

# Trempealeau County Land And Water Resource Management Plan

December 2011



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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 2011 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. This plan revision was overseen by the County's Environment & Land Use Committee. The Committee utilized information gathered from the comprehensive planning process, public input, as well as additional input from various cooperating agencies. The plan also relied on public input from past land and water resource protection and preservation efforts. Current land uses are rapidly changing within Trempealeau County, due to the rapid growth of non-metallic mining permits for Frac Sand. This is also inspiring Townships to revise their comprehensive plans to reflect the changes they are facing.

Public participation is an important part in developing and/or revising a Land & Water Resource Management Plan. Trempealeau County's 2011 plan revision was overseen by the County's Environment & Land Use Committee. The committee gathered public input by several methods. In 2009 the County adopted a County Comprehensive Plan which was developed from a public input intensive planning process. The committee utilized information gathered from the comprehensive planning process as part of the revision process. During the 2011 Land & Water Resource Management Plan revision process, the committee invited the Division of Land Management Public Advisory Committee, along with the public to provide input on changes at its August 10th and 17th meetings, as well as public input at the October 17th, 2011 public hearing on the revision. In addition, input was requested from various cooperating agencies during the plan revision process. Draft plans were sent to the DNR Forester, DATCP, UW-Extension, NRCS, Farm Service Agency and the Department of Natural Resources seeking input and comments on the plan.

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 three rivers: the Mississippi River on the south, the Trempealeau River on the West 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 6 streams totaling 26.5 miles that are on the Wisconsin 303d impaired waters list.

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 through out 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 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 (ATCP50). Livestock facilities located within a WQMA 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 \$31,250.00. Given the amount of funding provided to the county for this purpose, Trempealeau County shall attempt to bring ten of the forty-eight existing Priority Farms into compliance with all of the States Agricultural Performance Standards within this five year planning period.

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 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.

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**

1.	<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>	DNR
2.	<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>	DNR
3.	<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>	DATCP
4.	<p><b>DEVELOP TECHNICAL STANDARDS</b>                  Includes specifications for practices such as those contained in the Field Office Technical Guide.</p>	DATCP
5.	<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 120 Nonpoint source pollution abatement program</li> <li>• NR 243 Animal waste management</li> <li>• ATCP 50 Soil and water conservation and animal waste management</li> </ul>	DNR DATCP  Local Conservation Departments

## **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 2011 plan revision was overseen by the County's Environment &

Land Use Committee. The committee gathered public input by several methods. In 2009 the County adopted a County Comprehensive Plan which was developed from a public input intensive planning process. The committee utilized information gathered from the comprehensive planning process as part of the revision process. During the 2011 Land & Water Resource Management Plan revision process, the committee invited the Division of Land Management Public Advisory Committee, along with the public to provide input on changes at its August 10th and 17th meetings, as well as public input at its October 17th, 2011 public hearing on the revision. See Appendix A. In addition, input was requested from various cooperating agencies during the plan revision process. Draft plans were sent to the DNR Forester, DATCP, UW-Extension, NRCS, Farm Service Agency and the Department of Natural Resources seeking input and comments on the plan.

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.

Land Conservation Committee Leadership

**“The responsibility of Land Conservation Committee members is explicit. They are to provide leadership in planning, organizing, coordinating, and evaluating county conservation activities. Unfortunately, that clear leadership responsibility has become blurred in recent years. Closer linkages with state and federal agencies to gain funding for local activities has bogged down county activities in operational details and procedures. Implementing state and federally mandated programs have forced counties to develop reactive rather than proactive strategies.”**

**Dr. Peter Nowak - 1996<sup>4</sup>**

In 1995, disillusioned with the rigid policies, conflicting standards and micro-management oversight by the LCC’S state and federal partners, the Trempealeau County LCC began to re-establish its authorities and responsibilities granted through State Statutes 92 and 59.

The LCC’S first order of business was to re-evaluate the LCC’S conservation priorities using an extensive and on going public participation process.

Establishing LCC Conservation Priorities

On April 18, 1995, the Trempealeau County LCC, Zoning, AG & Extension and Public Health Committees met with representatives of the town boards and municipalities within Trempealeau County. Those present were not only representing local government but were representative of the total spectrum of public interests within Trempealeau County.

This group identified nonpoint pollution, land use planning and nutrient management as primary areas of concern.

On June 20, 1995, the group met again to discuss a plan of action to address the identified concerns. Ultimately the group determined that a resource protection planning process should take place in a smaller more manageable geographic area of the county in order to develop a prototype countywide planning process. The area selected by this group became known as the “Northern Tier”. The units of governments involved included the townships of Albion, Unity and Sumner as well as the municipalities of Eleva, Strum and Osseo. Representatives of these units of government met with county staff a total of nine times between August 22, 1995, and August 26, 1996. The recommendations of this planning group was to set county priorities as follows:

1. To immediately amend the county Comprehensive Zoning Ordinance to remove single family dwellings from principle permitted uses in the Ag Zone;
2. Begin a comprehensive land use planning process to guide future growth and protect agriculture;
3. Develop a Feedlot Ordinance to reduce land use conflicts and to protect the natural resources of Trempealeau County;
4. Protect the ground and surface water resources of Trempealeau County; and
5. Provide all town and municipal governmental officials with a clear understanding of the

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<sup>4</sup> Professor Rural Sociology – University of Wisconsin

Extra-territorial Zoning Law and how it may be applied within Trempealeau County.

Upon receipt of the Northern Tier recommendations, a Joint LCC/Zoning Committee of the County Board determined that, in order to address those concerns identified through the Northern Tier process, the following initiatives would be undertaken:

1. Develop/Adopt a Metallic Mining Ordinance;
2. Develop/Adopt a Feedlot Performance Standards Ordinance;
3. Develop/Implement a Nutrient Management Self-Certification process; and
4. Undertake a county wide Land Use Planning initiative.

*Metallic Mining Ordinance*

The Trempealeau County Board of Supervisors adopted the State of Wisconsin's first county Metallic Mining Ordinance on April 15, 1997. A Joint Committee of the LCC/Zoning Committee's met a total of eleven times between June 4, 1996 and March 6, 1997. A well attended public Hearing was held on February 18, 1997. The partial listing of those county citizens which participated in the public process of development of the county's Metallic Mining Ordinance is attached in Appendix B.

*Trempealeau County Feedlot Performance Standards Ordinance*

The Trempealeau County Board of Supervisors adopted the State of Wisconsin's first countywide Feedlot Performance Standards Ordinance on May 18, 1998. A Joint Committee of the LCC/ Zoning Committee's met a total of ten times between September 26, 1997 and May 1, 1998. In addition, a Feedlot Performance Standards Ordinance Advisory Committee met four times between December 9, 1997 and January 20, 1998. A public hearing was held on March 3, 1998. The partial listing of those county citizens that participated in the public process of the development of a county Feedlot Performance Standards Ordinance is attached in Appendix C:

*Nutrient Management Planning Self-Certification*

Copies of the Farm Bureau Sponsored Nutrient Management Study were circulated on June 5, 1996, to a wide number of agency representatives. The study was circulated without conclusions and recommendations in order to allow the participants to come to their own conclusions. A meeting was held on July 17, 1996, to review the study and develop common conclusions about how to improve the state nutrient management program. This group developed approximately fifty conclusions and recommendations that were combined into three general categories: 590 redesign and simplification; 590 education and information, public policies and policymaker education.

The group asked Trempealeau County to develop recommendations on how to improve these issues. Two committees were developed to provide recommendations. A dairy farmer from Arcadia that milks 140 cows chaired the redesign committee. This committee held three full committee meetings (9 –12, 10 – 23 and 11 – 12, 1996) and two sub-committee meetings (9-19 and 10 – 2, 1996) to discuss and simplify the process. They developed a new format that reduced paperwork by 90%. A dairy farmer from Whitehall that milks 150 cows chaired the information and education committee. This committee met three times and developed a series of recommendations on how to get farmers to implement nutrient management recommendations. The partial listing of those county citizens that participated in the 590 Nutrient Management Redesign and Self-Certification process is attached in Appendix D.

*County Wide Land Use Planning*

The Trempealeau County Board of Supervisors hired a Zoning and Planning Specialist in July of 1997 to assist town boards develop Town Land Use Plans. Initially, the Zoning/Planning Department met with all the Town Boards, City Councils and Village Boards in Trempealeau County to explain the planning process and gain input. The Zoning/Planning Department has determined that the most practical way to prepare a land use plan for the county would be to work with three towns at a time until all fifteen towns have completed plans. A schedule for town planning was developed based upon the amount of development pressure experienced. All of the fifteen towns have completed their land use plans. All 15 towns will have to revisit their land use plans to determine if those parcels planned for Agriculture remain an appropriate designation following the enactment of the ATCP51 Administrative Rule. To date; 160 town citizens have served on Town Planning Commissions; the Zoning/Planning Department has sent out over 3500 land use questionnaires; mailed over 20,000 meeting invitations to residents; held over 200 public planning meetings and conducted 18 public hearings. In addition, the local news media and Trempealeau County Community Television has covered the planning process.

## 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 Treppe 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 three rivers: the Mississippi River on the south, the Trempealeau River on the West 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.

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 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.



A view of Trempealeau County's Landscape

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 precipitation 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

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.

### 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 six streams, totaling 26.5 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 is located in [Appendix E](#).

#### Groundwater Resources

Water resources contributing to groundwater consist of rainfall and snowmelt. Water movement from the land surface to deeper geology passes through several different kinds of soil and rock material. The water quality characteristics of the area's groundwater is dependent on the type of land use occurring in the area and the mineralogy of the soil and rock formations. Results of water testing reveal the occurrence of some ground water contamination. For example, a 1990 well survey conducted by DATCP found that 30% of the wells tested contained some level of triazine and 15% had nitrate concentrations in excess of the public drinking water standard.

#### Land Use

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 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 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 feedlots and associated problems with animal waste.

## **Water Resource Assessment**

#### Groundwater Resources

Water resources contributing to groundwater consist of rainfall and snow melt in Trempealeau County. Water movement from the land surface to deeper geology passes through several different kinds of soil and rock material. Although alluvial deposits contain quantities of groundwater the sandstone aquifer is the most common source of well water.

Results of well water tests over the past twenty-five years demonstrate increases of nitrate levels and detects of triazine. Well water sampling for the Middle Trempealeau River Watershed Project, in 1990, showed that 30% of the wells tested detected triazine and 15% of the wells had nitrate levels above the state and federal public health standards. Results of well water sampling done through out 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. There are many human activities that are sources of nitrate contamination. These sources include the following: runoff or seepage from fertilized (seepage, whey, chemical fertilizer and animal waste) agricultural lands, municipal and industrial wastewater, refuse dumps, animal feedlots, improper manure storage, septic tanks, urban drainage, improperly abandoned wells, and decaying plant debris.

### 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. See Appendix F. 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 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 that 2.5"T". Since 1984, after 20 years of NRCS Alternative Conservation Systems and the requirement that the county use RUSLE2 as the cropland erosion prediction model (RUSLE2 allows 25% more grain in the rotation than did its predecessor model, USLE) DLM staff believe that cropland erosion rates are significantly higher in Trempealeau County than was the case in 1984.

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. Thus, it would be reasonable to conclude that the 250,655 cropland acres within Trempealeau County are producing 295,773 tons of sediment annually. Clearly, this is a major water quality issue.

## 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 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. Storm water – storm water discharges from urban areas to surface water resources contain sediments, petroleum, heavy metals and chemical residues.

## 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 State/County Agricultural and Non-Agricultural Performance Standards.
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.

##### 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.

##### 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.



Preserved wetland near Village of Trempealeau.

3. To enhance existing wetlands, encourage property owners to design and install wetland conservation activities as identified in NR353.

Note: Chapter 3 was drafted primarily by the Department of Natural Resources' Buffalo/Trempealeau Basin Water Team Leader, 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 G 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".

#### 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.

#### Objective B:

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 C:

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 D:

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 State Agricultural Performance Standards. 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 E:

Reduce Non-Agricultural Use of Productive Farmland.

Action Items:

1. Integrate Working Lands Initiative changes to Farmland Preservation Program locally.
2. Update Trempealeau County Farmland Preservation Plan due in 2014.
3. As part of implementing FPP update, assist landowners interesting in:
  - forming Ag Enterprises Areas (AEA).
  - acquiring Purchase of Agricultural Conservation Easements (PACE).
  - modifying pre-June 30, 2009 farmland preservation agreements to become eligible for the \$5.00 per acre, per year farmland preservation credit.
4. Provide information and education to landowners about the Working Lands Initiative benefits.

## **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).
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 water resources from being negatively impacted by Non-Metallic Mining sites.

Action Items:

1. Assist in the permitting of new non-metallic mining reclamation operations.
2. Assist mine operators in meeting ordinance regulations.

## **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**

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**

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)**

Trempealeau County Department of Land Management staff assist 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**

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 Reclamation Ordinance**

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.

#### **F. Storm Water Management and Erosion Control Ordinance**

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.

#### **G. County Comprehensive Zoning Ordinance**

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.

#### **H. Unified Dwelling Code Ordinance**

The Unified Dwelling Code Ordinance 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.

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

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.

**J. DNR Forestry Program**

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 45,000 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 acreage. In addition, the DNR Forestry Program is actively managing State owned properties, promoting fish and wildlife habitat and timber stands.

**K. Wildlife Tree and Shrubs Sales**

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.

**L. Farmland Preservation**

None of the townships within Trempealeau County are currently zoned for exclusive agricultural use. However, there are 353 Farmland Preservation Agreements in effect which encompass 44,642 farmland acres. DLM staff spot check Farmland Preservation contracted acreages once every five years to ensure that a cropland soil erosion control plan is in place and that the contract holder is compliant with the plan.

**Working Lands Initiative**

The Wisconsin Working Lands Initiative can be found primarily in Chapter 91 of Wisconsin State Statutes. 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.

**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**

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.

**O. Shoreland and Wetland Protection Ordinance**

Trempealeau County adopted the Shoreland Zoning Ordinance on November 9, 1971. 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**

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**

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**

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**

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 is 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.

## **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.

## **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 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.

### **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, revise or re-write conservation plans, and continuing to do SNAPPLUS classes and on-site manure spreader calibration for compliance with the nutrient management plan standard.



Land Judging with local youth.

### **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.

### **Tours**

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.

## **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 H](#)

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 was 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 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 \$31,250.00. Given the amount of funding provided to the county for this purpose, Trempealeau County shall attempt to bring ten of the forty-eight existing Priority Farms into compliance with all of the States Agricultural Performance Standards within this five year planning period.
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.

### **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 Specialist Instructor provides nutrient management plans to his 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.

## **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 five year Land and Water Resource Management plan states, for Land and Water Resource Management Planning purposes, the five 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.

### **Five Year Implementation Budget**

The five year plan implementation budget shall only consider those funds provided by DATCP to implement the Plan. Currently, DATCP provides approximately \$121,000.00 per year to support staff and \$61,000.00 per year for cost sharing. This provides approximately \$910,000.00 (\$605,000.00 for staff and \$305,000.00 for cost share) for the five year budget to implement this plan. Following the generalized priority ranking for each Agricultural Performance Standard shall be an estimated budget for implementation over the next five years. These estimates are based upon the best estimates of staff as well as past time reporting. These estimates may change based upon individual requests for technical/financial assistance. These estimates are also skewed by services that the county is mandated to provide. For instance, although the “T” Standard has a generalized low priority, the percent of the total plan implementation budget dedicated to the “T” Standard is a significant percentage of the total budget due to the State mandate that the county spot check Farmland Preservation Agreement holders once every five years (113 farms per year) to determine compliance with a farm plan.

Unless otherwise noted, the time frame for completion of the actions is ongoing for the 5 year plan.

Refer to Appendix I

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

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 and other agencies as required.



## **APPENDIXES**

APPENDIX A

**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: May 2<sup>nd</sup>, 2011**

There will be an Environment and Land Use Committee meeting on **Wednesday, May 11th, 2011 at 9:00 AM** in the **County Board Room** of the Courthouse, 365245 Main St, Whitehall, WI.

The Agenda is as follows:

1. Call Meeting to Order
2. Certification of Open Meeting Law Requirements
3. Adoption of Agenda
4. Adoption of Minutes –4/09/2011
- 9:00 AM 5. Public Hearing – Conditional Use Permit – Non-metallic Mining- Keith and Paul Nestingen - Land owner/Applicant, Olson Construction- Operator – Town of Preston
- 9:05 AM 6. Public Hearing – Conditional Use Permit – Non-metallic Mining- Suchla Family Farms – Duane and Renee Suchla - Landowner/Applicant, Reglin & Hesch, Inc.-Operator – Town of Arcadia
- 9:10 AM 7. Public Hearing – Conditional Use Permit – 250’ Self-Supporting Communication Tower – Deetz Brothers- Landowner/Applicant, SBA Towers III, LLC-Operator- Town of Albion
8. Gerald Myers – Appearance - Information on Flooding Issues
9. TRM/LWRM Cost Share Payments/Requests
10. Discussion on mining wash plants and resin coating plants in Trempealeau County
11. LWRM Plan Update
12. Vehicle Trade
13. Municipality Fee Structure
14. Surveying Update
15. Director’s Report
16. Set Next Regular Meeting Date & Time
17. Adjourn

George Brandt, Chair  
Environment and Land Use Committee

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

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: 6-3-2011**

There will be an Environment and Land Use Committee meeting on **Wednesday, June 8th, 2011 at 9:00 AM** in the **County Board Room** of the Courthouse, 365245 Main St, Whitehall, WI.

The Agenda is as follows:

1. Call Meeting to Order
2. Certification of Open Meeting Law Requirements
3. Adoption of Agenda
4. Adoption of Minutes –5/11/2011
- 9:00 AM 5. Public Hearing – Conditional Use Permit –Andrew Todd - Roof Over BMX Track- Land owner/Applicant – Town of Trempealeau
- 9:05 AM 6. Public Hearing – Conditional Use Permit –Paul P. & Sara A. Halama - Kennel-Landowner/Applicant, – Town of Pigeon
- 9:10 AM 7. Public Hearing – Conditional Use Permit-Non-metallic Mining – Daniel Klink- Doug Sokup and Mike Sokup, Landowner/Applicant, Ottawa Sand, LLC – Operator – Town of Arcadia
8. POWTS Special Charge
9. Forester - Scott Laurie
10. TRM/LWRM Cost Share Payments/Requests
11. Discussion on mining wash plants and resin coating plants in Trempealeau County
12. LWRM Plan Update
13. Non-metallic Mining Hours of Operation
14. Round Bales/Flooding Issues
15. Tipping Fee
16. Surveying Update
17. Director's Report
18. Set Next Regular Meeting Date & Time
19. Adjourn

George Brandt, Chair  
Environment and Land Use Committee

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

### 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: August 8, 2011**

There will be an Environment and Land Use Committee meeting on **Wednesday, August 10th, 2011 at 9:00 AM** in the **County Board Room** of the Courthouse, 365245 Main St, Whitehall, WI.

The Agenda is as follows:

1. Call Meeting to Order
2. Certification of Open Meeting Law Requirements
3. Adoption of Agenda
4. Adoption of Minutes –7/13/2011
5. Re-visit - Conditional Use Permit Application–Non-metallic Mining- Mark Rumpel and James Dabelstein - Land Owner/Applicants – Brian Senn-Operator - Town of Arcadia
6. Re-visit - Conditional Use Permit Application – Non-metallic Mining – John Patzner – Landowner/Applicant – Reglin & Hesch Construction, Inc. -Operator – Town of Arcadia
7. Re-visit - Conditional Use Permit Application– Railroad Spur – Michael J. Blaha, Debra S. Bork and David R. Blaha, Landowner/Applicant – Sand Trans, David R. Blaha – Operator – Town of Lincoln
8. Re-visit - Conditional Use Permit Application – Railroad Spur – Maliszewski Rail LLC, Edwin J. Maliszewski, Landowner/Applicant – Maliszewski Rail, LLC – Operator – Town of Arcadia
9. Re-visit - Conditions of Conditional Use Permit - Ottawa Sand Company, LLC
10. TRM/LWRM Cost Share Payments/Requests
11. Surveying Update
12. Conditional Use Permits – Salvage Yards and Mobile Home Courts
13. Director's Report
14. Public Comment Requested on Goals and Actions of the 2011 Land & Water Resource Management Plan Update
15. Set Next Regular Meeting Date & Time
16. Adjourn

George Brandt, Chair  
Environment and Land Use Committee

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

TREMPEALEAU COUNTY  
ENVIRONMENT AND LAND USE COMMITTEE

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

AMENDED SPECIAL MEETING AGENDA

**Posted: August 13th, 2011**

There will be an Environment and Land Use Committee meeting on Wednesday, August 17th, 2011 at 9:00 AM in the County Board Room of the Courthouse, 365245 Main St, Whitehall, WI.

The Agenda is as follows:

1. Call Meeting to Order
2. Certification of Open Meeting Law Requirements
3. Adoption of Agenda
4. Approve Meeting Minutes
- 9:00 A.M. 5. Public Hearing – Petition for amendment of County Zoning Ordinance – E & LU Committee be given the ability to grant temporary changes to the Non-Metallic Mining Ordinance, Chapter 13, Sec. 13.02(1) site specific changes to hours of operation when requested.
6. Department of Land Management Budgets
7. Public comment requested on goals and actions of the 2011 Land & Water Resource Management Plan Update
8. 911 Sign Placement
9. Closed Session per WI Stat. 19.85(1) ( c ) Wis. Stats to consider employment and performance evaluation data.
10. Reconvene into Open Session
11. Adjourn

George Brandt, Chair  
Environment and Land Use Committee

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**

**TREMPEALEAU COUNTY  
ENVIRONMENT AND LAND USE COMMITTEE**

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

**AMENDED SPECIAL MEETING AGENDA**

Posted: October 12, 2011

There will be Special Meeting of the Environment and Land Use Committee meeting on **Monday, October 17th, 2011 at 6:00 PM** in the **Tremple Room** of the Courthouse, 36245 Main St, Whitehall, WI.

The Agenda is as follows:

1. Call Meeting to Order
2. Certification of Open Meeting Law Requirements
3. Adoption of Agenda
4. Approve 9-14-11 Meeting Minutes
- 6:00 PM 5. Public Hearing – Land and Water Resource Management Plan Revisions
6. Adjourn

George Brandt, Chair  
Environment and Land Use Committee

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

To the Editor:

Please publish the enclosed NOTICE OF PUBLIC HEARING regarding the revision of Land and Water Resource Management Plan for two weeks in your September 28th and October 5th 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 Land and Water Resource Management Plan Revisions**

TO: The Public

PLEASE TAKE NOTICE that pursuant to 59.69(5)(e)2., Wis. Stats., the Trempealeau County Environment and Land Use (E & LU) Committee will hold a public hearing on the proposed Revision of the Trempealeau County Land and Water Resource Management Plan.

PLEASE be further advised that this public hearing will be held at 6:00 PM on October 17<sup>th</sup>, 2011 in the **Trempla Room** of the Courthouse, 36245 Main St., Whitehall, WI.

Prior to the public hearing, copies of the proposed revision may be viewed at the offices of the Trempealeau County Department of Land Management (DLM) and Trempealeau County Clerk. If you are unable to pick up a copy, please contact the Department of Land Management at 715-538-2311, Extension 223, to ask that a copy be mailed to you.

Written comments will be accepted by the E & LU Committee until 4:30 PM on October 17<sup>th</sup>, 2011. Comments can be e-mailed to [cj@tremplocounty.com](mailto:cj@tremplocounty.com) or send written correspondence to Department of Land Management, P.O. Box 67, Whitehall, WI 54773.

Dated this 22nd day of September, 2011.

TREMPEALEAU COUNTY E & LU COMMITTEE

By: /s/ George Brandt  
George Brandt, Chairman

## APPENDIX A

### **Division of Land Management Public Advisory Committee:**

Following are a partial listing of those county citizens that participated in the 2006 revision to the County Division of Land Management Plan. These citizens assisted the county committees' in the structural reorganization of several departments into a single department of Land Management. This committee was also responsible for revising the County Land and Water Resource Management Plan in 2006 and 2011.

Amundson	Larry	Town of Sumner
Byom	Daniel	Organic Dairy Producer
Dietelhoff	Dennis	V.T.A.E.
Fletcher	Peter	Mississippi River Regional Planning
Foote	Danny	Environmentalist
Frame	Dennis	Discovery Farms
Geiger	Tim	Gold N' Plump
Geske	Wally	County Board Member
Gullicksrud	Eric	Large Dairy Producer
Halama	Eugene (Butch)	Pork Producer
Hawkinson	Gerald	Town of Chimney Rock
Horton	Nancy	Small Farmer
Hovell	Christine	Public Health Department
Nelson	Sheree	Town of Albion
Quarne	Todd	Farm Bureau Representative
Schank	Thomas	Realtor
Schank	Willard	Beef Producer
Schwartz	James	Rural Nonfarm
Semb	Barbara	County Board Chair
Sonsalla	Larry	Ag Lender
Sorge	Patrick (Buzz)	DNR Environmentalist
Spahr	Sharon	Rural Nonfarm
Thompson	Roland	Town of Gale
Zander	Jon	University Extension

County Committee members involved in 2006 revisions:

Monson	Gary	LCC
Brandt	George	LCC & Zoning/Planning
Haines	Michelle	LCC
Halderson	Paul	LCC
Kiekhoefer	Richard	LCC
Quarne	David	LCC
Lorch	Darrel	LCC/FSA
Berg	Lenus	Zoning/Planning
Van Tassel	Gerry	Zoning/Planning
Vold	Hensel	Zoning/Planning
Winters	Doug	Zoning/Planning

**APPENDIX B**

**Trempealeau County Metallic Mining Ordinance Advisory Committee:**

Attached is a partial listing of those county citizens which participated in the public process of development of the county's Metallic Mining Ordinance.

Anderson	David	Zoning Committee
Johnson	Gordon	Zoning Committee
Blaha	Jerome	Zoning Committee
Kiekhoefer	Richard	Zoning Committee
Tomter	Harold	LCC
Van Tassel	Gerry	LCC
Brandt	George	LCC
Lorch	Darrel	LCC/FSA
Congdon	Ken	LCC
Kohlmeyer	Hugh	LCC

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***Concerned Citizens***

Anderson	Bruce	Dalton	Shawn
Anderson	Mary C.	Davis	Helen M.
Anderson	Marie	Deninger	Pat
Appleyard	Dave	Duncan	Jason
Armstrong	Greg	Earnshaw	Jeff
Barkow	Debi	Foote	Danny
Behringer	Don	Foote	Lynda
Bergman	Nancy	Froehle	Rosann
Berth	Christine	Garvin	Larry V.
Boylen	Brent	Gedicks	Al
Britzius	Wade	Geisler	Amy
Brown	Dianna	Geske	John
Brown	Ritchie	Haigh	Willard
Bruggeman	Steve	Halama	Eugene Jr.
Butler	Janet	Hegge	Bradley
Butler	Bill	Hill	Lora
Christopherson	Missy	Hill	Chad F.
Church	Jean	Horton	Nancy
Churchill	Roscoe	Howard	Robert
Colleran	M.	Hudson	Eric
Coughlan	Mary	Jacobson	Jerry
Cox	Richard	Janaes	Katie
Craig	Carol	Johnson	Joyce
Crook	Aaron	Kieltyka	Christine

## APPENDIX B - continued

Kieltyka	Dominic	Skroch	Rita
Kieltyka	Joseph	Skwiot	Tim
Kiesel	Kirsten	Snyder	Susan
Klemmedson	Dinah L.	Sorge	Patrick
Klemmedson	Ronald J.	Speltz	Robert & Susan
Klinkner	Marilyn	Stalzer	Gerald
Koepl	John	Styczinski	John, Jr.
Krause	Anna	Sveen	Beth
Lamkin	Bonnie Jean	Swenson	Jane
Larocco	Billie	Swenson	Ronald K.
Lawell	Krista	Taylor	Carol
Le Air	Deb	Thiel	Bill
Lindebo	Gail	Tobiason	Rev. Paul
Lindebo	Harold	Trulen	Jeff
Long	Paul	Turvold	Kari
Malley	Ken	Vind	Dave
Maly	Kenneth	Waller	Roger
Maly	Mary Jane	Walz	Bill
Maslowski	Michelle	Wilson	Tom
McCoy	Kraig	Wolcott	Betty
McCoy	Steve	Wolter	Lynn
Meldahl	Charles	Woods	Paul
Murrell	Marie	Woods	Katherine J.
Myatt	Tom	Woods	Paul A.
Newell	Kevin S.	Woychik	Edward J.
Orlikowski	Mike	Zanski	Patty
Owecke	Paul		
Palmer	Mark		
Pampuch	Betty		
Pampuch	Lavern		
Papenfuss	Amy		
Pawlak	Robert		
Pederson	Wally		
Racki	Kathy		
Reimer	Henry		
Reimer	Ronald G.		
Riemer	Otto		
Sampson	Richard		
Sanchez	David A.		
Scharlau	Robert		
Schreiber	Ken		
Schreiber	Linda		
Schwartz	Jim		
Shaughnessy	Kevin		
Shedivy	Luke		
Skerven	Brian		
Skroch	Michael A.		

## APPENDIX C

### **Trempealeau County Feedlot Performance Standards Advisory Committee:**

Attached is a partial listing of those county citizens that participated in the public process of the development of a county Feedlot Performance Standards Ordinance.

Adams	Paul	Dairy Farmer
Anderson	David	LCC
Axness	Carl	Ag Lender
Blaha	Jerome	Zoning Committee
Brandt	George	LCC
Congdon	Ken	Cash Grain/Pork Producer
Deetz	Verle	Chairman-Town of Albion
Frederick	Duane	Mayor-City of Osseo
Frey	Richard	LCC
Grass	Alan	NFO/Dairy /Pork Farmer
Halama	Butch	Pork Producer
Hermanson	Bill	Chairman-Town of Chimney Rock
Kiekhoefer	Richard	Zoning Committee
Lorch	Darrel	FSA Committee Chair/LCC
Maliszewski	Bill	Dairy/Beef Producer
Marthaler	Stanley	Mayor-City of Blair
Monson	Gary	Livestock Producer Member/LCC
Nehring	David	Zoning Committee
Petz	Bill	Poultry Industry
Quarne	Dave	Livestock Producer Member/LCC
Schank	Tom	Realtor/Beef Producer
Schank	Willard	Beef Producer
Schreiner	Glenn	Mayor-City of Eleva
Schultz	Henry	Beef/Poultry Producer
Sobotta	Jim	Farm Bureau/Dairy Producer
Sorge	Buzz	DNR/Environmentalist
Spangberg	Ruby	President-Village of Strum
Speerstra	Jack	Dairy Producer
Tomter	Harold	LCC
Tuschner	Ron	Beef Farmer
Van Tassel	Gerry	LCC
Vold	Hensel	Rural Nonfarm
Wilber	Harold	Developer

## APPENDIX D

### Nutrient Management Planning – 590 Redesign Committee:

Following are a partial listing of those county citizens that participated in the 590 Nutrient Management Redesign and Self-Certification process.

Anderson	David	LCC
Appleyard	Dave	Trempe Co. LCD Administrator
Axness	Carl	Ag Lender
Brandt	George	LCC
Congdon	Ken	AG Producer Member/LCC
Dietelhoff	Dennis	V.T.A.E.
Frame	Dennis	Trempe Co. AG Agent
Geiger	Tim	Gold N' Plump
Gierok	Adolph	LCC
Guza	Ron	Ag Lender
Halama	Butch	Pork Producer
Johnson	Greg	Dairy Farmer
Kerr	Greg	Agri-Business-Centrol
Kivlin	Paul	Nutrient & Pest Management
Kohlmeyer	Hugh	LCC
Lorch	Darrel	FSA/LCC
Madison	Fred	WGNHS & UW-Extension
Mahlum	David	LCC
Marsolek	Gene	FSA/LCC
Monson	Gary	AG Producer Member/LCC
Olson	Len	DATCP/SWRM
Price	Vic	NRCS
Rosenow	Paul	Dairy Farmer
Schank	Willard	Beef Farmer
Shepherd	Leah	President-County Farm Bureau
Sobotta	James	Dairy Farmer
Speerstra	Jack	Dairy Farmer
Sturgul	Scott	Nutrient & Pest Management
Taysom	David	Agri-Business-Dairyland Lab
Thomas	Roland	LCC
Tomter	Harold	LCC
Tuschner	Ron	Beef Producer
Van Tassel	Gerry	LCC
Wedepohl	Dick	DNR
Weisenbeck	Curt	Agri-Business-Crop Consultant

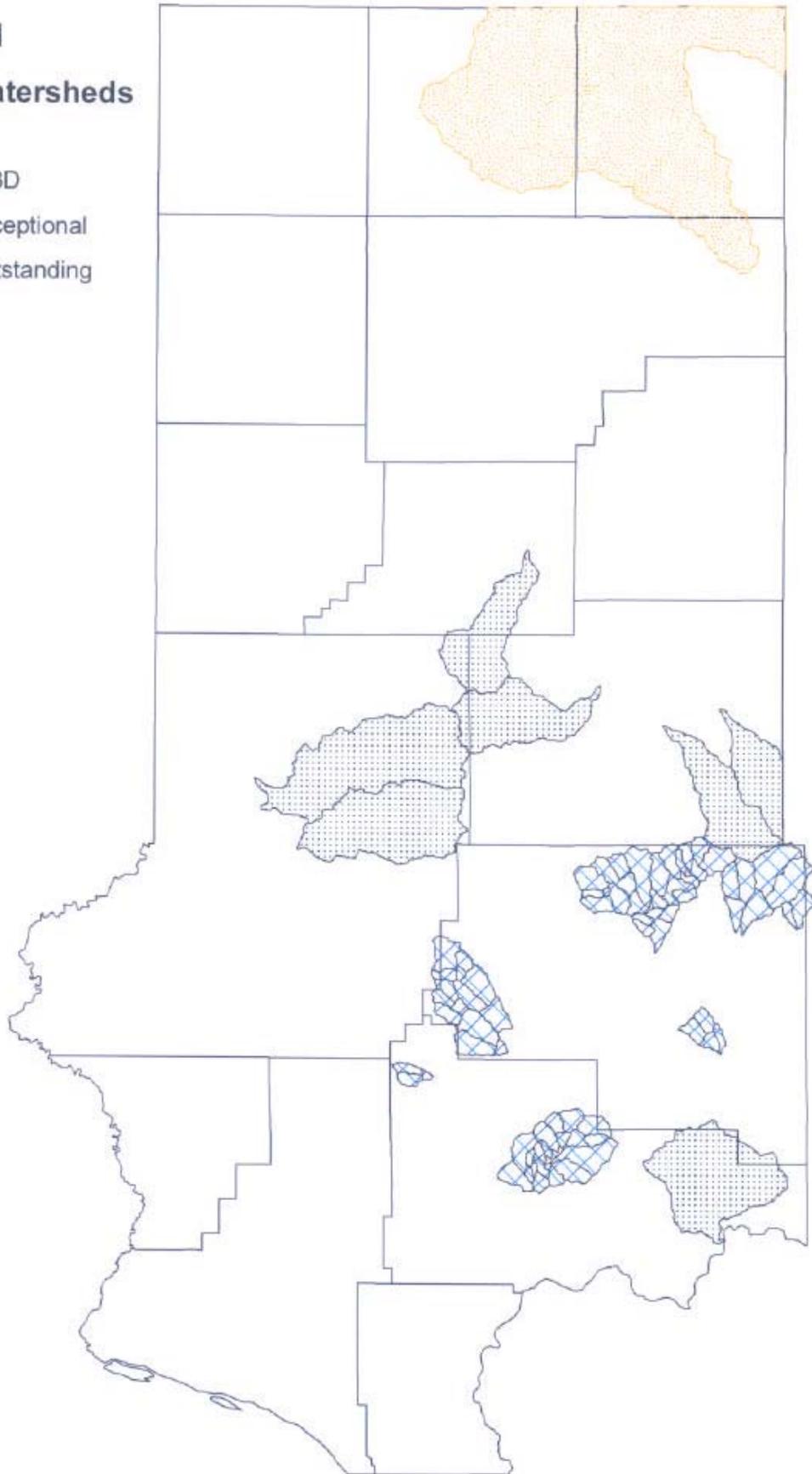
# APPENDIX E

## Legend

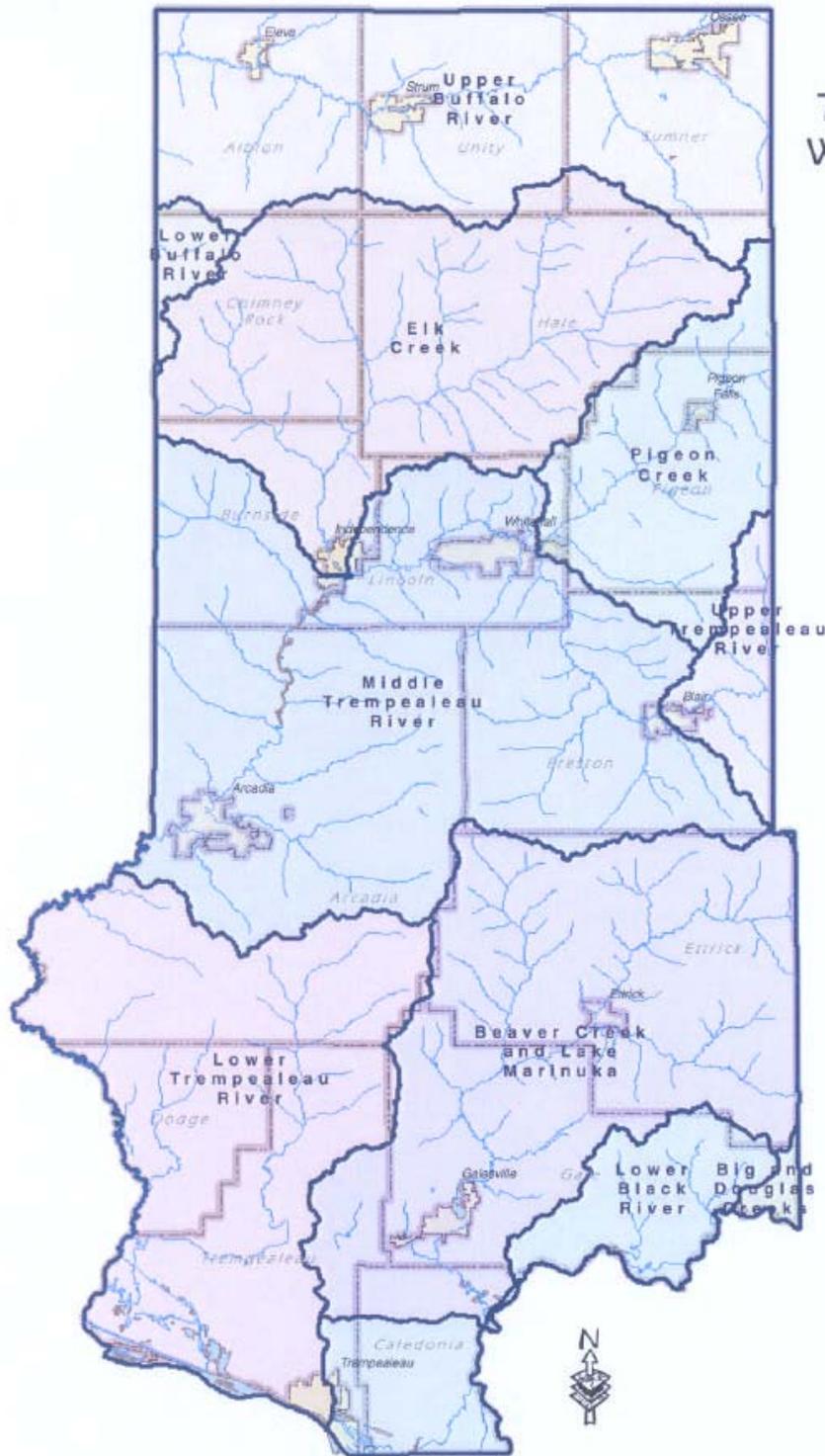
### TRM Watersheds

#### TYPE

-  303D
-  Exceptional
-  Outstanding



APPENDIX F



Trempealeau County Watershed Boundaries

Legend

- River/Stream
- Water Area
- Watershed
- Beaver Creek and Lake Marinuka
- Big and Douglas Creeks
- Elk Creek
- Lower Black River
- Lower Buffalo River
- Lower Trempealeau River
- Middle Trempealeau River
- Pigeon Creek
- Upper Buffalo River
- Upper Trempealeau River

APPENDIX G

**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

# APPENDIX H

**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/NR151strategy.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 ATCP 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.

**Vib. 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.

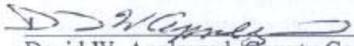
**C. DNR will, within the capacity of available resources:**

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.

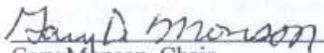
*Note: Information in the annual report is anticipated to include the following, summarized by county, watershed and performance standard/prohibition: total number of fields and facilities (estimate); portion of total that has been assessed (estimate); number of fields and facilities assessed (actual);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

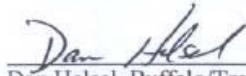
Signatures

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

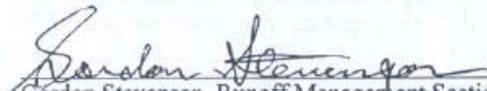
6-7-07  
date

  
\_\_\_\_\_  
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

## Appendix I

The following table is the “Trempealeau County Land and Water Resource Action Plan” that is derived from the goals and objectives described in Section 3 of this plan. The action plan addresses four categories: Water Quality, Land Resources, Non-Agricultural Land Management and Forests & Invasive Species. 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. Note: All staff and budget projections are subject to change, pending grant and county budgeting commitments.

Each category details the following:

<b>Goals</b>	These are broad categories addressing the major resources and concerns expressed by residents, elected officials and agencies during the planning process.
<b>Objectives</b>	Represent specific ways to meet the goals and are intended to be measurable.
<b>Actions</b>	These are work items to be conducted by county staff, partner agencies and/or volunteers.
<b>Who</b>	These are agencies or individuals to address various actions: Trempealeau County Department of Land Management (DLM); Natural Resources Conservation Service (NRCS); Farm Service Agency (FSA); University of Wisconsin Extension Service (UWEX); Wisconsin Department of Natural Resources (DNR); Wisconsin Technical College (WTC).
<b>When</b>	This is a five year action plan to be reviewed and revised by the Trempealeau County Department of Land Management and the Environment & Land Use Committee at the end of the period. Updated work plans will be submitted to DATCP and other cooperating agencies.
<b>Estimated Yearly Costs</b>	These list minimum staffing needs and various agency cost sharing. Information is in hours and/or cost figures.
<b>Accomplishments</b>	These are projected outcomes of the efforts in the categories.
<b>Priority</b>	Objectives and Actions are listed as low, medium, or high priority

**Category 1 –Water Quality**

**Goal 1 - Protect and Enhance the Water Resources of Trempealeau County.**

<b>Objective A – Protect the surface water resources of Trempealeau County.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
<ol style="list-style-type: none"> <li>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.</li> <li>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 State/County Agricultural and Non-Agricultural Performance Standards.</li> <li>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.</li> <li>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.</li> </ol>	DLM DNR	2012-2016	1560 Hours \$ 51,595	<p>Complete NR151 on-site evaluations.</p> <p>Apply for cost-share funding to assist landowners with achieving compliance with the State Agricultural Performance Standards and Prohibitions.</p> <p>Provide technical assistance to assist 10 landowners with achieving compliance with the State Agricultural Performance Standards and Prohibitions.</p> <p>Install streambank stabilization projects and fish habitat structures.</p>	High
<b>Objective B – Protect the groundwater resources of Trempealeau County.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
<ol style="list-style-type: none"> <li>1. Encourage or require agricultural producers to comply with the State and County Agricultural Performance Standards.</li> <li>2. Encourage or require agricultural producers to properly abandon failing manure storage structures.</li> <li>3. Encourage or require property owners to properly abandon unused or improperly constructed wells.</li> <li>4. Require that 70% of runoff from new urban development (commercial, subdivisions, etc.) is properly infiltrated into groundwater aquifers.</li> </ol>	DLM DNR	2012-2016	2080 Hours \$ 63,458	<p>Complete 35 NR151 on-site evaluations.</p> <p>Apply for cost-share funding to assist landowners with achieving compliance with the State Agricultural Performance Standards and Prohibitions.</p> <p>Provide technical assistance to assist landowners with achieving compliance with the State Agricultural Performance Standards and Prohibitions.</p>	High

<b>Objective C – Protect the wetlands of Trempealeau County.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
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.	DLM	2012-2016	250 Hours \$ 8,268	Provide technical assistance to 5 landowners for achieving wetland improvements.  Encourage participations with Federal Wetland programs through the NRCS and US F&WS.	High

**Category 2 – Land Resources**

**Goal 1 - Protect and Enhance the Soil Resources of Trempealeau County.**

<b>Objective A – All croplands within Trempealeau County shall be cropped to equal or less than “T”</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
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.	DLM NRCS	2012-2016	2080 Hours \$ 61,140	Update 46 conservation plans.  Spot check for compliance.  Apply for cost-share funding to assist landowners with achieving compliance with the State Agricultural Performance Standards and Prohibitions.	High
<b>Objective B – Ensure that all areas of gully and ephemeral erosion are adequately stabilized and sodded.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
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.	DLM NRCS DNR	2012-2016	2080 Hours \$ 63,458	Update 75 conservation plans.  Spot check for compliance.  Apply for cost-share funding to assist landowners with achieving compliance with the State Agricultural Performance Standards and Prohibitions.  Provide technical assistance to assist landowners with achieving compliance with the	High

<p>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.</p> <p>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.</p>				State Agricultural Performance Standards and Prohibitions.	
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**Objective C – All croplands farmed in compliance with a nutrient management plan that complies with the technical standards contained within ATCP50.**

Actions	Who’s Responsible	When	Estimated Annual Costs	Anticipated Accomplishments	Priority
<p>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.</p> <p>2. Maintain a DLM staff agronomist that is qualified to check nutrient management plans for technical adequacy.</p> <p>3. Provide information pertaining to this Performance Standard in the Department of Land Management Newsletter and directly to landowners as appropriate.</p>	DLM WTC UWEX NRCS	2012-2016	1560 Hours \$ 45,218	<p>Provide annual SNAPPLUS nutrient management training to 20 landowners.</p> <p>Complete on site manure spreader calibrations.</p> <p>Maintain list of available Nutrient Management Plan developers.</p>	High

**Objective D – All Trempealeau County livestock producers to comply with the Manure Management Prohibitions.**

Actions	Who’s Responsible	When	Estimated Annual Costs	Anticipated Accomplishments	Priority
<p>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 State Agricultural Performance Standards. 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&amp;LU/DLM policy (approximately 50 on site farm evaluations per year).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>5. Provide information pertaining to the Manure Management Prohibitions in the Department of Land Management Newsletter.</p>	DLM DNR	2012-2016	1560 Hours \$ 47,938	<p>Update conservation plans.</p> <p>Spot check for compliance.</p> <p>Apply for cost-share funding to assist landowners with achieving compliance with the State Agricultural Performance Standards and Prohibitions.</p> <p>Provide technical assistance to assist 10 landowners with achieving compliance with the State Agricultural Performance Standards and Prohibitions.</p>	High

<b>Objective E – Reduce Non-Agricultural use of Productive Farmland.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
1. Integrate Working Lands Initiative changes to Farmland Preservation program locally. 2. Update Trempealeau County Farmland Preservation Plan, due in 2014. 3. As part of implementing FPP update, assist landowners interested in: <ul style="list-style-type: none"> <li>- forming Ag Enterprise Areas (AEA).</li> <li>- Acquiring Purchase of Agricultural Conservation Easements (PACE).</li> <li>- Modify pre-June 30, 2009 Farmland Preservation Agreements to become eligible for the \$5.00 per acre, per year, farmland preservation credit.</li> </ul> 4. Provide information and education to landowners about the Working Lands Initiative benefits.	DLM	2012-2016	1560 Hours \$ 48,119	Protect productive agricultural land permanently when possible.  Provide information brochures to landowners.  Host one informational meeting.	High

**Category 3 – Non-Agricultural Land Management**

**Goal 1 - Manage Land Uses to Preserve Land and Water Resources of the County.**

<b>Objective A – Utilize the Town Land Use plans to separate conflicting land uses and to reverse the trend towards fragmentation of the county's woodland and farmlands.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
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.	DLM	2012-2016	1040 Hours \$44, 992	Assist Towns with achieving goals set within their Smart Growth Plans.  Host one annual meeting with the Townships for updates and information.	High
<b>Objective B – Ensure that ground and surface water resources are not degraded due to storm water discharges from construction sites.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
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	DLM	2012-2016	1040 Hours \$ 36,475	Meet the requirements of NR216.  Protect surface and groundwater.  Reduce sediment from leaving the construction site.  Host one annual contractors workshop for 50 contractors.  Provide information brochures to landowners.	High

review meetings.					
6. Provide information to the general public through the Department of Land Management Newsletter.					
<b>Objective C – Protect water resources from construction site sedimentation.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
<ol style="list-style-type: none"> <li>Continue to enforce the County 1 and 2 family Construction Site Erosion Control Ordinance (approximately 140 per year).</li> <li>Continue to enforce the construction site erosion control requirements of the County Sub-Division Ordinance (approximately 2 per year).</li> <li>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).</li> <li>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).</li> <li>Continue to enforce the erosion control requirements for land disturbing activities within the County Shoreland Zoning Ordinance (approximately 1 per year).</li> <li>Provide information pertaining to this Non-Agricultural Performance Standard through the Department of Land Management Newsletter.</li> </ol>	DLM	2012-2016	1040 Hours \$ 32,277	<p>Meet the requirements of the Uniform Dwelling Code.</p> <p>Protect surface and groundwater.</p> <p>Reduce sediment from leaving the construction site. Approximately 200 sites per year.</p> <p>Host annual contractors workshop.</p> <p>Provide information brochures to landowners.</p>	High
<b>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.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
<ol style="list-style-type: none"> <li>Continue to enforce the septage and whey disposal requirements of the County Comprehensive Zoning Ordinance.</li> <li>Continue to make appropriate parties aware of this county ordinance requirement through direct contacts as necessary.</li> </ol>	DLM	2012-2016	1040 Hours \$ 31,764	<p>Meet the requirements of the State Sanitation Code.</p> <p>Protect surface and ground water.</p> <p>Prevent human health hazards.</p> <p>Provide informational brochures to landowners.</p>	Medium
<b>Objective E – Ensure that the ground and surface water resources of the county are not degraded by septage effluent discharged from failing/septic systems.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
<ol style="list-style-type: none"> <li>Continue to enforce the septic system requirements of the County Sanitation Code (all violations).</li> <li>Continue to seek Wisconsin Fund cost share funds to replace failed septic systems (annually).</li> <li>Continue to notify landowners of these requirements through direct contacts and through the Department of Land Management Newsletter.</li> </ol>	DLM	2012-2016	1040 Hours \$ 31,764	<p>Meet the requirements of the State Sanitation Code on approximately 80 sites per year.</p> <p>Comply with Comm 83.</p> <p>Protect surface and ground water.</p> <p>Prevent human health hazards.</p>	High

4. Continue compiling comprehensive inventory and maintenance program for all POWTS within the governmental jurisdictional area.				Provide informational brochures to landowners.	
<b>Objective F – Protect water resources from being negatively impacted by Non-Metallic Mining sites.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
1. Assist in the permitting of new non-metallic mining reclamation operations. 2. Assist mine operators in meeting ordinance regulations.	DLM	2012-2016	3120 Hours \$ 108,451	Comply with NR135.  Reduce conflicts between neighbors and mine operators.  Protect surface and ground water.  Protect air quality.  Annual inspection of all permitted non-metallic mining sites. Approximately 65 per year.	High

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

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

<b>Objective A – Inform residents and loggers about the importance of sustainable forestry practices.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
1. Make information available regarding forest best management practices to landowners and loggers.	DLM DNR Forester	2012-2016	100 Hours \$3,054	Distribute brochures and educational materials.	Low

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

<b>Objective A – Provide opportunities for residents to practice forest regeneration.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
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.	DLM DNR Forester	2012-2016	140 Hours \$4,276	Continue to sell 15-18,000 seedlings annually.  Encourage landowners to enroll in Forestry Programs and improve timber stands through the WDNR Forestry Program.	Medium
<b>Objective B – Protect forests from invasive species and pests.</b>					
<b>Actions</b>	<b>Who's Responsible</b>	<b>When</b>	<b>Estimated Annual Costs</b>	<b>Anticipated Accomplishments</b>	<b>Priority</b>
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.	DLM DNR Forester	2012-2016	100 Hours \$3,054	Reduce the chance of invasive species and pests to the County by keeping landowners informed.  Distribute brochures and educational materials.	Low



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? \_\_\_\_\_



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