

**PROCEEDINGS OF THE BROWN COUNTY
LAND CONSERVATION SUBCOMMITTEE**

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Land Conservation Subcommittee** was held on Monday, September 23, 2019 at Pittsfield Town Hall, 4862 Kunesh Rd., Pulaski, WI

Present: Chair Norb Dantine, Supervisor Deslauriers, Supervisor Tran, Supervisor Erickson, Supervisor Kaster, Citizen Member Stan Kaczmarek

Also Present: County Conservationist Mike Mushinski, Assistant County Conservationist Jon Bechle

I. **Call Meeting to Order.**

The meeting was called to order by Chair Dantine at 6:00 p.m.

II. **Approve/Modify Agenda.**

Motion made by Supervisor Kaster, seconded by Stan Kaczmarek to approve. Vote Taken. MOTION CARRIED UNANIMOUSLY.

III. **Approve/Modify Minutes of August 26, 2019.**

Motion made by Supervisor Deslauriers, seconded by Supervisor Kaster to approve. Vote Taken. MOTION CARRIED UNANIMOUSLY.

Comments from the Public. None.

Land Conservation Department

1. **Budget Status Financial Report for August 2019 – Unaudited.**

County Conservationist Mike Mushinski informed financially they were in good shape. Their revenues were ahead of their expenses at this point.

Motion made by Supervisor Erickson, seconded by Supervisor Kaster to receive and place on file. Vote Taken. MOTION CARRIED UNANIMOUSLY.

2. **Directors Report.**

a. **An Ordinance to Amend Chapter 26 of the Brown County Code of Ordinances (Animal Waste Management) - Request for approval and forward to PD&T.**

Mushinski informed Corporation Counsel Hemery had put this in ordinance form and coming back for approval. This defined their definitions better and added their state performance standards both agricultural and manure. It also added bedrock standards that the state had approved.

Kaczmarek referred to '26.09 Administration' and informed "and water" was duplicated, one should be deleted. Under 26.10(d) No person may apply animal waste or animal waste combined with other waste/material between December 1st and March 31st without first obtaining a winter spreading permit as provided in this ordinance. Kaczmarek stated some years it was frozen by the 15th of November, the last couple of years there were snowstorms in April and water had to go somewhere with runoff. He wanted to make sure they weren't opening up a can of worms by having March 31st. Erickson suggested adding verbiage, based on the discretion of the Land Conservation Department. Mushinski agreed, they had given a lot of winter spreading permits so the ordinance was revised to state the only way a department would give a spreading permit was in an emergency situation. A lot of it was happening between those dates that they

were seeing where the biggest issues were arising. They started doing this last year where they ask to take it to a neighboring pit, not field apply but store it somewhere else verses land apply at that point. It was definitely an issue and this year will be a challenge with the rain and manure. The important part of the ordinance revisions were the definitions. The state references waters of the state, unfortunately runoff happens so if they had discharges that reached the waters of the state it was a violation of the ordinance. No matter what time of the year if that manure was applied and they had rain or had runoff events, if it did discharge to the waters of the state, it was a violation of the ordinance and there were violations and penalties.

Kaczmarek questioned how many winter spreading permits were generally given every winter. Mushinski stated 50-70 however this year it will be a lot less because they won't be giving winter spreading plans to CAFOs or anyone who had an engineered manure structure.

Kaster referred to 26.10 (8)(a) and asked for clarification as the amount of solids. Bechle stated the standard changed and removed the reference to the percentage of solids. Under 26.11 (6) Temporary Unconfined Manure Stacking Requirements – Each application for a permit under this section shall include plan specifications identified in (the new) Standard 31, USDA – NRCS Technical Guide. It used to be under 313, it was now 318 which referred to a new standard. Bechle informed it didn't specifically state the amount of solids but referenced the new standard. When they revised the ordinance they tried to keep it consistent but had to change the number as a whole new standard (318), and got into a lot more detail than the previous 16% number.

Tran stated since it was a legal document, she like to make some technical changes. There were some parts that stated county land, she'd like "Brown" in front of "County" throughout the ordinance to be consistent.

Under 26.09 (3) Inspection Authority, the last sentence, Tran questioned what the Brown County Land and Water Conservation Department shall be? Mushinski stated those were the statues sections that allowed them to gain entry on the property if they believed there was an issue with runoff. She felt it wasn't clear and would like "permitted" or "enforced" according to Section.

Under 26.09 (2) Emergency Repairs, Tran informed it should state "Subcommittee" not "Committee".

26.10 (4)(b) – Tran questioned if 250 feet was far enough for storage facilities to be built from people's homes? Erickson informed that was state regulated. She didn't want future issues with homeowners. Dantine believed they tried changing it before and they couldn't change it because they didn't have county-wide zoning, townships had their own zoning. Mushinski added it was the state standard and so they removed all the zoning requirements in the ordinance. The townships could enact. The 250 was on a plan that they provided to the county. Erickson stated it was something their committee passed not too long ago.

(5)(c) – Tran questioned who did the testing? Bechle stated these were designs and plans for farms so it was done by contractors but the number of large farms they had that were required to get permitted by the state, they and some of the other farmers oftentimes hired contractors to do it that have professional engineers on staff. Rather than keeping the onus on the Land Conservation Department staff. If it was a project that staff was working on, then staff would address it.

(7)(f) Tran questioned why the record should only be retained by the landowner for one year? Bechle stated it was related to the manure or nutrient applications, it was an annual plan.

Deslauriers informed he would vote for this to move forward because in his opinion it was vastly improved from what it was and thanked them for all the hard work that was put into it. He wanted it noted in the record that he knew it was not legally required to remove but he still had an objection to the second paragraph to 26.02.

Motion made by Supervisor Erickson, seconded by Supervisor Deslauriers to approve and move on to PD&T with the corrected amendments. Vote Taken. MOTION CARRIED UNANIMOUSLY.

b. Intent to Award Documentation for East Brown Road Pike Spawning Wetland. Riverview Construction.

A map was provided (attached), Mushinski requested that they select the lowest bidder. Engineering Technician Dave Wetenkamp informed he designed this project and the land was owned by the Wisconsin Department of Natural Resources. It was in Oconto County but the DNR office asked their department to design it for their property because they had a lot of experience doing it. The project was originally a little bigger, around 8 acres. They set it out for bid and it came in way over budget. They asked some contractors to give them some ideas, made the footprint smaller and resubmitted for bids.

Deslauriers asked for some background on why the county was doing this. Wetenkamp informed it was a wetland restoration project and funding for these had come about through different funding sources and partnerships with different organizations, Ducks Unlimited and Fish and Wildlife Service. There was also grant money given to their department from Natural Resources Damage Assessment (NRDA) funds which was levied against some of the businesses around the area for past pollution problems. They made an agreement that if they put this money in a pot that this money could be used to restore and enhance wildlife and water resources, the areas affected by those damages. Some of that funding was going into this project so it was actually zero dollars to the county, other than staff time doing the design work as an in-kind service.

Mushinski add it was right on the county line, it took in water from both counties. They had a long history working with Oconto County and the DNR on these projects so it seemed to fit right in well with the county continuing it. It was going to be an incredible project. Brown Rd. was a major migratory route for northern pike. The more projects they could get on that route would be really positive. Oconto had a very aggressive northern pike program and had done a lot of work too on this type of thing. Kaczmarek informed if you go three quarters of a mile and you are in the Bay.

Erickson informed this had been going on for a number of years. A lot of times these northern pike would travel up and become land trapped and never get back. This gave them an opportunity to return. When this got kicked off back in the day, he found an ad for grants and handed them into the department and the federal government liked the project so well they received \$250,000. It was a very well deserved project. The size and population of northern pike had also greatly increased in the Bay and it's been working.

Motion made by Supervisor Erickson, seconded by Supervisor Kaster to approve and award the bid to Riverview Construction for \$169,995.00. Vote Taken. MOTION CARRIED UNANIMOUSLY.

Other

3. Such Other Matters as Authorized by Law.

4. Adjourn.

Motion made by Stan Kaczmarek, seconded by Supervisor Deslauriers to adjourn at 6:29 pm. Vote taken. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Alicia A. Loehlein
Administrative Coordinator



(IN FEET)
1 inch = 150 ft

GRAPHIC SCALE

| | | |
|---|--|--|
| <p>BCLWCD BROWN COUNTY LAND & WATER CONSERVATION DEPT.</p> | <p>OWNER: <u>WDNR-BAYSIDE RD</u></p> | <p>Designed: <u>DAVE.WETENKAMP</u></p> |
| | <p>COUNTY: <u>OCONTO</u></p> | <p>Drawn: _____</p> |
| | <p>Date: <u>7/17/2019</u></p> | <p>Checked: _____</p> |
| | <p>Drawing Name: <u>WDNR-SitePlan-AD280000.dwg</u></p> | <p>Approved: _____</p> |

PLAN SITE VIEW

Date 7/17/2019

Sheet 3 of _____