



## LAND INFORMATION DEPARTMENT

John Lefebvre  
*Director*

Greg Cleereman  
*Conservationist*

Tina Barnes  
*Property Lister*

### AGENDA LAND INFORMATION COMMITTEE

DATE: Monday, February 13, 2012  
TIME: 1:00 p.m.  
PLACE: County Board Room Marinette Courthouse

1. Call meeting to order
2. Approve agenda
3. Approve minutes of the January 9, 2012 meeting.
4. Public Comment - Any person not a member of the Committee, desirous of addressing the Committee on any subject under the Committee's jurisdiction shall first obtain permission from the Committee Chairperson. All such addresses shall be limited to 5 minutes unless otherwise extended by the Committee Chairperson.
5. Reports by cooperating agencies. Action, if any.
  - NRCS ~ Power Point presentation on NRCS and Marinette County collaborative efforts.
  - FSA ~ FSA program matters plus the proposed office consolidation with the Oconto FSA Office.
6. Discuss/consider a Resolution Opposing AB421. Action if any. Note: Representative Mursau is attending this meeting to discuss the bill.
7. Discuss/consider accepting donation/grant monies for Sand Lake Conservation Camp and the Harmony Arboretum Children's Learning Garden. Action if any.
  - \$500.00 donation from the Lake Michigan Land and Water Conservation Association for Sand Lake Conservation Camp.
  - \$500.00 donation from Wisconsin Association of Land Conservation Employees for Sand Lake Conservation Camp.
  - \$446.40 from the Wisconsin Environmental Education Board grant for the Harmony Arboretum Children's Garden.
8. Discuss/consider a Resolution Supporting an Aquatic Invasive Species Control Grant to Fund Purchase of a Hydraulic Conveyer Harvester. Action, if any.
9. Discuss/consider an agreement with the Lake Noquebay Rehabilitation District to operate and maintain the Lake Noquebay Dam. Action if any.
10. Discuss/consider the elimination of the Zoning Sanitarian position and the replacement of this position with a Zoning/Sanitary Technician I/II position and the modification of the Zoning Technician position into a Zoning/Sanitary Technician I/II position. Action if any.



11. Report(s) by Land Information Staff on Departmental programs and activities. Action, if any.
  - 2012 Summer LTE hiring process.
12. Correspondence. Action, if any. (Correspondence if not specifically listed below will be for information only)
  - Invitation to the Great Lake Nonpoint Abatement Coalition Wisconsin Chapter Annual Meeting in Ozaukee County on April 13, 2012.
  - Notice from WI-DNR of Final Determination to issue a Wisconsin Pollutant Discharge Elimination System Permit No. WI-0064912-01-0 to Coleman Ponderosa, LLC.
  - Letter from USDA informing of a proposal to consolidate the Marinette County Farm Service Agency.
  - Department of Agriculture, Trade, and Consumer Protection Report for January, 2012.
13. Discuss/consider the January schedule of invoices. Action, if any.
14. Schedule next meeting – Monday, March 12, 2012
15. Identify possible items for discussion and consideration at the next meeting
16. Adjourn

Alice Baumgarten  
Jerry Pillath

Ted Sauve  
John Guarisco

Larry Nichols  
John Fendryk

Joe Policello  
County Clerk

NOTE: Agenda items may not be considered and acted upon in the order listed

If you are an individual with a disability and need a special accommodation while attending this meeting, as required by the Americans with Disabilities Act, please notify the County Clerk, Marinette County Courthouse (715-732-7406) at least 24 hours prior to the meeting in order to make suitable arrangements. Thank you. (TDD# 715-732-7760)



# LAND INFORMATION DEPARTMENT

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## MEETING OF THE LAND INFORMATION COMMITTEE MONDAY, JANUARY 9, 2012 LAND INFORMATION CONFERENCE ROOM

**Members Present:** Ted Sauve, Alice Baumgarten, Larry Nichols, Joe Policello, John Fendryk, John Guarisco and Jerry Pillath

**Others Present:** John Lefebvre, LID; Greg Cleereman, LID-LWC; Aleta DiRienzo, LID-LWC; Renee Miller, ROD; Jodie Reisner, USDA-NRCS and the Peshtigo Times.

1. The meeting was called to order by Chairperson Sauve at 1:00 p.m.
2. APPROVAL OF AGENDA  
**MOTION** (Nichols/Fendryk) to approve the January 9, 2012 agenda as presented. Motion carried no negative vote.
3. APPROVAL OF MINUTES  
**MOTION** (Pillath/Baumgarten) to approve the December 12, 2011 minutes as presented. Motion carried no negative vote.
4. REPORTS BY COOPERATING AGENCIES  
NRCS ~ Jodie Reisner, District Conservationist handed out a report on the **Great Lakes Restoration Initiative**. The GLRI is working with NRCS to fund projects in the Great Lakes watershed. There is a possibility of putting in a Sturgeon passage in the Menominee, the GLRI is helping with a grant in the City of Peshtigo for helping with milfoil removal and paid for part of the Phragmites spray - would like to see Marinette County to get more of the GLRI funds.

**Wetland Reserve Program** has funds to apply to restore wetlands that were drained. Jodie stated that it would be nice if there could be a big wetland restoration done somewhere in Marinette County, have been talking to Chuck Druckrey, Water Resource Specialist regarding such a project.

**Environmental Quality Incentive Program** has brought in \$500,000 to the county with cost-sharing manure storage facilities. Between NRCS and the Land & Water Conservation over two million dollars have been brought into Marinette County - will work with the County Conservationist to prepare a report of all the money that has been brought into the county with Best Management Practices and bring back to committee.



5. PUBLIC COMMENT

None

6. 2012 WISCONSIN LAND INFORMATION ASSOCIATION CONFERENCE

**MOTION** (Nichols/Guarisco) to approve the Land Information Director and GIS Coordinator to attend the WLIA Conference in Stevens Point, February 15 -17, 2012. Motion carried no negative vote.

7. 2012 CST/MP/SEPTAGE PUMPER TRAINING SESSION

**MOTION** (Guarisco/Policello) to approve the Land Information Director, Zoning/Sanitation staff and interested Land Information Committee members with per diem and mileage to attend the 2012 CST/MP/Septage Pumper Training Session at the Kelly Lake Holiday Inn on February 9, 2012. Motion carried no negative vote.

8. DEPARTMENT/DIVISION REPORTS

A suggestion was made by Supervisor Pillath to have reports given by each staff person in each division on what they are doing in the department. Discussion was held and the committee members didn't feel it necessary to micro-manage the department, handling the reports from each division the same as it has been, only introducing new hires. No action taken.

9. CORRESPONDANCE

**9A ~ Letter from Representative Jeff Mursau:** Discussion was held on whether a resolution should be drafted regarding the amendment of Assembly Bill 421. There are four concerns of the committee. One is that the DNR could no longer make changes to a project simply because the affected water body was trout water or an outstanding/exceptional resource water. Larger piers and additional water craft mooring will be allowed with less DNR oversight. A different process for the review and approval or disapproval of many permits related to navigable waters through what is called presumptive permitting. If DNR staff do not complete their review of a permit application within a specified time frame, despite the complexity or uniqueness of the proposed project, the development would be allowed to move forward. And the lack of the DNR to publish a newspaper notice of public hearings, the opportunity to submit a written comment, etc. AB421 allows the DNR to publish these notices on its website instead.

**MOTION** (Guarisco/Baumgarten) to draft a resolution opposing the four changes and before voting on the resolution, meet with State Representative Jeff Mursau to gather further information pertaining to AB 421. Motion carried no negative vote.

**9B ~ Letter to Governor Walker from WLWCA regarding DATCP budget lapses:** WLWCA had counties sign sent the letter "opposing to the budget lapse proposal by the Department of Agriculture, Trade and Consumer Protection (DATCP) by proposing a 29 percent reduction in soil and water general purpose revenue funds, which are used to staff county conservation departments. The proposed cut, which would amount to over \$1.1 million state-wide (\$28,762 loss for Marinette County) is in addition to the \$1million in similar cuts already approved over the next biennium, and would severely undermine the invaluable efforts of county conservation staff from all 72 counties . . ." A suggestion that the Land Information Committee Members call Assembly Representative John Nygren and let him know that it is very important to keep the funding for the counties. It was mentioned that some members of the Assembly were told that Nutrient Management was more important and they won't change their minds.

Jodie Reisner, NRCS said that there are federal dollars to fund Nutrient Management and wondered why they are so concerned about it. It was also stated that DATCP doesn't really care about the programs that are managed by the counties, the agency only cares about the programs they head. The Department of Administration is also proposing to lapse funding from the Land Records Modernization Program.

**MOTION** (Pillath/Fendryk) to have County Conservationist draft and send an email to Representative John Nygren conveying that the Land Information Committee is opposed to the proposed funding lapse. Motion carried no negative vote.

10. REPORTS BY LAND INFORMATION STAFF

**John Lefebvre, Director** handed out a summary of the 2011 Clean Sweep. The handout showed that the total reimbursement was \$39,400.00, with \$7,080 for the agriculture and \$32,400 for the residential waste. The Mar-Oco Landfill paid for the out of pocket expenses of \$19,110.84. The next Clean Sweep will likely not take place for another 5 years.

**Greg Cleereman, County Conservationist** gave a report on the Nutrient Management Planning Survey. So far there have been 11 of the 14 farms visited and the survey given. Scott Reuss, Agricultural Agent has been going to visit each farm and then asks the questions directly from the survey.

11. DECEMBER SCHEDULE OF INVOICES

The December Schedule of Invoices (\$31,513.84) was presented to the committee.

12. SCHEDULE NEXT MEETING

Next meeting is scheduled for 1:00 p.m. Monday, February 13, 2012 at the Courthouse.

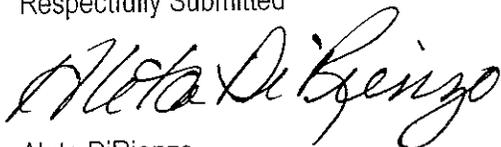
13. ITEMS FOR DISCUSSION AT NEXT MEETING

Renee Miller, ROD if all the information regarding the Landlink upgrade has been gathered.

14. ADJOURNMENT

**MOTION** (Guarisco/Nichols) to adjourn 2:25 p.m. Motion carried, no negative vote.

Respectfully Submitted



Aleta DiRienzo  
Database Specialist/Program Assistant

*Item #6*

RESOLUTION NO.

**OPPOSING ASSEMBLY BILL 421**

WHEREAS, Marinette County is dependent on the health of drinking water, surface waters and fisheries relating to tourism as well as other economic ventures; and

WHEREAS, the littoral zones of lakes and streams and wetland fringes of water bodies are important spawning and rearing habitat for fish and aquatic life; and

WHEREAS, Marinette County has more miles of trout streams and more Outstanding or Exceptional Waters than any other Wisconsin County; and

WHEREAS, subchapter II of ch. 30 Wisconsin State Statutes relates to navigable waters and requires permits for activities that modify navigable waters, including changes to the water body itself, construction or placement of structures in or adjacent to navigable waters, and water withdrawals; and

WHEREAS, AB421 changes Chapter 30 to remove protections given to trout waters and Exceptional or Outstanding Resource Waters; and

WHEREAS, Wisconsin rules and codes have long recognized the importance of citizen input and involvement in the permitting process; and

WHEREAS, Chapter 30 permit applications have a thirty day public comment period, and require the applicant to submit a complete application; and

WHEREAS, AB421 reduces the public comment period to twenty days, and forbids the DNR to deny an application because it is incomplete.

WHEREAS, AB421 requires the DNR to approve Chapter 30 permits even if the DNR does not have the time and/or resources to make adequate assessments of the impact under "presumptive permitting"; and

NOW, THEREFORE, BE IT RESOLVED that the Marinette County Board of Supervisors opposes the passage of AB421; and

BE IT FURTHER RESOLVED that a copy of this resolution is to be provided to Governor Scott Walker and Wisconsin Legislators representing Marinette County.

Adopted this XXth day of February 2012 by a majority vote of a quorum of the Marinette County Board.

\_\_\_\_\_  
George Bousley, Chairperson

\_\_\_\_\_  
Kathy Brandt, Clerk

Submitted by: Marinette County Land Information Committee – 2/13/2012

Land Information Department Donations & Grants  
Reporting and Acceptance Form

Is this a donation or a grant? (check one)

Donation  Grant

Name of Donor or Grant Funding Organization:

Wisconsin Association of Land Conservation Employees (WALCE)

Purpose of Grant or Donation:

Support and enhancement of Sand Lake Conservation Camp

Amount of Grant or Donation:

\$500.00

Marinette County Employee Responsible for Administration of the Grant or receipt of the Donation (name, phone #, email):

Greg Cleereman 715-732-7783 gcleereman@marinettecounty.com

Marinette County responsibilities: (check all that apply)

Cost share – % or \$\$ amount of cost share

Explain how this cost share will be satisfied staff time in kind or \$\$ in budget?

Other Funds must be used to support or enhance Sand Lake Conservation Camp, such as new equipment, purchase of services, or supplies. The County Conservationist will be reporting to WALCE on how the funds were used.

None

Marinette County Land Information Committee Approval: \_\_\_\_\_

Date

Finance Committee Approval (if matching funds are involved): \_\_\_\_\_

Date



Land Information Department Donations & Grants  
Reporting and Acceptance Form

Is this a donation or a grant? (check one)

Donation  Grant

Name of Donor or Grant Funding Organization:

Wisconsin Environmental Education Board - care of University of Wisconsin Stevens Point

Purpose of Grant or Donation:

Construction of the "Gopher's-eye-view" tunnel and supporting educational materials for the Harmony Arboretum Children's Garden.

Amount of Grant or Donation:

\$446.40

Marinette County Employee Responsible for Administration of the Grant or receipt of the Donation (name, phone #, email):

Anne Bartels 715-732-7784 abartels@marinettecounty.com

Marinette County responsibilities: (check all that apply)

Cost share - % or \$\$ amount of cost share

Explain how this cost share will be satisfied staff time in kind or \$\$ in budget?

Other No Marinette County matching funds or in-kind resources required. The Northern Lights Master Gardeners met the in-kind match by providing volunteer labor.

None

Marinette County Land Information Committee Approval: \_\_\_\_\_  
Date

Finance Committee Approval (if matching funds are involved): \_\_\_\_\_  
Date

RESOLUTION NO.

**SUPPORTING AN AQUATIC INVASIVE SPECIES CONTROL GRANT TO FUND  
PURCHASE OF A HYDRAULIC CONVEYOR HARVESTER**

WHEREAS, the surface waters of Marinette County are important economic and natural resources used by the public for recreation and enjoyment of natural beauty; and

WHEREAS, public use and enjoyment of our lakes and streams are best served by protection from infestation by aquatic invasive species; and

WHEREAS, Marinette County recognizes the need to control aquatic invasive species; and

WHEREAS, a hydraulic conveyor harvester can facilitate early response to new aquatic invasive species infestations and help local lake groups to control existing infestations; and

WHEREAS, the Marinette County Land & Water Conservation Division is qualified to carry out the responsibilities of an aquatic invasive species control grant.

NOW, THEREFORE, BE IT RESOLVED that Marinette County requests grant funding and assistance available from the Wisconsin Department of Natural Resources under the "Aquatic Invasive Species Control Grant Program"; and

BE IT FURTHER RESOLVED that the staff of the Land Information Department is authorized to act on behalf of the Marinette County Land & Water Conservation Division to:

- Submit an application to the State of Wisconsin for financial aid for aquatic invasive species control purposes;
- Sign documents;
- Take necessary action to undertake, direct, and complete an approved aquatic invasive species control grant; and
- Submit reimbursement claims along with necessary supporting documentation within six months of project completion date.

BE IT FURTHER RESOLVED that Marinette County will meet the obligations of the aquatic invasive species control project and meet the financial obligations of an aquatic invasive species grant, including prompt payment of the 35% commitment to aquatic invasive species control project costs.

Adopted this XX day of February 2012 by a majority vote of a quorum of the Marinette County Board.

\_\_\_\_\_  
George Bousley, Chairperson

\_\_\_\_\_  
Kathy Brandt, Clerk

Submitted by: Marinette County Land Information Committee – 2/13/12

## Notes on the Resolution

The project cited above has a total cost of approximately \$120,000. We are applying for a grant from the WDNR that would pay for 65% of the costs. Recent grant cycles have been extremely competitive. We are asking for a 65% cost share rate rather than the usual 75% because we gain an additional point under WDNR scoring criteria.

Unlike most of our grant projects this one involves the purchase of capital items in the form of the harvester, pontoon boat, and motor. WDNR will not cost share the purchase of the pontoon boat and motor but do cover the rest of the costs, including cost of boat modifications, hydraulic harvester and associated equipment, staff time, and vehicle mileage. The harvester is valuable during early aquatic invasive plant infestations because it allows for cost effective control before the plant stands become large. The harvester is also useful after chemical treatments have greatly reduced and thinned the aquatic invasive plant stands.

The grant also pays 65% of herbicide treatments at Thunder, Beecher, and Little Newton Lakes for Eurasian Water Milfoil (EWM). These lakes have already treated EWM with an herbicide which has greatly reduced but not eradicated the plant. We feel herbicide treatments in conjunction with hydraulic harvesting have the potential to eliminate EWM from Little Newton and Thunder Lakes.

EWM first was found in Green Bay in 1979. Since then it has spread to 21 Marinette County Lakes. Researchers think boaters accidentally spread EWM when plant fragments on their boat or trailer wash off into new areas. New EWM infestations are typically first found right near the boat landing. The harvester gives us a tool to eradicate these early infestations before they become large and permanent.

EWM is firmly established in the Peshtigo and Menominee Rivers and their flowages. Without vigilance and effort, it is just a question of time before most Marinette County lakes are infested with this noxious weed. The hydraulic harvester is an important tool in preventing the spread and establishment of EWM across Marinette County.

**AGREEMENT**  
Marinette County  
And  
Lake Noquebay Rehabilitation District

THIS AGREEMENT is entered into by and between the Marinette County (County) and the Lake Noquebay Rehabilitation District (District) for the purposes of operating and maintaining the Lake Noquebay dam.

FOR AND IN CONSIDERATION of the terms and conditions contained in this agreement, the above named parties agree:

1. PERIOD OF AGREEMENT: This agreement shall commence on January 1, 2012 and continue until December 31, 2012 during which period all performance as described in this agreement shall be fully completed to the satisfaction of the County.
2. CANCELLATION: The County reserves the right to cancel this agreement in whole or in part, without penalty, due to non-appropriation of funds or for failure of the District to comply with terms, conditions, and specifications of this agreement.
3. AGREEMENT AND AMENDMENTS: This agreement, together with the specifications, referenced parts and any amendments shall constitute the entire agreement and previous communications or agreements pertaining to this contract are hereby superseded. Any agreement revisions including cost adjustments and time extensions shall be made by a written amendment to this agreement, signed by both parties prior to the ending date of this agreement.
4. ASSIGNMENT SUBCONTRACTS: This agreement or any right or duty in whole or in part by the District under this contract may be assigned, delegated or subcontracted to outside associates or consultants without the written consent of the County. The District will inform the County in writing along with copies of subcontracts or agreements of any such subcontractors and outside associates or consultants required in connection with the services covered by this agreement.
5. DESCRIPTION OF WORK: The District agrees to perform the following services to operate and maintain the Lake Noquebay dam in accordance with the Project Work Program, referred to as Attachment A, and made a part of this agreement by reference:
  - A. Dam Operation

B. Grounds & Maintenance

C. Record Keeping

6. COUNTY/DISTRICT CONTACTS: All communications regarding this agreement will be made through the designated County/District contacts. The designated contacts are:

County - Greg Cleereman  
Land Information-Land and Water Division  
1926 Hall Avenue  
Marinette, WI 54143-1717  
Tel: work (715) 732-7783

District - Miles Kresl Chairman, Board of Commissioners  
Lake Noquebay Rehabilitation District  
N8062 Boat Landing Rd  
Crivitz, WI 54114  
Tel: (715) 854-3617

7. TERMINATION:

- A. This agreement may be terminated in whole, or in part, in writing by the County in the event of substantial failure of the District to fulfil its obligation under this agreement, provided, that the County shall give the District not less than thirty (30) days written notice (delivered by certified mail, return receipt requested) of intent to terminate and an opportunity for consultation prior to termination.
- B. If termination is effected by the County an equitable adjustment in the price provided for in this agreement shall be made. Any payment due to the District (or County request to return a prorated amount of advance payment made to the District) at the time of termination may be adjusted to the extent of any additional costs occasioned to the County by reason of the District's default. The equitable adjustment for any termination shall provide for payment to the District for services rendered and reasonable expenses incurred prior to the termination. The County will not be responsible for District commitments, subcontracts or otherwise, for services that have not been delivered.
- C. Upon receipt of a termination action pursuant to paragraph A above, the District shall (1) promptly discontinue all services affected (unless the notice directs otherwise); and (2) deliver or otherwise make available to the County all data, reports, estimates, summaries, and such other information and materials as may have been accumulated by the District in performing this agreement, whether completed or in process.

- D. Upon termination pursuant to paragraph A above, the County may take over the work and carry on the same to completion by agreement with another party or otherwise.
- E. The rights and remedies of the County and the District provided in this clause are in addition to any other rights and remedies provided by law or under this agreement.

8. PAYMENT:

- A. The County agrees to reimburse the District a total of \$3,000 for the work to be done under this agreement. Compensation is intended to be provided from County funds as budgeted and approved by the Marinette County Board.
- B. The District agrees to provide the County with a bill for full \$3,000 advance payment upon the signing of this agreement by both parties; or bill in three payments - one-third after signing of agreement by both parties, one-third midway through the agreement period, and one-third at the end of the agreement period and the delivery of services outlined in Attachment A.
- C. Bill(s) shall be sent to:

Land Information Department  
Attn: Greg Cleereman  
1926 Hall Avenue  
Marinette, WI 54143-1717

9. RECORDS AND ACCESS: The District shall, for a period of three (3) years after completion and acceptance by the County, maintain books, records, documents, and other evidence directly pertinent to performance of work under this agreement in accordance with generally accepted accounting principles and practices. The District shall also maintain the financial information and data used in the preparation or support of the cost submission in effect on the date of execution of this agreement and a copy of the cost summary submitted to the County. The County, their agents, or any of their duly authorized representatives shall have access to such books, records, documents, and other evidence for the purpose of inspection, audit, and copying. The District shall provide proper facilities for such access and inspection.

Records referred to the above shall be maintained and made available during the performance under this agreement and until three years from the date of final payment. In addition, those records which relate to any dispute, appeal or litigation, or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

- 10. INDEPENDENT CONTRACTOR: The District is an Independent Contractor for all purposes, including workers' compensation, and is not an employee or agent of the County.
- 11. INDEMNIFICATION: The District agrees to save, keep harmless, defend and indemnify the County and all its officers, employees and agents, against any and all liability, claims and costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (County or other) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operation or performance of work in connection with this agreement or omissions of District's employees, agents or representatives.
- 12. APPLICABLE LAW: The laws of the State of Wisconsin shall govern this agreement. The District shall at all times comply with all federal, state and local laws, ordinances, and regulations in effect during the period of this contract.

The undersigned, as representative of the County and as representative of the District, hereto agree to this agreement.

MARINETTE COUNTY

Date \_\_\_\_\_

By \_\_\_\_\_  
Kathy Brandt  
County Clerk

LAKE NOQUEBAY REHABILITATION DISTRICT

Date \_\_\_\_\_

By \_\_\_\_\_  
Miles Kresl  
Chairman, Board of Commissioners

ATTACHMENT A

**PROJECT WORK PROGRAM**  
**OPERATION & MAINTENANCE OF LAKE NOQUEBAY DAM**

**DAM OPERATION**

**Lake Levels**

In accordance with DNR permit 3-WR-576 the water level of Lake Noquebay is to be maintained between a minimum of 92.00 feet and a maximum of 92.40 feet at all times, insofar as it can be accomplished (holding the lake level between 92.25 feet and 92.33 feet whenever possible), except during the drawdown period. The winter drawdown allows Marinette County to lower the water level below the minimum established level of 92.00 feet to a level of 90.75 feet between October 15 and the spring break up/ice out of any calendar year. **The Lake Noquebay Rehabilitation District (District) will comply with these conditions to protect the public resources that are associated with Lake Noquebay and to avoid an enforcement action by the Wisconsin Department of Natural Resources.**

**Drawdown and Excessive Downstream Flows**

Excessive flows during drawdown can have a flushing effect on the downstream aquatic community and hamper recreation activities such as duck hunting and trapping. To minimize negative impacts of high flows, it is required that during the drawdown the lake level elevation must be drawn down only one inch each day. The Wisconsin Department of Natural Resources has calculated that this drawdown rate will pass approximately 100 cubic feet per second of water downstream in addition to the normal stream flow. This should allow enough time to draw the lake down to the 90.75 level before the freeze up and should also protect the downstream area from flooding. To optimize the drawdown, the lake level should be at the minimum 92.00 level before the drawdown begins on October 15. **The District will follow the above requirements to minimize the negative impacts of high flows during drawdown.**

**Minimum Flow Requirements**

Section 31.34 Wisconsin Statutes requires that a dam pass at all times at least 25% of the natural low flow of water on a stream. The purpose of this statute is to ensure that there will be adequate water to protect, enhance and preserve the downstream aquatic resource. Violations of this statute are subject to a \$1000 fine. The U.S. Geological Survey office in Madison has calculated this natural low flow to be 42 cubic feet per second, and that a four inch gate opening with the lake level at 90.75 feet would result in a flow of approximately 16 cubic feet per second and would satisfy the 25% of natural low flow requirement. **The District will comply with the 25% of the natural low flow requirements of this statute.**

**General**

The gauge on the dam should be checked daily to maintain water levels, and more frequently during periods of heavy runoff and during the drawdown and refilling of the lake. **The District will notify the Marinette County Land and Water Conservation Division (County) prior to the drawdown and refilling.**

## GROUNDS & MAINTENANCE

### Embankments

Preventing erosion and maintaining a good grass cover on the embankments increases the chance that the dam will be able to withstand overtopping. **The District will mow grass on the embankments so that it stays 4-8 inches tall; and keep the embankments free of trees, brush, and broadleaf plants.**

### Problem Reporting, Repairs and Authorization

The dam, gauge, light, walkway, and safety barriers need to be maintained in good working order and in safe condition. **The District will report embankment erosion problems, structural deterioration, need for repairs, and other problems to the County.** The District is authorized to spend up to \$50 for dam repairs or improvement without County authorization. The District has the authority to make necessary repairs if an emergency situation exists that requires immediate attention and they are unable to contact the County. Repair and improvement costs will be the responsibility of the County.

### Emergency Contacts

In the event of dam failure, or if dam failure appears imminent, **the District should contact Marinette County Sheriff Department at 911, Wisconsin Division of Emergency Government 24-Hour Emergency Hotline at 800 943-0003, and the Marinette County Land and Water Conservation Division at 732-7780.**

## RECORD KEEPING

### Daily Record of Operation

Maintaining a daily record of operation is important for liability protection and provides a historical record. **The District will maintain daily logs which include the recording of date of inspections, water levels, gate openings and settings, maintenance performed, and unusual occurrences.** The County will provide the District with appropriate daily log materials.

**Greg Cleereman**

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**From:** Scott Frank [Scott.Frank@co.shawano.wi.us]  
**Sent:** Tuesday, January 17, 2012 4:24 PM  
**To:** Adams County; Ashland County; Bayfield County; Brown County; Calumet County; Columbia County; Door County; Douglas County; Florence County; Fond du Lac County; Forest County; Green Lake County; Iron County; Kenosha County; Kewaunee County; Langlade County; Manitowoc County; Greg Cleereman; Marquette County; Menominee County; Milwaukee County; Oconto County; Outagamie County; Ozaukee County; Portage County; Racine County; Sheboygan County; Walworth County; Washington County; Waukesha County; Waupaca County; Waushara County; Winnebago County  
**Cc:** kay.mckenzie@douglascountywi.org; Fontaine, Cletus; 'Hanson, Beth'; Marvin Fox; aholschbach@co.ozaukee.wi.us  
**Subject:** SAVE THE DATE - April 13, 2012

Dear GLNAC WI Chapter Counties:

**Save the Date: April 13, 2012 for Great Lakes Nonpoint Abatement Coalition WI Chapter Annual Meeting**

On behalf of the GLNAC Executive Council we wish to announce that it will hold its Annual Meeting on Friday April 13, 2012 in Ozaukee County (Agenda and additional details to follow).

Please note: The meeting registration cost (including lunch) is being covered by GLNAC and Lake Superior Watershed counties in attendance will also receive \$50 to help offset travel expenses.

This meeting is very important to the future of GLNAC WI Chapter. Please pass this along to your LCC's.

Hope to see you there,

*Scott M. Frank*  
County Conservationist  
Shawano County  
Land Conservation Division  
(715) 526-4632  
Fax: (715) 526-6273  
[Scott.Frank@co.shawano.wi.us](mailto:Scott.Frank@co.shawano.wi.us)

FYI

Item 12

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO ISSUE A WISCONSIN POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0064912-01-0

Permittee: Coleman Ponderosa LLC, N2823 23rd Rd, Coleman, WI, 54112

Facility Where Discharge Occurs: Coleman Ponderosa LLC, NEQ NEQ Section 21 T30N R20E, Town of Pound,  
Marinette County, Wisconsin

Receiving Water And Location: Groundwater and Surface Waters of the Little Peshtigo River Watershed

Brief Facility Description: Coleman Ponderosa is an existing heifer raising operation that is proposing to expand from its current level of 977 animal units to 1900 animal units with a potential future expansion to 2950 animal units. Operations with 1,000 animal units or more must obtain a WPDES permit. The operation currently produces 1388 tons of solid manure and 5.735 million gallons of liquid manure. The operation currently has approximately 6.47 million gallons of liquid manure storage. The operation has identified 705 acres of cropland as part of its nutrient management plan.

Permit Drafter's Name, Address and Phone: Thomas Bauman, 101 S. Webster St. PO Box 7921, Madison, WI,  
53707-7921, (608) 266-9993

Date Permit Signed/Issued: December 28, 2011

Date of Effectiveness: December 28, 2011

Date of Expiration: October 31, 2016

Following the public notice period the Department has made a final determination to issue the WPDES permit for the above-named permittee for this new discharge. The permit application information from the WPDES permit file, comments received on the proposed permit and applicable Wis. Adm. Codes were used as a basis for this final determination.

The Department has the authority to issue, modify, suspend, or revoke WPDES permits and to establish effluent limitations and permit conditions under ch. 283, Stats.

Following is a summary of significant comments and any significant changes which have been made in the terms and conditions set forth in the draft permit:

The permit issuance and expiration date have been changed to reflect the actual permit issuance date of December 28, 2011.

Comments Received from the Applicant, Individuals or Groups and Any Permit Changes as Applicable

The Department received comments from the permittee, via submitted plans and specifications, that it has abandoned the North and South Exercise Lot. Sample points for these lots have been removed from the permit. No other comments were received.

Comments Received from EPA or Other Government Agencies and Any Permit Changes as Applicable

No comments received.

As provided by s. 283.63, Stats., and ch. 203, Wis. Adm. Code, persons desiring further adjudicative review of this final determination may request a public adjudicatory hearing. A request shall be made by filing a verified petition for review with the Secretary of the Department of Natural Resources within 60 days of the date the permit was signed (see permit signature date above). Further information regarding the conduct and nature of public adjudicatory hearings may be obtained by contacting the Department of Natural Resources, Bureau of Watershed Management, WPDES Permits, Box 7921, Madison, Wisconsin 53707 and by review of ch. NR 203, Wis. Adm. Code, s. 283.63 Stats., and applicable code law.

Information on file for this permit action may be inspected and copied at either the above named permit drafter's address or the above named basin engineer's address, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Information on this permit action may also be obtained by calling the permit drafter at (608) 266-9993 or by writing to the Department. Reasonable costs (usually 20 cents per page) will be charged for copies of information in the file other than the public notice and fact sheet. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

Item 12



Farm and Foreign  
Agricultural  
Services

Farm  
Service  
Agency

Wisconsin Farm Service Agency  
Suite 100  
8030 Excelsior Dr.  
Madison, WI 53717

January 10, 2012

Greg Cleereman  
Marinette County Conservationist  
1926 Hall Avenue  
Marinette, WI 54143-1717

Dear Mr. Cleereman:

This letter is to inform you of a proposal for the consolidation of the Marinette County Farm Service Agency (FSA) office.

Over the past three years, FSA has faced a variety of budget-related challenges, including managing the Agency through a period of staff attrition, continuing budget reductions and an ever-increasing workload. Through a targeted office consolidation effort of 131 offices nationwide, FSA is striving to balance significant budget cuts, staff reductions, and increasing workloads while focusing the efforts of our staff to provide high quality service from the remaining 2,113 office locations.

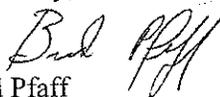
In particular, FSA has undergone major staff reductions since Fiscal Year (FY) 2008 and continuing into FY2012. Given these staff reductions, FSA cannot maintain every existing county office location and continue to provide producers the best possible customer service, while also providing the support that FSA employees deserve to get the job done.

Office consolidation decisions were made carefully, in light of the impact they will have on communities and producers. There were two steps to the review process. First, USDA followed Congressional direction under the 2008 Farm Bill to propose first for consolidation, to the maximum extent practicable, all offices which are located within 20 miles of another office, and which employ 2 or fewer permanent full-time employees. In addition, USDA identified all FSA offices that currently have zero employees – regardless of location.

It is important to understand that this is a proposal, and FSA will comply with statutory requirements to hold a public meeting in Marinette County within the next 30 days. Should the proposal ultimately result in consolidation, FSA leadership has determined that the new administrative county will be the Oconto County FSA office located in Oconto. However, all Marinette County producers will have the option to choose a different FSA office with which to conduct their business should they so choose.

I am available to answer any questions you might have regarding this proposal. I can be reached by email at [brad.pfaff@wi.usda.gov](mailto:brad.pfaff@wi.usda.gov) or by phone at 608.662.4422 x100. In addition, Warren Hanson, Administrative Officer, may be reached at [warren.hanson@wi.usda.gov](mailto:warren.hanson@wi.usda.gov) or by phone at 608.662.4422 x130.

Sincerely,

  
Brad Pfaff  
Wisconsin FSA State Executive Director



USDA is an equal opportunity provider, employer and lender.

**DATCP REPORT**  
**January 2012**

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**DATCP SWRM Grants**

- DATCP and DNR provided the 2012 final allocation plan 30 days in advance of the scheduled presentation at the February 7th LWCB meeting. This advance notice was required because DATCP made the following significant changes from the preliminary allocation:
  - Adopted an alternative allocation formula for the staffing grants to manage the \$1.1 million lapse, which will result in each county taking about 12 percent cut.
  - Corrected an error in the allocation for UWEX/CALS to provide \$483,745.
  - Adjusted the SEG cost-sharing allocation for two counties based on a scoring error.
  - Delayed allocation of SEG cost-sharing allocation until March 1, 2012.
- In view of the delay in the 2012 nutrient management cost-share allocation, counties should take the following precautions:
  - Sign no new contracts for nutrient management cost-sharing until March 1.
  - Inform landowners and operators to incur no costs related to nutrient management planning if they already signed a cost-share contract with the county that depends on 2012 funding. Also keep in mind that every cost-share contract includes language that states that the contract is contingent upon state funding and that a county “may cancel the contract, in whole or in part, due to non-availability of DATCP funds.”
- A review of 2011 reimbursement requests found that counties need to do the following to avoid the three most common errors:
  - Provide DNR Report Form 3300-005P, <http://dnr.wi.gov/org/water/dwg/forms/3300005.pdf>, when seeking reimbursement for well decommissioning.
  - Use Exhibit A-1 to obtain signatures from grant recipients (e.g. operators).
  - Get landowners to initial Section 2.9 to acknowledge their continuing compliance responsibilities where appropriate (e.g. in the case on nutrient management cost-sharing).
- DATCP and DNR released the 2013 joint grant application for SWRM, UNPS & SW construction grants. The main application materials can be downloaded from this DATCP web site, [http://datcp.wi.gov/Environment/Land\\_and\\_Water\\_Conservation/SWRM\\_Grant\\_Program\\_Working\\_Manual/Allocation\\_and\\_Other\\_SWRM\\_Functions/index.aspx](http://datcp.wi.gov/Environment/Land_and_Water_Conservation/SWRM_Grant_Program_Working_Manual/Allocation_and_Other_SWRM_Functions/index.aspx). Separate DNR materials are available here, <http://dnr.wi.gov/runoff/grants/applications/>. The application materials are due by April 16, 2012.
- For 2012, DATCP will be changing several cost-share grant forms. For example, the new reimbursement form has updated performance standards listed on the front page and clarifies requirements for certifying well installation and closure. Counties should remember to use the web site to download the latest forms, [http://datcp.wi.gov/Environment/Land\\_and\\_Water\\_Conservation/SWRM\\_Grant\\_Program\\_Working\\_Manual/index.aspx](http://datcp.wi.gov/Environment/Land_and_Water_Conservation/SWRM_Grant_Program_Working_Manual/index.aspx)

**Land and Water Resource Management Plans**

- At its December 6th meeting, the LWCB voted to establish (1) better measures of anticipated county performance required in LWRM plans and work plans, (2) standards for a 10 year approval of LWRM plans, and alternatives for counties that fail meet these standards, (3) county reporting obligations to LWCB for plans approved for a 10 year period, and (4) a process for counties with 5 year plan approvals to extend their approval for an additional 5 years.

- At its February 7<sup>th</sup> meeting, the LWCB will consider the nature and scope of its 5 year review of counties that have 10 year LWRM plan approvals. It also will consider requirements (including review of a county's progress in implementing its LWRM plan) that must be met for a county to secure a 5 year extension of a plan approved for 5 years.

### **Working Lands**

- DATCP completed its biennial report, as required by s. 91.04, Stats., that contains information on farmland availability, trends in farmland use, farmland preservation program (FPP) participation by local governments and landowners, figures relating to FPP tax credit claims, adherence to conservation compliance requirements, FPP costs and trends, and recommendations and key issues. The report, available at [http://datcp.wi.gov/uploads/Environment/pdf/BiennialReport2010\\_11.pdf](http://datcp.wi.gov/uploads/Environment/pdf/BiennialReport2010_11.pdf), was presented to the ATCP Board and then transmitted to the Secretaries of DOA and DOR by December 31<sup>st</sup> deadline.

### **Agricultural Enterprise Areas (AEAs) and Purchase of Agricultural Conservation Easements (PACE)**

- Staff released the AEA materials for the 2012 petition round shortly after the ATCP Board approved the scope statement. The public hearing was held on December 12 for the 2011 round of AEA petitions and staff will be conducting a January 12<sup>th</sup> workshops for new petitioners (2012 round). The 2012 application (due on March 30, 2012) is available at [http://datcp.wi.gov/Environment/Working\\_Lands\\_Initiative/AEA/Petition\\_Materials/index.aspx](http://datcp.wi.gov/Environment/Working_Lands_Initiative/AEA/Petition_Materials/index.aspx).
- Staff completed 7 PACE easement projects (5 in Waupaca County, 1 in Dodge County, and 1 in Jefferson County). In order to allow the landowners to claim a potential tax deduction for 2011, the projects had to be completed by year's end, while another eight PACE projects are anticipated to be completed by the second quarter of this year.

### **Farmland Preservation Program (FPP)**

- For tax year 2010, nearly 16,000 landowners claimed farmland preservation credits of \$18.1 million covering about 2.9 million acres. Go here for more information, <http://www.revenue.wi.gov/ra/FarmPres2011payments.pdf>.
- Staff completed all of the FPP agreements where landowners wanted to have an agreement in effect before the end of 2011 in order to be eligible for the increased tax credits for tax year 2011. Work was completed to finish 113 agreements, including about 30 in the last two weeks of December. Staff also completed the work on the last few agreement modifications (total of about 50 modifications) so the farmers can be eligible for the higher tax credits for tax year 2011.
- Staff will be working to ensure that FPP claimants understand the correct tax form to submit: claims under the old law use Schedule FC, while those under the new revised law, Schedule FC-A.
- Staff completed five FPP certifications and 12 certification extensions at the end of 2011. While the large number of extensions (requested by local municipalities) was necessary, the extensions will result in the shift of a substantial workload into 2012. Certification work will also be completed in early 2012 for two additional plans (Town of Chilton in Calumet and Town of Herman in Dodge).
- DATCP is continuing its planning grant program for counties to revise their farmland preservation plans. Due to a required lapse, DATCP has no planning grant funds for fiscal year 2012. DATCP will honor outstanding contracts for Round 2 grant recipients by delaying payments until July 2012 and use fiscal year 2013 funds to fund Round 2 grants. DATCP will not solicit new grant

applications in 2012, and may resume funding in 2013 if funding is available in the next biennial budget. Counties that anticipated applying as part of Round 3 will be provided additional information this summer related to a possible need to consider requesting a delay to the December 31, 2013 expiration of the certification of your current county FPP plan.

### **ATCP 50**

- As part of its revision of ch. ATCP 50, DATCP completed three listening sessions to seek input through farm, conservation agency and environmental groups to help in drafting rule revisions. The next step is for DATCP to prepare a draft rule and accompanying documents, consistent with its scope statement. You can view the scope statement by going to this web site, <https://health.wisconsin.gov/admrules/public/Rmo?nRmoId=11844> and clicking on the PDF document entitled "Statement of Scope."

### **Nutrient Management**

- With over 40 Nutrient Management training sessions under their belt in 2011, DATCP staff will be offering training again this winter and still have openings in March for you to schedule a training.
- For the 2011 cropping season, nutrient management checklists were submitted to DATCP covering 1.85 million acres (21% of Wisconsin cropland), up from 1.5 million acres in 2010. Twenty-six percent of nutrient management plans were developed by farmers themselves with the remainder developed by professional consultants.
- The Quality Assurance Team reviewed 65 nutrient management plans developed for the 2011 growing season for compliance with ATCP50 or NR243 nutrient management standards as appropriate. While there are still shortfalls in NM planning, some areas show marked improvement, especially related to mapping.

### **Livestock Facility Siting**

- The Livestock Facility Siting Review Board will meet on January 20<sup>th</sup> to set up its schedule for 2012 and receive an update on the administration of the siting law.

### **Engineering**

- For 2011, DATCP has completed nearly 40 engineering reviews as part of its responsibilities to assist with CAFO permits.
- Pat Schultz will be starting on January 30<sup>th</sup> in the Altoona office and will fill the position vacated by Ronnie Williams.
- DATCP is working with other members of the Standards Oversight Council to hire a new coordinator and to effectively manage challenging issues such as the completion of the NRCS 313 standard.

### **CREP**

- Since November 28<sup>th</sup>, staff completed CREP payments to landowners of about \$115,000. This included payments on CREP easements developed toward the end of 2011.



# RIVER ALLIANCE of WISCONSIN

## Assembly Mining Bill 426 is wrong for Wisconsin because:

The Assembly Mining Bill and the process by which it is being rammed through the legislature takes away the voice of Wisconsin citizens.

- Unlike the current mining law which was developed with a thorough, consensus-based process with mining interests and scientific experts at the table, AB 426 was written in secret with mining industry lobbyists.
- AB 426 eliminates all opportunities for citizens and experts to question or contest the information submitted by the mining company, DNR's approval of their permits, and DNR's enforcement of environmental laws.
- AB 426 curtails the ability of the communities impacted by a mine to enforce their own zoning requirements or to negotiate for conditions to protect themselves.

The Assembly Mining Bill elevates mining above all other industries and businesses in the state, applying special rules that allow mines to bypass the environmental and public health requirements that apply to everyone else.

- AB 426 mandates that if there is a conflict between mining law and other environmental laws, the *mining law trumps environmental laws*.
- AB 426 allows mine wastes to be piled next to rivers and lakes, in floodplains and areas where groundwater contamination is likely.
- AB 426 *requires* DNR to allow wetlands to be filled, even the most critically important wetlands, as long as the mining company provides "mitigation" anywhere else in the state.
- AB 426 *requires* DNR to permit structures and fill in waterways, to allow rivers to be altered, straightened, widened and dredged as long as it won't "significantly" impair public rights, flood capacity, rights of riparian owners or water quality. "Significantly" is not defined.
- AB 426 *requires* DNR to allow wells or direct water withdrawals from rivers or lakes even if it will severely draw down groundwater, rivers or lakes because it is assumed that *the needs of the mine are in the best interest of the public*.

### **The Assembly Mining Bill takes science out of decision making.**

- AB 426 allows a mining company to complete their environmental analysis in one year, even though experts indicate a realistic analysis of how water resources interact and would be impacted would take two to three years.
- AB 426 *prevents* DNR, citizens and outside experts from questioning the quality or accuracy of information submitted by the mining company.
- AB 426 creates unworkably short permit review timelines that prevent DNR from verifying the accuracy of the data submitted by the mining company – the information must be taken at face value, or the permit review timeline will expire and the permit *automatically approved*.
- AB 426 sets arbitrary permit review deadlines for all iron mines, with no consideration for the scale or complexity of a proposal.

AB 426 *eliminates* the ability of DNR to monitor a mining operation and to order a stop in work if there is a substantial threat to public health and safety or the environment.