

**Members Present:** Riley Jolma, Richard Ketring, Caryl Peck, Todd Rothe and Naomi Tillison

**Members Excused:** George Bussey and Charles Ortman

**Members Absent:** Cortney Remale and Todd Berweger

**Others Present:** Jason Fischbach, Tom Fratt, Brittany Goudos-Weisbecker, Josh Rowley, Amy Tromberg and Sara Chase reporter with the Ashland Daily Press

**Call to Order:** Fratt called the meeting to order at 12:05pm  
Rothe moved to have Fratt chair meeting since Ortman is excused. Ketring seconded the motion. Motion carried.

### **Approval of Minutes from 8-29-2017**

Jolma moved to approve the minutes from the August 29, 2017 meeting. Ketring seconded the motion. Motion carried.

### **Agenda Items**

#### **1. Revised Scope of Work, Timeline, and Meeting Schedule**

- Rothe has to leave at about 1pm today.
- Next Land Conservation Committee (LCC) meeting is November 3<sup>rd</sup>.

#### **2. Written Public Comments Received Since 8-29-2017**

- Fratt handed out copies of the two written comments received since the last meeting, from George Bussey and Justin Gingerich. Fratt will post these on the website as was decided at the last meeting.

#### **3. Recommendations of the Land Conservation Committee from 9-29-2017**

- Peck and Ortman attended the Land Conservation Committee (LCC) meeting on 9-29-2017. Fratt reported that the LCC was able to review the latest draft ordinance with comments incorporated from Corp Counsel, Matt Anich, and verbal comments from a phone conversation with the DNR. The LCC did not go through it in detail but sent it back to the work group to review changes.
- The DNR comments were mostly on standards and prohibitions under NR 151. They did not see anywhere that the county exceeded state standards so the DNR does not need to formally approve this ordinance.
- Fischbach clarified tasks: first review DNR and Anich's comments and see if you are okay with what they are recommending. Second part is there are still two parts that are "open" in this document on page 18 Unconfined Manure Stacking and Manure Spray Irrigation Permit. Need to vote on first and discuss or fill in setback details for second. Third is to look at sample permit application forms Tom put together drafts, then the last part would be fees and penalties.
- Fratt reported and reviewed comments in draft ordinance.
- Corp counsel set out language for an appeal which would go to Board of Adjustment.

- Tillison talked with Bad River legal department, if our work group wants to recommend this to Bad River she would present it.
- Ketring moved to approve all modifications as handed out in the “Draft 9-28-17 with Comments Ashland County Agricultural Performance Standards and Animal Waste Storage Ordinance.” Jolma seconded the motion. Motion carried.
- Fischbach directed the work group to look at 1.44 Unconfined Manure Stacking Permit Required. He read the definition in NR 151: “Unconfined manure pile” means a quantity of manure that is at least 175 ft<sup>3</sup> in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.
- Fratt handed out Draft Application Checklist for Manure Storage Facility Permit, Draft Application for Manure Storage Closure or Converted Use Permit and Draft Application for Temporary Unconfined Manure Stacking Permit.
- Discussion on time limit or length of permits.
- Ketring wants permits so we have an understanding of what is going on. Would be okay if someone got a permit after the fact.
- Already a well-established format with NRCS Conservation Practice Standard 313 Table 10 – Temporary, Unconfined Stacks of Manure and Derivates Outside the Animal Production Area.
- Jolma asked if it could be added to the checklist for the annual Nutrient Management Plan? If so it could be done at the same time, however the permit is for everyone.
- Make sure we have common sense in the ordinance and permits.
- Have this as an educational opportunity for small farmers or folks who have done the same thing for 60 years. Biggest offenders are most likely those that have an unconfined manure stacking on the side of a ravine.
- Rowley stated that you can’t pick who you apply this to, needs to apply to everyone.
- Jolma moved to approve Section 1.44 “Unconfined Manure Stacking Permit Required” to follow the definition. Ketring seconded the motion. Discussion on length of time, winter manure vs. compost, best management practices as well as criteria of NRCS Conservation Practice Standard 313 Table 10 – Temporary, Unconfined Stacks of Manure and Derivatives Outside the Animal Production Area. Motion carried.
- Rothe left at 1:05pm.

#### **4. Manure Irrigation / Manure Aerial Spraying Permit Conditions**

- Fischbach put together possible baseline regulations, he went through the Wisconsin work group report as there is no technical standard to adopt. Handed out Possible Manure Irrigation Regulations. Draft ideas include that the owner of the manure is responsible, permit good for one year, setbacks and wind need to be tracked and followed when manure is applied.
- Ketring thinks it would be productive to have a contract between the manure owner and the manure operator so that the liability isn’t held by the manure owner when the operator is applying it. Have a contract available from the county for this for

farmers to have accessible to cover the liability issue. Jolma thinks that the owner of the manure is always responsible for it.

- Definition of aerial irrigation is spelled out in the second paragraph of the draft.
- Jolma asked about small droplet size when low to the ground and what about height? Fischbach will look at height exclusion.
- There will be some expense for tracking wind speed, currently two ways to do this a hand held analog or a data collector/ data logger.
- Can put this draft into more technical standard or ordinance language.
- Tillison asked about setbacks on surface water, the WI work group report did not have anything on this so Fischbach added the setback of 50 feet.
- Peck asked about having a half hour either way from sunrise and sunset for nighttime spreading like hunting? Fischbach replied could use civil twilight.

**5. Continued Discussion of ATCP 51 Livestock Siting Ordinance**

- Move to next meeting.

**6. Continued Discussion of Bayfield County Large-Scale CAFO Operations Ordinance and Other Options for Managing Large CAFOs**

- Move to next meeting.

**7. Discussion and Possible Recommendations to the Land Conservation Committee on Agricultural Ordinance Options**

- Move to next meeting.

**8. Next Steps**

- Next meeting discuss and vote on manure irrigation regulations. Then fees and penalties. Richard recommend staff set these. Tillison wonders what other counties have done? Fratt replied they are all over the board. He sees a possibility for a sliding scale, could not set fees that would support this program. Do not want to set fees that are burdensome, say if you want to close a manure storage pit we want you to do that, so no fee.
- Jolma asked how would recommending this be accomplished with the Bad River Tribe? If the work group is comfortable with it Tillison could take the recommendations to the Bad River Tribal Government. Would be good to have some consistency, not sure if they would adopt, but even the discussion would be valuable. If implemented, would need to figure out how and who would staff etc.

**Next Meeting Date:** Wednesday, October 25th from 12pm to 2pm at the Land and Water Conservation Department office on Sanborn Ave.

**Adjourn:** Meeting adjourned by Fratt at 1:45pm

Respectfully submitted by Amy Tromberg  
Office Assistant, UW-Extension Ashland County