

June 21, 2016

DOUGLAS COUNTY LAND CONSERVATION COMMITTEE
Tuesday, June 28, 2016, 10:00 a.m., Courthouse, Room 207C,
1313 Belknap Street, Superior, Wisconsin

Please call the Chair or County Clerk's Office (715-395-1569) if you are unable to attend.

MEMBERS: Sue Hendrickson, Chair
Terry White
Amy Colby, FSA
Mary Lou Bergman, Vice Chair
Larry Luostari
Kathryn McKenzie

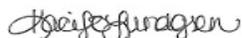
A G E N D A

(Committee to maintain a two-hour meeting limit *or* take action to continue meeting beyond that time.)

1. Roll call.
2. Approval of minutes from the March 15, 2016, meeting (attached).
3. Action items:
 - a. Wildlife Damage and Abatement Program (to be distributed):
 - 1) Report; and
 - 2) Approval of contracts.
 - b. Approval of conservation camp scholarship from the Environmental Reserve Fund (attached);
 - c. Pesticide ordinance exemption application (attached);
 - d. Producer-led watershed council grant application (attached); and
 - e. Moratorium on Livestock Facilities Licensing Ordinance (attached)
 - 1) Approval of ordinance; and
 - 2) Approval to form a study group.
4. Informational items:
 - a. Correspondence:
 - 1) Great Lakes Indian Fish and Wildlife Commission, May 2, 2016, regarding Non-native Phragmites Monitoring and Control Work in the St. Louis River Estuary (attached); and
 - 2) U.S. Army Corps of Engineers, May 2016, Statement of Findings and Finding of No Significant Impact, Dredged Material Placement, 21st Avenue West Aquatic Habitat Restoration Site, St. Louis River Area of Concern (attached).
 - b. Updates:
 - 1) Pollinator programs;
 - 2) Farmland Preservation Plan revision;
 - 3) Allouez Bay project;
 - 4) Lake Superior Basin watershed planning; and
 - 5) Cost-share projects.
 - c. Reports:
 - 1) Agency; and
 - 2) Staff (attached).
5. Future agenda items.

cc:	Andy Lisak	Christine Ostern	Steve Rannenberg
	Cameron Bertsch	Sue Sandvick	Douglas County Website
	County Board Supervisors	Roger Wilson	Paul LaLiberte
	Gary Haughn	Steve LaValley	Shelley Nelson (Telegram)
	Matt Steiger	Nancy Larson	Carl Beckman
	Scott Peterson	Darrienne McNamara	Jason Serck
	Sue O'Halloran	Lisa Schultz	Brock Flowers
	Molly Wick	DCALS	Dave Schultz

NOTE: Attachments to agenda are available in County Clerk's Office for review or copying. Action may be taken on any item listed on the agenda. The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of an accommodation to participate in the public meeting process, please contact the Douglas County Clerk's Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request, depending on the amount of notice we receive. Posted: Courthouse, Government Center, Telegram Copied



6-21-16

Name

Date

DOUGLAS COUNTY LAND CONSERVATION COMMITTEE
Tuesday, March 15, 2016, 10:00 a.m., Courthouse, Room 207C,
1313 Belknap Street, Superior, Wisconsin

Meeting called to order by Chair Mark Liebaert.

ROLL CALL: Present – Mark Liebaert, Sue Hendrickson, Rae Ann Anderson, Larry Luostari. Absent – Amy Colby. Others present – Christine Ostern, Sue O’Halloran, Amy Eliot, David Schultz, Mike Gardner, Jane Anklam, Shelley Nelson, Andy Lisak, Doug Finn, Kaci Lundgren, Committee Clerk.

APPROVAL OF MINUTES: Motion by Hendrickson, second Luostari, to approve minutes from the December 15, 2015, meeting. Motion carried.

ACTION ITEMS:

Wildlife Damage and Abatement Program - Report: Report distributed; no approval of contracts needed.

Watershed-based Plan for Wetland Restoration and Conservation in the Lake Superior Basin - Presentation: Sue O’Halloran, presented. Executive summary of plan distributed.

Approval of Watershed Plan: Draft plan included with agenda.

ACTION: Motion by Hendrickson, second Anderson, to approve Watershed-based Plan for Wetland Restoration and Conservation in the Lake Superior Basin, Douglas County, as presented with amendments, and to add to the Land and Water Resource Management Plan. Motion carried.

Approval of Feasibility Study: Information about in-lieu of fee programs (ILF), presented. ILF programs can support the mission of departments, local plans, and economic development. The programs could offer another option for wetland mitigation. Ongoing process; no approval required at this time.

INFORMATIONAL ITEMS:

Correspondence: Minnesota Pollution Control Agency, January 27, 2016, Regarding First Amendment (Aquatic Habitat Restoration Project): Included with agenda.

Farmland Preservation Plan Revision Update: Update of plan would enable the use of state-wide programs and tax credits among other incentives. 17 people on committee; next meeting March 22, 2016.

Reports - Staff: Included with agenda.

FUTURE AGENDA ITEMS: Farmland Preservation Plan.

ADJOURNMENT: Motion by Hendrickson, second Anderson, to adjourn. Motion carried. Meeting adjourned at 11:48 a.m.

Submitted by,
Kaci Lundgren, Committee Clerk



Douglas County
Land & Water Conservation Department
1313 Belknap St.
Superior, WI 54880

RECEIVED
MAY 06 2016
BY: _____

2016 YOUTH CONSERVATION CAMP SCHOLARSHIP APPLICATION

**APPLICATIONS
DUE: MAY 9TH**

NAME: Rebecca Benvie

ADDRESS: 217 Homecroft Ct. Superior, WI 54880

PHONE NUMBER: 715-718-4733

EMAIL: rebecca.benvie@superior.k12.wi.us
or rbenzie2g4@yahoo.com

SCHOOL: Superior Senior High School

CAMP: (circle one) North Lakeland Discovery Center Sand Lake Camp
Manitowish Waters, WI, grades 9-12 Crivitz, WI, grades 6-8

AMOUNT REQUESTED: (circle one) \$250 \$100
North Lakeland Sand Lake Camp
Discovery Center

HAVE YOU REGISTERED FOR CAMP?
no

IN ONE PARAGRAPH, TELL US WHY YOU WANT TO ATTEND CONSERVATION CAMP (use back of this page or attach separate page)

**RETURN BY MAIL:
1313 Belknap St., Room 206, Superior, 54880**

Hello, i'm Rebecca Benvie and i'm 15 years old and I live in Superior, Wisconsin. I would love to go to camp Land and Water because with my mom being a single parent and working almost every day to support me and my brother I will not be able to experience nature and or go outside the small area around our trailer park. I have never been to camp before because my family was homeless for almost two years and after being in a shelter and in hotels I have learned to appreciate nature. I would appreciate going to this camp very much because I would love to be outside this summer as well as be able to go swimming and just experience more nature in my life. Ever since I was a child I have loved being outside and especially loved swimming, but for the past few years my family has had trouble with my dad being an alcoholic and not really wanting to be with me or my family and my moms struggle to find a job while we were homeless. I really hope that I will be able to go to camp this summer so I can connect more with nature and just enjoy the outdoors. These are some of the reasons that I would like to go to camp as well. I would really appreciate the opportunity to do something fun this summer.

Thank you, for your time
and consideration.

Sincerely,
Rebecca

1.17 PESTICIDE ORDINANCE

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

SECTION I. POLICY

The Douglas County Board of Supervisors recognizes that the use or misuse of pesticides may have profound affects upon indigenous flora and fauna, surface and ground water, as well as unintended effects upon persons frequenting treated areas for recreational or other purposes. Therefore, it is the express policy of Douglas County to refrain from the use of pesticides upon property it owns, uses or controls, excepting only those situations posing an imminent threat of serious injury to persons, property or agriculture, or where the proper use of pesticides will have a minimal impact upon the treated area, water resources or persons frequenting.

SECTION II. DEFINITIONS

A. "Pesticide" means any substance or mixture of substances labeled or intended for use or used for:

(a) Preventing, destroying, repelling or mitigating any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, or other micro-organism (except viruses, bacteria or other micro-organisms on or in living persons or other living animals) declared to be a pest under federal or state law (7 U.S.C. Section 136 et seq., and regulations issued under those laws); or

(b) Defoliating plants, inhibiting plant growth or accelerating the drying of plant tissue.

B. "County lands" means any land in which Douglas County owns a fee simple interest.

C. "Sensitive areas" means all lands within 300 feet of lands incorporating schools, daycare centers, hospitals, medical clinics, nursing homes, playgrounds, parks or similar public areas or facilities, navigable waterways and wetlands.

SECTION III. USE OF PESTICIDES

A. No Douglas County Department shall use or authorize the use of pesticides except as permitted by this ordinance and upon prior approval given by its standing committee. No person may apply pesticides to County lands except upon prior approval

of the standing committee with jurisdiction. No standing committee shall approve the use of pesticides except at a duly noticed meeting of the body. Authorization for pesticide use shall not be given except upon consideration of the alternatives to pesticide use, potential property damage, potential effects upon ground or surface water, the proximity of the application to sensitive areas or other impacts upon the human environment, or any other factor the committee may choose to consider.

B. Any pesticide application authorized under this ordinance shall be administered in accordance with all state and federal statutes and applicable administrative regulations.

SECTION IV. POSTING

A. Whenever pesticides are to be applied to any County lands subject to this ordinance the responsible department or person shall post warning signs that meet the requirements of Paragraphs 3 and 4 herein at least 48 hours prior to application and shall be left in place for at least 72 hours after actual application or until expiration of any time of safe reentry as indicated by the pesticide label, whichever is longer.

B. Posting is not required if pesticides are to be applied to an area that is sufficiently fenced or secured to prevent access to anyone other than Douglas County personnel except as provided in paragraph 6 of this section.

C. All signs required under this Section shall be at least 8½" X 11" in size. Signs shall be attached to the upper portion of a dowel or other supporting device so that the bottom of the sign is not less than 12" and the top of the sign is not more than 48" above the ground. The signs shall be of rigid material substantial enough to be easily read for at least the length of time required after application under Paragraph 1 in all weather conditions.

D. All signs under this Section shall contain red lettering upon a white background. The signs shall have lettering not less than 2½" in height and shall be conspicuous and clearly legible. All signs shall bear the words "**DANGER - AREA TREATED WITH PESTICIDE - DO NOT ENTER. FOR MORE INFORMATION, CALL _____**", or words or symbols having the same meaning and effect.

E. The posting requirement under this section applies to fields or other outdoor areas only to the extent that the target area to be treated with pesticide borders within 100 feet of a public road, residences of concerned individuals or within 300 feet of sensitive areas. Placards shall be posted at regular intervals along the border between the treated area and the public road, residences of concerned individuals or other sensitive

area, and at normal points of access, with at least one placard being posted for each ¼ mile of border. Treated areas bordering a public road, residences of concerned individuals or other sensitive areas for less than ¼ mile shall be posted with at least one placard.

F. Persons employed in or around areas treated with pesticides whose labels prescribe time intervals for safe re-entry following application shall be given clear notice and warning of each application, including a description of the treated area and the time interval required for safe re-entry into the area. Notice shall be given in such a manner as to be received and readily understood by all employees who may have access to the treated area, including persons of limited English language ability. Compliance with the posting requirement under this section does not relieve any person of the duty to comply with this paragraph.

SECTION V. NOTIFICATION OF CONCERNED INDIVIDUALS

A. The office of the Douglas County Clerk shall maintain a registry which shall list all persons who request advanced notice of pesticide application. This registry shall record the names, address and requests of:

(1) Persons who request pre-application notice of any pesticide application by Douglas County to any property within 300 feet of property owned by that person if a sufficient description of said property is maintained with the registry.

(2) Individuals who are medically-sensitive to pesticides and who request pre-application notice of any pesticide application by Douglas County within 1,000 feet of their residence.

B. Concerned individuals shall maintain current and adequate addresses and property descriptions or their names will be removed from the registry.

C. Concerned individuals shall be entitled to pre-application notice through December 31st of the year in which they make their request.

D. At least 24 hours prior to pesticide application, notice shall be provided to all persons indicated by the registry as falling under the requirements of Paragraph (1) in relation to the specific application(s). The notice shall state the name, address and telephone number of the applicator, the location of the property due to have pesticide applied, the date and time of application(s), and the pesticides expected to be applied. The applicator is also responsible for supplying the information as indicated in Section II upon request.

E. Fulfilling this requirement shall not relieve the applicator of any requirements for prior notification imposed by State or Federal law or other sections of this ordinance.

SECTION VI. EMERGENCY SITUATIONS AND EXEMPTIONS

A. Exempted Property. A standing committee may exempt a pesticide application from some or all requirements of this ordinance, upon a showing by the County department or person seeking the exemption, that the potential for any adverse effect upon the public or to adjoining property is minimal and compliance with the terms of this ordinance is unduly burdensome or impractical. The standing committee must consider the following factors before granting an exemption from any or all of the requirements of this ordinance:

(1) Whether the area to which pesticides are to be applied is sufficiently removed from residences, sensitive areas or other places frequented by the public so that the potential of drifting airborne chemicals poses no danger to persons or property,

(2) Whether access to the area to be exempted is sufficiently restricted or remote that members of the public are unlikely to come into contact with pesticides applied to the exempted area,

(3) Whether the type of pesticide application to be performed is so highly controlled or so extremely localized that it is highly unlikely the application will expose other persons or property to the pesticides during or after application.

B. Emergency Situations. Time frames for notice and posting requirements under this ordinance shall not apply where a County department or other person makes an appropriate showing to the committee with jurisdiction that emergency conditions warrant exemption from these requirements. Emergency situations shall be defined by the standing committee with jurisdiction and shall be limited to those cases where the application of pesticides is needed to control a life threatening situation or situation which poses an imminent threat of serious injury to persons, property or agriculture.

C. Upon emergency application of pesticides, posting and notice in conformity with this ordinance shall take place contemporaneously with or as soon after application as practicable or as otherwise required by law.

SECTION VII. SEVERABILITY

If any section, sentence or clause of this ordinance is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION VIII. EFFECTIVE DATE

This ordinance shall be in force from and after its passage, publication and recording according to law.

Dated this 17th day of November 1994.



Instructions for requesting an exemption to apply pesticide on Douglas County property:

1. Contact the office of the County Clerk

Courthouse Building
1313 Belknap Street, Room 101
Superior, WI 54880

Ph: (715) 395-1341
Fx: (715) 395-1421

email: sue.sandvick@douglascountywi.org

Hours: Monday – Friday, 8:00 am - 4:30 pm

2. Complete and submit “Application for Pesticide Ordinance Exemption Request”
Available from the office of the County Clerk or at [\(insert webpage address\)](#)
3. Work with the office of the County Clerk to schedule attendance at a meeting of the committee of jurisdiction where request will be reviewed for approval.
4. If approved, provide additional information as explained in the “Application for Pesticide Ordinance Exemption Request” or upon request of the committee of jurisdiction.

APPLICATION for PESTICIDE ORDINANCE EXEMPTION REQUEST



1. Organization name and Point of Contact name of applicant:
2. Contact information, also include emergency contact information:
3. List property location and attach a map¹ indicating treatment areas:
4. Briefly describe the project, be sure to include the name of the species to be controlled and why and any follow-up monitoring.
5. Describe alternative methods of control and reasons why these methods were not chosen. *Please see "Alternative Methods for Pesticide Control and Additional Resource Information" provided with this application.*
6. List permits required by other agencies for this control project:
7. List the pesticide chemical name and brand name:
8. Attach a copy of the federally-approved label² for the pesticide.
9. Applicator must be licensed; provide name of licensed applicator:
10. Describe pesticide application method, including how many applications, when, using what devices, and under what circumstances application will cease (weather, environmental conditions, etc.).
11. List the life expectancies of the pesticide in the soil or sediment, water, and plant material (this information can be found on the label or from the manufacturer).
12. List what substances the pesticide forms as it degrades (this information can be found on the label or from the manufacturer).
13. Describe restoration plan for the treatment area to prevent future growth of un-wanted or invasive species, be sure to include scientific and common names for any species to be planted or seeded.
14. Describe plan to minimize and address any collateral damage from treatment.
15. Attach emergency spill plan for handling pesticide chemicals.

I have read and understand I may be required to follow all or some of the requirements for posting and notification of concerned individuals described in Douglas County Pesticide Ordinance 1.17.³ Initials: _____

If required, upon pesticide exemption approval, provide a sample of the warning sign that will be used to post treatment.⁴

If required, upon pesticide exemption approval, provide a list of parcels owned by: 1) persons who request pre-application notice of any pesticide application to property within 300 feet of property owned by that person, and 2) persons who are medically-sensitive to pesticides and who request pre-application notice of any pesticide application within 1,000 feet of their residence.⁵

REFERENCES

¹ Maps can be made using the on-line mapping tool available on the Douglas County website at <http://douglascowi.wgxtreme.com/>. The map must contain the following information. Scale, north arrow, treatment area, road and trails within 100 feet of the treatment area, and these features that are within 300 feet of the treatment area: schools, daycare centers, hospitals, medical clinics, nursing homes, playgrounds, parks or similar public areas or facilities, navigable waterways and wetlands.

²The Environmental Protection Agency (EPA) requires extensive scientific data on the potential health and environmental effects of a pesticide before granting a registration, which is a license to market that product in the United States. EPA evaluates the data and ensures that the label translates the results of those evaluations into a set of conditions, directions, and precautions that define who may use a pesticide, as well as where, how, how much, and how often it may be used. Pesticide product labels provide critical information about how to safely and legally handle and use pesticide products. Unlike most other types of product labels, pesticide labels are legally enforceable, and all of them carry the statement: "It is a violation of Federal law to use this product in a manner inconsistent with its labeling." In other words, the label is the law.

³Douglas County Pesticide Ordinance 1.17 can be found at <http://www.douglascountywi.org/index.aspx?NID=402> or from the office of the Douglas County Clerk.

⁴There are specific requirements for posting pesticide treatment sites; the requirements are found in the Douglas County Pesticide Ordinance 1.17 which can be found at <http://www.douglascountywi.org/index.aspx?NID=402> or from the office of the Douglas County Clerk.

⁵This information may be obtained from the office of the Douglas County Clerk from a registry that is maintained for all persons who request advanced notice of pesticide application.

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INTERNAL USE ONLY

Date received:

Committee of jurisdiction:

next meeting date:

Staff person to assist and communicate with committee of jurisdiction:

Additional approval or action needed:

Alternative Methods for Pesticide Control and Additional Resource Information

Check with your state and local regulators for any permitting requirements that may apply to your project for using these alternative methods.

Smothering with black plastic

Kills vegetation and dormant seeds in the soil; most effective for sites with full to part-sun. Method: mow or trim the existing vegetation; lay 3.5 mm or thicker black plastic over the site and secure; leave for 8 or more weeks during hot, sunny weather; remove plastic and plant into dead vegetation without tilling.

Mechanical removal

Management methods that use manual or mechanical means to remove, kill, injure, or alter growing conditions for unwanted plants are termed physical methods. Such methods are relatively expensive and labor intensive, and may need to be used repeatedly or in combination with other management methods. However, for socially sensitive sites and sites with high ecological value, highly selective physical methods may be desirable because of their minimal environmental impact. The physical methods that may be applied to invasive plants in terrestrial and aquatic environments are many and varied. They vary in the type of injury or stress they inflict, their selectivity and potential for non-target impacts, and the procedures, skills, equipment, labor, and funds they require.

Biological control

Natural enemies, as well as a number of other factors, play an important role in regulating plant populations in their native environments. The absence of natural enemies may be an important contributing factor to the invasiveness of some nonnative species. Biological control (or biocontrol) reunites invasive plants with their enemies to restore natural controls and reduce dominance of invasive plants within the plant community. Promoted as a self-sustaining, self-dispersing control method, biocontrol is often used to gradually suppress widespread infestations in low-value or remote areas where other methods are not economically feasible.

Prescribed burning

Fire is a powerful, naturally occurring disturbance that influences a complex network of biological communities and ecological processes. The effect of fire on individual plants and plant communities is variable. In some cases fire may suppress invasive plant species, whereas in other cases fire may promote plant invasion and plant population expansion, which can change the patterns of fire over time and space. Prescribed fires are intentionally set under controlled conditions to achieve specific management objectives. The use of prescribed fire is widely accepted as a primary tool for habitat restoration and management. The effectiveness of fire as an invasive plant management tool depends upon a wide range of variables and is specific to each situation and species. Prescribed fires are typically most beneficial when they mimic natural fire patterns in ecosystems that evolved with fire as a natural disturbance.

Prescribed grazing

Prescribed grazing is the application of domestic livestock grazing at a specified season and intensity to accomplish specific vegetation management goals. While traditional grazing practices are often blamed for promoting plant invasions, prescriptive grazing can be used to control invasive plant populations and enhance desirable vegetation conditions. Prescribed grazing is a relatively new addition to the invasive plant management toolbox, and information related to the impacts of grazing on various invasive plants and plant communities is limited. Prescribed grazing should be used sensibly, with careful consideration of its compatibility with the habitat, land management goals, infestation characteristics, livestock needs, and resources available to implement the program successfully.

Smothering root systems by cutting below waterline

Some emergent aquatic vegetation can be controlled through timely severing of emergent stalks in order to starve the root systems of oxygen eventually kill the whole plant. Treatments usually need to be done multiple times in one growing season or over multiple seasons to be effective.

Use of natural growth inhibitors

The use of compounds found naturally in plants or using natural benign substances to regulate the growth of unwanted plants to diminish their ability to compete with surrounding or restored vegetation.

Additional Information and Resources

Northwoods Weed Cooperative Management Area has compiled information regarding invasive species for both landowners and right-of-way managers, some of it specific to our area, see more at:

www.northwoodscwma.org

Wisconsin Department of Natural Resources, information about invasive species, control, and permits:

<http://dnr.wi.gov/topic/Invasives/>

U.S. Natural Resources Conservation Service, information about invasive species and pests:

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/invasive/>

U.S. Department of Agriculture, information about invasive species as it relates to agriculture and forestry:

<http://www.invasivespeciesinfo.gov/plants/controlmech.shtml>

U.S. Environmental Protection Agency, information about pesticide labels:

<http://www.epa.gov/pesticide-labels>

U.S. Fish and Wildlife Service, information about invasive species and control methods:

<http://www.fws.gov/invasives/staffTrainingModule/index.html>

natural growth inhibitors, descriptions and products are available at:

<http://www.americannatural.com/products/disease-weed-controls/phydura.html>

Producer Led Watershed Protection Grants: Program Basics

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) will award grants for voluntary, producer-led activities to reduce nonpoint source pollution in the producers' watersheds through its new **Producer Led Watershed Protection Grant Program**.

GOAL: Improve Wisconsin's soil and water quality by encouraging producer led conservation decision making and solutions

WHO CAN APPLY?

- ✔ A group of at least 5 eligible producers working to improve water quality through non-point source abatement activities. The definition of an eligible producer can be found on our webpage.

WHEN?

- ✔ Applications will be accepted at least annually. Check the DATCP producer led webpage for Request for Proposals announcements and application deadlines.

REQUIREMENTS?

- ✔ Assist other agricultural producers in a watershed to voluntarily conduct water quality improvement efforts.
- ✔ Group must form a Memorandum of Understanding (MOU) with a collaborator listed on the right.
- ✔ Grant funding must be accepted and administered by a producer led group that is a legal entity, or has a legal entity acting on behalf of the group. "Legal Entity" is defined in the Request for Proposals.

GRANT AWARDS?

- ✔ \$250,000 is available each year.
- ✔ Grants cannot exceed \$20,000 per group per year.
- ✔ Producer-led groups must contribute 50 percent matching funds (1:1 ratio).

COLLABORATORS

The following collaborating entities may provide technical or other assistance to producer led groups:

- ✔ DATCP
- ✔ DNR
- ✔ COUNTY LAND CONSERVATION COMMITTEES
- ✔ UW EXTENSION
- ✔ DISCOVERY FARMS
- ✔ NONPROFIT CONSERVATION ORGANIZATIONS

Webpage resources and all grant information:

http://datcp.wi.gov/Environment/Land_and_Water_Conservation/index.aspx?id=237



Questions?

Rachel Rushmann, 608-224-4622, rachel.rushmann@wisconsin.gov
Department of Agriculture, Trade and Consumer Protection

COSTS THAT MAY BE ELIGIBLE FOR FUNDING

Please note: These are not exhaustive lists. We encourage innovative ideas and highly recommend reaching out to the program coordinator to discuss the suitability of your project.

START-UP COSTS

- ✔ Work planning
- ✔ Mission statement development
- ✔ Goal setting



IMPLEMENTATION & OUTREACH

- ✔ Learning/field days
- ✔ Bringing in experts to discuss relevant topics such as soil health, nutrient management and existing water quality monitoring data
- ✔ Measuring and promoting the economic and environmental benefits of conservation practices
- ✔ Developing innovative approaches to manure storage/stacking or sharing conservation equipment to increase or identify economic and environmental benefits of these practices
- ✔ Outreach activities such as conferences, workshops or field days to increase voluntary producer and agribusiness participation in your watershed project
- ✔ On-farm research with your collaborator to identify economic and environmental benefits and opportunities for conservation practices
- ✔ Cost-effective edge-of-field or in-stream water quality monitoring
- ✔ Farm walkovers to evaluate farm, erosion control, manure and nutrient management practices and identify solutions to resource concerns

INCENTIVE PAYMENTS TO PRODUCERS

- ✔ Soil testing
- ✔ Cover crops
- ✔ Nutrient and manure management planning
- ✔ No-till
- ✔ Buffer strips
- ✔ Grassed waterways
- ✔ Manure composting
- ✔ Low-disturbance manure injection
- ✔ Other non-traditional conservation practices



STEPS TO SUCCESS

These steps have been critical to the success of existing producer led groups:

1. Identify your watershed's specific resource concerns.
2. Identify potential changes or improvements you'd like to make in your watershed to address those resource concerns.
3. Organize a leadership structure within your producer-led group.
4. Develop a vision, goals and work/watershed plan for your project.
5. Execute your plan through education, outreach, and conservation practices.
6. Track and reward progress, participation, and successes.

Webpage resources and all grant information:

http://datcp.wi.gov/Environment/Land_and_Water_Conservation/index.aspx?id=237

Questions?

Rachel Rushmann, 608-224-4622, rachel.rushmann@wisconsin.gov
Department of Agriculture, Trade and Consumer Protection



Douglas County
Land & Water Conservation Department
1313 Belknap St.
Superior, WI 54880

email: christine.ostern@douglascountywi.org
cameron.bertsch@douglascountywi.org

Phone: (715) 395-1380

MEMO

TO: Planning & Zoning Committee members
FROM: Christine Ostern, County Conservationist
RE: Recommendations for changes to proposed Ordinance 8.13
Moratorium on Livestock Facilities Licensing
DATE: 6 June 2016

=====

Hello,

The purpose of this memo is to provide background information and recommendations for the Planning and Zoning Committee about the proposed Ordinance 8.13 Moratorium on Livestock Facilities Licensing.

Background

Concern over large livestock facilities locating in Douglas County without adequate determination about the effect these facilities may have on county resources and our unique environment has led to the proposal of a moratorium on livestock facilities licensing in order to give the county time to study and address the concerns. Similar moratoriums have been used by other counties under similar circumstances. In fact, the proposed moratorium is similar to one enacted recently by Bayfield County.

Changes to the proposed ordinance

Based on a conversation I have had with Department of Agriculture, Trade, and Consumer Protection staff; I am recommending changes be made to the *"Title and Purpose"* and *"Action and Study During Moratorium"* sections of the proposed ordinance (see attached). These changes better describe the purpose of the moratorium, what actions will be taken during the moratorium, and will better protect the county from challenges, if any, to the moratorium and any outcomes.

Thank you,

Cc: Mark Liebaert, County Board Chair
Sue Hendrickson, Land Conservation Committee Chair
Steve Rannenber, Planning & Zoning Administrator
Jane Anklam, Agricultural Agent

Douglas County

Ordinance 8.13 Moratorium on Livestock Facilities Licensing

Section 1: Moratorium on Livestock Facilities Licensing, Ordinance 8.13, is hereby created to read as follows:

Authority

This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 59.02(2) and 59.69.

Title and Purpose

The title of this ordinance is the *Moratorium on Livestock Facilities Licensing*.

The purpose of this ordinance is to allow Douglas County to impose a moratorium providing adequate time to study, review, consider and determine ~~whether amendments to the Livestock Facilities Licensing Ordinance or creation of a Livestock Facilities Operations Ordinance is required to protect public health or safety in light of the unique environment and the key concerns identified in the Douglas County Comprehensive Plan~~ the need to add more stringent standards to existing ordinances and to consider zoning and other regulations to more effectively manage the environmental and public health and safety risks associated with livestock operations. Further, the imposition of a moratorium will allow Douglas County to determine whether it has adequate resources to enforce any new or existing livestock facility ordinance.

Adoption

This ordinance, adopted by a majority vote of the Douglas County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on the licensing of new livestock facilities that will have 1,000 or more animal units, and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 1,000 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

Definitions

All definitions located in Chapter III, Ordinance 8.10 are hereby adopted and incorporated as if fully set forth herein.

Moratorium Imposed

Chapter IV, Ordinance 8.10 imposes a moratorium on the licensing of new livestock facilities that will have 1,000 or more animal units and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 1,000 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

Action and Study During Moratorium

The Douglas County Board of Supervisors hereby assigns ~~the Zoning Committee and Land Conservation Committee to study the provisions of a proposed Livestock Operations Ordinance~~ a Livestock Operations Study Group composed of committee members of the Zoning Committee and the Land Conservation Committee, the Zoning Administrator, the County Conservationist, and the Agricultural Agent. Issues considered by the Study Group will include, but are not limited to:

1) the need to gather and analyze data about groundwater and surface water quality and quantity in order to establish a baseline for comparison to identify impairments resulting from operations;

2) the need to add more stringent standards in the Livestock Facilities Licensing Ordinance to protect water quality and avoid nuisances, which includes: a) planning to identify the special resource concerns in the county such as sensitive groundwater conditions and surface water runoff to Lake Superior tributaries, and b) evaluating practices and other options to better manage concerns such as more stringent setback requirements; and

3) the need to consider zoning and other regulations to more effectively manage the environmental and public health and safety risks associated with livestock operations including consideration of the following: a) adoption of a manure storage ordinance, and requirements related to a certificate of use for storage facilities operated within the county, b) implementation of state performance standards to address gaps in the livestock siting ordinance including standards related to process wastewater, tillage setback, and phosphorus index, c) adoption of zoning scenario to create special zones for livestock operations over 1,000 animal units, and d) adoption of a Livestock Operations Ordinance.

Duration of Moratorium

This moratorium shall be in effect for a period of twelve months from the date this ordinance is passed by the County Board unless the County Board rescinds this moratorium at an earlier date, the County Board adopts amendments to the Livestock Facilities Licensing Ordinance, creates a Livestock Facilities Operations Ordinance, or rescinds this moratorium. This moratorium may be extended for up to 6 more months by a majority vote of the Douglas County Board of Supervisors, if necessary.

Section 2: Except as specifically modified and amended by this ordinance, the Douglas County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 3: SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

Douglas County

Ordinance 8.13 Moratorium on Livestock Facilities Licensing

Section 1: Moratorium on Livestock Facilities Licensing, Ordinance 8.13, is hereby created to read as follows:

Authority

This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 59.02(2) and 59.69.

Title and Purpose

The title of this ordinance is the ***Moratorium on Livestock Facilities Licensing***.

The purpose of this ordinance is to allow Douglas County to impose a moratorium providing adequate time to study, review, consider and determine ~~whether amendments to the Livestock Facilities Licensing Ordinance or creation of a Livestock Facilities Operations Ordinance is required to protect public health or safety in light of the unique environment and the key concerns identified in the Douglas County Comprehensive Plan~~ **the need to add more stringent standards to existing ordinances and to consider zoning and other regulations to more effectively manage the environmental and public health and safety risks associated with livestock operations.** Further, the imposition of a moratorium will allow Douglas County to determine whether it has adequate resources to enforce any new or existing livestock facility ordinance.

Adoption

This ordinance, adopted by a majority vote of the Douglas County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on the licensing of new livestock facilities that will have 1,000 or more animal units, and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 1,000 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

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1) the need to gather and analyze data about groundwater and surface water quality and quantity in order to establish a baseline for comparison to identify impairments resulting from operations;

2) the need to add more stringent standards in the Livestock Facilities Licensing Ordinance to protect water quality and avoid nuisances, which includes: a) planning to identify the special resource concerns in the county such as sensitive groundwater conditions and surface water runoff to Lake Superior tributaries, and b) evaluating practices and other options to better manage concerns such as more stringent setback requirements; and

3) the need to consider zoning and other regulations to more effectively manage the environmental and public health and safety risks associated with livestock operations including consideration of the following: a) adoption of a manure storage ordinance, and requirements related to a certificate of use for storage facilities operated within the county, b) implementation of state performance standards to address gaps in the livestock siting ordinance including standards related to process wastewater, tillage setback, and phosphorus index, c) adoption of zoning scenario to create special zones for livestock operations over 1,000 animal units, and d) adoption of a Livestock Operations Ordinance.

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Section 2: Except as specifically modified and amended by this ordinance, the Douglas County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 3: SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

May 2, 2016

RE: Non-native Phragmites Monitoring and Control Work in the St. Louis River Estuary

Greetings,

Thank you for your cooperation with non-native phragmites control efforts. Your assistance is essential to protect coastal wetlands and shorelines within the St. Louis River Estuary. Wisconsin Department of Natural Resources (WDNR) obtained your consent to access, monitor and control non-native phragmites on your property in 2015, these consent forms are effective until November 2016. Great Lakes Indian Fish & Wildlife Commission (GLIFWC) is working in coordination with the WDNR to conduct the follow-up monitoring, as well as any needed follow-up treatment, of these sites in 2016.

I am writing to provide you with advance notice that GLIFWC staff will be monitoring the effectiveness of 2015 treatment efforts the week of July 18th. We plan to conduct follow-up treatment, if needed, the week of July 25th. If you have any questions or concerns, please feel free to contact me at the number below.

Thank you again for your cooperation,

A handwritten signature in blue ink, appearing to read 'Miles Falck'.

Miles Falck, Wildlife Biologist
72682 Maple Street, P.O. Box 9
Odanah, WI 54861
715-682-6619 ext. 2124
miles@glifwc.org



DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVE.
DETROIT, MICHIGAN 48226 2550

MAY

2

STATEMENT OF FINDINGS & FINDING OF NO SIGNIFICANT IMPACT

Dredged Material Placement 21st Avenue West Aquatic Habitat Restoration Site St Louis River Area of Concern Duluth, Minnesota

Proposed Action: In accordance with the National Environmental Policy Act of 1969, the Detroit District, U.S. Army Corps of Engineers (USACE), has assessed the environmental impacts of placing dredged material from the federal navigation project into the 21st Avenue West Site, Duluth, Minnesota. After the dredged material is placed into the site, the State of Minnesota will manage the site to implement their habitat restoration project. The State's habitat restoration project is a separate action under the Remedial Action Plan (RAP) for the St. Louis River Area of Concern. This USACE in-water dredged material placement would be conducted under our Operations and Maintenance authority for the harbor.

Alternatives: Dredged material placement alternatives considered include no Federal action (continued placement at existing sites), open-water placement in Lake Superior, in-water placement into the 21st Avenue West Aquatic Habitat Restoration Site, and placement at upland sites. The No Federal action alternative was rejected because existing sites do not have sufficient remaining capacity to support longer term maintenance dredging needs of the Federal project at Duluth-Superior Harbor. Open lake placement was not pursued because of greater costs due to the transportation distance for the dredged material to the proposed open water sites in Lake Superior. Upland placement was not pursued because of the additional costs for real estate, site preparation, and loading and transporting the material by truck. The Preferred Alternative of in-water dredged material placement at the 21st Avenue West site was selected because it is the lowest cost, environmentally acceptable, engineeringly feasible dredged material placement alternative.

Environmental Review: An Environmental Assessment (EA) and a Clean Water Act Section 404(b)(1) evaluation of the environmental effects of the discharge of fill material into waters of the U.S. were completed in February 2015 for the proposed dredged material placement at the 21st Avenue West site.¹ The 2015 EA and 404(b)(1) evaluation were provided for a 30-day public/agency review on February 25, 2015. Comments on the EA were received from the U.S. Environmental Protection Agency, the Wisconsin Department of Natural Resources, the Minnesota Department of Transportation, and the Duluth Seaway Port Authority. Comment topics included alternative selection, effects of Western Lake Superior Sanitary District effluent discharge on ecosystem restoration, effects of the project on listed water body impairments and

¹ The February 2015 EA also covered environmental effects of dredged material placement at the 40th Avenue West and Grassy Point sites, which are to be further addressed at a future date. The EA is posted under Environmental Reference Documents at <http://www.lre.usace.army.mil/missions/environmentalservices.aspx>.

aquatic life use standards, work restrictions related to sensitive aquatic life stages, turbidity control and mercury in suspended sediments, effects on the special flood hazard area in Wisconsin, sediment stability and potential downstream deposition, avoidance of creek and stormwater outlets, avoidance of commercial maritime slips and docks (including inactive sites), bottomland ownership, and continued habitat improvement even after RAP delisting goals are met. The comments have been addressed and response letters are posted at the USACE Detroit District website².

Subsequent to the public review of the USACE EA, the Minnesota Pollution Control Agency (MPCA) prepared a State Environmental Assessment Worksheet (EAW) for their 21st Avenue West Aquatic Habitat Restoration Project. The MPCA concluded with a Finding of Fact (dated December 28, 2015) that the State's Aquatic Habitat Restoration Project, which includes dredged material placement at the 21st Avenue site, does not have the potential for significant adverse environmental effects and, therefore, a State Environmental Impact Statement is not needed.

Determinations: Environmental review of the proposed dredged material placement at 21st Avenue West site indicates that it would not result in significant adverse environmental effects. Nor would it be expected to result in any significant cumulative or long-term adverse environmental effects. Sediment, elutriate, biological, and bioaccumulation testing indicate that in-water placement of dredged materials from the Federal navigation channels will not cause an adverse impact on biota or water quality. Adverse impacts would be minor and temporary, consisting primarily of noise and air emissions from equipment and transportation operations, and minor, short term turbidity during placement activities. The placed material would provide benefits of shallower water areas with cleaner substrate that the State of Minnesota plans to use as a base for their habitat restoration project.

The 21st Avenue West area is a navigable water of the United States and therefore subject to navigational servitude under Section 10 of the Rivers and Harbors Act of 1899. The proposed dredged material placement activities would not impact navigation as the placement areas are outside the Federal navigation channel and away from privately owned docks and mooring areas. Navigational right-of-way would be maintained within the Federal channel segment that passes through the area and disruptions to traffic in the Federal channel are not anticipated during dredged material placement activities as the dredging contractor would be required to comply with U.S. Coast Guard regulations applicable to marine work. Placement of dredged material directly into the former Federal navigation channel (abandoned 21st Avenue West channel) is acceptable because the channel has been de-authorized by Congress and is no longer maintained or used for commercial navigation.

The USACE determined under Section 106 of the NHPA that no historic properties would be affected by the proposed dredged material placement. This determination is based on the

2 <http://www.lrc.usacc.army.mil/missions/environmentalservices.aspx> (lower right under Environmental Reference Documents)

results of an archeological survey and the condition that no material would be placed within 100 feet of identified archeological and cultural resources. The Minnesota State Historic Preservation Office concurred with this determination provided identified sites are avoided as stated (correspondence of September 14, 2015).

The U.S. Fish and Wildlife Service did not object to the USACE "no effect" determinations for Canada lynx, gray wolf, Northern long-eared bat, and piping plover, and concurred with the "not likely to adversely affect" determination for the rufa red knot (correspondence of November 18, 2015).

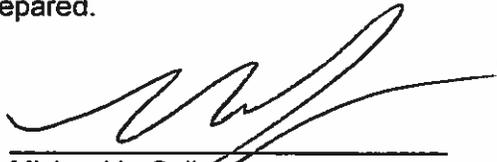
The proposed dredged material placement is within the coastal zone, as defined by the Minnesota Lake Superior Coastal Program, but would have no adverse effects on the coastal zone or the waters of Lake Superior. Therefore, the proposed dredged material placement would be "consistent to the maximum extent practicable" (as defined in 16 USC 1456, Coastal Zone Management Act, approved 1978) with the Minnesota Coastal Program. The placement complies with the Federal Executive Order 11988 (Floodplain Management) because it would not encourage floodplain development or induce flooding.

The State of Minnesota provided Section 401 water quality certification (WQC), pursuant to the Clean Water Act, on December 30, 2015. In accordance with the Section 401 WQC, the USACE will coordinate with the State each year regarding proposed dredged material placement activities and proposed best management practices for protection of water quality.

The proposed dredged material placement at the 21st Avenue West site in Duluth has been reviewed pursuant to the following Acts and Executive Orders: Section 10 of the Rivers and Harbors Act of 1899; Fish and Wildlife Act of 1956; Fish and Wildlife Coordination Act of 1958; National Historic Preservation Act of 1966; National Environmental Policy Act of 1969; Clean Air Act of 1970; Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 1971; Coastal Zone Management Act of 1972; Endangered Species Act of 1973; Clean Water Act of 1977; Executive Order 11988, Floodplain Management, May 1977; and Executive Order 11990, Wetland Protection, May 1977. Based on the findings of the EA, Section 404(b)(1) evaluation, and results of the 30-day public review and comment period, the proposed dredged material placement has been found to be in compliance with these acts and executive orders.

Finding and Conclusion: The findings of the February 2015 USACE EA and Section 404(b)(1) evaluation, and review of the comments received, along with subsequent State level reviews and comments, indicate that the proposed in-water placement of federal navigation channel dredge material into the 21st Avenue West Aquatic Habitat Restoration Site does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an Environmental Impact Statement will not be prepared.

29 FEB 16
Date



Michael L. Sellers
Lieutenant Colonel, U.S. Army
District Engineer