

Kewaunee County Land and Water Conservation Regularly Scheduled Committee Meeting
Kewaunee County Fairgrounds Office February 16, 2015 9:00 AM

2014-2016 Kewaunee County Land and Water Conservation Committee (LWCC) Members:

John Pagel – Chair (County Board Member)
Ron Paider – Vice Chair (County Board Member)
Lee Luft – Secretary (County Board Member)
Bob Garfinkel – Committee Member (County Board Member)
Davina Bonness – County Conservationist
Clark Reimer (USDA Farm Service Agency Representative)
Aerica Bjurstrom – UW Extension Agricultural Agent

Kewaunee County Land and Water Conservation (LWCD) Staff: **Note new additions of Travis Engels and Sarah Hovis**

Davina Bonness – County Conservationist
Paul Fredrich – Conservationist - Soils Specialist
Travis Engels – Conservationist Specialist
Theresa Albrecht – Program Specialist
Theresa Marcusen – LWCD Secretary
Sarah Hovis – LWCD Conservation Intern

Cooperating Agency Members from the United States Department of Agriculture (USDA):

Joe Johnson -USDA Natural Resources Conservation Service District Conservationist
Aerica Bjurstrom - UW Extension Agricultural Agent
Brian Maedke – USDA Animal and Plant Health Inspection Service (APHIS) *Attends as appropriate.*

1) Call to Order: Meeting called to order at 9:00 AM by Chairman John Pagel

2) Roll Call: Committee Members present: John Pagel, Ron Paider, Lee Luft, Bob Garfinkel, Clark Riemer. LWCD and Cooperating Agency Staff present: Davina Bonness, Travis Engels, Sarah Hovis, Aerica Bjurstrom. Kewaunee County Board Chairman, Ron Heuer was also present. Brian Maedke-USDA, Joe Johnson USDA/NRCS were absent due to Federal Holiday (President's Day).

3) Approval/Repair of Agenda: Motion to accept the February 16th agenda as presented was made by Ron Paider and seconded by Bob Garfinkel. Committee vote was unanimous in favor of the motion.

4) Correspondence: There was no correspondence regarding the regularly scheduled meeting of the Land and Water Conservation Committee.

5) Public Comments regarding the regularly scheduled Land and Water Conservation Meeting: There were six public comments.

Nancy Utesch, Kewaunee County Resident: Ms. Utesch asked the KCLWCD and the KCLWCC to undertake a review of the existing WPDES permits for Kewaunee County in a manner similar to that just recently conducted by Door County. The Door County review found significant discrepancies between the permit approvals and the actual practices being conducted on the farms. In addition, Door County is/has employed enforcement actions on their own to address significant problems with permitted and unpermitted farms. Ms. Utesch asked that Kewaunee County's Land and Water Conservation Department begin similar enforcement actions, especially in areas where the contamination of ground and surface water is most serious.

Joe Musial, Kewaunee County Resident: Mr. Musial has asked the KCLWCC to examine and report on the contamination of the East Twin River. Mr. Musial owns property adjacent to parts of the East Twin River and he reported that this was once a "Class A" trout stream and is now virtually dead. Mr. Musial asked if KCLWCD could find State funds to re-habilitate the East Twin River. (Mr. Musial's concerns were later addressed in this meeting by Mr. Luft while reporting on EPA actions here in Kewaunee County).

Mary Goodner, Kewaunee County Resident: Ms. Goodner asked the KCLWCC to begin work on a Mission Statement and

achievable goals in a manner similar to other Wisconsin Land and Water Conservation Committees. Ms. Goodner asked that the focus of the mission and goals be the effort to stop and then reverse the damage being done to Kewaunee County's ground and surface waters.

Bill Iwen, Town of Pierce Resident: Mr. Iwen spoke in support of the comments above by Ms. Goodner. Mr. Iwen said more needs to be done now to lessen and then reverse the damage being done to our ground and surface waters.

6) Department Reports:

- a) **Animal Waste Storage Permits:** No new animal waste storage permits were issued since December 2014.
- b) **Employee Interview Update:** Bonness reported that Travis Engels had begun work as Kewaunee County's Conservation Specialist (Davina Bonness' former position). Mr. Engels was then introduced to the full KCLWCC. Also, Bonness reported that Sarah Hovis had accepted the open Conservation Intern position. Both the Conservation Specialist and Conservation Intern then provided the KCLWCC with a brief background of their careers/education.
- c) **Farmland Preservation/Standards and Prohibitions Walkovers:** Bonness reported that walkovers related to Farmland Preservation were on-going.
- d) **Cost Share Agreements:** Bonness reported that the last three cost-share reimbursements for 2014 had now been received.
- e) **Conservation Plans for Approval:** Bonness submitted three new conservation plans in the Farmland Preservation Program for approval. These three conservation plans are for: John Bellin, Mark Chervenka and Francis Vandehey.
- f) **Public Health and Groundwater Protection Ordinance Update:** Bonness reported that she had checked with Jamie Annoye, Kewaunee County Clerk regarding the Public Health and Groundwater Protection Ordinance and its placement on the April ballots for all Kewaunee County voting districts and she has been assured that all the ballot preparations have been completed. Bonness reported there has been a "good amount of contact" between her office and some Township representatives and citizens regarding the Public Health and Groundwater Protection Ordinance. Questions regarding the voting procedures are being answered. Bonness also reported that fact sheets with specific township-by-township information relating to the ordinance are in circulation and a fact sheet had been published in the local paper. Committee member Luft asked Aerica Bjurstrom of the UW Extension Office if she and her office could use the Kewaunee County Foghorn publication to publicize the contents of the "Fact Sheet" to assist all citizens in understanding the contents of the ordinance and how voting is to be conducted in all of Kewaunee County's voting district. Ms. Bjurstrom indicated she thought it was possible to provide this kind of coverage for the Ordinance.

At this time, Bonness also announced that the Lake Michigan Land Conservation Association meeting would be held on Friday May 29th. More details to follow.

7) Cooperating Agency Reports:

- a) **USDA Natural Resources Conservation Service (NRCS):** No report due to Federal holiday.
- b) **USDA Farm Service Agency (FSA):** No report due to Federal holiday.
- c) **University of Wisconsin Extension (UWEX) and Farm Technology Days Update:** Aerica Bjurstrom reported that various committees responsible for "tent city" and other aspects of Farm Technology Days had begun meeting. Bjurstrom reported that while Farm Technology Days in Kewaunee County is still over two years away, it is not too early to begin planning. Chairman Pagel indicated that up to 100,000 visitors, vendors and participants may be expected to attend this very important and prestigious event. This will be the first time Kewaunee County has hosted Farm Technology Days!
- d) **Other Agency Reports:** No additional reports were presented.
- e) **USDA-APHIS Wildlife Damage Program:** No report due to Federal holiday.

8) Other Matters:

- a. **John Pagel – Manure Technologies Update:** Chairman Pagel indicated there are ten to twelve companies that are actively working on nutrient recovery systems with approximately one-half working on systems that would attach to an existing manure digester and one-half working on systems that would combine a digester and further nutrient processing capabilities. Chairman Pagel reminded the Committee that these technological solutions hold the promise of reducing the amount of nutrients being applied to the land and can return some process water back into water that is suitable for animal consumption or irrigation. Chairman Pagel indicated he will keep the committee updated on these technologies.
- b. **Advisor to KCLWCC:** Chairman Pagel asked the Committee to consider Tom Konop as a non-voting advisor to the Committee given his years of experience with the KCLWCC. Chairman Pagel felt that Mr. Konop could be beneficial in providing some additional perspective on the soil and water issues being faced in Kewaunee County. No decision was made

as how to proceed as Mr. Konop was not in attendance at this February 16th meeting. Some Committee members indicated they may wish to ask Mr. Konop some questions before deciding how to proceed on Chairman Pagel's request.

c. Wisconsin Supreme Court Ruling Impacts: Committee member Luft provided handouts to all Committee members, Davina Bonness and Ron Heuer regarding the recent Wisconsin Supreme Court ruling that states when manure enters a public or private well, it becomes a pollutant. This ruling has significant implications for both farmers and those who may be impacted by well contamination that they believe may emanate from agricultural operations. These impacts could include liability for the farm or the farm's insurance provider to restore contaminated wells and/or other damages.

d. Mission and Goals for Improvement: Chairman Pagel indicated he believed it was important for the KCLWCC to have a mission statement and a statement of goals. With this item on the agenda for the February 16th KCLWCC meeting, Committee member Luft took the liberty of documenting the legal requirements set by State Statute Chapter #92 for Wisconsin County Land and Water Conservation Committees and Wisconsin Land and Water Conservation Departments. In addition, Luft prepared some suggested mission statements and goals based upon the State Statute Chapter #92. Chairman Pagel asked each Committee member and Davina Bonness to review the State Statute and read over the suggested mission statements and goals for further discussion at our next KCLWCC meeting. Luft reminded the Committee that his example mission statements and goals were suggestions only and it should be expected that these were presented to begin the development of mission/goals that the full committee could agree upon vote to approve at a subsequent meeting. Lastly, Luft agreed to e-mail the example mission statements from other Wisconsin counties to the full Committee for their review.

e. Update on County EPA Visits and Petition: Committee member Luft had asked that this item be added to the agenda as there have been a number of visits to Kewaunee County farms from the EPA with very limited public information about these visits and any resulting actions. Luft did have the results of the EPA visits to Hall's Calf Ranch in 2011 and 2013 which resulted in EPA documented pollution of the East Twin River and fines totally \$42,000 for the contamination. Luft was critical of the State of Wisconsin DNR in his comments as the Wisconsin DNR was made aware of the pollution coming from Hall's Calf Ranch in 2011 and took no action of its own to address the problem at that time nor did the Wisconsin DNR take any action after a second visit by the EPA in 2013 which found a continuation of untreated manure flows from Hall's Calf Ranch directly into the East Twin River. To date, there has been no action by the Wisconsin DNR. The only action against Hall's Calf Ranch has come from the EPA. Luft indicated that this kind of inaction may be one reason that six environmental groups have petitioned the EPA to exercise the EPA's emergency powers under the Safe Drinking Water Act to investigate ground water contamination in Kewaunee. To date the EPA has not responded to the petition with a decision on whether to investigate the problems in Kewaunee County. Davina Bonness indicated that other EPA visits have taken place and she will have more detailed information to share regarding these visits in subsequent meetings.

f. Motion to Change Paul Fredrich's job title to Conservation Technician: Davina Bonness requested a change in Paul Fredrich's title to better reflect his duties and experience at the KCLWCD. A motion was made by Luft to approve the change by Luft and seconded by Ron Paider. The motion carried unanimously. Also, Davina Bonness requested approval to use cost savings from a slightly shorter work week for Terry Marcusen and from a slightly reduced starting salary for Travis Engels to extend the term of the new KCLWCD Intern by approximately 10 weeks. This change would be budget neutral. A motion to approve this change was made by Ron Paider and seconded by Bob Garfinkel and approved by unanimous vote of the Committee.

9) Scheduling of Future Committee Meetings: Next meeting dates: March 16th at 9:00 AM. April meeting date: April 14th at 9:00 AM.

Resolutions: No resolutions were acted upon by the Committee at this meeting.

Travel Authorizations: There were no travel authorizations presented at this meeting.

10) Approval of Bills: Current month bills were presented, reviewed and signed by all Committee members. A motion to approve all bills as presented was made by Ron Paider and seconded by Lee Luft. Committee vote was unanimous in favor of this motion.

11) Chairman's Wrap-Up Comments: Chairman Pagel used his wrap up comments to welcome the new KCLWCD employees, Travis Engels and Sarah Hovis.

12) Adjournment: A motion to adjourn the meeting at 10:20 AM was made by Bob Garfinkel and seconded by Ron Paider. Motion carried unanimously.

Respectfully submitted by Lee Luft – Kewaunee County Land and Water Conservation Committee