



POLK COUNTY, WISCONSIN

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Lisa Ross, County Clerk
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810
Phone (715) 485-9226 | Email: county.clerk@co.polk.wi.us

AGENDA AND NOTICE OF MEETING

ENVIRONMENTAL SERVICES COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

County Board Room

Wednesday, February 12, 2020 at 9:00 a.m.

A quorum of the County Board may be present

1. Call to Order – Chairperson Kim O’Connell
2. Approval of Agenda
3. Approval of minutes for January 22, 2020
4. Public Comments – 3 minutes per person – not to exceed 30 minutes total
5. Receipt of Information on Matters Noticed from Supervisors not Seated as Committee Members
6. Tax Delinquent Properties
 - a. Tax Deed Property Online Auction Sale through Wisconsin Surplus
7. Parks, Recreation and Trails, and Dams
 - a. Consideration of Resolution No. ___-20; Support of Polk County’s Agreement to Pay Cost Share for the 2020-2022 Municipal Dam Grant Program
 - b. Outdoor Recreation Plan Discussion
 - c. Presentation from Toole Design
8. Forestry
 - a. 15 Year Comprehensive Forest Comprehensive Land Use Plan- Review Ch. 500
9. Zoning and Land Information
 - a. Discussion and possible action regarding CAFO moratorium text/updates
 - Receipt of information from “Local Officials” and “Concerned Citizen” CAFO stakeholder meetings
 - Receipt of information on Wisconsin Statute Section 92.15
 - b. Consideration of Extension of Resolution 33.19 (Supervisor Nelson)
 - c. Review and discussion on the clean version of the Proposed Polk County Shoreland Protection Zoning Ordinance
 - d. Review and action on final plat of BALSAM WOOD
 - e. Review and action on preliminary plat of FOXWOOD FIRST ADDITION
10. LWRD
 - a. Chad Alberg, DNR, Wildlife Crop Damage Claims
 - b. Discussion and/or consideration of Resolution 1# & #2 NMP Requirements-sponsored by the North Central WI Land and Water Conservation Association
 - c. Review of Candidates for Land+Water Conservation Board
11. Committee Calendar and Identification of Subject Matters for Upcoming Meetings
12. Adjourn

Items on the agenda not necessarily presented in the order listed. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk’s office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.



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MINUTES

Environmental Services Committee

Government Center County Board Room
100 Polk County Plaza Balsam Lake, WI 54810
9:00 A.M. Wednesday, January 22, 2020

Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Tracy LaBlanc	Supervisor	Present
Doug Route	Supervisor	Present
Brad Olson	Vice Chair	Present
Jim Edgell	Supervisor	Present
Lyle Doolittle	FSA Representative	Present

Also present were: Malia Malone, Corporation Counsel; Vince Netherland, County Administrator; Emil Norby, Highway Commissioner; Jason Kjeseth, Zoning Administrator; Tim Anderson, County Planner; Ben Elfelt, Parks and Trails Coordinator; Mark Gossman, Forester; Paul Heimstead, DNR Forester Bob Kazmierski, Environmental Services Division Director, Brian Hobbs, Environmental Health; members of the public; and member of the press.

Meeting called to order by Chair O'Connell at 09:08 a.m.

Approval of Agenda- Chair O'Connell called for a motion to approve the agenda. **Motion** by Tracy LaBlanc, seconded by Doug Route to approve the agenda, carried by unanimous voice vote.

Approval of Minutes – Chair O'Connell called for a motion to approve the minutes of the January 8, 2020 meeting. **Motion** by Brad Olson, seconded by Jim Edgell to approve the minutes of the January 8, 2020 meeting as published, carried by unanimous voice vote.

Public Comment – 10 public comments were received by the Committee.

Receipt of Information from Supervisors not seated as Committee Members on Matters Noticed – None.

Tax Delinquent Properties – no update

Tax Deed Property Online Auction Sale though Wisconsin Surplus - no action

Woodley Property – no update

Parks, Recreation, Trails, and Dams Trails update: No update

Update regarding Atlas Dam: Committee received an update from Parks and Trails Coordinator, Ben Elfelt, regarding the Atlas Dam. Inspection has been done. Grant application will need to be submitted by February 28th.

Update on Trail Consultant and Stower Trail: Committee received an update from Ben Elfelt and County Planner Tim Anderson. Toole Design's presentation was rescheduled for the Feb. 12th meeting.

Forestry Committee received updates on the timber sales.

Committee received an update from Mark Gossman, County Forester and Paul Heimstead, DNR Forester on the bids from the Timber Sales. Two bids out of the 7 parcels available were reviewed. **Motion** by Brad Olson, seconded by Doug Route to approve the bids. Carried by unanimous voice vote. Chapter 300 of the Polk County Comprehensive Forestry 15 year plan was reviewed.

Chair O'Connell called for a recess at 9:53 a.m. Chair O'Connell called the meeting back in session at 10:05 a.m.

PUBLIC HEARING 10:05a.m. Discussion was held regarding Mark and Barb Lusardi's Conditional Use Permit Application for an Educational and Retail Pottery Studio on their property. No feedback for opposition was received. Motion by Tracy LaBlanc, seconded by Doug Route to approve their application with the conditions as set forth. Carried by a unanimous voice vote.

Forestry Chapter 400 of the Polk County Comprehensive Forestry 15 year plan was reviewed.

Chair O'Connell called for a recess at 11:07 a.m. Chair O'Connell called the meeting back in session at 11:20 a.m.

Zoning and Land & Water

Zoning

Chairman O'Connell recognized Zoning Administrator Jason Kjeseth for the purpose of providing information to the committee regarding updates to the Shoreland Zoning Ordinance.

Committee received an update regarding development of the CAFO Ordinance from Jason Kjeseth. Discussion was held on the survey results of the stake holders meeting held Jan. 21st.

Bob Kazmierski introduced himself to the committee as the new Environmental Services Division Director. Robert's first priority is to outline the reorganization of the Division, creating a work group and building a model and flow chart for the Division.

Committee Calendar & Identification of Subject Matters for Upcoming Meetings

FEBRUARY 12, 2020 AT 9:00 A.M. AGENDA ITEMS:

Tax delinquent properties: Updates on tax delinquent properties/sales

Parks, Recreation, Trails and Dams: Trails updates, Update regarding Atlas Dam

Forestry: Sterling Tower update, Polk County Comprehensive Forestry 15 Year Plan

Zoning & Land Information: CAFO Moratorium Development Work Updates. Review and Action on final plat of BALSAM WOOD, Review and Action on preliminary plat of FOXWOOD FIRST ADDITION.

LWRD: Chad Alberg, DNR, wildlife Crop Damage Claims report

Outdoor Recreation Plan: discussion

Divisional Form of Government: update

Chairman O'Connell called for a motion to adjourn. Motion by Jim Edgell, seconded by Brad Olson to adjourn. **Motion** carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 1:10 p.m.

Respectfully submitted,

Carol Zygowicz

Administrative Assistant LWRD

Resolution in Support of Polk County's Agreement to Pay Cost Share for the 2020-2022
Municipal Dam Grant Program-Atlas Dam

**TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY
BOARD OF THE COUNTY OF POLK:**

Ladies and Gentlemen:

1 WHEREAS, as the owner of the Atlas Feed Mill dam, Polk County is responsible for the safe
2 operation and maintenance of the dam.

3

4 WHEREAS, the Atlas Feed Mill Dam is a large, significant hazard dam based on a Dam
5 Failure Analysis approved by the WIDNR in 1994.

6

7 WHEREAS, an Emergency Action Plan and Inspection, Operation and Maintenance Plan
8 was approved by the WIDNR in 2014. The Atlas Feed Dam was last inspected in 2019.

9

10 WHEREAS, The Wisconsin Department of Natural Resources (WIDNR) evaluated the
11 current inspection and dam failure analysis prepared by the Polk County engineer. The
12 WIDNR sent Polk County a letter of concurrence outlining necessary repairs and a
13 timeline for completion by 2022.

14

15 WHEREAS, the repairs outlined in the letter of concurrence from the WIDNR are dated as
16 such: Concrete 01/01/2022, Staff Gage 06/01/2020, and Embankment 01/01/2012.

17

18 WHEREAS, the WIDNR administers a grant to assist with costs associated with repair or
19 removal of dams. The Municipal Dam Grant runs on a two year cycle and if awarded will
20 cost share 50 percent (50%) of the project costs.

21

22 WHEREAS, the grant application deadline is February 28, 2020. If the grant is not applied
23 for in 2020, the County will forfeit cost sharing opportunities provide by the grant.

24

25 WHEREAS, Polk County owns the Atlas Feed Mill dam and requests financial assistance
26 under s.31.385 and s. 227.11 Wis. Stats., and ch. NR 335, Wis. Adm. Code, for the purpose
27 of dam repair.

28

29 WHEREAS, the state share for such a project may not exceed 50 percent (50%) of the first
30 \$400,000.00 of total eligible project costs nor 25 percent (25%) of the next \$800,00.00 of
31 total eligible project costs;

32

33 WHEREAS, the estimated project costs according to SEH Engineering are roughly
34 \$100,000.00 and the estimated cost to Polk County will be \$50,000.00.

35

36 NOW, THEREFORE, BE IT RESOLVED, that Polk County Board of Supervisors approves
37 the application to the WIDNR for Municipal Dam Grant and agrees to pay share of the

38 eligible costs which is equal to the total project cost minus the state share should this grant be
39 awarded in 2021 .

BY: _____
Brad Olson, Supervisor, District #1

Doug Route, Supervisor, District #2

Dean Johansen, Chair,
Supervisor, District #3,

Chris Nelson, Supervisor, District #4

Tracy LaBlanc, Supervisor, District #5

Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

Jay Luke, 1st Vice Chair,
Supervisor, District #11

Michael Larsen, Supervisor, District #12

Russell Arcand, Supervisor, District #13

John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

Joe Demulling, Supervisor, District #15

County Administrator's Note:
Recommended.

Vince Netherland
Polk County Administrator

Fiscal Impact Note:
Environmental Services Division is applying for this DNR grant. If awarded, there would be budgeted an estimated \$50,000 as a match to the grant for improvements on the Atlas Dam.

Maggie Wickre, Finance Director

Approved as to Form and Execution:

Malva Malone

Malia Malone, Polk County Corporation Counsel

Legal Impact Note:

This Resolution is a condition precedent for the grant funding and indicates a policy intention on providing the matching funds in future budgets.

Excerpt of Minutes

40 At its regular business meeting on the ____ of _____ 2020, the Polk County
41 Board of Supervisors acted upon Resolution No. ____-20: Resolution
42 _____
43 _____
44 _____

- Adopted by a majority of the members present by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Adopted as amended. See Below.
- Defeated
- Other:

Insert amendment to resolution according to minutes:

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chairperson

Lisa Ross, County Clerk

Executive Summary

The Wisconsin Department of Natural Resources (WIDNR) evaluated the current inspection and dam failure analysis prepared by Scott Geddes, formally Polk County engineer. The WIDNR sent Polk County a letter of concurrence outlining necessary repairs and a timeline for completion. This Resolution demonstrates agreement to pay the county cost share of 50 percent (50%) of the total project costs for the Atlas Feed Mill Dam repair. Applications for this grant are only accepted every two years. If successful in procuring the grant, funding from the State of Wisconsin will be available in 2021. The Municipal Dam grant would be used to fund engineering and construction costs incurred in the repair of the dam. Failure to fix the three deficient items may result in a

mandatory draw down similar to what happened to the Kennedy Dam. The Resolution would increase the likelihood that Polk County would be awarded the grant as it is part of the application materials.

POLK COUNTY FOREST
100 Polk County Plaza, Suite 40, Balsam Lake, WI 54810
(715) 485-9265 FAX# (715) 485-9246

LAND USE AGREEMENT Utility ROW

This Agreement made the _____, by and between Polk County, Wisconsin, Licensor, and Polk-Burnett Electric Cooperative of Centuria, Wisconsin Licensee.

WHEREAS, the Licensor is the owner of real estate located in the _____ Polk County, Wisconsin;

WHEREAS, the Licensee desires to install a buried electrical cable to service private lands in the _____, Polk County, Wisconsin..

THEREFORE, for valuable consideration, Licensor authorizes and permits Licensee to install a buried electrical cable across and through the _____, Polk County, Wisconsin, to the extent owned by Licensor, subject to the following conditions:

Licensee shall have the right to place, construct, operate, maintain, repair relocate, and replace an electrical cable for the transmission of electrical energy. The electrical cable shall be buried at least 30" deep and as close to _____ as is practical.

Licensee shall mark on the property the location of the underground electrical cable.

The ground surface shall be restored to its previous condition.

No pedestals or above ground devices will be authorized in this location.

Present and future forest management, timber sales, timber stand improvement, reforestation, or other forest or recreational activity shall be of high priority of the Licensor and in no way should be hindered by this agreement.

Licensee shall have the continuing right to keep the corridor clear from any structures, any and all vegetation, using methods common to the maintenance of underground electrical cables within a distance of 6 feet either side of the electrical cable.

The Licensee shall have the continuing right to inspect, service, and operate this buried line on lands of the Licensor during the length of this agreement.

Licensee agrees to comply with all federal, state, and county laws that apply and will further assume all responsibility and costs for installation and future operation.

The Licensee agrees to pay a one-time fee of \$ _____ Within 30 days of execution of this Agreement by Licensee.

The Land Use Agreement is a non-exclusive license. Licensor may authorize and permit other utilities to install and maintain cable across and through the property occupied and used by Licensee. Licensee shall cooperate with the exercise of such authorizations or permits and shall not interfere with the exercise of the same.

This Agreement shall have a term of fifteen (15) years that commences on the date of execution by the licensor. This agreement shall be subsequently renewed under the same terms upon a memorandum signed by both parties prior to the termination of this Agreement.

This agreement shall otherwise terminate when the Licensee has determined that the cable is no longer necessary for the distribution of electricity. The Licensee shall provide Licensor notification of said determination within 7 business days of the making of same. The Licensee shall remove the electrical cable. If the electrical cable is not removed within 30 days after said determination, the same shall become the property of the Licensor.

Licensee agrees to defend and hold Licensor, its agents and assigns harmless from and against any and all claims, demands, suits, liability and expenses, including attorneys' fees and costs of litigation, for losses, damages or injury to persons or property that may arise from a buried electrical cable, or the installation, operation, maintenance, or repair of the same.

Accepted by:
Polk County,
100 Polk County Plaza suite 40
Balsam Lake, WI 54810

Accepted by:
Polk Burnett Electric Cooperative
Centuria, WI 54824

_____ Date: _____

_____ Date: _____

Chairman,
Polk County Forestry Committee

Polk Burnett Electric Cooperative

_____ Date: _____

_____ Date: _____

Witness

Witness:

ACCESS PERMIT

This access permit is entered into by and between the County of Polk hereinafter referred to as "Owner" and _____, hereinafter referred to as "Permittee", for the sole purpose of obtaining ingress across the following described land in Polk County Wisconsin.

Legal Description (See attached map)

This permit shall be in effect for a _____ period, commencing the _____ day of _____, 20____ and ending the _____ day of _____, 20____.

The Permittee shall pay the Owner _____ Dollars (\$____). This access permit may be extended on the same terms and conditions upon mutual agreement of the Owner and the Permittee.

It is understood by the Owner and the Permittee that this permit is subject to the following conditions:

1. Prior to this permit taking effect, the Permittee shall submit for approval to the Owner a plan describing any construction and maintenance of the above described property. No deviations from this plan will be allowed without the prior written approval of the Owner.
2. Access way improvements and upgrading must be approved in advance and will be supervised by the Polk County Forest Administrator. Prior notification of not less than ten (10) working days is required before work starts.
3. If the owner determines that further use of the above-described property by the permittee is not in the best interest of the Owner, for whatever reason or interferes with present or future management objectives of the Owner, the owner reserves the right to cancel this permit by sixty (60) days written notice to the Permittee by the Owner.
4. This permit is non-transferable.
5. The access way width is to be no greater than one rod (16.5 feet)
6. No cutting or trimming of trees shall be done without the prior written approval of the Owner. All wood cut is the property of Polk County.
7. Any wood products approved for cutting will be cut and piled by species and all wood in 100" lengths cut to a 4 inch top diameter.
8. Present and future forest management, timber sales, timber stand improvement, reforestation or other forest or recreational activity shall be of high priority of the Owner and in no way should be hindered by this permit.
9. All stumps, slash, waste material and other debris resulting from the permitted land use shall be disposed of by the Permittee as directed by the Owner.

COUNTY FOREST COMPREHENSIVE LAND USE PLAN

TABLE OF CONTENTS

REV: 06/06/19

CHAPTER 500

LAND MANAGEMENT AND USE

<u>Section</u>	<u>Subject</u>	<u>Page</u>
500	LAND USE.....	
500.1	OBJECTIVE.....	
505	TIMBER SALES.....	
505.1	FIELD PREPARATION OF TIMBER SALES.....	
505.2	ADVERTISING FOR BIDS.....	
505.3	PROSPECTUS.....	
505.4	METHOD OF BILLING.....	
505.5	AWARDING SALES.....	
505.6	SALES CONTRACTS.....	
505.7	TIMBER SALE PERFORMANCE BOND.....	
505.8	CONTRACT PROVISIONS.....	
505.8.1	Contract Number and Contract Name.....	
505.8.2	Contract Parties.....	
505.8.3	Durations and Extension of Contracts.....	
505.8.4	Termination of Contract by Seller.....	
505.8.5	Performance Bond, Damages, Future Contracts.....	
505.8.6	Title to Timber.....	
505.8.7	Payment Schedule.....	
505.8.8	Utilization Specifications.....	
505.8.9	Training Requirement.....	
505.8.10	BMPs, Roads, Landings.....	
505.8.11	Soil Disturbance and Rutting.....	
505.8.12	Liability and Worker's Compensation Insurance.....	
505.8.13	Scaling and Conversion Factors.....	
505.8.14	Forest Certification.....	

	505.8.15	Other Contract Conditions for Consideration.....
	505.8.16	Attachments to Contract.....
505.9		TIMBER SALE RESTRICTIONS.....
505.10		TIMBER SALE ROADS.....
505.11		SUPERVISING SALES.....
505.12		FOREST PRODUCTS ACCOUNTABILITY.....
	505.12.1	Scaling Merchantability.....
	505.12.2	Utilization of Standards.....
	505.12.3	Methods of Accountability.....
505.13		SPECIAL FOREST PRODUCTS PERMITS.....
510		TIMBER THEFT
	510.1	TIMBER THEFT INVESTIGATION.....
515		ENCROACHMENTS
520		SPECIAL USES
	520.1	SAND AND GRAVEL.....
	520.2	EXPLORATION, PROSPECTING AND MINING.....
	520.3	SANITARY LANDFILLS.....
	520.4	MILITARY MANEUVERS.....
	520.5	PUBLIC UTILITIES.....
	520.6	ACCESS TO PRIVATE LAND.....
	520.6.1	Temporary Access.....
	520.6.2	Access Agreements.....
	520.6.3	Prescriptive Easements.....
	520.6.4	Other Types of Access.....
	520.7	PRIVATE UTILITY SERVICE LINES.....
	520.8	CELLULAR COMMUNICATION TOWERS.....
	520.9	OTHER.....
525		TREATY RIGHTS: GATHERING MISCELLANEOUS FOREST PRODUCTS

500 LAND USE

500.1 OBJECTIVES

1. To identify policies and procedures employed to effectively manage, utilize and sustain the resources of the County Forest.
2. To identify regulated management activities, land uses and special resource areas.
3. To layout proper permits needed for certain activities on the County Forest

505 TIMBER SALES

Regulated cutting of timber is essential to the goals and objectives of this plan. Timber harvesting will be conducted to achieve a sustainable harvest level. Harvest areas will be distributed in the forest to accommodate such needs as biodiversity, wildlife, aesthetics, watershed protection and other biological needs. WisFIRS will be used for planning all timber harvests activities on the County Forest. All sales will be established, administered and reported in accordance with the DNR Timber Sale Handbook (2461). All sales on the forest are to be advertised for public bidding, with the exception of small sales with an estimated value of \$3000 or less or sales that would qualify under a salvage provision (s. 28.11(6)(c), Wis. Stats.). These sales may be sold direct without advertising.

Commented [LKM-D1]: I think this IS the salvage provision...

505.1 FIELD PREPARATION OF TIMBER SALES

The County and the DNR will cooperate to locate, designate and prepare harvest areas for sale. The Forest administrator and DNR liaison forester shall jointly be responsible to see that the field work on sales is accomplished. In addition, the Forest Administrator and WIDNR Forestry Liaison will be jointly responsible for ensuring that all proper documentation for each timber sale is properly filled out and routed for signatures.

505.2 ADVERTISING FOR BIDS

After field work is completed and necessary reports receive DNR approval, the administrator shall prepare a sale prospectus and make it available to interested loggers. Under s.28.11(6)(b) Wis. Stats, timber sale advertisements, at a minimum, will be by

classified ad in a newspaper having general circulation in the county. Ads shall be run for one week prior to the bid opening. A longer advance time will be given when feasible. Sealed bid sales will generally be offered during January or February.

505.3 PROSPECTUS

The following minimum information will be made available to prospective bidders:

1. Species to be harvested and estimated volume by product
2. Minimum Acceptable Bid
3. Maps of sale area including tract number and location.
4. Special contract provisions
5. Bid opening date, time and location, and procedures for bidding
6. Bid forms
7. Timber sales bond and advance stumpage schedule
8. Insurance Requirements
9. Training Requirements
10. Performance bond requirements
11. Contract ending date

505.4 METHOD OF BIDDING

Commented [PTT2]: Insert your county specific procedures here. Text provided as example

Polk County Forests has a sealed bid process. Bids will be reviewed, and approved, by the Committee. A sealed envelope showing tract number or advertised number and marked "sealed bid" shall be submitted on County Forest bid forms by the bidder for each tract bid on, and shall contain:

1. The bid price per unit by species product. The total value of the timber sale bid shall be indicated on both scaled and lump sum bids. The total bid value must meet or exceed the minimum acceptable bid value, as documented in the 2460/timber sale map. All species and products must have a bid amount.
2. Bids will be opened on a random basis.
3. A Bidder may withdraw their bids only if
 - They are present

-The bid is withdrawn prior to any of the bids are opened for a particular tract.

4. A Bid bond is not required.

505.5] AWARDING SALES

1. The high bidder is normally awarded the sale contract; however, the Environmental Services Committee reserves the right to reject any or all bids and accept the bid offer most advantageous to the county. Grounds for rejecting bids may include ~~without limit:~~
 - A. Non-compliance with County Forest contract requirements.
 - B. Delinquent financial obligations.
 - C. Unsatisfactory past performances.
 - D. Bids below the Minimum Advertised Value
 - E. Inability to demonstrate financial or professional capability. Evaluation criteria on timber sales will be price and documented ability to satisfactorily complete the contract. Factors to be assessed may include proposed equipment and operation, the number of public timber sales already purchased by a contractor, references, proof of financial stability, past performance and documented training completed. The award of contract to the successful bidder shall be based upon the bid determined most advantageous to the County.
2. Tie bids may be settled by toss of a coin if both parties are agreeable; otherwise the bids on that tract will be rejected and the sale re-advertised.
3. Sales remaining unsold after being advertised for two bid openings may be sold direct at not less than the appraised value even though their estimated value exceeds \$3,000. (See DNR Timber Sale Handbook).

Commented [LKM-D3]: Counties likely want to make sure that this information (and the information in the next few sections) is either repeated in their bid/contract paperwork or that these sections of the 15-year plan are referenced.

Commented [LKM-D4]: Fine to include this but counties should be aware that there are limits of reasonableness

505.6 SALE CONTRACTS

1. Contracts will be prepared with copies provided to the logger with the original filed in the Forest Administrator's office.

2. Contracts are to be signed by the successful bidder within 6 weeks of the sale or before cutting begins, whichever occurs first, with payment being made according to the County Timber Sale Bond of 15% of the total bid value. Failure to sign the contract within 6 weeks may result in the contractor being responsible for 10% of the total bid amount. Failure to forfeit the 10% penalty will result in the bidder being considered ineligible to bid for two years.

505.7 TIMBER SALE PERFORMANCE BOND

1. Surety bonds or an irrevocable letter of credit issued by a bank which is a member of the Federal Reserve System or insured by the Federal Deposit Insurance Corporation may be used in lieu of cash as a performance bond on sales. The letter of credit or surety bond must be in effect for a period extended 1 year past the term of the contract to allow for possible extension(s) and for closeout of the contract after cutting is completed. Surety bonds and irrevocable letters of credit must have the capability to be drawn on immediately.

Commented [PTT5]: Edit to reflect allowable surety

505.8 CONTRACT PROVISIONS

All timber sale contracts will be on the form approved by the County Administrator/Committee Corporation council and all provisions therein shall apply. A copy of the timber sale map will be attached and become a part of the contract. The following items are essential contract provisions that should be covered in each contract.

Commented [PTT6]: Detail County timber sale contract policies/provisions. The provided language is a list of items that should be found in a contract. Edit, add, delete as appropriate.

505.8.1 Contract Number

Every contract shall have a unique numerical number.

505.8.2 Contract Parties

Contracts must have Name, Address, and other contact information of the Purchaser.

505.8.3 Duration and Extension of Contracts

Commented [PTT7]: Sample language itemized here. Edit reflect County policy.

- A. All contracts begin on the date of signature of the Forest Administrator. Contract MUST have a specific end date. The standard contract period is two years. Larger sales may have contracts that are three years long.
- B. Contract extensions are not guaranteed. A one year extension, if deemed necessary by the seller, may be granted at the same stumpage rate as the original contract assuming every attempt was made to fulfill the contract. Examples of when a free extension may be granted included: Poor weather conditions to freeze down roads, the contractor was involved in cutting of massive timber blowdown events, and others as determined by the Forest Administrator/committee.
The first extension if granted will have a 5% stumpage increase.
The second extension will have a 15% stumpage increase.
- C. Additional extensions will only be considered in extreme circumstances and the increase will be determined by the Forest Administrator/Committee.
- D. If purchasers do not wish to have contracts renewed or extended and do not finish the sale prior to expiration, the 15% performance bond will be kept.
- E. The contractor may request a contract release due to severe physical or financial disability. The committee shall determine whether a release shall be granted and may withhold all or a portion of the bond deposit for damages.

505.8.4 Termination of Contract by Seller

The Seller may terminate a contract by oral or written notice to the Purchaser upon its breach as determined by the seller or at other times when deemed necessary by the Seller. Upon such notice, the Purchaser shall cease all operations on and immediately leave, and not return to, the Seller's property unless otherwise provided by the Seller.

Commented [PTT8]: Detail County's contract termination policy

505.8.5 Performance Bond, Damages, Future Contracts

Commented [PTT9]: Include any specific language for items that may be covered by performance as well as other damage related policies.

This section of the contract is to identify the dollar amount and the duration of the performance bond. Also covered under this section of the contract are items to which the performance bond may be used to cover damages. This section also addresses County powers should damages exceed the performance bond amount. Examples of damages include:

- A. Undesignated timber removed
- B. Removal of timber without payment
- C. Damage to residual timber, roads or other infrastructure
- D. Restoration of sale area
- E. Costs associated with resale of uncut timber
- F. Other costs...

505.8.6 Title to Timber

Title to timber cut remains the sellers until payment required is received by the Seller in accordance with the timber sale contract

Commented [PTT10]: This section is to state when title to the timber sold under contract is transferred to the purchaser. Under normal circumstance title will remain with the county until the timber has been paid under accordance with the contract.

505.8.7 Payment Schedule

All Polk County Forest Timber sales are prepay and the contract includes a payment schedule. The payment schedule indicates the responsibilities of the seller and the purchaser for payments under the contract. This schedule will vary based on sale type (lump sum v. scale sale).

Commented [PTT11]: Detail timber sale payment schedule

505.8.8 Utilization Specifications

Typical standards are the following:

- A. Cordwood: 4" DIB small end to 10" DIB
- B. All species 10" DIB small end and larger
- C. *Fuel wood all species 2 small end*

Commented [PTT12]: Detail utilization specifications specific to your County

505.8.9 Training Requirement

Logging contractor and sale operators are to be compliant with the Wisconsin SFI Training Standard as adopted by the Wisconsin SFI Implementation

Commented [PTT13]: Edit training standard as appropriate to match County policy

Committee. Valid documentation of compliance with the Forest Industry Safety and Training Alliance training standards must be on file with the County before cutting operations begin and during all operations.

505.8.10 BMPs, Roads, Landings...

The purchaser is required to comply with all recommended BMP's for Water Quality guidelines as described in "Wisconsin's Forest Best Management Practices for Water Quality," published by the WIDNR publication Pub-FR-093. <https://dnr.wi.gov/topic/ForestManagement/bmp.html>

The purchaser shall comply with all recommended Forestry BMP's for Invasive Species as described in "Wisconsin's Forestry Best Management Practices for Invasive Species," published by the WIDNR publication Pub-FR-444-09. <https://councilonforestry.wi.gov/Pages/InvasiveSpecies/Forestry.aspx>

The purchaser shall comply with all general guidelines as described in "Wisconsin's Woody Biomass Harvesting Guidelines", published by the WIDNR Pub-FR-435-09. <https://councilonforestry.wi.gov/Pages/WoodyBiomass/Overview.aspx>

Further guidelines are provided in "Wisconsin's Forest Management Guidelines" published by WIDNR pub-226-2003. <https://dnr.wi.gov/topic/ForestManagement/guidelines.html>

Commented [PTT14]: This section should describe the process for new road building as well as expected restoration of all roads and landing areas on the sale area at the completion of the sale. Reference BMP's for Water Quality, Invasive Species, and if applicable Biomass Harvesting Guidelines.

505.8.11 Soil Disturbance and Rutting

As a requirement of certification all contracts must have a rutting policy in the contract. The contractor will take all steps and precautions to avoid and minimize soil disturbances, such as soil compaction and rutting. If soil disturbance occurs, the contractor agrees to work cooperatively with the County to mitigate and repair any all instances of soil disturbance. Excessive

Commented [PTT15]: Insert rutting policy

soil disturbance will not be permitted.

Table J. Thresholds for soil disturbances.

Timber Sale Infrastructure	Soil disturbances are excessive if:
Roads, Landings, Skid Trails, and General Harvest Area	▪ A gully or rut is 6 inches deep or more and is resulting in channelized flow to a wetland, stream, or lake.
Secondary Skid Trails and General Harvest Area	▪ A gully or rut is 6 inches deep or more and 100 feet long or more.

505.8.12 Liability and Workers Compensation Insurance

All contracts require proof of insurance. Public Liability and property damage insurance is required with minimum limits of \$500,000.00. Proof of insurance required must be provided on an original Certificate of Insurance, counter signed by an insurer licensed to do business in Wisconsin naming Polk County as a Certificate Holder. The purchaser is required to notify the Polk County Forestry in writing immediately upon any change in or cancellation of insurance coverage. The proof of insurance shall be kept in the contractor insurance folder or the timber sale folder and must cover the entire operation period of the contract.

Exceptions to Insurance Coverage Requirement.

Sole Proprietor. A sole proprietor must work alone without the aid or assistance of another person including hauling. The Sole Proprietor must meet the definitions of an independent contractor:

- a. Maintains a separate business with his own office, equipment, materials and other facilities.
- b. Holds or has applied for a federal employer identification number.
- c. Operates under contract to perform specific services or work for specific amounts of money and under which the independent contractor controls the means of performing the service or work.
- d. Incurs the main expenses related to the service or work that he performs under the contract.

- e. Is responsible for the satisfactory completion of services or work that he contracts to perform and is liable for a failure to complete the service or work.
- f. Receives compensation for service or work performed under a contract on a commission or per job or competitive bid basis and not on any other basis.
- g. May realize a profit or suffer a loss under contracts to perform services or work.
- h. Has continuing or recurring business liabilities or obligations.
- i. Depends on the relationship of business receipt to expenditures for the success or failure of the business.

505.8.13 Scaling and Conversion Factors

- a. When peeled cordwood is measured, it is agreed that 12.5% will be added to hand peeled and stroke delimeter / processor peeled volume and 16% to ring debarked volume.
- b. The Scribner Decimal C Log Rule shall be used for scaling logs.
- c. Conversion of MBF (thousand board feet) to cords or cords to MBF shall be 2.44 cords per MBF for softwoods and 2.20 cords per MBF for hardwoods.
- d. Cordwood weight conversion factors: The pounds per cord conversion factors by species to be used will come from the WDNR Timber Sale Handbook 2461, un-less another conversion factor is mutually agreed upon. Mixed Hardwood will be converted at 4800lbs per cord. Conversion factors used by specific mills may also be used at the discretion of the administrator.

Commented [PTT16]: Add peeled conversion factors, log rule, cords/tons ratios, mbf to cords, etc.

**Cordwood Conversion Factors
Pounds per Cord**

Species	Weight (lbs.)	Weight (tons)
Hemlock	4800	2.400
Tamarack	4650	2.325
Red pine	4500	2.250
Jack pine	4250	2.125
Balsam	4250	2.125
White pine	4200	2.100
Spruce	4000	2.000
Cedar	3150	1.575
White oak	5850	2.925
Red oak	5500	2.750
Hickory	5400	2.700
Yellow birch	5350	2.675
Hard maple	5100	2.550
Beech	5050	2.525
Elm	5000	2.500
Balsam poplar	4900	2.450
White birch	4800	2.400
Cottonwood	4650	2.325
Ash	4600	2.300
Soft maple	4550	2.275
Aspen	4500	2.250
Basswood	3850	1.925
Locust	5300	2.65
Mixed Hardwood	4800	2.4

- e. Whole tree operations adjustments are made at the time of appraisal and are part of the bidding process. Bidders may elect to bid whole tree or to a four inch top.

505.8.14 Forest Certification

Polk County is certified to the standards of the Sustainable Forestry Initiative (SFI).

Commented [PTT17]: Add your County's policy for certification language in contract. It is not required but should be on invoices, scale sheets and scale tickets.

505.8.15 Other Contract Conditions

- A. Waste
- B. Stump heights
- C. Zone/Unit completion
- D. Slash requirements
- E. Cleanup of sale area
- F. Forest fire prevention
- G. Survey monument restriction
- H. Indemnification
- I. Independent contractor
- J. Assignment (sub-contracting)
- K. Right of inspection by seller
- L. Applicable law
- M. Other conditions

Commented [PTT18]: Itemize any other contract provisions. The list provides examples.

Commented [LKM-D19]: These 2 are essential

505.8.16 Attachments to Contract

- A. Timber Sale Map
- B. Payment Schedule
- C. Other Provisions as necessary

Commented [PTT20]: This section should spell out any attachments needed to complete the contract such as; map, payment schedule, cutting requirements.

The Polk County Timber Sale Contract can be found in Appendix XXX

505.9 TIMBER SALE RESTRICTIONS

1. To minimize resource damage, the types of logging equipment, methods, and times of operation used on sale areas may be restricted by the county.
2. Special restrictions may be required in accordance with county aesthetic policy, if applicable.
3. Seasonal restrictions may be applied to protect roads, minimize recreation use conflicts, benefit wildlife management, avoid endangered resources concerns, minimize insect and disease problems, or to assist in fire protection.

4. Polk County will utilize and use as a standard, the rutting/soil productivity guidelines as set forth in the DNR Timber Sale Handbook (2461).

505.10 TIMBER SALE ROADS

1. The contractor will be responsible for securing legal access to sale areas across private or other non-county ownership.
2. The contractor will be responsible for securing permission to conduct logging activities within town, county or state road rights-of-way (e.g. decking, skidding)
3. Forestry personnel will approve the lay-out of all roads and make other necessary special provisions within the sale contract.
4. Skidding, decking, or other logging activity is not allowed on County Forest roads or ditches unless approved by the County Forest Administrator. These areas will be kept free from logging debris. County Forest access roads will be maintained by the logger and be left in good as original condition at the close of the sale. Roads will be inspected by county personnel to insure minimal resource damage.
5. A timber sale purchaser may request permission to gate a timber sale access road. The administrator may grant permission to prohibit only motorized traffic.

Commented [PTT21]: The provide list is typical of road requirements. Edit as appropriate to match individual policy.

505.11 SUPERVISING SALES

Sale inspections will be performed periodically by county and / or DNR Forestry personnel, as requested, with corresponding notations in the sales record. A copy of a blank inspection report is in AppendixXXX

Commented [PTT22]: Edit to reflect local work assignments.

505.12 FOREST PRODUCTS ACCOUNTABILITY

505.12.1 Scaling Merchantability

1. Sawlogs will be scaled by the Scribner Decimal C. log rule. A log is defined as: 10" diameter or larger inside bark (d.i.b) at 8' plus trim for hardwood and softwood with a minimum net scale of 50% of the gross scale of the entire log.

Commented [PTT23]: Each county should insert the definition that best fits their current specifications.

Examples:

2. The standard unit of measure for cordwood is measuring 4' x 4' x 8' of unpeeled wood. A pulpwood tree contains at least one 1.8' stick, to a minimum top diameter as defined in the contract.
3. The DNR Timber Sale Handbook will be used as a guide in determining the conversion rates for posts, poles, bolts, chips, weight-scaled wood or other types of forest products.

Commented [PTT24]: Insert conversion rates if differing from DNR handbook

505.12.2 Utilization Standards

Utilization standards will be specified on individual contracts to provide maximum utilization of all merchantable timber and will be based on the scaling standards noted within the timber sale contract.

505.12.3 Methods of Accountability

Wood harvested from the sale area must be accounted for and payment made in accordance with existing policy and procedure. One or more of the following may be used on an individual sale:

Commented [PTT25]: Describe sale process - lump sum, tickets, other.

1. The ticket system utilizes serialized three-part tickets that must be paid for in advance, based on the approximate stumpage value of the wood to be hauled. One ticket must accompany each load of wood to the mill. Mill scale will be accepted for volume determination.
2. Wood may also be scaled on the landing. This method is generally used for sawlogs. Payment for wood products scaled is normally due in advance.
3. Lump sum sales may be utilized and divided into cutting units when practical. Payment for a cutting unit must be received in full before any cutting begins in that unit.

505.13 SPECIAL FOREST PRODUCT PERMITS

Commented [PTT26]: Describe permits for special products - boughs, firewood, etc.

1. A written permit for taking fuelwood for personal use must be purchased for a specific area designated on the permit.

2. Written permits may be issued for special forest products for community or personal use, with fees established by the Environmental Services committee.

Stumpage of fuelwood, Christmas trees, boughs, posts and poles and other special forest products for resale will be handled as a regular timber sale.

510 **TIMBER THEFT**

All cases of alleged timber theft on the county forest shall be investigated and resolved promptly. An allegation of theft by cutting and /or removing timber from the county forest does not alleviate the county from payment under s. 28.11 (9) Wis. Stats. The county will collect damages pursuant to s. 26.05 Wis. Stats. and may also pursue criminal charges under s. 943.20 Wis. Stats. and /or seek civil damages.

Commented [PTT27]: Detail any County policies for timber theft process. Do not edit statutory language included here.

510.1 **TIMBER THEFT INVESTIGATION**

The following procedure should be used in all cases of alleged timber theft:

1. Determination of Theft
 - A. Gathering facts - The County, through its sheriff's department and along with assistance of the DNR liaison, rangers and wardens, will ascertain the facts pertinent to the alleged theft, including determination of the damages to the county. Legal counsel representing the county should be involved in all aspects of investigation. Property involved in the alleged theft may be seized pursuant to s. 26.064 Wis. Stats. for use as evidence.
 - B. Boundary determination - If property boundaries are involved, the county shall conduct a legal survey of the boundary in question.

Commented [PTT28]: This is likely the investigation process to be used, but edit if your procedure is unique.

515 **ENCROACHMENTS**

The county will actively investigate all suspected cases of encroachments on the County Forest. To insure the integrity and continuity of the County Forest land, all cases will be dealt with promptly and in a consistent manner. The following procedures will be used in all cases of suspected encroachments:

Commented [PTT29]: Italicized is sample language. Edit to include other policies/procedures that you may use.

1. The county will establish property boundaries; if necessary, a legal survey will be conducted.
2. The county will gather all facts.
3. The Committee, in consultation with the forest administrator, county legal counsel, and the DNR, will make a decision as to the disposition of the case.
 - A. All above ground encroachments that are movable will be removed from county property.
 - B. Permanent type facilities, such as homes, garages, and septic systems shall be addressed individually and may be removed or handled by a land use agreement. Sale or transfer of the encroachment should remain an option depending on the circumstances involved and the viability of an adverse possession claim (s. 893.29 Wis. Stats.).
 - C. Provisions in the land use agreement, if that option is pursued, may include granting the encroacher permission to encroach on the County Forest lands with the following stipulations: no other encroachments will be allowed; the permit is non-transferable; the county must be notified once encroachment is terminated; county continues full ownership and control of property; permittee agrees to waive any rights to any future declaration of ownership or interest in the encroached county property; county reserves the right to cancel the permit and the permit is to be filed in the office of the County Forestry Department and all fees related to the land use permit shall be paid by the permittee.
 - D. A copy of the actual Land Use Agreement can be found in the Appendix. AAAAA

520 SPECIAL USES

1. Recognizing the vast potential for a variety of special uses of the County Forest by governmental units, businesses, organizations or individuals, the committee may designate specified areas for special uses. Specific management methods are to be considered on these areas. Uses must be consistent with the intent and purposes of

the County Forest Law.

2. All requests for specialized uses of any County Forest lands will require a permit authorized by the Committee.
3. A list of existing special use areas can be found the Appendix.

520.1 SAND AND GRAVEL

Polk County does not have any sand or gravel pits. This section does outline procedures that must be followed if a sand or gravel pit is established on Polk County Forest. Sand and gravel pits located on the County Forest may be used only by units of government or contractors performing public works. Use of existing pits and the opening of new pits by other than the County Forestry Department will require Committee approval and be authorized by permit only. The condition of such permits may include, but are not be limited to:

1. Requiring the pit and its access road to be screened from view from any public highway
2. Severing trees from the stump
3. Disposition of brush and dirt spoil by leveling or hauling away
4. Sloping to prevent steep banks
5. Filing with the forestry office an annual written report of gravel and sand removed

Other conditions may be set at the discretion of the Environmental Services Committee or the Polk County Forest Administrator. The Committee may set fees for materials removed. Other non-metalliferous materials will be dealt with on an individual basis.

All active, nonmetallic sites greater than one acre in size, including those on the County Forest, are also subject to the provisions of the Nonmetallic Mining Reclamation Program, Chapter NR 135, Wis. Adm. Code. The Polk County Forestry Department shall work with the local permit coordinator (often county or local zoning office) in obtaining the necessary permits for nonmetallic mining operations.

Sand and gravel may, under some circumstances, may be leased to private contractors for

Commented [PTT30]: Government/public works restriction is a requirement in order to allow extraction on CFL lands. Uses contrary to this require withdrawal. Do not edit

Commented [PTT31]: Add any necessary criteria

Commented [PTT32]: Generally this will trigger withdrawal requirement.

private use. In these situations, the land must be withdrawn from the County Forest Law until sand/gravel removal and reclamation of the site is completed. Upon completion of reclamation to the satisfaction of the county and the state, the lands shall be reapplied for entry under the County Forest Law.

520.2 EXPLORATION, PROSPECTING, AND MINING

1. The committee may investigate all mineral exploration, prospecting and mining requests as they are received.
2. The DNR shall be notified of all requests as they become known in accordance with s. 28.11(3)(i) and (j) and with DNR Manual Code 2712.1 or other codes which may be subsequently adopted.

The Public Lands Handbook should be referenced for more detailed procedure.

520.3 SANITARY LANDFILLS

The use of County Forest lands for sanitary landfills will not be allowed unless the lands involved are withdrawn from the County Forest Law.

520.4 ~~MILITARY MANEUVERS~~

Military maneuvers on County Forest lands will be considered under a lease or written land use agreement. Upon receipt of a written request from the military the Committee, other necessary County staff, Military, and DNR representatives will discuss the issue at a public Committee meeting. After the needs have been outlined, the site shall be field checked, DNR input and consistency with the County Forest Law sought, and town officials advised. Depending on the scope of the project, a public hearing may be appropriate. If all aspects and concerns are addressed and agreed to, a legal instrument will be drafted. The matter will then be brought back to a Committee meeting for final input and approval. The Public Forest Lands Handbook will be used for further direction in this matter.

Commented [PTT33]: Reference any specific language or any permits you may use.

520.5 ~~PUBLIC UTILITIES~~

Commented [PTT34]: These are general requirements and your county may have specific clauses. Itemize as appropriate. In general, public utility easements (electric distribution line for example) should not trigger withdrawal unless public use of the area is restricted.

Easements for public utilities may be considered by the Committee. Underground installations will be encouraged. The following main provisions shall be included in any County Board resolution granting permission for construction of any utility transmission line:

1. Utility may be billed for merchantable forest products and existing timber reproduction.
2. Utility may be billed for land removed from production due to right-of-way clearing for losses of future income and multiple use benefits.
3. Land removed for utility operations that is no longer suited "primarily for timber production or, that is no longer suitable for scenic, outdoor recreation, public hunting & fishing, water conservation or multiple use purposes" (s. 28.11(4)(c) Wis. Stats) may need to be withdrawn from county forest law designation. The utility shall replace any lands requiring withdrawal from county forest with other lands suitable for county forest entry that are in the forest blocking of the County Forest.
4. Utility companies will be encouraged to use existing corridors and underground lines to minimize disturbance to the county forest and native plants and animals.
5. Merchantable timber will be removed in a manner approved by the Committee. Timber cut must be reported to the DNR on form 2460-1.
6. Utility must provide notice of proposed route, including a map of not less than 1 inch /mile scale, 90 days in advance of proposed construction.
7. Special maintenance, controlled access and signage concerns shall be addressed in any proposal.
8. An appropriate fee shall be charged for easements.

Commented [LKM-D35]: Do we want to add in something like "or money in a segregated land acquisition account to purchase lands"

520.6 ACCESS TO PRIVATE LAND

The Department has determined that granting a private easement across county forest lands is not consistent with the County Forest Law program. This determination is based on an Attorney General opinion (OAG-08-10). Easement grants to individuals are generally determined to be an exclusive right on a publicly owned asset. Counties are generally restricted from granting easements unless the overall management of the forest

Commented [BKL36]: Doug to find AG ruling.

could be improved by granting the easement or if the easement grant will serve a greater public good.

520.6.1 Temporary Access

Requests for temporary access across Polk County Forest Lands will be reviewed for any potential conflicts with management activities or public access. If impacts are minimal, access for short term needs will be permitted through the use of access agreements or letters of authorization. Temporary access is generally for activities such as access to maintain utilities (rail, powerline, etc.) or for logging access on private lands. The recipient of temporary access is required to restore the roadway to at least its prior condition and to expand coverage of any performance deposits or liability insurance to cover the use of the Polk County Forestry Road.

Commented [PTT37]: In general these are for logging access, but may include other purposes. Reference or insert any permits that you use.

520.6.2 Access Agreements

Requests for access to private lands may be made by private parties to build or improve access roads through the Polk County Forest. Access agreements will be considered on a case-by-case basis and with the understanding that the County is not legally obligated to provide access to private lands.

Commented [PTT38]: Based on AG ruling, easement grants to individuals are inconsistent with the purpose of 28.11. Plans will be returned to counties incorporating easement language that is not consistent with this section.

A fee of \$500 with an addition \$.75 per lineal foot will be assessed by the Committee for access permits. The Committee may elect to waive these fees in cases of agreement renewals or in cases of existing roads or driveways.

Access across County Forest lands must be demonstrated by the applicant as the route of last resort, including evidence of an offer of fair compensation for access across other private lands. The following stipulations will be included in access agreements:

1. Permits are made by and between the Polk County and the property owner. The permits are not transferrable and subsequent property owners must secure their own agreement.
2. Permits are not to exceed 10 years.

3. Gates, signs, or other articles of the permittee are not permitted on County lands
4. The applicant must document proposed uses.
5. No legal easements will be granted, just permission to cross county lands.
- 6 The permit is non-transferable. New landowners must apply to continue the land use agreement.
7. The County continues full ownership of the improved roadway; however the County shall not be liable for maintenance or upkeep of the road.
8. The Standard Land Use Agreement is included in Appedix XXXX

520.6.3 Prescriptive Easements

Historical access points and driveways may meet the requirements of prescriptive use. A prescriptive use easement does not generally trigger a need to withdraw lands from the County Forest program unless the public is excluded from motorized travel on the subject road. Any potential claims of prescriptive easement across County Forest lands must be reviewed by legal counsel in order to determine legal validity and possible legal defense or standing.

Commented [PTT39]: FYI, prescriptive easements are adverse possession of access rights. They do not result in transfer of full property rights.

520.6.4 Other Types of Access

Complex issues of private access needs may arise in the future. Any proposals to grant an easement across County Forest must help achieve the purposes of the County Forest Law and meet a standard of better and higher public use. Easements to private parties will require withdrawal from County Forest Law and are to be discussed with the Department prior to initiating any proposals.

Commented [PTT40]: This section should remain intact. It is best policy to consult with the Department prior to initiating any access projects to determine withdrawal needs.

520.7 PRIVATE UTILITY SERVICE LINES

If a landowner cannot gain utility access across other lands, the committee may consider a land use agreement for access across Polk County Forest. Requests will be considered on a case by case basis. These agreements should consider the inclusions mentioned below:

1. The permit is non-transferrable

Commented [PTT41]: As with private access, easements for private utilities lines are inconsistent with 28.11. Utility access should be granted under agreement rather than easement. Insert any county specific language for the permit and/or reference permit in appendix.

2. The County retains full ownership of the utility corridor, however it shall not be liable for maintenance, upkeep, or other damages associated with the utility service.
3. The permittee waives any rights to any declaration of ownership or interest in the utility corridor on County land for administrative costs as a result of this Land Use Agreement – Utility permit. This agreement is granted upon the signature and any fees being received by Polk County.
4. The fee for such a land use agreement is set at \$.75 per lineal foot for each utility with a minimum fee of \$500.

Please see Appendix xxx for the land use agreement for utility access.

520.8 COMMUNICATION TOWERS

The siting of communication towers on the Polk County Forest will be considered by the Committee on a limited basis. Requests will be considered on a case by case basis subject to the following conditions:

1. It must be demonstrated that the site is the most practical location for such a tower.
2. Land selected for such a tower is no longer suitable for continued entry in the County Forest program. According to section 28.11(4), Wis. Stats, any accompanying lands needed for tower support wires that inhibit the practice of forestry and are no longer suitable for scenic, outdoor recreation, public hunting & fishing, water conservation or multiple use purposes may also need to be withdrawn from County Forest Law. Withdrawal is subject to approval by both County Board and DNR.
3. A request to withdraw lands from County Forest Law by a private communication company shall follow withdrawal protocol.
4. *Polk County shall be provided use of such tower for \$*
5. *Any agreement should also consider the inclusions listed under 520.5 (Items 1-8).*

Commented [PTT42]: Private communication towers are likely to trigger withdrawal. There may be options for towers with public purposes (emergency management for example). Consult with DNR

520.9 OTHER

500-23

Other types of special uses of the county forest may be considered by the committee. Regulations governing these uses will be developed on an individual basis. *These may include, but are not limited to: research, independent study and scientific areas.* The County does not allow permits for birch boughs, ginseng

525 **TREATY RIGHTS: GATHERING MISCELLANEOUS FOREST PRODUCTS**

Ordinance No. _____, adopted by the County Board of Supervisors of the County of _____ on _____, 199____, authorizes _____ County to require permits for gathering miscellaneous forest products on County land by Native American treaty rights participants. The ordinance, Section _____ of the General Code of _____ County, adopts language of, and complies with, the Federal District Court decision and states as follows:

1. Any treaty rights participant interested in gathering firewood, tree bark, maple sap, lodge poles, boughs, marsh hay or other miscellaneous forest products (except fruits, seeds, or berries not enumerated in County ordinances) from County land shall obtain a County gathering permit from the County forestry office. The County shall respond to the gathering permit request no later than 14 days after receipt of the request. The gathering permit shall indicate the location of the material to be gathered, the volume of material to be gathered, and conditions of the gathering of the material necessary for conservation of the timber and miscellaneous forest products on the County land, or for public health or safety.
2. The County may not deny a request to gather miscellaneous forest products on county property under this section unless: (a) the gathering is inconsistent with the management plan for the property, (b) the gathering will conflict with the pre-existing rights of a permittee or other person possessing an approval to conduct an activity on the property, including a contractor of the county or, (c) is otherwise inconsistent with conservation or public health or safety. See subchapter IV, Ch.NR13, Wis. Adm. Code.

Commented [PTT43]: Delete this section if your forest is not part of the ceded territory.

Commented [PTT44]: Your County will have an ordinances regulating gathering within ceded territory. This would have been adopted after the treaty trials

92.15 Local regulation of livestock operations.

(1) In this section:

(a) "Livestock operation" means a feedlot or other facility or a pasture where animals are fed, confined, maintained or stabled.

(b) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

(2) Notwithstanding ss. 92.11 and 92.17, a local governmental unit may enact regulations of livestock operations that are consistent with and do not exceed the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3).

(3)

(a) Notwithstanding ss. 92.11 and 92.17, a local governmental unit may enact regulations of livestock operations that exceed the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3) only if the local governmental unit demonstrates to the satisfaction of the department of agriculture, trade and consumer protection or the department of natural resources that the regulations are necessary to achieve water quality standards under s. 281.15.

(b) The department of agriculture, trade and consumer protection and the department of natural resources shall, by rule, specify procedures for review and approval of proposed local governmental unit regulations under par.

(a).

(2) In an effort to promote soil and water conservation or prevent non-point water pollution the county may develop ordinances for land use regulation, land management and pollution abatement.

281.3 is the Water and Sewage statute and provides guidance related to water quality protection from nonpoint sources (ag and non-ag sources). (See 281.16 Attached below)

(3)(a) County Board or Environmental Services Committee can go above and beyond regulations listed under 281.16 if they can demonstrate it is necessary to achieve water quality standards under 281.15. (Attached below) The government unit must provide justification for going beyond the regulations set by Dept. of Ag or WI DNR and must include information and technical support documents to the Departments as to why proposed regulations are more stringent than those set by 281.16

(3)(b) WI DATCP and WI DNR must be involved in the process listed above in (3)(a) and their approval must be obtained before adoption.

(4) A local governmental unit may not apply a regulation under sub. (2) or (3) to a livestock operation that exists on October 14, 1997, unless the local governmental unit determines, using the rules promulgated under s. 281.16 (3) (e), that cost-sharing is available to the owner or operator of the livestock operation under s. 92.14 or 281.65 or from any other source.

(5) Any livestock operation that exists on October 14, 1997, and that is required to obtain a permit under s. 283.31 or that receives a notice of discharge under ch. 283 may continue to operate as a livestock operation at the same location notwithstanding s. 59.69 (10) (am) or 62.23 (7) (h) or any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7), if the livestock operation is a lawful use or a legal nonconforming use under any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7) on October 14, 1997.

History: 1997 a. 27; 1999 a. 9; 2011 a. 170.

Cross-reference: See also ch. NR 151, Wis. adm. code.

(4) For livestock operations in existence before Oct. 14, 1997 regulations under 281.16 may not apply unless there is an offer of cost sharing (70% or 90% for economic hardship) offered by the county to bring them into compliance with the proposed/adopted regulations. This cost sharing could be secured from state grants or cost share bond funding from DATCP.

(5) Subchapter 283 covers Water Pollutant Discharge Elimination System; permits, terms and conditions. These are Ag and non-ag operations that are permitted and discharge or potentially discharge any pollutant into waters of the state. This applies to livestock operations of 1,000 animal units or more. If an operation has a discharge event they are still able to operate if their use is lawful or of legal use under any zoning ordinance established prior to Oct. 14, 1997. Basically they may continue to operate while the discharge event is being addressed.

WI CHAPTER 281 WATER AND SEWAGE
Sections referenced in Chapter 92.15

281.15 Water quality standards.

(1) The department shall promulgate rules setting standards of water quality to be applicable to the waters of the state, recognizing that different standards may be required for different waters or portions thereof. Water quality standards shall consist of the designated uses of the waters or portions thereof and the water quality criteria for those waters based upon the designated use. Water quality standards shall protect the public interest, which include the protection of the public health and welfare and the present and prospective future use of such waters for public and private water systems, propagation of fish and aquatic life and wildlife, domestic and recreational purposes and agricultural, commercial, industrial and other legitimate uses. In all cases where the potential uses of water are in conflict, water quality standards shall be interpreted to protect the general public interest.

(2) In adopting or revising any water quality criteria for the waters of the state or any designated portion thereof, the department shall do all of the following:

(a) At least annually publish and provide public notice of water quality criteria to be adopted, revised or reviewed in the following year.

(b) Consider information reasonably available to the department on the likely social, economic, energy usage and environmental costs associated with attaining the criteria and provide a description of the economic and social considerations used in the establishment of the criteria.

(c) Establish criteria which are no more stringent than reasonably necessary to assure attainment of the designated use for the water bodies in question.

(d) Employ reasonable statistical techniques, where appropriate, in interpreting the relevant water quality data.

(e) Develop a technical support document which identifies the scientific data utilized, the margin of safety applied and any facts and interpretations of those data applied in deriving the water quality criteria, including the persistence, degradability and nature and effects of each substance on the designated uses, and which provides a summary of the information considered under this section.

(3) Subsection (2) does not apply to rules promulgated under this section by the department for any substance before November 10, 1987.

(4) By April 1, 1989, the department shall review, in accordance with sub. (2), and as necessary revise all water quality criteria, except those for dissolved oxygen, temperature, pH and ammonia, adopted under this section before November 10, 1987.

(5) The department shall comply with this section with respect to all water quality criteria adopted or revised after November 10, 1987.

281.15(6) (6) Every 3 years, as part of the review required by 33 USC 1313 (c) (1), the department shall review the water quality standards promulgated under this section and determine whether any existing standards should be modified or new standards should be adopted. The department shall hold a public hearing to receive information and public comment regarding water quality standards promulgated under this section. The department shall publish notice of the hearing on the department's Internet site at

least 45 days before the hearing date. The department shall submit the results of a review under this subsection to the federal environmental protection agency.

History: 1995 a. 227 s. 377; 1995 a. 378 s. 41; 2015 a. 205.

Cross-reference: See also chs. NR 102, 103, 104, 105, 106, 207, and 213 Wis. adm. code

281.16 Water quality protection; nonpoint sources.

(1) DEFINITIONS. In this section:

(a) "Agricultural facility" means a structure associated with an agricultural practice.

(b) "Agricultural practice" means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

(bg) "Artificial water body" has the meaning given in s. 30.19 (1b) (a).

(br) "Covered municipality" means a municipality that has been issued an individual municipal separate storm sewer permit under s. 283.33 or that is covered by a general municipal separate storm sewer permit under s. 283.35.

(c) "Livestock operation" means a feedlot or other facility or a pasture where animals are fed, confined, maintained or stabled.

(d) "Navigable waters" has the meaning given in s. 281.31 (2) (d).

(e) "Nonpoint source" means a facility or practice that causes, or has the potential to cause, nonpoint source water pollution.

(f) "Nonpoint source water pollution" means pollution of waters of the state that does not result from a point source, as defined in s. 283.01 (12).

(g) "Water quality management area" means any of the following:

1. The area within 1,000 feet from the ordinary high-water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, "water quality management area" means the area within 1,000 feet from the high-water mark of the lake.

2. The area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream.

3. A site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.

(h) Notwithstanding s. 281.01 (18), "waters of the state" has the meaning given in s. 283.01 (20).

(2) NONPOINT SOURCES THAT ARE NOT AGRICULTURAL.

(a) The department shall, by rule, prescribe performance standards for nonpoint sources that are not agricultural facilities or agricultural practices. The performance standards shall be designed to achieve water quality standards by limiting nonpoint source water pollution.

(am)

1. In this paragraph:

c. "New development" means development resulting from the conversion of previously undeveloped land or agricultural land.

d. "Redevelopment" means development that replaces older development.

2. Except as provided in subd. 3., the department may not enforce a provision in a rule that establishes a date by which a covered municipality must implement methods to achieve a specified reduction in the level of total suspended solids carried by runoff, if the provision requires the covered municipality to achieve a reduction of more than 20 percent. This subdivision does not apply to total suspended solids carried by runoff from new development or redevelopment in a covered municipality.

3. If a covered municipality has achieved, on July 1, 2011, a reduction of more than 20 percent of total suspended solids carried by runoff, the municipality shall, to the maximum extent practicable, maintain all of the best management practices that the municipality has implemented on or before July 1, 2011, to achieve that reduction.

(b) The department shall, by rule, specify a process for the development and dissemination of technical standards to implement the performance standards under par. (a).

(c) If a covered municipality has obtained all permits required for the construction of a storm water management pond in an artificial water body, whether navigable or nonnavigable, the department may not prohibit the construction of the storm water management pond as a method by which the covered municipality may achieve compliance with performance standards under par. (a) or with an approved total maximum daily load under 33 USC 1313 (d) (1) (C). The department shall give credit to the covered municipality for any pollutant reduction achieved by the storm water management pond in determining compliance with performance standards specified in a permit under s. 283.33 (1) (b), (c), (cg), or (cr) or an approved total maximum daily load under 33 USC 1313 (d).

(3) NONPOINT SOURCES THAT ARE AGRICULTURAL.

(a) The department of natural resources, in consultation with the department of agriculture, trade and consumer protection, shall promulgate rules prescribing performance standards and prohibitions for agricultural facilities and agricultural practices that are nonpoint sources. The performance standards and prohibitions shall be designed to achieve water quality standards by limiting nonpoint source water pollution. At a minimum, the prohibitions shall include all of the following:

1. That a livestock operation may have no overflow of manure storage structures.

2. That a livestock operation may have no unconfined manure pile in a water quality management area.

3. That a livestock operation may have no direct runoff from a feedlot or stored manure into the waters of the state.

4. That a livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.

(b) The department of agriculture, trade and consumer protection, in consultation with the department of natural resources, shall promulgate rules prescribing conservation practices to implement the performance standards and prohibitions under par. (a) and specifying a process for the development and dissemination of technical standards to implement the performance standards and prohibitions under par. (a).

(c) Using the process specified under par. (b), the department of agriculture, trade and consumer protection shall develop and disseminate technical standards to implement the performance standards and prohibitions under par. (a). The department of agriculture, trade and consumer protection shall disseminate alternative technical standards for situations in which more than one method exists to implement the performance standards and prohibitions.

(d) The conservation practices and technical standards under pars. (b) and (c) shall at a minimum cover animal waste management, nutrients applied to the soil and cropland sediment delivery.

(e) An owner or operator of an agricultural facility or practice that is in existence before October 14, 1997, may not be required by this state or a municipality to comply with the performance standards, prohibitions, conservation practices or technical standards under this subsection unless cost-sharing is available, under s. 92.14 or 281.65 or from any other source, to the owner or operator. For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.15 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules that specify criteria for determining whether cost-sharing is available under s. 281.65 and the department of agriculture, trade and consumer protection shall promulgate rules that specify criteria for determining whether cost-sharing is available under s. 92.14 or from any other source. The rules may not allow a determination that cost-sharing is available to meet local regulations under s. 92.07 (2) or 92.15 that are consistent with or that exceed the performance standards, prohibitions, conservation practices or technical standards under this subsection unless the cost-sharing is at least 70 percent of the cost of compliance or is from 70 percent to 90 percent of the cost of compliance in cases of economic hardship, as defined in the rules.

(4) APPLICATION TO ANIMAL FEEDING OPERATIONS. If the department issues a notice of discharge under ch. 283 for an animal feeding operation, the performance standards, prohibitions, conservation practices and technical standards under sub. (3) apply to the animal feeding operation, except that if the animal feeding operation is in existence before October 14, 1997, the performance standards, prohibitions, conservation practices and technical standards only apply if the department determines that cost-sharing is available to the owner or operator of the animal feeding operation under s. 92.14 or 281.65 or from any other source.

History: 1997 a. 27; 1999 a. 9; 2009 a. 28; 2011 a. 32; 2015 a. 387.

Cross-reference: See also chs. NR 151 and 243, Wis. adm. code

RESOLUTION EXTENDING MORATORIUM ON SWINE CONCENTRATED ANIMAL FEEDING OPERATIONS

WHEREAS, Polk County enacted Resolution 33-19 placing a temporary moratorium on Swine Concentrated Animal Feeding Operations (hereinafter "Swine CAFO);

WHEREAS, one of the purposes of Resolution 33-19 was to allow the County adequate time to research, analyze and synthesize information regarding the potential impacts of Swine CAFO's in Polk County;

WHEREAS, the County, through the Environmental Services Committee and through public meetings has determined that more time is necessary in order to adequately evaluate the potential impacts, especially as it relates to potential water contamination;

WHEREAS, Resolution 33-19 contemplated an extension of the moratorium, if necessary for up to six (6) additional months;

WHEREAS, Resolution 33-19 further required the Administrator to report to the County Board the findings and recommendations on appropriate regulatory approaches the County should consider at least 30 days prior to the end of the moratorium;

NOW THEREFORE BE IT RESOLVED THAT, the Polk County Board of Supervisors authorize the extension of the moratorium for a period not to exceed an addition six (6) months for the purposes set forth herein and pursuant to the procedure below; and

NOW THEREFORE BE IT FUTHER RESOLVED THAT, the Polk County Board of Supervisors authorizes the Environmental Services Committee to extend the moratorium on a month-by-month basis beyond the original moratorium, but may not authorize an extension beyond the total of a six (6) months; and

NOW THEREFORE BE IT FUTHER RESOLVED THAT, the month-to-month extensions contemplated herein shall only continue, within the aforementioned limitations, for a period of time to complete the research and analysis outlined in Resolution 33-19; and

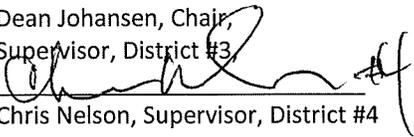
BE IT FURTHER RESOLVED THAT, the Environmental Services Committee in conjunction with staff shall report to the full County Board of the findings and the County Administrator is no longer required to provide the County Board with a 30 day advanced briefing as had been originally contemplated in Resolution 33-19.

BY: _____

Brad Olson, Supervisor, District #1

Doug Route, Supervisor, District #2

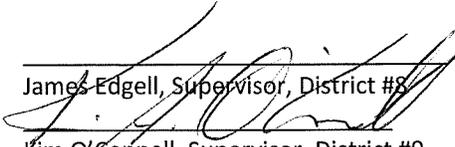
Dean Johansen, Chair,
Supervisor, District #3


Chris Nelson, Supervisor, District #4

Tracy LaBlanc, Supervisor, District #5

Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7


James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

Jay Luke, 1st Vice Chair,
Supervisor, District #11

Michael Larsen, Supervisor, District #12

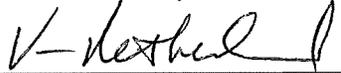
Russell Arcand, Supervisor, District #13

John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

Joe Demulling, Supervisor, District #15

County Administrator's Note:

Matter of Policy.



Vince Netherland
County Administrator

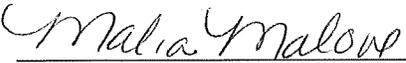
Fiscal Impact Note:

None



Maggie Wickre, Finance Director

Approved as to Form and Execution:



Malia T. Malone, Corporation Counsel

Legal Impact Note:

This Resolution extends the moratorium for up to an additional 6 months. Because this is still within a total of one year, it is legally appropriate.

Excerpt of Minutes

47 At its regular business meeting on the ____ of _____ 2020, the Polk County
48 Board of Supervisors acted upon Resolution No. ____-20: Resolution
49 _____
50 _____
51 _____

- Adopted by a majority of the members present by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Adopted as amended. See Below.
- Defeated
- Other:

Insert amendment to resolution according to minutes:

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chair

Lisa Ross, County Clerk

Executive Summary

This Resolution will extend the Swine CAFO moratorium in Resolution 33-19 in month-to-month intervals, as directed by the Environmental Services Committee. The extension is to allow staff and the Committee to address the issues raised by the public about the potential negative impacts of Swine CAFOs. This Resolution does not have the effect of ultimately prohibiting CAFOs.

CAFO provisions of Polk County Comprehensive Land Use Ordinance

Text=Proposed

~~Text~~=Remove

Section 10.2-Article 2 Definitions

“ANIMAL LOT” means a feedlot, barnyard or other outdoor facility where livestock are concentrated for feeding or other purposes. **“Animal lot” does not include a pasture or winter grazing area.**

“ANIMAL UNIT” means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11 and NR 243.05, that are at an animal feeding operation.

“SWINE CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)” means a swine feeding operation with 1000 animal units or more.

Section 10.4.6 AGRICULTURAL 20 DISTRICT (A-2)

C) CONDITIONAL USES

- 1) All Conditional Uses in A-1
- 2) Swine Concentrated Animal Feeding Operation provided they comply with the following criteria:
 - a. Must have a Nutrient Management Plan for all lands in total farming operation
 - b. Farm entrance must be at least 100 feet from a nonfarm residential driveway
 - c. Operation must comply with all other state and federal regulations pertaining to livestock facilities.
 - d. Must obtain approval from Town prior to hauling of any overweight loads during spring break up period. (road ban period)

Is this a possible loophole where excessive manure could be spread or released or hauled?
 - e. Shall have no discharge from animal lots, high moisture feed storage, or waste storage areas into navigable waters or mapped wetlands

- f. All waste storage structures, including manure storage, shall be at least 100 feet from the nearest property line.
- g. All livestock on premise shall be counted towards total animal units.
- h. The perimeter of any facility, including all buildings housing livestock and feed storage, with less than 1000 animal units shall have a minimum setback of 75 feet to the nearest property line.
- i. The perimeter of any facility, including all buildings housing livestock and feed storage, with 1000 animal units or more, shall have a minimum setback of 150 feet from the nearest property line.
- j. Must provide 24 hour contact number for DNR and owner/operator in case of a spill.
- k. Must Provide a mortality management plan for any deceased animals onsite
- l. Polk County Land Information Department and Land and Water Resources Department shall receive a copy of all current DNR and DATCP permits and/or violations.
- m. Must comply with Polk County Manure and Water Quality Management Ordinance.
- n. In the event of a suspect, probable or confirmed human health or other public health hazard, a referral will be made to Polk County Public Health and appropriate follow-up will occur based on public health statutory requirements

Preventative measures to determine if waste is reaching wells and waters (test wells)

Lack of reporting by CAFOS on issues/spills

Lack of DNR staff for regulating

High nitrate and bacteria concerns in wells

Concern about blue baby syndrome due to high nitrates in well water

Air quality regulation

Reduction in property values

Degradation of water resources

Agreement to TMDL levels in the St Croix River watershed by Polk County

Concerned about the timeline for the process

Extend moratorium

Runoff from fields where manure is spread, lack of control

Meet state standards for air quality standards, ammonia, etc.

Financial assurance bonding

Review of SS 92.15

Concerns about the effects of CAFOs in Karst features on water resources

Geologist and/or hydrologist review before any proposals are approved

Ordinance in current form leaves the majority of the burden at the town level

Lack of science-based setbacks

Current regulations are based on the wrong statute, public health would be more appropriate

Consider lowering threshold for a CAFO to 250 animal units

Increase setbacks like 100ft

Permit fee process that would provide the scientific analysis needed to look into the effects of a proposal, including on-going monitoring, up-front well testing, annual well testing on-site and nearby wells

Studies on sanitary systems to **ensure they're in working order**

Municipal water system leaks...some of this info can be found in the TMDL report

Take extra time because it involves water quality and human health

CAFO provisions of Polk County Comprehensive Land Use Ordinance

Text=Proposed

~~Text~~=Remove

Section 10.2-Article 2 Definitions

“ANIMAL LOT” means a feedlot, barnyard or other outdoor facility where livestock are concentrated for feeding or other purposes. **“Animal lot” does not include a pasture or winter grazing area.**

“ANIMAL UNIT” means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11 and NR 243.05, that are at an animal feeding operation.

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Section 10.4.6 AGRICULTURAL 20 DISTRICT (A-2)

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 - c. Operation must comply with all other state and federal regulations pertaining to livestock facilities.
 - d. Must obtain approval from Town prior to hauling of any overweight loads during spring break up period. (road ban period)
 - e. Shall have no discharge from animal lots, high moisture feed storage, or waste storage areas into navigable waters or mapped wetlands
 - f. All waste storage structures, including manure storage, shall be at least 100 feet from the nearest property line.
 - g. All livestock on premise shall be counted towards total animal units.

- h. The perimeter of any facility, including all buildings housing livestock and feed storage, with less than 1000 animal units shall have a minimum setback of 75 feet to the nearest property line.
- i. The perimeter of any facility, including all buildings housing livestock and feed storage, with 1000 animal units or more, shall have a minimum setback of 150 feet from the nearest property line.
- j. Must provide 24 hour contact number for DNR and owner/operator in case of a spill.
- k. Must Provide a mortality management plan for any deceased animals onsite

Setbacks for this aspect of the regulations, make these science-based

Will animals be covered daily?

Standards for the plan to ensure deceased animals are handled properly

- l. Polk County Land Information Department and Land and Water Resources Department shall receive a copy of all current DNR and DATCP permits and/or violations.
- m. Must comply with Polk County Manure and Water Quality Management Ordinance.
- n. In the event of a suspect, probable or confirmed human health or other public health hazard, a referral will be made to Polk County Public Health and appropriate follow-up will occur based on public health statutory requirements

Notification process for neighboring property owner of a spill or hazard

Notification of a proposed CAFO goes to all property owners within 3-5 miles

Are these operations self-reporting? Currently, yes.

Consider a similar thing to non-metallic mining reclamation idea for dealing with issues from a CAFO if the operation goes under or leaves.

Higher permit fees to cover the cost to the county for processing the application by the county, which could include studies and other investigations

Bonding assurance for these operations and ensure that the amount bonded keeps up with the current costs of what it would take to actually clean up the site.

Don't need to duplicate the regulations that are already out there, these regulations should complement them

Peer-reviewed, science-based setbacks should be what is used instead of arbitrary figures

93.90 information

Concerns about air pollution

100ft setback for manure storage facilities is too small

150ft setback for animal buildings is too small

Not enough regulation to protect the citizens and the towns. More support for studies

Navigable waters and the lack of regulation on discharge into creeks and streams

RESOLUTION #1

REQUEST TO REQUIRE A 590 NUTRIENT MANAGEMENT PLAN or PHOSPHORUS-BASED RECOMMENDATIONS FOR ALL LAND APPLICATIONS OF DOMESTIC SEWAGE SLUDGE AND INDUSTRIAL WASTES/BY-PRODUCTS

WHEREAS, Wisconsin surface waters are increasingly degraded by excess phosphorus runoff from all lands; and

WHEREAS, best management practices that reduce phosphorus runoff need to be implemented the same between agricultural, domestic, and industrial nutrient sources; and

WHEREAS, the United States Department of Agriculture - Natural Resources Conservation Service's Conservation Practice Standard 590 - Nutrient Management (590) was changed in 2005 from a nitrogen-based nutrient application recommendation to a phosphorus-based nutrient application recommendation for varying soil test phosphorus levels; and

WHEREAS, current State of Wisconsin regulation, Chapter NR 204 and Chapter NR214, Wisconsin Administrative Code, requires domestic sewage sludge and industrial wastes/by-products be land applied using nitrogen-based recommendations, and does not require a 590 Nutrient Management Plan for any applications of domestic sewage sludge or industrial wastes/by-products to agricultural land; which results in land applications that often increase soil test phosphorus levels to the excessively high range; and

WHEREAS, agricultural land that has excessively high soil test phosphorus levels due to domestic sewage sludge or industrial waste/by-product applications at nitrogen-based recommendations has the potential to become a significant source of phosphorus runoff, and

WHEREAS, there should not be this inconsistency in State of Wisconsin regulation of nutrient applications to agricultural land based solely on nutrient source, i.e. agricultural vs. domestic and industrial.

NOW, THEREFORE, BE IT RESOLVED, that North Central Land and Water Conservation Association hereby requests that the State of Wisconsin amend Chapters NR 204 and NR 214 to require all land applications of domestic sewage sludge and industrial wastes/by-products, be made according to the 590 Nutrient Management standard, or be made according to phosphorus-based nutrient application recommendations if no 590 Nutrient Management Plan is required, so as to limit excessive phosphorus applications and reduce potential phosphorus runoff to Wisconsin surface waters.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to WI Land+Water Conservation Association, all State Legislators, the Governor, DATCP Secretary, DNR Secretary, WI Towns Association, and the WI Counties Association.

Adopted by the North Central Land and Water Conservation Association, David Solin, President, January 24, 2020

RESOLUTION #2

REQUEST TO REQUIRE, AND ALLOW THE ENFORCEMENT OF, AN ANNUAL 590 NUTRIENT MANAGEMENT PLAN ON “EXISTING” CROPLAND AND PASTURES WITHOUT THE REQUIREMENT OF A COST-SHARING OFFER TO THE LANDOWNER

WHEREAS, a 590 Nutrient Management Plan (“NM Plan”) is one of a suite of agricultural performance standards and prohibitions established by State of Wisconsin law, Chapter NR151 Wisconsin Administrative Code, to achieve water quality standards as required by s. 281.16 (2) and (3), Wisconsin Statutes; and,

WHEREAS, State of Wisconsin law, Chapter ATP 50 Wisconsin Administrative Code, generally requires a bona fide offer of cost-sharing to require and to enforce a landowner to have an NM Plan on “existing” cropland and pastures (hereafter, “current cost-share requirement”); and,

WHEREAS, nutrients from cropland and pastures are the largest source of nonpoint source nutrient pollution in surface water and groundwater in Wisconsin; and,

WHEREAS, an NM Plan is the best available conservation practice to address this nutrient pollution; and,

WHEREAS, NM Plans have been promoted to landowners in Wisconsin for over 25 years, but still only 36.9% (3.4 million acres) of the state’s 9.2 million acres of cropland are currently included in an NM Plan; and,

WHEREAS, the annual rate of increase in acres of cropland covered by an NM Plan has declined in recent years and will likely continue to decline, due to: 1) declining landowner participation in the Farmland Preservation Program-- which has been a main driver of non-cost-shared NM Plans; 2) the early adopters of NM Plans, and likely most voluntary adopters, now already have an NM Plan; 3) a slowdown in the annual increase of cropland being farmed by CAFOs; and,

WHEREAS, with this apparent declining annual rate of increase in acres of cropland covered by NM Plans in virtually all other programs and areas, NM Plan cost-sharing will likely become the main--and likely one of the only-- drivers available to require and to enforce landowners to have an NM plan on the remainder of the “existing” cropland and pastures; and,

WHEREAS, at the current ATP 50-required NM Plan cost-share rate of \$40.00 per acre it will take another 112 years to cost-share landowners to require and to enforce NM Plans on the remaining 5.8 million acres of cropland in Wisconsin--which is an unacceptably-long time period that is being allowed by this current cost-share requirement; and,

WHEREAS, an NM Plan is a management tool that can help maintain or increase farm profitability, especially during challenging economic times like are currently being faced by agricultural operations; and,

WHEREAS, furthermore, ATP grant funds saved by not requiring this current cost-share requirement could be redirected to implement nutrient management plans and to incentivize landowners to adopt and implement superior levels of soil and water conservation that exceed the Wisconsin Agricultural Performance Standards and Prohibitions, such as attaining phosphorus index and soil loss levels well below the minimum standards.

NOW, THEREFORE, BE IT RESOLVED, that the North Central Land and Water Conservation Association hereby requests that the State of Wisconsin amend Chapter ATP 50 to require, and allow the enforcement of, an annual 590 Nutrient Management Plan on all “existing” cropland and pastures without the requirement of a cost-sharing offer to the landowner by January 1st, 2025.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to WI Land+Water Conservation Association, all State Legislators, the Governor, ATP Secretary, DNR Secretary, WI Towns Association, and the WI Counties Association.

Adopted by the North Central Wisconsin Land and Water Conservation Association, David Solin, President, January 24, 2020

CRAIG CONROY

My name is Craig Conroy and I am a Candidate for the Wisconsin Land and Water Board. I have been a County Board Supervisor for 4 years representing Burnett County's 19th District. I'm 68 years of age, have been married to my wonderful wife, Mary, (a retired school teacher), for 44 years, and we have two adult children, and 1 grandson. I've been a lifelong resident of Burnett County growing up in the country on what was, back then, a small dairy farm. When I was two years old my father left farming to become a salesman for Caterpillar Heavy Machinery. However, as a kid, I spent quite a bit of time on my uncles' dairy farms, helping my cousins with chores. At home we still raised chickens, and had an extensive garden.

My hobbies have always been oriented towards the outdoors. After all, there's no such thing as a bad day fishing or hunting!! It's just that some - trout fishing and waterfowl hunting, for two - are better than some others. Then there's bird watching, snowshoeing, cheering on the Badgers and Packers, as well.



I am a geography major, who spent 7 years working in Land Surveying, dabbled a bit in Real Estate, and then decided to change sides, and spent the next 30+ years working in Land Use regulation as a Zoning Administrator. My first 20 years were spent in Washburn County in that position. While there, I also served as President of the Northwest District Zoning Administrators, was an Executive Member of the Wisconsin County Code Administrators Board of Directors, and was President of the WCCA for the year 2000. I also served on and chaired the Sanitation Committee of that organization, as well as sitting on a State Level Advisory Committee for the Administrative Code revision to the Sanitary Code now known as DSPS 383.

I then "semiretired" to a full time job as Burnett County Assistant Zoning Administrator in 2003, retiring July 1, 2013. I was asked to return to Washburn County in June of 2014, to cover a retirement in their Sanitary program, and finally got back to retirement in October. Subsequently, Burnett County called me back in January, 2015, to cover a loss of an employee from their Sanitary program; I returned to retirement on the first of July. To put a halt to this disturbing trend, I opted to run for County Board, District 19 of Burnett County, and was elected in 2016. I serve on the Land Use and Information Committee, Natural Resources Committee, and the Large Scale Livestock Siting Ad Hoc Committee.

My interests have always been in natural resource protection and management, with most of my time spent in shoreland regulation and wastewater treatment programs. My emphasis has been focused on the issues affecting Wisconsin where I have been in a position to provide some influence on issues that affect us all. We are facing multiple issues that will come before us, from exotic invasive species on both land and water, to CAFO controversies, to maintaining sustainable ag production practices, to shoreland, wetlands, surface water and groundwater protection, to name only a few. The long and well-rounded road of my upbringing, life experiences and employment history has groomed me for this position. I have a lengthy catalog of experience to draw on that makes me a great resource just waiting to be tapped. I believe I am well qualified to serve, can be a valuable member of the Wisconsin Land and Water Board, and am eager to become part of that team.

Thank you for your consideration.

Craig Conroy
cbdistrict19@burnettcounty.org



Michael J. Hofberger

W4424 Schluchter Rd. Chilton, WI 53014

(920) 418-5432 hofberger.mike@co.calumet.wi.us

Calumet County Land & Water Conservation Committee

EDUCATION

Raised on a dairy farm near Winchester, WI. Participated in all phases of dairy farming

- 1966** Graduate of Winneconne High School, Winneconne, WI
- 1970** Graduate of University of Wisconsin Stevens Point, Bachelor of Science Degree, Resource Management
- 1988** Graduate Command and General Staff Officer Course, U. S. Army, Fort Leavenworth, Kansas

EMPLOYMENT

- 1971** Soil Conservation Service, Oshkosh, WI, assisted landowners with the implementation of conservation practices
- 1972-1980** County Director, Trempealeau County Agricultural Stabilization and Conservation Service (ASCS)
Supervised staff implementing Department of Agriculture practices including cost sharing for conservation practices, loans, and crop subsidies. Worked for a committee elected by farmers within the county.
- 1981-1990** County Director, Calumet County ASCS, Chilton, WI
Responsibilities same as above
- 1991-2007** District Director, WI State Farm Service Agency, (formerly ASCS) Madison, WI
Supervised County Directors in 14 counties serving as advisor to each committee
Evaluated work practices for effectiveness, efficiency and economy
- 2009-2011** Clerk, Town of Stockbridge
Payroll, record keeping, recycling, agendas and minutes, elections and state and federal reporting.

ADDITIONAL EXPERIENCE

- 1970-1996** United States Army Reserve, attained the rank of Lieutenant Colonel
- Feb -Aug 2007** Agricultural Advisor, Provincial Reconstruction Team in Jalalabad, Afghanistan
- 2013-2020** Glacierland Resource Conservation & Development Council Board of Directors
A non-profit organization that addresses social, economic and environmental issues to preserve natural resources
- 1980-2018** Elder, past President and Vice President of St. Martin Lutheran Church, Chilton, WI
- 2016-2020** Calumet County Board Supervisor, Committees:
Land and Water Conservation Committee, Current Chair
Planning, Zoning and Farmland Preservation Committee, Current Chair
Glacierland Resource Conservation and Development Board
University of Wisconsin Extension Committee
Chilton Library Board
- 2018-2020** Board of Directors: Wisconsin Land and Water Conservation Association
- 2019-2020** Member, State of Wisconsin Land and Water Conservation Board

FORMER MEMBER

4-H, FFA, Lions Club, Boy Scouts, Optimist Club, Farm Progress Executive Committee, Food and Agriculture Officer U.S. Army Reserve, AFS Host Family, Big Brother, USDA Trainer of New Directors

**Robert (Bob) Mott
2019 Point Road
Pelican Lake WI 54463**

As a boy, I learned conservation from my grandpa, who was a 90-acre farm owner in northwest Ohio. I hunted, trapped, and watched my grandparents live a wonderful life. **As an adult, it is my belief that without conservation advocacy, Wisconsin will lose the clean waters, abundant wildlife, and fertile soils that make it unique in the United States.**

In my 8 years attending both state and area Land and Water Conferences, I am continually impressed by dedicated conservationists and their enthusiasm for their jobs. The “Below 29” and “North of 29” split is evident in the discussions and challenges as conservationists share their personal stories. Yet, there are challenges that encompass our county, state and nation. Threats to water quality, climate change and its effects, invasive species, and threats to sustainable agriculture, as well as the loss of farms, are ongoing concerns that will need educated solutions.

My background in education will serve me well on the Land and Water Conservation Board. I have negotiated labor contracts and worked with thousands of people in the classroom, on the court and in the playing field allowing me to listen to the discussion, see both sides of the story, analyze the problem, and find a solution.

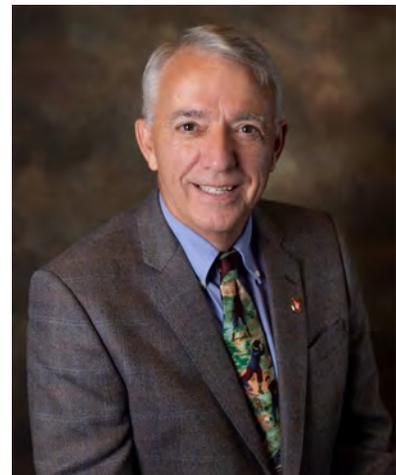
I am running for a position on the Land and Water Conservation Board to not only expand my personal conservation knowledge, but also more importantly, to continue to promote sustainable conservation practices in Oneida County and Wisconsin.

Education:

1966 Paulding High School Graduate (Paulding, Ohio)
1970 Wittenberg University Graduate (Springfield, Ohio)
Earned a Masters degree in Guidance, UW – Oshkosh
1970-2003 - Taught English - Neenah Joint School District

Community Leadership:

28 years - basketball, football & track coach
8 years - District 7 Supervisor - Oneida County Board
8 years - Conservation & UW-Extension Education Committee
Member (*Chair 2016-2020*); Additional Committees:
Forestry; Administration; Oneida/Vilas Transit Committee
(*Vice Chair*)
3-Term Supervisor – Town of Schoepke
Lake District Board Member as a County Board Representative for Squash Lake and Mid Lake
10-year Member - Pelican Lake Property Owners Association Board (*Current grant writer*)
UW-Extension Board of Visitors Member
Oneida County Lakes and Rivers Association Member (*Vice President*)
3-year Wisconsin Representative to PILD (*Public Issues Leadership Development Conference*)
Washington DC



January, 2020



MONTE G. OSTERMAN

Racine County Supervisor, 3rd District

2900 N. Wisconsin St.

RACINE, WI 53402

Ph 262- 308-2766

E-mail Monte.Osterman@racinecounty.com

December 31, 2019

Dear Fellow Conservationists,

I am writing to seek your consideration for re-election to the Wisconsin Land and Water Conservation Board. My experience as an Executive Committee member of the Wisconsin Land and Water Conservation Association gives me unique insight into conservation issues statewide, and my understanding of urban issues lends the Board an advantaged viewpoint. A few of my experiences, as well LWCB accomplishments, are highlighted:

- County Supervisor, District 3, Racine County
- Economic Development and Land Use, Planning, Zoning Committee
- Land Conservation Committee; authored and passed numerous environmental related resolutions
- Public Works Committee
- Racine Zoo Board – Operational Oversight; secured funding for major Zoo conservation project
- Founding Chairman – Youth In Governance Committee, Racine County Youth Advocate Award
- WLWCA (Wisconsin Land and Water Conservation Association) Outstanding Supervisor of the Year
- WLWCA Legislative Committee
- WLWCA Executive Committee
- WLWCA State Board of Directors; Southeast Area LCC member
- County Ambassador to State Legislature, WCA appointment
- Successful effort to restore state conservation funding
- NACD (National Association of Conservation Districts) Wisconsin Representative
- NACD Urban and Community Conservation and Agriculture; Resource Policy Group
- NACD, Vice-Chairman, Coastal Resources Committee
- Greater Racine Water Council, Steering Committee
- Root River Watershed Restoration Plan committee; 200 sq. mile watershed initiative; 9-point EPA plan
- Led initiative to create PACE (Property Assessed Clean Energy) funding tool for green development
- Appointed state PACE Commissioner
- Leading environmental corridor initiative in historic Foxconn development
- Self-employed in numerous disciplines for over 30 years; created several professional training curriculums
- Current Land and Water Conservation Board member, carried resolution forward to support developing communities, supported efforts to include 9 key element plans, testified before Speakers task Force on Water Quality

My wife Mary and I live in the City of Racine right next to Lake Michigan. We raised children here, and now have a beautiful toddler granddaughter. It is my intention to leave a legacy of environmental stewardship that our family, Association and state can be proud of. I have been self-employed my entire adult life. Using those experiences to blend business concerns with environmental initiatives and my unique background around development programs helps to inform this Board through valuable perspective. I offer to continue to stand in leadership of this effort. I appreciate your consideration. Please feel free to contact me with any questions or comments.

Thank you,

Monte G. Osterman
Racine County Board Supervisor, District 3

**2020 WISCONSIN LAND+WATER ELECTION BALLOT
LAND AND WATER CONSERVATION BOARD**

As the WI Land+Water LWCB Election Policy indicates, each county is allowed one ballot. The Chair of the Land Conservation Committee or a designated member of the LCC must complete the ballot. To be considered a complete ballot, three candidates must be selected and the name of the voter's county must appear on the ballot.

Vote for three candidates. *The ballot clerk will discard ballots with less than three votes.*

_____ Craig Conroy, Burnett County Land Conservation Committee,
Northwestern Area Association

_____ Michael J. Hofberger, Calumet County Land and Water Conservation
Committee, Lake Winnebago Area Association

_____ Robert (Bob) Mott, Oneida County Land Conservation Committee,
North Central Area Association

_____ Monte G. Osterman, Racine County Land Conservation Committee,
Southeastern Area Association

Signature of Land Conservation Committee Chair or designee

County

ENVIRONMENTAL SERVICES COMMITTEE – 2020 WORK PLAN

Date	Scheduled Agenda Items	Program Evaluation/Upcoming Issues
January	<ul style="list-style-type: none"> • Finalize 2020 Work Plan • Wildlife Damage Crop Prices • Wildlife Damage Crop Claims • 	<ul style="list-style-type: none"> •
February	<ul style="list-style-type: none"> • Tree Replacement schedule • 	<ul style="list-style-type: none"> • Governor’s Budget & Impact
March	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
April	<ul style="list-style-type: none"> • Tax Deed Listings • 	<ul style="list-style-type: none"> •
May	<ul style="list-style-type: none"> • Budget Development – 2nd mtg/mo • Fee Schedule Review & Recommendations – 2nd mtg/mo • 	<ul style="list-style-type: none"> •
June	<ul style="list-style-type: none"> • Receipt of Annual Report • Tax Deed Update – 1st mtg/mo • Set Prices for Tax Deed Sales – 2nd mtg/mo • 	<ul style="list-style-type: none"> •
July	<ul style="list-style-type: none"> • Annual Reports • 	<ul style="list-style-type: none"> •
August	<ul style="list-style-type: none"> • Review County Owned Property Listings • Land Sales • 	<ul style="list-style-type: none"> •
September	<ul style="list-style-type: none"> • Annual Budget Review • 	<ul style="list-style-type: none"> •
October	<ul style="list-style-type: none"> • Budgets/Budget amendments • 	<ul style="list-style-type: none"> •
November	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
December	<ul style="list-style-type: none"> • Develop 2021 Work Plan • Comprehensive Plan Update • 	<ul style="list-style-type: none"> •

Ongoing Agenda Items to Include on Each Agenda as of 12/11/2019:

- Tax delinquent properties: Update and Possible Action Woodley property, Updates on other tax delinquent properties/sales
- Parks, Recreation, Trails and Dams: Trails updates, Update regarding Atlas Dam
- Forestry: Sterling Tower update
- Zoning & Land Information: CAFO Moratorium Development Work Updates, permit software demo from Land Information Office
- Outdoor Recreation Plan: discussion
- Divisional Form of Government: update

ADDITIONAL ITEMS FOR ES 2020 WORK PLAN CONSIDERATION

Timber Sales
CAFO moratorium Development
Shoreland Zoning Ordinance
Rec Plan

West Central

REVIEW/EVALUATION OF PROGRAMS:

Land Information
Land & Water Resources
Register of Deeds
Lime Quarry
Recycling Program Evaluation
Forestry
UW Extension Program Evaluation
Tourism Review
Parks & Trails