

Trempealeau County Land And Water Resource Management Plan

December, 2006



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CHAPTER 1

Introduction

County Land and Water Resource Management Plan Concept

In 1996, Wisconsin Association of Land Conservation Employee's (WALCE) throughout Wisconsin proposed the County Land and Water Resource Management Plan concept in response to draft state agency recommendations for redesigning Wisconsin's nonpoint programs. The concept was promoted by the Wisconsin Land and Water Conservation Association (WLWCA) and the State Land and Water Conservation Board (LWCB) during state legislative deliberations in the spring and summer of 1997. State mandated County Land and Water Resource Management (LWRM) plans became a central theme of landmark state legislation signed into law in October, 1997, as part of Wisconsin Act 27.

County Land and Water Resource Management Plans were not intended to be just another "planning document". Instead, the Plans were to be a "process" by which counties assessed their resource conditions and needs and would decide how best to manage their resources. County Land and Water Resource Management Plans were intended to:

- Develop a seamless approach between resource conservation program(s);
- Focus on the conditions of local land and water resources;
- Incorporate existing plans, such as the areawide water quality plans;
- Identify local soil erosion and nonpoint pollution problems and priorities;
- Develop a multi-year work plan for addressing resource concerns;
- Provide a mechanism for partnering with other agencies, municipalities, organizations; landowners and other interested parties;
- Coordinate with local land use planning and zoning efforts;
- Develop a comprehensive information and education strategy to help implement the plan;
- Track progress toward meeting the plan's goals, including compliance with state standards;
- Prioritize staff and financial resources to local soil and water conservation needs;
- Emphasize cost effective solutions;
- Create flexible program rules to encourage creativity.

County Land and Water Resource Management Plans were to be the local vehicles for implementation of the redesigned state water quality program

Wisconsin Act 27

The 1997 State Biennial Budget, Wisconsin Act 27, required the DATCP and DNR to develop or modify existing programs and administrative rules related to nonpoint source and soil and water resource management. The Act directed Wisconsin agencies to improve existing programs by: specifying water quality goals, identifying practices that would achieve these goals, promoting uniform applications of regulations, and improving the coordination of existing programs. More specifically, these activities were required to include:

- 1) the development of agricultural nonpoint source performance standards and prohibitions designed to meet water quality standards. At a minimum, these standards were required to include the four animal waste prohibitions that came out of the report compiled by AWAC that are now specified in statute;

- 2) the development of non-agricultural nonpoint source performance standards designed to meet water quality standards;
- 3) prescriptive conservation practices and a process for implementation of the agricultural performance standards. These conservation practices and technical standards were required to address animal waste management, nutrients applied to the soil and cropland sediment delivery;
- 4) prescriptive process for development and implementation of technical standards to enact the non-agricultural performance standards;
- 5) criteria for determination of whether cost sharing is available for compliance by an agricultural facility under s. 281.16, s. 92.14, or any other source, as well as criteria for administering those cost-sharing funds provided for compliance;
- 6) prescriptive procedures for review and approval of proposed local regulations of livestock operations which the local unit of government believes are necessary to achieve water quality standards;
- 7) development of County Land and Water Resource Management Plans;
- 8) development of nutrient management policies including incentives, informational and educational outreach provisions and compliance requirements; and lastly,
- 9) designation of changes needed to restructure the Nonpoint Source Program (s.281.65).

Steps To Protect Water Quality From Agricultural Sources Of Pollution

Wisconsin Act 27, the 1997 State Biennial Budget, required the Departments of Agriculture, Trade and Consumer Protection and Natural Resources to follow a five step process to improve water quality. The agencies were required to develop or modify administrative rules related to nonpoint source and soil and water resource management. The five-step process is described below

LEAD AGENCY

1.	<p>ADOPT WATER QUALITY STANDARDS Could include both surface and ground water standards for bacteria, phosphorus, sediment, nitrate, etc... to protect public health and welfare.</p>	DNR
2.	<p>DEVELOP PERFORMANCE STANDARDS AND PROHIBITIONS Includes a level of soil and nutrient management which will maintain agricultural productivity while meeting water quality standards. Prohibitions refer to Animal Waste Advisory Committee Recommendations restricting manure runoff.</p>	DNR
3.	<p>DEVELOP PRACTICES TO IMPLEMENT PERFORMANCE STANDARDS Includes specific soil and nutrient management practices. Practices must at a minimum address: ANIMAL WASTE MANAGEMENT NUTRIENTS APPLIED TO THE SOIL</p>	DATCP
4.	<p>DEVELOP TECHNICAL STANDARDS Includes specifications for practices such as those contained in the Field Office Technical Guide.</p>	DATCP
5.	<p>IMPLEMENT THE STANDARDS TO IMPROVE WATER QUALITY Coordinate the following state and local programs to promote the installation of practices that result in water quality protection.</p> <ul style="list-style-type: none"> • Land and water resource management plans • Local livestock ordinances under 92.15 • Other local ordinances • Basin planning • NR 120 Nonpoint source pollution abatement program • NR 243 Animal waste management • ATCP 50 Soil and water conservation and animal waste management 	DNR DATCP Local Conservation Departments

A missed opportunity

The Department of Natural Resources revised its Administrative Rules to comply with the requirements of 1997 Wisconsin Act 27. The NR151 Administrative Rule identified the Agricultural and Non-Agricultural Performance Standards necessary for the State to achieve its water quality goals. However, the NR151 Administrative Rule did not contain an implementation scheme and it did not contain any sort of mechanism that would trigger a requirement for compliance with Agricultural Performance Standards. Implementation of NR151 was “expected” to be a responsibility of the County Land Conservation Departments. However, DNR was unable to provide staffing grants to Counties to help support staff needed to implement the provisions of the Administrative Rule. DATCP’S companion Administrative Rule, ATCP50, was required through 1997 Wisconsin Act 27 to identify the specific practices that would allow land users to achieve compliance with the Agricultural Performance Standards contained within NR151. ATCP50 identified these practices. However, DATCP also included provisions within its ATCP50 Administrative Rule that had the effect of codifying in Administrative Rule that agricultural producers have zero environmental responsibilities. The ATCP50 Administrative Rule also contained cost sharing and “lost opportunity” payment provisions that were so financially onerous to the tax payers of the State of Wisconsin that the effect, intentional or otherwise, was to ensure that progress in attaining compliance with State Agricultural Performance Standards would be extremely slow. Further, ATCP50 contained a county staffing grant requirement to provide equal staffing grants to county Land Conservation Departments without regard for workload associated with the implementation of the NR151 and ATCP50 Administrative Rules or the county’s demonstrated commitment to implementation of the Administrative Rules.

The net results of these missed opportunities are that nine years after the passage of 1997 Wisconsin Act 27; the majority of agricultural producers within the State of Wisconsin have no clear knowledge of exactly what environmental expectations the non-farming public has of them and when they must comply with these expectations; state funding support for county staff “expected” to implement the Administrative Rules has been reduced by 36% (79 positions) and most importantly, neither the State Agencies or the LWCB can demonstrate to the legislature the location of land parcels in the state on which one or more of the Agricultural Performance Standards has been complied with and on what land parcels they have not.

Initial County Land and Water Resource Management Plan Revision

Each of the 72 Counties in the State of Wisconsin developed initial Land and Water Resource Management Plans. Each of these Plans were reviewed and approved by DATCP following review and recommendation of approval by the LWCB. The quality and successful implementation of these initial Plans varied widely.

Each County is required to revise their initial Land and Water Resource Management Plan based upon a schedule developed by DATCP and approved by the LWCB. The LWCB has developed minimum standards for counties to comply with in order to secure approval of the Plan revision. It is Trempealeau County’s intent to meet the minimum requirements for State approval.

Although Trempealeau County is fully committed to ensuring compliance with the State Agricultural and Non-Agricultural Performance Standards contained within NR151, the Trempealeau County Land Conservation Committee and its staff are concerned over the effectiveness and use of County Land and Water Resource Management Plans as the local vehicle to achieve compliance with Performance Standards. The Plans have not been used by the State Agencies or the LWCB to distribute (target) limited funding for staff or cost sharing to counties that have the greatest demonstrated need. Nor have limited funds been targeted to counties that have demonstrated the greatest commitment and ability to utilize limited funds to achieve compliance with Performance Standards at the county level. The Trempealeau County Land

Conservation Committee and its staff are concerned that the only demonstrated use of the County Land and Water Resource Management Plans by DATCP, to date, has been to threaten to use these Plans as punitive tools to punish county's that DATCP considers to be "uncooperative".. The Land Conservation Committee and its staff are also concerned with the fact that the LWCB has demonstrated a willingness to support punitive measures proposed by DATCP.

In order to develop a meaningful plan to ensure compliance with State Performance Standards at the county level, yet avoid vulnerability to potential loss of state staffing and cost share grant funding, Trempealeau County undertook parallel resource management planning initiatives. The County developed a County Land and Water Resource Management Plan intended to meet minimum state requirements for State approval and funding with the hopes that a frank, blunt document that details the schizophrenia of the States Non-point Program would generate discussion and possible action on the part of the LWCB and state agencies. The County Land and Water Resource Management Plan was drafted in such a manner as to limit county vulnerability. The second, parallel, county planning initiative was to undertake a major revision to the County Division of Land Management Plan. The County Division of Land Management Plan is not subject to State Agency or LWCB review or approval. It is within the County Division of Land Management Plan that the detailed goals and action items shall be contained to ensure compliance with State Performance Standards at the County Level. The County Division of Land Management Plan Revision combines the existing Land Conservation, Zoning, Planning and Surveying Departments into a single Department with the sole function of ensuring compliance with Agricultural and Non-Agricultural Performance Standards contained within NR151, as well as, the Agricultural and Non-Agricultural Performance Standards contained within the various County Ordinances. Referencing the County's Division of Land Management plan within this document DOES NOT in any way imply that the County Division of Land Management Plan is to be considered an attachment to or a reference for the County Land and Water Resource Management Plan. To view a copy of the existing County Division of Land Management Plan you may do so by visiting the Trempealeau County Website at www.trempealeaucounty.com/landmanagement.

Implementation of the County Land and Water Resource Management Plan is fully contingent upon state funding support for staff and cost sharing. Trempealeau County makes no commitments beyond what is financially supported fully by State funding. Current levels of State funding support for staff and cost sharing is inadequate to cover county costs associated with existing statutory requirements of the county as specified in Chapter 92 and ATCP50. Current state funding support does not allow for any "acceleration" of effort on the part of Trempealeau County to ensure compliance with State Performance Standards beyond what is currently required by State Statutes and Administrative Rule.

CHAPTER 2

Physical Characteristics and Geography

County Setting

Trempealeau County is located in west central Wisconsin. Its boundaries are partially formed by three rivers: the Mississippi River on the south, the Trempealeau River on the West and the Black River on the southeast. The County is approximately 42 miles long, from 18-23 miles wide, with a land area of about 476,800 acres.

Within Trempealeau County are three major drainage basins. The Buffalo River drains the northern part of the county, the Black River drains the southeastern portion of the county, and the Trempealeau River drains the remainder of the county. All three rivers eventually drain to the Mississippi River.

Trempealeau County is in the unglaciated (driftless) region of Wisconsin. Narrow tree-covered ridges and broad, rolling valleys are characteristic landscape features. The bottoms of main stream valleys are rather broad, and well drained terraces are conspicuous features along many of the larger streams. The Mississippi River Valley is from three-fourths to one mile wide and the Buffalo and Trempealeau River Valleys are one-half to three-fourths mile wide. Most of the smaller streams have definite valley floors ranging from one-quarter to one-half mile in width. The average elevation above sea level, of the main streams, other than the Mississippi River, is about 720 feet in the southern portion of the county and about 900 feet in the northern portion of the county.

Trempealeau County has considerable area with slopes of 12% or greater. Approximately 48% of the county has slopes of 12% or greater. The following table lists the acreage in the county by percent slope:

Trempealeau County Acreage by Steepness of Slope

<u>Percent Slope</u>	<u>Total Acres</u>	<u>Percentage</u>
0 - 2	115,363	24.3
2 - 6	70,170	14.7
6 - 12	65,632	13.5
12 - 20	94,530	20.1
20 - 30	85,880	17.9
20 - 45	<u>45,225</u>	<u>9.5</u>
	476,800	100.0%

Climate

Trempealeau County has a humid, continental climate that is characterized by cold and snowy winters and warm summers with hot and humid periods. The number of days per year with temperatures of zero degrees Fahrenheit and below averages thirty-four, and the number of days with temperatures of ninety degrees and above averages twenty per year. The average growing season is one hundred twenty eight days, annual participation averages thirty-one inches, and snow fall averages fifty inches per year. Sixty-five percent of all precipitation occurs from May through September (the growing season). Frozen ground conditions frequently aggravate late winter snowmelt runoff and rainfall runoff.

Bedrock

Trempealeau County has two types of bedrock. They are the Upper Cambrian formations (sandstone with some dolomite and shale) and Prairie Du Chien Group (Dolomite).

Unconsolidated Sediments

Three kinds of unconsolidated sediments occur in Trempealeau County. They are in old lake beds, in unpitted outwash or on driftless uplands.

Old lake beds are in the southern part of the county. They formed in large valleys, along the lower courses of the Tamarack and Trempealeau Rivers and the Beaver Creek. These basins contain deep stratified clay, silt, and sand sediments.

Unpitted outwash occurs as large, nearly level and gently sloping prairie areas, along the Mississippi and Black Rivers in the southern portion of the county. The outwash is mainly stratified sand but contains stratified sand and gravel in a few places. The outwash reaches a maximum depth of about 150 feet.

Driftless uplands throughout most of the county have a mantle of friable, windblown silt less than 15 feet thick. Many valleys associated with driftless uplands are partially filled with silt and sand. Most of this material was eroded from the upland silt mantle and underlying Cambrian sandstone of the uplands. These sediments are about 50 feet thick along the Buffalo and Trempealeau Rivers and along the Beaver, Elk, and Pigeon Creeks.

Soils

Soils of Trempealeau County have developed over sedimentary rock. Loess (windblown silt) outwash sediments and alluvial material also characterize the development of the county's soils. Those soils formed in Loess are the most common. The combination of climate and soil formation created a landscape of prairie grass and oak. Native trees originally covered less than thirty percent of the county.

Surface Waters

Total internal surface water area in Trempealeau County is 1600 acres(excluding the Mississippi River). Artificial millponds account for approximately 410 acres with streams and rivers accounting for approximately 1,190 surface acres. The majority of Trempealeau County's streams are considered cold water streams and are categorized as either cold water forage streams or cold water trout streams. 72 streams totaling nearly 224 miles are classified trout streams. The source of water for most Trempealeau County streams is a combination of springs and groundwater discharge. There are 25 streams in the county which are Exceptional Resource Waters (NR102) totaling approximately 59 miles.

Sedimentation and habitat degradation from eroding stream banks is a common problem in the county. The majority of streams have substrates of shifting sand and often lack suitable substrate to support a diverse and healthy biota. The county has six streams, totaling 26.5 miles that are on the Wisconsin 303d impaired waters list. The Black River, the Mississippi River and Lake Marinuka within Trempealeau County are also listed as impaired for atmospheric deposition of mercury which has accumulated in fish in amounts great enough to justify fish consumption advisories.

Groundwater Resources

Water resources contributing to groundwater consist of rainfall and snowmelt. Water movement from the land surface to deeper geology passes through several different kinds of soil and rock material. The water quality characteristics of the area's groundwater is dependent on the type of land use occurring in the area and the mineralogy of the soil and rock formations. Results of water testing reveal the occurrence of some ground water contamination. For example, a 1990 well survey conducted by DATCP found that 30% of the wells tested contained some level of triazine and 15% had nitrate concentrations in excess of the public drinking water standard.

Land Use

Agriculture is by far the most prevalent land use in the county. Dairying and meat animal production together account for approximately 70% of Trempealeau County agricultural income and most of the dairy and meat animals are confined at least some of the time in feedlots with feed brought to them rather than grazing. Because of the well-dissected, un-glaciated landscape, many small streams exist. Approximately 70% of all feedlots are located within the Water Quality Management Area (WQMA) of the county. The predominant NPS problems identified in DNR Basin Water Quality Management Plans are the result of the dominance of livestock agriculture in the land use and economy of Trempealeau County. These NPS problems have been identified as; stream habitat destruction; sedimentation; runoff from feedlots and associated problems with animal waste.

CHAPTER 3

Water Resource Assessment

Groundwater Resources

Water resources contributing to groundwater consist of rainfall and snow melt in Trempealeau County. Water movement from the land surface to deeper geology passes through several different kinds of soil and rock material. Although alluvial deposits contain quantities of groundwater the sandstone aquifer is the most common source of well water.

Results of well water tests over the past twenty-five years demonstrate increases of nitrate levels and detects of triazine. Well water sampling for the Middle Trempealeau River Watershed Project, in 1990, showed that 30% of the wells tested detected triazine and 15% of the wells had nitrate levels above the state and federal public health standards. Results of well water sampling done through out the county from 2001 through 2005 showed that 36% of the wells tested had nitrate levels above the state and federal public health standards.

These results strongly suggest that the ground water quality of Trempealeau County has been affected by land use activities. There are many human activities that are sources of nitrate contamination. These sources include the following: runoff or seepage from fertilized (septage, whey, chemical fertilizer and animal waste) agricultural lands, municipal and industrial wastewater, refuse dumps, animal feedlots, improper manure storage, septic tanks, urban drainage, improperly abandoned wells, and decaying plant debris.

Surface Water Resources

Trempealeau County has implemented an AG 165 Farmers Fund and AG160 Soil Erosion Control Project in the Pigeon Creek Watershed. NPS Priority Watershed Project implementation occurred in the Elk Creek, Beaver Creek, Lower Black River/Hardies Creek, Middle Trempealeau and Upper Trempealeau River Watersheds. (Refer to Watershed Map on page) The surface water quality assessments within all of these plans were remarkably similar. A compilation of all of the surface water quality assessments contained within these plans, as well as, the Black-Buffalo-Trempealeau River Basin Plans form the basis for this county wide surface water quality assessment.

Nonpoint source pollutants are the primary cause of surface water quality problems in the county. Pollutants such as sediment, bacteria, organic material, and animal wastes contribute to the existing surface water quality problems associated with all of the surface water resources of the county. In addition to the pollutants that flow into surface water resources, degradation and erosion of stream banks is a major source

of sedimentation to the streambeds as well as the impoundments located at the down stream end of many of the county watersheds.

Erosion and instability of stream banks is a common problem through out the county which results in increased sedimentation and removal of important habitat for aquatic life, especially trout. Sedimentation of pools and filling in of spawning substrate in riffle areas are results of both upland erosion (Ag and Non-Ag) and stream bank erosion. The filling in of riffle areas reduces reproduction success of trout by reducing oxygen levels in streams and destroying spawning habitat. Sedimentation of stream bottoms also reduces the abundance of invertebrates that constitute a valuable fish food resource.

Agriculture and to a lesser extent, urban land disturbing activities are the primary sources of pollutants to the county's surface water resources. Sources of surface water pollutants include: barnyard runoff, nutrient and sediment runoff from cropped fields, manure runoff from improperly stacked/stored animal waste, concentrated flow erosion from cropped fields and logging trails, ephemeral erosion from cropped fields, and runoff from construction projects.

Soil Erosion

In 1984, Trempealeau County developed the State of Wisconsin's first County Wide Cropland Soil Erosion Control Plan. This Plan indicated that; 54% of the cropland was at or below "T", 25% was at 2"T", 9% was at 2.5 "T", and 12% was at greater than 2.5"T". Since 1984, after 20 years of NRCS Alternative Conservation Systems and the requirement that the county use RUSLE2 as the cropland erosion prediction model (RUSLE2 allows 25% more grain in the rotation than did its predecessor model, USLE) LCD staff believe that cropland erosion rates are significantly higher in Trempealeau County in 2006 than was the case in 1984. Trempealeau County does not conduct a Transect Survey due to the fact that LCD staff have very little, if any, confidence in the model used and the output numbers generated.

Cropland soil erosion does not necessarily constitute a water quality problem. The movement of soil only becomes a water quality problem when soil particles are transported and deposited into surface water resources. Computer modeling of soil particle transport and delivery to surface waters conducted for the three most recent Watershed Projects within Trempealeau County (Beaver Creek, Middle Trempealeau and Upper Trempealeau) indicate that within Trempealeau County, sediment generated by cropland soil erosion is a significant nonpoint pollutant. Within these three watersheds there are 98,856 cropland acres that produced 116,635 tons of sediment to surface water resources on an annual basis. This equates to an average of 1.18 tons of sediment per cropland acre, per year. These three watersheds are representative of the entire surface area of Trempealeau County. Thus, it would be reasonable to conclude that the 250,655 cropland acres within Trempealeau County are producing 295,773 tons of sediment annually. Clearly, this is a major water quality issue. However, lack of staff resources combined with the DATCP decision to require the use of the RUSLE2 cropland erosion prediction model for political rather than scientific reasons, has forced the county to place a lower priority on cropland soil erosion control planning than is the case for manure management prohibitions, gully erosion control, and stream bank erosion control.

Sources of Non-point Pollution Within Trempealeau County

A. Agricultural Sources of Non-point Pollution

1. Sedimentation – Sediments originating from cropland sheet and rill erosion, concentrated flow erosion, streambank erosion, scour erosion, feedlot erosion, critical area erosion, drylot erosion, and field access road erosion are major sources of nonpoint pollution.
2. Fecal Coliform Bacteria – Excessive levels of bacteria exist within the surface

water resources of Trempealeau County. The sources of the bacteria are predominantly from barnyard runoff, improper storage and/or application of livestock manure and failed septic systems.

3. Phosphorus – Excessive phosphorus loading to the surface water resources of Trempealeau County occurs. Sources of phosphorus include improper storage and /or application of livestock manure to croplands, transportation of phosphorus-enriched sediments and runoff from feedlots/drylots to surface waters.
4. Nitrates – Elevated nitrate levels in the County’s ground water is a major concern. Sources of ground water nitrates include; over application and/or untimely application of nitrogen fertilizer (chemical and/or manure), improper siting and/or design of manure storage structures and internally drained feedlots/drylots.
5. Herbicides/Pesticides – Chemical detects in ground and surface water resources result from improper storage and/or application of these chemicals.

B. Non-agricultural Sources of Non-Point Pollution

1. Sedimentation – Sediments originating from construction sites, nonmetallic mining sites, public roadway development and municipal streambanks are a concern within Trempealeau County.
2. Fertilizers – Over application and/or untimely application of turf and garden fertilizers adversely affect the County’s ground and surface water resources.
3. Nitrates/Phosphorus – Ground and surface water quality is degraded through improper and/or untimely application of septage, whey bi-products and failing septic systems.
4. Storm water – storm water discharges from urban areas to surface water resources contain sediments, petroleum, heavy metals and chemical residues.

WATER QUALITY INFORMATION
CONTAINED WITHIN DNR BASIN WATER QUALITY MANAGEMENT PLANS

WATERSHED NAME	SURFACE WATER RANKING	GROUND WATER RANKING	WATERS ON 303 LIST	EXCEPTIONAL WATER RESOURCES	NPS / PROBLEMS	NR-120 STATUS
Upper Buffalo	High	Low	No	Yes	HAB, SED, AW, SB	None
Upper Trempealeau	High	Low	Yes	No	HAB, SED, PSB, CL, TEMP., AW, SB	Closed Out
Middle Trempealeau	High	No Rank	Yes	Yes	HAB, SED, PSB, CL, PST, BOD, DO, AW, SB	Closed Out
Lower Trempealeau	No Rank	High	Yes	No	HAB, SED, PSB, CL, AW, SB	None
Elk Creek	High	No Rank	No	No	HAB, SED, PSB, CL, HM, AW, SB	Closed Out
Pigeon Creek	Medium	Low	No	No	HAB, SED, AW, CL, SB, PSB	Closed Out (AG-160/AG-165)
Lower Black River	High	No Rank	Yes	No	HAB, SED, AW	Closed Out
Beaver Creek	High	No Rank	Yes	Yes	HAB, SED, PSB, AW, SB	Closed Out

NPS - Unspecified Nonpoint Source

HAB – Habitat

SED – Sedimentation

PSB - Streambank Pasturing

CL - Chlorine Toxicity

TEMP – Temperature

BOD – Biological Oxygen Demand

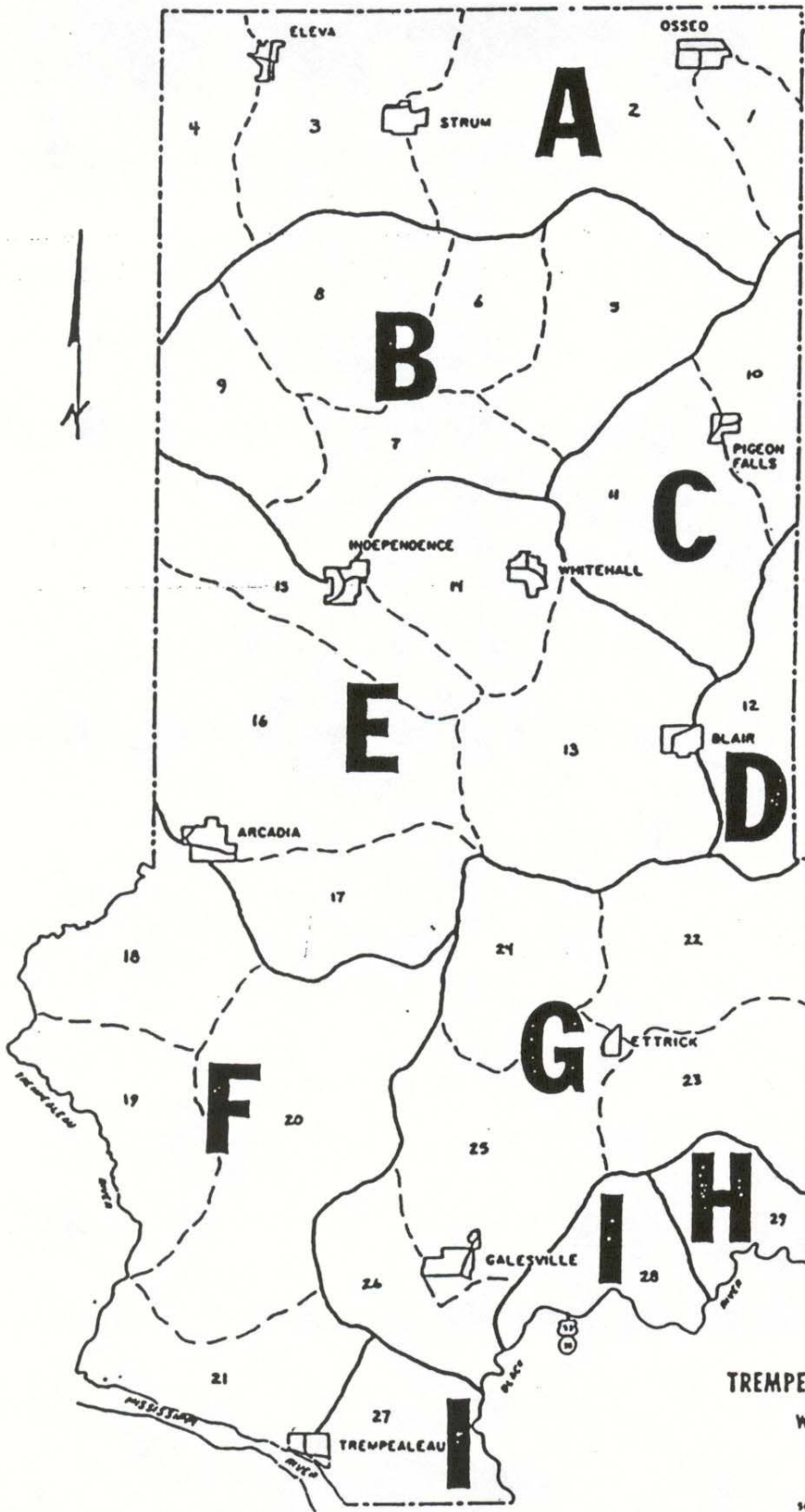
DO – Dissolved Oxygen

HM – Hydrological Modification

SB - Streambank Erosion

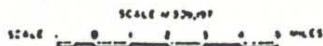
AW - Animal Waste

WATERSHED/SUB-BASIN BOUNDARIES



- A. Upper Buffalo River Watershed
 - 1. South Fork
 - 2. Crystal Lake
 - 3. Eleva
 - 4. Albion
- B. Elk Creek Watershed
 - 5. N. Branch & Upper Elk
 - 6. Bruce Valley
 - 7. Lower Elk
 - 8. Chimney Rock
 - 9. Borst
- C. Pigeon Creek Watershed
 - 10. Pigeon Falls Pond
 - 11. Coral City
- D. Upper Trempealeau River Watershed
 - 12. Lake Henry
- E. Middle Trempealeau River Watershed
 - 13. Preston
 - 14. Lincoln
 - 15. Traverse & Plum Creek
- F. Lower Trempealeau River Watershed
 - 16. Arcadia
 - 17. Turton
 - 18. Trout & Meyers
 - 19. Dodge
 - 20. Tamarack
 - 21. Trempealeau
- G. Beaver Creek Watershed
 - 22. N. Beaver Creek
 - 23. S. Beaver Creek
 - 24. French Creek
 - 25. Lower Beaver Cr.
 - 26. Little Tamarack
- H. Big Creek/Douglas Creek Watershed
 - 29. Hardies
- I. Lower Black River Watershed
 - 27. Caledonia
 - 28. Decorah

TREMPEALEAU COUNTY
WISCONSIN



CHAPTER 4

Water Quality Objectives

1. Protect and Enhance the Water Resources of Trempealeau County

Goal

1. Protect and enhance the surface water resources of Trempealeau County

Action Items

1. Reduce in-stream sedimentation to protect spawning beds and aquatic insects that provide a food source for fish, waterfowl and other wildlife, by encouraging or requiring county land users to adopt management practices and/or install the structural practices necessary to comply with State/County Agricultural and Non-Agricultural Performance Standards.
2. Reduce nutrient loading to streams from manure runoff from feedlots and barnyards, fertilizer (septage, manure, chemical) runoff from cropped fields, leachate runoff from feed storage areas, and runoff from urban sources by encouraging or requiring land users to adopt management practices and/or install the structural practices necessary to comply with State/County Agricultural and Non-Agricultural Performance Standards.
3. Reduce thermal degradation of trout streams by considering thermal impacts when funding, designing, and installing agricultural BMP'S and urban BMP'S installed to comply with Storm Water Management Ordinance requirements. Design and install structures to maximize thermal recovery.
4. Enhance fish and other aquatic habitat by incorporating cold water and warm water fish habitat structures into the design of stream bank and lake shore stabilization projects.

Goal

1. Protect and enhance the groundwater resources of Trempealeau County

Action Items

1. Encourage or require agricultural producers to comply with the State and County Agricultural Performance Standards.
2. Encourage or require agricultural producers to properly abandon failing manure storage structures.
3. Encourage or require property owners to properly abandon unused or improperly constructed wells.

4. Require that 70% of runoff from new urban development (commercial, subdivisions, etc.) is properly infiltrated into groundwater aquifers.

Goal

1. Protect and enhance the wetlands of Trempealeau County

Action Items

1. Avoid locating basins, dams, and other agricultural and storm water management BMP'S in wetlands that are not low quality
2. Protect existing wetland functional values by designing and installing BMP'S that avoid degrading any of the eight functional values described in NR103.
3. To enhance existing wetlands, encourage property owners to design and install wetland conservation activities as identified in NR353.

Note: Chapter 4 was drafted primarily by the Department of Natural Resources' Buffalo/Trempealeau Basin Water Team Leader, Dan Helsel. Additional assistance was provided by Cindy Kaperski of the DNR. The Goals and Action Items reflect those Goals and Action Items contained within the Buffalo and Trempealeau River Basin Plans. The table on page 13 of this plan is a compilation of the Water Quality Information contained within the Buffalo and Trempealeau River Basis Plans.

CHAPTER 5

Goals and Action Items to Implement the Land And Water Resource Management Plan

Plan Implementation Priorities

Subject to the limitations of State funding, the primary Land and Water Resource Management Planning Goal of the Trempealeau County Land Conservation Committee is to ensure compliance with the Agricultural and Non-Agricultural Performance Standards contained within NR151 and County Ordinances. This section of the five year Land and Water Resource Management plan states, for Land and Water Resource Management Planning purposes, the five year land and water resource management plan implementation goals of Trempealeau County as well as the action items intended to achieve the goals. Unless otherwise noted, Division of Land Management Staff shall be primarily responsible for all action items.

Each of the Agricultural and Non-Agricultural Performance Standards is followed by a priority ranking. This is a generalized ranking intended to meet the requirements for Plan approval. Each individual request for technical and/or financial services shall be evaluated to determine site specific water quality benefits. For example, the "T" Standard has a generalized low priority for available staff and financial resources due to politics involved with RUSLE2 and the low confidence level in the models output numbers, however, the "T" Standard would be of high priority on a site that discharges cropland sheet and rill erosion directly to the head waters of a trout stream. All requests shall be evaluated on the sites own merit.

Five Year Implementation Budget

The five year plan implementation budget shall only consider those funds provided by DATCP to implement the Plan. Currently, DATCP provides approximately \$121,000.00 per year to support staff and \$61,000.00 per year for cost sharing. This provides approximately \$910,000.00 (\$605,000.00 for staff and \$305,000.00

for cost share) for the five year budget to implement this plan. Following the generalized priority ranking for each Agricultural Performance Standard shall be an estimated budget for implementation over the next five years. These estimates are based upon the best estimates of staff as well as past time reporting. These estimates may change based upon individual requests for technical/financial assistance. These estimates are also skewed by services that the county is mandated to provide. For instance, although the “T” Standard has a generalized low priority, the percent of the total plan implementation budget dedicated to the “T” Standard is a significant percentage of the total budget due to the State mandate that the county spot check Farmland Preservation Agreement holders once every six years (113 farms per year) to determine compliance with a farm plan.

Unless otherwise noted, the time frame for completion of the actions is ongoing for the 5 year plan.

1. Agricultural Performance Standards

A. Cropland to be cropped to the tolerable soil loss level “T” (LOW PRIORITY) \$227,500.00- Includes \$0.00 for Cost Share

Goal

1. All croplands within Trempealeau County shall be cropped to equal or less than “T”.

Action Items

1. As staff time availability permits, provide cropland soil erosion control plans to county producers.
2. Monitor cropland soil erosion control plans for Farmland Preservation participants once every six years to determine if a plan has been developed and if so, if farming operations are in compliance with the plan. Issue Notices of Non-Compliance if a plan has not been developed or complied with.
3. Ensure that all cropland soil erosion control plans required as a component of a nutrient management plan meets the requirements of NR151 and ATCP50.
4. Provide information pertaining to this Performance Standard in the annual Division of Land Management Newsletter and to individual land owners as appropriate.

B. All Areas of Concentrated Flow to be Adequately Sodded (HIGH PRIORITY) \$273,000.00- Includes \$90,000.00 for Cost Share

Goal

1. Ensure that all areas of gully and ephemeral erosion are adequately stabilized and sodded.

Action Items

1. The LCC shall prioritize any available non-animal waste management financial assistance towards the installation of grassed waterways, as required when using the RUSLE2 planning model, and the stabilization of gullies that transport sediment directly to surface water resources. Within the limits of cost share funding available, the county shall attempt to eliminate concentrated flow erosion on two farms per year.

2. Urge DNR to add grassed waterways to the list of Agricultural Performance Standards contained within NR151.
3. Urge DATCP to exempt grassed waterways, that are required to be installed as a pre-requisite to the use of the RUSLE2 cropland erosion prediction model, from the cost share, maintenance, and “lost opportunity payment” requirements of ATCP50.
4. Provide information to crop producers pertaining to the requirement that areas of concentrated flow and ephemeral erosion be addressed as a pre-requisite to the use of the RUSLE2 Cropland Erosion Prediction Model

C. All Croplands Farmed In Accordance With A Nutrient Management Plan (MEDIUM PRIORITY) \$91,000.00-Includes \$0.00 for Cost Share

Goals

1. All croplands farmed in compliance with a nutrient management plan that complies with the technical standards contained within ATCP50

Action Items

1. Require that a Nutrient Management Plan, that meets the technical standards contained within ATCP50, be submitted along with a copy of a Feedlot Ordinance and/or Manure Storage Ordinance Permit application.
2. Maintain a LCD staff agronomist that is qualified to check nutrient management plans for technical adequacy.
3. Provide information pertaining to this Performance Standard in the annual Division of Land Management Newsletter and directly to landowners as appropriate.

D. AWAC Prohibitions (HIGH PRIORITY) \$291,200.00-Includes \$215,000.00 for Cost Share

1997 Wisconsin Act 27 states that Agricultural Performance Standards must, at a minimum, contain the four (4) prohibitions identified by the Animal Waste Advisory Committee. The four prohibitions have been identified as the following:

1. No overflow of manure storage structures;
2. No unconfined manure stacking (piling) within Water Quality Management Areas;
3. No direct runoff from feedlots or stored manure to waters of the state; and
4. No unlimited livestock access to waters of the state where high concentrations of animals prevent adequate sod cover maintenance.

Goal

All Trempealeau County livestock producers to comply with the four (4) AWAC Prohibitions.

Action Items

1. Require that all county landowners requesting LCD technical or financial assistance cooperate with LCD staff in conducting an on-farm evaluation to determine existing compliance with State Agricultural Performance Standards. LCD staff shall track compliance and, if applicable, develop

a schedule of compliance to ensure compliance with the remaining Agricultural Performance Standards within a time period specified by State Statutes, Administrative Rule or LCC/LCD policy (approximately 50 on site farm evaluations per year).

2. Require that all livestock producers wishing or required (after July 1, 2006) to be permitted through the County's Feedlot Performance Standards Ordinance and/or the County Manure Storage Ordinance to comply with the four (4) AWAC prohibitions as a condition of the permit.
3. Within the limits of available funding, attempt to bring ten livestock facilities with feedlot permits in existence prior to the enactment of ATCP51 into compliance with the (4) AWAC Prohibitions.
4. Use all available TRM Grant funds or LWRM Grant funds to cost share practices that are required to be cost shared due to the cost share mandates of ATCP50.
5. Provide information pertaining to the AWAC Prohibitions in the annual Division of Land Management Newsletter.

2. NON-AGRICULTURAL SOURCES

A. Land Use Management (HIGH PRIORITY) \$27,300.00-Includes \$0.00 for Cost Share

Goals

1. Utilize the Town Land Use plans to separate conflicting land uses and to reverse the trend towards fragmentation of the county's woodlands and farmlands.

Action Items

1. Review the existing Town Land Use Plans to determine continued appropriateness following the enactment of ATCP51.
2. Update the 3 remaining Towns into the 2000 Revised County Comprehensive Zoning Ordinance. (The time frame for this activity is 2007).
3. Complete the County Comprehensive Plan by January 1, 2009.
4. Provide information to the Town Boards during the annual Division of Land Management meeting with the Town Boards.

B. Storm Water Management (MEDIUM PRIORITY)

Goals

1. Ensure that ground and surface water resources are not degraded due to storm water discharges from construction sites.

Action Items

1. Work with DNR to become an "Authorized Local Program" as defined and allowed through NR216.415 State Administrative Rule.
2. Continue to require that 70% of storm water from sub-divisions and commercial construction sites be infiltrated to ground water resources.
3. Continue to provide engineering services to the Towns and to the County Highway Department to ensure that they meet the NR151 storm water management requirements associated with the construction or reconstruction of transportation facilities.

4. Provide information to the earth moving contractors during the annual Division of Land Management Contractors Workshop.
5. Provide information to Developers during initial plan review meetings.
6. Provide information to the general public through the annual Division of Land Management Newsletter.

C. Construction Site Erosion Control (HIGH PRIORITY)

Goals

1. Protect water resources from construction site sedimentation.

Action Items

1. Continue to enforce the County 1 and 2 family Construction Site Erosion Control Ordinance (approximately 140 per year)..
2. Continue to enforce the construction site erosion control requirements of the County Sub-Division Ordinance (approximately 2 per year).
3. Continue to provide engineering services to the Towns and to the County Highway Department to ensure that they meet the NR151 Construction Site Erosion Control requirements associated with the construction or reconstruction of transportation facilities (approximately 10 per year).
4. Continue to enforce the erosion control requirements of the County Comprehensive Zoning Ordinance for all land disturbing activities that involves 2000 square feet or greater (approximately 200 per year).
5. Continue to enforce the erosion control requirements for land disturbing activities within the County Shoreland Zoning Ordinance (approximately 1 per year).
6. Provide information pertaining to this Non-Agricultural Performance Standard through the annual Division of Land Management Newsletter.

D. Septage And Whey Disposal (MEDIUM PRIORITY)

Goal

1. Ensure that the soil and water resources of Trempealeau County are not degraded due to the improper land disposal of septage and whey.

Action Items

1. Continue to enforce the septage and whey disposal requirements of the County Comprehensive Zoning Ordinance.
2. Continue to make appropriate parties aware of this county ordinance requirement through direct contacts as necessary.

E. Failing Septic Systems (HIGH PRIORITY)

Goal

1. Ensure that the ground and surface water resources of the county are not degraded by septage effluent discharged from failing/failed septic systems.

Action Items

1. Continue to enforce the septic system requirements of the County Sanitation Code (all violations).
2. Continue to seek Wisconsin Fund cost share funds to replace failed septic systems (annually).
3. Continue to notify landowners of these requirements through direct contacts and through the annual Division of Land Management Newsletter.

Conservation Practices

Conservation practices that are available to bring agricultural producers into compliance with State/County Agricultural Performance Standards are listed in Subchapter 8 of ATCP50. They are; Manure Storage Systems, Manure Storage System Closure, Barnyard Runoff Control Systems, Access Roads and Cattle Crossings, Animal Trails and Walkways, Contour Farming, Cover and Green Manure Crop, Critical Area Stabilization, Diversions, Field Windbreaks, Filter Strips, Grade Stabilization Structures, Heavy Use Area Protection, Livestock Fencing, Livestock Watering Facilities, Milking Center Waste Control Systems, Nutrient Management, Pesticide Management, Prescribed Grazing, Relocating or Abandoning Animal Feeding Operations, Residue Management, Riparian Buffers, Roofs, Roof Runoff Systems, Sediment Basins, Sinkhole Treatment, Streambank and shoreline Protection, Strip Cropping, Subsurface Drains, Terrace Systems, Underground Outlets, Waste Transfer Systems, Wastewater Treatment Strips, Water and Sediment Control Basins, Waterway Systems, Well Decommissioning, Wetland Development or Restoration.

If public funds in the form of cost share assistance are provided to the producer, compliance with the Technical Standards contained within the NRCS Technical Guide is required. If a conservation practice is installed without the benefit of public funding assistance, only the Performance Standard must be complied with.

CHAPTER 6

Existing County Activities to Address and Control Sources of Nonpoint Pollution

A variety of voluntary and regulatory mechanisms are currently being employed within Trempealeau County to encourage or require compliance with the Agricultural and Non-Agricultural Performance Standards contained within NR151 and County Ordinances. The promotion and encouragement of compliance with State Performance Standards is viewed as a means to conserve the natural resource base of the county and to protect the health, safety and welfare of the county's citizens. These include:

A. Trempealeau County Animal Waste Management Ordinance

Trempealeau County adopted its Animal Waste Management Ordinance as of January 1, 1987. The Ordinance is in effect in all 15 towns.

Any person, who constructs, installs, reconstructs, enlarges, or substantially alters an animal waste storage facility; or who employs another person to do the same, on land subject to the ordinance, shall be subject to the provisions of the ordinance.

The purpose of the ordinance is to regulate the location, design, construction, installation, alteration, and use of animal waste storage facilities, and the application of waste from these facilities in order to prevent water pollution and thereby protect the health of Trempealeau County residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of Trempealeau County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation.

Persons seeking an Animal Waste Management permit are currently also required to obtain a County Feedlot Performance Standards Permit. The Feedlot Permit requires that all State Agricultural Performance Standards be complied with (subject to the cost share requirements of ATCP50). **Note: Enactment of ATCP51 may prohibit the county from requiring Manure Storage Permit applicants to comply with all State Agricultural Performance Standards.**

B. County Feedlot Performance Standards Ordinance

Trempealeau County adopted the State of Wisconsin's first countywide Feedlot Performance Standards Ordinance. The ordinance was adopted by the County Board of Supervisors on May 18, 1998. The ordinance became effective in all 15 towns on June 26, 1998. From 1998 through 2005, seventy-eight (78) feedlot permits were issued to new and expanding feedlots. In 2006, DATCP pre-empted the County Feedlot Ordinance with its ATCP51 Administrative Rule. The original County Feedlot Ordinance was the primary county tool to ensure compliance with State Agricultural Performance Standards as it regulated all new feedlots and all expanding feedlots with equal to or greater than 10 animal units. All practices required to be installed, for permits under 1000 animal units, were subject to the cost share requirements of ATCP50. ATCP51 prohibits the county from regulating feedlots under 300 animal units. However, the cost share requirements of ATCP50 no longer apply to feedlots seeking a permit that have between 300 and 1000 animal units.

C. Animal Waste Management Regulatory Program (NR-243)

Trempealeau County Land Conservation Department Staff assist DNR and DATCP staff with the complaint driven NR-243 regulatory mechanism. This program has been unsuccessful and disappointing due primarily to the fact that the program has historically been understaffed and under funded at the state level.

D. Metallic Mining Ordinance

Trempealeau County adopted the State of Wisconsin's First County Metallic Mining and Prospecting Ordinance on April 15th, 1997. The ordinance is effective within all 15 towns. The ordinance regulates the exploration, prospecting and mining of metallic ores in order to protect the County's natural resources as well as the health, safety and welfare of the citizens of Trempealeau County.

E. Non-Metallic Mining Reclamation Ordinance

Trempealeau County requires that all non-metallic mining operations become permitted. The permit encourages active reclamation of inactive portions of non-metallic mining operations through a fee structure that provides financial incentives for mining operations to properly reclaim mining sites immediately after extraction of materials. The permit also requires that sediments not leave the mining site by water transport.

F. Storm Water Management and Erosion Control Ordinance

The general purpose of this ordinance is to establish regulatory requirements for land development and land disturbing activities aimed to minimize the threats to public health, safety, and welfare, and the natural resources of Trempealeau County from construction site erosion and post-construction storm water runoff. By preventing and controlling the adverse effects of storm water runoff; the following water quality benefits are expected; prevention and control of soil erosion; prevention and control of water pollution; prevention of undue and unnecessary channel erosion; protection of fish and other aquatic organisms; protect fish spawning grounds and to control the safe capacity of existing drainage facilities and receiving water bodies.

G. County Comprehensive Zoning Ordinance

Trempealeau County is entirely zoned which is unique for a rural county. All fifteen towns adopted the County Comprehensive Zoning Ordinance in 1972. The County Comprehensive Zoning Ordinance was revised in 2000 to address concerns created by increased development pressures. Following formal adoption of their land use plans, towns adopt the 2000 Comprehensive Zoning Ordinance.

H. Unified Dwelling Code Ordinance

The Unified Dwelling Code Ordinance is in effect within all municipalities in the County. The Unified Dwelling Code requires that construction sites for 1 and 2 family dwellings comply with county construction site and storm water management requirements. Through the Unified Dwelling Code, the county is able to require construction site erosion control and storm water management within the incorporated areas of the county in order to control sediment delivery to surface water resources.

I. NR151 Transportation Facilities Construction Site Erosion Control and Storm Water Management

The Trempealeau County Land Conservation Department has entered into service agreements with 13 of the 15 Towns and the County Highway Department to provide engineering and administrative services to assist the Towns and County to comply with the Transportation Facilities Construction Site Erosion Control and Storm Water Management requirements of NR151.

J. County Forestry Program

Woodlands in Trempealeau County cover 170,000 acres, roughly 40% of the total acreage of the county. The vast majority of the wooded acres are privately owned. Oak, hickory, aspen, and birch are the predominant hardwoods; white and red pines have been planted on many of the steep slopes and previously pastured hillsides. Of the total wooded acreage, approximately 41,000 acres (24%) are involved in a forest tax law program. Under the Forest Crop, Woodland Tax, and the Managed Forest Law, landowners engage in a long-term management plan that, among other considerations, prohibits woodland grazing. In return landowners receive reduced property taxes on their wooded acreage. The overall focus of the forestry program is to help the landowner understand, appreciate, and ultimately manage woodland acreage.

K. Wildlife Tree and Shrubs Sales

The Trempealeau County LCD sells several species of native tree's and shrubs to county landowners each spring to reduce erosion, increase and diversify song bird habitat and to reintroduce heirloom fruit tree's into the county landscape to preserve genetic diversity.

L Farmland Preservation

None of the townships within Trempealeau County are currently zoned for exclusive agricultural use. However, there are 644 Farmland Preservation Agreements in effect which encompass 77,843 farmland acres. LCD staff spot check Farmland Preservation contracted acreages once every six years to ensure that a cropland soil erosion control plan is in place and that the contract holder is compliant with the plan.

M. Environmental Quality Incentive Program (EQIP)

NRCS administers an annual EQIP Program. NRCS refuses to provide information to the county as to which land owners have been approved for funding or if practices installed through EQIP have brought a land owner into compliance with one or more of the State Agricultural Performance Standards. See attachment # 4.

N. Trempealeau County Sanitary and Private Sewage System Ordinance

The county Sanitary and Private Sewage System Ordinance was adopted by the County Board on April 19, 1982. This ordinance was put into place to protect public health and safety and to protect against pollution and degradation in the quality of ground or surface water or soils by regulating installations and operations of private septic systems and other waste disposal systems. Soil onsite inspections, septic system plan reviews, holding tank and septic tank pumping notices and septic system installation inspections are all regulatory mechanisms of this ordinance. Also, under the county's Sanitary and Private Sewage System Ordinance, the Zoning Office can respond to failing septic system complaints and order that they be corrected. The county also participates in the Wisconsin Fund grant program for the replacement of failing septic systems.

O. Shoreland and Wetland Protection Ordinance

Trempealeau County adopted the Shoreland Zoning Ordinance on November 9, 1971. This ordinance protects surface water and groundwater quality within the county by regulating what activities can and cannot occur in shoreland zones. Section eight of this ordinance addresses wetland protection. This section designates which areas in the county are regulated as wetlands and what activities can occur there. Activities in shoreland and wetland areas are regulated and tracked through the issuance of permits.

P. Comprehensive Planning

Trempealeau County has worked with 13 of the 15 Towns to develop Town Land Use Plans. The Land Use Plans are intended to reduce conflicts by separating incompatible land uses and to slow the fragmentation of woodlands and farmlands. With the enactment of ATCP51, the Towns shall have to revisit their land use plans to determine if their designation of Agricultural zones remains an appropriate land use designation.

Q. Targeted Resource Management (TRM) Grants

Trempealeau County requires that livestock producers that are required or desire to apply for feedlot permits and/or manure storage permits comply with State/County Agricultural Performance Standards. ATCP50 prohibits the county from forcing a landowner to comply with State/County Agricultural Performance Standards unless the cost share and "lost opportunity" payments mandated by ATCP50 are provided to the producer. Trempealeau County makes extensive application to DNR for State TRM Grants as a source of funds to be used to require livestock producers to comply with the State/County Agricultural Performance Standards.

R. Land and Water Resource Management (LWRM) Grants

DATCP provides Trempealeau County with approximately \$60,000.00 to cost share practice installation on an annual basis. These funds are primarily used to provide the cost sharing and "lost opportunity" payments required by ATCP50 to livestock producers that the county requires to comply with State/County Agricultural Performance Standards as a condition of a County Feedlot and/or Manure Storage Permit. These funds are also used to properly abandon wells to protect ground water resources and to provide the required cost sharing and "lost opportunity"

payments to producers required to install grassed waterways as a pre-requisite for the use of the RUSLE2 cropland erosion prediction model. The current backlog in costs associated with practice installation on existing permits is \$1,500,000.00. Thus, it will take approximately twenty-five years to bring existing permit holders into compliance with State/County Agricultural Performance Standards if LWRM funds are the only source of funds available to the county for this purpose.

Note: This constitutes our twenty-five year work plan to implement the county Land and Water Resource Management Plan.

CHAPTER 7

Priority Farms

For the purposes of this plan, Priority Farms are identified as:

1. Livestock facilities of any size that have an existing County Feedlot Permit but have not fully complied with State/County Performance Standards due to a lack of cost share funding necessary to require compliance with State Agricultural Performance Standards (ATCP50). Livestock facilities located within a WQMA shall be given priority consideration in the allocation of available cost sharing. DATCP provides approximately \$61,000.00 per year to cost share practice installation that will result in compliance with a State Performance Standard. The average cost to bring an existing Priority Farm into compliance with all of the State Agricultural Performance Standards is \$31,250.00. Given the amount of funding provided to the county for this purpose, Trempealeau County shall attempt to bring ten of the forty-eight existing Priority Farms into compliance with all of the States Agricultural Performance Standards within this five year planning period.
2. Un-permitted livestock facilities that are required to obtain a County Livestock Facilities Permit after July 1, 2006, either because they are new facilities, or are existing facilities that are expanding by equal to or greater than 20% and after expansion shall be equal to or greater than 300 Animal Units.
3. Those livestock facilities that are required to obtain a County Manure Storage Ordinance Permit.

Note; The definition of new and existing livestock facilities are those definitions contained within NR151.

CHAPTER 8

Information and Education

The Trempealeau County Division of Land Management distributes an annual newsletter to each residence within Trempealeau County. The Newsletter is also available on the Division of Land Management Website. The newsletter focuses on the State Agricultural and Non-Agricultural Performance Standards required by NR151 as well as the various County Ordinances. The newsletter also provides information as to services made available through the County Division of Land Management to assist landowners in achieving

compliance with County and State Performance Standards. Copies of the original three annual newsletters are attached to this plan as examples of the style and quality of the newsletters and the information provided to county citizens. See attachment # 1. The County shall continue to develop and distribute news letters on an annual basis or as necessary, subject to available funding.

CHAPTER 9

Interagency Coordination

A very strong and cooperative working arrangement has historically existed between the Trempealeau County Departments of Land Conservation, Zoning, and Planning, the County DNR Forester and the U.W. Wisconsin Extension Agricultural Agent. This relationship had been fostered through the committee structure of the LCC. In order to ensure open communication and cooperation between these departments, by County Board Rule, LCC membership was required to include:

1. The Chair of the County Zoning Committee;
2. The Chair and Vice Chair of the County Ag & Extension Committee;
3. Two (2) other County Board members;
4. The Chair or designee of the County FSA Committee; and
5. Two (2) non County Board members whose occupation is primarily livestock agriculture.

The County Land Conservation, Zoning, Planning and Surveying Departments are in the process of being merged into a Single Division of Land Management. The primary purpose of the Division of Land Management shall be to ensure compliance with State and County Agricultural and Non-Agricultural Performance Standards contained within State Statutes/Administrative Rules and County Ordinances.

The ongoing revision to the County Division of Land Management Plan shall detail precisely the roles and responsibilities of the Division of Land Management, U.W. Extension, Land Records, DNR Foresters and Public Health Department in achieving the natural resource protection and land use planning goals of the Division of Land Management.

Department of Natural Resources

Trempealeau County has entered into a working agreement with the DNR to implement the Performance Standards contained within NR151. See attachment # 2.

Department Of Agriculture, Trade and Consumer Protection

DATCP provides a minimal staffing/cost share grant to the County to partially offset state mandate costs to the county tax levy. DATCP tracks compliance with state mandated activities and offers to eliminate grant funds if the county fails to comply with state mandates and obligations associated with County Land and Water Resource Management Plans. See attachment # 3.

USDA Agencies

Trempealeau County does not anticipate any assistance from the USDA Agencies of FSA nor NRCS in the implementation of this or any other county natural resource protection plan.

NRCS has erected a “firewall” between their clients and County/State Regulations. NRCS refuses to provide services to their clients in order to comply with State/County Regulations and refuses to provide information to the County that might help the county determine when NRCS technical assistance has brought a landowner into compliance with a State/County Agricultural Performance Standard on specific land parcels. See NRCS “Firewall” in Chapter 11, as well as, attachment # 4.

U.W. Extension

The U.W. Extension Ag Agent provides assistance to Land Conservation Department staff, when requested, to assist with Nutrient Management group planning classes.

Western Wisconsin Technical College

The WWTC Ag Instructor provides nutrient management plans to his student clients when these plans are required and/or desired. The WWTC Ag Instructor is developing educational curricula that will allow student clients to become self certified in the development and annual updating of nutrient management plans.

CHAPTER 10

Compliance Monitoring/Progress Tracking/Reporting

Trempealeau County has created an integrated GIS and database system (geo-database) to track compliance with State/County Agricultural Performance Standard(s) on a parcel specific basis. Determination of compliance is based upon the tax parcel and owner in existence at the time of determination and is then tracked within the geo-database as a compliance parcel. This tracking system will allow tracking of compliance parcel independent of the ownership changes and splits that occur to the actual tax parcel, and for multiple determinations to be made upon the same land area at different times regardless of current ownership. Comparison of compliance determinations and tax parcels after ownership changes and splits can then be achieved through use of spatial join capabilities within GIS software.

The Compliance geo-database was originally populated through:

- Records inventory of existing NPS Contracts that were completed and were still in the required maintenance period.
- A 100% stream inventory to determine compliance with the livestock access performance standard.
- A 100% inventory of existing livestock facilities to determine location, approximate size and animal type.
- Records inventory of Manure Storage and Feedlot Permits issued.

NOTE- Farmland Preservation Agreements were not inventoried to determine compliance with the “T” Performance Standard due to DATCP’S policy requiring counties to determine compliance with the “T” Standard through the use of RUSLE2.

An example of a GIS Agricultural Performance Standards Compliance Tracking Map can be viewed by referring to attachment # 5.

In 2002, Trempealeau County adopted and implemented a policy that all county landowners seeking technical or financial assistance through the LCD must agree to having LCD staff conduct an on farm evaluation to determine current compliance with State/County Agricultural Performance Standards. The compliance investigation reports, once completed, are signed by the landowner and the LCD staff person

conducting the compliance inventory. Landowners are afforded an opportunity to dispute/appeal the determinations directly to the Land Conservation Committee. Following signature by both parties, the compliance determinations are entered into the compliance data base. Once compliance with all State/County Agricultural Performance Standards is identified on a specific land parcel, notification of this fact is registered as a notice of compliance in the Register of Deeds Office as an attachment to the land parcel. Future accomplishment reports, which may be required by the State of Wisconsin, shall be generated from this geo-database.

Trempealeau County Land Conservation Department staffs perform on site Agricultural Performance Standards compliance evaluations using the Inventory and Evaluation form shown below, which is then tracked within the Compliance geo-database. Options for bringing the site into full compliance with the State/County Agricultural Performance Standards are provided to the land owner.

On Site NR 151 Agricultural Performance Standards Inventory and Evaluation Form

Erosion Control:

NR151.02 Sheet, rill and wind erosion

Cropland shall be cropped to tolerable soil loss.

- Identify if there is a current farm plan.
- Is the farm plan an HEL or full resource management plan?
- Does the conservation plan meet the “Tolerable” soil loss?
- Are grassed waterways required by RUSLE2 installed?

Manure Storage Facilities:

NR 151.05(2) New construction or alterations

New or altered manure storage facilities shall be designed and constructed to USDA NRCS Standards. (note: new facility is anything after 10/1/2002 and an altered facility is anything substantially altered after 10/1/2002)

- Identify if there is a new or altered manure storage facility.
- When was it constructed?
- Does the facility meet standards?

NR151.05(3) Closure

Closure of a sub-standard manure storage facility shall occur when the facility has not been used in 24 months.

- Identify if there is a substandard manure storage facility.
- When was the manure storage facility constructed?

NR141.05(4) Failing and Leaking Existing Facilities

Existing manure storage facilities that pose an imminent threat shall be upgraded, replaced or abandoned. (Note: This refers to manure storage structures that were in existence “PRIOR” to 10/1/2002.)

- Identify if there is a manure storage facility.
- When was it constructed?
- What type of liner does it have (if any)?
- What is the separation distance between the pit and groundwater?
- Does the facility pose an imminent threat to public health, fish, aquatic life, or is it in violation of groundwater standards?

CLEAN WATER DIVERSIONS

NR151.06 Clean Water Diversions

Runoff shall be diverted away from contacting feedlots, manure storage areas and barnyard areas within water quality management areas. (Note: Water Quality Management Area means the area within 1000 feet from the ordinary high water mark of navigable waters that consist of lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.)

- Identify if the feedlot, manure storage area or barnyard is located within the water quality management area (WQMA).
- Identify how the roof water runoff is being diverted.
- Identify how surface water runoff is being diverted.

NUTRIENT MANAGEMENT

NR151.07(3) Nutrient Management

Manure, commercial fertilizer and other nutrients shall be applied in conformance with a nutrient management plan.

- Identify if the farm has a certified nutrient management plan.
- What is the date of the plan?
- Who developed it?
- What is the date of the most recent update?
- Does the cropland drain to outstanding, exceptional or impaired waters?
- How is manure managed?
- How many cropland acres?
- What are the type and number of livestock?

MANURE MANAGEMENT PROHIBITIONS

NR151.08 Manure Management Prohibitions

No overflow of manure storage facilities.

- Identify if there is a manure storage facility.
- Does the manure storage facility overflow?

No unconfined manure piles in WQMA's.

- Identify if the barnyard, feedlot or manure storage area located in a WQMA?
- Are there unconfined manure piles in WQMA's?

No direct runoff from feedlots, barnyards or stored manure to waters of the state.

- Identify if there is a direct conveyance through channelized flow from feedlots, barnyards, or stored manure into waters of the state.

No unlimited access to waters of the state which prevent the maintenance of adequate sod cover. (Note: Adequate sod or self-sustaining vegetative cover, means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges, and duff layers of fallen leaves and woody debris.)

- Identify if the livestock have unlimited access to waters of the state.
- Are the live stock restricted to crossings/watering facilities?
- Is livestock access restricted through managed grazing?
- Is the bank and sod cover adequate?

Provision for Landowner Concurrence and/or Appeal

_____ I have reviewed and agree with the NR151 Agricultural Performance Standards compliance determinations.

_____ I have reviewed and disagree with the NR151 Agricultural Performance Standards compliance determination(s). I request a re-evaluation of _____ through administrative appeal to the Trempealeau County Land Conservation Committee.

CHAPTER 11

Impediments to Implementation of County Land and Water Resource Management Plans

There are significant impediments to a county's ability to ensure compliance with the NR151 Agricultural and Non-Agricultural Performance Standards at the county level. Unless these impediments are addressed in a timely and meaningful way, the public should not expect to see measurable progress in implementation of the Performance Standards, especially the Agricultural Performance Standards, within this generation of agricultural producers. These impediments can not be addressed at the county level. They are structural impediments that can only be addressed through changes in State/Federal Agency Policies and through significant changes to State Statutes and Administrative Rules.

NR151 Lacks a Compliance Scheme or Triggering Mechanism

The Wisconsin Association of Land Conservation Employee's (WALCE) and the State Association of Land Conservation Committee's (WLWCA) opposed adoption of the NR151 Administrative Rule. The primary reasons for this opposition were:

- NR151 lacks an implementation strategy.
- NR151 lacks a clear goal or target date for compliance with Performance Standards Statewide.
- NR151 states that livestock operations and crop producers shall comply with the NR151 Agricultural Performance Standards, however the rule is silent as to when they are required to comply.
- NR151 does not specify a strategy for how and when non-complying agricultural sites will be inventoried, evaluated, prioritized, notified, and ultimately corrected.
- County Land Conservation Staff are "expected" to implement the provisions of NR151 without additional staff and cost sharing resources.
- NR151 lacks a regional or statewide information and education component.

NRCS "Firewall"

In 1999, NRCS informed the State Agencies and the county LCD's that NRCS was "committed to building a firewall between their clients and State/County regulatory authority". Refer to attachment # 4. This "firewall" is now firmly in place. Trempealeau County, on an annual basis, requests, through the Federal Freedom of Information Act, a listing of names of NRCS clients that, through NRCS technical and/or financial assistance, achieved compliance with one or more of the State Agricultural Performance Standards

on a specific land parcel within Trempealeau County. Trempealeau County requests this information to determine if compliance was achieved in conformance with the requirements of ATCP50 and NR151. If so, Trempealeau County desires to verify this compliance and track compliance to ensure perpetual compliance with the Performance Standard upon specific land parcels. NRCS refuses to provide this information. Refer to attachments # 4. Additionally, NRCS requires county's that provide Third Party Provider technical services to clients of NRCS to agree in writing not to enter the names and locations of NRCS clients into the LCD's NR151 Performance Standards Compliance tracking data bases. The net effect of this "firewall" is to exclude federal cost sharing funds and technical assistance from being available to assist the State in ensuring compliance with the Performance Standards contained within NR151.

ATCP50

ATCP50, the companion Rule to NR151, was to identify the specific practices to be installed by livestock and crop producers to achieve compliance with the Agricultural Performance Standards contained within NR151. Although this task was accomplished, DATCP and the Ag Industry took the opportunity to add cost sharing, "lost opportunity" payments and maintenance payment requirements to the Administrative Rule. DATCP also added language to the rule which began to limit county zoning authority in the regulation of the agricultural industry. The cost sharing, lost opportunity and maintenance payment requirements of ATCP50 are so onerous to the tax payers of the state of Wisconsin that the inability of counties to implement the provisions of NR151 was virtually assured. For example, pre-ATCP50 producers desiring or required to meet the cropping "T" standard were given several options to choose from. These options usually involved changes to either the crop rotation, tillage, or the inclusion of a contour strip cropping system. The producer would choose the option most agreeable to the producer. Cost share payments to implement the producers' decision were not normally made available. Post-ATCP 50, a producer that would need to eliminate soy beans from the rotation in order to meet "T" must be paid for his/her "lost opportunity" to grow soy beans on steep slopes. If a producer must eliminate five years of soy beans in a rotation on a ten acre field in order to meet the "T" Performance Standard, the county must provide an upfront "lost opportunity" payment of the cash equivalent of fifty acres of soy beans (approximately \$12,000.00). If the county expects the producer to continue to exclude soy beans from the steep croplands, the county must provide the same "lost opportunity" payment for the following ten year period. Add to this, the average cost of requiring the installation of grassed waterways (approximately \$21,120.00-see RUSLE2 below) as is required as a prerequisite to the use of the RUSLE2 erosion prediction model that ATCP50 requires counties to use and you will see that on this single farm example \$33,120.00 must be paid (every ten years) to remove soy beans off of steep crop land slopes and to install the grassed waterways required by the use of RUSLE2.

The most important aspect of ATCP50 is that the Administrative Rule language and the method in which DATCP promulgated the Rule clearly marked a dramatic shift in the relationship between the SWRM Section of DATCP and County LCC/LCD'S. The relationship changed from a cooperative relationship (at least on paper in Administrative Rule) to an adversarial relationship. ATCP50 is very clearly an attack on the powers and authorities of LCC'S/LCD'S. Clearly, the SWRM section of DATCP had determined that LCC'S/LCD'S had somehow become a threat to the Agricultural Industry and that the threat must be controlled if not eliminated. Although it is unclear as to exactly what event or events precipitated the perception on the part of the SWRM Section of DATCP and lobbyists for the State Farm Bureau that LCC'S/LCD'S had become a threat to the States Agricultural industry, the fact that the perception that LCC'S/LCD'S had become a threat is evident in the following quote from a 2000 article in an On Common Ground publication entitled Getting to and grappling with the points in nonpoint: *State Agricultural Secretary Ben Brancel and (Paul) Zimmerman point to local governments using environmental policies to develop land use plans. "That is wrought with danger", Brancel Says. Zimmerman adds: "One of the biggest threats to agriculture in Wisconsin is local ordinances"*.

ATCP50 and DATCP'S unilateral redefining of the relationship between DATCP and the counties lead to resolutions being adopted by the State Association of Land Conservation Committee's calling for a leadership change at DATCP and a Legislative Program Audit of the SWRM Section of DATCP. See attachment # 6.

ATCP51

ATCP51 completed DATCP'S seizure of local government's regulatory authority over the livestock industry initiated in ATCP50. Interestingly enough, DATCP'S desire to please representatives of the largest of the states dairies by eliminating meaningful local control over where the largest dairies might expand or locate, may have provided an opportunity to bring the expanding mid-sized livestock operations into compliance with the Agricultural Performance Standards contained within NR151. Apparently, in order to get the political support needed to eliminate meaningful local authority over the expansion or siting of large livestock operations, expanding mid-sized livestock operations (300 animal units in Trempealeau County) are now exempted from the cost share, "lost opportunity" and maintenance payment requirements of ATCP50.

Equalized Staffing Grants

DATCP provides equalized staffing and cost share grants to counties in absolute disregard for the demonstrated needs associated with ensuring compliance with NR151 Performance Standards, as well as, the demonstrated commitment and capability of the county to ensure compliance at the county level. As early as 1982, the Legislative Audit Bureau has criticized DATCP for not "targeting" limited staff and cost share funding to areas of the state with the greatest demonstrated need. In fact, these criticisms in the 1982 Legislative Audit Report lead to the creation of the LWCB as an oversight board to ensure that DATCP "targeted" limited resources to areas of the state with the greatest need.

LWRM Plans Viewed as Punitive Tools to punish "Uncooperative" County's

During the development of ATCP50, the Wisconsin Association of Land Conservation Employee's (WALCE) and the Association of Land Conservation Committee's (WLWCA) became concerned with language in the Rule that would allow DATCP to use Land and Water Resource Management Plans as punitive tools to punish county's that DATCP considered to be "uncooperative". The two associations requested that certain punitive language be removed from the Rule and that language stating that DATCP shall approve a County Land and Water Resource Management Plan if the Plan meets minimum state requirements for approval (the check list) be inserted into the Rule. DATCP refused. The relationship between the SWRM Section of DATCP and the LCC'S/LCD'S continued to deteriorate and the concern over DATCP'S ability to use LWRM Plans as punitive tools continued to grow. Internal SWRM Section memo's that openly discussed reducing or eliminating staff/cost share funding to "uncooperative" counties began to be circulated.

In 2005, Trempealeau County attempted to initiate discussions between the state agencies, the counties and the LWCB by using its legal authority to not act upon 2005 FPP Agreements due to the county's inability to continue to absorb state mandated work load without increased funding for staff. The county attempted to demonstrate the inequities of the current staff funding strategy developed by DATCP and annually approved by the LWCB. DATCP responded by submitting correspondence to members of the Legislature, Trempealeau County and to the LWCB in which DATCP stated its intention to financially punish the county for not fully implementing the Farmland Preservation goals of the county's approved Land and Water Resource Management Plan. DATCP requested Board approval to use the Plan to financially punish the county. Refer to attachment # 7. On February 4, 2004 the LWCB held its regularly scheduled meeting in Whitehall to discuss the issues raised by Trempealeau County. The Board approved a motion to set up a sub-committee to "dialogue regarding the counties, LWCB, and DATCP in regards to the soil and water conservation standards for the Farmland Preservation Program". This sub-committee met on April 4, 2006.

The sub-committee's only discussion was how to punish Trempealeau County for not implementing fully the Farmland Preservation Program section of the county's Land and Water Resource Management Plan. The sub-committee's only action was to approve the correspondence from DATCP to Trempealeau County threatening the county with financial sanctions if the county did not abide by its statutory obligations and/or failure to fully implement the Farmland Preservation Section of the Land and Water Resource Management Plan. Refer to attachment # 3.

To date, neither the DATCP or the LWCB have used the Land and Water Resource Management Plans developed by counties to demonstrate a need for addition funding to implement the plans nor has DATCP or the Board used the Plans to "target" available funds to counties with the greatest demonstrated need or demonstrated desire and ability to implement the Plans. The only use to date has been to threaten the use of the plans as punitive tools to punish counties that are considered to be "uncooperative".

RUSLE2

Despite nearly unanimous opposition from the counties, DATCP inserted language requiring the use of the RUSLE2 Cropland Erosion Prediction Model into the ATCP50 Administrative Rule. The insertion of this requirement into Administrative Rule was strongly supported by the Agricultural Industry due to the fact that, on average, RUSLE2 allows 25% more grain in the rotation than did the USLE Model while maintaining compliance with "T". However, the requirement that RUSLE2 be used as the prediction model had several immediate, negative impacts on the implementation of the "T" Performance Standard contained within NR151. The fact of the matter is that by requiring the use of RUSLE2 in counties with a large and diverse agricultural industry, cropland soil erosion control planning went from a very high priority to a very low priority almost immediately. Additionally, the requirement that RUSLE2 be used is the primary reason for the removal of long established contour strip cropping systems from the rural landscape of Wisconsin as RUSLE2 gives insignificant erosion control value to the use of contour strip cropping systems. Other negative consequences of the requirement that RUSLE2 be used include:

- A dramatic increase in staff time required to re-do existing cropland soil erosion control plans from USLE to RUSLE2. In the case of Trempealeau County, for the Farmland Preservation Program alone, an additional 28,000 staff hours over a six year period is required to re-do cropping farm plans, the expense of which falls completely on the local tax levy.
- A dramatic increase in cost to the state tax payer in the form of excessive ATCP50 cost share requirements. RUSLE2 assumes that all areas of concentrated flow and ephemeral erosion are addressed. This is to say that grassed waterways are required to be installed and areas of ephemeral erosion are required to be sodded. These are pre-requisites for the use of RUSLE2. However, ATCP50 requires that cost share and "lost opportunity" payments be provided to the landowner if the county requires that a grassed waterway be installed (as is required as a prerequisite to the use of RUSLE2). On average, 2.7 acres of grassed waterways are required to be installed on a typical Trempealeau County farm as is required for the use of RUSLE2. In order to "require" a landowner to install the waterways required by the use of RUSLE2, the county would be required by ATCP50 to provide an upfront "lost opportunity" payment of \$10,200.00 to the landowner for "lost opportunities" for crop production over a 10 year period plus a cost share payment of approximately \$10,920.00 to install the grassed waterway. Thus, even though RUSLE 2 requires that waterways be installed as a prerequisite to the use of the model, ATCP50 requires that, on average, \$21,120.00 be provided to each landowner that the county requires to switch over to the cropland soil erosion prediction model required by ATCP50. Assuming that the cost share funding provided by DATCP to Trempealeau County remains at its current level of approximately \$60,000.00 per year, it will take 215 years to switch existing cropping plans over to RUSLE2 while maintaining compliance with the concentrated flow requirements of RUSLE2 and the cost sharing and "lost opportunity" payment requirements of ATCP50. Additional "Lost Opportunity" payments would be required to be

provided to the landowner at the end of the ten year period if the county were to require that the landowner maintain the waterways required by RUSLE2.

- Contour strip cropping systems, especially on rented crop lands, are being removed at an alarming rate. RUSLE2 encourages the removal of established contour strip cropping systems by providing a negligible soil loss reduction factor for the use of contour strips. Conversely, RUSLE2 encourages the planting of corn and soy beans on the steep croplands of the county by providing an unrealistic erosion control factor for the use of no-till tillage.
- Conservation planning staff have minimal confidence in the accuracy of the RUSLE2 cropping erosion prediction model as it was never field tested and calibrated to the landscape of Western Wisconsin. Therefore, it is often viewed as a waste of limited staff resources to engage in cropland soil erosion control planning activities.

TRM Grants Too Focused on 303D List Waters

Trempealeau County has had a Feedlot Ordinance in place since 1998. Until pre-empted by ATCP51, the Feedlot Ordinance required that new and expanding feedlots comply with all State Agricultural Performance Standards as a condition of the permit. ATCP50 requires that any practice required to be installed be cost shared at at least 70% and any applicable “lost opportunity” payments and maintenance payments be provided up front for a ten year period. The majority of the permits issued were issued to livestock facilities that drain to “Outstanding” or “Exceptional” surface water resources. Trempealeau County has made extensive application to DNR for TRM grants in order to secure the funds necessary to require land owners to install the practices required by Feedlot Permits. The TRM Grant scoring process has a built in bias towards approving projects that drain to 303d list waters that is nearly impossible to overcome. Thus, Trempealeau County has a regulatory process in place that would require new and expanding livestock facilities to comply with the NR151 State Agricultural Performance Standards but have had limited success securing DNR funds to ensure that new and expanding livestock facilities actually comply with DNR’S Agricultural Performance Standards.

Even though Trempealeau County has been successful in securing TRM grants for landowners that drain to 303d listed waters, the majority of stream miles within Trempealeau County that are degraded due to nonpoint sources of pollution are not on the 303d list. The TRM grant application bias toward 303d waters narrowly limits the work that can be done in the county.

Land and Water Conservation Board

From the outside looking in, it appears as if the Board is very unsure of what its purpose is and what its authorities are. If any of the Board members are unclear as to what their roll in implementation of the States Nonpoint Program is, the following excerpt from a 2004 program analysis provided to Senator Neal Kedzie from Christopher Polleck, Fiscal Analyst with the Legislative Fiscal Bureau, should help clarify the Boards roll in the implementation of the Wisconsin Nonpoint Source Water Pollution Abatement Program:

LWCB. The Wisconsin Land and Water Conservation Board (LWCB) is directed to develop recommendations and advise DATCP and DNR on matters concerning land and water conservation and nonpoint source water pollution abatement. This advisory roll includes the review and comment on a joint annual grant allocation plan for DNR and DATCP. Further, for DATCP, the LWCB reviews land and water resource management plans, annual reports and evaluation plans, erosion control plans, project aid applications and administrative rules. In addition, the Board monitors the achievement of statutorily defined soil erosion control goals and is directed to establish a tolerable soil erosion rate.

In regard to DNR programs, the LWCB has several responsibilities involving the oversight of the nonpoint program. These responsibilities include reviewing and commenting on DNR administrative rules, making recommendations to the Governor and DNR concerning the efficiency and effectiveness of the program,

assisting in the resolution of program concerns, reviewing and commenting on the joint agencies funding allocation plan, and reviewing and commenting on targeted runoff management projects proposed by DNR for funding.

Clearly, the Board has the authority, and the statutory responsibility, to try to clean up the schizophrenic chaos which is now the State of Wisconsin's Nonpoint Source Water Pollution Abatement Program. It is Trempealeau County's belief that the Board should exercise its authority to request a legislative audit of the States Nonpoint Source Water Pollution Abatement Program and to use the results of this audit to exercise the Boards statutory authority and responsibility to "make recommendations to the Governor, DATCP, and DNR concerning the efficiency and effectiveness of the program".

CHAPTER 12

Public Participation

Land Conservation Committee Leadership

"The responsibility of Land Conservation Committee members is explicit. They are to provide leadership in planning, organizing, coordinating, and evaluating county conservation activities. Unfortunately, that clear leadership responsibility has become blurred in recent years. Closer linkages with state and federal agencies to gain funding for local activities has bogged down county activities in operational details and procedures. Implementing state and federally mandated programs have forced counties to develop reactive rather than proactive strategies."

Dr. Peter Nowak - 1996⁴

In 1995, disillusioned with the rigid policies, conflicting standards and micro-management oversight by the LCC'S state and federal partners, the Trempealeau County LCC began to re-establish its authorities and responsibilities granted through State Statutes 92 and 59.

The LCC'S first order of business was to re-evaluate the LCC'S conservation priorities using an extensive and on going public participation process.

Establishing LCC Conservation Priorities

On April 18, 1995, the Trempealeau County LCC, Zoning, AG & Extension and Public Health Committees met with representatives of the town boards and municipalities within Trempealeau County. Those present were not only representing local government but were representative of the total spectrum of public interests within Trempealeau County.

This group identified nonpoint pollution, land use planning and nutrient management as primary areas of concern.

On June 20, 1995, the group met again to discuss a plan of action to address the identified concerns. Ultimately the group determined that a resource protection planning process should take place in a smaller more manageable geographic area of the county in order to develop a prototype countywide planning process. The area selected by this group became known as the "Northern Tier". The units of governments involved included the townships of Albion, Unity and Sumner as well as the

⁴ Professor Rural Sociology – University of Wisconsin

municipalities of Eleva, Strum and Osseo. Representatives of these units of government met with county staff a total of nine times between August 22, 1995, and August 26, 1996. The recommendations of this planning group was to set county priorities as follows:

1. To immediately amend the county Comprehensive Zoning Ordinance to remove single family dwellings from principle permitted uses in the Ag Zone;
2. Begin a comprehensive land use planning process to guide future growth and protect agriculture;
3. Develop a Feedlot Ordinance to reduce land use conflicts and to protect the natural resources of Trempealeau County;
4. Protect the ground and surface water resources of Trempealeau County; and
5. Provide all town and municipal governmental officials with a clear understanding of the Extra-territorial Zoning Law and how it may be applied within Trempealeau County.

Upon receipt of the Northern Tier recommendations, a Joint LCC/Zoning Committee of the County Board determined that, in order to address those concerns identified through the Northern Tier process, the following initiatives would be undertaken:

1. Develop/Adopt a Metallic Mining Ordinance;
2. Develop/Adopt a Feedlot Performance Standards Ordinance;
3. Develop/Implement a Nutrient Management Self-Certification process; and
4. Undertake a county wide Land Use Planning initiative.

Metallic Mining Ordinance

The Trempealeau County Board of Supervisors adopted the State of Wisconsin’s first county Metallic Mining Ordinance on April 15, 1997. A Joint Committee of the LCC/Zoning Committee’s met a total of eleven times between June 4, 1996 and March 6, 1997. A well attended public Hearing was held on February 18, 1997. The following is a partial listing of those county citizens which participated in the public process of development of the county’s Metallic Mining Ordinance.

Anderson	David	Zoning Committee
Johnson	Gordon	Zoning Committee
Blaha	Jerome	Zoning Committee
Kiekhoefer	Richard	Zoning Committee
Tomter	Harold	LCC
Van Tassel	Gerry	LCC
Brandt	George	LCC
Lorch	Darrel	LCC/FSA
Congdon	Ken	LCC
Kohlmeyer	Hugh	LCC

Concerned Citizens

Anderson	Bruce	Appleyard	Dave
Anderson	Mary C.	Armstrong	Greg
Anderson	Marie	Barkow	Debi
		Behringer	Don

Bergman	Nancy	Lamkin	Bonnie Jean
Berth	Christine	Larocco	Billie
Boylen	Brent	Lawell	Krista
Britzius	Wade	Le Air	Deb
Brown	Dianna	Lindebo	Gail
Brown	Ritchie	Lindebo	Harold
Bruggeman	Steve	Long	Paul
Butler	Janet	Malley	Ken
Butler	Bill	Maly	Kenneth
		Maly	Mary Jane
Christopherson	Missy	Maslowski	Michelle
Church	Jean	McCoy	Kraig
Churchill	Roscoe	McCoy	Steve
Colleran	M.	Meldahl	Charles
Coughlan	Mary	Murrell	Marie
Cox	Richard	Myatt	Tom
Craig	Carol	Newell	Kevin S.
Crook	Aaron	Orlikowski	Mike
Dalton	Shawn	Owecke	Paul
Davis	Helen M.	Palmer	Mark
Deninger	Pat	Pampuch	Betty
Duncan	Jason	Pampuch	Lavern
Earnshaw	Jeff	Papenfuss	Amy
Foote	Danny	Pawlak	Robert
Foote	Lynda	Pederson	Wally
Froehle	Rosann	Racki	Kathy
Garvin	Larry V.	Reimer	Henry
Gedicks	Al	Reimer	Ronald G.
Geisler	Amy	Riemer	Otto
Geske	John	Sampson	Richard
Haigh	Willard	Sanchez	David A.
Halama	Eugene Jr.	Scharlau	Robert
Hegge	Bradley	Schreiber	Ken
Hill	Lora	Schreiber	Linda
Hill	Chad F.	Schwartz	Jim
Horton	Nancy	Shaughnessy	Kevin
Howard	Robert	Shedivy	Luke
Hudson	Eric	Skerven	Brian
Jacobson	Jerry	Skroch	Michael A.
Janaes	Katie	Skroch	Rita
Johnson	Joyce	Skwiot	Tim
Kieltyka	Christine	Snyder	Susan
Kieltyka	Dominic	Sorge	Patrick
Kieltyka	Joseph	Speltz	Robert &
Kiesel	Kirsten	Susan	
Klemmedson	Dinah L.	Stalzer	Gerald
Klemmedson	Ronald J.	Styczinski	John, Jr.
Klinkner	Marilyn	Sveen	Beth
Koeppl	John	Swenson	Jane
Krause	Anna	Swenson	Ronald K.

Taylor	Carol
Thiel	Bill
Tobiason	Rev. Paul
Trulen	Jeff
Turvold	Kari
Vind	Dave
Waller	Roger
Walz	Bill
Wilson	Tom
Wolcott	Betty
Wolter	Lynn
Woods	Paul
Woods	Katherine J.
Woods	Paul A.
Woychik	Edward J.
Zanski	Patty

Trempealeau County Feedlot Performance Standards Ordinance

The Trempealeau County Board of Supervisors adopted the State of Wisconsin's first countywide Feedlot Performance Standards Ordinance on May 18, 1998. A Joint Committee of the LCC/ Zoning Committee's met a total of ten times between September 26, 1997 and May 1, 1998. In addition, a Feedlot Performance Standards Ordinance Advisory Committee met four times between December 9, 1997 and January 20, 1998. A public hearing was held on March 3, 1998. The following is a partial list of those county citizens that participated in the public process of the development of a county Feedlot Performance Standards Ordinance:

Adams	Paul	Dairy Farmer
Anderson	David	LCC
Axness	Carl	Ag Lender
Blaha	Jerome	Zoning Committee
Brandt	George	LCC
Congdon	Ken	Cash Grain/Pork Producer
Deetz	Verle	Chairman-Town of Albion
Frederick	Duane	Mayor-City of Osseo
Frey	Richard	LCC
Grass	Alan	NFO/Dairy /Pork Farmer
Halama	Butch	Pork Producer
Hermanson	Bill	Chairman-Town of Chimney Rock
Kiekhoefer	Richard	Zoning Committee
Lorch	Darrel	FSA Committee Chair/LCC
Maliszewski	Bill	Dairy/Beef Producer
Marthaler	Stanley	Mayor-City of Blair
Monson	Gary	Livestock Producer Member/LCC
Nehring	David	Zoning Committee
Petz	Bill	Poultry Industry
Quarne	Dave	Livestock Producer Member/LCC
Schank	Tom	Realtor/Beef Producer
Schank	Willard	Beef Producer
Schreiner	Glenn	Mayor-City of Eleva
Schultz	Henry	Beef/Poultry Producer
Sobotta	Jim	Farm Bureau/Dairy Producer
Sorge	Buzz	DNR/Environmentalist
Spangberg	Ruby	President-Village of Strum
Speerstra	Jack	Dairy Producer
Tomter	Harold	LCC
Tuschner	Ron	Beef Farmer
Van Tassel	Gerry	LCC
Vold	Hensel	Rural Nonfarm
Wilber	Harold	Developer

Nutrient Management Planning Self-Certification

Copies of the Farm Bureau Sponsored Nutrient Management Study were circulated on June 5, 1996, to a wide number of agency representatives. The study was circulated without conclusions and recommendations in order to allow the participants to come to their own conclusions. A meeting was held on July 17, 1996, to review the study and develop common conclusions about how to improve the state nutrient management program. This group developed approximately fifty conclusions and recommendations

that were combined into three general categories: 590 redesign and simplification; 590 education and information, public policies and policymaker education.

The group asked Trempealeau County to develop recommendations on how to improve these issues. Two committees were developed to provide recommendations. A dairy farmer from Arcadia that milks 140 cows chaired the redesign committee. This committee held three full committee meetings (9 –12, 10 – 23 and 11 – 12, 1996) and two sub-committee meetings (9-19 and 10 – 2, 1996) to discuss and simplify the process. They developed a new format that reduced paperwork by 90%. A dairy farmer from Whitehall that milks 150 cows chaired the information and education committee. This committee met three times and developed a series of recommendations on how to get farmers to implement nutrient management recommendations. Following are a partial listing of those county citizens that participated in the 590 Nutrient Management Redesign and Self-Certification process.

Anderson	David	LCC
Appleyard	Dave	Tremp. Co. LCD Administrator
Axness	Carl	Ag Lender
Brandt	George	LCC
Congdon	Ken	AG Producer Member/LCC
Dietelhoff	Dennis	V.T.A.E.
Frame	Dennis	Tremp. Co. AG Agent
Geiger	Tim	Gold N' Plump
Gierok	Adolph	LCC
Guza	Ron	Ag Lender
Halama	Butch	Pork Producer
Johnson	Greg	Dairy Farmer
Kerr	Greg	Agri-Business-Centrol
Kivlin	Paul	Nutrient & Pest Management
Kohlmeyer	Hugh	LCC
Lorch	Darrel	FSA/LCC
Madison	Fred	WGNHS & UW-Extension
Mahlum	David	LCC
Marsolek	Gene	FSA/LCC
Monson	Gary	AG Producer Member/LCC
Olson	Len	DATCP/SWRM
Price	Vic	NRCS
Rosenow	Paul	Dairy Farmer
Schank	Willard	Beef Farmer
Shepherd	Leah	President-County Farm Bureau
Sobotta	James	Dairy Farmer
Speerstra	Jack	Dairy Farmer
Sturgul	Scott	Nutrient & Pest Management
Taysom	David	Agri-Business-Dairyland Lab
Thomas	Roland	LCC
Tomter	Harold	LCC
Tuschner	Ron	Beef Producer
Van Tassel	Gerry	LCC
Wedepohl	Dick	DNR
Weisenbeck	Curt	Agri-Business-Crop Consultant

County Wide Land Use Planning

The Trempealeau County Board of Supervisors hired a Zoning and Planning Specialist in July of 1997 to assist town boards develop Town Land Use Plans. Initially, the Zoning/Planning Department met with all the Town Boards, City Councils and Village Boards in Trempealeau County to explain the planning process and gain input. The Zoning/Planning Department has determined that the most practical way to prepare a land use plan for the county would be to work with three towns at a time until all fifteen towns have completed plans. A schedule for town planning was developed based upon the amount of development pressure experienced. Twelve of the fifteen towns have completed their land use plans. The final three land use plans shall be completed by March 1, 2007. All 15 towns will have to revisit their land use plans to determine if those parcels planned for Agriculture remain an appropriate designation following the enactment of the ATCP51 Administrative Rule. To date; 160 town citizens have served on Town Planning Commissions; the Zoning/Planning Department has sent out over 3500 land use questionnaires; mailed over 20,000 meeting invitations to residents; held over 200 public planning meetings and conducted 18 public hearings. In addition, the local news media and Trempealeau County Community Television has covered the planning process.

2006 Revision of the Land and Water Resource Management Plan

As has been previously stated, Trempealeau County undertook a parallel planning process to revise the County Land and Water Resource Management Plan and to revise the County Division of Land Management Plan. As the Division of Land Management Plan is the County Plan detailing how the county is to ensure compliance with the County Land and Water Resource Management Plan, various stutory mandates and the County Comprehensive Zoning Ordinance, it became the responsibility of the Division of Land Management Public Advisory Committee to advise Trempealeau County on the Land and Water Resource Management Plan document and to make recommendations for public hearing and County Board approval. The Division of Land Management Public Advisory Committee did not object to taking the plan to public hearing during the advisory committee's September 27, 2006 meeting. The public hearing on the Land and Water Resource Management Plan was held on November 2, 2006. The County Board shall consider and take official action on the Plan during its first regularly scheduled meeting following Land and Water Conservation Board approval of the Plan.