



LAND CONSERVATION COMMITTEE
Wednesday May 5, 2021, 7:15 P.M.
CALL: 1-312-626-6799
Meeting ID: 839 9791 1987
Passcode: 265400

Join Zoom Meeting

<https://us02web.zoom.us/j/83997911987?pwd=NkdEZWJMMXVQbWVR2VDNhUjFyVUNZQT09>

Meeting ID: 839 9791 1987

Passcode: 265400

One tap mobile

+13126266799,,83997911987#,,,,*265400# US (Chicago)

If you are interested in providing public comments on items on this agenda, you must submit your comments by noon on Tuesday, April 4, 2021. To submit a public comment use the following email: andrew.baker@co.rock.wi.us

Join from a telephone:

- On your phone, dial the phone number provided above
- Enter the meeting ID number when prompted, using your dial-pad.
- Please note that long-distance charges may apply. This is not a toll-free number.
- Supervisors: Please identify yourself by name
- Please mute your phone when you are not speaking to minimize background noises
- We are new at holding meetings this way, so please be patient

Instructions for the hearing impaired –

<https://support.zoom.us/hc/en-us/articles/207279736-Getting-started-with-closed-captioning>

LAND CONSERVATION COMMITTEE
Wednesday May 5, 2021, 7:15 P.M.
VIA ZOOM

AGENDA

1. Call Meeting to Order
2. Approval of Agenda
3. Approval of Minutes – April 7, 2021 Meeting
4. Citizen Participation, Communications, and Announcements
5. Review Bills Paid
6. **Action Item.** *Resolution* Authorizing Submittal of Grant Application for the 2022 Clean Sweep Program
7. **Action Item:** *Resolution* Amending the 2021 Land Conservation Department Budget: Farmers on the Rock Producer Led Watershed Group Account
8. **Action Item:** Approval of Amendment #8 to Wisconsin Conservation Reserve Enhancement Program Contract
9. **Action Item:** Requests for Erosion Control and Storm Water Management Permit Extension
 - A. ECSW 2020-6: Ed Arnold – Big Barn Storage (Two-month extension request due to contractor availability)
 - B. ECSW 2020-9: Justin Fox – Shooting Range (Tabled from prior meeting pending Town approval. There is no Town approval for shooting range at this time. Therefore the applicant requests a two-month extension to stabilize area at the site which was disturbed before Town stopped the project)
10. **Action Item.** Land and Water Resource Management Program: Approval of 2021 Cost Share Agreements
 - LR-007.21 – Zimmerman Grassed Waterway
11. **Informational Item:** Purchase of Agricultural Conservation Easements
12. Adjourn



MINUTES

ROCK COUNTY LAND CONSERVATION COMMITTEE Wednesday April 7, 2021, 7:15 P.M. Virtual Meeting - Zoom

- Call to Order:** Chair Bostwick called the meeting to order at 7:15 pm.

Committee Members Present: Stephanie Aegerter, Rich Bostwick, Wes Davis, Kaelyb Lokrantz, Mike Mulligan, James Quade, Genia Stevens and Alan Sweeney.

Committee Members Excused: None

Others Present: Matt Johnson (Land and Liberty Coalition) Supervisor Rick Richard, Supervisor Mary Mawhinney, Doug Rebout, Kirk Leach, Chris Murphy, Andrew Baker
- Approval of Agenda:** Supervisor Mulligan moved to approve the agenda as presented, seconded by Supervisor Lokrantz. **Motion carried unanimously.**
- Approval of Minutes – March 3, 2021 LCC meeting.** No corrections or clarifications were suggested. Supervisor Davis moved the approval of the minutes, seconded by Supervisor Aegerter. **Motion carried unanimously.**
- Citizen Participation, Communications, and Announcements:** Andrew announced the Farmers on the Rock Field Day that will be held from 10 am to 12 pm at Rebout Farms. Event will be held live in person and via zoom. Supervisor Sweeney read an email from constituent Leo Johnson opposed to Agricultural Related Sales Taxes being used to fund groundwater testing and treatment for Nitrates (as included in proposed Resolution on the agenda).
- Review Bills Paid:** Discussed the bill for payment to Wisconsin DNR. Andrew explained it is fees that we collect on behalf of the DNR for their support of the Nonmetallic Mine Reclamation Program.
- Informational Item.** Proposed Renewable Energy Projects in Rock County. Presented by Matt Johnson, Field Operations Director for the Wisconsin Land and Liberty Coalition.

Mr. Johnson provided a power point presentation to the LCC and those in attendance. He explained that he works for a non-profit organization that promotes the benefits of renewable energy production. Wisconsin Land and Liberty Coalition does not work directly for any specific company, but rather is funded by donors and others who have interest in these projects coming to fruition (including project developers). They focus on the economic benefit of the projects, not only to landowners but also local governments and school tax districts based on the share revenue. The LCC had questions about property tax payments, removal/decommissioning practices, etc. Supervisor Stevens and Lokrantz had a questions about recently polling data showing support for renewable, notably the sample size and demographic nature of the respondents. Supervisor Mulligan voiced concern about a landowner making an individual decision about where these projects should be located without concern for the best landuse on prime agricultural soils. Supervisor Sweeney had specific questions about whether battery storage was being proposed at any sites in Rock County. Mr. Johnson said not at this time, but could be proposed in the future. Supervisor Davis noted that the PSC Public Hearing for the Darien Solar Project will be held April 22nd at 1 pm and 6 pm. Mr. Johnson shared the meeting zoom information in the chat.

7. **Action Item. Resolution** Directing Rock County Staff to Explore the Feasibility of Creating Program to Address Nitrate Mitigation in Rock County's Ground Water.

Andrew confirmed that the LCC has the most recent version on the resolution, which excludes the reference to Agricultural Sales Tax and includes Sales Tax revenue in general.

Supervisor Richard introduce the Resolution before the LCC for discussion and possible action, which effectively is asking Staff to study the possible of funding sources/programs to assist landowner with the cost of well testing and possible remediation of high nitrates with system such as reverse osmosis (cost of approximately \$800 per system, plus maintenance).

Supervisors Davis and Sweeney voiced preference that the LCC should take more time to work through this complex issue, included allowing the Ground Water Nitrate Workgroup to complete the study of science based remediation to this concern. That work in the field is truly just getting started. Supervisor Mulligan echoed that the Nitrate Workgroup should weigh in on this resolution. Doug Rebout, Rock County resident and member of DATCP Board of Directors also relayed that this issue is being worked on a various levels and that homeowners should have some personal responsibility for the considerations of living with private well systems. Cannot necessarily just point to one source for the problem. Supervisor Richard recognizes the efforts that the Group is making, but may decades for implementation and impact to groundwater quality. This is Resolution is intend to help address concerns immediately on an individual well basis. Supervisor Aegerter noted that this Resolution is not approving a funding program, but rather simply directs staff to consider it and research options. Supervisor Stevens relayed the point that property owners have many expenses, especially when just purchasing a property, shouldn't assume everyone can afford treatment options.

After further discussion, Supervisor Sweeney made a motion to table action and send to the Nitrate Workgroup at their next meeting for review and possible recommendation, seconded by Supervisor Mulligan. **Motion carried unanimously.**

8. **Action Item:** Request for Erosion Control and Storm Water Management Permit Fee Waiver – Humane Society of Southern Wisconsin.

Andrew referred to the applicant's letter in the packet. The request is being made to waive the required permit fee for a project that has not been started after being permitted approximately 18 months ago. A six month extension was granted by the LCC in the past, but only one extension is allowed by Ordinance. Therefore, in order to proceed with the project a new permit must be obtained. Since the full permit fee was paid with the original permit (not utilized) and nothing about the designed has changed requiring additional staff time, staff is recommending that the fee be waived in this case. Supervisor Mulligan voiced concern that the COVID pandemic is being used as an excuse for not getting projects done and the LCC has seen too many extensions and waivers in the past few months. He stated applicants should be prepared to complete a project when they apply for the permit(s). Supervisor Stevens asked if it is true that sales tax revenues are generally up in the past year. Chair Bostwick confirmed that is the case. Supervisor Stevens stated this is one small way that the County can help business/individuals that have been impacted by the pandemic.

Supervisor Davis made a motion to approve the fee waiver request, seconded by Mr. Quade. **Motion carried on a 7-1 vote (Mulligan no).**

9. **Action Item:** Request for Erosion Control Permit Waiver – Yoss Construction

Landowner Bill Yoss was in attendance to discuss the project. Essentially, he is in the process of filling in a portion of a former gravel pit. The process started about fifteen years ago and has

taken time because he is particular on the material that is brought it. The site also contains a small landfill area that is a delisted Superfund site. There are no restrictions on filling over that landfill, just excavating into it. The amount of fill/grading that has been done recently is enough to require a Construction Site Erosion Control Permit. A plan and permit were obtained when the project first started, but the permit is only valid for one year. The landowner is requesting a waiver of the permit requirements because this is a reclamation project, just not requirement by the County Ordinance because the pit was not mined after 2001. Chris Murphy explained to the Committee the waiver request and his discussions with the landowner. Supervisor Mulligan asked for an estimate of the amount of time the landowner thinks it will take to complete the fill work. Mr. Yoss estimated 10 years depending on the availability of material. Staff is supportive of the waiver request so long that there is no offsite impact and the site is sufficiently stabilized in way that is similar to any reclamation project.

Supervisor Sweeney made a motion to approve the waiver request, seconded by Mr. Quade.
Motion carried unanimously.

The Committee suggested that Staff develop a policy to address reclamation of former mine sites that are not subject to the Reclamation Ordinance, which would include standards/criteria that justify not requiring an Erosion Control Permit for the project.

10. **Action Item:** Requests for Erosion Control and Storm Water Management Six Month Permit Extension

a. ECSW 2020-7: Frog, LCC – Salvage Yard Reconstruction (Contractor Delays)

Chris explained that project is under way, simply delayed based on the contractor's schedule. There are no compliance issues.

Supervisor Lokrantz made a motion to approve the extension request, seconded by Mr. Quade.
Motion carried unanimously.

b. ECSW 2020-9: Justin Fox – Shooting Range (Delays related to obtaining zoning approval)

Chris explained that the landowner obtained the County permit for the project, began the work, but that was stopped due to not having Town approval for the proposed land use. This occurred in June/July of 2020. The landowner is requesting an extension to have time to obtain Town approval and complete the project. At this time, there is no evidence that an application has been made to the Town.

Supervisor Mulligan made a motion to table the extension request until such time that the Town has approved the project, seconded by Mr. Quade. **Motion carried unanimously.**

Staff will monitor the site and require immediate stabilization if timely application to the Town is not made and/or the Town denies the zoning request. If needed, Staff will discuss the legal authority to regulate the site if the Permit has expired.

11. **Informational Item:** Review of 2020 WPDES-MS4 Annual Report

Andrew reference the annual report, which is included in the agenda packet. The report will also be added to the website for the public to view. The report is require to be submitted to the DNR to document compliance with the County WPDES-MS4 permit. No action necessary, but the Committee is encouraged to review and send any questions to staff.

12. **Action Item.** Land and Water Resource Management Program: Approval of 2021 Cost Share Agreements

- LR-002.21 – Hillison Grassed Waterway
- LR-003.21 – Collins Lined Waterway
- LR-004.21 – VanderVeen LLC Lined Waterway
- LR-005.21 – Kitzman Trust Grade Stabilization

- LR-006.21 – Wehinger Critical Area Stabilization

Supervisor Sweeney made a motion to approve the five Cost Share Agreements, seconded by Mr. Quade. **Motion carried unanimously.**

13. **Action Item:** Review and Approval of Rock County 2021 Annual Work Plan for submittal to DATCP

Andrew explained that the Work Plan is required as a component of the funding we receive from DATCP. It includes priorities and goals for each and is based on the Land and Water Resource Management Plan, which was updated a couple years ago.

Supervisor Aegerter made a motion to approve the Work Plan, seconded by Supervisor Lokrantz. **Motion carried unanimously.**

14. **Action Item:** Review and Approval of Soil and Water Resource Management (SWRM) Grant Application

Andrew explained that this Grant application is for 2022 and includes request for staffing, Bond (hard practices) and SEG (Nutrient Management) funds. Staff funding request are based on 2020 staff costs. The state-wide goal is to fund three staff people per County. In Rock County it is usually short of that. The 2021 staff grant is around \$164,000. The only requirement is that the funding must be used for staff that spend 100% of their time on conservation related tasks. Therefore, the Director cannot be considered funded by this source because the position is shared with Planning and Development. The request for Bond and SEG funds is similar to the request made in the past.

Supervisor Sweeney made a motion to approve the Grant Application, seconded by Supervisor Aegerter. **Motion carried unanimously.**

15. **Informational Item:** Purchase of Agricultural Conservation Easements

Andrew noted that acquisition was proceed on the applications approved in 2020. Appraisals will be done soon.

16. **Adjourn:** Supervisor Davis made a motion to adjourn at 9:24 pm, seconded by Supervisor Lokrantz. **Motion carried unanimously.**

Respectfully Submitted,

Andrew Baker
Director

Minutes are not official until adopted by the Land Conservation Committee.

G: office/lcc/lcc2020/M04072021

COMMITTEE REVIEW REPORT
WITH DESCRIPTION
FOR THE MONTH OF APRIL 2021

Account Number	Account Name	PO#	Check Date	Vendor Name	Description	Inv/Enc Amt
62-6200-0000-63100	Office&Misc Exp	P2100502	04/15/2021	US BANK	STAPLES OFFICE SUPPLIES	40.61
Land Conservation PROG TOTAL						40.61
62-6225-0000-62119	Other Services	P2101183	04/15/2021	USDA APHIS GENERAL	USDA FIELD SERVICES	765.23
Wildlife Damage/Assmts PROG TOTAL						765.23

I have reviewed the preceding payments in the total amount of **\$805.84**

Date:

Dept Head _____

Committee Chair _____

Land Conservation 5/5/2021

RESOLUTION

ROCK COUNTY BOARD OF SUPERVISORS

Land Conservation Committee
INITIATED BY



Andrew M. Baker
DRAFTED BY

Land Conservation Committee
SUBMITTED BY

April 20, 2021
DATE DRAFTED

AUTHORIZING SUBMITTAL OF GRANT APPLICATION FOR THE 2022 CLEAN SWEEP PROGRAM

1 **WHEREAS**, the Land Conservation Committee has identified the need to support a Clean
2 Sweep Program for 2022; and,
3

4 **WHEREAS**, the Land Conservation Committee wishes to submit an application to the
5 Wisconsin Department of Agriculture, Trade and Consumer Protection for the partial
6 sponsorship of a Household Hazardous Waste and Ag Clean Sweep Program; and,
7

8 **WHEREAS**, The Land Conservation Department last received a grant from DATCP for
9 sponsorship of this Clean Sweep Program in 2021; and,
10

11 **WHEREAS**, The Land Conservation Department will act as the agent for the project and will
12 maintain all records and submit reports in accordance with the program guidelines and grant
13 requirements; and,
14

15 **WHEREAS**, a resolution authorizing the sponsorship of this project is required as a condition
16 of the application process.
17

18 **NOW, THEREFORE, BE IT RESOLVED**, The Rock County Board of Supervisors duly
19 assembled this _____ day of _____, 2021 does hereby authorize the Rock County Land
20 Conservation Committee to submit an application to the Wisconsin Department of Agriculture,
21 Trade, and Consumer Protection for sponsorship of the 2022 Clean Sweep Program, and,
22

23 **HEREBY AUTHORIZES** the Land Conservation Committee to act on behalf of Rock County
24 for purposes of entering into an agreement for the project, sign documents and take necessary
25 action to undertake, direct, and complete the project in 2022.

AUTHORIZING SUBMITTAL OF GRANT APPLICATION FOR THE 2022 CLEAN SWEEP PROGRAM

Page 2

Respectfully submitted,

LAND CONSERVATION COMMITTEE

Rich Bostwick, Chair

Alan Sweeney, Vice Chair

Stephanie Aegerter

Wes Davis

Kaelyb Lokrantz

Mike Mulligan

Genia Stevens

James Quade, USDA-FSA Rep.

FISCAL NOTE:

This resolution only authorizes the application for a grant. There is no fiscal impact unless a grant is awarded.

/s/ Sherry Oja

Sherry Oja
Finance Director

LEGAL NOTE:

The authority to accept grant funds pursuant to sec. 59.52(19), Wis. Stats., necessarily implies the authority to make application for such funds.

/s/ Richard Greenlee

Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

/s/ Josh Smith

Josh Smith
County Administrator

EXECUTIVE SUMMARY

This resolution authorizes the Rock County Land Conservation Committee to submit an application to the Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP) for Clean Sweep grants in 2022 for Household Hazardous Waste (HHW) and Ag. The Land Conservation Committee sponsored the last Clean Sweep Program in 2021. The Health Department applies for a prescription drug collection grant independently of this application.

The Clean Sweep Program provides affordable and safe disposal of unwanted hazardous chemicals to county residents, eligible businesses, and units of government at two to three drop-offs events per year in Rock County. Chemicals banned from disposal in the landfill system will be collected through this program.

The application period for the 2022 program year is now open and closes May 28, 2021. A presumed award amount of \$5,500 has been included in preliminary budget preparation documents. The combined HHW and Ag grants make up approximately 15% of the program's annual budget with the balance coming from user fees and annual contributions from cities, villages and towns.

This is a reimbursement grant that requires a 25% local match of the final award as cash and/or in-kind. The County intends to meet the 25% match with the activities associated with this event including contracted vendor services at drop-off events and outreach to the public on hazardous waste.

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Land Conservation Comm.
INITIATED BY



Andrew M Baker
DRAFTED BY

Land Conservation Comm.
SUBMITTED BY

April 23, 2021
DATE DRAFTED

**AMENDING THE 2021 LAND CONSERVATION DEPARTMENT BUDGET
FARMERS ON THE ROCK PRODUCER LED WATERSHED GROUP ACCOUNT**

1 **WHEREAS**, the Land Conservation Department (LCD) has established a partnership with
2 Farmers on the Rock (FOTR) Producer Led Watershed Group via a Memorandum of
3 Understanding (MOU); and,
4

5 **WHEREAS**, the primary purpose of the MOU is to work collaboratively on a producer led water
6 quality protection project in the Lower Rock River watershed to achieve improved water quality;
7 and,
8

9 **WHEREAS**, the LCD has agreed to manage donations, contributions and other funding sources
10 acquired by FOTR; and,
11

12 **WHEREAS**, FOTR desires to utilize a portion of the funds that have been contributed to date;
13 and,
14

15 **WHEREAS**, the current budget does not include expense codes associated with the account to
16 allow the County to spend the fund as dictated by FOTR.
17

18 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly
19 assembled this ____ day of _____, 2021, approves the creation of the Farmers on
20 the Rock Account and hereby amends the Land Conservation Department’s budget as follows:
21

<u>A/C DESCRIPTION</u>	<u>BUDGET AT 05/1/2021</u>	<u>INCREASE (DECREASE)</u>	<u>AMENDED BUDGET</u>
<u>Land Conservation</u>			
<u>Source of Funds:</u>			
62-6267-0000-46000			
Contributions	\$-0-	\$1,000	\$1,000
<u>Use of Funds:</u>			
62-6267-0000-63110			
Administrative Expense	\$ -0-	\$1,000	\$1,000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

AMENDING 2021 THE LAND CONSERVATION DEPARTMENT BUDGET FARMERS ON THE
ROCK PRODUCER LED WATERSHED GROUP ACCOUNT

Page 2

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Finance Committee Endorsement

Reviewed and approved on a vote of _____

Richard Bostwick, Chair

Mary Mawhinney, Chair Date

Alan Sweeney, Vice Chair

Stephanie Aegerter

Wes Davis

Kaelyb Lokrantz

Robert Potter

James Quade, USDA-FSA

Genia Stevens

FISCAL NOTE:

This resolution authorizes setting up an account and budget to allow for contributions to and expenses for the Farmers on the Rock group.

/s/ Sherry Oja

Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Recommended.

/s/ Josh Smith

Josh Smith
County Administrator

LEGAL NOTE:

The County Board is authorized to take this action pursuant to §§ 59.01 & 59.51, Wis. Stats. As an amendment to the adopted 2021 County Budget, this Resolution requires a 2/3 vote of the entire membership of the County Board pursuant to § 65.90(5)(a), Wis. Stats.

/s/ Richard Greenlee

Richard Greenlee
Corporation Counsel

EXECUTIVE SUMMARY

The purpose of the Farmers on the Rock Producer Led Watershed Group (FOTR) is to reduce nitrate loading in groundwater and surface waters from agriculture in Rock County. Rock County Land Conservation Department, in partnership with the Rock County Public Health Department has identified numerous areas within the County of Rock where nitrate well tests results have shown an increasing trend of elevated nitrate levels above the Preventative Action Limit of 2mg/l and Enforcement Standard of 10mg/l. As a result of the observations and data collected, Rock County developed a Groundwater Nitrate Workgroup, composed of respected leaders from multi-agencies, agricultural producers, and agricultural industries, to provide assist with numerous objectives regarding upward trends of nitrates found in groundwater and well water. One objective was the establishment of a groundwater nitrate pilot project on the County Farm which includes the establishment of three observation wells and implementation of best management practices on the aforementioned farm. Another objective is the establishment of a producer led watershed effort to assist with the efforts of reducing nitrates entering the groundwater system. A third objective is to create partnerships with agencies and the agricultural community, to establish BMPs to reduce nitrate in groundwater, and to educate the community to launch the BMPs.

Via an existing MOU with FOTR, Rock County LCD has committed to contribute staff time and travel costs needed to assist FOTR in implementing conservation practices, managing funds, communication, planning and attending educational events and other resources. This resolution authorizes an amendment to the 2021 Budget to establish financial accounts on behalf of the FOTR. Any funds contributed to, or expended from, these accounts will be 100% collected and controlled by FOTR. There is no direct County contribution to these funds at this time.

**AMENDMENT #8 TO
WISCONSIN CONSERVATION RESERVE ENHANCEMENT PROGRAM CONTRACT**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (“DATCP”) and Rock (“County”) hereby amend the Wisconsin Conservation Reserve Enhancement Program (“CREP”) contract signed by the county on 11/15/2001 and amended on 12/22/2016, 12/26/2012, 2/23/2009, 5/28/2008, 2/14/2008, 2/17/2004 and 12/18/2002.

I. The Contract Spending Authority is amended to read as follows:

Contract Period <u>11/28/2001</u> to date defined in Section III. <u>Term of Contract</u>	Andrew Baker - County Conservationist Rock County Land Conservation Dept. 440 N. US Hwy. 14, Janesville, WI 53546 608-754-6617
Contract Spending Authority <u>\$1,720,000.00</u>	

II. TERM OF THE CONTRACT

This Amendment to the CREP Contract takes effect upon signing by both parties and remains in effect until the CREP Contract is terminated based on the provisions in Appendix A. X. Termination of Contract.

Except as expressly changed by this Amendment, the terms, conditions, rights and obligations of the CREP Contract shall remain in effect unchanged. In the event of any inconsistency or conflict in the CREP Contract and this Amendment, the provision of this Amendment shall control.

IN WITNESS WHEREOF, the Department and County have executed this Amendment as of the date of this Amendment is signed by the Department.

State of Wisconsin
*Department of Agriculture, Trade and
Consumer Protection*

Authorized County Signature

Signed By	Signed By
Randy Romanski, Secretary-Designee Department of Agriculture, Trade and Consumer Protection	Print Name
Date	Date