

CHIPPEWA COUNTY

LAND CONSERVATION & FOREST MANAGEMENT COMMITTEE

REGULAR MEETING

JULY 21, 2021

CHIPPEWA COUNTY COURTHOUSE, RM 302

4:30 PM

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Dean Gullickson	Chippewa County	District 7 (Chair)	Present	
Harold Steele	Chippewa County	District 1 (Vice-Chair)	Present	
Glen Sikorski	Chippewa County	District 2	Present	
Ken Schmitt	Chippewa County	District 3	Present	
Don Hauser	Chippewa County	District 6	Present	
James Pingel	Chippewa County	Citizen Rep	Absent	

The Chair indicated that all members were present except FSA Representative Pingel.

Agency staff present throughout the meeting were R. Scholz (Co. Administrator), T. Pauls (Corporation Counsel), K. Clow, J. Larson, D. Masterpole, and J. Schemenauer - Recorder (LCFM).

Members of the public, as identified, were B. Barrickman, D. Barrickman, T. Belohlavek, D. Carlson, B. Henderson, T. Klein (Pheasants Forever), T. Hakes (Pheasants Forever), and P. Popple.

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

P. Popple addressed the Committee and provided written comments (on file). She encouraged the Committee members to view a documentary regarding regenerative agricultural management strategies called "Kiss the Ground".

D. Barrickman addressed the Committee. He expressed support for the proposed Agricultural Performance Standards, Manure Storage and Livestock Facility Management Ordinance. On behalf of the Lake Wissota Improvement and Protection Association, he also expressed support for extending the Lake Wissota Stewardship Project contract with the County beyond the 2022 expiration date.

B. Barrickman addressed the Committee. She is a member of the Lake Wissota Improvement and Protection Association and Chair of the Healthy Lakes & Rivers Project on Lake Wissota. She provided an overview of the project and status of efforts to control runoff and erosion from waterfront property.

B. Henderson addressed the Committee. He is the manager of Farmer's Union, Kamp Kenwood. Farmer's Union and Kamp Kenwood partner with the Lake Wissota Stewardship Project and with the Lake Wissota Improvement and Protection Association to encourage water conservation and stewardship through educational programs. He provided an overview of these efforts and of improvements that have been made at the camp to protect and improve water quality.

4. CONSENT AGENDA

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ken Schmitt, District 3
SECONDER:	Don Hauser, District 6
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser
ABSENT:	Pingel

1. Approve the agenda
2. Approve the Minutes
3. Land Conservation & Forest Management Committee - Regular Meeting - Jun 16, 2021 4:30 PM
4. Schedule next regular meeting date - August 18, 2021

5. REPORTS

1. Overview of Canoe Portage Trail CIP Project; Status Update - J. Larson

J. Larson provided an oral report. The report was supported by the following documents:

1. Report titled: Chippewa County Canoe Portage, (2018), (Distributed 7/16/21 - copy on file & attached). The report provides a preliminary assessment of the current conditions of the Knickerbocker/Townline Canoe Portage Trail, and an overview of actions required to restore the trail.
2. Report titled: Chippewa County Canoe Portage Alternate Routes, (2019), (Distributed 7/16/21 - copy on file & attached). The report outlined two different options for establishing a canoe portage using the Townline, Horseshoe, and Plummer Lake complex.
3. Report titled: Report on the Status of Development of the Chippewa County Forest Canoe Portage Trail Project - 6/16/21, (LCFM 6/16/21 - Distributed 7/16/21 - copy on file & attached).

T. Belohlavek (Busy B Consulting) provided a brief summary of the above reports.

There was general discussion.

2. Overview and Status of LCFM 2021 Annual Work Plan; Chippewa Falls Urban Area Storm Water Mngt. Program - D. Masterpole

D. Masterpole presented an oral report. The report was supported by a spreadsheet titled: 2021 Annual Work Plan; Chippewa Falls Urban Area Storm Water Management Program, (LCFM 4/5/21), (Distributed 7/16/21 - copy on file & attached).

The report provided an update on the status of activities that are now being conducted under the 2021 storm water work plan; and on the status of negotiations with municipalities to meet the County Board directive of 7/13/21, to explore a new intermunicipal agreement to maintain a joint storm water program.

There was general discussion.

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3. Overview of Application for Chippewa Co. Stewardship Program Matching Grant to Acquire Land for Conservation and Public Use in T31N, R9W, Sec. 12 & 13, Submitted by Pheasants Forever - D. Masterpole
D. Masterpole presented an oral report. The report was supported by the following materials:
 1. Cover letter from M. Moses (Pheasants Forever) to LCFM Committee regarding submittal of a Chippewa County Stewardship Program application (Distributed 7/16/21 - copy on file & attached).
 2. Application titled: Chippewa County Stewardship Program Application for Nonprofit Conservation Organizations submitted by Pheasants Forever regarding the project named: McCann Creek Fishery Area Addition, (7/8/21), (Distributed 7/16/21 - copy on file & attached).
 3. Report titled: Staff Review of an Application Submitted by Pheasants Forever, Inc. for a Chippewa County Stewardship Fund - Match Grant in the Amount of \$50,000 Towards the Purchase of ~182.5 Acres in Sections 12 & 13, T31N, R09W, Town of Bloomer, (LCFM 7/15/21 - Distributed 7/16/21 - copy on file & attached). The report outlines the PF proposal, explains the proposed match grant request, and outlines the extent to which the project aligns with program goals, management objectives, and actions established in the Chippewa County Land & Water Resource Management Plan (2019-2023).

There was general discussion. Discussion focused on:

1. The content of the application and findings of the staff report.
2. The project appraisal, budget, and funding sources.

6. BUSINESS ITEMS

1. Consider Ordinance to Repeal and Recreate Animal Waste Ordinance; Article IV, Division 3 of Chapter 2 of the Chippewa County Code - D. Masterpole
D. Masterpole provided a brief oral report. The report was supported by a document titled: Ordinance to Repeal and Recreate Article IV, Division 3 of Chapter 62 of the Chippewa County Codes of Ordinances, (Distributed 7/16/21 - copy on file & attached).

T. Pauls noted that there is a minor numbering error on Page 9 under (d)(6) of the proposed ordinance, which will be corrected before being submitted to County Board.

Motion to approve the ordinance, with the correction on Page 6 (as noted): Schmitt/Hauser. Motion carried.

RESULT:	FORWARD TO COUNTY BOARD [UNANIMOUS]	Next: 8/10/2021 6:00 PM
MOVER:	Ken Schmitt, District 3	
SECONDER:	Don Hauser, District 6	
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser	
ABSENT:	Pingel	

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7. AGENDA ITEMS FOR FUTURE CONSIDERATION

Future agenda items requested by the Committee are as follows:

1. Update on animal waste facilities construction in Chippewa County.
2. Groundwater quality issues.
3. Update on County Forest roads.

8. ADJOURN

Motion to adjourn: Steele/Schmitt. Motion carried at 6:00 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Harold Steele, District 1 (Vice-Chair)
SECONDER:	Ken Schmitt, District 3
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser
ABSENT:	Pingel

CHIPPEWA COUNTY

LAND CONSERVATION & FOREST MANAGEMENT COMMITTEE

REGULAR MEETING

JUNE 16, 2021

CHIPPEWA COUNTY COURTHOUSE, RM 302

4:30 PM

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Dean Gullickson	Chippewa County	District 7 (Chair)	Present	
Harold Steele	Chippewa County	District 1 (Vice-Chair)	Present	
Glen Sikorski	Chippewa County	District 2	Present	
Ken Schmitt	Chippewa County	District 3	Present	4:36 PM
Don Hauser	Chippewa County	District 6	Present	
James Pingel	Chippewa County	Citizen Rep	Present	

Agency staff present throughout the meeting were R. Scholz (Co. Admin.), T. Pauls (Corporation Counsel), K. Clow, M. Hansen, K. Klingberg, D. Masterpole, R. Yohnk, and J. Schemenauer - Recorder (LCFM).

Members of the public, as identified, were L. Danielson, B. Panzer, and P. Popple.

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

P. Popple addressed the Committee and provided written comments (on file). She noted that the DNR will be holding an informational hearing to seek public comments on a proposal to amend the WI Pollutant Discharge Elimination System (WPDES) Storm Water Permit for non-metallic mines.

4. CONSENT AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Glen Sikorski, District 2
SECONDER: Don Hauser, District 6
AYES: Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

1. Approve the agenda
2. Approve the Minutes
3. Land Conservation & Forest Management Committee - Regular Meeting - May 19, 2021 4:30 PM
4. Schedule next meeting date - July 21, 2021

5. PUBLIC HEARING TO SOLICIT COMMENTS ON ORDINANCE TO REPEAL AND RECREATE ARTICLE IV, DIVISION 3 OF CHAPTER 62 OF THE CHIPPEWA COUNTY CODE OF

Minutes Acceptance: Minutes of Jun 16, 2021 4:30 PM (Consent Agenda)

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ORDINANCES, DIVISION 3. AGRICULTURAL PERFORMANCE STANDARDS, MANURE STORAGE AND LIVESTOCK FACILITY MANAGEMENT

1. Overview of Agricultural Performance Standards, Manure Storage & Livestock Facility Management Ordinance

D. Masterpole presented an oral report. The report was supported by the following materials:

1. Power Point report titled: Overview of Agricultural Performance Standards, Manure Storage & Livestock Facility Management Ordinance, (LCFM 6/16/21 - Distributed 6/10/21 - copy on file & attached).
2. Public hearing draft titled: Ordinance to Repeal and Recreate Article IV, Division 3 of Chapter 62 of the Chippewa County Code of Ordinances, Agricultural Performance Standards, Manure Storage and Livestock Facility Management, (5/20/21 - Distributed 6/10/21 - copy on file & attached).

Staff addressed questions.

2. Open Public Hearing.

Motion to open the meeting to public hearing: Hauser/Sikorski. Motion carried. The public hearing opened at 4:53 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Hauser, District 6
SECONDER:	Glen Sikorski, District 2
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

3. Public Comment.

The following individuals provided verbal testimony for the hearing record: B. Panzer and L. Danielson.

B. Panzer provided written comments on the proposed ordinance, as submitted from himself and from the Chippewa County Chapter of the WI Farm Bureau (copies on file).

4. Close Public Hearing.

Motion to close the public hearing: Schmitt/Steele. Motion carried. The public hearing was closed at 5:03 p.m.

A transcript of the verbal and written comments will be prepared, posted, and provided to the Committee.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ken Schmitt, District 3
SECONDER:	Harold Steele, District 1 (Vice-Chair)
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

6. REPORTS

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1. Overview of Canoe Portage Trail CIP Project; Status Update - M. Hansen

M. Hansen presented an oral report. The report was supported by a report titled: Report on the Status of Development of the Chippewa County Forest Canoe Portage Trail Project - 6/16/21, (LCFM 6/16/21 - Distributed 6/10/21 - copy on file & attached).

Concern was expressed that the aerial extent and length of the canoe portage trail, including the number of lake connections, had been scaled back and was not consistent with the original vision of the project, as discussed and planned.

There was general discussion. Discussion focused on:

1. The value of the project.
2. The planning that had been conducted.
3. The physical geography and associated trail constraints.

There was general agreement that the canoe portage trail be placed on a future agenda, with a request to have the project consultant available to review route options and work conducted to date.

2. Overview of Process to Advance Revised & Amended Non-Metallic Mining Reclamation Ordinance Under NR 135.45; Status Update - D. Masterpole

D. Masterpole provided an oral report. He informed the Committee that outside legal counsel has conducted an initial review of the proposed changes, and that a formal submittal is now being prepared for DNR review under NR 135.45.

There was limited discussion. Discussion focused on:

1. The process and schedule for advancing the ordinance revision.
2. The value of holding a public hearing on the proposed ordinance revisions.

7. BUSINESS ITEMS

1. Consider Request to Authorize Orienteering Permit in County Forest - M. Hansen

M. Hansen presented an oral report. The report was supported by the following materials:

1. Agreement titled: Chippewa County Forest Special Event Permit and Agreement, (Distributed 6/10/21 - copy on file).
2. Map titled: Exhibit A - Tentative Race Map 2021 MNOC Adventure - O. (Distributed 6/10/21 - copy on file & attached).

There was limited discussion.

Motion to approve the permit and agreement (as presented): Steele/Sikorski. Motion carried.

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Harold Steele, District 1 (Vice-Chair)
SECONDER:	Glen Sikorski, District 2
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

2. Consider 2022 LCFM Fee Schedule - D. Masterpole, M. Hansen, & R. Yohnk
Motion to postpone the 2022 Storm Water Fees, until further information is available: Sikorski/Steele.
Motion carried.

D. Masterpole, M. Hansen, and R. Yohnk presented and the Committee reviewed the following materials:

1. Table titled: Department of Land Conservation and Forest Management Recycling Division, 2022 Fee Schedule, (LCFM 6/16/21 - Distributed 6/10/21 - copy on file & attached). The schedule lists the proposed 2022 fees for the Recycling Division.
2. Table titled: 2022 Fee Schedule, Animal Waste Ordinance Fees, (LCFM 5/28/21 - Distributed 6/10/21 - copy on file & attached). The schedule lists the current 2021 and the proposed 2022 fees for services administered in support of the Chippewa County animal waste ordinance.
3. Table titled: 2022 Fee Schedule, General Service Fees, (LCFM 5/28/21 - Distributed 6/10/21 - copy on file & attached). The schedule lists the current 2021 and the proposed 2022 fees for services administered in support of general Land & Water Conservation Division programs.
4. Table titled: 2022 Fee Schedule, Non-Metallic Mining Reclamation Ordinance, Plan Review Fees, (LCFM 5/28/21 - Distributed 6/10/21 - copy on file & attached). The schedule lists the current 2021 and the proposed 2022 fees for non-metallic plan review and initial permit administration.
5. Table titled: 2022 Fee Schedule, Non-Metallic Mining Reclamation Ordinance, Annual Permit Fees, (LCFM 5/28/21 - Distributed 6/10/21 - copy on file & attached). The schedule lists the current 2021 and the proposed 2022 fees for annual non-metallic mine reclamation program services and administration.

Motion to add the \$5.00 firewood fee (to the General Service Fees schedule): Steele/Schmitt. Motion carried.

Motion to approve all (presented fees) as discussed: Sikorski/Hauser. Motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Glen Sikorski, District 2
SECONDER:	Don Hauser, District 6
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

8. AGENDA ITEMS FOR FUTURE CONSIDERATION

Minutes Acceptance: Minutes of Jun 16, 2021 4:30 PM (Consent Agenda)

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Future agenda items requested by the Committee are as follows:

1. The joint storm water management plan with the municipalities.
2. A report by Busy B Consulting on the Townline - Knickbocker canoe portage project.

9. ADJOURN

Motion to adjourn: Schmitt/Steele. Motion carried at 6:26 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ken Schmitt, District 3
SECONDER:	Harold Steele, District 1 (Vice-Chair)
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

Minutes Acceptance: Minutes of Jun 16, 2021 4:30 PM (Consent Agenda)



STATEMENT OF EXPLANATION
OVERVIEW OF CANOE PORTAGE TRAIL CIP PROJECT; STATUS UPDATE

5.1

In 2018, the LCFM Committee requested that staff investigate maintenance needs required to facilitate public use of the Townline - Knickerbocker Canoe Trail, developed in 1988.

On 6/16/21, LCFM staff reviewed a report on the status of the Townline - Little Plummer Canoe trail, which resulted from the investigation of the original trail. The Committee expressed concern that the aerial extent and length of the canoe portage trail had been scaled back and was not consistent with the original vision of the project. There was general agreement that the canoe portage trail be placed on a future agenda with a request to have the project consultant available to review route options and work conducted to date.

This agenda item will be used to review the reports previously presented and allow Committee members another opportunity to discuss the conditions of the existing trail and the proposed new trails layout and extent.

Chippewa County Canoe Portage.

This report is to provide a over all condition of the Canoe Portage from Town line Lake to Knickerbocker Lake.

Scope:

Provide a preliminary inspection and complete assessment of current conditions of the Town line to Knickerbocker Canoe Portage trail. The criteria for the canoe trail are as follows.

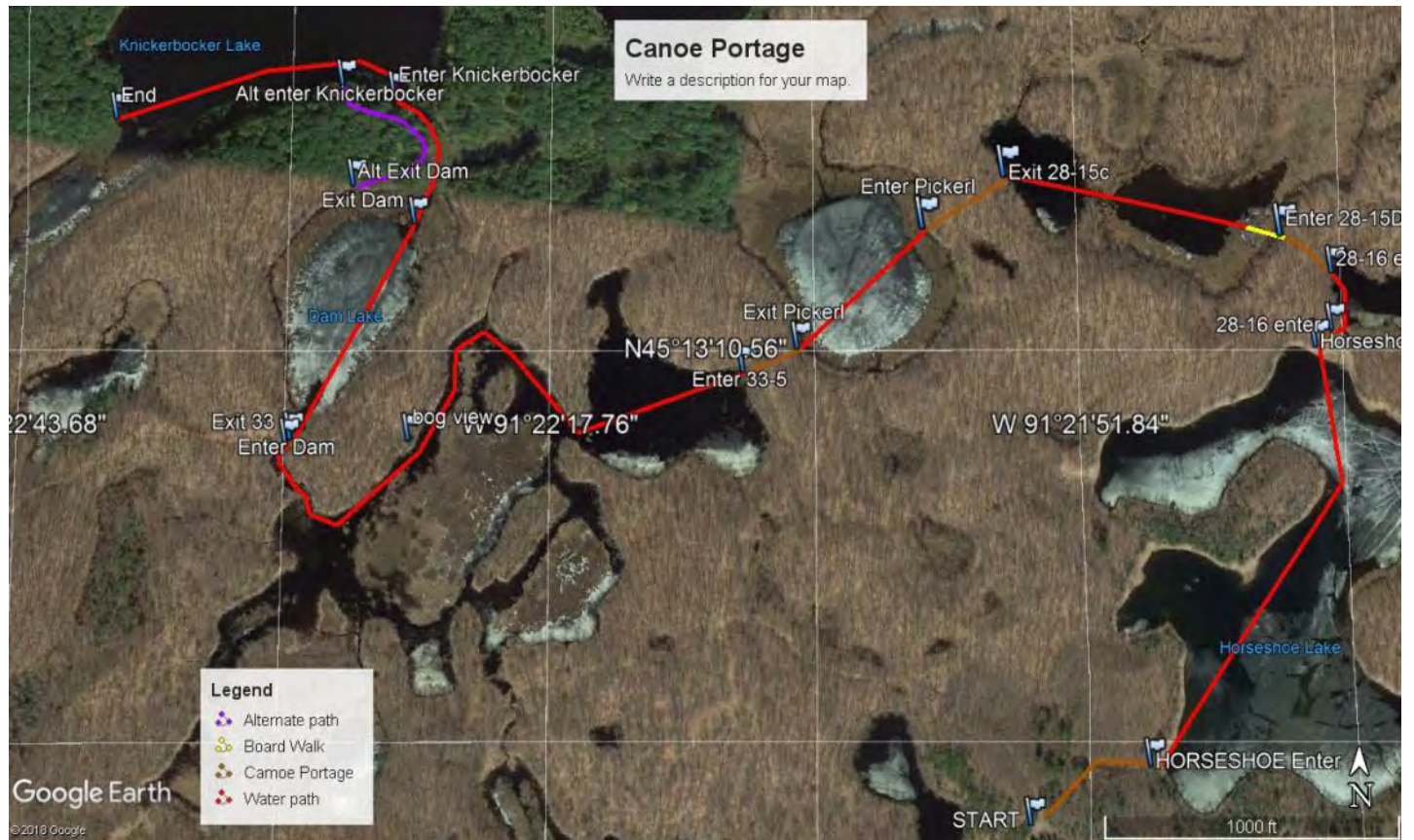
- 1.The trail surface would be approximately 2' wide consisting of bare ground.
- 2.The trail corridor would have a horizontal clearance of approximately 6 feet, centered on the trail surface.
- 3.The vertical clearance would be no less than 10 feet.
- 4.Lake access points must utilize appropriate best management practices to minimize disturbance to the lakeshore.
- 5.Users must be informed about the risks of transporting plants and other organisms between lakes.
6. Trail to be marked with blaze pink ribbon.

This report is laid out as follows:

1. Each section of the portage will have an entrance and exit point. Including GPS wave points and photographs.
2. Each section will go into detail the over all condition of the trail and what it will require to get back to the minimum requirements set forth by the LCFM team .
3. Final summary.

Below is an image of the Canoe Portage map with markings of the portage entrance and exit points.

The route will go from Town line Lake to Knickerbocker lake.



Start of portage. Town line to Horseshoe. ~ 475 feet in length.

- 1: Over all condition of the trail fair.
- 2: Mostly bare ground with some undergrowth on either side of the trail.
- 3: Some fallen trees covering the trail
- 4: Missing Canoe portage signs on both ends of the trail
- 5: Broken walking bridges needing replacement. There are two bridges, each being 32" in with and about 2 feet above the ground at its crest. First bridge is 41' in length and the second is 32' in length.

Suggestions to refresh trail include:

1. Removal of under growth, pulling or digging out under growth.
2. Freshen the dirt path by way of a rototiller.
3. Construct new bridges.
4. New portage signs
5. Improve launching area. IE Gravel or a board walk. Muck entering Horseshoe lake.







Entrance to Horseshoe

Exit Horseshoe, entrance to Lake 28-16. ~ 80 feet in length.

- 1: At the time of the evaluation, this portage is under water and crosses a ice age trail wooden bridge.
- 2: No signs showing this is the portage trail.
3. In low water conditions portage would be on shore near the ice age trail. Land portage shown on map.

Exit Lake 28-16 entrance to Lake 28-15d ~210 feet in length

- 1: Portage sign is making trail.
- 2: Mostly bare ground with some undergrowth on either side of the trail.
- 3: At the crest of the trail, it crosses the ice age trail.
4. Board walk out onto bog at lake 28-15d is not in good condition and too short to reach the lake.
Original board walk is 32" wide and 70 feet in length. The new board walk will need to be 32" wide and 140 feet in length.

Suggestions to refresh trail include:

1. Removal of under growth, pulling or digging out under growth.
2. Freshen the dirt path by way of a rototiller.
3. New portage signs
4. Improve exit area at 28-16 lake. IE Gravel or a board walk.
5. Construct new board walk to navigable water to entrance to lake 28-16



Entrance to 28-15d



Close up of water conditions in Lake 28-15d



Exit Lake 28-15d to entrance Lake 28-15c is water.

Exit Lake 28-15c to entrance Pickerel Lake. ~ 345 feet in length.

1. No portage sign
2. No discernible trail between the two point's.
3. Lots of heavy under brush.
4. Logs crossing possible portage location.
5. There is a portage sign entering Pickerel Lake.
6. About a 30' water path to a bog with no way around the bog, only able to go over it. Bog is about 50 feet across

Suggestions to refresh trail include:

1. Removal of under growth, pulling or digging out under growth.
2. Freshen the dirt path by way of a rototiller.
3. New portage signs





Exit 28-15c



Entrance Pickerel Lake



View of bog entering Pickerel Lake



Close up of bog on Pickerel Lake

Exit Pickerel Lake to entrance Lake 33-5. ~ 210 feet in length.

1. No sign marking portage trail.
2. Mostly bare ground with some undergrowth on either side of the trail.
3. Fallen trees over trail.
4. Need to relocate fire ring as it is in the portage path.

Suggestions to refresh trail include:

1. Removal of under growth, pulling or digging out under growth.
2. Freshen the dirt path by way of a rototiller.
3. New portage signs





Entrance to 33-5 Lake



Exit Lake 33-5 to entrance Dam Lake. ~ 40 feet in length.

1. No sign marking portage trail.
2. No discernible trail.
3. Trail crosses ice age bridge constructed of dirt with plastic culverts.
4. Large beaver dam just south of the portage 3 feet in height.

Suggestions to refresh trail include:

1. Removal of under growth, pulling or digging out under growth.
2. Freshen the dirt path by way of a rototiller.





Exit Dam Lake to entrance Knickerbocker Lake.

1. Primary trail is via water. However the water trail is blocked with bog.
2. Alternate trail is via land following the ice age trail.
3. No sign marking portage trail.
4. Bog 40 feet in width blocking access to land. No way around bog and no path through it.

Suggestions to refresh trail include:

1. Create a board walk across the bog to shore then follow ice age trail.

View of water trail to Knickerbocker





View of bog from shore looking at Dam lake near ice age trail



Another angle of bog on exit of dam lake



Back side of bog going into dam lake



Entrance to Knickerbocker from ice age trail

The next few photographs are labeled bog view on the map. They are on lake 33.



This is part of the navigable water way



Exit Knickerbocker Lake.

Boat launch is very shallow. Trees down to the boat launch over vehicle path need to be trimmed up. Road is washed out in places and needs to be improved. No signs indicating the end or beginning of canoe portage. Limited parking is available.

Summary.

Over all condition of the canoe portage is fair. Only one section, Exit Lake 28-15c to entrance to Pickerel Lake is poor. Busy B Contracting LLC recommends the following to improve the portage.

1. Remove the under growth by either pulling or digging out the growth to a total width of 6 feet centered on the portage.
2. Freshen the dirt path by means of a rototiller to a width of 2 feet.
3. Remove any fallen trees crossing the portage or leaning over the portage.
4. Cut down any trees that are dead and may fall on the portage.
5. Install new posts and signs marking the portage, including signs when the portage crosses the ice age trail.
6. Build new bridges over creek beds.
7. Build new board walks crossing bogs in lakes.
8. Place signs on both the beginning and ending portage tail heads warning users of transferring invasive species.
9. Improve launching /exit areas IE Gravel or a board walk.

Additional comments:

Water navigation needs to also be considered. Over the years, bogs have grown in size and or shifted to prevent navigable water ways.

GPS Coordinates

Start 45°12'54.89"N 91°21'54.43"W
HORSESHOE Enter 45°12'56.79"N 91°21'48.66"W
Horseshoe exit 45°13'10.65"N 91°21'39.96"W
28-16 enter 45°13'11.21"N 91°21'39.15"W
28-16 exit 45°13'13.14"N 91°21'39.11"W
Enter 28-15D 45°13'14.41"N 91°21'41.54"W
Exit 28-15c 45°13'16.43"N 91°21'55.14"W
Enter Pickerel 45°13'14.67"N 91°21'59.18"W
Exit Pickerel 45°13'10.57"N 91°22'5.44"W
Enter 33-5 45°13'9.78"N 91°22'8.10"W
Exit 33 45°13'7.30"N 91°22'30.43"W
Enter Dam 45°13'7.51"N 91°22'30.23"W
Exit Dam 45°13'14.85"N 91°22'24.34"W
Enter Knickerbocker 45°13'19.22"N 91°22'25.47"W
End 45°13'18.50"N 91°22'39.28"W
Alt Exit Dam 45°13'16.16"N 91°22'27.40"W
Alt enter Knickerbocker 45°13'19.61"N 91°22'28.02"W
Bog View 45°13'7.47"N 91°22'24.45"W

Busy B, was requested to provide an estimate of work required to restore approximately 500 feet of portage from Town line Lake to Horseshoe Lake. We were not to include any physical structures. IE. Bridges or canoe rests.

To clear the under brush, either an ax or a spade shovel would be used to remove as much of the plant as possible. This would help minimize the re-growth of these plants.

To refresh the dirt path, we would recommend a rototiller set on a shallow setting to expose the current ground.

A chain saw and possible ATV will be needed to remove any fallen or falling trees from the portage.

A time estimate to perform this task for 500 feet of portage from Town line to Horseshoe Lake would be about 30 hours of labor.

Chippewa County Canoe portage Alternate routes

This report is to evaluate two different routes for the canoe portage through several different lakes in the Chippewa County Forest.

Route A:

Knickerbocker lake east to beaver lake south to horseshoe.

Route B:

From Horseshoe lake to Dumke lake to Little Plummer lake to Plummer lake.

Scope:

This report is to show which routes would be not only feasible but also sustainable by the LCFM team.

Notes:

The routes were not marked in any fashion other than beginning and ending wave points on the map.

Water levels were well above normal levels. Knickerbocker boat launch is under about 18" of water.

2

Over view of Route A



Attachment: Canoe Alt routes (6459 : Overview of Canoe Portage Trail CIP Project; Status Update)

2

3

Exit Knickerbacker Lake.



3

4

Enter Little Beaver Lake



4

5

Looking east into Beaver Lake



5

Looking South from Little Beaver Lake to Pickerel lake



Summary:

Busy B Contracting does not feel this is a viable route for sustainability reasons and the logistics of getting equipment to the land portages to create a new trail.

Notes:

Distances. All distances are a strait line from point A to point B.

97-99 ~.1 mi 102-103 ~.2 mi

99-100 ~100'

98-101 ~160'

Over View of Route B



Entering Little Plummer Lake from Plummer Lake



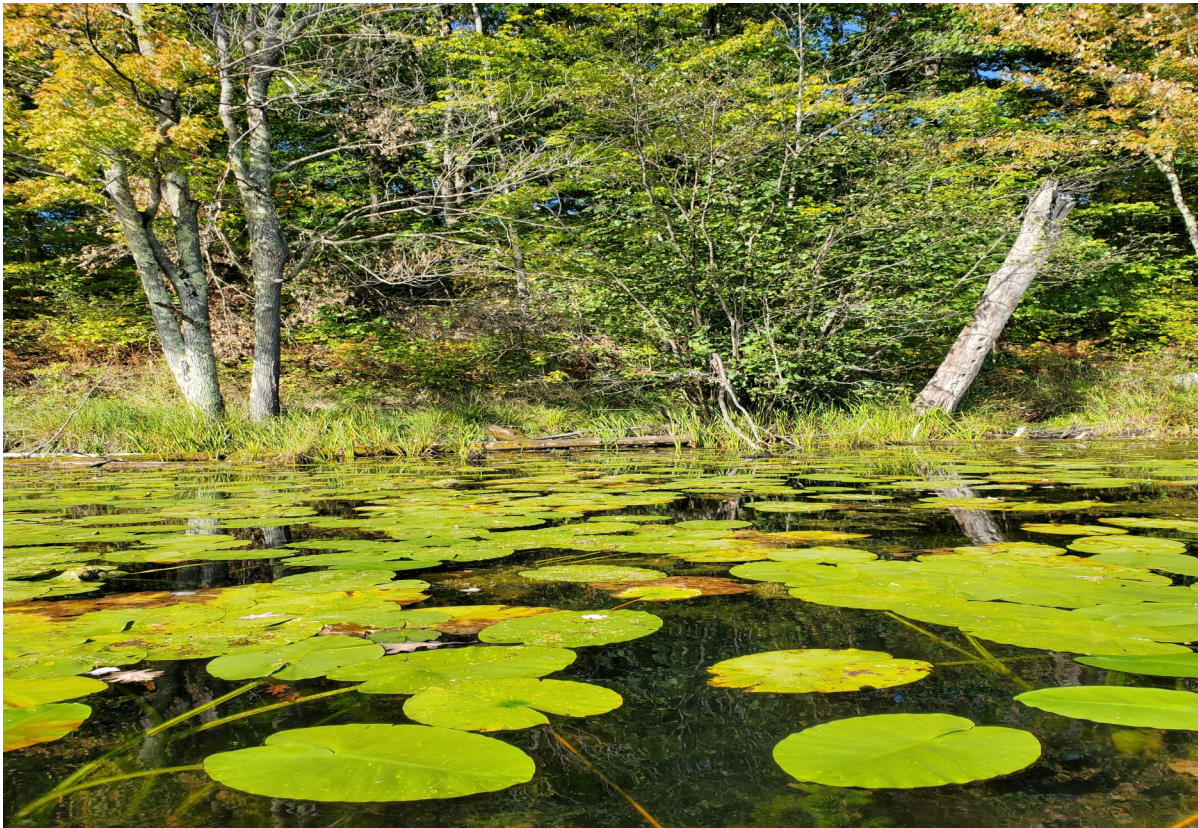
Bog between Plummer Lake and Little Plummer in little Plummer Lake



Northern View of Little Plummer Lake



Exit Little Plummer Lake



Summary:

Busy B Contracting does feel this is a viable route for sustainability reasons and the logistics of getting equipment to the land portages to create a new trail.

Notes:

Distances. All distances are a strait line from point A to point B.
105-106 ~410'

Additional considerations:

Move starting point from between Town Line and Horseshoe to furthest western point on Town line near the road.

Optional exits for Horseshoe include:

- Using the boat launch at horseshoe then to Dumke Lake
- Horseshoe Lake to Lake 28 to Dumke Lake
- Closest point on Horseshoe to Little Plummer Lake. This option may not be very good in drought conditions.

Report on the Status of Development of the Chippewa County Forest Canoe Portage Trail Project - 6/16/21

In 2018 the County hired Busy B Consulting to evaluate the Townline-Knickerbocker Canoe Trail which was developed in 1988 utilizing WCC labor. The initial report which was presented to the Committee detailed the current condition of the trail and the navigability of the 9 lake water routes. Due to an increase in the size and change in location of several bogs many of the lakes included in the original route were no longer navigable.

Busy B was then contracted to develop alternative routes to replace the original trail. The alternatives report was presented at the 10/16/19 LCFM Committee meeting. Two routes were outlined though only the Knickerbocker-Little Plummer route was considered sustainable and feasible for the Forest & Trails Division to maintain.

In 2020 Busy B created guidelines for launch site improvement, canoe/kayak rest construction and signage needs for the new trail. Property lines were identified and notification sent to the adjacent landowner, the State's Ice Age Center. The route into Little Plummer Lake was brushed out by F&T staff with the assistance clearing the brush from the trail by a local Boy Scout and his family.

In 2021 F&T staff will purchase and deliver to the site materials required to reconstruct the 30" and 40' boardwalks that cross a swamp allowing access to Horseshoe Lake. Staff are working to coordinate with a local Boy Scout Troup to construct the new boardwalks and remove the remnants of the old ones. If the Boy Scout assistance can't be coordinated staff time will be utilized to construct and remove boardwalks. Signs will be designed and installed according to the guidance provided in Busy B's plan.

Our goal is to have this project complete before the end of August.





STATEMENT OF EXPLANATION
OVERVIEW AND STATUS OF LCFM 2021 ANNUAL WORK PLAN;
CHIPPEWA FALLS URBAN AREA STORM WATER MANAGEMENT
PROGRAM

Chippewa County, the Village of Lake Hallie, the Town of Anson, the Town of Eagle Point and the Town of Lafayette are now required to implement a storm water management program to comply with Wisconsin Administrative Rule NR 216, and the Wisconsin Pollution Discharge Elimination System under WPDES Permit #WI- S050075.

To meet this requirement, Chippewa County and the affected municipalities have previously conducted a formal planning process and have completed a joint storm water management plan for designated areas within the Chippewa Falls Urban Area.

The resulting *Chippewa Falls Urban Area Storm Water Plan (10/10/07)*, defines a joint storm water management program which meets permit requirements.

In 2007, the Chippewa County Board of Supervisors adopted Resolution #35-07 to approve the Chippewa Falls Urban Area Storm Water Management Plan; and to authorize the County Board Chair and County Administrator to sign an intergovernmental agreement on behalf of the County.

The intergovernmental agreement was executed and a joint storm water program has been successfully implemented.

The WPDES Permit structure has now changed and the intergovernmental agreement has expired.

On 2/10/21, the LCFM Committee reviewed the existing joint storm water program under the new WPDES permit structure and a proposed revision of the intergovernmental agreement entered in 2007.

On 3/3/21, the LCFM Committee reviewed a draft intergovernmental agreement to implement a joint storm water program for the Chippewa Falls Urban Area. At that meeting, a motion to continue with the joint storm water plan (with municipalities) was introduced. The motion failed.

In response to that action, the Department of Land Conservation & Forest Management developed a work plan and schedule of program activities, as planned to meet the County's obligations under WPDES permit #WI S050075, working independently from, while in communication with the other affected municipalities.

On 5/19/21, the Chippewa Falls Urban Area work plan and schedule of program activities was presented to the LCFM Committee. The Committee discussed the public costs of administering the Chippewa Falls Urban Area Storm Water Management Program, as incurred by the municipalities and County departments, as well as best approaches toward program budgeting and methods for tracking time and program costs.

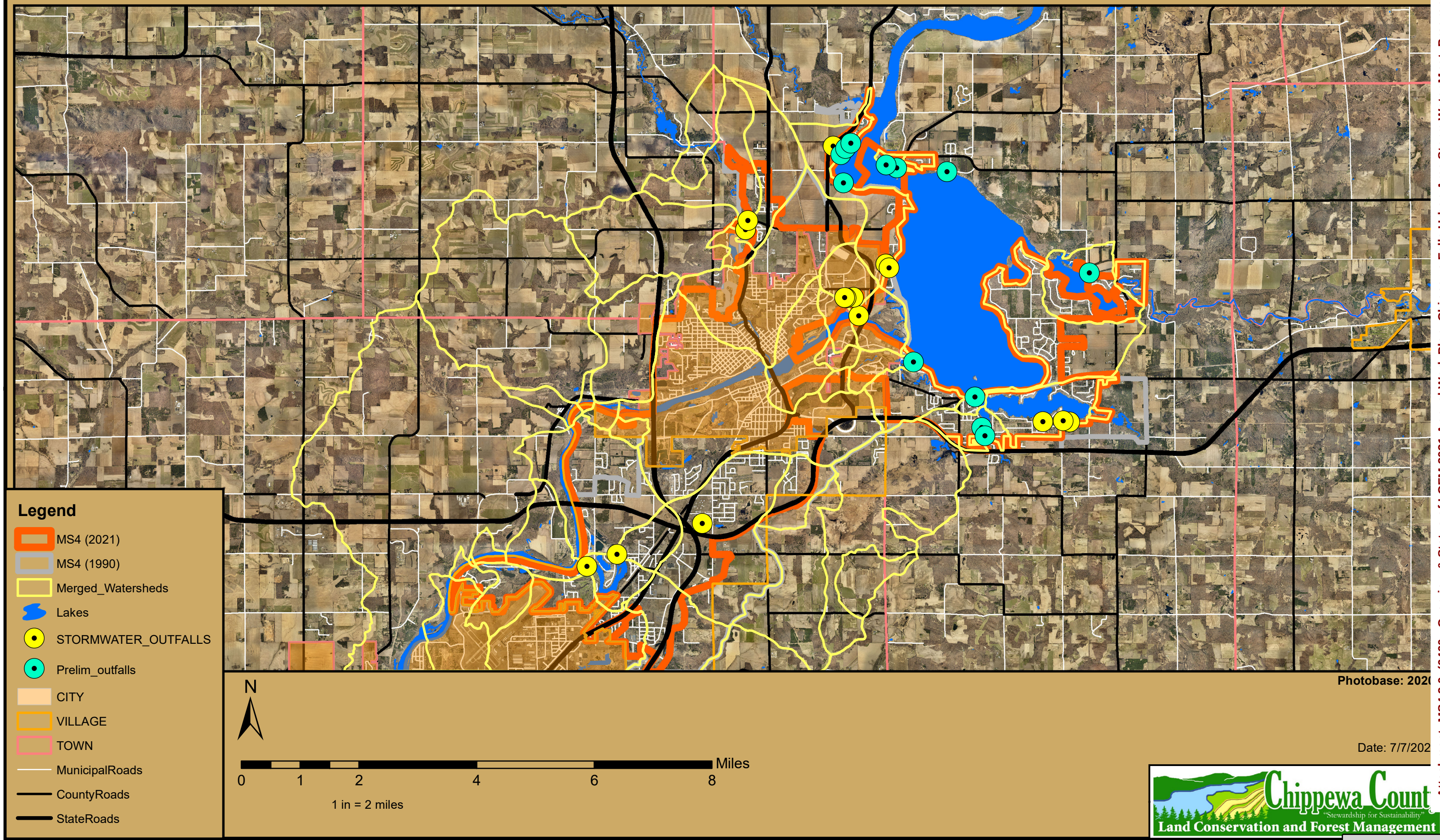
On 7/13/21, the Dept. of Land Conservation & Forest Management provided a Power Point report to the Chippewa County Board that summarizes the current program status.

On 7/13/21, the County Board took action to direct the County Administrator and LCFM Director to negotiate a new agreement to implement a joint stormwater agreement for the Chippewa Falls Urban Area and to bring it to the August County Board meeting.

This agenda item will be used by the Dept. to report on the status of activities scheduled under the 2021 storm water work plan and to introduce the schedule that will be used to meet the County Board Directive.

I. PUBLIC EDUCATION AND OUTREACH	January				February				March				April				May				June				July				August				September				October				November				December			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4				
Schedule and implement planned outreach and information activities, as outlined in the <u>Chippewa Falls Urban Area Storm Water Management Plan, (2007)</u> . Targeted audiences and activities planned in 2021 are highlighted in Table X, 2021, (Attached).																																																
Assign/Schedule resources to participate in regional "Rain to Rivers".																																																
II. PUBLIC PARTICIPATION	January				February				March				April				May				June				July				August				September				October				November				December			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4				
Conduct public meetings & hearings, as necessary, to: -Review & evaluate <u>Chippewa Falls Urban Area Storm Water Plan, (2007)</u> . -Consider plan/policy changes and roles/responsibilities -Review, amend, and renew (?) 66.03 intermunicipal agreement. -Change ordinances.																																																
III. ILLICIT DISCHARGE DETECTION AND ELIMINATION	January				February				March				April				May				June				July				August				September				October				November				December			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4				
Inform municipalities of MS4 boundary changes, made by DNR, that reflect most recent changes (Date). Re-inventory ditch line conveyances and associated storm water outfalls subject to WPDES requirements that are located within newly established MS4 boundary. Amend and create new sets Pacer/Illicit Discharge Inspection Maps. Distribute to County and municipal road patrol/maintenance teams. Schedule & conduct illicit dischrage training. Schedule & conduct bi-annual illicit discharge inspections.																																																
IV. CONSTRUCTION SITE/STORMWATER ORDINANCE	January				February				March				April				May				June				July				August				September				October				November				December			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4				
Assign/Schedule resources to amend the <u>Stormwater Management – Construction Site Erosion Control and Post-Construction Ordinance</u> to add provisions to regulate and enforce illicit discharge.																																																
V. POLLUTION PREVENTION/WATER QUALITY MODEL	January				February				March				April				May				June				July				August				September				October				November				December			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4				
Determine methods to segregate pollutant loading analysis by municipal jurisdiction Conduct GIS analysis to reflect changes in MS4 boundary, storm water system watersheds, and storm water outfalls. Assign pollution loads and 20% TSS reduction limits																																																
VI. STORM SEWER SYSTEM MAP	January				February				March				April				May				June				July				August				September				October				November				December			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1																															

Updated MS4, Municipal Boundaries, Sub-Watershed Boundaries, Stormwater Outfalls and Roads





**STATEMENT OF EXPLANATION
OVERVIEW OF APPLICATION FOR CHIPPEWA CO. STEWARDSHIP
PROGRAM MATCHING GRANT TO ACQUIRE LAND FOR CONSERVATION
AND PUBLIC USE IN T31N, R9W, SEC. 12 & 13, SUBMITTED BY
PHEASANTS FOREVER**

The LCFM administers the Chippewa County Stewardship Fund following policy and procedures adopted by the County Board. The fund is used to by the County to: 1). Receive public contributions (\$) and donations of land for conservation purposes 2). Purchase land or conservation easements for conservation purposes, and 3). Distribute 1:1 match grants to eligible municipalities and non profit organizations to support the purchase of conservation and recreational lands for public outdoor recreational use.

Pheasants Forever has applied for a match grant in the amount of \$50,000.00 to purchase parcels located in the Town of Bloomer in T31N, R9W, Sections 12 & 13.

Under the project proposal, the parcels will increase the size of the adjacent McCann Creek Fishery Area and improve public access and recreation opportunities.

The County Stewardship Fund application and an accompanying staff report will be presented for the Committee's information.


Marty Moses
Wisconsin State Coordinator
Pheasants Forever, Inc.

S8524 Giese Drive, Plain, WI 53577

p. (608) 712-8625

mmoses@pheasantsforever.org

Dear Chippewa County Stewardship Program and Land Conservation Committee,

Thank you for accepting our application for the 2021 Chippewa County Stewardship Fund Program. Included here is a copy of the Application form and supporting documents as they related to our 2021 Knowles-Nelson Stewardship Program application.

I do want to point out that we have initiated conversations with Wisconsin DNR in regard to the transfer of this property to the Fisheries Program as an addition to the McCann Creek Fishery Area. I have spoken with Jess Carstens, Area Wildlife Supervisor and have left a message with Joseph Gerbyshak (we have not directly spoken yet).

You will also note that the budget indicated on the Chippewa County Application varies slightly from the budget that was submitted to KNSP. At the time of submission to KNSP, we only had an estimate of property value and purchase price. However, we have since received the appraisal and have fully executed the purchase agreement with the seller for the amount indicated on the County Application.

Finally, we have received pre-approval notification from KNSP regarding this property's application.

If there is additional information you would like to have for this application, please feel free to reach out to me. My phone number is 608-712-8625 and my email is mmoses@pheasantsforever.org

A hard copy of this application and supporting documents has been sent via USPS.

Thank you for considering our proposal.

Sincerely,

Marty Moses

**CHIPPEWA COUNTY STEWARDSHIP PROGRAM
APPLICATION FOR NONPROFIT CONSERVATION ORGANIZATIONS**

Chippewa County Dept. of Land Conservation & Forest Management

Notes:

1. Use of this form is required for eligible organizations and units of government that apply for a grant for property or easement acquisition under the Chippewa County Stewardship Fund. To encourage the use of County funds as local match to State grant programs, this County form has been developed to be consistent with forms used by the Wisconsin Department of Natural Resources for the Knowles-Nelson Stewardship Program.
2. Please send your completed application form with support materials listed on the Application Checklist to the Chippewa County Dept. of Land Conservation & Forest Management, 711 N. Bridge Street, Chippewa Falls, WI 54729.

Project Name McCann Creek Fishery Area Addition	Project location (Must be in Chippewa Co.) 12261 227th Avenue, Bloomer, WI
Project type ☒ Land acquisition ☐ Easement acquisition ☐ Other	Number of acres 182.5
Name and address of organization Pheasants Forever Inc 1783 Buerkle Circle St Paul, MN 55110	Name and title of contact person Matt Holland Director of Grant Development Telephone number (including area code) (320) 894-5391

Does this project implement a recommendation contained in an approved Comprehensive Outdoor Recreation Plan, a land use plan, the National Heritage Inventory, or another type of comprehensive plan? If yes, indicate name of plan.

Chippewa County Land and Water Resource Management Plan; WI DNR's acquisition boundary for McCann Creek Fishery Management Area which is delineated on the Land Management Plan Map

Status of negotiations with landowners (check one):

☐ Discussions are underway with the landowners.
☐ An option has been assigned.
☒ An offer to purchase has been signed.
☐ An easement has been signed.
☐ The property has been purchased.

Expiration date: _____
 Expected closing date: 12/15/2022
 Date: _____
 Date transfer recorded: _____

Is your organization a 501(c)(3) tax exempt organization? ☒ Yes ☐ No Date _____

Pheasants Forever, Inc.

I certify that the information in this application and supporting materials is true and correct and in conformity with applicable Wisconsin Statutes.

Name Matt Holland	Title Director of Grant Development
Signature	Date 7/8/2021

BUDGET WORKSHEET

1. Estimate of acquisition costs as defined in NR 51.002(1):

Appraised value of the property
(Indicate if this is only an estimate) \$ 402,000

Miscellaneous associated costs

Appraisal(s) \$ 3,000

Title insurance \$ 1,000(legal fees)

Survey \$ 4,000

Environmental inspection/audit \$ _____

Recording fees \$ 100

Relocation \$ 500(signage)

Estimate of total acquisition costs \$ 410,600

2. What is your actual purchase price for the property? \$ 402,000

3. Funding sources (list sources of sponsor match):

Sponsoring NCO \$ 155,300

Other organizations or third parties \$ _____

Local, State, or Federal government (itemize if multiple sources) \$ 205,300

Property contribution from the landowner \$ _____

Other contribution of property \$ _____

TOTAL \$ 360,600

4. Amount of cash award requested \$ 50,000

5. Estimate of annual maintenance expenses \$ _____

6. Estimate of development or habitat restoration costs, if applicable \$ _____

Staff Review of an Application Submitted by Pheasants Forever, Inc. for a Chippewa County Stewardship Fund - Match Grant in the Amount of \$50,000 Towards the Purchase of ~182.5 acres in Sections 12 & 13, T31N R09W, Town of Bloomer.

Background

The Chippewa County Stewardship Fund was created to assist landowners, municipalities, local units of government, and non-profit organizations to meet land conservation and resource management objectives by purchasing land in fee title or conservation easements (Resolution No. 76-98).

Program policy is detailed in Chippewa County Stewardship Fund Policy and Procedures for Program Administration (12/7/99). The policy requires that the Land Conservation and Forest Management Committee (LCFM) establish objectives and priorities for soliciting and evaluating applications for Local Matching Grants, on an annual basis.

The LCFM Committee established the 2021 annual criteria for evaluating and selecting projects submitted to the Chippewa County Stewardship Fund Local Match Grant Program on March 3, 2021. Public notices of matching grant availability were published in local newspapers.

The annual criteria are provided as Attachment I.

Issue for Committee Consideration

On July 12, 2021, Pheasants Forever, Inc. submitted a formal application for a Chippewa County Stewardship Fund Local Match Grant in the amount of \$50,000.00 for a project to acquire approximately 182.5 acres located in Sections 12 & 13, T31N R09W, Town of Bloomer, to conserve the natural resource values of the site, and to provide for non-motorized, nature-based public access.

To carry out its program responsibilities, the Land Conservation & Forest Management Committee is now in a position to evaluate the application to determine if the proposal meets the established criteria and aligns with the County's defined goals and objectives.

Project Location and Core Information

The location of the project, in proximity to the McCann Creek Fishery Area, is shown in Map Attachments 2, 3, and 4.

All parcels are located either in or immediately adjacent the State McCann Creek Fishery Area blocking boundary.

<u>Current landowner:</u>	David & Kelly Stanton
<u>Size of Subject Property:</u>	~ 182.5 acres
<u>Current Land Use:</u>	Agricultural
<u>2020 Real Estate Tax:</u>	\$ 2,170.82
<u>Current Project Status:</u>	Appraisal has been completed. Offer to Purchase has been signed. Applicant has submitted application to WI Knowles/Nelson Stewardship Fund.

Summary of Proposal

Pheasants Forever, Inc., a 501c(3) non-profit conservation organization, proposes to work in cooperation with the current landowners, Chippewa County, and the Wisconsin Department of Natural Resources (DNR) to acquire fee simple title to the ~182.5 acre property.

The primary purpose of the acquisition is to maintain the existing habitat types and increase public access and recreational opportunities associated with this property and the adjacent McCann Creek Fishery Area.

As a condition of the County grant, Pheasants Forever, Inc. will convey a permanent conservation easement to Chippewa County. The conservation easement will 'run-with-the-land' to guarantee public access and prohibit land uses that may conflict with the management objectives.

If acquired, Pheasants Forever, Inc. has stated an intent to donate the property to the State of Wisconsin to be managed by the Department of Natural Resources as part of the McCann Creek Fishery Area.

The site has historically been cultivated and used for agriculture use. In recent years, the following conservation programs have been applied to restore and enhance environmental value and habitat function:

- In 2003, 66.4 acres of cropland were restored by a previous landowner to return the hydrologic functions of wetlands working through the USDA Wetland Restoration Program (WRP). Under that program, NRCS holds a permanent conservation easement on that portion of the property.
- In 2017, 80.5 acres of cropland were restored to mesic prairie by another previous landowner to enhance upland wildlife habitat, working through the USDA CRP Program, under a 15 year management contract.

A copy of the full project narrative, as submitted with the application, is provided as Attachment 5.

Proposed Budget To Acquire Property:

Appraised Value	=	\$	402,000.00
Eligible Acquisition Expenses	=	\$	8,600.00
TOTAL PROJECT COST	=	\$	410,600.00
AMOUNT REQUESTED FROM COUNTY	=	\$	50,000.00 (12.2%*)
PF & PARTNERS(S) CASH CONTRIBUTION	=	\$	155,300.00
ANTICIPATED STATE/FED GRANT CONTRIBUTION	=	\$	205,300.00

***Percentage of Total Project Cost**

County Stewardship Fund Balance

The County Stewardship account currently has an \$85,000 balance.

A \$15,000 Capital Improvement Project (CIP) allocation to the County Stewardship Fund has been approved by the County Board, pending adoption through the 2022 budget process.

If awarded, the County Stewardship Grant funding will be delivered at the time of closing.

Conclusion of Staff Review

LCFM staff has reviewed the application and has determined that the application is complete and that the proposal meets the standing program criteria and the 2021 annual criteria.

If successful, the project will advance goals and objectives of the County's Land and Water Resource Management Plan (2019-2023).

These goals, objectives, and actions are stated as follows:

Sec. 8.2 Land Conservation and Sustainability

Goal 2

Develop and administer conservation programs that preserve the land, support sustainable production, provide biodiversity, and protect the natural ecology.

Objective 6

Support the efforts of individual landowners, private nonprofit conservation organizations, and municipalities to preserve unique lands with high public and environment value.

Action 1

Actively administer and maintain the Chippewa County Stewardship Program to support the acquisition of land and/or conservation easements by municipalities or nonprofit organizations for conservation purposes.

Objective 7

Encourage land conservation and biodiversity through use of corridor initiatives.

Action 2

Work in cooperation with the WI Dept. of Natural Resources and interested landowners to determine the feasibility of establishing an environmental corridor linking the McCann Creek Fishery Area to the Ice Age National Scientific Reserve.

Objective 10

Protect and buffer the existing public land base by pursuing conservation easements or fee title purchase options on select parcels located within and immediately adjacent the designated blocking boundaries of public forests, parks, or conservation management areas.

Attachment 1

2021 Annual Criteria (Page 1)

LCFM 2/1/21

ANNUAL CRITERIA FOR EVALUATING AND SELECTING PROJECTS SUBMITTED TO THE CHIPPEWA COUNTY STEWARDSHIP FUND LOCAL MATCH GRANT PROGRAM IN 2021

Introduction

A complete outline of standing administrative policy is established in Chippewa County Stewardship Fund Policy and Procedures for Program Administration, (12/7/99). Section 2.0 gives the Land Conservation Committee (LCC) administrative authority for the Program.

Program policy provides for the use of the County Stewardship Fund to assist landowners, municipalities, local units of government, and non-profit organizations to meet land conservation and resource management objectives in the County.

Program policy requires the LCC to establish objectives and set priorities (annual grant application evaluation criteria) for funding allocations on an annual basis.

Applications shall specify all intended outdoor recreational uses.

Applications shall list all parties directly involved with the project proposal and long-term custodial management of the property.

Year 2021 Annual Grant Application Evaluation Criteria

In the Year 2021 grant cycle, primary consideration will be given to:

- a. Applicants who propose projects that will be matched by other grant sources.
- b. Applicants who have not previously received a grant.
- c. Applicants who propose projects with a purchase price of less than or equal to the appraised value. The County will not contribute to a proposed project in which the purchase price is higher than the appraised value, unless unique and extraordinary circumstances warrant paying more than the appraised value, as determined by the LCC.

All applications submitted through the Chippewa County Stewardship Local Matching Grants allocation process will be evaluated based upon the following criteria:

- a. Projects that provide permanent public access for the nature-based outdoor activities, defined in WI Stats. 23.0916(1)(b), including hunting, fishing, trapping, hiking, cross country skiing, and any other nature-based outdoor activity designated by the DNR.

1. Priority will be given to:

- a. Municipal governments (cities, villages, towns) that request up to \$50,000 for acquisition of land or easements to establish green space, bicycle or pedestrian trail corridors, or nature-based park space, as identified in a current land use or public recreation plan.
- b. County committees, non-profit organizations, or municipal governments (cities, villages, towns) that request up to \$50,000 for the purchase of land (or options to purchase), located within or adjacent the County Forest Blocking Boundary, or for acquisition of parcels which will be managed as part of the County park system.
 - i. Acquisition of land or conservation easements to protect shoreland corridors or areas of unique geological, environmental, or biological significance; or
 - ii. Acquisition of land or conservation easements to establish green space or recreational trail corridors in urbanizing areas subject to development; or

Attachment 1

2021 Annual Criteria (Page 2)

YEAR 2021 CHIPPEWA COUNTY STEWARDSHIP GRANT PROGRAM - ESTABLISHMENT OF ANNUAL CRITERIA FOR EVALUATING AND SELECTING PROJECTS – continued from previous page

- iii. Acquisition of conservation easements to protect areas of farmland which have been identified in an approved Town land use plan and are zoned for “Production Agriculture” which establishes a residential density of no more than 1 residential unit per 35 acres; or lands covered by an active Farmland Preservation Agreement.

2. Additional matching grant guidelines include:

- a. Preference will be given to projects that propose the use of combined funding (applicant match + County match) as a local match toward other State or Federal grant programs.
- b. State and Federal grants may not be used as the applicant’s local match for County funds.
- c. Hard contribution from the applicant must be at least 10% of the amount of County funds requested.
- d. No project shall receive no more than \$50,000 from the County Stewardship Fund without County Board Approval

Further Clarification of Local Match Requirements and Eligible Expenses

To be eligible for project funds, the applicant must match the amount requested from the County Stewardship Fund. The Applicant’s match must consist of 10% hard contribution.

Local expenses, which may be applied as 10% hard contribution, are as follows:

- 1. Property appraisals.
- 2. Title Insurance.
- 3. Survey costs.
- 4. Recording fees.
- 5. Legal fees.
- 6. Donations toward an endowment for custodial management.

Explanatory Note:

Gifts of land value, offered by the landowner to the applicant, may be used for local match but may not be applied to 10% hard contribution.

The value of the gift is calculated as follows:

Gift Value = Appraised value of land or conservation easement minus the Purchase Price

For example: The Smith conservation easement was appraised at \$100,000 but they will sell the conservation easement to a Non-profit Organization for \$75,000. The Smith’s will be giving the Non-profit Organization a gift valued at \$25,000. The Non-profit Organization may apply the \$25,000 gift towards their local match, but it won’t be counted as part of their 10% hard contribution.

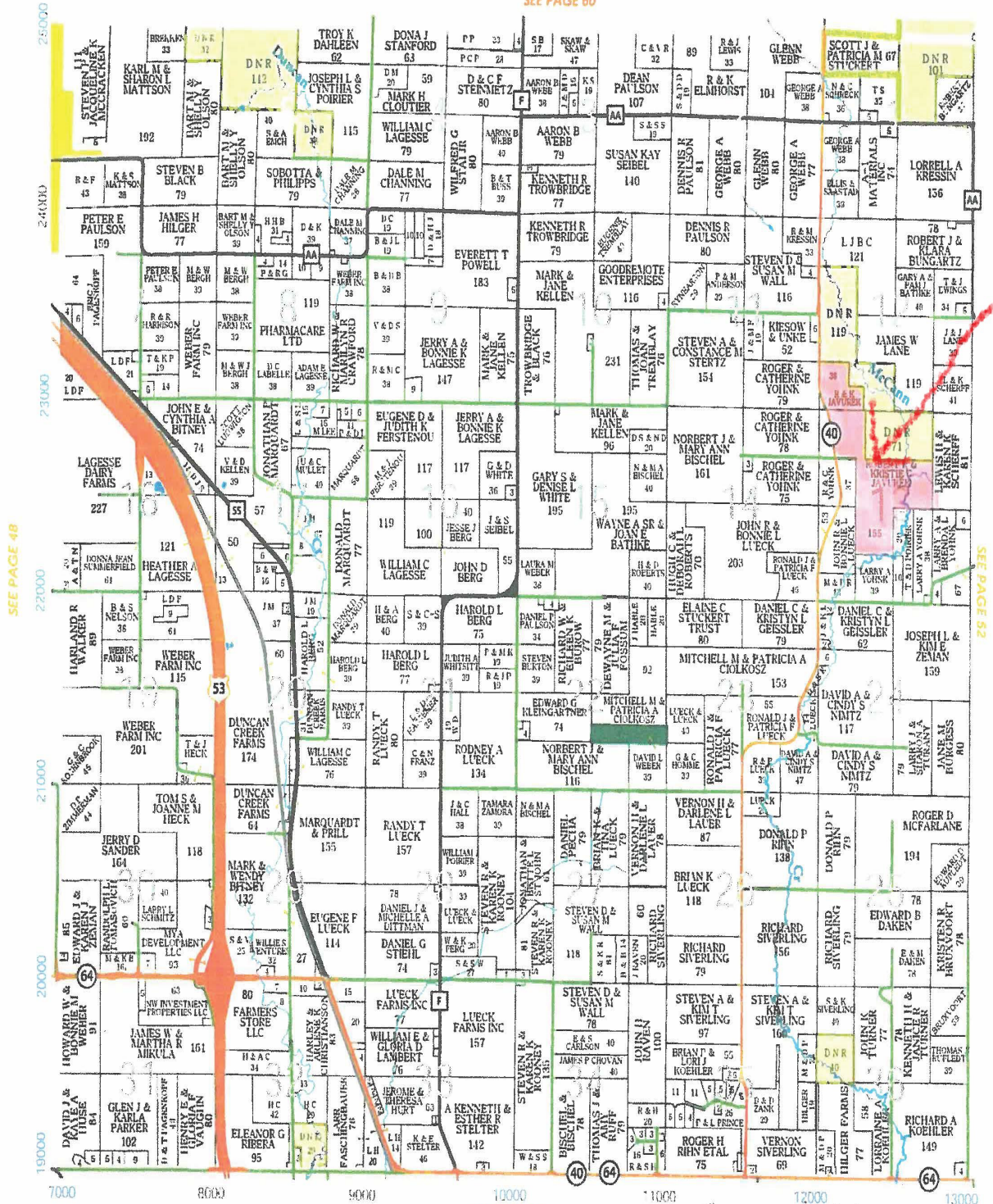
Attachment 2
Site Shown of Plat Book Page

BLOOMER (W)

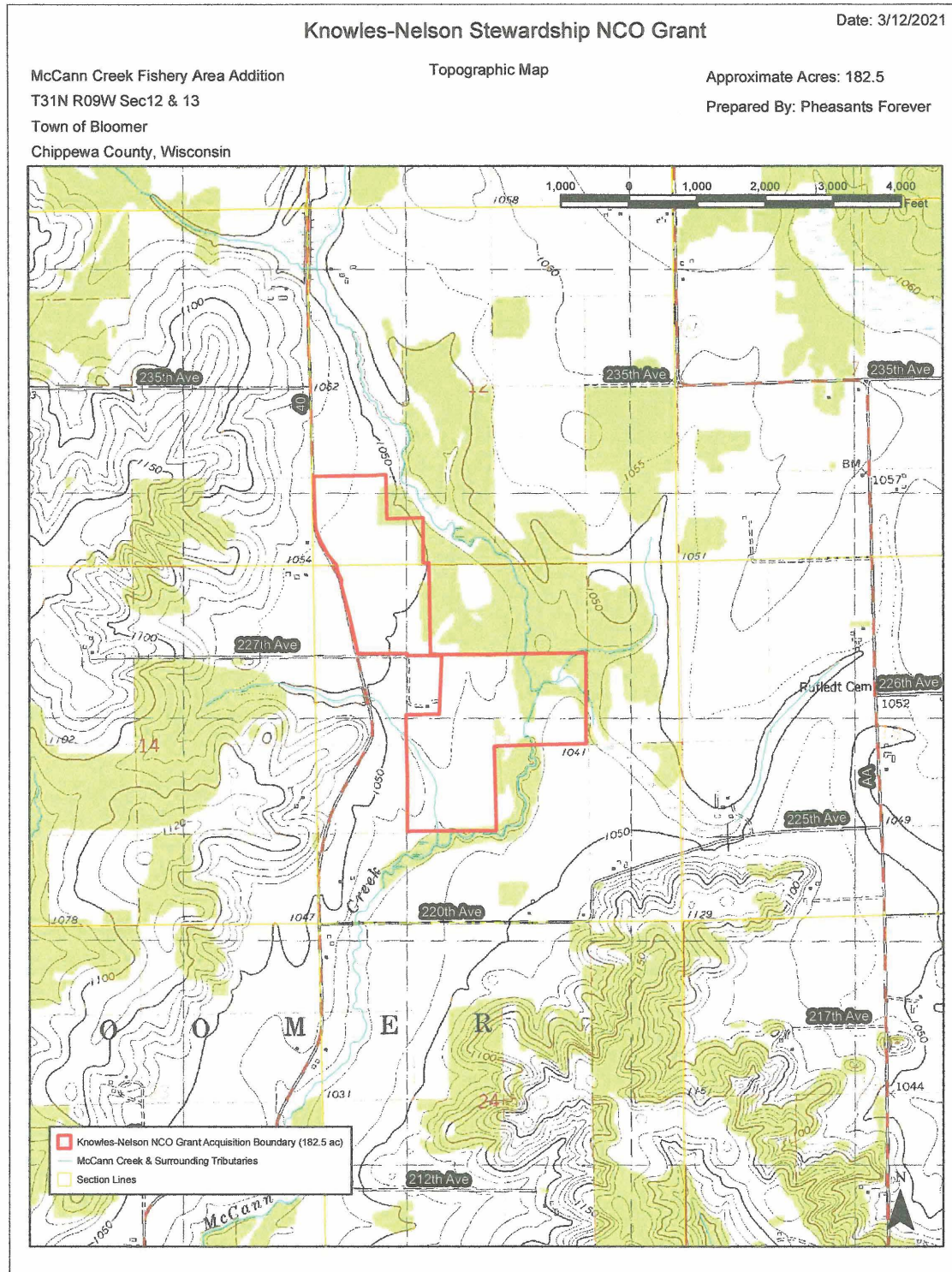
T31N R09W



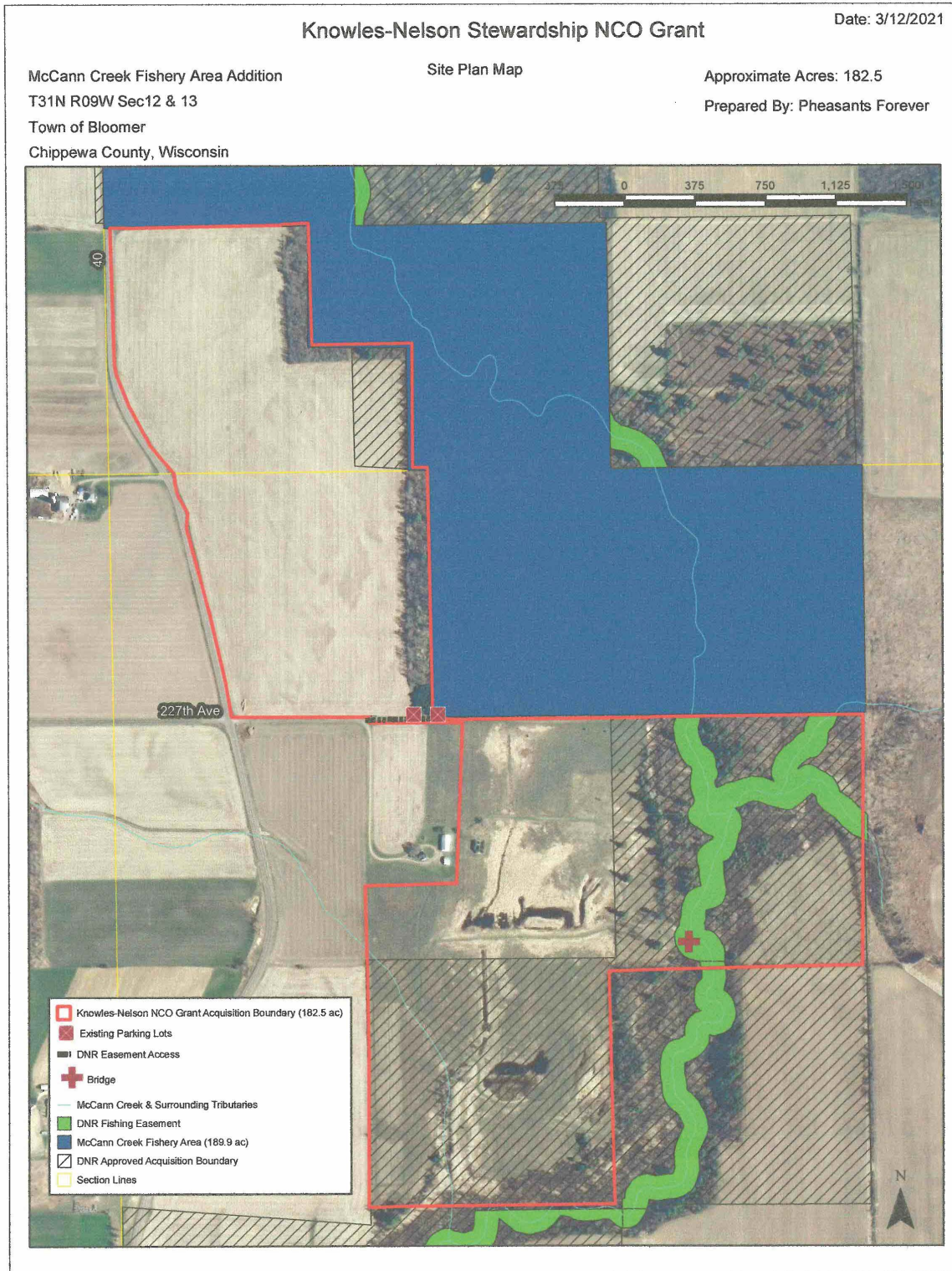
SEE PAGE 60



Attachment 3
Topographic Map of McCann Creek Fishery Area Addition
(North is up – Site is outlined in red)



Attachment 4
Aerial Overview of Project Site
(North is up – Site is outlined in red)



Attachment 5

Land Management Plan – McCann Creek Fishery Area Addition (Page 1)

Land Management Plan - McCann Creek Fishery Area Addition Knowles-Nelson Stewardship NCO Grant

Primary goals of the project

The McCann Creek Fishery Area Addition is located in Northwest Chippewa County in the town of Bloomer, Section 12 and 13, Township 31 North, Range 09 West. The 191.7 acre property is currently owned with a land contract by David & Kelly Stanton. The house and buildings associated with the property (9.2 acres) will not be purchased through the Knowles-Nelson Stewardship NCO grant. A total of 182.5 acres is included in this management plan.

The priority goals of this project are to acquire, through fee title, 182.5 acres of land in Chippewa County, maintain the existing habitat types, and increase public access and recreational opportunities associated with this property and the adjacent McCann Creek Fishery Area (189.9 acres).

This property has already been restored to native habitats through the Wetland Reserve Program (WRP) and the Conservation Reserve Program (CRP). Restored habitat types are consistent with the Wisconsin Wildlife Action Plan conservation opportunity areas associated with Forest Transition. They include mesic prairie (80.5 acres), emergent wetland (66.4 acres), northern forest (35.6 acres) and associated cold water stream (~1.0 miles of streambank).

The acquisition of the McCann Creek Fishery Area Addition will increase the size of the adjacent McCann Creek Fishery Area (189.9 acres) and improve public access and recreational opportunities.

Improvements and Structures:

- A. A steel bridge over McCann Creek, a class I trout stream identified as an Outstanding Resource Waterway, provides vehicle access to the eastern portions of the property. Wisconsin DNR hold an access easement from 227th Avenue with a parking area. See the Site Plan Map for location details of the bridge, easement access and parking lot.
- B. The site does not have any planned improvements or structures for development. Existing parking areas are strategically placed and will promote access to the acquisition. All habitat restoration projects have been established and there are no ongoing improvements on the property.

Current Land Use:

- A. The property has a historic agriculture land use. The following conservation programs have restored the native value and habitat function.
 - The United States Department of Agriculture (USDA) - Natural Resource Conservation Service (NRCS) holds a perpetual 66.4 acre WRP easement that restored the hydrologic function of cropland in 2003. The easement policy provides NRCS with management rights to the property in perpetuity. A management plan was updated in 2018 by the NRCS to promote micromanagement of wetland habitats. The management plan has been attached. The WRP easement policy aligns with the property goals established in this management plan.

Attachment 5

Land Management Plan – McCann Creek Fishery Area Addition (Page 2)

The USDA – Farm Service Agency (FSA) holds 80.5 acres of CRP under contract for mesic prairie. The prairie was most recently established in 2017. Through the CRP program, FSA requires management of these habitats. Periodic mowing will be required throughout these contracts to maintain the herbaceous cover. CRP contract length was not disclosed at the time of this management plan draft.

- The soil types are comprised of 58.1% sandy loams, 30.7% loam, and 11.1% muck soils. A detailed report of the soil series and location can be found on the attached soils map.
- B. The northern forest and associated cold water stream bank of McCann Creek is not currently in a management plan and is used for private/limited public recreation. Management of this forest and stream will align with management of the adjacent northern forest outlined in the McCann Creek Fishery Area management plan.

Surrounding Landscapes:

The surrounding landscapes in the Northwest portion of the County is 70% agriculture and 30% forest. The property is identified in the WI DNR's McCann Creek Fishery Area acquisition boundary and builds a complex corridor of forest transition habitat along the McCann Creek corridor. The existing McCann Creek Fishery Area is 189.9 acres of northern forest cold water stream corridor.

Ecological Issues:

- A. There appears to be no major problems associated with the property at the present time.
- B. There appears to be no major problems associated with the property at the present time.

Land Management Goals and Practices:

- This property has already been restored to the maximum extent possible. To support long-term biodiversity and stream health, land managers should utilize best management practices for each habitat type while staying in compliance with existing WRP and CRP contracts.

Implementation:

This property has already been restored to the maximum extent possible. Future management needs will be conducted by the Wisconsin Department of Natural Resources and/or Pheasants Forever Inc.



STATEMENT OF EXPLANATION

Ordinance No. 03 - 21

ORDINANCE TO REPEAL AND RECREATE ANIMAL WASTE ORDINANCE; ARTICLE IV, DIVISION 3 OF CHAPTER 2 OF THE CHIPPEWA COUNTY CODE OF ORDINANCES - FIRST READING - DAN MASTERPOLE

Agricultural operations and the ongoing production of food, fuel, and fiber are essential to the County's economy and to the wellbeing of County residents.

Chapter 92, Wis. Stats. assigns local responsibility for soil erosion and agricultural nonpoint source water pollution control to counties, working through County Land Conservation Committees (LCCs), including the authority to adopt technical standards, performance standards, and local ordinances to meet soil and water management objectives.

The Chippewa County Land Conservation & Forest Management Committee, serving as the Land Conservation Committee, has completed an extensive planning process, with input from affected stakeholders, and has developed the proposed "Agricultural Performance Standards, Manure Storage and Livestock Facility Management Ordinance" (the "Ordinance") to meet the needs of the public and agricultural sector.

This proposed Ordinance has been developed to protect and promote the County's agricultural industry; prevent pollution of surface and groundwater; protect the health, safety, and general welfare of the people and communities within the County; preserve the health of livestock, aquatic life and other animals and plants; advance the appropriate use of land and water conservation resources within the community; and protect the property tax base of the County.

This proposed Ordinance codifies the state agricultural performance standards and prohibitions that have been established under ch. NR 151, WI Admin. Code, to clarify for the benefit of the public, rural landowners, and agricultural operators the extent of agricultural management that is expected and required to control agricultural nonpoint source water pollution.

This proposed Ordinance will repeal and recreate Article IV, Division 3 of Chapter 62 of the Chippewa County Code of Ordinances, currently referenced as the "Chippewa County Animal Waste and Utilization Ordinance".

This proposed Ordinance expands the scope of the existing Chippewa County Animal Waste and Utilization Ordinance to apply to all agricultural land, and to all livestock & cropping

28 operations.

29 This proposed Ordinance codifies state agricultural performance standards and
30 prohibitions, as established in Subchapter II of ch. NR 151, WI Admin. Code, to provide a well-
31 defined and consistent basis for the local regulation and control of agricultural soil erosion and
32 nonpoint source water pollution.

33 This proposed Ordinance codifies state requirements for public cost-share funding and
34 technical assistance, as referenced in s. NR 151.09, WI Admin. Code, to assist agricultural
35 landowners and operations to meet the agricultural performance standards and prohibitions,
36 when required by state law.

37 This proposed Ordinance also codifies the current processes used by the Department of
38 Land Conservation & Forest Management, the WI Department of Agriculture, Trade, and
39 Consumer Protection, and the WI Department of Natural Resources to evaluate and resolve
40 public complaints, and importantly, establishes local enforcement authority to be administered
41 through the Department of Land Conservation & Forest Management and the Office of
42 Corporation Counsel.

43 It is the County's objective to phase in the agricultural performance standards and
44 prohibitions through time, using state and federal grants; as planned livestock expansions occur
45 and as public complaints are received.

46 This proposed Ordinance will be administered by the Dept. of Land Conservation &
47 Forest Management, working within the limits of available resources, as approved by the
48 County Board through the County's annual budget process.

Ordinance No. 03 - 21

**ORDINANCE TO REPEAL AND RECREATE ANIMAL WASTE ORDINANCE; ARTICLE IV, DIVISION 3
OF CHAPTER 2 OF THE CHIPPEWA COUNTY CODE OF ORDINANCES - FIRST READING - DAN
MASTERPOLE**

SEE ATTACHED

FINANCIAL IMPACT:

There is no fiscal impact to Chippewa County by passage of the ordinance to repeal and
recreate Article IV., Division 3 of Chapter 62 of the Chippewa County Code of Ordinances.

07/21/2021	Land Conservation & Forest Management Committee	
RESULT:	FORWARD TO COUNTY BOARD [UNANIMOUS]	Next: 8/10/2021 6:00 PM
MOVER:	Ken Schmitt, District 3	
SECONDER:	Don Hauser, District 6	
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser	
ABSENT:	James Pingel	

Approved as to Form:

Todd A. Pauls
Todd A. Pauls, Corporation Counsel

7/6/2021

Lori Zwiefelhofer
Lori Zwiefelhofer, Finance Director

7/6/2021

Randy B. Scholz
Randy B. Scholz, County Administrator

7/6/2021

ORDINANCE TO REPEAL AND RECREATE ARTICLE IV, DIVISION 3 OF CHAPTER 62 OF THE CHIPPEWA COUNTY CODE OF ORDINANCES

1. That Article IV, Division 3 of Chapter 62 of the Chippewa County Code of Ordinances is hereby repealed and is recreated as follows:

DIVISION 3. AGRICULTURAL PERFORMANCE STANDARDS, MANURE STORAGE AND LIVESTOCK FACILITY MANAGEMENT

- Sec. 62-186. General Provisions.
- Sec. 62-187. Definitions.
- Sec. 62-188. Activities Subject to Permitting and to Regulation.
- Sec. 62-189. Dimensional Setbacks and Separation Distances
- Sec. 62-190. Performance Standards and Prohibitions.
- Sec. 62-191. Manure Storage Permits.
- Sec. 62-192. Certificate of Compliance.
- Sec. 62-193. Administration and Enforcement.
- Sec. 62-194. Violations.
- Sec. 62-195. Appeals and Variances.
- Sec. 62-196 to 62-209. Reserved.

DIVISION 3. AGRICULTURAL PERFORMANCE STANDARDS, MANURE STORAGE AND LIVESTOCK FACILITY MANAGEMENT

Sec. 62-186. General Provisions.

- (a) *Authority.* This Ordinance is adopted under authority granted by ss. 59.02, 59.03, 59.70, 92.07, 92.15, and 92.16, Wisconsin Statutes ("Wis. Stats."), and ss. ATCP 50.40 ATCP 50.56 and NR 151.05, Wisconsin Administrative Code ("Wis. Admin. Code").
- (b) *Title.* This Ordinance shall be known as, referred to, and may be cited as the Chippewa County Agricultural Performance Standards, Manure Storage and Livestock Facility Ordinance, and is hereinafter known as the Ordinance.
- (c) *Findings and Declaration of Policy.*
 - (1) The Chippewa County Board of Supervisors finds that agricultural operations and the ongoing production of food, fuel, and fiber are essential to the county's economy and to the well-being of county residents.
 - (2) The Chippewa County Board of Supervisors further finds the regulation of activities identified in this Ordinance will protect and promote the county's agricultural industry; prevent pollution of surface and groundwater; protect the health, safety, and general welfare of the people and communities within the county; preserve the health of livestock, aquatic life and other animals and plants; advance the appropriate use of land and water conservation resources within the community; and protect the property tax base of the county.

- (3) The Chippewa County Board of Supervisors further finds that the technical standards developed by the USDA Natural Resources Conservation Service (“NRCS”), and performance standards, prohibitions, and conservation practices codified by Wisconsin Department of Agriculture, Trade and Consumer Protection (“DATCP”) and Department of Natural Resources (“DNR”), which are adopted as part of this Ordinance, provide effective, practical, and environmentally protective methods for storage and managing manure.
- (4) The Chippewa County Board of Supervisors further finds that this Ordinance will be implemented to achieve resource management objectives for surface water and groundwater quality and agricultural nonpoint pollution control, as established in the Chippewa County Land and Water Resource Management Plan.
- (5) The Chippewa County Board of Supervisors further finds that the following conditions may threaten the county’s natural and water resources, cause harm to the health, safety, and welfare of people within the county, and adversely impact the property tax base of the county:
 - a. New and substantially altered manure storage facilities that fail to meet performance and technical standards for proper design, construction, and operation.
 - b. Existing manure storage facilities that are not properly functioning and pose unreasonable risks related to structural failure and leakage.
 - c. Existing manure storage facilities that overtop or are operated in a manner that creates an unreasonable risk of discharge to waters of state.
 - d. Existing manure storage facilities where no manure has been added or removed for a period of 24 months, and are not slated for future use.
 - e. Management of manure, including waste transfer, field stacking, and land application that fails to meet performance and technical standards for proper handling and land application of manure.
 - f. Management of livestock facilities and associated agricultural cropland and pasture that fail to meet state agricultural performance standards and prohibitions for agricultural runoff and nonpoint pollution control.
 - g. Management of agricultural cropland and pasture that fail to meet state agricultural performance standards and prohibitions for agricultural runoff and nonpoint pollution control.
- (d) *Purpose.* The purpose of this Ordinance is to: regulate the location, design, construction, installation, alteration, operation, maintenance, closure, and use of manure storage facilities; ensure the proper application of waste and manure from all manure storage facilities; and to prescribe agricultural performance standards and prohibitions for agricultural facilities, operations, and practices to control soil erosion, agricultural runoff, and nonpoint pollution from those operations.

This Ordinance codifies the agricultural performance standards and prohibitions that have been established under s. NR 151, Wis. Admin. Code to clarify for the benefit of the public, rural landowners, and agricultural operators the extent of agricultural management that is expected and required to control agricultural nonpoint source water pollution.

This Ordinance establishes site evaluation, cost-share, and operational reporting requirements to ensure that prescribed state agricultural performance standards are properly communicated and, if applicable, are met and maintained. This Ordinance is also intended to provide for its administration and enforcement, and to provide penalties for its violation.

- (e) *Applicability.* The permit and other requirements in this Ordinance apply to all land within the unincorporated areas of Chippewa County, unless an intergovernmental agreement is established with the governmental entity of an incorporated municipality.
- (f) *Interpretation.* In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Chippewa County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes (Stats.). This Ordinance shall be interpreted to be consistent with ch. 92 and s. 281.16, Wis. Stats. and chs. ATCP 50 and NR 151, Wis. Admin. Code.
- (g) *Abrogation, Greater Restrictions, Severability, and Repeal Clause.*
 - (1) *Abrogation and Greater Restrictions.* This Ordinance is not intended to repeal, annul, abrogate, impair, or interfere with any existing covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law.
 - (2) *Severability.* Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable if any portion shall be deemed unconstitutional or invalid for any reason, and such decision shall not affect the remainder of the Ordinance nor any part thereof other than the portion affected by such decision.
 - (3) *Repeal.* All other ordinances or parts of ordinances of Chippewa County that are inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed, specifically including the Chippewa County Animal Waste Storage and Utilization Ordinance.
- (h) *Effective Date.* This Ordinance shall become effective upon its adoption by the Chippewa County Board of Supervisors, and publication.

Sec. 62-187. Definitions.

For the purpose of administering and enforcing this Ordinance, certain technical terms referenced, if not included in this section, are those defined in chs. 92 and 281, Wis. Stats., and chs. ATCP 50, NR 151, and NR 243, Wis. Admin. Code.

- (a) "Agricultural Performance Standards and Prohibitions" means those performance standards and prohibitions identified in Subchapter II of ch. NR 151, Wis. Admin. Code.

- (b) *"Applicant"* means any person who applies for a permit under this Ordinance.
- (c) *"Committee"* means the Land Conservation and Forest Management Committee, acting as the Land Conservation Committee, as the committee designated by the Chippewa County Board of Supervisors pursuant to s. 92.06, Wis. Stats.
- (d) *"Department"* means the Chippewa County Department of Land Conservation & Forest Management. The Department shall have full authority for carrying out the duties under this Ordinance, as delegated by the Committee and County Board under s. 92.09, Wis. Stats.
- (e) *"Director"* means the Director of the Chippewa County Department of Land Conservation & Forest Management.
- (f) *"DATCP"* means the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (g) *"DNR"* means the Wisconsin Department of Natural Resources.
- (h) *"Direct Runoff"* has the meaning in s. NR 151.015(7), Wis. Admin. Code. The criteria in s. NR 151.055(3), Wis. Admin. Code, will be used to predict or determine if a discharge is significant.
- (i) *"Earthen Manure Storage Facility"* means a facility constructed of earth dikes, pits, or ponds used for temporary storage of manure and other allowed uses.
- (j) *"Livestock Facility"* means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12 month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility".
- (k) *"Manure"* means livestock excreta and the following when intermingled with excreta in normal farming operations: debris, including bedding, water, soil, hair, and feathers; processing derivatives, including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted bio solids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.
- (l) *"Manure Storage Facility"* means one or more impoundments made by constructing an embankment, excavating a pit or dugout, or fabricating a structure specifically for the purpose of temporarily storing manure and related wastes. A facility includes stationary equipment and piping used to load or unload a manure storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility, and specifically includes components to transfer waste from milking centers, runoff from barnyards, and leachate and contaminated runoff from feed storage.
- (m) *"Natural Resources Conservation Service (NRCS)"* is an agency of the United States Department of Agriculture which, for purposes of this Ordinance, develops and maintains a technical guide with conservation practice standards and specifications, engineering manuals and handbooks, and other technical documentation related to manure storage facilities, nutrient management plans, and other technical matters covered by this Ordinance.

- (n) *"NRCS Technical Guide"* means the document, including technical notes and appendixes for the State of Wisconsin, provided by NRCS which contains technical data, including the standards referenced within this Ordinance to properly and safely locate, construct, install, alter, design, operate, and maintain a manure storage facility, as adopted by Chippewa County in accordance with Chapter 92, Wis. Stats.
- (o) *"Nutrient Management Plan"* means any of the following:
 - (1) A plan required under s. ATCP 50.04(3) or 50.62(5) (f).
 - (2) A farm nutrient plan prepared or approved for a landowner, by a qualified nutrient management planner.

Note: A nutrient management plan must comply with s. ATCP 50.04(3)
- (p) *"Overflow"* has the meaning given in s. NR 151.015(15e), Wis. Admin. Code.
- (q) *"Permit"* means the signed, written statement issued under this Ordinance authorizing the applicant to construct, install, reconstruct, extend, enlarge, substantially alter, or close a manure storage facility, and to use or dispose of waste from the manure storage facility.
- (r) *"Permittee"* means any person to whom a permit is issued under this Ordinance.
- (s) *"Person"* means any individual, corporation, limited liability company, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.
- (t) *"Public Complaint"* means a verified complaint of concern that is received by Chippewa County, DATCP, or DNR that is used to determine whether there is a nonpoint water pollution discharge that results in a significant impact to waters of the state, as determined in accordance with ch. NR 243, Wis. Admin. Code, or whether the operation meets Wisconsin Agricultural Performance Standards and Prohibitions, as established under chs. NR 151 and ATCP 50, Wis. Admin. Code.
- (u) *"Safety Devices"* means devices which are designed to protect humans and livestock from the hazards associated with a manure storage facility.
- (v) *"Significant Discharge"* means a discharge of process wastewater that is determined as "significant" in accordance with the criteria in s. NR 151.055(3), Wis. Admin. Code.
- (w) *"Site that is susceptible to groundwater contamination"* has the meaning under s. NR 151.015(18), Wis. Admin. Code.
- (x) *"Stop Work Order"* means an order to cease any activity in the operation of, or construction of, an activity subject to regulation.
- (y) *"Substantially altered"* has the meaning in s. NR 151.015(20), Wis. Admin. Code.

- (z) *“Technical Standard 313”* is a practice standard within the Technical Guide that covers the proper location, design, construction, installation, alteration, operation, and maintenance of a manure storage facility.
- (aa) *“Technical Standard 360”* is a practice standard within the Technical Guide that covers decommissioning of facilities and/or the rehabilitation of contaminated soil in an environmentally safe manner where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose.
- (bb) *“Technical Standard 634”* is a practice standard within the Technical Guide that covers the design, material types and quality, and installation of components such as conduits, pumps, valves, and other structures or devices to transfer manure and waste from buildings and yards and other sources to storage, loading areas, crop fields and other destinations. The standard establishes the minimum acceptable requirements for design, construction, and operation of waste transfer systems.
- (cc) *“Technical Standard 590”* is a practice standard within the Technical Guide that covers managing the amount, form, placement, and timing of plant nutrients associated with organic wastes (manure and organic by-products), commercial fertilizers, legume crops and crop residues.
- (dd) *“Waste Transfer System”* means components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey manure, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure loading area or treatment area.
- (ee) *“Unpermitted Manure Storage Facility”* means a manure storage facility constructed, modified, or placed in use without first obtaining permit, including facilities constructed before (the first date of the adoption of this Ordinance), and may include an earthen structure or impoundment made of a concrete liner which fully or partially covers the bottom and/or the sidewalls of the impoundment.
- (ff) *“Water Pollution”* means contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.
- (gg) *“Water Quality Management Area”* or *“WQMA”* has the meaning in s. NR 151.015(24), Wis. Admin. Code.
- (hh) *“Waters of the State”* is the meaning specified under s. 281.01(18), Wis. Stats.

Sec. 62-188. Activities Subject to Permitting and to Regulation.

- (a) *Manure Storage Facilities.* Any person who constructs, substantially alters, changes use of or closes a manure storage facility and related transfer systems, or who employs another person to do the same is subject to the performance standards and prohibitions in Sec. 62-190 and shall be subject to the permit requirements of this Ordinance in Sec. 62-191 .
- (b) *Performance Standards and Prohibitions.* Any person who owns or operates cropland or livestock facilities in this county is subject to the performance standards and prohibitions in Sec.

62-190. This Ordinance incorporates by reference the definitions in chs. ATP 50 and NR 151, Wisconsin Admin. Code, to the extent that they are not explicitly referenced herein.

- (c) *Safety Devices.* All manure storage facilities shall be equipped with safety devices, including fences and warning signs intended to protect humans and livestock from the hazards associated with such facilities. Safety devices shall be designed and installed as required by the NRCS Technical Guide.

Sec. 62-189. Dimensional Setbacks and Separation Distances

This ordinance incorporates the existing dimensional setbacks and environmental separation distances referenced in the NRCS Technical Guide, and those established in chs. ATP 50, NR 151, and NR 243, Wis. Admin. Code.

Sec. 62-190. Performance Standards and Prohibitions.

- (a) *Purpose.* The purpose of this section is to identify the agricultural performance standards and prohibitions that apply to cropland owners and operators, and to livestock facility owners and operators after the effective date of the Ordinance, whether or not the owners or operators have received a permit under this Ordinance. This section outlines the procedures the Department will follow in implementing and enforcing these standards and prohibitions consistent with state requirements, and the circumstances under which an owner or operator of a livestock facility is required to comply with these standards and prohibitions.
- (b) *Activities Subject to Agricultural Performance Standards and Prohibitions.*
 - (1) *Livestock Manure Storage.* All owners and operators of livestock facilities shall manage livestock facilities and operations, and store manure in accordance with State agricultural performance standards and prohibitions and Secs. 62-190 sub (c) and (d), whether or not a permit has been issued under Sec. 62-191.
 - (2) *Cropland and Pastures.* All owners and operators of cropland and pastures shall manage cropland and pastures in accordance with State agricultural performance standards and prohibitions, and Sec. 62-190, whether or not a permit has been issued.
- (c) *Manure Storage Facilities Performance Standards.* (see ss. NR 151.05 and NR 151.08, Wis. Admin. Code)
 - (1) Manure storage facilities constructed or substantially altered after October 1, 2002, shall be designed, constructed, and maintained to minimize the risk of structural failure of the facility and minimize leakage from the facility.
 - a. Storage facilities that are constructed or significantly altered shall be designed and operated to contain the additional volume of runoff and direct precipitation entering the facility as a result of a twenty-five (25)-year, twenty-four (24)-hour storm.

- b. A manure storage facility located in permeable soils or over fractured bedrock must be constructed with a liner designed in accordance with NRCS Technical Guide.
- (2) Closure of a manure storage facility shall occur when the farm where the storage facility is located ceases operation, or manure has not been added or removed from the storage facility for a period of twenty-four (24) months. Manure storage facilities shall be closed in a manner that prevents future contamination of groundwater and surface waters, and shall conform to the permit and other requirements in this Ordinance.
- (3) The owner or operator may avoid closure of a manure storage facility as required under subsection (c)(2) by demonstrating to the Department that all of the following conditions are met:
 - a. The facility is designed, constructed, and maintained in accordance with subsection (c)(1).
 - b. The facility is designed to store manure for a period of time longer than twenty-four (24) months.
 - c. Retention of the facility is warranted based on anticipated future use.
- (4) Manure storage facilities that pose an imminent threat to public health, fish and aquatic life, or groundwater shall be upgraded, replaced, or closed in accordance with this Ordinance.
- (5) Manure storage facilities constructed or substantially altered after October 1, 2002, may be required to comply with Sec. 62-190 without cost-sharing.
- (6) Levels of materials in manure storage facilities may not exceed the margin of safety level as defined in s. NR 151.015(13g), Wis. Admin. Code.
- (7) No livestock facility in the county shall have:
 - a. Overflow of manure from storage facilities.
 - b. Direct runoff from stored manure into the waters of the state.
- (8) All owners and operators of manure storage facilities shall apply manure and nutrients to cropland according to a nutrient management plan prepared in compliance with ATPC 50.04(3), Wis. Admin. Code.
- (d) *Livestock Management Performance Standards.*
 - (1) All pastures shall be managed to achieve a soil erosion rate equal to, or less than, the "tolerable" (T) rate established for that soil (s. NR 151.02, Wis. Admin. Code).
 - (2) All owners and operators of pastures shall have and follow a nutrient management plan prepared in accordance with s. ATPC 50.04(3), Wis. Admin. Code if the pastures are

stocked at an average stocking rate of more than one animal unit per acre at all times during the grazing season, or if the pasture receives mechanical applications of nutrients (s. NR 151.07, Wis. Admin. Code).

- (3) Each pasture and winter grazing area covered by a nutrient management plan shall have a phosphorus index average of six (6) or less over the accounting period and may not exceed a phosphorus index of twelve (12) in any individual year within the accounting period (s. NR 151.04, Wis. Admin. Code).
- (4) Livestock facilities may have no significant discharge of process wastewater to waters of the state (s. NR 151.055, Wis. Admin. Code).
- (5) Livestock facilities shall divert runoff away from contacting feedlot, manure storage areas and barnyard areas within WQMAs, except that a diversion to protect a private well under NR 151.015(18)(a), Wis. Admin. Code is required only when the feedlot, manure storage area, or barnyard area is located upslope from the private well (s. NR 151.06, Wis. Admin. Code).
- (6) No livestock facility shall:
 - a. Have an unconfined manure pile in a WQMA.
 - b. Have direct runoff from a feedlot into the waters of the state.
 - c. Allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly designed, installed, and maintained livestock or farm equipment crossings. (s. NR 151.08, Wis. Admin. Code)

(e) *Cropland Performance Standards.*

- (1) All land where crops or feed are grown shall be managed to achieve a soil erosion rate equal to, or less than, the "tolerable" (T) rate established for that soil (s. NR 151.02, Wis. Admin. Code).
- (2) No crop producer may conduct a tillage operation that negatively impacts stream bank integrity or deposits soil directly in surface waters (s. NR 151.03, Wis. Admin. Code).
- (3) No tillage operations may be conducted within five (5) to twenty (20) feet of a surface water, as specified in accordance with ss. NR 151.03 and ATCP 50.04(4), Wis. Admin. Code.
- (4) Croplands and winter grazing areas shall average a phosphorus index of six (6) or less over the accounting period and may not exceed a phosphorus index of twelve (12) in any individual year within the accounting period (s. NR 151.04, Wis. Admin. Code).
- (5) All owners and operators of cropland shall apply nutrients according to a nutrient management plan prepared in accordance with s. ATCP 50.04(3), Wis. Admin. Code.

(f) *Implementation and Enforcement Procedures for Performance Standards and Prohibitions.*

- (1) *Procedures.* To implement and enforce the performance standards and prohibitions defined in Sec. 62-187, and referenced in Sec. 62-190, the Department shall do all of the following:
 - a. Provide voluntary cost-sharing to secure compliance, when required.
 - b. Follow the procedures in s. NR 151.09, Wis. Admin. Code to implement and enforce the performance standards for cropland in Sec. 62-190(e) and the pastures standards in Sec. 62-190(d), and the procedures in s. NR 151.095, Wis. Admin. Code, to implement and enforce the performance standards for livestock operations in Sec. 62-190(d).
 - c. Pursue any other action or remedies authorized under Secs. 62-193, 62-194, and 62-195 of this Ordinance.

- (2) *Farm Evaluation.* Farm evaluations shall be scheduled with persons subject to regulation under Sec. 62-188 and with those subject to public complaint.

Farm evaluations will be conducted by the Department using standardized protocols, with opportunity for participation by the landowner and operator.

Evaluations will be conducted to:

- a. Inform the landowner and operator of the performance standards and prohibitions, and to document the extent of current compliance with ss. NR 151.09 and NR 151.095, Wis. Admin. Code.
 - b. In circumstances where there is a spill, runoff event, or direct discharge, document the occurrence as necessary, to evaluate potential impacts on waters of the state and to determine possible regulatory response and enforcement under s. NR 243, Wis. Admin. Code and Sec. 62-193 and Sec. 62-194.
- (3) *Cost-Sharing Required.* Pursuant to chs. ATPC 50 and NR 151, Wis. Admin. Code, the Department shall determine if a landowner of existing cropland or livestock facilities must be made a bona fide offer of cost-sharing to achieve compliance with a performance standard or prohibitions. The Department shall do all of the following, notifying the landowner regarding its determinations:
 - a. Identify the specific areas in which the landowner or operator has failed to comply with the performance standards and prohibitions, and the corrective actions the landowner or operator must pursue to achieve compliance.
 - b. Determine whether farmland that is out of compliance is “existing cropland” or an “existing livestock facility”. If cropland or a livestock facility has been determined to be in compliance with a performance standard or prohibition, it no longer qualifies as an “existing” cropland or facility for cost-share purposes

under that performance standard. If the cropland or facility later falls out of compliance with the performance standard, the landowner must restore compliance regardless of the availability of cost-sharing.

- c. Determine whether cost-sharing is available following the requirements of s. NR 151.09(4)(d) or NR 151.09(5)(d), Wis. Admin. Code, when funding is provided under s. 281.65, Wis. Stats., and use ch. ATCP 50, Wis. Admin. Code, to determine whether cost-sharing is available when funds are from any other source.

Sec. 62-191. Manure Storage Permits.

(a) *Permit Required.*

- (1) No person may do any of the following without obtaining a permit in accordance with this section:
 - a. Construct a new manure storage facility or substantially alter an existing manure storage facility, including the construction or substantial alteration of waste transfer systems connected to a manure storage facility.
 - b. Upgrade, repair, or replace a manure storage facility that has been identified as posing an imminent threat to public health, fish and aquatic life, or groundwater under Sec. 62-187.
 - c. Close an existing manure storage facility, including conversion of its use, regardless of whether the facility must be closed in accordance with Sec. 62-190.
 - d. Change the use of the manure storage facility to store industrial, food processing, septage, or other wastes.
 - e. Operate an existing manure storage facility, permitted through this Ordinance, without a certificate of compliance issued under Sec. 62-192.
- (2) For the purposes of this section, a manure storage facility is subject to the permit requirements if:
 - a. It is intended to hold an accumulation of manure within an impoundment or enclosure that is excavated or fabricated.
 - b. It is an enclosed area for holding manure within or below a feedlot or structure for confinement of livestock.
- (3) Requirements of this Ordinance shall be in addition to any other legal requirements regulating animal waste. Specific exemptions to cost-share requirements apply to the issuance of permits. See ss. NR 151.095(5)(b)2. and ATCP 50.54(2)(b), Wis. Admin. Code. In the case of conflict, the most stringent provisions shall apply.

- (4) A person shall be deemed to be in compliance with this section if he or she follows the application and other procedures specified in this section, receives a permit and approval from the Department before beginning activities subject to regulation under this section, complies with the requirements of the permit, and receives any required approvals or certifications from the Department. The Department may establish a timetable for the applicant to complete required activities to ensure compliance with requirements of this Ordinance.
- (b) *Exemption to Permit Requirement.* A permit is not required for:
- (1) Routine maintenance of a manure storage facility.
 - (2) Emergency equipment repairs of a manure storage facility, if the following conditions are met:
 - a. All emergency repairs on a manure storage facility or waste transfer system which cause any disruption of the original construction of the manure storage facility shall be done so as to restore the manure storage facility to the original state, as determined by the performance standards set forth in Sec. 62-190.
 - b. Such repairs shall be reported to the Department, by the landowner, within one (1) working day of the emergency for the Department to determine whether a permit will be required for any additional alteration or repair to the manure storage facility, which shall be rendered by the Department within three (3) working days of reporting.
- (c) *Fee.* All fees under this Ordinance are established pursuant to a Fee Schedule duly adopted by the County Board/Committee & County Board throughout the County budget process. Copies of the current fee schedule are kept on file at the Department or are available from the County website at www.co.chippewa.wi.us. Permit fees shall be payable at the time of submission of a permit application. Separate fees may apply for engineering assistance provided by the Department to design a manure storage facility.
- (d) *Manure Storage Facility Construction Plan and Nutrient Management Plan Required.* Each application for a permit under Sec. 62-191 shall be on a form provided by the Department and include plans for the manure storage facility (including waste transfer system) and the management of manure prepared in accordance with following requirements:
- (1) A narrative of the general criteria required within Technical Standard 313, and of other applicable Technical Standards including management and site assessments. The narrative should include, but is not limited to:
 - a. The number and type of animals for which manure storage is provided, the duration for which housing or manure storage is to be provided, daily gallons and/or cubic feet of waste and manure produced, bedding type, and manure handling practices.
 - b. For manure storage, a description and construction plan of the method of transferring manure into and from the manure storage facility.

- c. For manure storage, soil test pit or boring logs and their locations with soil descriptions and test results, prepared following a soils site investigation conducted by the Department. Soil test pit or boring criteria shall follow Technical Standards 313V.A.2.b. and characterize the subsurface (soils, saturation, and bedrocks). This includes the elevation of redoximorphic features (mottling), gleyed soil and moisture condition.
- (2) A general location map drawing of the livestock facility site which shall include:
 - a. The location of structures in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1000) feet of the proposed facility or system.
 - b. The location of any wells within two hundred fifty (250) feet of the facility.
 - c. The scale of the drawing and the north arrow with the date the general location map was prepared.
 - d. The location of any floodplains.
- (3) An engineering design drawing of the manure storage facility or waste transfer system, which shall include:
 - a. Specific design components that shall comply with Technical Standards 313, 634, and any additional applicable Technical Standards.
 - b. A recoverable benchmark(s), including elevation(s) expressed in feet and tenths.
 - c. The scale of the drawings and the north arrow. The engineering design drawing shall be drawn to a scale no smaller than one (1) inch equals one hundred (100) feet.
 - d. The date the engineering design drawings were prepared.
 - e. The engineering stamp of a licensed professional engineer.
- (4) The structural details, including but not limited to dimensions, cross-sections, concrete thickness, concrete joint design and placement, design loads, design computations, reinforcement schedules, thickness and placement of groundwater protection liners, and all material specifications. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater.
- (5) A construction site erosion control plan.
- (6) Estimated start of construction and construction schedule.

- (7) A safety plan that identifies hazards to animals and people in the production area, and design features to minimize those hazards.
 - (8) An operation and maintenance plan for installed practices.
 - (9) A nutrient management plan prepared in compliance with the requirements of this Ordinance.
 - (10) Other additional information requested by the Department to comply with this Ordinance.
- (e) *Manure Storage Closure Plan Required.* Each application for a closure permit under Sec. 62-191 shall be on a form provided by the Department and include a closure plan. The closure plan shall include:
- (1) A general location map drawing of the manure storage facility, which shall include:
 - a. The location of the manure storage facility in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1000) feet of the existing manure storage facility.
 - b. The scale of the drawing and the north arrow.
 - c. The date the general location map was prepared.
 - (2) A description of the method and specifications in transferring manure into and from the manure storage facility to ensure proper closure of manure transfer systems.
 - (3) Provisions to remove or permanently plug the manure transfer system serving the manure storage facility.
 - (4) Provisions to remove and properly dispose of all accumulated manure in the manure facility in compliance with applicable standards contained in the NRCS Technical Guide.
 - (5) Provisions and references to assure compliance with applicable standards contained in the NRCS Technical Guide.
 - (6) Provisions to implement safety measures to ensure the protection of the public from hazardous conditions.
 - (7) For proposals to convert the manure storage facility to an alternative use, including the storage of other water materials, a detailed description of the intended alternative use, including a site specific engineering analysis that demonstrates to the Department provides an assurance that the conversion will not result in a degradation of ground and/or surface waters or be a threat to public health, safety, or general welfare.
 - (8) Any other additional information required by the County to protect water quality and achieve compliance with the requirements of this Ordinance.

(f) *Permit Provisions.*

- (1) *Manure Storage Construction.* Permit applications under this Sec. 62-191 shall provide sufficient documentation to demonstrate that a new or substantially altered storage facility:
 - a. Is designed in accordance with the following technical standards:
 1. Technical Standard 313.
 2. Technical Standard 634.
 - b. Meets the performance standards in Sec. 62-190(c).
 - (2) *Manure Storage Closure.* Permit applications under Sec. 62-190(e) shall provide sufficient documentation to demonstrate that the plan for manure storage facility closure meets Technical Standard 360.
 - (3) *Manure and Nutrient Management.* Nutrient management plans submitted under Secs. 62-190(d) and (e), if needed, shall comply with Technical Standard 590, and ss. ATCP 50.04(3) and NR 151.07, Wis. Admin. Code.
 - (4) *Other Standards.* Other technical guides such as AWMFH or EFH may be used to evaluate compliance with the requirements of this Ordinance.
 - (5) *Incorporation of Standards and Specifications.* All standards and specifications are incorporated by reference and made part of this Ordinance. Any future amendment, revision, or modification of the standards or specifications incorporated herein are made a part of this Ordinance, unless the Committee specifically acts to adopt a different version. Copies of all applicable standards and specifications may be obtained from the permitting authority or on the county's website at www.co.chippewa.wi.us.
 - (6) *Certification.* All permit applications must include a certification provided by a qualified person that designs and plans meet the technical standards and specifications in this subsection.
 - (7) *Variances.* Variances from these standards and specifications can only be granted in accordance with Sec. 62-195 of this Ordinance.
- (g) *Review of Application.* The Department shall receive and review all permit applications and shall determine if the proposed facility meets required standards set forth in this Ordinance. Within forty-five (45) calendar days after receiving the completed application and fee, the Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Department shall so notify the permit applicant. The Department shall have thirty (30) calendar days from the receipt of the additional information in which to approve or disapprove the application. No construction may commence without the final approval form issued by the Department.

- (h) *Permit Approval Conditions.* All permits issued under this Ordinance shall be issued subject to the following conditions and requirements.
- (1) Facility and system design, construction, and closure shall be carried out in accordance with the approved plans and applicable standards.
 - (2) Permittees must obtain all required permits and authorization before commencing construction activities.

Note: DNR and other permits may be needed for construction site erosion control and stormwater management, floodplain and shoreland construction, and livestock facilities with 1,000 or more animal units.
 - (3) The permittee shall provide five (5) working days written notice to the Department before starting any construction activity authorized by the permit.
 - (4) Approval in writing must be obtained from the Department prior to making any changes or modifications to the approved plans and specifications.
 - (5) Following completion of construction and prior to use, an agricultural or civil engineer registered in the State of Wisconsin, or DATCP or NRCS or Department engineering practitioner and the permittee and, if applicable, the contractor, shall certify in writing on forms provided by the Department that all facilities and systems were installed as planned, including as-built dimensions and changes or modifications as authorized per Sec. 62-191(h)(4) made during construction.
 - (6) The Department shall provide onsite inspection and final approval for all construction projects conducted under a permit issued under this Ordinance. To receive final approval, a manure storage facility must be fully constructed as designed, including the marking of the maximum operating level and implementation of all safety devices.
 - (7) No permitted manure storage facility may receive manure until the Department provides its final approval. No manure may be emptied from a permitted manure storage facility until the Department approves the nutrient management plan submitted by the applicant.
- (i) *Permit Implementation.* All planning and construction-related activities authorized by a permit shall be completed within two (2) years from the date of issuance after which time such permit shall be voided, unless otherwise extended by the Department.
- (j) *Permit Term and Duration.* Permits issued under this Ordinance shall extend for a period of twenty-five (25) years, and shall be subject to review and renewal under Sec. 62-191 at the end of the permit term.
- (k) *Permit Revocation.* In addition to any other actions authorized under this Ordinance, the Department may revoke any permit issued under this Ordinance if the holder of the permit has misrepresented any material fact in the permit application, plan, or specification, or if the holder

of the permit violates any of the conditions of the permit. The decision of the Department may be appealed to the Board of Adjustment pursuant to Sec. 62-195(a).

Sec. 62-192. Certificate of Compliance.

- (a) *Certificate of Compliance Purpose.* The purpose of a certificate of compliance is to monitor and regulate the management of manure and nutrients from agricultural operations and to assure the adequacy of related nutrient management practices.
- (b) *Certificate of Compliance Requirement.* No person may operate or use a manure storage facility permitted under Sec. 62-191 unless the person has a valid certificate of compliance for the permitted manure storage facility that is being operated or used.
- (c) *Issuance to Permitted Manure Storage Facility Owners.* The Department may issue a certificate of compliance upon the operator's compliance with performance standards and prohibitions in Sec. 62-190. The certificate of compliance shall remain in effect for as long as the manure storage facility owner or operator does all of the following:
 - (1) Updates and follows an annual nutrient management plan that complies with requirements in this Ordinance, and covers all manure that is land applied from the manure storage facility for which the certificate of compliance is issued.
 - (2) Provides a nutrient management plan checklist annually to the Department by a date specified by the Department, to document compliance with requirements of this Ordinance. The Department may require the manure storage facility owner or operator to submit the documentation to substantiate the planner's answer to one or more questions on the nutrient management checklist. The Department may take appropriate action authorized by this Ordinance if the submitted documentation does not reasonably substantiate a checklist answer.
 - (3) Properly operates the manure storage facility in accordance with performance standards and prohibitions in Sec. 62-190(c) and consistent with the recommended operating methods as defined by the NRCS Technical Guide.
 - (4) Properly maintains the manure storage facility free from visible and serious damage, erosion, or deformities that would impair the manure storage facility's safety or function as determined by the NRCS Technical Guide.
 - (5) Properly maintains the safety devices for a manure storage facility.
 - (6) Provides the Department proof of compliance with the requirements in Sec. 62-190(c) by participating in a periodic reporting and self-certification process administered by the Department, and submitting to periodic inspections of the manure storage facility upon advance notice from the Department.
 - (7) Develops and implements a plan for closure of the manure storage facility when the operator ceases use of the manure storage facility or closure is required based on conditions specified in this Ordinance.

- (8) Provides notice to the Department and any would-be buyers at the time of real estate transfer for parcels subject to the certificate of use.

(d) *Issuance to Cropland Owners*

The Department may issue a certificate of compliance upon the cropland owner's compliance with agricultural performance standards and prohibitions in Sec. 62-190(e). The certificate shall remain in effect for as long as the cropland owner or operator does the following:

- (1) Updates and follows an annual nutrient management plan that complies with requirements in this Ordinance, and covers all manure land applied from the manure storage facility for which the certificate of compliance is issued.
- (2) Provides a nutrient management plan checklist annually to the Department by a specified date to document compliance with Ordinance requirements. The Department may require the cropland owner or operator to submit the documentation to substantiate the answer of a nutrient management planner who is qualified under ATP 50.48, Wis. Admin. Code, to address one or more questions on the nutrient management checklist. The Department may take appropriate action authorized by this Ordinance if the submitted documentation does not reasonably substantiate a checklist answer.
- (3) Properly operates the cropland and pasture land in accordance with performance standards and prohibitions in Sec. 62-190(d) and (e).

- (e) *Certificate of Compliance Revocation.* In addition to any other actions specified under this Ordinance, the Department may revoke a certificate of use if there is a misrepresentation of any material fact in the documents submitted in connection with the certificate of compliance, a misrepresentation of any material fact in the management plan, a failure to submit required documentation or allow inspection, a condition that immediately threatens public health and safety, or for multiple or repeat violations of this Ordinance. The landowner will be immediately provided written notice of the revocation and the reasons for the revocation. No manure be added to or removed from a manure storage facility for which the certificate of compliance has been revoked.

Sec. 62-193. Administration and Enforcement.

- (a) *Delegation of Authority.* The Chippewa County Board of Supervisors hereby designates the Department to administer and enforce this Ordinance.
- (b) *Administrative Duties.* In the administration and enforcement of this Ordinance, the Director or the Director's designated representative shall:
 - (1) Keep an accurate record of all permit applications, animal waste facility plans, nutrient management plans, permits issued, inspections made, and other official actions.
 - (2) Review permit applications and issue permits in accordance with Sec. 62-191 of this Ordinance.

- (3) Conduct, or cause to conduct, reviews of the nutrient management plans and their implementations.
 - (4) Conduct or cause to conduct, reviews of the nutrient management plans and their implementation.
 - (5) Implement the performance standards and prohibitions in accordance with Sec. 62-190 of this Ordinance.
 - (6) Review certificate applications and issue and record certificates of compliance in accordance with Sec. 62-192 of this Ordinance.
 - (7) Investigate complaints relating to compliance with the requirements of this Ordinance and act upon the findings in accordance with provisions of this Ordinance.
 - (8) Perform other duties as specified in this Ordinance.
- (c) *Inspection Authority.* The Director or the Director's designated representative is authorized to enter upon any lands affected by this Ordinance to inspect the land, and request records to determine compliance with this Ordinance, including inspection of sites prior to or after the issuance of a permit or certificate of compliance, and sites with unpermitted manure storage facilities. If permission cannot be received from the applicant or permittee, entry by the Director or the Director's designated representative may proceed in accordance with Sec. 66.0119, Wis. Stats. Refusal to grant permission to enter lands affected by this Ordinance for purposes of inspection shall be grounds for permit denial or revocation. The Department may take any action authorized by this Ordinance to enforce this right of inspection.
- (d) *Enforcement Authority.* In addition to the authority to revoke permits and certificates of compliance specified in this Ordinance, the Director or the Director's designated representative is authorized to issue Stop Work Orders. The Director or the Director's designated representative is authorized to post an order stopping work upon land that has had a permit or certificate of compliance revoked or on land currently undergoing activity in violation of this Ordinance. Notice is given by both posting upon the land where the violation occurs one or more copies of the order stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this Ordinance. The order shall specify that the activity must cease immediately or be brought into compliance within five (5) calendar days.
- (e) *Stop Work Order Authority.* Any permit revocation or order stopping work shall remain in effect unless retracted by the Director or the Director's designated representative, the Board of Adjustment, or by a court of general jurisdiction; or until the activity is brought into compliance with this Ordinance. The Director or the Director's designated representative is authorized to refer any violation of this Ordinance or of any stop work order issued pursuant to this Ordinance to the Corporation Counsel for commencement of further legal proceedings.
- (f) *Abatement Order Authority.* The Director or the Director's designated representative may issue an order to abate any violation of this Ordinance with proper authorization. In the event an offense is not abated as ordered, the Department may take such action as is necessary to abate the offense and the cost of such abatement will become a lien upon the person's property and may be collected in the same manner as other taxes.

- (g) *ch. NR 151 Procedures.* The Director or the Director's designated representative shall follow the procedures in sec. NR 151.09, Wis. Admin. Code to implement and enforce the cropland performance standards and the procedures in s. NR 151.095, Wis. Admin. Code to implement and enforce the livestock performance standards.
- (h) *Citation and Referral Authority.* The Director or the Director's designated representative shall have the authority to issue citations for violations of this Ordinance. The Director or the Director's designated representative may refer a violation of this Ordinance to Corporation Counsel to pursue legal action, including but not limited to the enforcement of any part of this Ordinance through injunctions or restraining orders.
- (i) *Other Lawful Remedies.* Nothing in this section may be construed to prevent the Department from using any other lawful means to enforce this Ordinance.

Sec. 62-194. Violations.

- (a) It is unlawful for a person to violate any provisions of this Ordinance or any condition contained in a permit or certificate issued pursuant to this Ordinance.
- (b) It is unlawful for any person to knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a county agent, board, commission, committee, department, employee, officer, or official acting in an official capacity under this Ordinance.
- (c) It is unlawful for a person to disobey, fail, neglect, or refuse to comply with; or otherwise resist an order issued pursuant to this Ordinance.
- (d) A separate offense is deemed committed on each day that a violation occurs or continues.
- (e) A person shall, upon conviction for a violation of this Ordinance, be subject to a forfeiture of not less than \$100.00, together with the costs in such action, and not more than \$500.00, together with the costs of such action, for each violation.

Sec. 62-195. Appeals and Variances.

- (a) *Appeals.*
 - (1) Under authority of Chapter 68, Wis. Stats., the Chippewa County Board of Adjustment, created under s. 59.69, Wis. Stats., and acting as an appeal authority under s. 59.69, Wis. Stats., is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the permitting authority in administering this Ordinance.
 - (2) Any person having a substantial interest, which is adversely affected by the order, requirement, decision, or determination made under this Ordinance may file an appeal.

- (3) All appeals shall specify written evidence and the reason for the request, including which requirements from this Ordinance are involved, and shall be filed via certified mail.
 - (4) Upon receipt of the appeal, the Board of Adjustment shall set a meeting to hear the appeal.
 - (5) A written decision shall be mailed to the appellant within thirty (30) days of the appeal. The decision will affirm, deny, or modify the initial determination.
 - (6) The rules, procedures, duties, and powers of the Board of Adjustment shall apply to appeals filed under this section.
- (b) *Variances.*
- (1) The Board of Adjustments may, upon appeal, authorize a variance from the standards requirements of this Ordinance when, upon showing by the applicant, unnecessary hardship would result from literal enforcement of this Ordinance.
 - (2) A variance shall:
 - a. Be consistent with the spirit and purpose of this Ordinance.
 - b. Be based on unique circumstances and not to the general conditions of the area.
 - c. Not be granted for a self-created hardship.
 - d. Not permit an activity or practice that may fail structurally or otherwise, and cause significant water pollution or other off-site impacts.
 - e. Not be granted if the variance will result in an outcome that is contrary to the public interest and be damaging to the rights of other persons.
 - f. Not be granted solely on the basis of economic gain or loss.
 - g. Not be granted solely on the fact that certain conditions existed prior to the effective date of the Ordinance.
 - (3) No variance from the standards in the Technical Guide may be approved unless the county receives a variance or waiver from the technical standards through the NRCS, or other qualified engineering authority. If public funds are involved, this may be a program requirement.
 - (4) No variance from the performance standards and prohibitions in Sec. 62-190 may be granted unless the county complies with the variance requirements specified in s. NR 151.097, Wis. Admin. Code, and receives approval from the Department of Natural Resources. Requests for a variance shall be made in writing and shall provide information documenting the following:

- a. Compliance with the performance standard or technical standard is not feasible due to site conditions.
- b. The landowner or operator will implement best management practices or other corrective measures that ensure a level of pollution control that will achieve a level of water quality protection comparable to that afforded by the performance standards in ch. NR 151, Wis. Admin. Code.
- c. The landowner or operator, or their agents or assigns, did not create the conditions for which the variance is requested.

2. That this ordinance shall take effect upon passage and publication.

Forwarded to the County Board by the Land Conservation and Forest Management Committee.