

**Members Present:** George Bussey, Riley Jolma, Richard Ketring, Charles Ortman, Todd Rothe and Naomi Tillison

**Members Excused:** Todd Berweger, Caryl Peck and Cortney Remacle

**Others Present:** Jason Fischbach, Tom Fratt, Amy Tromberg and Sara Chase reporter with the Ashland Daily Press

**Call to Order:** Ortman called the meeting to order at 12:03pm

### Introductions

Ortman introduced Amy Tromberg as the UW-Extension Ashland County Office Assistant.

### Approval of [Minutes from 6-8-2017](#)

Bussey moved to approve the minutes from the June 8, 2017 meeting. Ketring seconded the motion. Motion carried.

### Agenda Items

#### 1. [Revised Scope of Work, Timeline, and Meeting Schedule](#)

- Fratt and Fischbach presented the revised scope of work, timeline and meeting schedule.

#### Fourth Meeting and Public Comment Period

- Discussion about meeting time for Thursday, July 27. Evening meeting would seem better for public comment, 6pm meeting time set.

#### Timeline

- The Land Conservation Committee (LCC) has scheduled their August meeting for August 25<sup>th</sup> at 9:30am.
- Between Thursday, August 10<sup>th</sup> and Friday, August 25<sup>th</sup> we will finalize recommendations for the LCC.
- Fratt commented on recommendations for a public hearing. Discussion for the county to have a public hearing if needed after the land conservation committee meeting.

#### Scope of Work

- Bussey asked how can we best serve the LCC? What should our work product look like? He pictures a matrix of recommendations with just the differences by state and other counties. Thinks this would be a useful summary product to look at for an overview, a variance analysis.
- Fratt stated that if we go above state standards then we need a detailed document finding of facts that supports that and the LCC needs to understand what those findings of fact are and how to implement something that would exceed state standards.

- Ketring thinks this chart would be a part of an executive summary.
- Bussey moved that our work product have an executive summary, with a variance analysis to highlight differences from state and surrounding counties. Ketring seconded the motion. Motion carried.

## 2. **Wisconsin Agricultural Regulations and Protection of Natural Resources**

- Fischbach presented a PowerPoint titled "[Managing Impacts of Livestock Operations.](#)"
- Fischbach handed out "[Wisconsin DNR's High Capacity Well Review Frequently Asked Questions](#)" dated June 2016. The Attorney General says that you cannot address the cumulative impacts of high capacity wells on ground water.
- Tillison shared that the Bad River Tribe has tribal sovereignty based on treaties. The Bad River tribe has authorities, including 319 Authority Nonpoint Source Pollution covering the reservation. They have Clean Water Act water quality standards similar to the state, and waters are classified the same as the state. The Bad River standards are set for the surface waters of the reservation boundaries. One difference, the reservation has Tier 3 Waters, a step above for Tribal Resource Waters such as wild rice waters and the Bad River, these have the most protection on the reservation.
- Another authority is under Section 106 Historic Preservation Act, if there is a ground disturbance the THPO (Tribal Historic Preservation Officer) would review the project and determine if there would be an impact on cultural resources or historic properties.
- The Bad River Natural Resource department does a lot of water quality monitoring on and off reservation, and collaborates with others to better understand results.
- Tillison shared about Bad River tribe water quality standards - Permits on waters upstream or waters connected to the Bad River reservation bring them to the table. When the water flows onto the reservation is when their standards must be met. The state cannot issue a permit there if it is not within the tribal water quality standards.
- The Bad River tribe can be a partner to apply for and receive grants to address issues in their connected watersheds, the Marengo River Watershed is set up well for this right now.
- Fischbach continued PowerPoint presentation and handed out [Wisconsin Nutrient Management 590 Standard Summary, September 2005 Revision](#) and [2015 updates](#).
- Natural Resources Conservation Service (NRCS) implements conservation programs by USDA. They administrate cost share programs themselves, partner closely with LCC offices and offer technical services.

## 3. **"Local" Agricultural Ordinances and Regulation**

- Douglas County and Bayfield County just adopted manure storage ordinances.
- Bayfield County adopted manure storage ordinance, but not barnyards; siting license and operations permit for CAFOs; and South Fish Creek watershed, which is pending litigation, court date oral hearing set for July 10.

- Iron County put in a Temporary Moratorium on Livestock Facilities which has now expired. CAFOs are conditional use in A2 zoning districts, currently there are no areas zoned A2, so a rezone and conditional use permit would be required. Current CAFO sized operation is grandfathered in.
- Douglas County has a manure storage ordinance which does not include barnyard; siting license and recently adopted operations permit on CAFOs that is the same as what Bayfield County just adopted.

#### **4. Draft “Ashland County Agricultural Performance Standards and Animal Waste Storage Ordinance”**

- Fischbach shared summary PowerPoint slides of NR 151, Runoff Management.
- The draft ordinance adopts all of NR 151 standard prohibitions, enforced by LCC.
- Fischbach stated questions for the group: All or just manure storage? Do you have the resources to go with the ordinances to review permits and enforce?
- Jolma asked what Ashland County has right now for cost-share; Fratt replied \$42,800 right now, down from a few years ago when it was \$63,000, and that the LCC piggy backs funds on projects that are with NRCS.
- LCC would have to enforce it, so a change from here to help vs. here to enforce law.
- Discussion of current state standards and enforcement. Fratt and Fischbach gave three examples of manure storage in Ashland County over the last five years.
- Fischbach walked group through what a farmer would have to do currently vs. what they would have to do if Ashland County had a manure storage ordinance.
- Over 1,000 animal units need state permit and to comply with technical standards on manure storage, so 1,000 animal units and up already covered. 500 animal units and more, if adopt siting law, would also have to make sure their manure storage complies with standards. This draft ordinance only covers 500 animal units and less if adopt siting law, or 1,000 animal units and less.
- Discussion on costs for farmers and cost share, if cost share is accepted then need to comply with standards.
- Concerns on air quality covered in ATCP 51.
- Ortman asked about remote storage vs. under animal storage? Animal welfare aspect and pit locations. Fischbach will look into public health issue, might fit more so under siting law, probably above and beyond standards.
- Recommendations to LCC? NR 151 is one piece of the puzzle, ATCP 151 and NR 243 will give you the entire puzzle next meeting.
- Bussey moved to table any decision making until all have been reviewed. Ketring seconded the motion. Motion carried.

#### **5. Introduction to Chapter ATCP 51 – Livestock Facility Siting and Draft Ashland County Livestock Facility Licensing Ordinance**

- Fratt handed out [Chapter ATCP 51 Livestock Facility Siting](#) – please review siting ordinance before next meeting.

#### **6. Next Steps**

- Fischbach handed out [Chapter ATCP 51, Appendix A: Application Form and Worksheets](#), committee members were asked to pretend you are a farmer and see what you are required to fill out to apply.
- Fratt handed out DRAFT Ashland County Livestock Facilities Licensing Ordinance, please note limits in options highlighted in yellow.
- [Chapter NR 243 Animal Feeding Operations](#) was also handed out for review.

**Next Meeting Date:** *Tuesday*, July 11, 12:00noon – 2:00pm, County Courthouse

**Adjourn:** Meeting adjourned by Ortman at 2:18pm

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