AGENDA

1. Call Meeting to Order
2. Establish a Quorum
3. Adopt Agenda / Properly Noticed
4. Correspondence Page 2
5. Public Comment (Maximum agenda item of 30 minutes with a maximum of three minutes per speaker)
6. Supervisor Response
7. Minutes: 1/14/21 LCC Minutes Page 6
8. Invasive Species
   8.1. Village of Sister Bay Donation
   8.2. WI DNR Clean Boats Clean Waters Grant Page 8
   8.3. Approval of Land Use Agreement with State of Wisconsin Department of Natural Resources – County Board Resolution Page 12
9. Door County 2021 Private Well Monitoring Program
   9.1. Door County Medical Center Donation
10. WI Geological and Natural History Survey Technical Report – Water-quality indicators of human impacts to the wetlands of Door County Page 19
11. Items from Legislative Committee
   11.2. PAHs (Polycyclic Aromatic Hydrocarbons) & PFAS (Per- and polyfluoroalkyl substances) Page 27
   11.3. Support for Water Quality Task Force Recommendations - County Board Resolution Page 34
12. 2020 Summary
   12.1. SWCD Annual Report to County Board Page 72
   12.2. Chapter 23 Summary Page 76
   12.3. Nutrient Management Audits Page 78
13. Phosphorus Multi-discharger Variance
   13.1. Approval of Phosphorus Multi-discharger Variance Grant – County Board Resolution Page 79
   13.2. James Harju Cost-share Agreement Page 82
14. Soil & Water Resource Management Grant Program
   14.1. James Harju Cost-share Agreement Page 82
15. SWCD Water Pollution Abatement Cost Share Program
   15.1. Cost Share Program Policy Vegetated Buffer Strips Page 83
   15.2. Marne Kaeske Cost-share Agreement Page 85
16. Area & State Conservation Associations
   16.1. WI Land + Water Conservation Association Annual Conference March 2-5, 2021
   16.2. Lake Michigan Area Association Spring Conference May 7, 2021 (Virtual or Oconto TBD)
17. Budget Year End Carryovers Page 86
18. Vouchers, Claims and Bills Page 87
19. Future Agenda Items
20. Next Meeting Dates: May 13, 2021 8:30 a.m. – Regular LCC Meeting
21. Meeting Per Diem Code
22. Adjourn

Deviations from the order shown may occur.
TO: Erin Hanson, County Conservationist Door County SWCD

FROM: Lisa Trumble, LWRM plan coordinator  

DATE: February 9, 2021

RE: Approval of the Door County land and water resource management (LWRM) plan through December 31, 2030.

I am pleased to provide you with an order of approval for the Door County land and water resource management (LWRM) plan through December 31, 2030, contingent on a LWCB review in 2025.

This approval maintains your county’s eligibility for funding from the department to continue to implement your LWRM plan. You will need to update your county work plan each year and file an annual report to remain eligible for department funds.

Please share this notice and a copy of the signed order approving your plan with Ken Fisher, chair of your Land Conservation Committee. Our agency looks forward to assisting your county with the plan’s implementation.

Thank you.
INTRODUCTION

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection ("department"), having consulted the State of Wisconsin Land and Water Conservation Board ("LWCB"), makes the following findings of fact and conclusions of law and enters the following order under s. 92.10(4), Wis. Stats.

FINDINGS OF FACT

(1) Paragraphs (1) through (6) from the “Findings of Fact” in the December 17, 2010 Order approving the revised plan through December 31, 2015, In the Matter of the County Land and Water Resource Management Plan for Door County, LWCB Docket No. 10-28-15-000-L-1, are incorporated by reference as if fully set forth herein. A copy of the Order is on file at the Land and Water Resource Bureau of the Wisconsin Department of Agriculture, Trade and Consumer Protection at 2811 Agriculture Drive, Madison, WI 53708-8911.

(2) On December 17, 2010, the department approved the Door County land and water resource management ("LWRM") plan until December 31, 2015, as more fully described in Docket No. 10-28-15-000-L-1.

(3) On November 2, 2015, upon the LWCB’s recommendation, the department extended the approval of the Door County LWRM plan through December 31, 2020, as more fully described in Docket No. 029-00000-L-15-E-1015.
(4) On June, 18, 2020, Door County submitted its revised LWRM plan for LWCB and department review, and requested department approval of its revised plan through December 31, 2030.

(5) The revised LWRM plan referenced in Finding of Fact (4) (“revised LWRM plan”) meets the requirements in s. 92.10(6), Wis. Stats., and ss. ATCP 50.12 and ATCP 50.30(3), Wis. Admin. Code, as documented in the plan approval checklist prepared by the department.

(6) The LWCB adopted additional criteria for recommending the approval of a LWRM plan for a ten year period and for the LWCB’s five-year review of a LWRM plan approved for 10 years. The applicable criteria are set forth in a guidance available on the DATCP LWRM plan webpage.

(7) On October 6, 2020, upon finding that Door County met all criteria for a ten year plan approval, the LWCB recommended the approval of the revised LWRM plan through December 31, 2030, contingent on Door County submitting to a five-year review by the LWCB in 2025.

(8) On December 15, 2020, the Door County Board approved the revised Door County LWRM plan.

CONCLUSIONS OF LAW

(1) The department, working in consultation with the LWCB, may approve a LWRM plan for a period not to exceed ten years, in accordance with s. ATCP 50.12(5) Wis. Admin. Code.

(2) In order to be approved by the department, a county land and water resource management plan must comply with the standards specified under s. 92.10, Wis. Stats.

(3) The revised Door County LWRM plan complies with s. 92.10(6), Wis. Stats., and ss. ATCP 50.12 and ATCP 50.30(3), Wis. Admin. Code and may be approved by the department.

(4) The LWCB recommended approval of the revised LWRM plan for a ten year period after finding that the revised LWRM plan meets applicable criteria.
(5) Based on Findings of Fact (1) through (8) above, the department should issue an order approving the revised LWRM plan for a term ending December 31, 2030, subject to the LWCB review specified in Finding of Fact (7).

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1) Pursuant to s. 92.10, Wis. Stats., the revised Door County LWRM plan is approved through December 31, 2030.

2) This order is contingent on a LWCB review in 2025, in which the county must meet the LWCB requirements as established in the most current LWCB guidance, for the five-year review of a LWRM plan approved for ten years.

3) If the department receives a finding from the LWCB that Door County has failed to meet the LWCB guidance, this order is automatically modified to approve the plan only through December 31, 2025. The county will be notified of this modification and is responsible for submitting a revised land and water resource management plan for department approval to continue its eligibility for department grant funding.

4) As a condition of this plan approval, Door County must file with the department an annual work plan that describes planned activities and includes benchmarks for priority activities. Door County may remain in compliance with this requirement by updating its work plan by no later than April 15th of each year during the period of the plan approval specified in this Order.

Dated this ___28th____ day of __________ January________, 2021

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By ______________________
Sara Z. Walling, DARM Division Administrator
1. Meeting was called to order at 8:30 a.m. by Chair Ken Fisher.

2. Establish a Quorum - Roll Call
   Members present: Roy Englebert, Ken Fisher, Todd Thayse, Mike Vandenhouten, and Richard Virlee.
   Members remotely present: Bob Bultman and Vinni Chomeau
   Others present: Erin Hanson, Greg Coulthurst and Brian Forest – SWCD. Present for a portion of a meeting:
   Kevin Seng – SWCD and Ken Pabich – County Administrator; Remotely: Tim Dahl – SWCD.

3. Adopt Agenda / Properly Noticed: Motion by Richard Virlee, seconded by Mike Vandenhouten, to adopt the
   agenda as posted. Motion carried.

4. Correspondence: N/A

5. Public Comment: N/A

6. Supervisor Response: N/A

7. Approve Minutes: Richard Virlee made a motion, seconded by Roy Englebert, to approve the November 12,
   2020, Land Conservation Committee meeting minutes as written. Motion carried.

8. Dunes Lake Restoration Update
   Greg Coulthurst provided an update on the Dunes Lake Restoration project. On December 21st dredging was
   concluded for the year, dredging approximately 10 acres of open water, leaving about 4 acres to be dredged.
   Dredging will begin after August 15th to finish up the project. Approximately 36 acres of cattails and phragmites
   have been treated.

9. Approval of Gift, Grant and/or Donation for Lake Monitoring & Protection Network – County Board
   Resolution
   Erin Hanson explained the Lake Monitoring & Protection Network grant program. Bob Bultman made a motion,
   seconded by Todd Thayse, to approve and forward to County Board, the resolution accepting the Lake
   Monitoring & Protection Network Grant in the amount of $12,371.23. Motion carried.

10. Ayers Associates Geospatial Services
    Brian Forest explained that the County will be provided with an online viewer which will allow the general public
    to view the Lidar information the County has available on a mobile device. Second item the County will receive is
    analysis of Lidar to help identify closed depressions.

11. Targeted Runoff management Grant Program
    11.1. Brian Forest provided a summary of the Targeted Runoff Management grant program and grants received
           from 2003 to present.
11.2. Todd Thayse made a motion, seconded by Richard Virlee, to approve and forward to County Board the resolution accepting the DNR-County of Door Grant Approval for Twin Harbor Creek Headwater Protection grant in the amount of $220,000. Motion carried.

12. Conservation Reserve Enhancement Program (CREP) 2020 Wisconsin Contracts
Kevin Seng reported that County CREP agreements have been signed with Adam & Rachael Cochart for 4.7 acres, Carol M. Mueller Trust for 1.75 acres, Dale Weckler & Therese Szafranski for 2.1 acres, Carnel Farms Inc. for 4.7 and 2.8 acres, Olson Family Trust for 7.9 and 2.2 acres, and Viste Trust for 3.9 acres.

13. SWCD Water Pollution Abatement Cost Share Program
13.1. Erin Hanson/Tim Dahl explained the proposed revisions to the SWCD Water Pollution Abatement Cost-share Program Policy: Well Abandonment. Roy Englebert made a motion, seconded by Todd Thayse, approving revisions as presented. Motion carried.
13.2. Richard Virlee made a motion, seconded by Roy Englebert, approving the request to carry-over 2020 SWCD Water Pollution Abatement cost-share funds for Adam Delfosse into 2021. Motion carried.
13.3. Erin Hanson reported that SWCD approval was given for County Cost-share application with Emily Butteris for well abandonment in the amount of $400.

14. Area & State Conservation Associations
14.1. Erin Hanson reported on the virtual Lake Michigan Area Association BOD Planning and Budget Meeting on January 8, 2021. Next meeting dates will be May 7, 2021 and October 15, 2021.
14.2. WI Land + Water Conservation Association Virtual Annual Conference – March 2-5, 2021
   14.2.1. LCC registration will be taken care of by SWCD, please inform Beth Hanson by February 8th if you plan on attending or not. Registration cost is $155 flat rate.
   14.2.2. Mike Vandenhouten made a motion, seconded by Todd Thayse, authorizing the spending of $50 to put towards a fishing trip with Gary Nault for the WLWCA Annual Conference silent auction. Motion Carried.

14. Vouchers, Claims and Bills: A listing was provided.

15. Future Agenda Items: None

16. Next Meeting Date: March 11, 2021 8:30 a.m. - Regular LCC Meeting

17. Meeting Per Diem Code: 891

18. Adjourn: Motion to adjourn by Mike Vandenhouten, seconded by Richard Virlee at 9:40 a.m. Motion carried.

Respectfully submitted by Beth Hanson, SWCD Administrative Assistant
Submit Complete Application to DNR CBCW Grants@wisconsin.gov

It is the responsibility of the applicant to ensure the application has been submitted by the deadline. The applicant will receive a confirmation email when the application has been received and processed within a week of submittal.

Notice: Complete this form to request AIS grant funding for a Clean Boats, Clean Waters grant under s. 23.22(2), Wis. Stats., and ch. NR 193, Wis. Admin. Code. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin’s Open Records Laws [ss 19.31-19.39 Wis. Stats.]

Clean Boats, Clean Waters grants are available for a one-year term with a start date of February 15 and end date of December 31 in the same year. A maximum of $4,000 may be awarded for a minimum of 200 inspection hours; all inspection hours may be spent on one landing or a combination of two landings. Paired landings may be on different lakes. Requests for funding on multiple lakes may be included in one application. Grant funding is limited to 75% of total project costs not to exceed $4,000 for 200 inspection hours spent on one boat landing or $4,000 for 200 inspection hours at two combined landings.

Section 1. Required Applicant Data

<table>
<thead>
<tr>
<th>Sponsoring Management Unit Name</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOOR</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authorized Representative Name</th>
<th>Contact Phone Number</th>
<th>Contact Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erin Hanson</td>
<td>(920) 746-2214</td>
<td><a href="mailto:ehanson@co.dooor.wi.us">ehanson@co.dooor.wi.us</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Management Unit Address</th>
<th>City</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>421 Nebraska St</td>
<td>Sturgeon Bay</td>
<td>WI</td>
<td>54235</td>
</tr>
</tbody>
</table>

Section 2. Watercraft Inspection Project Detail – Complete the checklist below to identify eligible project activities you will undertake for this Clean Boats, Clean Waters grant.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Activity</th>
<th>Waterbody Name</th>
<th>Landing #1 Name</th>
<th>Landing #2 Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td></td>
<td>Attend CBCW training workshop</td>
<td>Lake Michigan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td></td>
<td>Conduct minimum 200 hours watercraft inspection at each landing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td></td>
<td>Conduct minimum 200 hours watercraft inspection at two landings (paired)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td></td>
<td>Enter inspection data into SWIMS database</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td></td>
<td>Maintain financial records for 6 years after date of final payment</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 3. Boat Inspection Detail – Indicate waterbody and landing names on which work will occur. If only one landing for 200 hours, enter ‘N/A’ as second landing name.

<table>
<thead>
<tr>
<th>Waterbody Name</th>
<th>Landing #1 Name</th>
<th>Landing #2 Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Michigan</td>
<td>Carmody Park</td>
<td>Pinney Park</td>
</tr>
</tbody>
</table>

Section 4. Estimated Budget – Complete boxes below.

| A. Total # Single Landings = 0 | maximum state share is $4,000 each |
| B. Total # of Landing Pairs = 1 | maximum state share is $4,000/pair |
| C. Total Project Cost = $4,464.00 |
| D. Grant Request Amount = $3,348.00 |
| E. Local Share = $1,116.00 |

Section 5. Local Share – Check option below that applies

- Local share is composed entirely of volunteer time.
- Local share is composed of volunteer time and cash expenses.

ADOPTED

ADOPTED this day 12 of November, 2020

By: Beth Hanson

Secretary/Clerk of

Door County Land Conservation Committee

Erin Hanson

Signature of Authorized Representative

10/27/2020

Date Signed

Section 6. For DNR Use Only – Application Approved for Funding

Alexandra Delvoye

Signature of DNR Environmental Grants Specialist

11/6/2020

Date Signed
Clean Boats, Clean Waters (CBCW) Project Funding Request and Agreement
Aquatic Invasive Species (AIS) Grant Program
Form 8700-337 (R 5/20)

Sponsor: DOOR

Period Covered By This Agreement: February 15, 2021 to December 31, 2021

Project Scope

The watercraft inspection program will include the following:
1) Inspectors attend a CBCW training workshop and use CBCW program materials;
2) Inspectors will deploy at the given boat landing(s) to conduct inspections, provide AIS information, collect and report data, and report suspect specimens;
3) The project will include a minimum of 200 inspection hours at a single landing or pair of landings as described in the application;
4) Watercraft inspection data must be entered into the SWIMS (Surface Water Integrated Monitoring System) database. This data entry will serve as the grant final report/deliverable. Data entry into SWIMS must be completed by December 31 of the grant agreement year.

Grant Award Data – For DNR Use Only

<table>
<thead>
<tr>
<th>1. Total Project Cost</th>
<th>$4,464.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Grant Amount</td>
<td>$3,348.00</td>
</tr>
<tr>
<td>3. Local Share (line1 minus line 2)</td>
<td>$1,116.00</td>
</tr>
</tbody>
</table>

The following documents are hereby incorporated into and made part of this agreement:
1. Ch. NR 193, Ws. Admin. Code
2. Clean Boats, Clean Waters Funding Request

General Provisions

1. The Wisconsin Department of Natural Resources (hereafter "Department") and the Sponsor mutually agree to perform this agreement in accordance with the project application.
2. The Sponsor agrees to comply with all applicable Wisconsin Statutes and Wisconsin Administrative Codes in fulfilling terms of this agreement.
3. To the extent authorized by Wisconsin law, the Sponsor agrees to save, hold harmless, defend, and indemnify the State of Wisconsin, the Department and all its officers, employees and agents, against any and all liability, claims and costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operation or performance of work in connection with this agreement or omissions of Sponsor's employees, or representatives.
4. In connection with the performance of work under this agreement, the Sponsor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, disability, handicap, sex, physical condition, developmental disability as defined in s.51.01(5), Ws. Stats., sexual orientation or national origin. This provision shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the Sponsor further agrees to take affirmative action to ensure equal employment opportunities, as required by law. The Sponsor agrees to post in conspicuous places available, for employees and applicants for employment notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
5. The Department reserves the right to inspect the job site or premises for the sole purpose of insuring that the performance is progressing or has been completed in compliance with this agreement.
6. The Department takes no responsibility for supervision or direction of the performance of the agreement by the Sponsor or the Sponsor's employees or agents. The Sponsor is an independent Contractor for all purposes, not an employee or agent of the Department. The Department further agrees that it will exercise no control over the selection or dismissal of the Sponsor's employees or agents.
7. The Sponsor may decline this offer of financial assistance in writing at any time prior to the starting of the project and before expending any funds. After the project has been started or funds expended, this agreement may be amended only by mutual agreement in writing prior to the end date of the agreement. Time extensions will not be granted.
8. This agreement, together with the application and attachments, shall constitute the entire agreement. Any previous communication or agreements pertaining to the subject matter of this agreement are hereby superseded.
9. Final reimbursement claims must be submitted within six (6) months from the agreement end date. The Sponsor may request one partial payment for grant-eligible costs prior to requesting final payment. Progress with project implementation must be shown and coincide with each reimbursement request.

Additional information on the Department's Surface Water Grant Program can be found at https://dnr.wi.gov/aid/surfacewater.html

Erin Hanson 10/27/2020
Signature Date

County Conservationist
Title

Wisconsin Department of Natural Resources
for the Secretary
By: /s/Jim Ritchie
Jim Ritchie, Director
Bureau of Community Financial Assistance
Date: 12/30/2020
APPENDIX G: CLEAN BOATS, CLEAN WATERS

Clean Boats, Clean Waters Factsheet

What are Eligible Costs?
Inspection time (200 hours) can be used at a pair of landings, either on the same lake or on two different lakes. Or you can spend the entire 200 hours of inspection time at one landing. One grant application can target up to 6 individual landings or up to 6 pairs of landings, or a combination of single and paired landings not to exceed 12 landings total. Eligible expenses are strictly limited to the following:

- Payment to inspectors or in-kind donation of volunteer inspector hours
- Time spent on the administration of the program or entering hours into Surface Water Integrated Monitoring System (SWIMS) database.
- Time spent at CBCW workshops or training
- CBCW clothing or supplies from UW-Extension Lakes

Note: Mileage, signage, trash management, port-a-potties, association dues, conference attendance, and supplies for decontamination are not eligible expenses and cannot be used as match.

Who May Apply?
Cities, towns, villages, counties, tribes, lake protection and rehabilitation districts, qualified lake associations, qualified river management organizations, and qualified nonprofit organizations are eligible to apply. Other eligible applicants include private and public colleges, universities, technical schools, and state and federal natural resource or land management agencies. If you would like to know if you are an eligible organization, please contact your regional Environmental Grants Specialist.

What Cost Sharing is Available?
A maximum of $4,000 of state-cost share is available per boat landing or pair of landings, up to 75% of the total project cost. The remaining 25% of the total project costs must be from the grantee in the form of cash, donated labor or services, or “in-kind” items. These grants are reimbursement grants, meaning all costs must first be paid by grantee before reimbursement can be requested from the department. A 25% advance payment will be automatically provided to help get the project started.

What Project Activities are Required?
All of the following activities are required to receive CBCW funding. (For more details, please review the Watercraft Inspector Handbook):

1. Inspectors attend a Clean Boats, Clean Waters training workshop and receive program materials.
2. Trained inspectors conduct inspections, collect and report data, provide boater education and report suspect specimens at public boat launch sites.
3. Inspectors conduct a minimum of 200 annual hours of watercraft inspection per boat landing OR at two landings during weekends, holidays, fishing tournaments, or other high-traffic times occurring from May 1 to October 30.
4. Grantee enters inspection data into the statewide Surface Water Integrated Monitoring System (SWIMS) database and submits a final reimbursement request by December 31th.
5. Maintain financial records for 6 years after final payment.
**What Time Period Do the Grants Cover?**
CBCW grants have a start date of February 15 and end date of December 31 of the same year. Project costs incurred prior to the start date or after the end date are not eligible for reimbursement.

**When are Applications Due?**
Applications ([Form 8700-337](#)) are due November 1st. Repeat CBCW applicants do not need to notify DNR staff of intent to apply, but new CBCW grant applicants must notify DNR staff by September 2. Incomplete applications will not be funded and will be returned to the applicant. Submit applications to:

- **Email (preferred method)**
  
  DNRCBCWGrants@wisconsin.gov

- **Postal Service (postmarked by Nov. 1st)**
  
  Wisconsin Department of Natural Resources
  
  Attn: CBCW Grant Manager WY/4
  
  101 S. Webster St., Madison, WI 53707

**How it Works...The Application and Award:**
Your application also serves as your grant agreement. By signing page 2 of the *Clean Boats, Clean Waters Project Funding Request and Agreement* ([Form 8700-337](#)), you are both requesting funds and agreeing to grant conditions. The program is currently noncompetitive, and applications will be accepted for eligible applicants if they are received by the deadline. It is the responsibility of the applicant to ensure the application has been submitted by the deadline.

If your application is submitted correctly, the department will complete and sign the grant agreement. A copy of the completed grant agreement will be returned to you and an advance payment will automatically be processed and mailed to the address in the application.

**How it Works...Project Implementation:**
Your CBCW landing inspection program includes landing inspector training, speaking with and educating boat launch users, conducting inspections, and collecting data to complete the *Watercraft Inspection Report* form. The project grantee must enter CBCW data for the inspection season into the [Surface Water Integrated Monitoring System (SWIMS)](https://www.uwsp.edu/cnr-ap/UWEXLakes/Pages/programs/cbcw/default.aspx) database by December 31 of the grant agreement year.

**How it Works...Final Reporting and Final Payment Process:**
When data entry into SWIMS is completed, the project grantee should complete a Grant Payment Request and Worksheet ([Form 8700-001](#)). All project expenses and any donations, including the total of all volunteer time, must be listed on the worksheet. The completed form is submitted to DNRCBCWGrants@wisconsin.gov. No additional invoices, check copies, or documentation is required to be submitted, but must be maintained in the grantee’s file for 6 years after project completion.

**DNR CBCW Contact**
Alex Delvoye
Surface Water Grants Program Assistant
Alexandra.Delvoye@wisconsin.gov
(608)264-6021

**Helpful Links**
- [https://dnr.wi.gov/lakes/cbcw/](https://dnr.wi.gov/lakes/cbcw/)
- [https://www.uwsp.edu/cnr-ap/UWEXLakes/Pages/programs/cbcw/default.aspx](https://www.uwsp.edu/cnr-ap/UWEXLakes/Pages/programs/cbcw/default.aspx)
Resolution No. 2021-___
APPROVAL OF LAND USE AGREEMENT WITH STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, Rule No. 34 of the Rules of Order provides, in pertinent part, that “...no Committee of the County Board shall enter into any contract for a period in excess of three (3) years without prior approval of the County Board...”; and

WHEREAS, Door County Soil and Water Conservation Department desires to treat the invasive species phragmites on the property owned by the Wisconsin Department of Natural Resources at the mouth of Big Creek as part of grant funded efforts; and

WHEREAS, The Land Conservation Committee has considered and approved the Agreement (attached hereto as Addendum A and incorporated herein by reference as if set forth in full); and

WHEREAS, It is deemed advantageous and suitable for the County of Door to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors does hereby approve the Agreement.

BE IT FURTHER RESOLVED, That the Soil and Water Conservation Department, subject to the oversight of the Land Conservation Committee, shall administer the Agreement.

SUBMITTED BY:
Land Conservation Committee

| Reviewed by: | Reviewer, Corp. Counsel |
| SUBMITTED BY: | Reviewer, Administrator |

| Certification: | Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the day of 2021 by the Door County Board of Supervisors. |

| Reviewed by: | Jill M. Lau, County Clerk, Door County |

Roll Call

<table>
<thead>
<tr>
<th>Aye</th>
<th>Nay</th>
<th>Exc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUSTAD</td>
<td>BULTMAN</td>
<td>CHOMEAU</td>
</tr>
<tr>
<td>COUNARD</td>
<td>D. ENGLEBERT</td>
<td>R. ENGLEBERT</td>
</tr>
<tr>
<td>ENIGL</td>
<td>FISHER</td>
<td>GAUGER</td>
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<tr>
<td>GUNNLJUGSSON</td>
<td>HEIM PETER</td>
<td>KOHOUT</td>
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<td>LUNDAHL</td>
<td>NORTON</td>
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<td>RUSNAK</td>
<td>THAYSE</td>
</tr>
<tr>
<td>VIRLEE</td>
<td>VLIES WOTACHEK</td>
<td>Vogel</td>
</tr>
</tbody>
</table>

Board Action

- Motion to Approve
- 1st
- 2nd
- Yes: _______ No: _______ Exc: _______

Fiscal Impact: There is no fiscal impact associated with the adoption of this resolution. STW

Signature:

Ken Fisher, Chair

Todd Thayse

Bob Bultman

Mike Vandenhouten

Vinni Chomeau

Richard Virlee

Roy Englebert
THIS LAND USE AGREEMENT (Agreement) is made by and between the State of Wisconsin Department of Natural Resources (Owner) and Door County Soil and Water Conservation Department (Permittee).

RECITALS

WHEREAS, the Owner owns certain real property located in the NE ¼ of the SW ¼ and SE ¼ of the SW ¼ of Section 9, T. 27 N., R. 26 E., City of Sturgeon Bay, Door County, Wisconsin, that is further described below and referred to in this Agreement as the Premises;

A parcel of land located in Government Lot 2, more particularly described as follows:

Lots 4-14, Block 7; Lots 17-21, Block 6; and Outlot 1, all in Leathem Smith Subdivision No. 2; and

Also all that part of Government Lot 2 bounded on the east by the easterly boundary line of said Government Lot 2 and bounded on the remaining sides by the waters of Big Creek.

WHEREAS, the Owner has leased a part of the Premises to the Crossroads at Big Creek, Inc., for the purposes of providing small craft, carry-in watercraft access to Lake Michigan for public use including boating, fishing and day use;

WHEREAS, the Owner may enter into agreements permitting others to engage in mutually beneficial activities on its property;

WHEREAS, the Permittee desires to treat the invasive species phragmites; and

WHEREAS, the Owner is willing to allow treatment under a DNR Aquatic Herbicide Treatment Permit authorized under NR107, and under the terms of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of mutual benefits, the Owner and Permittee agree to the following terms and conditions:

1. Purpose. Owner agrees that Permittee may treat phragmites in accordance with the additional conditions
outlined in Section 24 of this agreement and in the attached Exhibit A.

2. **Parties.** The terms Owner and Permittee, when used herein, shall mean either masculine or feminine, singular or plural, as the case may be, and the provisions of this Land Use Agreement shall bind the parties mutually, as well as their employees, agents and legal representatives.

3. **Term.** This Agreement shall be in effect for a five (5) year period commencing **October 1, 2020 and ending October 1, 2025.**

4. **Termination.** The Owner may terminate this Agreement by providing 30 days written notice to Permittee if the Owner determines that the continued use of the Premises by the Permittee will interfere with the future management objectives of the Owner. If the Owner determines that Permittee breached any term or condition contained in this Agreement, Owner may terminate the Agreement immediately.

5. **Non-Assignment.** Neither this Agreement nor any right or duty in whole or in part by the Permittee under this Agreement may be assigned, delegated or subcontracted without the prior written consent of the Owner.

6. **Maintenance.** The Permittee shall maintain the Premises in a safe condition at all times.

7. **No Parking or Storage.** The Permittee shall not park or store any vehicles or equipment on the Premises at any time unless prior written approval is obtained from Owner.

8. **Construction.** The Permittee has or shall submit for approval to the Owner a plan describing the intended placement or construction of any items on the Premises. No deviations from this approved plan shall be allowed except with the prior written approval of the Owner. Within ten (10) days after the termination of this Agreement, the Permittee shall remove all structures placed on the Premises. If the Permittee's structures remain on the property more than 10 days after termination, (1) title to the structure(s) shall vest in the Owner, or (2) the Owner may remove the structure and the Permittee shall reimburse Owner for all removal costs within thirty (30) days of billing.

9. **Signage.** Any signs, postings and other markers proposed by Permittee to be located on the Premises shall be approved by the Owner prior to placement.

10. **Vegetative Management.** No cutting or trimming of trees shall be done without the prior written approval of the Owner, except for dead and down trees that obstruct passage of the Premises may be removed without such written approval. Any trees removed from the Premises remain the property of the Owner. All trees having commercial value including firewood shall be cut in standard lengths and be piled at a location on the Premises designated by the Owner. All stumps, slash, waste materials and other debris shall be disposed of by the Permittee as directed by the Owner. Use of pesticides and herbicides shall only be allowed with the prior written approval of the Owner. Any pesticides or herbicides used as part of a management plan must conform to the Forest Stewardship Council list found at [https://ic.fsc.org/en/our-impact/program-areas/forest-program/pesticides](https://ic.fsc.org/en/our-impact/program-areas/forest-program/pesticides). Permittee shall report to the Owner at least annually, the chemicals that are applied on the Premises including the date, product trade name, active ingredient(s) and corresponding CAS number(s), purpose, rate, location with a map, total area treated, and total amount of chemical used.

11. **Public Use.** The Permittee understands that the Premises is open to the public. The Premises is open for use to all members of the general public without regard to race, creed, marital status, color, sex, national origin, age, handicap, ancestry, sexual orientation, arrest record or conviction record.
12. **Indemnity.** The Permittee agrees to save, keep harmless, defend and indemnify the Owner and all its officers, employees and agents, against any and all liability claims, costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operation or performance of work in connection with this Agreement or with any actions or omissions of Permittee's employees, agents or representatives.

13. **Prohibitions.** The Permittee shall not allow grazing on the Premises. The Permittee shall not disturb or harass wildlife or disturb wildlife habitat on the Premises.

14. **NR 45 Enforcement.** The Owner retains management, supervision and control over the Premises for the purpose of enforcing pertinent state laws needed to protect the Premises, its natural resources or the general public, including Chapter NR 45, Wis. Admin. Code, which governs the conduct of visitors to state lands.

15. **Hunting and Fishing.** This Agreement does not give the Permittee, its guests, members or agents, any rights pertaining to hunting, fishing, or trapping. These rights remain under the control of the State of Wisconsin.

16. **Renewal.** This Agreement may be extended for (5) years at the Owner’s sole discretion. If Permittee seeks a renewal based on the same terms and conditions and fee, it must submit a written request to the Owner at least 90 days prior to the expiration of this Agreement.

17. **Non-Discrimination.**
   a) In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

   b) If the Permittee employs 50 or more employees and engages in work on the Premises that is estimated to cost fifty thousand dollars ($50,000) or more, Permittee acknowledges they have a written affirmative action plan in place and upon request will provide it to the Owner.

18. **Entire Agreement.** This Agreement, together with the specifications in any required plan and its referenced parts and attachments, shall constitute the entire agreement and previous communications or agreements pertaining to this Agreement are hereby superseded. Any contractual revisions including cost adjustments and time extensions must be made by an amendment to this Agreement or other written documentation, signed by both parties at least 30 days prior to the ending date of this Agreement.

19. **Notices.** All notices to either the Owner or the Permittee shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the other party to the address listed below or to the address to which the other party's property tax bills are sent. Either party may change its address for notice by providing written notice to the other party.

   a) To the Owner: Wisconsin Department of Natural Resources, Bureau of Facilities and Lands, 101 South Webster Street, Madison, WI 53707.
b) To the Permittee Door County Soil and Water Conservation Department, 421 Nebraska Street, Sturgeon Bay, WI 54235.

20. **Invalidity.** If any term or condition of this Agreement shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

21. **Enforcement.** It is intended that this Agreement shall be construed as being adequate and legally enforceable. Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement, either to restrain or prevent the violation or to obtain any other relief.

22. **Headings.** The headings of clauses contained in this Easement are used for convenience and ease of reference only and do not limit the scope or intent of the clause.

23. **Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

24. **Additional Conditions.** Additional terms and conditions that apply to this Agreement are enumerated below:

   a) Based on the availability of grants in aid, the Permittee shall use the Phragmites Adaptive Management Framework develop a plan for treatment and control of phragmites and provide monitoring to include stem counts and stem thickness estimates.

   b) The Permittee shall obtain a DNR Aquatic Herbicide Treatment Permit authorized under NR107 and provide copies of their NR 107 aquatic herbicide permit and records of all herbicides used, quantity and dates on the Premises.

   c) The Permittee shall assume all responsibility to post the Premises when it is being sprayed and shall hire the contractors.

   d) Treatment: In the fall, populations will be treated once with an aquatic approved herbicide (either imazapyr or glyphosate), aquatic approved non-ionic surfactant and blue dye based on recommendations from the Phragmites Adaptive Management Framework and best management practices as established by the Wisconsin DNR. All sites treated with herbicide shall be posted for at least 24 hours prior to and after treatments denoting chemical treatment and all treatments will adhere to state and federal law. The Permittee will secure the appropriate permits to treat said populations and shall provide notice to the Owner at least five business days prior to treatments occurring and after treatments have occurred. Chemical logs noting the chemical used, time of treatment, date of treatment, quantity used and applicator will also be provided to the Owner following treatment application.

**END OF TERMS AND CONDITIONS**
IN WITNESS WHEREOF, the Permittee and Owner hereby accept and consent to the terms and conditions of this Agreement.

Erin Hanson, County Conservationist – Door County Soil and Water Conservation Department Permittee

State of Wisconsin
Department of Natural Resources
For the Secretary

Tom Meronek
Fisheries Supervisor Northern Lake Michigan

Kelly Raleigh Moses
Real Estate Specialist

This instrument drafted by:
State of Wisconsin
Department of Natural Resources
Water-quality indicators of human impacts to the wetlands of Door County, Wisconsin

David Hart
Sarah Gatzke
Michael Grimm
Nicole Van Helden
Introduction

Wetlands are areas where the water table is at or near the surface for much of the year with plant species adapted to wet soil conditions. Wetlands exist between terrestrial and aquatic systems and are important for water purification and providing plant and animal habitat. Door County, the narrow peninsula in eastern Wisconsin, is home to numerous wetlands, many of which are fed by groundwater. Poor-quality groundwater discharging to a wetland can alter the ecology of a wetland and harm native plant and animal communities. Protecting and sustaining these wetlands and the habitat they provide must include consideration of groundwater quality.

The addition, or loading, of nutrients and contaminants to Door County’s coastal wetlands may support the invasion and spread of aggressive non-native plants (Surratt and others, 2012) and may harm the viability of the population of the endangered Hine’s emerald dragonflies.

In most of Door County, private septic system effluent and landscape/agricultural chemicals have the potential to move through the thin soil layer into the underlying karst bedrock and groundwater aquifer. Once in the aquifer, this nonpoint source pollution (organic matter, nutrients, bacteria, viruses, herbicides, and various chemicals) has the potential to rapidly move down gradient, and discharge into a receiving lake, river, stream, or wetland with little filtration or attenuation.

We selected six representative wetlands for contaminant sampling and flow measurements made over the course of a year (September 2017–June 2018). Those wetlands are Mink River Estuary, Three Springs, Piel Creek, the Ridges, Dunes Lake, and Gardner Marsh (fig. 1). These wetlands ranged in ecological quality from high quality with a Ramsar designation (Ramsar Sites Information Service, 2015)—Mink River Estuary—to severely degraded by excess nutrients—Dunes Lake. Water samples were collected from springs discharging into each wetland. We also collected groundwater samples from wells and surface water samples from streams at locations near some of the wetlands.

The six study wetlands were chosen because they had been previously studied or were important habitat. The Mink River Estuary, Three Springs, Piel Creek, the Ridges, and Gardner Marsh were all identified as habitat for the Hine’s emerald dragonfly, an insect on the federal and Wisconsin...
endangered species lists. Cobb and Bradbury (2008) determined groundwater-contributing areas for these five wetlands. Groundwater flows and geology at the Mink River Estuary were studied by Bradbury and others (2012) and by Heimstead and Muldoon (2012). Evenson (2004) and Sager and others (2007) studied the surface and groundwater at the Ridges. Evenson (2004) found high chloride levels in some of the samples and considered whether the source was road salt or septic systems. Dunes Lake, the most degraded of all the wetlands was the subject of a comprehensive study by Johnson and others (2013) including groundwater contributing zone analysis and nutrient loading.

We designed this study to assist land managers of the six wetlands by (1) documenting the current state of water quality and quantity discharging to the wetlands and (2) linking land use to the contaminants found in the wetlands. For the first goal, we tested the wetlands for the presence of major ions (sodium, potassium, calcium, magnesium, chloride, sulfate, and bicarbonate), nitrate, phosphorus, metals, caffeine, artificial sweeteners, enterococci bacteria, and pesticides (including neonicotinoids). We also measured surface water flows into and out of the wetlands. These data provide a snapshot of water quality and flows that was not available for most of these wetlands before this study. The second goal was to link land use in areas contributing groundwater to the wetlands with the contaminants observed in the water discharging to the wetlands. Some contaminants, such as caffeine and artificial sweeteners, indicate a human source, most likely a septic system (Nitka and others, 2019). Other contaminants, such as ESA metolachlor, a metabolite of a common herbicide, indicate an agricultural source (Cook and others, 2017).

To link land use to potential nutrients and contaminants, we identified the zone of contribution (ZOC), or the land area that contributes water, for each of the sampled wetland springs. Within each ZOC we then used locations of housing/septic systems to determine residential densities and agricultural crop data to determine percent of cropland and within the cropland areas, the percent of corn in the ZOCs. The percent cropland and percent corn in a ZOC was averaged over 2015, 2016, and 2017 to account for variation in crops due to crop rotation schedules. We limited the average time to the three years before sampling due to the fast transport times expected in the dolomite. The correlations between water quality, human and agriculturally sourced contaminants, residential density, percent cropland, and percent corn were calculated.

All data and sampling locations, as well as this report have been submitted to the Wisconsin Department of Natural Resources Surface Water Integrated Monitoring System (SWIMS) database.

The Ridges | Distributed seeps near sample point
Table 5. Water-quality indicators in sampled wetland springs, surface waters, and groundwater.

<table>
<thead>
<tr>
<th>Wetland sample name</th>
<th>Sample date</th>
<th>Chloride mg/L</th>
<th>Enterococci MPN/100 mL</th>
<th>NO₃+NO₂–N mg/L</th>
<th>Total phosphorus mg/L</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Limit of detection</strong></td>
<td></td>
<td>0.5</td>
<td>1.0</td>
<td>0.1</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Mink River Estuary (fig. 2a)</strong></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Mink River Big Spring</td>
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<td>12.6</td>
<td>19.9</td>
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<td>Mink River Big Spring</td>
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<td>1.0</td>
<td>—</td>
<td>0.018</td>
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<tr>
<td>Mink River Big Spring</td>
<td>June 12, 2018</td>
<td>9.6</td>
<td>—</td>
<td>0.7</td>
<td>0.032</td>
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<td>MR3 Deep Well</td>
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<tr>
<td>MR3 Deep Well</td>
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<td>MR3 Shallow Well</td>
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<tr>
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<tr>
<td>MR3 Shallow Well</td>
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<td>0.008</td>
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<td>MR4 Deep Well</td>
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<td>Davis Spring</td>
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<td><strong>Three Springs Wetland (fig. 2b)</strong></td>
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<td>Three Springs Main Pool Spring</td>
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<td><strong>Piel Creek Wetland (fig. 2c)</strong></td>
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<tr>
<td>Piel Creek at culvert</td>
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<td>Dunes Lake NE Spring</td>
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**Abbreviations:** mg/L = milligrams/liter; MPN/100 mL = most probable number/100 milliliters; — = less than limit of detection
Table 5. (continued)

<table>
<thead>
<tr>
<th>Wetland sample name</th>
<th>Sample date</th>
<th>Chloride mg/L</th>
<th>Enterococci MPN/100 mL</th>
<th>NO$_3$+NO$_2$–N mg/L</th>
<th>Total phosphorus mg/L</th>
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<td>Gardner Marsh (fig. 2f)</td>
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<td>Gardner Spring</td>
<td>Apr. 12, 2018</td>
<td>14.3</td>
<td>—</td>
<td>0.4</td>
<td>—</td>
</tr>
<tr>
<td>Gardner Spring South</td>
<td>June 14, 2018</td>
<td>8.5</td>
<td>—</td>
<td>0.7</td>
<td>0.011</td>
</tr>
<tr>
<td>Gardner Spring South</td>
<td>June 14, 2018</td>
<td>15.7</td>
<td>—</td>
<td>4.8</td>
<td>0.014</td>
</tr>
</tbody>
</table>

Abbreviations: mg/L = milligrams/liter; MPN/100 mL = most probable number/100 milliliters; — = less than limit of detection
Conclusions and recommendations

We sampled spring discharge to wetlands in the early fall, midwinter, spring snowmelt, and early summer between September 2017 and June 2018. The samples were analyzed for major ions, nutrients such as nitrate and phosphorus, PPCPs such as artificial sweeteners, and pesticides. Both PPCPs and pesticides were detected in some spring discharge samples. Neonicotinoids, a group of insecticides of particular concern for wetland ecology, were detected in only one sample and at a low concentration.

We found correlations between both agricultural and residential land use in the zones of contribution to springs in the wetlands we studied and contaminants in spring discharge. Most significantly, we found that:

- Agricultural land use (averaged over three years) in a zone of contribution is correlated to higher nitrate concentrations and a higher probability of pesticide detects in spring discharge.
- Housing density is correlated to a greater number of detects of PPCPs and higher phosphorus concentrations in spring discharge.
- Increased housing density is not correlated to nitrate concentration in spring discharge.
- Agricultural land use is not correlated to phosphorus concentration in spring discharge. However, phosphorus carried in surface-water runoff was not considered in this groundwater study.

Correlations between local land use and the water quality of spring discharges in groundwater-fed wetlands indicate a need for careful land-use planning to avoid negative impacts to the coastal wetlands of Door County. Results of this study could be used as a benchmark for future groundwater conditions. Any changes in land use should be coupled with water-quality sampling to continue to monitor and avoid groundwater quality impacts.

Local watershed and wetland managers can use these findings to guide the determination of nutrient, pesticide, and PPCP concentrations that will limit or reduce impacts to wetlands and other groundwater resources. These findings can also be used as a tool to inform land-use management and to better protect groundwater quality for humans and the natural environment.

Acknowledgments

We wish to thank the Department of Agriculture, Trade, and Consumer Protection for their advice on sampling pesticides and analysis of the samples. A special thank you goes to Pete Chase of the WGNHS for his assistance collecting the water samples in all weather conditions and to Greg Guenther for his GIS expertise. This project was greatly aided by input from our partners—Door County Land Trust, the Ridges Sanctuary, Door County Soil and Water Conservation Department, Door County Planning and Zoning Department, Door County Sanitarian Department, and University of Wisconsin–Oshkosh. We also wish to thank Kevin Masarik, Michael Parsen, and an anonymous reviewer, whose thoughtful comments greatly improved the report. And finally, this work was made possible by funding from Wisconsin Coastal Management Program and the National Oceanic and Atmospheric Administration, Office for Coastal Management under the Coastal Zone Management Act, Grant #NA17NOS4190035.
Water Quality Sampling for Dunes Lake West Spring
January 28, 2021

Dear Erin Hanson – Door County Conservationist

We propose collection of quarterly samples from two springs in Door County including Dunes Lake West Spring. A second spring, potentially at the Ridges, Three Springs, or another spring at Dunes Lake, will be chosen to provide additional water quality data. The additional spring will either provide additional coverage of the water quality discharging into Dunes Lake or a continuation of previous water quality measurements in Door County springs. The springs will be sampled using the same methods as a previous study (Hart and others, 2020). The field parameters will include temperature, fluid conductivity, pH, and dissolved oxygen. The water samples will be submitted to Stevens Point Water and Environmental Analysis Laboratory and tested for the following analytes: Total Coliform Bacteria, Nitrate, pH, Alkalinity, Total Hardness, Chloride, Conductivity, Corrositivity, and Total Phosphorus. The samples will be collected in mid-Winter, early Spring, Summer, and Fall. A short report summarizing the results will be submitted to Door County’s Soil and Water Conservation department. The cost of this effort is $4857.

David Hart
Wisconsin Geological and Natural History Survey
3817 Mineral Point Road
Madison, WI 53705
Phone: 608 772-6997
Email: djhart@wisc.edu
Template for Clean Water Now Referendum Resolution

RESOLUTION NO. [resolution #] RE: TO CONDUCT COUNTYWIDE ADVISORY REFERENDUM ON CLEAN WATER NOW FOR WISCONSIN

WHEREAS, the [if applicable Name of County] County Board of Supervisors on [DATE] passed a resolution calling for the right to clean water; and

WHEREAS, there are numerous indicators that the citizens of [Name of County] are concerned about..... (Custom for each county. List the water issues that are most prevalent in your county and the health and economic impacts).

NOW, THEREFORE, BE IT RESOLVED, that the [Name of County] County Board of Supervisors, in legal session assembled, does hereby approve that the following question be placed on the [Date of Election] ballot as an advisory referendum question: Question: Should the State of Wisconsin establish a right to clean water to protect human health, the environment, and the diverse cultural and natural heritage of Wisconsin? YES _____ NO _____

AND BE IT FURTHER RESOLVED, that the Corporation Counsel prepare a Notice of Referendum to be published by the [Name of County] County Clerk in accordance with statutory requirements;

AND BE IT FURTHER RESOLVED, that this resolution and the referendum shall be filed with the [Name of County] County Clerk no later than 70 days prior to the April 6, 2021 election at which the question will appear on the ballot.

AND BE IT FURTHER RESOLVED, that the County Clerk is directed to send results of the referendum to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, all members of the State Legislature, and to each Wisconsin County Board.

FISCAL NOTE: There will be minimal cost to the County depending on the size of the ballot. Submitted by: [name of committee/supervisors] Resolution approved on this [date] on a vote of [vote count] with [number] ayes, [number] nays, [number] abstentions, and [number] excused.*

* The vote of the Board shall be by roll call with the results of such vote being recorded in the minutes of the meeting during which the vote was taken.
Coal-Tar-Based Pavement Sealcoat—Potential Concerns for Human Health and Aquatic Life

Sealcoat is the black, viscous liquid sprayed or painted on many asphalt parking lots, driveways, and playgrounds to protect and enhance the appearance of the underlying asphalt. Studies by the U.S. Geological Survey (USGS), academic institutions, and State and local agencies have identified coal-tar-based pavement sealcoat as a major source of polycyclic aromatic hydrocarbon (PAH) contamination in urban and suburban areas and a potential concern for human health and aquatic life.¹

Key Findings:

Human Health Concerns—As coal-tar-based sealcoat ages, it wears into small particles with high levels of PAHs that can be tracked into homes and incorporated into house dust. For people who live adjacent to coal-tar-sealcoated pavement, ingestion of PAH-contaminated house dust and soil results in an elevated potential cancer risk, particularly for young children. Exposure to PAHs, especially early in childhood, has been linked by health professionals to an increased risk of lung, skin, bladder, and respiratory cancers.²

Aquatic Life Concerns—Runoff from coal-tar-sealcoated pavement, even runoff collected more than 3 months after sealcoat application, is acutely toxic to fathead minnows and water fleas, two species commonly used to assess toxicity to aquatic life. Exposure to even highly diluted runoff from coal-tar-sealcoated pavement can cause DNA damage and impair DNA repair. These findings demonstrate that coal-tar-sealcoat runoff can remain a risk to aquatic life for months after application.

Coal-tar-sealcoat, which contains elevated levels of PAHs, is commonly applied to parking lots, driveways, and some recreational areas across the central and eastern parts of the United States. Friction from vehicle tires abrades sealcoat into small particles that can be tracked indoors or washed down storm drains and into streams, potentially harming human and aquatic life.
As Sealcoat Wears Off, Where Does It Go?

Light gray patches of asphalt show where sealcoat has been worn from the pavement. Applicators recommend reapplication of sealcoat from every 1 to 5 years.\(^1\)

Worn particles of coal-tar-based sealcoat containing high concentrations of PAHs and related chemicals are transported by rain, wind, tires, and even our feet from pavement to other environmental settings. Sealcoat product (A), after it dries, gradually abrades to a powder and becomes part of the dust on the pavement (B). Pavement dust is transported by rainfall runoff (C) to stormwater-management devices (D) or to receiving streams and lakes (E). Pavement dust also adheres to tires (F) that track it onto unsealed pavement, and wind and runoff transport the dust to nearby soils (G). Sealcoat particles tracked into residences can become incorporated into the house dust (H).

Associated PAH concentrations for these settings, from studies by the USGS, other government agencies, and academic institutions, are given below.

<table>
<thead>
<tr>
<th>Setting</th>
<th>PAH concentration* (milligrams per kilogram)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coal-tar-sealcoat settings</td>
</tr>
<tr>
<td>(A) Sealcoat products</td>
<td>66,000</td>
</tr>
<tr>
<td>(B) Pavement dust</td>
<td>2,200</td>
</tr>
<tr>
<td>(C) Runoff, particles</td>
<td>3,500</td>
</tr>
<tr>
<td>Runoff, unfiltered water</td>
<td>62</td>
</tr>
<tr>
<td>(D) Stormwater-management-device sediment</td>
<td>646</td>
</tr>
<tr>
<td>(E) Lake sediment</td>
<td>33</td>
</tr>
<tr>
<td>(F) Particles adhered to tires</td>
<td>1,380</td>
</tr>
<tr>
<td>(G) Soil</td>
<td>105</td>
</tr>
<tr>
<td>(H) House dust</td>
<td>129</td>
</tr>
</tbody>
</table>

*Concentrations are means or medians. References and additional information are provided in Mahler and others (2012).\(^1\)
PAH Levels in Asphalt-Based and Coal-Tar-Based Sealcoat

Pavement sealcoat is a commercial product that is applied to many asphalt parking lots, driveways, and playgrounds in North America in an effort to protect and beautify the underlying asphalt. It rarely is used on public roads. Most sealcoat products are either coal-tar or asphalt emulsion, although some alternative products now are available. Cancer tar and coal-tar pitch have extremely high concentrations of PAHs as do coal-tar-based sealcoat products, which typically are 20–35 percent coal tar or coal-tar pitch. Asphalt and asphalt-based sealcoat products have much lower concentrations of PAHs.

For historical and economic reasons, use of asphalt-based sealcoat in the United States is more common west of the Continental Divide and use of coal-tar-based sealcoat is more common east of the Continental Divide, except in States, counties, and municipalities where use of coal-tar-based sealcoat is prohibited.

PAH levels in dust swept from sealed parking lots reflect the type of pavement sealcoat commonly used west and east of the Continental Divide. Concentrations, in units of milligrams per kilogram (mg/kg), also referred to as “parts per million” (ppm), shown here are for the sum of the 16 PAHs listed by the U.S. Environmental Protection Agency as Priority Pollutants. Concentrations are for composite samples from multiple parking lots or a median of several individual samples.

Asphalt-based sealcoat, primarily used west of the Continental Divide, typically contains about 50 mg/kg PAHs. Coal-tar-based sealcoat, primarily used east of the Continental Divide, typically contains 50,000 to 100,000 mg/kg PAHs.

Polycyclic aromatic hydrocarbons (PAHs) are a group of chemicals created by heating or burning material that contains carbon. The many sources of PAHs to the urban environment span a wide range of PAH concentrations and include asphalt (2–9 mg/kg), tire particles (84 mg/kg), used motor oil (730 mg/kg), and coal-tar-based sealcoat (34,000–202,000 mg/kg). PAHs are an environmental concern because many cause cancer, mutations, birth defects, or death in fish, wildlife, and invertebrates. Exposure to sunlight greatly intensifies the adverse effects of several PAHs. The U.S. Environmental Protection Agency (EPA) has classified seven PAHs as probable human carcinogens (Class B2) and 16 PAHs as Priority Pollutants. Environmental and health effects depend on which PAHs are present and their concentrations.

Coal tar is a byproduct of the coking, liquefaction, or gasification of coal and is a complex mixture composed primarily of aromatic hydrocarbons. Coal-tar pitch is the residue that remains after the distillation of coal tar; it is a complex mixture of high molecular weight aromatic hydrocarbons and black carbon solids. The primary use of coal-tar pitch is in electrode manufacturing for the aluminum industry. Coal-tar emulsion pavement sealants contain either crude coal tar (Chemical Abstracts Service [CAS] Registry Number 8007–45–2) or coal-tar pitch (CAS Registry Number 65996–93–2). Coal tar and coal-tar pitch are known human carcinogens.

PAHs are made up of various arrangements of benzene rings. PAHs commonly occur in the environment as mixtures, which typically include at least some of the PAHs that are classified as probable human carcinogens.
Potential Risks to Human Health

PAHs from coal-tar-based sealcoat contaminate house dust

In a study of 23 ground-floor apartments in Austin, Texas, PAH levels in house dust in apartments with parking lots sealed with a coal-tar-based product were 25 times higher than in house dust in apartments with parking lots with other surface types (concrete, unsealed asphalt, and asphalt-based sealcoat). No relation was found between PAHs in house dust and other possible indoor PAH sources such as tobacco smoking and fireplace use.

House dust is an important pathway for human exposure to many contaminants, including PAHs. This is particularly true for small children, who spend time on the floor and put their hands and objects into their mouths.

The USGS partnered with a human-health-risk analyst to estimate the excess lifetime cancer risk associated with the ingestion of house dust and soil for people living adjacent to parking lots with and without coal-tar-based sealcoat. Excess cancer risk is the extra risk of developing cancer caused by exposure to a toxic substance. The excess cancer risk for people living adjacent to coal-tar-sealcoated pavement (1.1 cancer incidences for every 10,000 individuals exposed) was 38 times higher, on average (central tendency), than for people living adjacent to unsealed pavement. The central tendency excess cancer risk estimated for people living adjacent to coal-tar-sealcoated pavement exceeds the threshold generally considered by the EPA as making remediation advisable.

The assessment used measured concentrations of the B2 PAHs in house dust and soils adjacent to coal-tar-sealcoated pavement (adjusted for relative potency to the PAH benzo[a]pyrene), established house dust and soil ingestion rates, and the EPA-established slope factor to estimate the excess cancer risk. Much of the estimated excess risk comes from exposures to PAHs in early childhood (that is, 0–6 years of age). The study did not consider the excess cancer risk associated with exposure to the sealcoated pavement itself, which has PAH concentrations 10 or more times greater than in adjacent residence house dust or soils.

View the publication:
http://pubs.acs.org/doi/pdf/10.1021/es303371t

Living adjacent to coal-tar-sealed pavement increases cancer risk

The preschooler living in a residence adjacent to coal-tar-sealed pavement who has relatively low hand-to-mouth activity consumes about 2.5 times more PAHs from house dust than from their diet. For the more active preschooler, whose hand-to-mouth activity is higher, the PAH intake from house dust is nearly 10 times more than the PAH intake from their diet.

View the publication:
http://pubs.acs.org/doi/pdf/10.1021/es902533r

Children ingest house dust and soil when they put their hands or objects into their mouth. Much of the estimated excess cancer risk associated with the ingestion of PAH-contaminated soil and house dust is incurred during early childhood.
Potential Risks to Aquatic Life

Runoff from coal-tar-sealcoated pavement is acutely toxic to aquatic biota

Exposure to runoff from coal-tar-sealed pavement collected as much as 42 days after sealcoat application resulted in 100 percent mortality to two commonly tested laboratory organisms: day-old fathead minnows (*Pimephales promelas*) and water fleas (*Ceriodaphnia dubia*). In contrast, minnows and water fleas exposed to runoff from unsealed pavement experienced no more than 10 percent mortality. When the minnows and water fleas were also exposed to simulated sunlight, which intensifies the toxicity of some PAHs, runoff collected 111 days (more than 3 months) after sealcoat application caused 100 percent mortality to both species, and caused 100 percent mortality to water fleas even when diluted to 10 percent of its original strength.

The USGS collected samples of runoff from 5 hours to 111 days following sealcoat application to pavement by a professional applicator. Total PAH concentrations varied relatively little, as rapid decreases in concentrations of low molecular weight and nitrogen-substituted PAHs were offset by increases in high molecular weight PAHs. These results demonstrate that runoff from coal-tar-sealcoated pavement continues to contain elevated concentrations of PAHs and related compounds long after a 24-hour curing time.

A subsequent study by researchers at the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service found that coal-tar-sealcoat runoff is acutely lethal to juvenile coho salmon (*Oncorhynchus kisutch*) and causes a wide spectrum of abnormalities to zebrafish (*Danio rerio*) embryos. They also reported that filtration of the runoff through a biorention system substantially reduced toxicity.

Runoff from coal-tar-sealcoated pavement is acutely toxic to fathead minnows (*Pimephales promelas*; left) and water fleas (*Ceriodaphnia dubia*; right).

View the publication:
http://pubs.acs.org/doi/abs/10.1021/acs.est.5b00933

Runoff from coal-tar-sealcoated pavement goes down storm drains to receiving water bodies. The runoff contains high concentrations of PAHs and related chemicals that can harm aquatic life.

Runoff from coal-tar-sealcoated pavement damages DNA and impairs DNA repair

Simultaneous exposure to runoff from coal-tar-sealed pavement and simulated sunlight damaged DNA in rainbow trout liver cells, even when the runoff was diluted to 1 percent of its initial concentration. The cells were from a cell line developed to assess the effects of PAHs on DNA. The test assessed two types of DNA damage: strand breaks and alkylated bases.

Although cells can repair some DNA damage, a second experiment demonstrated that cells exposed to the coal-tar-sealcoat runoff had an impaired capacity to perform at least one type of DNA repair. The combination of DNA damage and impaired repair capacity intensifies the potential for long-term damage to cell health. DNA damage has many possible consequences, including aging, cell death, and mutations. Mutations can affect the function of genes and can potentially lead to cancer.
Air-Quality Concerns\textsuperscript{18,19}

Although unseen, releases of PAHs to the atmosphere (volatilization) from freshly coal-tar-sealed pavement are tens of thousands of times higher than from unsealed pavement. Volatilization is a potential human-health concern because inhalation is an important pathway for human exposure to PAHs. Although volatilization decreases rapidly over the weeks following application, it nonetheless continues long after application—PAH releases to the atmosphere from parking lots sealed from 3 to 8 years prior to sampling were on average 60 times higher than PAH releases from unsealed pavement.

Nationwide, the combined PAH releases each year from newly applied coal-tar-based sealcoat are estimated to exceed annual vehicle emissions of PAHs.\textsuperscript{19} PAH releases shown here are in units of micrograms per meter squared per hour (µg/m\textsuperscript{2}-h).

References Cited


By Barbara J. Mahler,* Michael D. Woodside, and Peter C. Van Metre

For more information


*bjmahler@usgs.gov

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http://dx.doi.org/10.3133/x20163017
PFAS (Perfluoroalkyl and polyfluoroalkyl substances)

The Image below is a screenshot of the Wisconsin Department of Natural Resources (WDNR) main PFAS webpage showing a portion of the available resources. To read more about each of the topics go to the WDNR page here: https://dnr.wisconsin.gov/topic/PFAS and click on the links of interest.

Wisconsin’s Green Fire also has a webpage with resources, including an issue report, available through links at this webpage: https://wigreenfire.org/pfas-forever-chemicals-in-wisconsin/
Resolution No. 2021 - __

SUPPORT FOR WATER QUALITY TASK FORCE RECOMMENDATIONS

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, A clean, plentiful supply of drinking water is necessary for the health and well-being of Wisconsinites and benefits not only the citizens of Wisconsin but also Wisconsin’s tourism industry and rural economic development; and

WHEREAS, Protection of the County’s 300 miles of shoreline, diverse natural resources and highly sensitive groundwater that provides drinking water for residents is a County priority; and

WHEREAS, The 2019 Wisconsin Speaker’s Task Force on Water Quality brought attention to the scope of water quality problems in Wisconsin, highlighted the theme that “water quality is crucially important to the health and vitality of our state’s people, industries, and natural resources", and recommended 13 new legislative proposals; and

WHEREAS, The Wisconsin Assembly took up the Task Force Recommendations and passed 13 “Water Bills” in 2020 (AB 789 through AB 801), but the State Senate never had the opportunity to consider those when its last scheduled session was postponed by the COVID-19 pandemic; and

WHEREAS, the challenges associated with water quality remain critical to address; and

WHEREAS, several Task Force Recommendations align with County priorities, in particular support for county conservation departments that are the necessary local delivery mechanism for a wide range of natural resource management programs focused on water quality.

NOW THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors does hereby urge the Governor of the State of Wisconsin and all elected representatives in the Wisconsin State Legislature to maintain focus on and address the Task Force Recommendations through the legislative process; and

BE IT FURTHER RESOLVED, That the Door County Board of Supervisors does hereby urge the Governor of the State of Wisconsin and all elected representatives in the Wisconsin State Legislature to provide $13.0 million annually in the 2021-23 state biennial budget for county conservation staffing and adequately fund the other Task Force Recommendations; and

BE IT FURTHER RESOLVED, That the County Clerk is hereby directed to transmit a copy of this Resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, Representative Joel Kitchens, and Senator Andre Jacque.

SUBMITTED BY:
LAND CONSERVATION COMMITTEE

Ken Fisher, Chair                         Todd Thayse
Bob Bultmann                             Mike Vandenhouten
Vinni Chomeau                            Richard Virlee
Roy Englebert

Certification:
I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 23rd, day of March, 2021 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County
Throughout the spring and summer, the Speaker’s Task Force on Water Quality listened to Wisconsin citizens and stakeholders in every region in the state. Although perspectives vary regarding funding priorities and solutions, the task force heard a resounding theme: water quality is crucially important to the health and vitality of our state’s people, industries, and natural resources. Under the leadership of Representative Todd Novak, chair, and Representative Katrina Shankland, vice-chair, the task force is pleased to submit a bipartisan slate of recommendations to improve water quality in Wisconsin.

CREATION AND CHARGE

The creation and membership\(^1\) of the task force were announced on February 11, 2019. The task force was directed to: (1) identify best practices for testing and data collection, measuring water quality in different parts of the state, and types of soil; (2) determine the sources and causes of contaminants impacting water quality; (3) consult with stakeholders to assess current practices to manage runoff as well as suggestions to improve these efforts; (4) investigate remedies that will protect a healthy and stable supply of water for residents and industry; and (5) study best practices for designing and constructing wells and septic systems to safeguard a healthy water supply.

HEARINGS THROUGHOUT THE STATE

The task force held 14 hearings throughout the state. The hearings were held on the following dates and in the following locations:

- **March 20, 2019 - Madison.** The task force held an informational hearing at the State Capitol to hear invited testimony from key state agencies and experts, including representatives of the Department of Natural Resources (DNR); the Department of

\(^1\) See Appendix 1 for a list of task force members.
Agriculture, Trade and Consumer Protection (DATCP); the Department of Health Services (DHS); and the Wisconsin Geological and Natural History Survey.

- **April 3, 2019 - Madison.** The task force held an informational hearing to hear from invited stakeholders, including the Wisconsin Farm Bureau; the Wisconsin Farmers Union; Wisconsin Land and Water; Wisconsin Conservation Voters; Clean Wisconsin; the Wisconsin Corn Growers Association; and the Wisconsin Water Quality Association.

- **May 8, 2019 - Lancaster.** The task force held a public hearing and received testimony from the Southwest Wisconsin Groundwater and Geology Study (SWIGG); the Lafayette Ag Stewardship Alliance; Wisconsin Pork Producers Association; University of Wisconsin (UW)-Platteville Pioneer Farms; Discovery Farms; and members of the public.

- **May 29, 2019 - Janesville.** The task force held a public hearing and received testimony from Rock County; the Wisconsin Soybean Association; Wisconsin Septic Trades; Wisconsin Biomass Energy Coalition; and members of the public.

- **June 12, 2019 - Mauston.** The task force held a public hearing and received testimony from Trout Unlimited; Wisconsin Association of Professional Agricultural Consultants; Juneau, Sauk, and Wood Counties; Wisconsin Cheese Makers Association; and members of the public.

- **June 13, 2019 - La Crosse.** The task force took a tour led by the Wisconsin Wetlands Association. Following the tour, the task force held a public hearing and received testimony from the Wisconsin Rural Water Association; the State of Minnesota; Midwest Environmental Advocates; La Crosse County; Carbon Cycle Consulting LLC; and members of the public.

- **July 11, 2019 - Burlington and Sturtevant.** The task force toured the Burlington Wastewater Treatment Facility. Following the tour, the task force held a public hearing and received testimony from UW-Milwaukee School of Freshwater Sciences; DATCP Agricultural Chemical Cleanup Program; Municipal Environmental Group and Milwaukee Metropolitan Sewerage District; the Water Council and Alliance for Water Stewardship; Racine County Initiatives; and members of the public.

- **July 23, 2019 - Tomahawk.** The task force received a virtual tour of the Packaging Corporation of America, Tomahawk water treatment system. The task force then received testimony from Wisconsin Potato and Vegetable Growers Association; National Council for Air and Stream Improvement; Wisconsin Paper Council; Lincoln County; Short Lane Ag Supply; and members of the public.

- **July 24, 2019 - Stevens Point.** The task force toured the UW-Stevens Point Water and Environmental Analysis Laboratory. Following the tour, the task force held a public hearing and received testimony from Portage County; the U.S. Department of
Agriculture (USDA); Wisconsin Water Well Association; Central Sands Water Action Coalition; Farmers of Mill Creek ProducerLed Group and Wood County Land Conservation; and members of the public.

- **August 13, 2019 - Milwaukee.** The task force toured the UW-Milwaukee School of Freshwater Science. Following the tour, the task force held a public hearing and received testimony from representatives of DHS and DNR; the American Council of Engineers; Milwaukee City Health Department and Milwaukee Water Works; MillerCoors; Milwaukee River Keepers and Milwaukee Water Commons; and members of the public.

- **August 28, 2019 - Green Bay.** The task force held a public hearing and received testimony from the Wisconsin Wetlands Association; Brown and Kewaunee Counties; Fox Wolf Watershed Alliance; Alliance for the Great Lakes; Wisconsin Realtors Association; and members of the public.

- **August 29, 2019 - Marinette.** The task force held a public hearing and received testimony from the American Chemistry Council; representatives of DNR and DHS; River Alliance of Wisconsin; Marinette and Oconto Counties; Johnson Controls; S.O. H2O; and members of the public.

- **September 4, 2019 - Menomonie.** The task force toured Alfalawn Farm. Following the tour, the task force held a public hearing and received testimony from the Wisconsin Dairy Alliance; the Dairy Business Association; Dunn County; Wisconsin Lakes Partnership; Wisconsin Wildlife Federation; Scott P. McGovern; and members of the public.

- **September 5, 2019 - Superior.** The task force held a public hearing and received testimony from DNR and DHS; Wisconsin’s Green Fire; Douglas and Ashland Counties; Sustain Rural Wisconsin Network; the Water Quality Coalition; and members of the public.

**RECOMMENDATIONS FOR NEW LEGISLATION IN THE CURRENT BIENNium**

Representative Novak, chair, and Representative Shankland, vice-chair, and various members of the task force, recommend the introduction of 13 new legislative proposals to address the topics within the task force’s charge.

**LRB-4931/1: New Office of Water Policy**

**Background**

Under current law, several state agencies have responsibilities relating to water quality. DNR has “general supervision and control over the waters of the state” and implements numerous state and federal programs and regulations. DHS and DATCP also have key regulatory roles relating to water quality. The Wisconsin Geological and Natural History
Survey, which is part of the UW-Extension, provides scientific information regarding Wisconsin’s geology and water resources.

Recommendation

The task force recommends LRB-4931/1, which creates the Office of Water Policy within the Wisconsin Geological and Natural History Survey. The bill draft appropriates $150,000 and provides one full-time equivalent staff position for the office in fiscal year 2020-21. The bill draft sets forth the office’s purpose as follows: “to coordinate efforts to manage, conserve, protect, and enhance the productivity of the state’s water resources for domestic, municipal, commercial, agricultural, industrial, recreational, and other private and public uses.”

The bill draft requires the office to do all of the following:

- Evaluate statutory requirements, state agency rules, and legislative proposals related to state water policy and make recommendations for implementing or improving them to the Governor, Legislature, and state agencies.
- Act as a liaison to the Great Lakes Commission’s Blue Accounting initiative.
- Submit a report to the Legislature by January 15 of each odd-numbered year.

The bill draft authorizes the office to provide technical assistance to units of government other than the state to assist in planning and implementing water resource policies, and to charge for those services. The bill draft requires state agencies to cooperate with the office and assist the office with carrying out its duties and exercising its powers.

Under the bill draft, the office is led by a director, who is appointed by the Governor, subject to the concurrence of the Joint Committee on Legislative Organization, and serves at the Governor’s pleasure. The director must have experience in managing water resources for a wide range of uses, with priority given to experience with both agricultural and industrial uses. The director must do all of the following:

- Facilitate and make recommendations for sharing information between state agencies, UW System institutions, and other stakeholders.
- Create a user-friendly dashboard for public access to certain reports and data as soon as practicable (but no later than December 31, 2021).
- Work with the Department of Workforce Development to analyze demand for water-related public and private sector job opportunities.
- Submit a report, including an analysis of undergraduate and graduate water programs at colleges and universities around the nation, to the UW Board of Regents as soon as practicable (but no later than December 31, 2021).
- Divide the state into areas to better understand the diverse and localized water quality issues in each area.
• Prepare a report on the unique water quality challenges in each area, the severity of those challenges, the known level of specific contaminants in those areas, and the overall success of state and federal water quality programs in each area as soon as practicable (but no later than December 31, 2021).

• Work with DNR, DATCP, and the Department of Soil Science of the College of Agricultural and Life Sciences at UW-Madison to provide recommendations on how to improve or expand the soil nutrient application planner developed by UW-Madison to better address the unique water quality challenges identified in various areas of the state.

• Assess the feasibility of establishing statewide programs for promoting water efficiency and conservation and improving water quality that are similar to the Focus on Energy program, which is the state’s principal renewable energy public benefit fund.2

LRB-3915/1: Increased Funding for County Conservation Staff

Background

DATCP disburses state funds to county land conservation committees to support activities that prevent soil erosion and runoff of nutrients and pollutants into waters of the state. County conservation staff activities eligible for funding include: land and water resource management plan implementation; conservation practice engineering, design, and installation; cost-share grant administration; farmland preservation program administration; and manure storage ordinance implementation. In addition to these responsibilities, county conservation staff play a key role in implementing the Conservation Reserve Enhancement Program (CREP), a federal, state, local, and private partnership program under which landowners voluntarily remove environmentally sensitive lands from cropland or marginal pastureland and plant vegetation or restore wetlands.

Grants are awarded in a tiered process, providing each county a base allocation of $75,000. As available, remaining funding is allocated to provide for 100 percent funding of a county’s first staff position, 70 percent of a second position, and 50 percent for each thereafter, with counties providing the difference. [s. 92.14 (3) (a) and (5g), Stats.]

The 2019-21 Biennial Budget Act appropriated a total of $9,439,100 in each year in the 2019-21 biennium for the program [$3,027,200 general program revenue (GPR), and $6,411,900 of segregated funds, including $475,000 of one-time funding]. According to written testimony provided by DATCP at a task force hearing in Madison, the approximately $9 million per year allocation funds between one and two conservation staff people per county.

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2 A public benefit fund consists of revenues collected by public utilities from their customers and used by the government or a third party to conduct activities that benefit the public.
One of the most frequently heard suggestions made at task force hearings was to increase state funding for county land and water conservation staff. Some speakers specifically recommended that county conservation staff be funded at $12.4 million per year, to fully fund an average of three staff people per county.

**Recommendation**

The task force recommends LRB-3915/1, which increases state funding for county land and water conservation staff by $2,960,900 in fiscal year 2020-21. Enactment of the bill draft will result in a total of $12.4 million for county conservation staff in fiscal year 2020-21. The bill draft also specifies that, in addition to its other responsibilities, county conservation staff may promote and assist people with enrolling in CREP, described above.

**LRB-5062/1: Well Compensation Grant Program Revisions Addressing Nitrate Contamination**

**Background**

Under current law, DNR provides grants under the well compensation grant program to landowners or lessees for replacing, reconstructing, or treating contaminated wells that serve certain private residences or are used for watering livestock. Grants may also be used to pay the costs of filling and sealing a well or connecting to a public water supply. [s. 281.75 (4) and (7) (c), Stats.]

Under current law, a well is considered contaminated if it either: (1) produces water that exceeds either a national drinking water standard established by the U.S. Environmental Protection Agency (EPA) pursuant to the Safe Drinking Water Act or a groundwater protection standard established by DNR; or (2) is the subject of a written DNR human health advisory opinion. A well contaminated by livestock fecal bacteria may be eligible for a grant under certain circumstances. [s. 281.75 (1) (b) and (2) (e), Stats.]

Also under the program, a well that is contaminated only by nitrates is eligible for a grant only if the well is used as a source of drinking water for livestock or for both livestock and a residence, is used at least three months of each year and while in use provides an estimated average of more than 100 gallons per day for consumption by livestock, and contains nitrates exceeding 40 parts per million (ppm). [s. 281.75 (9), Stats.]

To be eligible for a grant, an applicant’s annual family income may not exceed $65,000. Up to $16,000 in eligible costs may be reimbursed through the program, but the program may not pay more than 75 percent of an applicant’s eligible costs, meaning that a grant may not exceed $12,000. If an applicant’s annual family income exceeds $45,000, the amount of a grant award is reduced by 30 percent of the amount by which the annual family income exceeds $45,000. [s. 281.75 (4m) (a) and (7) (b), Stats.]

When issuing awards under the program, current law requires DNR to prioritize well reconstruction or replacement or connection to another water supply. An award may be issued
for water treatment only if the contamination cannot be remedied by those methods. [s. 281.75 (11) (b) 2., Stats.]

Under the 2019-21 Biennial Budget Act, the well compensation grant program is funded by a $200,000 continuing appropriation in each year in the 2019-21 biennium.

**Recommendation**

Recognizing and partly mirroring legislative efforts made by Representative Shankland and others with respect to the well compensation grant program, the task force recommends LRB-5062/1. The bill draft makes the following changes to the well compensation grant program to address nitrate contamination in private wells throughout the state:

- Increases the appropriation to fund well compensation grants by $1 million in fiscal year 2020-21.
- Removes the restrictions regarding compensation of a well contaminated solely by nitrates.
- Requires DNR to prioritize grants for wells contaminated by nitrates in the following order: (1) in excess of 40 ppm; (2) in excess of 30 ppm; (3) in excess of 25 ppm; and (4) between 10 and 25 ppm. For grants awarded for contamination by nitrate levels between 10 and 25 ppm, the bill requires DNR to emphasize the use of reverse osmosis or similar methods prior to well remediation methods, if DNR determines those methods are the most effective option for the claimant’s health and welfare.
- Requires DNR to allocate $200,000 through the program to wells containing nitrates at 10 to 25 ppm, unless DNR determines there are insufficient claims at that level to do so.
- Generally retains current law regarding eligible costs and priorities for awards, but specifies that DNR only issue awards for eligible costs that DNR has determined constitute the most effective remediation method for a claimant’s health and welfare.
- Provides DNR with one new full-time equivalent position for the purpose of creating a well compensation grant program administrator position.

**LRB-4806/1: Public Comment Period for Establishing Groundwater Standards**

**Background**

Under Wisconsin’s groundwater protection law, the first step in establishing groundwater protection standards is identifying substances that may affect groundwater quality. Potential substances are submitted to the DNR by state regulatory agencies, and they may also be submitted by any other person. [s. 160.05 (1) and (2), Stats.]
DNR places each substance into one of three categories: Category 1 substances are those which have been detected in groundwater in concentrations in excess of a “federal number”\(^3\) for that substance; Category 2 substances are those which are of public health or welfare concern and have been detected in groundwater, but not in concentrations in excess of an existing federal number; and Category 3 substances are those which are of public health or welfare concern and have a reasonable probability of being detected in groundwater. Each substance is ranked within its category, with the highest rankings given to those substances which pose the greatest risk to human health or welfare, taking into consideration certain characteristics, including carcinogenicity, teratogenicity, and mutagenicity. DNR designates which of the substances in each category are of public health concern and which are of public welfare concern.\(^4\) [s. 160.05 (3), (4), and (6), Stats.]

DNR and DHS share responsibility for establishing standards for substances of public health concern. For those substances, DHS recommends a standard, and DNR then promulgates that recommended standard as a rule. The agencies are required to have a memorandum of understanding regarding the procedures and responsibilities of each agency in establishing enforcement standards, including the standard DNR uses to designate substances of public health concern. [s. 160.07 (1), Stats.]

Groundwater protection standards are established on a two-tiered basis—both an “enforcement standard” and a “preventive action limit” are determined for each substance, according to a procedure and methodological requirements specified by statute.\(^5\) [s. 160.07, Stats.] Within 10 days after categorizing substances, the DNR must submit the list of substances to DHS. DHS then must recommend an enforcement standard for each substance on the list. [s. 160.07 (2) and (3), Stats.] Within nine months of sending DHS the name of a substance identified and categorized as a public health concern, the DNR must propose rules establishing the DHS recommendations as the enforcement standard for that substance. [s. 160.07 (5), Stats.] However, there is no specified timeframe by which DHS must provide a requested public health standard to the DNR.

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\(^3\) For nonoceanic substances, “federal number” means a numerical expression of the concentration of a substance in water, established by the EPA as either of the following: (1) a drinking water standard or maximum contaminant level; or (2) a suggested no-adverse-response level. [s. 160.01 (3), Stats.] At the federal level, the “suggested no-adverse-response level” terminology has been replaced by “health advisories.” Like the older suggested no-adverse-response levels, health advisories provide nonregulatory, recommended contaminant limits before more formal standards are promulgated.

\(^4\) In determining whether a substance is a public health concern, the DNR must take into account the degree to which the substance may cause or contribute to short- or long-term adverse human health impacts. [s. 160.05 (6), Stats.]

\(^5\) An “enforcement standard” is a numerical expression of the concentration of the substance in groundwater. In general, attaining or exceeding an enforcement standard defines when a violation has occurred. A preventive action limit is a lesser concentration of the substance, as compared to the enforcement standard, and functions as a warning that a groundwater problem is occurring before an enforcement standard has been attained or exceeded (i.e., violated). [s. 160.01 (2) and (6), Stats.]
Rules promulgated to establish enforcement standards and preventive action limits under the groundwater protection law must follow the same procedural steps as other administrative rule promulgations, including the gubernatorial approval of a scope statement and legislative review. For substances of public health concern, DHS and the DNR must jointly prepare a document describing the information and methodology used and the conclusions reached in establishing a proposed enforcement standard. The DNR must make that document available when it publishes a notice of a public hearing prior to formally promulgating a rule. [s. 160.11, Stats.] Documents listing recommended category designations or enforcement standards may also in some cases be subject to procedural requirements governing guidance documents, including a 21-day public comment period. [s. 227.112, Stats.]

**Recommendation**

The task force recommends LRB-4806/1, which adds certain procedural steps to the process for establishing health-based groundwater standards. Specifically, the bill draft requires DNR to provide public notice (on its Internet site or elsewhere) before placing a substance into one of the three categories described above or changing the designated category for a given substance (for example, changing a contaminant from Category 1 to Category 2). The notice must include the current list of categories and substance rankings and the information and reasoning DNR used in determining each substance’s category and ranking.

Following the public notice, the bill draft requires DNR to provide a public comment period of at least 21 days. The bill draft requires DNR to retain all written comments submitted during the public comment period and to consider the comments in determining whether to submit the list to DHS for recommendation of health-based standards.

The bill draft also modifies the timeline for submitting the list and rankings to DHS, from 10 days after placing a new substance within a category or changing the category for a substance under current law to 10 days after the end of the comment period under the bill draft.

After DHS develops a recommendation for a health-based enforcement standard but before submitting its recommendation to DNR, the bill draft requires DHS to similarly provide a public notice and hold a public comment period of at least 21 days. The bill draft requires DHS to retain all written comments submitted during that public comment period and to consider the comments in determining whether to modify its recommendation before submitting it.

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7 However, the general 21-day public comment period for guidance documents may be shortened with the Governor's approval. [s. 227.112 (1) (c), Stats.]
**LRB-4751/1: Pilot Program to Address Nitrate Contamination**

**Background**

Concerns regarding nitrate contamination, particularly in private wells, were a recurring theme during task force hearings in various parts of the state. Although nitrate is a naturally occurring compound, studies have linked exposure to high levels of nitrate in drinking water to negative health effects, especially in infants. Nitrate contamination can originate from various sources, including manure, failing septic systems, and runoff from agricultural land treated with nitrogen fertilizers.

**Recommendation**

In addition to the bill draft, discussed above, that modifies the well compensation grant program to better address nitrate contamination, the task force recommends LRB-4751/1, which appropriates $1 million in fiscal year 2020-21 for a nitrogen optimization pilot program. The bill draft requires DATCP to award grants of up to $50,000 to agricultural producers through the program. In conjunction with a grant to an agricultural producer, the bill authorizes DATCP to award up to 20 percent of the amount of the grant awarded to an agricultural producer to “eligible university entities” – namely the College of Agricultural and Life Sciences at UW-Madison, the Center for Watershed Science and Education at UW-Stevens Point, and the UW-Extension.

Grants awarded to agricultural producers must be used to implement a project, for at least two growing seasons, that reduces nitrogen loading or uses nitrogen at an optimal rate while protecting water quality, including by reducing nitrogen application despite a decrease in crop yield, by growing a crop that requires less nitrogen or that is nitrogen fixing, or by expanding or conserving wetlands. An agricultural producer receiving a grant under the program must collaborate with the university entities mentioned below to fit the needs of the academic research conducted by those entities.

In making a grant under the program, DATCP must do all of the following:

- Collaborate with the eligible university entities mentioned above. Seek to provide grants to agricultural producers in different parts of the state and in areas with different soil types or geologic characteristics.
- Prioritize projects that are innovative and not currently funded through existing state or federal programs.
- Prioritize agricultural producers who plan to implement projects for longer periods of time.

The bill draft requires DATCP to promulgate emergency rules to implement the program within 90 days after the bill draft takes effect.
The bill draft also requires the eligible university entities mentioned above to do all of the following:

- Collaborate to conduct on-site monitoring of projects funded through the pilot program.
- Use information gathered from the projects to research nitrate loading reduction methods, with a goal toward making recommendations to agricultural producers to optimize nitrogen usage while improving water quality in the state.
- Prepare a report, based on the above research and submitted to the Legislature, that includes information and recommendations on improving nutrient management software programs used in Wisconsin, improving nutrient management plan adoption and implementation rates, and improving or altering the state cost-share system. The report must also include an assessment of the cost effectiveness of different nitrogen reduction methods and an estimate of the demand for a permanent program that is similar to the pilot program.

**LRB-4717/1: Assistance to Farmers for Conservation**

Throughout its hearings, the task force heard from farmers and other stakeholders about successes and challenges in implementing conservation practices at the local level. This section provides background and recommendations regarding one bill draft, LRB-4717/1, which includes provisions regarding managed grazing, Alliance for Water Stewardship program certification, cover crop insurance rebates, the producer-led watershed grant program, and the soil and water resource conservation grant allocation.

**Managed Grazing**

**Background.** Managed, or rotational, grazing involves planting forage and using grazing rotations among different fields to maximize production and reduce sediment and nutrient runoff. In a managed grazing system, livestock are moved frequently among pasture divisions or paddocks based on forage quality and livestock nutrition needs. In order to implement such a system, a landowner generally develops a management plan for grazed land.

The Grazing Lands Conservation Initiative (GLCI) is a national effort intended to increase the use of managed grazing in livestock production. Under the initiative, the Natural Resources Conservation Service (NRCS), within the USDA, provides grants to groups and agencies that provide education, research, and technical assistance on grazing. Prior to 2013, DATCP provided state-funded grants to support the GLCI.

NRCS also administers the Environmental Quality Incentives Program (EQIP), which provides financial and technical assistance to agricultural producers to implement a number of different conservation practices, including managed grazing. [7 U.S.C. s. 3839aa-1 (2) (B).] The number of NRCS staff in Wisconsin has reduced from 215 staff in 2015 to 199 staff in 2019. At
the state level, grazing education and technical assistance is provided by entities including DATCP, UW-Extension, and county land and water conservation departments.

**Recommendation.** The task force recommends LRB-4717/1, which adds one full-time equivalent position at DATCP to serve as coordinator for managed grazing initiatives in the state. The bill draft appropriates $64,800 GPR in fiscal year 2019-20 and $86,400 GPR in fiscal year 2020-21 to fund this position. The person in this new position is required to convene a multi-stakeholder working group to expand and enhance grazing activities in this state and to develop a state grazing plan. The managed grazing coordinator’s additional duties are the following:

- Serve as the primary point of contact for government agencies and producers needing technical assistance on effective grazing strategies and methods;
- Identify new technologies and best practices in grazing that are best suited and most applicable for the state’s landscape and producers; and
- Leverage federal funding to promote effective, economic grazing practices and assist producers in implementing these practices.

**Grants for Alliance for Water Stewardship Program Certification**

**Background.** At its hearings in Milwaukee and Marinette, the task force heard from invited speakers regarding the benefits of, and challenges in achieving, certification from the Alliance for Water Stewardship (AWS) program.

Under the AWS program, businesses and farms voluntarily undertake a series of steps in order to receive certification that the site meets the water stewardship practices in the AWS Standard. According to the AWS, the steps participants must complete in order to meet this standard include gathering water-related data; committing to water stewardship and creating a water stewardship plan; implementing their plan; evaluating their performance; and communicating and disclosing their progress with stakeholders. Each of these steps has a series of criteria and indicators that must be met, and are designed to lead to improved water governance, sustainable water balance, good water quality, healthy status of important water-related areas, and access to water. Sites are audited and certified as meeting the standard by third-party assessors independent of AWS or the site owners. The benefits of engaging in this process and achieving certification include receiving clear guidance on meeting or exceeding regulatory standards, having a credential to use in marketing and communications, and having positive environmental consequences.

Miltrim Farms, Inc., in Marathon County, Wisconsin, recently became the first farm in the United States to achieve water stewardship certification from AWS after completing an almost two year process.
**Recommendation.** The task force recommends LRB-4717/1, which creates a new program administered by DATCP, to provide grants to reimburse the costs for an agricultural producer to apply for a certification of water stewardship from the AWS. The bill draft creates a $250,000 GPR continuing appropriation beginning in fiscal year 2020-21 to fund the program.

Under the bill draft, DATCP must award grants to the party that pays the costs to apply for AWS certification, and may make an award only upon the agricultural producer’s receipt of the certification. Before awarding a grant, DATCP must enter into a memorandum of understanding with the party that pays the certification costs, which may include types of eligible costs and the length of time that the certification must be maintained. A grant may reimburse up to 50 percent of costs and may not exceed $10,000. The bill draft directs DATCP, in prioritizing these grant awards, to be guided by an agricultural producer’s overall impact to water quality.

**Crop Insurance**

**Background.** Throughout the committee’s work, numerous stakeholders emphasized the environmental and economic advantages of utilizing cover crops and no-till practices to reduce soil runoff. Presenters indicated that some agricultural producers may hesitate to try these practices due to fear of a reduction in crop yields. In addition, federal and state programs that provide financial or technical assistance to plant cover crops have prescriptive participation and implementation requirements. To alleviate losses from variation in crop yields, some producers purchase crop insurance policies.

Among other approaches taken by other states and countries to minimize producers’ risks, the task force took note of a state program in Iowa that provides a per-acre insurance premium subsidy to producers who use cover crops.8

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**Recommendation.** The task force recommends LRB-4717/1, which authorizes DATCP to administer a program to provide rebates of $5 per acre for crop insurance premiums paid for acres planted with a cover crop.

In providing crop insurance premium rebates, the bill draft specifies that DATCP must cooperate with the risk management agency of the USDA, and may cooperate with any related federal agency, state agency, or agricultural organization. The bill draft specifies that a crop insurance premium rebate may not be provided for the planting of a cover crop on an acre for which funding for planting a cover crop is available from one of several state or federal programs. Under the bill draft, in order to receive a crop insurance premium rebate, a person must submit an application to DATCP after a cover crop is planted on the acres for which the person applies for a rebate.

The bill draft requires DATCP to award crop insurance premium rebates in the order that approved applications are received, and prohibits DATCP from limiting the number of acres for which a person may receive a rebate. DATCP is authorized to promulgate rules determining the cover crops for which crop insurance premium rebates are provided, and establishing procedures for verifying that a cover crop is planted on acres for which a crop insurance premium rebate is provided. Finally, DATCP is authorized to conduct inspections to verify that rebate recipients are complying with the provisions of the program.

The bill draft creates a $200,000 GPR continuing appropriation in fiscal year 2020-21 to make payments for crop insurance premium rebates for planting cover crops.

**Producer-Led Watershed Protection Grants**

**Background.** Current law authorizes DATCP to make grants for nonpoint source pollution abatement activities undertaken by producer-led groups that include at least five agricultural producers; operate eligible farms meeting minimum farm income requirements under the farmland preservation program; operate in one watershed; and collaborate with at least one of the following: DATCP; DNR; a county land conservation committee; UW-Extension or the Discovery Farms program; or a nonprofit conservation organization. The producer-led group must contribute matching funds equal to at least 50 percent of eligible costs. Grants may be made for up to $40,000 per recipient in any fiscal year. Allowable purposes and reimbursable expenses for the program are provided in administrative rule. In practice, reportedly, the program has been interpreted to allow projects to span watershed boundaries. [s. 93.59, Stats.; ch. ATCP 52, Wis. Adm. Code.] Funding for producer-led watershed protection grants comes from the nonpoint account of the segregated environmental fund for soil and water resource management. From this appropriation, under the 2019-21 Biennial Budget Act, DATCP must allocate funds for the producer-led watershed protection grants in an amount that does not exceed $750,000 in each fiscal year.
**Recommendation.** The task force recommends LRB-4717/1, which specifically authorizes producer-led watershed grants to be awarded to producer-led groups that operate in adjacent watersheds. In addition, the bill draft increases the amount appropriated for producer-led watershed protection grants by $250,000 GPR in fiscal year 2020-21, and therefore increases the total amount that DATCP may allocate for producer-led watershed protection grants in fiscal year 2020-21 from $750,000 to $1,000,000.

The bill draft also makes producer-led groups conducting producer-led projects eligible to receive lake protection grants, which are provided by DNR for projects that improve surface water quality. Under current law, eligible grant recipients include local governments, nonprofit conservation organizations, and qualified lake associations. [s. 281.68, Stats.]

**Soil and Water Resources Conservation Grants Allocation Plan**

**Background.** Under current law, DATCP allocates soil and water resource management grants to counties according to an allocation plan it completes on an annual basis. When preparing an annual grant allocation plan, DATCP must consider county priorities identified in the county grant application and in the county’s approved land and water resource management plan, and is directed to give priority to county or noncounty projects that address statewide priorities identified by the department and DNR. In addition, DATCP is authorized in administrative code to consider other factors when determining grant allocation priorities, including a county’s demonstrated commitment to implementing the approved land and water resource management plan and the strength of documentation supporting that plan. [ss. 92.10 and 92.14, Stats; ss. 50.28, 50.29, and 50.30 (3) (a), Wis. Adm. Code.]

**Recommendation.** The task force recommends LRB-4717/1, which specifies that if DATCP, in preparing its annual grant allocation plan, considers a county’s demonstrated commitment to implementing its approved land and water resource management plan, DATCP must take into account any externalities, such as weather, that may have affected the county’s ability to demonstrate commitment to implementing the plan.

**LRB-4716/1: Groundwater Testing, Mapping, and Educational Outreach**

**Background**

Multiple stakeholders informed the task force regarding the importance of adequate information and science, both with respect to individual water sources and more comprehensive hydrogeologic studies, for preventing and responding to water quality concerns. Currently, Wisconsin groundwater information is compiled by several sources. For example, the U.S. Geological Survey has compiled certain information regarding the state’s hydrogeology. In addition, a statewide monitoring system tracks groundwater levels. However, funding for such efforts is limited.

At the task force’s hearing in La Crosse, representatives from the Minnesota Geological Survey and the Minnesota DNR described county geologic atlases that have been developed in
Minnesota. The atlases display information regarding the distribution of rock, sediment, and groundwater in each county, and they include information regarding groundwater quality.

In Stevens Point, representatives of the Center for Watershed Science and Education, a partnership between the UW-Stevens Point College of Natural Resources and the UW-Extension, provided a tour of the Water and Environmental Analysis Lab at UW-Stevens Point and provided an overview of the center’s outreach work and its project to present aggregated results of well testing through its well water viewer.

**Recommendation**

The task force recommends LRB-4716/1, which appropriates funds, creates a hydrogeologist position, and creates a grant program to support well testing and educational outreach. Specifically, the bill draft does all of the following:

- **Hydrogeologist position.** Requires the UW Board of Regents to create one three-year project position for a hydrogeologist within the Wisconsin Geological and Natural History Survey. The bill draft appropriates $150,000 in fiscal year 2020-21 for the position and specifies that the position must focus on: (1) developing groundwater resource information primarily at county or local scales; and (2) assisting state and local governments, industries, and the public in interpreting and using that information.

- **Center for Watershed Science and Education.** Appropriates $450,000 in each year of the current fiscal biennium to support the operations of the Center for Watershed Science and Education. The bill draft directs the UW Board of Regents to use the funds to support center operations such as: (1) expanding outreach to private well owners; (2) developing and maintaining a database on private well water quality; (3) developing data transfer protocols for the database; and (4) updating the center’s online mapping tools. The bill draft sunsets the funding authorization on June 30, 2024.

- **Grants to counties.** The bill draft directs DNR to administer a grant program to provide two types of grants to counties: (1) grants of up to $10,000 for countywide groundwater testing of private wells to assess groundwater quality, $10,000 per county for the purpose of conducting countywide testing of privately owned wells to assess groundwater quality and to determine the extent and type of any contamination and studying geologic characteristics and well construction practices in the county, including depth to bedrock and well age, to determine any correlation between water quality, geology, and well construction; and (2) for counties that have already completed such a study, grants of up to $2,500 to notify the public of the study results and notify affected well owners. DNR must seek to make a grant to every county that applies. A county may receive only one of the types of grants under the bill draft. To be eligible, a county must: (1) provide matching funds equal to the amount of the grant; and (2) submit the results of its testing to the Center for
Watershed Science and Education, without providing personally identifiable information. The bill draft appropriates $250,000 for the grant program in fiscal year 2020-21. The bill draft authorizes DNR to promulgate rules to administer the program but prohibits DNR from imposing substantive requirements other than those specified in the bill draft.

- **Public Information.** The bill draft requires cities, villages, and towns that contain privately owned wells or water supplies to inform their residents of the importance of regular well testing.

- **Phosphorous research.** The bill draft increases the UW Board of Regents’ appropriation for general operations by $200,000 in fiscal year 2019-20 for research costs for the initial phase of a proposal developed by the UW-Extension relating to phosphorus recovery and reuse. However, the bill draft prohibits the UW Board of Regents from allocating those funds unless the UW-Extension shows, to the board’s satisfaction, that it has secured at least 25 percent of the amount of allocated state funds in matching funds for the program, including in-kind contributions, from federal, private, or other non-state revenue sources.

- **Collaboration.** The bill draft requires the various entities receiving funds under the bill draft to work together to gather and share data to better inform the public and relevant industries about the current condition of water quality in Wisconsin.

**LRB-5061/1: Freshwater Collaborative**

**Background**

The UW System has proposed the Freshwater Collaborative of Wisconsin, an integrated, multi-institutional undergraduate program designed to address water challenges in areas including agriculture, industry, engineering and water infrastructure, watershed management, tourism, and recreation. According to the proposal, the primary goals of the collaborative include attracting local, regional, and global talent to Wisconsin; building a skilled water workforce through a structured curriculum, training, and workplace experience; solving water resource problems through collaborative research across disciplines; and solidifying Wisconsin’s leadership in freshwater science, technology, and economic growth.

**Recommendation**

The task force recommends LRB-5061/1, which requires the UW Board of Regents to fund a freshwater collaborative and appropriates, as a continuing appropriation, $2 million in fiscal year 2020-21 for the collaborative. The bill draft authorizes the collaborative to expend appropriated funds only after it submits metrics, described below, to the Joint Committee on Finance (JFC), and JFC approves the metrics under a 14-day passive review process.

The bill draft specifies that the collaborative’s purpose would be to study the following challenges:
- The challenge of agriculture water management, including a focus on nutrient runoff and groundwater contamination, water withdrawal for irrigation, and the impact of water management practices on farm policy, including changes to farm efficiencies, production, and profit margins.

- The challenge of water quality and safety, including a focus on emerging contaminants, effective treatment techniques, nutrient contamination, well contamination, surface water contamination, lead contamination, legacy contamination, and safe drinking water compliance.

To accomplish those purposes, the bill draft requires the collaborative to do all of the following:

- Devise new watercentric, undergraduate-focused training programs.
- Provide an opportunity for students to participate in a work-study internship program in a state office that coordinates state water policy.
- Provide scholarships and student support to retain and attract new talent.
- Amplify marketing and recruiting relating to Wisconsin’s role in freshwater science.
- Enhance workforce development programming, including internships, research experiences, training institutes, and graduate research.
- Recruit new faculty and staff for training programs, research, and innovation.

The bill draft requires the UW Board of Regents to appoint a committee, consisting of certain UW System officials, board members, and board-appointed experts, to advise the board on how to allocate the funding among UW institutions.

The bill draft also requires the UW Board of Regents to establish metrics for determining the success of the collaborative and to submit a report to JFC and relevant legislative standing committees by the end of each odd-numbered year. The report must include all of the following information:

- The amount of the appropriated funding that is distributed to each UW institution, and how those amounts compare to the amounts requested by each institution.
- How the funding is expended, including the number and types of positions created.
- Demographics, including the numbers of resident, nonresident, undergraduate, and graduate students who participate in the collaborative.
- The collaborative’s accomplishments, including the type and number of degrees conferred, research projects completed, and internships provided.
LRB-4489/1: Per- and Polyfluoroalkyl Substances (PFAS)

Background

PFAS are a group of man-made chemicals that includes perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), and many others. The set of chemicals have been manufactured and used since the 1940s and can be found in a variety of commercial and industrial products, including firefighting foam, nonstick cookware, and stain- and water-repellent fabrics. In May 2016, the EPA established health advisories for PFOA and PFOS at 70 parts per trillion.\(^9\) DNR and DHS have recently taken steps to regulate PFOA and PFOS under the state groundwater protection law.\(^10\) An EPA “action plan” indicates that federal standards may also be developed sometime in the future.\(^11\)

At its hearing in Marinette, the task force heard from various stakeholders regarding remediation efforts for PFAS contamination resulting from testing firefighting foams.

Recommendation

The task force recommends LRB-4489/1, a bill draft that expands the “clean sweep” program to include collection of certain firefighting foams. The bill draft requires DATCP, in cooperation with DNR, to administer a program to collect and store or dispose of firefighting foam that contains PFAS. The bill draft authorizes DATCP, with the advice of DNR, to contract with a third party to undertake the collection and storage or disposal of the foam. DATCP or the third party are required to give priority to collecting from the state and from cities, villages, towns, and counties. The bill draft appropriates $250,000 GPR for the program in fiscal year 2019-20.

LRB-4984/1: Wetlands and Floodplain Restoration

Background

Throughout its hearings, the task force heard from the Wisconsin Wetlands Association and other stakeholders regarding the importance of restoring wetlands and other floodplain restoration methods for preventing streambank erosion, soil runoff, and property damage in future heavy rainfall events.

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\(^9\) In February 2019, the EPA released its Action Plan for PFAS. The action plan identifies short-term solutions and long-term strategies to help provide “the tools and technologies states, tribes, and local communities need to provide” safe drinking water to their constituents. The plan is available at: https://www.epa.gov/newsreleases/epa-acting-administrator-announces-first-ever-comprehensive-nationwide-pfas-action-plan.

\(^10\) DNR’s proposed rulemaking timeline is available here: https://dnr.wi.gov/topic/Groundwater/NR140.html.

Under current law, the municipal flood control and riparian restoration program provides financial assistance for certain local stormwater and groundwater projects. Generally, DNR must promulgate rules specifying eligibility criteria for the program. In doing so, DNR must consider all of the following:

- The extent to which a project minimizes harm to existing beneficial functions of water bodies and wetlands.
- The extent to which a project maintains aquatic and riparian environments.
- The extent to which a project uses stormwater retention and detention structures and natural storage.
- The extent to which a project provides opportunity for public access to water bodies and to the floodway.

DNR has established the following eligibility criteria, which are applied “in priority order”:

- Acquisition and removal of structures which, due to zoning restrictions, cannot be rebuilt or repaired.
- Acquisition and removal of structures in the 100-year floodplain.
- Acquisition and removal of repetitive loss or substantially damaged structures.
- Acquisition and removal of other flood damaged structures.
- Floodproofing and elevation of structures.
- Riparian restoration projects, including removal of dams and other artificial obstructions, restoration of fish and native plant habitat, erosion control, and streambank restoration projects.
- Acquisition of vacant land, or perpetual conservation or flowage easements to provide additional flood storage or to facilitate natural or more efficient flood flows.
- Construction of structures for the collection, detention, retention, storage, and transmission of stormwater and groundwater for flood control and riparian restoration projects.
- Preparation of flood insurance studies and other flood mapping projects.

[s. NR 199.05 (1), Wis. Adm. Code.]

**Recommendation**

In addition to supporting the enactment of already introduced bill drafts, described in the next section, the task force recommends LRB-4984/1, which relates to applications for municipal flood control grants. In addition to the considerations required under current law, the
bill draft requires DNR, when establishing eligibility criteria for the grants, to consider the cost-effectiveness of a project, including any loss to the tax base. The bill draft also directly amends DNR’s current rules regarding the grant program to remove the direction to consider eligible projects in the “priority order” listed above.

**LRB-4304/1: Wisconsin Fund for Septic Systems**

**Background**

In many rural areas, where connections to municipal wastewater treatment systems or other collective wastewater treatment systems are unavailable, wastewater and sewage from each home or other facility must be treated by a private on-site wastewater treatment system (POWTS). The most common type of POWTS is a septic system, which utilizes a septic tank and soil absorption field. Another type of POWTS is a holding tank, which collects and stores all of the wastewater and sewage from a facility but, unlike a septic system, does not discharge liquid to a soil absorption field.

The Department of Safety and Professional Services (DSPS) promulgates rules governing the installation and maintenance of POWTS. DSPS also currently administers a grant program, often referred to as the “Wisconsin Fund,” which provides grants for a portion of the costs to repair, rehabilitate, or replace failing a POWTS installed before July 1, 1978. To be eligible for the program, an owner of a principal residence (occupied at least 51 percent of the year by the owner) must have an annual family income that does not exceed $45,000. An owner of a small commercial establishment meeting certain income and eligibility criteria may also receive assistance through the program. Statutory authorization for that grant program sunsets on June 30, 2021. The Wisconsin Fund program is funded by program revenue. [s. 145.245, Stats.; ch. DSPS 387, Wis. Adm. Code.]

During task force hearings, several speakers recommended revising the eligibility requirements for the Wisconsin Fund grant program, and repealing the June 30, 2021 sunset for the program. Speakers also recommended a review of DSPS’s administrative rules chapter governing POWTS to incorporate setbacks and other restrictions to protect groundwater quality.

**Recommendation**

The task force recommends LRB-4304/1, which delays the sunset for the Wisconsin Fund program until June 30, 2023. In addition, the bill draft does all of the following:

- Requires DSPS to prepare literature describing the eligibility for a residence to receive a grant and to distribute this literature to counties. Counties are then required to distribute the literature to recipients of public benefits.

- Provides DSPS with two full-time equivalent project positions, funded by program revenue beginning on July 1, 2020 and ending on June 30, 2022, for the purpose of conducting sanitary permit application and plan review; evaluating variance requests; and carrying out other responsibilities under the POWTS program,
including conducting reviews and audits of local governments’ POWTS programs, providing training and informational programs, and training new and existing local government POWTS staff in conducting sanitary permit and plan review.

**LRB-4360/1: Biomanipulation Projects**

**Background**

At its hearing in Menomonie, the task force heard a presentation regarding biomanipulation as a technique to improve water quality. In this context, very generally, biomanipulation is the deliberate removal of certain fish species (zooplanktivorous and benthivorous fish, such as carp) from a surface water, which then reduces sediment disruption, as well as phosphate and nitrogen, which are food sources for the type of bacteria that cause algae blooms and increase invasive plant growth. Removal of zooplanktivorous and benthivorous fish may be done manually or through the introduction of other fish (piscivorous fish, such as pike) that prey on those species. The identified benefits of biomanipulation include reduced phosphorous and nitrogen, and increased growth in beneficial aquatic plants, which reduce or eliminate algae blooms and therefore improve water quality.

Under current law, DNR may award grants to entities including local governments, nonprofit conservation organizations, and qualified lake associations for up to 75 percent of the costs to implement lake restoration projects, which may include biomanipulation, as identified in an approved lake management plan. [s. NR 191.42, Wis. Adm. Code.] 2017 Act 59, the 2017-19 Biennial Budget Act, provided $65,000 from the nonpoint account of the segregated environmental fund to DNR in 2017-18 to conduct a project using biomanipulation to improve the water quality of Tainter Lake in Dunn County.

**Recommendation**

The task force recommends LRB-4360/1, which requires DNR, in the 2019-21 fiscal biennium, to provide grants to local water improvement groups, selected through a competitive application process determined by DNR, to conduct projects using biomanipulation, which must include comprehensive fish studies, the removal of zooplanktivorous and benthivorous fish, and the introduction of piscivorous fish to improve the water quality of lakes and impoundments identified on the impaired waters list prepared by DNR, as required under the Clean Water Act.12 Grants awarded under the bill draft may cover 90 percent of the costs of biomanipulation projects. The bill draft appropriates $150,000 of GPR funds in fiscal year 2019-20 to DNR to fund these projects.

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12 Under the Clean Water Act, states are required to submit a list of waters that do not meet water quality standards to EPA every two years. States are then required to develop total maximum daily loads (TMDL) for all impaired surface waters. [33 U.S.C. s. 1313 (d) (1).] A TMDL is generally the amount of a pollutant that a waterbody (or waterbody segment) can assimilate and not exceed water quality standards. An EPA-approved TMDL establishes “waste load allocations” for point sources and “load allocations” for nonpoint sources within the TMDL area.
LRB-3651/1: Prohibition on Sale or Use of Coal Tar-Based and PAH Sealant Products

Background

Coal tar sealant or sealcoat is a commercial product generally used to maintain and protect driveway and parking lot asphalt pavement. According to publications from EPA and the U.S. Geological Survey (USGS), coal tar sealant contains high concentrations of polycyclic aromatic hydrocarbons (PAHs). As sealants containing PAHs age and break down, PAHs are released into the environment through runoff, wind, and human actions. They are persistent organic compounds, and several PAHs are known or probable human carcinogens and toxic to aquatic life.\(^{13}\)

Recommendation

The task force recommends LRB-3651/1, which prohibits the sale of coal tar-based sealant products and high PAH sealant products beginning January 1, 2021, and prohibits the use of such products beginning July 1, 2021, unless DNR grants an exemption. Coal tar-based sealant products are defined to mean a surface-applied sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, or any variation assigned certain Chemical Abstracts Service numbers. High PAH sealant products are defined to mean a surface-applied sealant product that contains more than 0.1 percent polycyclic aromatic hydrocarbons by weight.

Under the bill draft, DNR may grant an exemption to the prohibitions on sale or use of coal tar-based sealant products and high PAH sealant products to any of the following upon written request: (1) a person who is researching the effects of either product on the environment; (2) a person who is developing an alternative technology if the use of either product is required for research or development.

SUPPORT OF CERTAIN ALREADY-INTRODUCED LEGISLATIVE PROPOSALS

Recognizing legislative efforts already underway on topics relating to the task force’s charge, Representative Novak and Representative Shankland support the Legislature’s consideration of the bills described below.

2019 Assembly Bill 113/2019 Senate Bill 91: Water Quality Credit Trading

Under current state law implementing the federal Clean Water Act, any discharge to a navigable water from a point source\(^{14}\) must be authorized by a Wisconsin Pollutant Discharge Elimination System (WPDES) permit. Among other requirements, a WPDES permit specifies


\(^{14}\) A “point source” is any discernible, confined, and discrete conveyance from which pollutants are or may be discharged. [33 U.S.C. s. 1362 (14).]
“effluent limitations,” which limit the specific pollutants that may be discharged from the point source. [s. 283.31 (3) and (4), Stats.] The Clean Water Act also requires states to address nonpoint sources of pollution.\(^{15}\) Nonpoint source pollution is not subject to WPDES permitting requirements. Instead, the state primarily addresses nonpoint source pollution through incentive programs such as cost-sharing, adaptive management, and water pollution credit trading.

Under the current water quality credit trading program, DNR may allow a WPDES permit holder to exceed otherwise applicable effluent limitations if the person negotiates a binding, written agreement with another WPDES permit holder, DNR, a local government, or a nonpoint source. DNR may authorize a permit holder to discharge pollutants at above-permit levels only if all of the following criteria are satisfied:

- The agreement results in an improvement in water quality.
- The increase in pollutants and offsetting reduction in pollutants involve the same pollutant or water quality standard.
- The increase in pollutants and offsetting reduction in pollutants occur within the same basin or portion of a basin.\(^{16}\)

\[^{15}\text{A “nonpoint source” is “a land management activity which contributes to runoff, seepage or percolation which adversely affects or threatens the quality of waters of this state and which is not a point source.” [s. 281.65 (2) (b), Stats.]}\]

\[^{16}\text{“Basin” is not specifically defined for purposes of the credit trading program. Elsewhere in the same chapter of the statutes, “basin” is defined to mean the drainage area identified by an eight-digit hydrologic unit code as part of the USGS. DNR’s 2013 guidance documents regarding credit trading instead specify that credit generators and users must discharge into the same waterbody and specify that locational criteria are incorporated as part of the credit-trading ratio.}\]

As amended and passed by the Senate and as recommended for passage by the Assembly Committee on Local Government, *2019 Assembly Bill 113 and 2019 Senate Bill 91*, companion bills authored by Representative Kitchens and Senator Cowles and others, create an alternative mechanism for executing water quality trades through DNR’s water quality trading program. The bills do not affect options for trading under current law.

Specifically, in addition to the options to facilitate water quality trades under the current program, the bills authorize DNR to allow a WPDES permit holder to discharge pollutants above effluent limitations if the person does either of the following:

- Reaches a binding, written agreement with a clearinghouse for the purchase of credits.
- Reaches a binding, written agreement, approved by DNR, with a third party, under which the third party agrees to work with one or more persons to reduce water pollution.
The clearinghouse must be a single clearinghouse that has entered into a contract with the Department of Administration (DOA). Before entering a contract with a clearinghouse, DOA must determine that the clearinghouse satisfies certain requirements. Trades made through the clearinghouse or a third party under the bills are subject to certain additional requirements.

**2019 Assembly Bill 134/2019 Senate Bill 125: Water Infrastructure Projects in State Parks**

The Warren Knowles-Gaylord Nelson Stewardship program is administered by DNR. The stewardship program includes land acquisition, property development and local assistance, and recreational boating aids subprograms. Under **current law**, portions of unobligated amounts for these subprograms from certain fiscal years have been obligated for specific purposes. For example, under current law, DNR is directed to obligate up to $4.5 million of the unobligated amounts for these subprograms from fiscal year 2016-17 to fund critical health and safety-related water infrastructure projects in state parks, prioritizing projects in state parks with the highest demand.

As amended by Assembly Amendment 1 and Senate Amendment 2, **2019 Assembly Bill 134 and 2019 Senate Bill 125**, companion bills introduced by Representative Summerfield and Senator Cowles, direct DNR to obligate up to $5.2 million in unobligated amounts under those stewardship subprograms to fund critical health and safety-related water infrastructure projects in state parks. In obligating the funds, the bills require DNR to prioritize projects in state parks with the highest demand. In addition, as amended, the bills increase the fiscal year 2019-20 appropriation for state park operations by $300,000, with a priority on state parks with the highest demand.

**2019 Assembly Bill 266/2019 Senate Bill 252: Flood Risk Pilot Project**

As amended by JFC, **2019 Assembly Bill 266 and 2019 Senate Bill 252**, companion bills introduced by Representative Steineke and Senator Petrowski and others, direct DNR to fund a flood risk reduction pilot project in Ashland County. The bills appropriate $150,000 for that purpose in the current fiscal biennium. Among its project requirements, the bill directs Ashland County to submit a report to DNR by June 30, 2021.

**2019 Assembly Bill 323/2019 Senate Bill 310: PFAS Regulation**

As described above, the task force received a significant amount of testimony and comments regarding PFAS contamination. In addition to LRB-4489/1, a task force bill related to PFAS that is described in the previous section, the task force chair and vice-chair recommend consideration of **2019 Assembly Bill 323 and 2019 Senate Bill 310**, companion bills relating to the use of Class B firefighting foam, with the modifications proposed in Assembly Amendment 1, as amended, and Senate Amendment 1, as amended.

The bills, introduced by Representative Nygren and Senator Cowles and others, prohibit the use or discharge, including for training purposes, of a Class B firefighting foam that contains intentionally added PFAS unless an exception applies. This prohibition does not apply to use or
discharge as part of an emergency firefighting or fire prevention operation, or use for testing purposes, including calibration, conformance, or fixed system testing, if the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent releases of the foam to the environment, as determined by DNR rules.

A person who violates the prohibition in the bills is subject to the penalty that applies to violations of general environmental provisions under current law, which is a forfeiture of no less than $10 or more than $5,000 for each violation. The bills specify that they do not prohibit the manufacture, sale, or distribution of a Class B firefighting foam that contains intentionally added PFAS. The amendments specify that Class B firefighting foam may include dual action Class A and B foam; define “testing” and “training”; specify that exceptions to the prohibition require appropriate storage measures and notification; and require request and retention of safety data sheets in certain circumstances.

2019 Assembly Bill 409/2019 Senate Bill 370: Tax Credit for Elimination of Lead Hazard

2019 Assembly Bill 409 and Senate Bill 370, companion bills introduced by Senator Johnson and Representative Gruszynski and others, create a tax credit for costs paid to eliminate a lead hazard in a dwelling or residential condominium unit. Depending on the nature of the lead hazard, a person claiming a tax credit under the bills must submit either: (1) a “certificate of lead-free status” issued by DHS; or (2) a document, executed by a person with specified certification, that provides proof of successful lead abatement.

2019 Assembly Bill 637/Senate Bill 575: Farmland Preservation Tax Credit

Under current law, state farmland preservation efforts include a number of mechanisms that encourage keeping farmland in agricultural uses. These mechanisms include certified county farmland preservation plans, county and local government farmland preservation zoning ordinances, and voluntary farmland preservation agreements between landowners and DATCP. In exchange for having agricultural land subject to a combination of these programs, and complying with agricultural performance standards, landowners are eligible to receive farmland preservation tax credits.

Farmland preservation tax credits are calculated by multiplying the claimant's qualifying acres by one of the following amounts:

- $10, if the qualifying acres are located in a farmland preservation zoning district and are also subject to a farmland preservation agreement entered into after July 1, 2009;
- $7.50, if the qualifying acres are located in a farmland preservation zoning district but are not subject to a farmland preservation agreement entered into after July 1, 2009; or

17 The bills define “lead hazard” to mean any substance, surface, or object that contains lead and that, due to its condition, location, or nature, may contribute to the lead poisoning or lead exposure of a child under six years of age.
$5, if the qualifying acres are subject to a farmland preservation agreement entered into after July 1, 2009, but are not located in a farmland preservation zoning district.

[See, generally, ch. 91, Stats., and s. 71.613, Stats.]

All counties must adopt farmland preservation plans, which establish a county's policy for farmland preservation and agricultural development. These plans must be certified by DATCP. In order to obtain certification, a plan must describe and map the areas to be preserved for agricultural and agriculture-related uses, and include additional information specified in the statutes. DATCP may award a planning grant to a county to provide reimbursement for up to 50 percent of the county's cost of preparing a farmland preservation plan. [ss. 91.10 (1), (2), and (6), and 91.18, Stats.]

During task force hearings, several speakers noted that the current farmland preservation tax credit amounts are too low to offset the costs of meeting required conservation practices, and that participation in the program has declined.

2019 Assembly Bill 637 and Senate Bill 575, companion bills introduced by Representative Oldenburg and Senator Testin and others, relate to farmland preservation implementation grants and agreements, and farmland preservation tax credits. The bills change the required length of a farmland preservation agreement from 15 years to 10 years. In addition, the bills increase farmland preservation tax credits in the categories listed above from $10 to $12.50; $7.50 to $10; and $5 to $10; and create a new category of farmland that may claim a credit of $10 per acre if the farmland is located in a farmland preservation area, but only to the extent the acres are covered by an agriculture conservation easement under s. 93.73, Stats., the purchase of agricultural conservation easements (PACE) program. The bills also index the farmland preservation tax credit amounts for inflation.

The bills authorize DATCP to award a grant to a local government, regional planning commission, or trial government for implementing a county’s certified preservation plan. DATCP may award a grant for the costs of specified activities, as provided in a contract between DATCP and the recipient, including certifying a farmland preservation zoning ordinance for the first time, entering into farmland preservation agreements, and targeted farmland preservation program outreach. When awarding grants, DATCP may consider a list of factors and may require a grant recipient to contribute matching funds up to 50 percent of the grant amount.

In addition, the bills direct DATCP to include additional information regarding farmland preservation tax credits in its biennial report to DATCP, and to also send this report to JFC and legislative standing committees with jurisdiction over agriculture.
2019 Assembly Bill 700/2019 Senate Bill 632: Notifying Counties of Water Pollution

Under current law implementing the federal Clean Water Act, any discharge to a navigable water from a point source must be authorized by a WPDES permit. A WPDES permit includes a compliance schedule, under which certain pollution control levels must be achieved, and effluent limitations, which limit the specific pollutants that may be discharged. [ss. 283.31 (3) and (4) and 283.55, Stats.]

Under 2019 Assembly Bill 700 and 2019 Senate Bill 632, companion bills introduced by Representative Billings and Senator Shilling and others, if DNR finds, based on any information available to the department, that a WPDES permit holder has violated state groundwater protection standards, the DNR must notify relevant county health departments and county land and conservation departments, including in the county where the point source is located and in any adjacent county that DNR determines may be negatively affected as a result of the violation. The bills require such notifications to be provided within seven business days after a violation is confirmed. The bills authorize DNR to promulgate emergency rules to implement the bills.

2019 Senate Bill 423 and 2019 Senate Bill 424: Addressing Lead Contamination

Lead is commonly introduced to the public water supply by leaching from lead-containing pipes, solder, and plumbing fixtures. Under current law, the federal Safe Drinking Water Act generally prohibits the use of pipes and materials that contain more than a specified amount of lead. [42 U.S.C. s. 300f (4).] However, it generally does not require public water systems or property owners to remove previously installed lead-containing plumbing systems.

Public water systems are generally required to install and operate optimal corrosion control treatment in order to reduce lead and copper concentrations at consumers’ taps and take water samples on a periodic basis. If more than 10 percent of the tap water samples collected during a particular monitoring period exceed established lead levels, then the public water system must take certain actions to reduce the lead level and to provide public education about the risks of lead. [40 C.F.R. ss. 141.80 to 141.91; subch. II, ch. NR 809, Wis. Adm. Code.] On October 10, 2019, the EPA released a proposed new “Lead and Copper Rule” (LCR), which, among other changes, strengthens procedures and requirements for lead testing, lead service line replacement, consumer awareness, and public education.  

2017 Wisconsin Act 137 created a process by which a water public utility may provide a grant, a loan, or both, to a property owner for replacing lead-containing water service lines, and

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18 A “point source” is any discernible, confined, and discrete conveyance from which pollutants are or may be discharged. [33 U.S.C. s. 1362 (14).]
19 The task force also supports the enactment of the Assembly companions to those bills, 2019 Assembly Bill 475 and 2019 Assembly Bill 476, both introduced by Representative Thiesfeldt, if those bills were to be modified as proposed by the Senate substitute amendments.
20 A pre-publication version of the proposed rule is available here: https://www.epa.gov/sites/production/files/2019-10/documents/lcrr_prepub_frn_0.pdf.
the act authorized local units of government to provide loans or facilitate owner-arranged financing to replace lead-containing water service lines.

The Department of Children and Families (DCF)’s administrative rules require certain testing as a condition for licensure. All licensed day care centers must provide a “safe supply of drinking water.” However, after looking more closely at the licensing requirements, it appears that testing for lead is only required for group day care centers (centers that care for nine or more kids) and, of those, only for centers that get water from a private well. In-home day care providers must test for bacteria (and, in some cases, nitrates), but not lead. (A more general testing requirement also applies to DCF-licensed summer camps that obtain water from private wells.) The testing must be conducted by a DATCP-certified laboratory. [See ss. DCF 250.06 (6), 251.06 (6), and 252.05 (1) (c) 8., Wis. Adm. Code.]

Under current law, public water systems serving schools and day care centers are subject to general monitoring requirements under state law and the federal Safe Drinking Water Act. For lead, a public water system must conduct “tap water monitoring.” DNR’s administrative rules require a public water system (a system serving at least 25 individuals) to take tap samples that are “representative of water quality throughout the distribution system” when conducting such monitoring. [ss. NR 809.541 (1) and 809.548 (1) (a), Wis. Adm. Code.]

For day care centers, DCF administrative rules require certain testing as a condition for licensure. All licensed day care centers must provide a “safe supply of drinking water.” However, testing for lead is only required for group day care centers (centers that care for nine or more children) and, of those, only for centers that get water from a private well. In-home day care providers must test for bacteria (and, in some cases, nitrates), but not lead. (A more general testing requirement also applies to DCF-licensed summer camps that obtain water from private wells.) The testing must be conducted by a DATCP-certified laboratory. [See ss. DCF 250.06 (6), 251.06 (6), and 252.05 (1) (c) 8., Wis. Adm. Code.]

2019 Senate Bill 423, relating to lead testing in schools, and 2019 Senate Bill 424, relating to lead testing by certain child care providers and camps, were introduced by Senator Cowles and are commonly referred to as the “SCHOOL Acts.”

As amended by Senate Substitute Amendment 1, 2019 Senate Bill 423 generally requires public and private schools to test drinking water sources for lead at least once every five years and to take certain actions in response to a test result showing lead contamination in excess of federal drinking water standards. Specifically, if the drinking water standard for lead is exceeded, the school must do all of the following:

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21 Although administrative rules require group day care centers with private well water to test for lead “annually,” DCF’s manual for group day care centers states that lead testing may instead be conducted every three years.

22 The bill defines “drinking water source” to mean a water faucet, drinking fountain, ice maker, or other water outlet that dispenses potable water that is used for drinking or food preparation.
• Disconnect the water sources and, if necessary, provide an alternative drinking water supply.

• Develop and submit a plan to the Department of Public Instruction (DPI) for remediating lead contamination in the water source.

• Post the remediation plan on the school’s website or otherwise make the plan available to the public.

To facilitate remediation efforts, the bill creates an exception to general levy limits to allow a school to temporarily exceed its levy limit for costs associated with its lead remediation plan under the bill, subject to certain requirements and limitations. In addition, the bill requires DPI, in consultation with other state agencies, to seek federal funding to assist eligible schools with testing and remediation costs.

As amended by Senate Substitute Amendment 1, 2019 Senate Bill 424 generally requires certain child care providers and camps (e.g., summer camps) to test every drinking water source for lead contamination during the six-month period prior to submitting an application for a state license. If a test demonstrates lead contamination, the bill requires an applicant for licensure to immediately disconnect, shut off, or otherwise eliminate all access to water from the contaminated drinking water source. The applicant then must also do one of the following:

• **Remediation.** An applicant may temporarily provide an adequate supply of potable water (or, before an initial license, a plan to supply such water), and then, within six months after submitting the license application, establish and begin to carry out a plan for remediating the lead contamination, by either: (1) affixing a point-of-source or point-of-entry filter onto the drinking water source; or (2) if another drinking water source in the building is not contaminated, permanently disconnecting, shutting off, or otherwise eliminating access to the contaminated drinking water source.

• **Alternative Water Supply.** Establish and carry out a plan for providing, on a permanent basis, an adequate supply of potable water from external sources, such as bottled water, and for ensuring that children served in the building do not consume water from contaminated drinking water sources.

The bill exempts applicants for license renewals from testing requirements if previous tests showed lead levels not higher than five parts per billion. In addition, the bill allows certain child care providers to have a plumbing assessment completed by a licensed plumber, environmental consultant, certified lead risk assessor, or certified lead hazard investigator in lieu of testing.

The bill requires DCF and DATCP, in consultation with DHS and DNR, to seek federal funding to assist with costs incurred by providers as a result of the bill.

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23 As under 2019 Senate Bill 423, as amended, “drinking water source” means a water faucet, drinking fountain, ice maker, or other water outlet that dispenses potable water that is used for drinking or food preparation.
Finally, the bill authorizes the Board of Commissioners of Public Lands (BCPL) to use school trust funds to issue loans to municipalities for the purpose of remediating lead contamination in buildings subject to testing under the bill.

**RECOMMENDATIONS FOR POTENTIAL FUTURE ACTION**

In addition to the specific legislative recommendations enumerated above, on behalf of the task force, Chair Novak and Vice-Chair Shankland submit the recommendations described below for potential future action.

**Sustainable Funding Source for Water Quality**

**Background**

Under current law, the various programs and regulatory efforts relating to water quality are funded through state GPR, state program revenue, and federal programs. At the task force hearing in La Crosse, a representative from the Minnesota DNR described Minnesota’s Clean Water Land and Legacy Amendment ("Legacy Amendment"), which was created by a 2008 amendment to the Minnesota Constitution. The amendment provides for a three-eighths of one percent state sales tax over a 25-year period to fund certain types of projects in the state, including water quality projects. Some presenters and members of the public suggested that the task force should recommend the creation of a sustainable funding source for water quality initiatives, similar to Minnesota’s approach.

**Recommendations**

Acknowledging that many of the task force’s recommendations involve short-term appropriations, the task force recommends that the Legislature consider and prioritize finding a sustainable funding source for water quality in the future.

**Federal Agricultural Policy**

**Background**

Although the task force’s charge focuses primarily on state and local policy solutions, task force members and stakeholders have recognized the crucial role that federal farm policy plays on agricultural producers’ challenges and incentives, and thus, indirectly, on conservation practices affecting water quality. The federal Agricultural Improvement Act of 2018 ("2018 Farm Bill"), which is in effect through federal fiscal year 2023, provides commodity programs and crop insurance to aid agricultural producers. Although the 2018 Farm Bill also includes incentives for conservation, some stakeholders testified that the continuation of farm subsidies as a major component of U.S. farm policy has in some cases disincentivized environmentally innovative production techniques, in part by artificially lowering market prices for milk and other commodities.
Recommendation

The task force urges members of the Wisconsin congressional delegation to examine the effects of U.S. farm policy on groundwater quality in the state.

Leverage of Federal Funds for Lead Abatement

Background

The federal Safe Drinking Water Act provides sources of federal funding for public water systems, including through capitalization grants and a state revolving fund. America’s Water Infrastructure Act of 2018 created several new sources of federal funding relevant to the abatement of lead contamination, including new funding for drinking water infrastructure projects in disadvantaged communities and the Water Infrastructure Improvements for the Nation (WIIN) Act grant program. WIIN grants are available to certain public water systems, homeowners, schools, and child care facilities, for projects relating to lead testing and service line replacement. In some instances, local units of government may also be able to utilize community development block grants administered by the U.S. Department of Housing and Urban Development (HUD) to subsidize lead abatement projects.

Occasionally, changes to state law have increased access to federal funding in Wisconsin. For example, among other changes to prior law, 2017 Wisconsin Act 137 authorized public water utilities to use ratepayer dollars to provide financial assistance for the replacement of private (customer-side) water service lines to address lead contamination. That legal shift created opportunities for public water utilities to access certain federal funding that had previously been unavailable because of state restrictions on the use of ratepayer dollars.

Recommendations

In addition to requirements under 2019 Senate Bills 423 and 424, described above, the task force supports efforts by DNR, local units of government, and other stakeholders to leverage federal funding for abatement of lead contamination. The task force likewise recommends that, where state law may provide an impediment to leveraging federal funds in the future, the Legislature should consider enacting additional legislation to remove those impediments.

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24 Prior to the enactment of Act 137, state law had been interpreted to require public water utilities to use funding sources other than revenue generated from water utility rates to fund consumer-side service line replacement. [See City of Madison v. PSC, 2002 WI App 102.]
EXECUTIVE ACTIONS ACKNOWLEDGED BY THE TASK FORCE

In his first “state of the state” address, Governor Evers declared this year the “Year of Clean Drinking Water.” The task force has taken note of the following actions taken by the Governor and state agencies relating to water quality:

- DATCP submitted proposed rule revisions to the livestock facility siting law to the Legislative Council Rules Clearinghouse in July 2019.

- Executive Order #36, relating to measures to abate and prevent lead exposure.

- An announcement on July 31, 2019, that the Governor has directed DNR, with DATCP’s assistance, to pursue rulemaking through ch. NR 151, Wis. Adm. Code, to reduce nitrate contamination by establishing targeted nitrate performance standards for soils that are most likely to experience nitrogen contamination.

- Executive Order #40, relating to the public health risk from PFAS and the creation of the PFAS coordinating council.

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25 In addition to executive orders, the task force notes that DNR, DHS, DATCP, and other executive branch agencies have taken various actions within their statutory authority to address water quality in the state, including the submission of recent scope statements for rule promulgations relating to groundwater and drinking water standards.

26 The livestock facility siting law statute requires DATCP to review its relevant administrative rules every four years. [s. 93.90 (2) (c), Stats.]
APPENDIX 1

MEMBERS OF THE SPEAKER’S TASK FORCE ON WATER QUALITY

REPRESENTATIVE TODD NOVAK, CHAIR
REPRESENTATIVE KATRINA SHANKLAND, VICE-CHAIR
REPRESENTATIVE JOEL KITCHENS
REPRESENTATIVE TRAVIS TRANEL
REPRESENTATIVE SCOTT KRUG
REPRESENTATIVE MARY FELZKOWSKI
REPRESENTATIVE ROB SUMMERFIELD
REPRESENTATIVE TIMOTHY S. RAMTHUN
REPRESENTATIVE TONY KURTZ
REPRESENTATIVE ROBERT BROOKS
REPRESENTATIVE SONDY POPE
SENATOR ROBERT COWLES
SENATOR ANDRE JACQUE
SENATOR PATRICK TESTIN
SENATOR MARK MILLER
APPENDIX 2

MOST FREQUENCY MENTIONED RECOMMENDATIONS\textsuperscript{27} MADE TO THE SPEAKER’S TASK FORCE ON WATER QUALITY

- Adopt state standards for (or otherwise enhance state regulation of) PFAS.
- Increase funding for county conservation programs.
- Strengthen regulation or enforcement of concentrated animal feeding operations (CAFOs).
- Increase funding for groundwater research, monitoring, or studies.
- Increase funding for DNR staff to conduct science or research.
- Repeal the livestock facility siting law, or allow more stringent local regulations of livestock siting.
- Take state action regarding the Back Forty mine.
- Impose a moratorium or lower animal unit limit on new CAFOs, either generally or in hydrologically sensitive areas.
- Increase funding for cost-sharing or other incentives to comply with nutrient management plans.
- Restore the nonferrous metallic mining “moratorium.”
- Expand eligibility for the well compensation grant program.
- Increase funding for the well compensation grant program.
- Adopt a region-specific approach to (or otherwise enhance) performance standards under ch. NR 151, Wis. Adm. Code.
- Increase state funding for the replacement of lead laterals.
- Restore local control over shoreland zoning.

\textsuperscript{27} Listed recommendations were mentioned by at least five separate individuals or stakeholder groups, either during the task force’s public hearings or submitted as an online comment to the task force.
APPENDIX 3

SELECTED RESEARCH REFERENCED BY INVITED SPEAKERS
BEFORE THE SPEAKER’S TASK FORCE ON WATER QUALITY


RESOLUTION NO. 20-10-2020

A RESOLUTION REQUESTING THAT THE STATE SENATE CONVENE IN EXTRAORDINARY SESSION TO ADDRESS 13 "WATER BILLS" PASSED BY THE WISCONSIN ASSEMBLY

TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:

WHEREAS, a clean, plentiful supply of rural drinking water is necessary for the health and well-being of Wisconsinites; and

WHEREAS, keeping Wisconsin’s rural drinking water free of pollutants, especially nitrogen and phosphorous, benefits not only the citizens of Wisconsin but also Wisconsin’s tourism industry as well as rural economic development; and

WHEREAS, the 2019 Speaker’s Task Force on Water Quality brought attention to state legislators and the state’s residents, as a whole, the immensity of water quality problems in Wisconsin; and

WHEREAS, the Wisconsin Assembly took a step in addressing water quality problems by passing (most unanimously) 13 "Water Bills" (AB 789 through AB 801) on February 18, 2020; and

WHEREAS, the State Senate never had the opportunity to consider these "Water Bills" when its last scheduled session on March 24, 2020 was postponed by the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED, by the Kewaunee County Board of Supervisors duly assembled this 20th day of October 2020, that the Board hereby requests the State Senate convene in "extraordinary session" to address the 13 "Water Bills" passed by the Wisconsin Assembly (AB 789 through AB 801); and

BE IT FURTHER RESOLVED, the Clerk is directed to send a copy of this resolution to all 72 Wisconsin counties, the Wisconsin Counties Association, Representative Joel Kitchens, Senator André Jacque, and all other State Senators.

Respectfully Submitted,

LAND AND WATER COMMITTEE

Charles Wagner, Chair
Nick Guilette

Aaron Augustin, Vice Chair
Tim Kinnard

APPROVED AS TO FORM
Jeffrey R. Wisnicky
Corporation Counsel

FISCAL IMPACT STATEMENT:

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TOTALS: 19 - 1 -
A. Mission Statement:

The Door County Soil and Water Conservation Department is created under the authority of Chapter 92 of Wisconsin Statutes. Chapter 92 gives the SWCD the responsibility for the administration of the County soil and water conservation program and the authority to exercise the powers granted to the Land Conservation Committee. The legislative declared policy of the State in Chapter 92 is to halt and reverse the depletion of the State's soil resources and pollution of its waters. The mission of conservation and environmental advocacy is the standard by which SWCD programs are developed and implemented.

B. Summary of Responsibilities:

The SWCD has a responsibility, and directive under Chapter 92, to promote land uses and programs which advance conservation and the protection of Door County's natural resources.

C. Program Summary:

**Agricultural Performance Standards and Animal Waste Storage:** SWCD administers Door County Code Chapter 23 which establishes minimum standards for agricultural operations to protect ground and surface water quality and permit requirements for animal waste storage facilities.

**Conservation practices:** SWCD uses federal, state, and local funding sources to provide technical and cost share to landowners/operators for a wide range of conservation practices to protect and improve ground and surface water quality such as buffers, grassed waterways, nutrient management, manure storage, barnyard and feed storage runoff control systems, and well abandonment.

**Invasive Species:** SWCD maintains a lead role in the Door County Invasive Species Team (DCIST), a collaboration of natural resource professionals, community leaders and interested citizens who seek to halt the invasion of exotic non-native plants.

**Nonmetallic Mine Reclamation:** SWCD administers Door County Code Chapter 36 to ensure nonmetallic mining sites will be properly reclaimed in accordance with State Administrative Code and Statutes.

**Technical Assistance:** SWCD maintains staff with diverse expertise in natural resources who provide technical reviews and onsite inspections of proposed projects for the Land Use Services Department as well as other technical assistance to the public.

**Water Quality Protection and Improvement:** SWCD works cooperatively with a variety of partners to protect and improve ground and surface water quality including identification of pollution sources at beaches (with Public Health), restoration of Dunes Lake (multiple partners), drawdown of the Forestville Millpond (with Facilities and Parks), surface water quality monitoring (multiple partners), private well testing program (with Public Health), and watershed planning (multiple partners).
**Wildlife Damage Abatement & Claims:** Landowners who experience wildlife damage to crops can enroll in the program to be eligible for assistance, claim payments, and/or abatement reimbursements.

**Wisconsin Working Lands Initiative/Farmland Preservation Program:** SWCD ensures participants in this program meet state conservation standards to remain eligible for tax credits and inspects operations once every four years.

**D. Goals / Objectives Achieved in 2020:**
- New grants secured to provide cost share to install agricultural best management practices and expand invasive species program efforts.
- Continued collaboration with Public Health and University of Wisconsin-Oshkosh on the county-wide groundwater quality study to educate homeowners about the importance of testing their well water quality.
- Promoted water quality and natural resource protection through multiple programs.

The following are examples of completed activities, not an exhaustive list:

<table>
<thead>
<tr>
<th>2020 Accomplishments</th>
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<tbody>
<tr>
<td>29 Compliance notifications under Ch. 23, Door Cty Code</td>
</tr>
<tr>
<td>2 Animal waste permits issued</td>
</tr>
<tr>
<td>67 Operation and maintenance inspections of installed agricultural practices</td>
</tr>
<tr>
<td>19 New agricultural practices installed (such as feed storage runoff control, manure storage, grassed waterway, well abandonment)</td>
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<tr>
<td>30 Acres of riparian buffers (new and re-enrolled in program)</td>
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<tr>
<td>95% Cropland acres under nutrient management plans</td>
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<tr>
<td>26 Audits of cropland fields during manure spreading</td>
</tr>
<tr>
<td>62 Miles stream corridor surveyed for priority invasive species</td>
</tr>
<tr>
<td>192 Acres of priority invasive species inventoried</td>
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<tr>
<td>91 Acres of priority invasive species controlled</td>
</tr>
<tr>
<td>1.1 Acres of early detection invasive species controlled</td>
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<tr>
<td>105 Landowner contacts for invasive species</td>
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<tr>
<td>50 Nonmetallic mine inspections under Ch. 36, Door Cty Code</td>
</tr>
<tr>
<td>3 New nonmetallic mine reclamation permits under Ch. 36, Door Cty Code</td>
</tr>
<tr>
<td>33 Technical reviews for land disturbance permits</td>
</tr>
<tr>
<td>19 Storm Water Plan reviews and approvals</td>
</tr>
<tr>
<td>6 Streams in Kayes-Larson Watershed monitored monthly for water quality</td>
</tr>
<tr>
<td>4 Months of intensive water quality monitoring of Geisel Creek</td>
</tr>
<tr>
<td>295 Private wells sampled for bacteria and nitrate</td>
</tr>
<tr>
<td>10 Enrollments in the wildlife damage abatement program</td>
</tr>
<tr>
<td>49 Deer donated</td>
</tr>
<tr>
<td>10 Inspections for the farmland preservation program</td>
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<tr>
<td>20 Certificates of compliance issued for the farmland preservation program</td>
</tr>
<tr>
<td>10 Acres dredged at Dunes Lake</td>
</tr>
</tbody>
</table>
E. Knowledge Sharing 2020:

- One-on-one visits with landowners and operators to identify management and conservation practices to meet minimum agricultural standards and prohibitions and go beyond to protect ground and surface water quality.
- Partnered with Northeast Wisconsin Technical College to host Nutrient Management Farmer Education class in Sturgeon Bay and Green Bay and provided one-on-one assistance to landowners/operators; helping 14 farms write their own plans covering almost 5,500 cropland acres.
- Outreach and education to the public about invasive species included: 221.5 hours of Clean Boats Clean Waters at priority boat launches providing inspections for 860 boats, 9 educational press releases & interviews, 57 media posts, 6 educational presentations/training sessions, 3 volunteer days, 105 one-on-one contacts and 490 direct mailings to landowners.
- Several educational presentations about SWCD programs and natural resource issues in Door County to a wide variety of audience ages from high school students through learning in retirement.

F. Department Budget Status

<table>
<thead>
<tr>
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<th>Approved 2020 Budget</th>
<th>Actual 2020 Budget</th>
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<tbody>
<tr>
<td>2020 Levy Appropriation</td>
<td>$473,841.00</td>
<td>$454,320.00</td>
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<tr>
<td>2020 Budgeted Revenue</td>
<td>$948,384.00</td>
<td>$813,365.94</td>
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<tr>
<td>2019 Actual Revenue</td>
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<td>$378,905.91</td>
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**Grants Used in 2020:**

- DNR Aquatic Invasive Species - Education $26,482.61
- DNR Aquatic Invasive Species - Control $26,963.77
- DNR PEDIP Invasive Species $1,469.68
- DNR Notice of Discharge $191,299.18
- DATCP Soil & Water Resource Management Staffing $143,964.00
- DATCP Land & Water Resource Management $129,099.17
- DNR Wildlife Damage Claims Program $16,423.50
- WI Coastal Management (Invasive Species) $34,272.00
- WI Coastal Management (Dunes Lake) $100,000.00
- US Forest Service (Invasive Species) $12,776.57
- NFWF SOGL (Invasive Species) $13,903.48
- NFWF Phosphorus Reduction $29,316.12
- Community Foundation $1,000.00

**Revenue from Self-funding Accounts:**

- Erosion Control Netting $1,279.97
- Tech Support Cost-Share $12,553.74
- Shoreland Zoning $1,000.00
- Nonmetallic Mine Program $35,953.44

**Donations Used in 2020:**

- Invasive Species $4,264.85
- Dunes Lake $1,000.00
G. Other Accomplishments:
2020 was the first year since 2012 that all Conservationist positions were filled for the entire year. Stable staffing allows for program continuity, helps build long-term relationships with landowners, and allows staff to advance skill sets to meet conservation needs within the county.

H. Issues, Concerns and Restraints:
- COVID-19 public health recommendations led to staff teleworking for portions of the year and modifying typical interactions with landowners, operators, and project partners. Despite these challenges, SWCD completed planned work projects and met or exceeded all grant deliverables.
- SWCD has successfully pursued grants to provide cost share to landowners and fund staff. However the short term nature of 2-3 year grants requires a continual investment of time to apply for and manage multiple programs, each with a unique set of requirements and reporting expectations.
- Program demands and natural resource protection needs continue to expand while fiscal and staffing resources remain limited.

I. Goals and Objectives for 2021:
- Collaborate with partners to complete the restoration dredging of Dunes Lake. Dunes Lake is a unique shallow water, marl lake habitat and is part of the Lake Michigan Shivering Sands Area Coastal Wetland. To protect spawning fish and nesting birds, the project will resume after August 15th and will target 4 acres of open water and 4 acres of cattail encroached areas. Project completion is expected by mid-November 2021.
- Build upon existing natural resource protection programs and identify new revenue sources to support them.
- Expand groundwater quality study with Public Health and University of Wisconsin-Oshkosh to add a spring community-wide sampling event in addition to the annual fall sampling event.
Chapter 23 Summary
~2020~

28 Landowner Notifications were sent in 2020

- 18 of these were notifications of compliance with all Chapter 23 items.
  - 2 of these 18 were inventoried for the first time and determined to be compliant
  - 2 of these 18 were not eligible for cost-share assistance and achieved compliance; follow up notifications were sent
  - 7 of these 18 had been previously notified of noncompliant items and achieved compliance with cost-share assistance; follow up notifications were sent
  - 7 of these 18 had been previously notified of noncompliant items and achieved compliance without cost-share assistance; follow up notifications were sent
- 10 of these identified items that are/were noncompliant with Chapter 23
  - 2 of these 10 had noncompliant items that were identified as new issues and are not eligible for cost-share assistance. These landowners were informed of the corrective measures needed and deadlines were established for each.
  - 3 of these 10 had noncompliant items but accept tax credits through the Farmland Preservation Program and an offer of cost-share is not required. These landowners were informed of the corrective measures needed and deadlines were established for each.
  - 3 of these 10 did not accept offered cost-share assistance to address noncompliance; upon remedial activity and review for compliance, follow up compliance notifications will be sent.
  - 2 of these 10 have livestock issues, but there was no offer of cost-share made for those items. Noncompliant items will remain and if funding is available, an offer of cost-share will be made and a deadline for compliance will be established in a follow up notification.

17 Citations were issued in 2020

- 11 citations were issued for violation of cropland performance standards
- 6 citations were issued for manure management prohibitions
Parcel Compliance Status
March 2, 2021

- Parcels with Noncompliant Items
- Parcels with All Items Compliant
- Parcels with Partial Compliance
2020 Manure Hauling Audits Overview

**NON-CAFO – 12 total**

- 7 had no identified issues, compliant manure application
- 5 had noncompliant manure applications
  - All missed the well setback
  - No Maps
  - One spread on soils less than 2 feet to bedrock
  - One missed setback to conduit to groundwater
- 1 audit resulted in a citation to the operator

**CAFO – 14 total**

- 12 had no identified issues, compliant manure application
- 2 had noncompliant manure applications
  - All missed the well setback
- 3 audits resulted in a Citation to the operator and or hauler
Resolution No. 2021 - __
APPROVAL OF MULTI-DISCHARGER PHOSPHORUS VARIANCE GRANT

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, Section 59.52(19) Wis. Stats. empowers the County Board to accept donations, gifts, or grants of money for any public governmental purpose within the powers of the County; and

WHEREAS, Resolution 75-84 entitled “Gifts, Grants & Donations to the County of Door” requires approval of the Door County Board of Supervisors, for acceptance of all donations, gifts, and grants whether in the form of money, or personal or real property; and

WHEREAS, Rule of Order # 38, entitled ‘Donations, Gifts or Grants’, requires among other things, County Board be provided notice of any donation, gift or grant in excess of $4,999.00 prior to acceptance; and

WHEREAS, Section 283.16 Wis. Stats. provides a statewide variance method for waste water treatment plants to comply with phosphorus permit limits by providing funds to County Conservation Departments within the same watershed to reduce phosphorus; and

WHEREAS, Funds from this program must be used by the County to bring farmers and other agricultural sources into compliance with Ch. NR 151, Wis. Adm. Code agricultural performance standards; and

WHEREAS, Door County falls within the same hydraulic unit code (HUC) as the Village of Casco Wastewater Treatment Plant which makes Door County eligible for these funds; and

WHEREAS, Door County Soil & Water Conservation Department has applied for and has been awarded $12,388.44 from the Village of Casco; and

WHEREAS, The Land Conservation Committee (LCC) has voted to accept the aforesaid grant.

NOW THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors does hereby accept the Multi-Discharger Phosphorus Variance Funds from the Village of Casco in the amount of $12,388.44 for the above stated purpose.

BE IT FURTHER RESOLVED, That the aforesaid grant shall be administered by the Soil & Water Conservation Department subject to oversight by the Land Conservation Committee.

SUBMITTED BY:
LAND CONSERVATION COMMITTEE

Ken Fisher, Chair
Bob Bultmann
Vinni Chomeau
Roy Englebert

Reviewed by: Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 23rd day of March, 2021 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County
2/8/2021

Kelly Pinchart
311 Church Avenue
Casco, WI 54205

Subject: County Payment for Phosphorus Multi-discharger Variance
Permittee: CASCO WASTEWATER TREATMENT FACILITY, WPDES WI-0023566

Dear Kelly Pinchart:

In accordance with s. 283.16 of the Wisconsin Statutes, you have been granted coverage under Wisconsin’s multi-discharger phosphorus variance for CASCO WASTEWATER TREATMENT FACILITY with a permit effective date of 10/1/2019. The permitted facility has agreed to reduce the amount of phosphorus entering surface waters by making payments to the counties pursuant to s. 283.16(6)(b)1., Wis. Stats.

Payment Calculation

The permittee shall make a total payment by March 1 of each year in the amount equal to the per pound amount $53.01 times the number of pounds by which the effluent phosphorus discharged during the previous year exceeded the permittee’s target value or $640,000, whichever is less. This billing statement contains the payment to be made to participating counties based on the discharge monitoring reports (DMR) data. The following table contains the DMR data used to calculate the payment value.

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<th>Facility Name</th>
<th>Sample Point</th>
<th>Month</th>
<th>Monthly Average Phosphorus Concentration (mg/L)</th>
<th>Monthly Total Flow (MgS)</th>
<th>Monthly Phosphorus Load (lbs)</th>
<th>Monthly Load at Target Value (lbs)</th>
<th>Monthly Load Above Target (lbs)</th>
<th>MDV Effective?</th>
<th>Annual Total Loading Above Target</th>
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Total payment value for 2020: $12,388.44

County Payment

Counties were required to submit a “County Participation Form” to the department by January 2nd and payments are distributed proportionately amongst the participating counties based on their total land area in the HUC 8.
watershed. If there are no participating counties within a facility’s HUC 8, the department selects another participating county to receive the payments. Counties are required to use payments to reduce phosphorus entering the surface waters of the state pursuant to s. 283.16(8)(b) Wis. Stats.

Based on participating counties, CASCO WASTEWATER TREATMENT FACILITY is required to make the annual payment to the following counties:

<table>
<thead>
<tr>
<th>HUC8 Code</th>
<th>HUC 8 Name</th>
<th>County Name</th>
<th>Percent of HUC 8</th>
<th>Payment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4030102</td>
<td>Door-Kewaunee</td>
<td>Door</td>
<td>100.0%</td>
<td>$ 12,388.44</td>
</tr>
</tbody>
</table>

Please make checks payable and distribute to:

Make Checks Payable To:  Mailing Address
-------------------------  ------------------
Door County Soil & Water Conservation Department  421 Nebraska Street, Surgoen Bay, WI 54235

Payment Verification

As is required per the schedules section within the WPDES permit, the permittee shall submit Form 3200-151 to the Department by March 1 of each calendar year indicating total amount remitted to the participating counties to verify that the correct payment was made. A copy of the required form has been included and should be submitted by mail at the address on the form, or by email to matthew.clauherty@wisconsin.gov. Electronic correspondence preferred.

Should you have further questions regarding this matter, please contact me at matthew.clauherty@wisconsin.gov.

Sincerely,

[Signature]

Matt Claucherty
MDV Point Source Coordinator
Bureau of Water Quality

e-cc:

Gary Kincaid, WDNR
Project: Waterway System and Waste Facility Closure (NRCS Codes: 342, 412 and 360)
Landowner: James Harju

This project is located in Forestville Township off of Mill Road. The waterway systems are 2,542 linear feet. This project is to start as soon as we have a signed contract and should finish prior to September 15th 2021.

This project has two funding sources. The first funding source is Multi-discharge Variance (MDV) with a total cost of $17,025.70 and will be cost shared at 70% of eligible project costs, $11,917.99. MDV funds are funding only the waterway systems for this project. The second funding source is a SWRM agreement, which has a total cost of $3,670.00 for the waste facility closure and will be cost shared at 70% of eligible project cost, $2,569.00.

The reason for installing these waterway systems is to help reduce historic erosion occurring on this property. The waste facility closure is to abandon an old manure storage after years of not be in service.
**PURPOSE**

To abate water pollution by promoting the installation of vegetated buffer strips along surface waters, concentrated flow channels, wetlands, and direct conduits to ground water. To provide monetary incentives to landowners to install and maintain vegetated buffer strips on agricultural lands.

**GENERAL POLICY**

The eligibility and administration procedures included in the SWCD Water Pollution Abatement Cost-Share Program Policy are applicable.

**PROGRAM SPECIFIC POLICY**

1. Only actively cropped land is eligible for cost-sharing under this policy. Vegetated buffers must have a minimum width of 30 feet. The maximum cost-shareable width shall be 100 feet*. The buffer width may vary between the minimum and maximum widths to fit the needs of the location and operation.

* Designated buffer widths may be exceeded, and cost-shared, to provide straight boundaries to otherwise meandering buffers for ease of management. In order to provide access to buffers, end rows around cropped fields may also be eligible.

2. Cost-sharing shall be issued as a one-time payment after verification of seeding establishment. Up to 70% of establishment costs are cost-shareable in addition to the payment rates in the table below.

<table>
<thead>
<tr>
<th>Vegetation Species</th>
<th>Contract Period</th>
<th>One-Time Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduced</td>
<td>5 years</td>
<td>$500/acre</td>
</tr>
<tr>
<td>Introduced</td>
<td>10 years</td>
<td>$1,250/acre</td>
</tr>
<tr>
<td>Introduced</td>
<td>15 years</td>
<td>$1,500/acre</td>
</tr>
<tr>
<td>Native</td>
<td>10 years</td>
<td>$1,500/acre</td>
</tr>
<tr>
<td>Native</td>
<td>15 years</td>
<td>$2,000/acre</td>
</tr>
</tbody>
</table>

3. The buffer shall be established and maintained according to a SWCD approved conservation plan that, at a minimum, identifies a seed mix, establishment procedures, and harvesting guidelines (buffers shall not be harvested before August 1 to protect ground nesting birds). Establishment of trees and shrubs are optional and not eligible for cost-sharing.

4. During the contract period, adequate sod or self-sustaining vegetative cover shall be maintained such that 70% effective cover is maintained.

5. Buffers may be used as a turning area for field equipment.
6. Commercial fertilizer, manure, or other forms of nutrients may not be spread on the enrolled acres except for establishment purposes.

7. The SWCD may install permanent markers to locate the buffer for future reference.

8. Cost-shared acreage may be re-enrolled after the contract period.

9. Acreage that is currently enrolled in CRP, or a similar program, or has established perennial vegetation is not eligible to receive payment under this program.

ADOPTED BY THE LAND CONSERVATION COMMITTEE -
### Well Abandonment

<table>
<thead>
<tr>
<th>Name</th>
<th>Estimated Cost</th>
<th>County Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marne Kaeske</td>
<td>$445.00</td>
<td>$400.00</td>
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</tbody>
</table>

Well located on parcel 0140104302712B in the Town of Gibraltar. Well depth is <50’, 4” diameter pipe, pump is present.

### Other – Requires LCC Approval

<table>
<thead>
<tr>
<th>Name</th>
<th>Estimated Cost</th>
<th>County Grant</th>
</tr>
</thead>
</table>

### Nutrient Management - Previously Approved by SWCD

<table>
<thead>
<tr>
<th>Name</th>
<th>Acres</th>
<th>County Grant</th>
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</thead>
</table>

### Other - Previously Approved by Ken Fisher

<table>
<thead>
<tr>
<th>Name</th>
<th>Acres</th>
<th>County Grant</th>
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</table>
Department Name: **Soil & Water Conservation Department**
The following carry over accounts were approved by the Land Conservation Committee at their meeting on

<table>
<thead>
<tr>
<th>Account Name</th>
<th>Account Number:</th>
<th>Dept #</th>
<th>Sub-Dept Cost Center</th>
<th>Account #</th>
<th>Detail</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Services</td>
<td>100</td>
<td>31</td>
<td>6107</td>
<td>52101</td>
<td></td>
<td>$1,802.50</td>
</tr>
</tbody>
</table>

**Total Carry Over Amount**  $1,802.50

**Reason for Carry Over:** Multi-year well testing project.

**Preparer's Signature:**

**Dept Head's Signature:**

**Date:**

**Funds Verified by Finance Director:**

**Date Verified:**
## Door County Accounts Payable Invoice Report

### G/L Date Range
01/01/21 - 02/28/21

### Report By Department - Vendor - Invoice Summary Listing

<table>
<thead>
<tr>
<th>Invoice Number</th>
<th>Invoice Description</th>
<th>Status</th>
<th>Held Reason</th>
<th>Invoice Date</th>
<th>Due Date</th>
<th>G/L Date</th>
<th>Received Date</th>
<th>Payment Date</th>
<th>Invoice Net Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>20200105</td>
<td>CAFO Registration - Hanson &amp; Seng</td>
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<td>01/05/2021</td>
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<td>01/13/2021</td>
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<td></td>
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<td>Vendor 8808 - BROWN COUNTY TREASURER Totals</td>
<td>Invoices</td>
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<td>$30.00</td>
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| 2113840        | Dec-Jan Cellular Charges | Paid by Check #680434 |             | 02/03/2021  | 02/03/2021 | 02/03/2021 | 02/10/2021    |              | 128.90            |
|                | Jan-Feb Cellular Charges | Paid by Check #680596 |             | 02/10/2021  | 02/10/2021 | 02/10/2021 | 02/11/2021    |              | 114.59            |
|                |                     |              | Sub-Department 31 Soil, Water, Conservation Totals | Invoices | 2              | 0            |              |              |                   |

| 2113840        |                     |              | Vendor 4818 - CELLCOM WISCONSIN RSA 10 Totals | Invoices | 2              | $243.49      |              |              |                   |

| 20210203       | Well Abandonment - County Cost-share Payment | Paid by Check #680435 |             | 02/03/2021  | 02/03/2021 | 02/03/2021 | 02/10/2021    |              | 650.00            |
|                |                     |              | Sub-Department 31 Soil, Water, Conservation Totals | Invoices | 1              | 0            |              |              |                   |

| 20210203       |                     |              | Vendor 13514 - EMILY BUTTERIS & ALLAN HYLAND Totals | Invoices | 1              | $650.00      |              |              |                   |

| 20210203       | Head Set           | Paid by Check #680436 |             | 02/03/2021  | 02/03/2021 | 02/03/2021 | 02/10/2021    |              | 13.70             |
|                |                     |              | Sub-Department 31 Soil, Water, Conservation Totals | Invoices | 1              | 0            |              |              |                   |

| 20210203       |                     |              | Vendor 22208 - ERIN HANSON Totals | Invoices | 1              | $13.70       |              |              |                   |

| 820324-01      | USB Base Station for HOBO | Paid by Check #680437 |             | 02/03/2021  | 02/03/2021 | 02/03/2021 | 02/10/2021    |              | 124.00            |
|                |                     |              | Sub-Department 31 Soil, Water, Conservation Totals | Invoices | 1              | 0            |              |              |                   |

| 90014-1125     |                     |              | Vendor 11225 - FORESTRY SUPPLIERS INC Totals | Invoices | 1              | $124.00      |              |              |                   |

| 20210212-2     | 2020 WDC Venison Process | Paid by Check #680807 |             | 02/18/2021  | 02/18/2021 | 02/18/2021 | 02/18/2021    |              | 2,880.00          |
|                |                     |              | Sub-Department 31 Soil, Water, Conservation Totals | Invoices | 1              | 0            |              |              |                   |

| 20210212-2     |                     |              | Vendor 90014 - HABERLI DEER PROCESSING Totals | Invoices | 1              | $2,880.00    |              |              |                   |

| 1604-2020123   | 2021 Annual Dues    | Paid by Check #679600 |             | 01/05/2021  | 01/05/2021 | 01/05/2021 | 01/13/2021    |              | 150.00            |
|                |                     |              | Sub-Department 31 Soil, Water, Conservation Totals | Invoices | 1              | 0            |              |              |                   |

Run by Beth Hanson on 03/08/2021 01:35:04 PM
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<th>Due Date</th>
<th>G/L Date</th>
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### 31 Soil, Water, Conservation

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**Grand Totals**

- Invoices: 22
- Total Net Amount: $8,275.10