

Members Present: Todd Berweger, George Bussey, Riley Jolma, Todd Rothe and Naomi Tillison

Members Excused: Charles Ortman and Caryl Peck

Members Absent: Richard Ketring and Cortney Remacle

Others Present: Jason Fischbach, Tom Fratt, Amy Tromberg, Josh Rowley, and Brittany Goudos-Weisbecker

Attendees agreed to have Fratt chair the meeting since Ortman is excused.

Call to Order: Fratt called the meeting to order at 12:04pm.

Approval of Minutes from 12-7-2017

Tillison moved to approve the minutes from the December 7, 2017 meeting with one revision. Bussey seconded the motion. Motion carried.

Agenda Items

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

- Fratt updated and posted online. On the timeline added the last few meetings, county board level public hearing in 2018 if needed or desired, and that the 2018 County Board meetings are to be determined.
- Land Conservation Committee (LCC) meeting tomorrow, 1-26-2018, at 9:30am.

2. Written Public Comments Received Since 12-7-2017

- No written comments have been submitted since the last meeting.

3. Land Conservation Committee (LCC) Actions from 12-15-2017 (12:30)

- Fratt reported that the LLC met on 12-15-2017, lots of additional discussion, but no actions taken.
- Bussey asked for summary of discussion, he would like a copy of the meeting minutes from the LCC. Approved minutes are posted online.
- Fratt reported that he sent the 12-22-107 draft "Ashland County Agricultural Performance Standards and Animal Waste Storage Ordinance" to Jeff Beirl, County Administrator, which is ready for final review from Corp Counsel.

4. Large-Scale CAFO Operations Ordinance and Other Options for Managing Large CAFOs

- Fischbach shared a map with the Fields, Waters and Woods Agricultural Enterprise Area (AEA) in Ashland and Bayfield Counties outlined in red. He explained the 5 options on the table now: Could do nothing additional and NR 243 would cover CAFO sized options; apply Bayfield County Operations Ordinance throughout county; apply Bayfield County Operations Ordinance but change it from 1,000 animal units to 2,000 animal unit; idea to own and operate a farm for 5 years; or the zoning option, farms within AEA any size, outside AEA limited.

- Figure out the best option and make the recommendation, have government and staff then figure out how to implement.
- Rothe recommends modifying the Bayfield County Operations Ordinance to 2,000 animal units and then set a timeline to craft a separate document that would possibly include the “own and operate for 5 years” idea and/or “toolkit” idea. To take the time to craft something that is more applicable to our soil types etc. and make the language fit Ashland County.
- Bussey asked what happens if 3 large farms that are separate locations become under one ownership, but are geographically dispersed? He said that people in this area want small farms to succeed, they want clean water and clean air.
- Jolma said that about 1,500 animal units is the most efficient for farming right now.
- In detailed review of the permit application and ordinance language Fratt mentioned there are technicalities that don’t apply here, such as a permit required that Ashland County doesn’t even have.
- What are the other counties doing besides this ordinance? Fischbach replied using the Siting Law only if counties or town adopted siting law.
- Fischach explained that the Bayfield County Fish Creek Watershed Ordinance had more restrictive standards and the state initially denied it, the county appealed it to court and after about 18 months the Judge ruled a mixed bag perspective, forced the DNR to re-consider the ordinance and make a decision based on can you put in more restricted standards if they are intended only to prevent further degradation? The State of Wisconsin’s interpretation is that you can put in more restrictive standards only after you have a demonstrated water quality degradation of some kind and can identify the rules that caused the degradation, that they weren’t strict enough. The judge disagreed with the states interpretation and said no, if you anticipate that if a say CAFO in a certain watershed which followed the rules and the result was further degradation, under that interpretation instructed the DNR to re-evaluation the county’s ordinance and make a discussion if those rules would be effective in reducing /preventing future degradation. State could appeal, but that case would be directly applicable if Ashland County looked into more restrictive rules.
- Berweger asked what if he changed his farm plan from what the CAFO application said. It is listed as a five year permit. Concern because of the subjectivity of the Operations Ordinance Permit the County Board could deny the 5-year “reapplication” after substantial financial investments.
- Legal aspects of Berweger idea discussed. Fischbach gave an example that some counties require a license for certain things, could do the same thing but broader set of things to follow for a CAFO operations permit.
- Jolma expanded on the idea, have NR 243 and maintain that, operate in the county for 5 years, could be a simple list for the county to make sure they are following what is in place right now.
- ***Rothe moved to adopt the Bayfield County Operations Ordinance and Permit Application as modified applicable to Ashland County and with changing the threshold of animal units from 1,000 animal units to 2,000 animal units, and placing a sunset on it of 24 months with the condition that we draft a more***

applicable document for Ashland County within the 24 month period. Bussey seconded the motion. Motion carried, 4-1.

5. Discussion and Possible Recommendations to the Land Conservation Committee on Options for Managing Large CAFOs

- Create a new and separate document that would be a more applicable document for Ashland County. What language should be in our document? Create like an operators permit for a CAFO in Ashland County.
- Fischbach suggested identifying an existing problem, is there a gap that isn't being addressed? Potentially look into a water quality group, issues with runoff, etc.
- How can we help the smaller farms succeed?

6. Next Steps

- Reviewed all Advisory Group recommendations to LLC, so this does complete the scope of work the group was assigned by LCC.
- There is value to these kinds of conversations across different stakeholder groups. Would it be worth continuing as some type of partnership group? Round table meetings, look at research and conversations about crops, winter manure spreading, water shed issues, etc. Dialog is important to collaborative ways to address the problem(s). Identify problems that need to be addressed, if so what do we do, if there are gaps in the regulations then what can we do.
- One of the bigger issues might be septic systems in Ashland County. Question to Rowley about issues within zoning. The 2001 regulation for pumping was not put into effect, now tracking use. Working towards compliance, a lot of soil tests, mounds being put in, there are out dated systems, doing inspections and citations, going right down the road. Three townships that are really bad with holding tanks.
- Fratt will convey recommendations to LCC meeting tomorrow.
- Bussey's understanding is that this committee has done what it was asked to do. Rothe is envisioning the LCC coming back and asking this group to work on a more applicable document for Ashland County. Discussion about if the LCC could say ok, send it back for revisions, or could vote to not move it forward. Bussey says the LCC would have to establish a new advisory group, we did what we were asked to do, if they want us to do more than need to re-ask and open it up to new people. Most willing to continue if asked, Rothe pointed out how much reading and background information we have done, Bussey added that new perspectives are good too.
- Fratt mentioned grant funding for producer led watershed group, there is funding out there if a group of producers wanted to look into it together.

Next Meeting Date: None Scheduled

Adjourn: Meeting adjourned by Fratt at 1:56pm

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