identify and develop information and education materials and activities needed on a statewide basis, and to make the materials accessible to Trempealeau County for use and dissemination.
3. Provide input into the planning of the Trempealeau County information and education program.

**IV. Component 4a: Determine Current Compliance through Records Inventory**

**A. The parties agree:**

1. Many crop and livestock producers in Trempealeau County, working independently or through public agencies, have adopted conservation practices as part of routine operations.
2. As a result of this conservation work, there are many croplands and livestock facilities that fully or partially comply with the agricultural performance standards and prohibitions.

3. Sections NR151.09(3)(b) and NR 151.095(4)(b) require existing cropland practices and livestock facilities that achieve compliance with performance standards and prohibitions to remain in compliance regardless of public cost share.
4. Sections NR 151.09(3)(d) and NR 151.095(4)(d) require new cropland practices and livestock facilities to comply with performance standards and prohibitions regardless of cost share.
5. To establish a baseline for program implementation, it is in the public's interest that documentation be made of the location of cropland practices and livestock facilities that were in compliance as of October 1, 2002, and to inform the landowners, in writing, of the compliance determination and the requirements to maintain compliance.
6. The Trempealeau County LCD has conducted a systematic review of public records to document the location of cropland practices and livestock facilities that were in compliance with Agricultural Performance Standard(s) as of the effective date of the rule.
7. State cost-share agreements, subject to contractual obligations of active operation and maintenance plans on or after October 1, 2002, were used to document the extent of current compliance achieved through previous public investments.
8. From the records review, Trempealeau County made a preliminary determination as to the location of cropland practices and livestock facilities that were clearly in compliance with all performance standards and prohibitions applicable to the parcel.
9. From the records review, Trempealeau County identified the location of parcels and operations that have records that are inconclusive and warrant an on-site evaluation to determine compliance under Component 4b.
10. Trempealeau County will use the tax parcel as the basic geographic unit for evaluating and reporting compliance. Where a tax parcel contains more than one livestock facility or cropland practice, the evaluation and reporting system will contain information to distinguish between facilities and practices based on whether they are new, existing, in compliance and out of compliance.

**B. Trempealeau County will, within the capacity of available resources:**

1. Document results of the compliance determination on standardized evaluation forms and compliance status report formats developed by the County.

**C. DNR will, within the capacity of available resources:**

1. Review Trempealeau County records evaluation forms and compliance status report forms for consistency with status determination and notification requirements under NR 151.09 and NR 151.095.
2. With regard to large scale livestock operations permitted under chapter NR 243:
  - a. Compile records of existing WPDES permits for Concentrated Animal Feeding

Operations (CAFO) and evaluate these records to determine compliance with NR 151 agricultural performance standards and prohibitions.

- b. When coverage applies, incorporate into WPDES permits standards that equal or exceed the requirements of NR151. (Note: The WPDES permit does not cover cropped fields where manure is not applied)
- c. Follow the compliance strategy and provide the County with copies of inspection check sheets and inspection letters sent to the facility. (Note: This strategy calls for two inspections every five years.)
- d. Provide the County with copies of portions of the WPDES permit application that describe a facility's manure storage, animal yards, and locations.
- e. Provide the County with copies of the manure management plan and its amendments that describe field locations, restrictions, manure application rates, and verification that fields meet "T".

*Note: The manure management prohibitions are contained in the permit, nutrient management through the manure management plan requires meeting N&P recommendation of UW Ext., meeting "T" is shown by 590 farm plan or some other approved equivalent, clean water diversions are met with the "zero" discharge up to the 25 year storm. Manure storage is met with requirement of NRCS standard and review of plans before construction and required monitoring by operator.*

#### **Component 4b: Determine Compliance through On-Site Evaluation**

##### **A. The parties agree:**

1. On-site evaluations are often necessary to document current resource conditions and current management practices, as a basis for determining compliance.
2. The accuracy of on-site evaluations will be enhanced if formal evaluation procedures and protocol are established, and standardized evaluation forms are adopted.
3. Greater consistency in conducting on-site evaluations can be achieved if a structured training program is established to educate staff about the standards, evaluation procedures, and requirements for program documentation.
4. New or expanding livestock facilities subject to regulations under NR 243 or the Trempealeau County Manure Storage Ordinance should be evaluated for compliance with performance standards and prohibitions. The evaluation should be conducted prior to issuance of the state or county permits.

##### **B. Trempealeau County will, within the capacity of available resources:**

1. Conduct on-site evaluations for whole tax parcels, as maintained on the Trempealeau County Real Property Tax Listing, to determine the extent of compliance with each agricultural nonpoint performance standard and prohibition which may apply to that parcel.
2. Within the limits of staff funding allocated by the State, systematically conduct onsite

compliance evaluations for livestock facilities and cropping practices that meet any of the following criteria:

- a. Apply for State cost-share funds, administered by Trempealeau County
  - b. Request on-site evaluations through the Trempealeau County Farm Evaluation and Certification Program
  - c. Seek permits issued through the Trempealeau County Animal Waste Storage Ordinance.
  - d. Are subject to a public complaint, submitted to the County or DNR .
  - e. Request LCD technical and/or financial assistance.
3. Systematically respond to public complaints, which allege that there is violation of state agricultural nonpoint performance standards and prohibitions, or which allege that there is an agricultural nonpoint discharge that may have an impact on waters of the state.
  4. Consult with DNR concerning non-routine evaluations, including evaluations of livestock facilities that are expanding and require DNR WPDES or county permits.

**C. DNR will, within the capacity of available resources:**

1. As part of the County LCC's annual work planning process have the opportunity to provide:
  - a. The location of livestock facilities and cropland parcels where, if standards are not implemented, there is a high potential for nonpoint discharge which may result in a significant impact to waters of the state.
  - b. Correspondence to the County requesting that an onsite evaluation be conducted, and a report be generated, to determine and to document the extent of current compliance.
2. Provide a structured training framework and training opportunities to educate DNR and County staff about the agricultural performance standards and prohibitions, procedures for making compliance determinations, and policy aspects of program administration.
3. Assist in developing and administering training about the use of management practices to achieve and maintain compliance with performance standards and prohibitions.
4. Assist in the identification of environmental models, site review checklists, and other assessment tools used to evaluate compliance. Assist in providing training.
5. Develop and provide standardized example evaluation forms and a companion electronic form/software application.
6. Provide assistance to the county in making status determinations for high priority or potentially controversial situations, such as those that may require notification (See Attachment A, Letter Types C and D), lead to enforcement actions or may potentially be handled by the DNR under NR 243.
7. Establish and implement a quality assurance program to establish and maintain a predefined standard of administrative performance.

8. Systematically respond to public complaints which allege that there is violation of state agricultural nonpoint performance standards and prohibitions, or which allege that there is an agricultural nonpoint discharge that may have an impact on waters of the state.
9. Consult with Trempealeau County concerning non-routine evaluations, including evaluations of livestock facilities that are expanding and require DNR WPDES or county permits.

V. **Component 5: Prepare Report and Notify Landowners of Compliance Status**

A. **The parties agree:**

1. To be valid, the results of a record review and/or on-site compliance evaluation must be documented and be based upon confirmed facts.
2. A standardized report format will allow for the systematic collection and reporting of evaluation results and will provide consistency through time.
3. A local process, independent of a formal administrative appeal under chapter 227, Wis. Stats., can be used to provide for a structured review of any local decision pertaining to an initial finding of compliance or other decision involving the interpretation of NR 151 or ATCP 50.
4. Farm evaluation forms, compliance status reports and associated correspondence are public records that should be retained by a custodial agency.
5. The compliance status report is a document that can be used to inform the landowner about the compliance status of his/her operation, seek confirmation of information used to determine current compliance, and, if necessary, resolve disagreements regarding compliance status.
6. The information included in a compliance status report provides important baseline information needed to determine, secure and allocate funding and technical assistance to address on-farm conservation needs.
7. A geographic data base and record keeping system is necessary to provide ready access to compliance reports completed over time.

*Note: The record-keeping system is the basis for a detailed accounting of the compliance history for each parcel evaluated. Information required for each tax parcel includes: location; receiving water; status (new; existing; in compliance; not in compliance) for each performance standard and prohibition applicable to the parcel; cost-share requirements; cost-share availability; notification history; compliance deadline; best management practice application & certification history; compliance history.*

8. Mapping can be used to show the cumulative location of cropland parcels and livestock facilities that have been evaluated, and the associated compliance status of these lands and facilities.

B. **Trempealeau County will, within the capacity of available resources:**

1. Establish a local process to provide for reconsideration of local administrative decisions

regarding findings of compliance as established in a compliance report. The LCC will be the administrative body that reconsiders decisions made by County staff in implementing NR 151.

2. Prepare a compliance status report to document the results of each record review and on-site evaluation conducted for a livestock facility or cropping practice. The compliance status report will include the following information:
    - a. Parcel status (new versus existing)
    - b. The current compliance status of individual tax parcels with reference to each of the performance standards and prohibitions.
    - c. Corrective measure options and rough cost estimates to comply with each of the performance standards and prohibitions for which a parcel is not in compliance.
    - d. Status of eligibility (costs eligible) for public cost sharing.
    - e. Grant funding sources and technical assistance available from Federal, State, and local sources, and third party service providers.
    - f. An explanation of conditions that apply if public cost share funds are used.
    - g. Signature lines indicating landowner agreement or disagreement with report findings.
    - h. The purpose of the report, the implications for achieving and maintaining compliance.
    - i. Process and procedures to discuss evaluation results with county and or state.
    - j. If appropriate, a copy of performance standards and prohibitions and technical design standards.
  3. Provide a copy of the compliance status report and review it with each landowner to explain the content of the report and procedures available to contest the findings or request a reevaluation. In doing so, the County will use the administrative process outlined in the flowchart included in Appendix A. This includes preparing, signing and delivering to landowners Letter Types A and B from Appendix A.
  3. In circumstances where the facts and findings of the compliance status report are not agreed to by the landowner, gather additional information and/or provide the landowner with written procedures and a timeframe to pursue reconsideration of local decisions.
  4. In circumstances where livestock facilities or cropping practices are not in compliance, assess the relative pollution threat associated with the noncompliance and make a determination regarding the allocation of staff and financial resources under Section 6 of this agreement.
  5. Keep and maintain public records, as the custodial authority, following requirements of the Wisconsin Open Records Law.
  6. Develop and maintain a geographically-based recordkeeping system and database to record the location where farm evaluations have been conducted and where compliance status reports have been issued. At a minimum, the database will contain the following information:
    - a. Location of parcel(s) evaluated as included in the compliance status report, recorded by Town, Range, Section and  $\frac{1}{4}$   $\frac{1}{4}$  section.
    - b. Watershed where parcel is located
    - c. Owner of land at time of notification.
    - d. Date of compliance report.
-

- e. Date compliance report mailed to landowner.
  - f. End date for landowner request of status report appeal or reconsideration.
  - g. Date of request for reconsideration of compliance report (if submitted).
  - h. Date letter mailed to landowner.
8. Upon completion of the process, record the compliance status of each livestock facility and cropping practice on the Trempealeau County Track Index. The public documents to be formally recorded will be restricted to the following:
- a. Public cost-share and stipulation agreements.
  - b. Letters of compliance issued to document that all standards and prohibitions specified under NR151 are met (Status Letter B).
  - c. Letters of compliance issued to document that select standards and prohibitions specified on a cost-share or stipulation agreement are met (Status Letter E).
9. Develop and maintain a GIS web-based index map showing:
- a. The location of all tax parcels where compliance reports have been issued.
  - b. The locations where letters (Letter Type A, B) have been sent.
  - c. The date of the last revision.
  - d. The compliance status of the parcel.
10. Upon completion of the administrative process, issue and record a letter of compliance for each livestock facility and cropping practice, referenced to the appropriate tax parcel through the Trempealeau County Track Index.

**C. DNR will, within the capacity of available resources:**

- 1. Co-sign Letter Types A and B in cases where it concurs with the County's findings.
- 2. Provide support to Trempealeau County in explaining compliance determinations that DNR assisted in developing.

**Via. Component 6A: Secure Funding and Technical Assistance**

**A. The parties agree:**

- 1. Section 281.16(3), Wis. Stats., and sections NR151.09(3)(c), and NR151.095(4)(d) prohibit the State or municipalities from requiring that "existing" practices and facilities, which were not in compliance with the agricultural performance standards and prohibitions on the effective date of the rule, to come into compliance through State regulation or local ordinance unless public cost share funds are provided for eligible costs.
- 2. NR151.09(3) and NR151.095(4) identify compliance requirements for owners and operators of cropland practices and livestock facilities based on whether the practices and facilities determined to be "existing" or "new", and whether cost sharing is required and made available to the landowner or operator.
- 3. NR151 defines cost share availability requirements for funding administered by DNR under

281.65, Stats. ATCP 50 defines cost-share availability from any other source. These requirements must be clearly understood to ensure that proper determinations of cost-share availability, are made by DNR and County staff.

4. Cost-share funds to pursue compliance are now available from a combination of public and private non-profit grant sources.
5. Developing cost-share funding proposals and grant contracts from single or multiple grant sources, requires significant knowledge of multiple grant programs, administrative rules, and contracting requirements.

**B. Trempealeau County will, within the capacity of available resources:**

1. Through its fiscal policy and grants management strategy, reserve a portion of state cost-share funds available through the DATCP Land and Water grants program for applicants that participate in the Trempealeau County Farm Evaluation and Certification Program. These funds will be allocated where:
  - a. Croplands or livestock facilities that have not met the agricultural nonpoint standards and prohibitions since their effective dates; or
  - b. Agricultural nonpoint standards are now met and where additional conservation practices will achieve significant public water quality benefits, including circumstances where:
    - i. the pollutant source has no applicable standard, or where
    - ii. the existing nonpoint standards are not adequate to meet the State water quality standards or management objective for the water body.
2. Through its fiscal policy and grants management strategy, reserve a portion of state cost-share funding through the DATCP Land and Water grants program for cropland practices and livestock facilities that choose to not voluntarily come into compliance with standards and prohibitions, as determined through an evaluation conducted in response to a public complaint or a request submitted by DNR.
3. Within the limits of State staffing grants, apply for additional cost-share funds available through the DNR TRM grant program to provide offers of cost-share to achieve compliance with NR 151.
4. Within the limits of State staffing grants, pursue new sources of local, state and federal funds for applicants that participate in the Trempealeau County Farm Evaluation Program if required to implement performance standards and prohibitions.
5. Evaluate the availability of County staff to implement NR151.09 and NR151.095, and allocate effort based upon the availability of State staffing grants and/or direct reimbursement provided by DNR and/or DATCP for the purpose of implementing agricultural performance standards and prohibitions.
6. Evaluate and allocate County staff toward implementation of NR151.09 and NR151.095, based upon the availability of State staffing grants and/or direct reimbursement provided by DNR and/or DATCP for the explicit purpose of implementing agricultural performance standards and prohibitions through NR151.09 and NR151.095.

7. Within the limits of State staffing grants, make staffing commitments necessary to support the installation of conservation practices.

**C. DNR will, within the capacity of available resources:**

1. Assist Trempealeau County in determining what constitutes an adequate offer of cost sharing under s. 281.65, Stats and chapters NR 153 and NR 154.
2. Establish procedures with DATCP to confirm availability of cost-share funding from sources other than s. 281.65.

**VIIb. Component 6B: Option to Issue Non-Voluntary NR151 Notice of Cost-Share**

**A. Parties Agree:**

1. In nearly all circumstances, landowners will be willing and able to implement conservation practices on a voluntary basis as necessary to comply with performance standards and prohibitions. In some instances, a landowner may not be willing to do so.
2. Chapter NR 151.09 and NR 151.095 set forth notification requirements that must be met before DNR can initiate enforcement action under Ch. 281, Stats., for non-compliance with performance standards and prohibitions. This includes provision of a notification to the landowner at the time that cost sharing is made available, or in cases when cost share is not required, when the compliance achievement period starts.
3. Notification requirements and cost-share availability requirements vary depending upon the legal authority that is used to enforce the standards and the source of funding. These requirements are documented in Appendix A.
4. Developing and issuing notices of cost sharing under the non-voluntary NR151 option is a joint responsibility of Trempealeau County and DNR.

**B. Trempealeau County will, within the capacity of available resources:**

1. Within limits of State staffing grants, and with input from DNR regional staff, prepare draft landowner notifications under NR 151.09 (5-6) and NR 151.095 (6-7) using DNR templates (See Letter Types C and D, Appendix A).
2. Provide draft notices to DNR regional staff for completion and DNR signature.

**C. DNR will, within the capacity of available resources:**

1. Based upon compliance determinations made the County, sign and issue notices (Appendix A, Letter Types C & D) to landowners under NR 151.09 and NR 151.095.

**VII. Component 7. Administer Funding and Technical Assistance/Re-evaluate Parcel**

**A. The parties agree:**

1. If public cost share funds are offered to install conservation practices, through either the voluntary or non-voluntary option, a cost share agreement must be developed and public funds must be accounted for.
2. Cost-share agreements have historically been developed by professional staff who have a working knowledge of administrative rules, contracting procedures, agronomy and agricultural engineering.
3. A "farm conservation planning process" has historically been used to:
  - a. Compile physical information which describes the production potential and limitations of agricultural land.
  - b. Document current management practices which are being used to manage the crop and livestock production.
  - c. Inform and educate landowners of conservation practices which are available to meet conservation objectives.
  - d. Document the location and scheduled implementation of conservation practices as a basis for cost share contract development.
4. A site evaluation and engineering process has historically been used to:
  - a. Inventory and evaluate sources of agricultural runoff and nonpoint pollution.
  - b. Identify management options and best management practices to control runoff.
  - c. Prepare cost estimates of the available management options as a basis for decision making and contracting.
  - d. Survey and design the selected management system.
  - e. Layout and supervise the construction of the runoff system.
  - f. Through post construction inspections, verify that the runoff system was constructed according to the design.
5. The successful completion of the conservation planning, contracting, and engineering process requires a broad range of skills and services in the fields of agronomy, engineering, and public administration.
6. The DNR, DATCP, and County have, through the Wisconsin Nonpoint Source Water Pollution Abatement Program and the Soil and Water Management Program, recruited, supported, and maintained a technical delivery staff with proven expertise in administering a nonpoint pollution abatement program for the purpose of meeting agricultural performance standards and prohibitions.

**B. The County will, within the capacity of available resources:**

1. Within the limits of state staffing grants, establish and administer a budget and accounting system to receive and disperse state funds administered by the County on behalf of the State.
2. Within the limits of state staffing grants, employ or contract professional staff for the purpose of developing and administering cost share contracts on behalf of state and federal agencies.

When administering state or local cost-share agreements, the agreement will stipulate (or will be accompanied by a separate stipulation agreement) that the affected cropland practices and livestock facilities will maintain or be brought into compliance with applicable performance standards and prohibitions, as enumerated in the compliance status report. These cost-share documents will be recorded.

The status of each cost-share agreement will be maintained as part of the geographic database and record keeping system described in Section V.B.6.

3. Within the limits of state staffing grants, employ or contract a certified agronomist or conservation planner, for the purpose of providing conservation planning services to landowners, or for the purpose of reviewing the adequacy of conservation plans prepared by private service providers or federal agency staff.
  4. Within the limits of state staff grants, employ or contract an engineering practitioner, for the purpose of providing engineering design services, assuring construction oversight and evaluating and certifying installation of conservation practices to meet the agricultural performance standards and prohibitions, or for the purpose of reviewing the adequacy of engineering designs, and evaluating and certifying installation of conservation practices through review of "as-built" surveys provided by third party service providers (private sector or USDA conservation delivery system).
  5. In circumstances where conservation planning or engineering services are provided to the landowner as a reimbursable expense under the DNR TRM Program or USDA cost share programs account for conservation planning and engineering expenses and bill the landowner at a standardized hourly rate upon completion of the contracted practice.
  6. Upon completion of best management practices implemented through the cost share agreement, conduct an onsite evaluation of the operation to document compliance with the agricultural nonpoint performance standards and prohibitions.
  7. Provide to DNR a draft letter of satisfaction to be issued to the landowner (See Letter Type E, Appendix A). Record this compliance following procedures in Section IV and V of this agreement.
  8. Within the limits of state staffing grants, conduct ongoing compliance monitoring through Operation and Management (O&M Plan) support.
- C. The DNR will, within the capacity of available resources:**
1. Will provide reimbursement for eligible staff resources to the County for engineering services performed to design and install best management practices included in grants awarded to the County by the TRM grant program.
  2. Within the limits of available funding, conduct program reviews to verify that cost share funding and conservation services have been administered in accordance with appropriate state administrative rules.

4. Sign and mail satisfaction letters to landowners in collaboration with the County.

**VIII. Component 8: Enforcement**

**A. The parties agree:**

1. DNR and Trempealeau County will use voluntary means, to the extent practical, to achieve compliance with performance standards and prohibitions, but may use enforcement when necessary to meet requirements of ch. 281, Stats., and NR151.
2. Each party has independent authority to enforce standards and reserves the right to exercise that authority without permission of the other.
3. To be effective, the public and affected landowners must perceive enforcement as a necessary option, pursued jointly by the parties, after voluntary measures to achieve compliance have failed.
4. Trempealeau County has authority to enforce performance standards and prohibitions through local ordinances. The County will rely on DNR to use the state's enforcement authority for cropland practices and livestock facilities that are not covered by local ordinances.
5. DNR has authority to enforce performance standards and prohibitions through a number of statutory options. These include, but are not limited to:
  - a. Referral by DNR to the Wisconsin Department of Justice to seek relief under s. 281.98, Wis. Stats.,
  - b. Use of enforcement procedures under NR 243 and s. 283.89, Stats., to obtain compliance with performance standards and prohibitions or to resolve a water quality problem.
  - c. Use of other state laws, including citation authority under s. 29.601, Wis. Stats.
6. To be effective, enforcement procedures must be well coordinated between DNR and Trempealeau County, and must be supported by both parties.
7. NR 151.09 and NR 151.095 establish the procedures that must be followed as pre-requisites to enforcement when DNR funds are used or when DNR pursues enforcement under s. 281.98, Wis. Stats.
8. The start of formal enforcement procedures are recognized to begin with the issuance of a Notice of Violation. Grounds for issuing a Notice of Violation letter is non-compliance by the landowner or operator with the notice issued under NR 151.09(5), NR 151.09(6), NR 151.095(6), or NR 151.095(7) and Component 6 of this agreement.

**B. Trempealeau County will, within the capacity of available resources:**

1. Enforce the performance standards and prohibitions contained within its local ordinances, and support DNR's lead role in enforcing standards and prohibitions at sites that are not covered by County ordinances.

2. Identify cases where landowners do not follow the requirements of their noncompliance notices and provide this information to the DNR.
3. Participate in DNR enforcement conferences.
4. Provide background information to DNR needed for WPDES permits or to develop referral packages to the Wisconsin Department of Justice.
5. Provide testimony, documents or other technical support for enforcement cases.
6. In circumstances where the County has issued permits or is pursuing legal actions under other authority, ensure that appropriate information concerning those permits or enforcement activity is transmitted to DNR.

**C. DNR will, within the capacity of available resources:**

1. Take the lead role in initiating enforcement action for cropland practices and livestock facilities that are not covered by County ordinances, including issuing notices of violation.
2. Ensure that appropriate information concerning enforcement activity by the Department is transmitted to the County.
3. Schedule and conduct enforcement conferences if appropriate.
4. If a point source discharge exists and compliance is not obtained through NR 151 procedures, issue a WPDES permit or take enforcement action under NR 243 and ch. 283, Stats., if consistent with regional and statewide permitting priorities.
5. Determine compliance with permits if consistent with regional and statewide compliance activities.
6. Prepare referral packages to Attorney General's Office if non-compliance continues and referral is approved by the DNR Secretary's Office.

**IX. Component 9. Ongoing Compliance Monitoring**

**A. The parties agree:**

1. NR151.09(3)(b) and NR151.095(4)(b) require that existing cropland practices and livestock facilities, which are in compliance on or after October 1, 2002, remain in compliance without the offer of cost share.
2. Ongoing agricultural operations are dynamic in nature and continually change in response to market forces, changes in technology, and changes in land ownership.
3. Periodic evaluations are of direct value to current owners and operators, as they make routine business decisions which affect their agricultural operation, including those related to capital

investments, land rental, and land sales.

4. Routine compliance monitoring is of direct value to the general public as a way to verify that compliance is maintained..

**B. Trempealeau County will, within the capacity of available resources:**

1. For those operations that have received a letter indicating compliance (Appendix A, Letter Type A, B or E), implement a system of routine compliance monitoring. The extent of monitoring will be directly proportional to the amount of State funding allocated specifically to support this effort.
2. Under the monitoring system:
  - a. Conduct an annual reporting and self-certification program for operations that have an active State cost share contract subject to a 10 year Operation and Maintenance Plan.
  - b. Conduct an annual educational mailing in association with the annual property tax billing for operations that are in compliance, but no longer subject to provisions of an active operation and maintenance plan.
3. Assume a lead role in responding to public complaints following protocol for compliant response, procedures for site evaluation, and determinations as established in Sections 4 and 5 of this agreement.

**X. Component 10: Annual Reporting**

**A. The parties agree:**

1. Annual reports can be used to track progress toward implementing the NR151 agricultural nonpoint performance standards and prohibitions.
2. The information contained in an annual report must be systematically collected and be readily available from the County's record-keeping system.
3. To assure that the appropriate information is gathered, the State agencies must define, in advance, what information each agency intends to request in order to monitor the status of program implementation, and the extent to which the standards have been applied

**B. Trempealeau County will, within the capacity of available resources:**

1. By April 15 of each year, summarize and report to DNR information that summarizes the general compliance status of livestock facilities and cropland in the County. Information will be conveyed on reporting forms provided by DNR.
2. The report will be augmented by a map that will show the cumulative location of cropland parcels and livestock operations which have been evaluated, and the associated compliance status of these lands and operations.

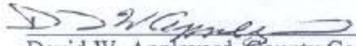
**C. DNR will, within the capacity of available resources:**

1. Develop an annual reporting form by which Counties will report the extent of confirmed compliance and the remaining workload to complete site evaluations to determine compliance.

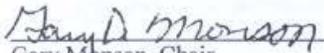
*Note: Information in the annual report is anticipated to include the following, summarized by county, watershed and performance standard/prohibition: total number of fields and facilities (estimate); portion of total that has been assessed (estimate); number of fields and facilities assessed (actual); number of assessed fields and facilities that are in compliance (actual); portion of assessed fields and facilities that are in compliance (actual).*

2. Provide the form electronically to the County at least 2 months prior to the deadline for conveyance to DNR

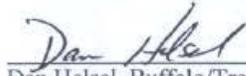
Signatures

  
\_\_\_\_\_  
David W. Appleyard, County Conservationist  
Trempealeau County Land Conservation Department

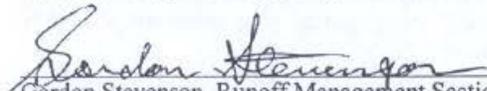
6-7-07  
date

  
\_\_\_\_\_  
Gary Monson, Chair  
Trempealeau County Land Conservation Committee

6-7-07  
date

  
\_\_\_\_\_  
Dan Helsel, Buffalo/Trempealeau Basin Leader  
Wisconsin Department of Natural Resources

5-22-07  
date

  
\_\_\_\_\_  
Gordon Stevenson, Runoff Management Section Chief  
Wisconsin Department of Natural Resources

05/11/07  
date

***Trempealeau County***  
***On Site NR 151 Inventory of Agricultural Nonpoint Source Pollution***  
***Control Standards***

**Landowner:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Location:** \_\_\_\_\_

**Erosion Control:**

**NR151.02                      Sheet, rill and wind erosion                      In Compliance/ Not In Compliance**

Cropland shall be cropped to tolerable soil loss.

Identify if there is a conservation plan developed by a cropland erosion prediction model.

Yes / No / NA / Unsure

Are grassed waterways required by RUSLE2 installed?

Yes / No / NA / Unsure

Is the conservation plan an HEL or full resource management plan? \_\_\_\_\_

Does the conservation plan meet the "Tolerable" soil loss?

Yes / No / NA / Unsure

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Tillage Setback:**

**NR151.03                      Tillage Setbacks                      In Compliance/ Not In Compliance**

Tillage operations shall be limited to prevent destroying stream banks and depositing soil directly into surface waters.

Does tillage negatively impact the banks or deposit soil directly into surface waters?

Yes / No / NA / Unsure

Are tillage operations conducted within the 5 ft to 20 ft setback?

Yes / No / NA / Unsure

Is there adequate sod or self-sustaining vegetative cover that provides a minimum of 70% cover?

Yes / No / NA / Unsure

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Phosphorus Index:**

**NR151.04                      Phosphorus Index                      In Compliance/ Not In Compliance**

Does the PI average 6 or less or over the accounting period not exceed 12 in any one given year?                      Yes / No / NA / Unsure

Are manure or nutrients being applied through mechanical means to surface waters of the State?                      Yes / No / NA / Unsure

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Manure Storage Facilities:**

**NR 151.05(2)                      New construction or alterations                      In Compliance/ Not In Compliance**

New or altered manure storage facilities shall be designed and constructed to USDA NRCS Standards. (note: new facility is anything constructed after 10/1/2002 and an altered facility is anything substantially altered after 10/1/2002)

Identify if there is a new or altered manure storage facility.                      Yes / No / NA / Unsure

When was it constructed?                      \_\_\_\_\_

Does the facility meet standards?                      \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NR151.05(3)                      Closure                      In Compliance/ Not In Compliance**

Closure of a sub-standard manure storage facility shall occur when the facility has not been used in 24 months.

Identify if there is a substandard manure storage facility.                      Yes / No / NA / Unsure

When was the manure storage facility last used?                      \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NR151.05(4) Failing and Leaking Existing Facilities                      In Compliance/ Not In Compliance**

Existing manure storage facilities that pose an imminent threat shall be upgraded, replaced or abandoned. (Note: This means all manure storage structures that were in existence "PRIOR" to 10/1/2002.)

Identify if there is a manure storage facility.                      Yes / No / NA / Unsure

When was it constructed?                      \_\_\_\_\_

What type of liner does it have (if any)?                      \_\_\_\_\_

What is the separation distance between the pit and groundwater? \_\_\_\_\_

Does the facility pose an imminent threat to public health, fish, aquatic life, or is it in violation of groundwater standards? \_\_\_\_\_

Comments: \_\_\_\_\_

**Process Waste Water Handling:**

**NR151.05(5) Process Waste Water Handling In Compliance/ Not In Compliance**

There may be no significant discharges of process waste water to waters of the state.

Is there significant discharges of process waste water to waters of the state?

Yes / No / NA / Unsure

Comments: \_\_\_\_\_

**Clean Water Diversions:**

**NR151.06 Clean Water Diversions In Compliance/ Not In Compliance**

Runoff shall be diverted away from contacting feedlots, manure storage areas and barnyard areas within Water Quality Management Areas. (Note: Water Quality Management Area (WQMA) means the area within 1000 feet from the ordinary high water mark of navigable waters that consist of lake, pond or flowage, the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.)

Identify if the feedlot, manure storage area or barnyard is located within the Water Quality Management Area...WQMA. Yes / No / NA / Unsure

Is the water is being diverted.

-roof runoff \_\_\_\_\_

-surface water runoff \_\_\_\_\_

Comments: \_\_\_\_\_

**Nutrient Management:**

**NR151.07(3) Nutrient Management In Compliance/ Not In Compliance**

Manure, commercial fertilizer and other nutrients shall be applied in conformance with a nutrient management plan.

Identify if the farm has a certified nutrient management plan. Yes / No / NA / Unsure

What is the date of the plan? \_\_\_\_\_

Who developed it? \_\_\_\_\_

What is the date of the most recent update? \_\_\_\_\_

Does the cropland drain to outstanding, exceptional or impaired waters? \_\_\_\_\_

How is manure managed? \_\_\_\_\_

How many cropland acres? \_\_\_\_\_

What are the type and number of livestock? \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Manure Management Prohibitions:**

**NR151.08 Manure Management Prohibitions In Compliance/ Not In Compliance**

**1. No overflow of manure storage facilities.**

Identify if there is a manure storage facility. Yes / No / NA / Unsure  
 Does the manure storage facility overflow? \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. No unconfined manure piles in WQMA's. In Compliance/ Not In Compliance**

Is the barnyard, feedlot or manure storage area located in a WQMA? Yes / No / NA / Unsure  
 Are there unconfined manure piles in WQMA's? Yes / No / NA / Unsure

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**3. No direct runoff from feedlots, barnyards or stored manure to waters of the state. In Compliance/ Not In Compliance**

Identify if there is a direct conveyance through channelized flow from feedlots, barnyards, or stored manure into waters of the state. Yes / No / NA / Unsure

Comments: \_\_\_\_\_

\_\_\_\_\_

**4. No unlimited access to waters of the state which prevent the maintenance of adequate sod cover. In Compliance/ Not In Compliance**

Identify if the livestock have unlimited access to waters of the state. Yes / No / NA / Unsure  
 Are the livestock restricted to crossings/watering facilities? Yes / No / NA / Unsure  
 Is livestock access restricted through managed grazing? Yes / No / NA / Unsure

Are bank and sod cover adequate?

Yes / No / NA / Unsure

Comments: \_\_\_\_\_  
\_\_\_\_\_

*NOTE:\*\*\*\* After the on-site NR 151 Inventory of Agricultural Nonpoint Source Pollution Control Standards has been completed, the Department of Land Management Staff member completing the inventory must sign the evaluation as well as the landowner. This document serves as the notification of informing the landowner of achieved compliance or non-compliance. Once compliance is achieved, compliance must be maintained in perpetuity.*

I have reviewed this site and made the above determinations to the best of my knowledge.

\_\_\_\_\_  
Department of Land Management

\_\_\_\_\_  
Date

***Landowner Concurrence and/or Appeal***

\_\_\_\_\_ I have reviewed and agree with the Inventory of the NR151 Agricultural Nonpoint Source Pollution Control Standards.

\_\_\_\_\_ I have reviewed and agree with the Inventory of the NR 151 Agricultural Nonpoint Source Pollution Control Standards except for the following checked items in which I am requesting a re-evaluation through the administrative appeal process to the Trempealeau County Environment and Land Use Committee. I understand I have 30 days to appeal this decision.

- |  |
|--|
| _____NR151.02 Sheet, rill and wind erosion   |
| _____NR151.03 Tillage Standard   |
| _____NR151.04 Phosphorus Index   |
| _____NR151.05(2)Manure Storage – New Construction or Alterations                                     |
| _____NR151.05(3)Manure Storage – Closure   |
| _____NR151.05(4) Manure Storage – Failing and Leaking Existing Facilities                            |
| _____NR151.05(5) Process Waste Water   |
| _____NR151.06 Clean Water Diversions   |
| _____NR151.07(3) Nutrient Management   |
| _____NR151.08 Manure Management Prohibitions   |
| _____No Overflow of Manure Storage Facilities.   |
| _____No Unconfined manure piles in WQMA's.   |
| _____No Direct Runoff from feedlots, barnyards or stored manure to waters of the state.              |
| _____No Unlimited access to waters of the state which prevent the maintenance of adequate sod cover. |

\_\_\_\_\_  
Landowner

\_\_\_\_\_  
Date