



## MINUTES

January 13, 2017 (to be approved)

**Present:** Dennis Pocernich; Bill Bussey; Larry Fickbohm; Peter Tetzner  
**Staff:** Ben Dufford; Travis Tulowitzky; Arianna Austin; Andrew Teal  
**Absent:** Adam Haecker; Becky Anderson; Fred Strand  
**Attendance:** Mike Mlynarek, USFWS; Tony Janisch, BRWA; Jason Fischbach, UW Extension; Dave Schultz, WDP; Rob Schierman, Zoning; Josh Rowley, Zoning; Gary Haughn, NRCS; Jeff Silbert, County Board; Mary Dougherty, member of the public

- 1) **Call to order:** Meeting was called to order at 9:01 am
- 2) **MOTION:** Approval of Minutes (*August 19, 2016*) – **Pocernich/Tetzner** - carried
- 3) **Public Comment:** NONE
- 4) **Agency Staff / Partners Reports:**
  - a. **NRCS Update** - Lake Superior Restoration Partnership funds have concluded. Between December 2012-2016, \$2 million were spent on many projects, including heavy use lots, livestock, grazing, stream crossing, forestry plans and wildlife habitat management. The deadline is approaching for the Conservation Stewardship Program, which gives credit for conservation efforts that clients are already doing. Annual notice given on Memorandum of Agreement with LWCD, which includes equal access to programs and information. Currently, NRCS has 90-100 active contracts.
  - b. **USFWS Update** - Many recent retirements, which has resulted in position realignments, Bridget Olson is the new regional director. Youth Conservation Core has funding for this summer is still in place, interviews will begin soon for a crew leader. Several projects are slated in Whittlesey Creek and the Iron River. A regional biologist conference is planned for this summer. Mike is willing to lead a tour of project sites for the committee if there is interest.
  - c. **WDNR Update** - None
  - d. **BRWA Update** - Boundaries were expanded last year, including into the Bayfield Peninsula with 27 new volunteers. BRWA helped fund two culvert replacements after July 2016 flooding. A bluff stabilization plan, designed by Interfluve, on Altamont Road is still in need of funding but may happen this summer if they can shift NFWF funds,. Genetic monitoring of E. coli on Fish Creek will occur this summer, in collaboration with Northland College with funding by the Duluth/Superior Foundation. An anniversary party will be held in August to celebrate 15 years with strategic planning for coming years, plus a new organization name to come.
  - e. **4-Four County Wildlife Damage Update** - reviewed, on file
  - f. **Others** - None
- 5) **Discussion / Possible Action: Recommend approval of FY2016 Budget Adjustments / Amendments as presented, and move to full county board for approval** - **MOTION** to recommend approval to full board: **Pocernich/Fickbohm** - carried.
- 6) **Discussion / Action: Wildlife Damage Program**
  - a. **Set 2016 price per bushel for bear damage losses in corn fields, approve one damage claim and authorize Conservationist to sign on claim form for the County.** United Ag Service \$3.55, Mix Rite \$4.08, average of \$3.82 per bushel, other counties have set the same price - **MOTION** to approve \$3.82 per bushel for 2016: **Tetzner/Fickbohm** - carried. One claim for Bayfield County for 2016, DNR provides reimbursement, \$500 owner deductible, **MOTION** to approve claim: **Tetzner/Pocernich** - carried.
  - b. **Approve 2017 budget amendment to the wildlife damage program to increase Bayfield County's bear relocation contract amount by \$8,075.** USDA-APHIS has increased the contract for Bayfield County, following county budget adoption. **MOTION** to recommend approval to full board: **Pocernich/Tetzner** - carried.
  - c. **Approve the 2017 bear relocation contract from USDA-APHIS-WS in the amount of \$12,950.** Approval of \$8,075 will bring total contract to \$12,950. **MOTION** to recommend approval to full board: **Pocernich/Fickbohm** - carried.
- 7) **Discussion / Possible Action: Future Direction on Well Abandonment Program** In 2016, LWCD was allocated extra funding to close wells. Various requests included residential interior and agriculture fields. Original intent was to protect groundwater, so any and all wells were considered. Presently, there are five potential agriculture fields and one interior residential slated for 2017. The

general consensus is to continue unofficially prioritizing agriculture, with any questionable circumstances to be directed to the committee. Larry asked if cisterns are included, Ben will follow up with the well drilling company.

- 8) **Discussion / Possible Action: Draft Bayfield County Animal Manure Storage Ordinance** LCC feedback, public comment meeting in Benoit discussed and tentatively agreed upon to setup informational meeting – Ben and Jason. P2 Applicability - Bill - this would not require existing farms to change, as long as it is not altered or enlarged (included in text further down), Jason - adopt NR 151 definition (p403, .05, 20), Pete - number of animals using pit or entire farm? Ben – only animals using pit will be included. Including but not limited; Jason - 151.05 Manure storage facilities performance standards - Ben has already added parts of 151.05 from the states model ordinance, Bill thinks ordinance provides protection for existing operations; Travis - new construction only / size of facility comes into question, Period of 30 days or more, frequent pumping would not be included, Jason - point that there is always manure in pit, even if pumping and refilling frequently, risk management of 5000 cubic feet; Dennis - applicability - eliminate number; effective date would be when ordinance would be passed, no grandfathering existing facilities, only new ones after ordinance passes; Jason - ordinance only covers parts of NR151.05, could include .08 incorporating barnyards would allow authority to smaller operations that compromise natural resources, 06 and 07 are commonly used when near water source, Bill - put them in the draft for consideration, allow input from farming community and full county board; Dennis - concern with very small operations; Josh - concern with enforcement and realistic threshold; Larry - small numbers can still be detrimental, this would give option to regulate; Bill - threshold in 08 provision; Dennis - go back to facility rather than animal units, Jason - new facilities would need to comply and county would need to offer cost-share, Dennis - hobby farms would need NMP is unrealistic, Bill - hobby farms are already required by DNR to follow 151.08 but not enforcing, Jeff - size doesn't always matter, add provision to regulate problem when reported regardless of size, Bill - provision is there in 08, but does the county want to take on enforcement, Ben - DNR is not enforcing NR 151, counties in other parts of the state are discussing adding parts of 151 to ordinances to allow enforcement, but not many to date. Jason - NR 151 is not enforced by county first, but may come back to committee first, Travis - LWCD is already practicing NR 151 to our ability/capacity voluntarily, would need direction and funding on how to enforce it if ordinance passes, Pete - how many operations does this effect, after lengthy discussion on 151, Bill - opt to leave out 08 for now, DNR consideration may require future consideration, Larry - main objective is facility and should be focus for now, Technical standards are spelled out, add standard 312, Bill offered to complete technical draft, next steps - DATCP, full board, farmer feedback, corporate council review, and possibly the DNR. Dennis - community input followed by board approval, Bill - can board approve draft but not full adoption to allow for further feedback from other parties, ask Linda's input first, Jason can work with Ben to set up informational meeting for farming community. 5.5.5 Bill - definitions, abandonment, end after two consecutive years period, 5.5.5.d provides exception. FEE - Bill - \$500, unless under contract with LWCD/NRCS than waived, Dennis - earthen construction does not require zoning permit, construction does, fees based on amount of work involved, why 'penalize' some producers and not other producers with fees? Bill/Dennis - charge everyone \$300 - withdrawn, Pete/Dennis - why penalize, no fee or based on animal units, Larry agrees with Pete, Jason - fee could be proportional, small operations would have smaller fee, Bill **MOTION** to set fee at \$100, Dennis second, Larry prefers gradual fee, vote 2-2, **MOTION FAILS**. Further Discussion on fee structure, Bill – need to have something in ordinance for the board to react to, acknowledging that fee structure may change at full board meeting while considering draft. **MOTION** to set a fee of \$100 for storage facilities greater than 10,000 cubic feet, with the fee waived for storage less than 10,000 cubic feet: **Pocernich/ Tetzner** - carried.
- 9) **Discussion / Possible Action: Farmland Preservation Planning Committee 2017** Currently Ben, Travis, Rob, Jason, either Ericson or Dale for orchard representation, a dairy farm member and citizen member will make up the committee. Funding is through DATCP with reimbursement at 50%. An updated plan is required at the state level. The scope of the committee's work was questioned in regards to paperwork processing or a potential expansion of AEAs in the county. Taking a board member on the committee was suggested. Further discussion is needed with the county administrator if per diems are offered as an official county committee. Larry is interested in membership. Ben will also follow up with Fred if he is interested.
- 10) **Discussion: Attendance of Annual Land and Water Conference; March 15-17 in Elkhart Lake** Fred previously expressed interest, Ben will follow up
- 11) **2017 Grant Updates:** Extension was approved for N. Fish Creek project through 2017; over half of LWCD portion is complete. We committed to 6-11 BMPs and completed five this year, still funds available for next year, still searching for other restoration sites, due to refusal of one landowner in original proposal, we are still in the process of selecting a bluff for restoration / stabilization. Travis

mentioned that some possible sites propose access challenges through woods / ravines, steep slopes, etc.

- 12) **2017 Project Updates:** Reviewed 2016 DATCP project spreadsheet. No new developments in field edge monitoring, led by Northland College, with collaboration with LWCD, three sites / farms have been identified as potential sites; ongoing discussions with NC and farmers continue.
- 13) **LWCD Staff Reports:**
  - a. *Andy Teal, AIS Coordinator - reviewed, on file.*
  - b. *Adam Haecker, NCWMA Coordinator - reviewed, on file.*
  - c. *Arianna Austin, Clerk I - reviewed, on file.*
  - d. *Travis Tulowitzky, Conservation Technician - reviewed, on file.*
  - e. *Ben Dufford, County Conservationist - reviewed, on file.*
- 14) **Other business as authorized by law:** None
- 15) **Next meeting date:** tentatively scheduled for 9:00 am February 17 due to ordinance discussion, following public meeting
- 16) **Adjourn:** Meeting adjourned at 11:24 am

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