

DATCP REPORT

July 2014

ATCP 50

- Following the May 1, 2014 effective date of the revised ATCP 50, DATCP is proposing minor technical changes to ATCP 50 to update NRCS and other technical standards modified after June 2013. DATCP will present this proposal to the LWCB at its August meeting, who has 30 days to provide comments.
- DATCP is continuing to update documents for SWRM grants and other programs to provide the most current information to counties. The latest changes can be found in the [SWRM working manual](#).¹

Soil and Water Resource Management Grants

- DATCP is preparing the 2015 preliminary allocation for presentation to the ATCP Board in August. The 2013-2015 biennial budget provides DATCP with \$8,880,000 for county staffing grants, \$2.5 million for Nutrient Management (NM) cost-sharing and cooperator contracts, and \$3.5 million for bond cost-sharing.
- In addition to the allocations for county staff and cost-sharing, the 2015 allocation will focus on promoting training including \$163,163 set aside for nutrient management farmer education and increased funding for cooperators to implement training activities.
- DATCP and DNR received 21 applications in the first two rounds of the NOD/NOI grant process, and will make awards for 11 projects from the 2014 reserve fund. Counties may still apply by August 15th for the remaining \$310,000 held in reserve. Any new applications and the remaining 10 will be reviewed following the August 15th deadline.

Land and Water Resource Management Plans and Ordinances

- DATCP is beginning to contact the 24 counties whose LWRM plans expire in 2015. With this large number of counties needing time before the LWCB, scheduling will be an issue. Counties with expiring plans may be eligible for a five year extension of their plans or may be required to develop a 10 year plan. DATCP and DNR will also be asking these counties to consider preparing plan revisions that include planning elements required for Sec. 319 funding.
- Thirty-one counties have manure storage ordinances adopted prior to 2005, and many of these pre-date the NR 151 standards of 2002. Nearly half of the counties with out-of-date ordinances will be working on LWRM plan revisions. Counties can speak with Lisa Trumble, Lisa.Trumble@wi.gov, about combining efforts to revise plans and ordinances during the same year.

Nutrient Management

- A brochure is available that tells NM planning success stories from the perspective of 4 WI farmers or farm families. Copies are available by request from DATCP or the Nutrient and Pest Management program or can be downloaded from [NPM's website](#)². To receive printed copies of the brochure, contact Lisa Schultz at Lisaj.schultz@wisconsin.gov.
- The Quality Assurance Team is now being organized! If you would like to hone your skills on reviewing a nutrient management plan and help contribute to the current state of nutrient management in WI, send your contact info to Sue Porter at Sue.Porter@wisconsin.gov. You will be sent a plan to review (or more, if you would like) and a review form. The team will meet in Lodi on Sept 11th to discuss findings and how to improve trainings and tools moving forward. This is your chance to learn and be heard!

¹ http://datcp.wi.gov/Environment/Land_and_Water_Conservation/SWRM_Grant_Program_Working_Manual/index.aspx

² http://ipcm.wisc.edu/download/pubsNM/DATCP_NM_FINAL.pdf

Livestock Facility Siting

- DATCP is identifying potential candidates for a committee that must be convened to provide technical advice on livestock facility siting standards. DATCP is hoping to schedule the first meeting of the committee in August.

Agricultural Enterprise Areas

- Areas currently designated as an AEA may follow a new process designed to allow minor modifications to existing AEA boundaries outside of the regular AEA petition process. The intent of this process is to account for issues such as changes in land ownership since the original designation. AEAs interested in pursuing a boundary modification through the new process should contact Coreen Fallat at 608-224-4625 or Coreen.fallat@wi.gov.

Outreach and Training Events

- New guidance and forms for FPP Conservation Requirements, including a new FAQ document, are available on DATCP's [FPP website](#)³.

Other Updates

- DATCP plans to participate in a multi-state preproposal to the NRCS RCPP program in partnership with Illinois, Missouri, Minnesota, and Iowa focusing on the Mississippi River.
- DATCP staff plan to attend various NRCS Local Workgroup meetings and WLWCA area meetings around the state in July and August to provide information and answer questions about DATCP programs as they occur.

³ http://datcp.wi.gov/Environment/Working_Lands_Initiative/Soil_Water_Compliance/index.aspx

Non-Metallic Mining Financial Assurance Policy Recommendation

February 2014 - LCC monthly meeting

This document summarizes an amended process, by which Financial Assurance (FA) for Non-Metallic Mining Reclamation would be released to the County for said purposes described in NR 135.40 Wisconsin DNR administrative code and specifically subsection 9, and related County Ordinance.

1. Ninety (90) days prior to document expiration, the permit holder shall be notified of the FA document expiration and specifics of this policy.
2. Sixty (60) days prior to document expiration, the permit holder and FA document holder shall be notified of permit suspension within thirty (30) days if no action is taken.
3. Thirty (30) days prior to the expiration of the FA document the reclamation permit shall be suspended and further subjected to the conditions described in NR135.25 (3), permit revocation.
4. During the thirty (30) day suspension, if the permit holder fails to fulfill the FA obligation the Department shall revoke the permit. The operator shall be notified and a claim notice filed prior to document expiration with the FA document holder.
5. The Department will notify Corporation Counsel concerning any revocation actions.
6. The Land Conservation Committee shall be notified concerning any permit suspensions, revocations and FA forfeiture notices.

****This amended policy shall be used as a guide, which will allow the department to consistently administer and inform permit holders, land-owners, FA document holders and the public.*

A BRIEF SUMMARY OF WISCONSIN'S NONMETALLIC MINING RECLAMATION PROGRAM



Pub. - WA 828 -2006

**Waste & Materials Management
P .O. Box 7921
Madison, WI 53707-7921**

Nonmetallic mining is a widespread activity in Wisconsin. The variety of geologic environments provides for a diverse industry. An estimated 2,500 sites are mined to provide aggregate for construction, sand, gravel and crushed stone (limestone and dolomite) for road building and maintenance as well as for agricultural lime. A smaller number of quarries provide dimension stone for monuments, volcanic andesite for shingles, peat for horticulture and landscaping, industrial sand for export out-of-state for the oil industry as well as a considerable variety of materials for other uses.

Chapter 295, Wis. Stats., required that the Department draft rules, chapter NR 135, Wis. Adm. Code, to implement the nonmetallic mining reclamation program. The overall goal of the rules is to provide a framework for statewide regulation of nonmetallic mining reclamation by setting up a locally administered reclamation permit programs and establishing uniform reclamation standards. The county or local reclamation program regulates the reclamation of nonmetallic mines but not operations. Likewise, it has no effect upon local zoning decisions such as those related to the approval of new mine sites. The process of siting a mine continues to be a local matter governed under existing zoning procedures by local authorities. The DNR's role is to provide technical support for reclamation programs and to audit the performance of county and municipal programs.

A strong emphasis is placed on compliance assistance to prevent compliance problems. Should violations of the uniform reclamation standards or the reclamation plan occur, ch. NR 135 includes enforcement provisions.

COUNTY PROGRAM CREATED BY ORDINANCE

The law required that all counties adopt an ordinance establishing a reclamation program capable of ensuring compliance with the uniform state reclamation standards contained in the rule. Cities, towns and villages also have the option to adopt an ordinance and administer a program within their jurisdiction. The Department provides a model ordinance for use and adaptation of counties and municipal authorities with language that is flexible enough to incorporate local requirements but specific enough to implement the standards contained in the reclamation rule.

RECLAMATION PERMIT

No mining may be conducted without a valid reclamation permit unless exempt from ch. NR 135. New mines must apply for and receive a reclamation permit prior to commencing operations. To avoid unduly burdensome regulation the rules provide reasonable exemptions such as for sites less than one acre, a pit on a farmer's land for personal use or for excavations incidental to building construction.

To avoid unnecessary regulation, there are exemptions where other regulatory mechanisms exist so as to avoid redundancy. Examples include: excavations for highway purposes, excavation sites used in support of and on the same

property as landfills and operations that are subject to the reclamation requirements of the Department of Transportation (DOT). A Memorandum of Understanding between DNR and DOT addresses the reclamation of sites covered under the DOT exemption and ensures their successful reclamation in accordance with DOT requirements. Likewise, mining operations in or adjacent to navigable waters are exempt because they are regulated by the DNR under ch. NR 340, Wis. Adm. Code.

The reclamation permit is based on the reclamation plan which is the vehicle to ensure that all necessary steps are taken to ensure that the approved post-mining land use is achieved. The reclamation permit is to be a life-of-mine permit (no need for renewal although significant modifications may require approval).



RECLAMATION PLAN

A reclamation plan is the basis for granting a reclamation permit. It is essentially a blueprint describing the steps that are necessary to reclaim the site to achieve a post-mining land use. The reclamation plan must demonstrate compliance with the uniform reclamation standards provided in ch. NR 135. The reclamation plan provides environmental protection during the mining process by encouraging contemporaneous reclamation to minimize the acreage exposed to wind and water erosion. It also addresses topsoil salvage and protection to facilitate future reclamation activities. Based on the declared post-mining land use, a reclamation plan capable of supporting the post-mining land use and of meeting the reclamation standards will be developed by the operator and approved by the regulatory authority. Finally, the reclamation plan provides the basis for determining the amount of financial assurance that must be posted with the regulatory authority.

RECLAMATION STANDARDS

A very important aspect of the reclamation program is to achieve compliance by favoring performance standards rather than prescriptive standards. This serves to encourage creativity on the part of operators in developing site-specific, cost-effective solutions.

Reclamation standards address the salvage and protection of topsoil, including runoff management features that must be in place prior to site disturbance. The standards address revegetation or any other site stabilization methods to meet the approved land use and provide a basis for judging reclamation success. In addition, protection of waters of the state is achieved by erosion and sedimentation control and by emphasizing the policy of not having any more acreage affected by mining and exposed to erosion than is necessary to support the operation at any point in time.

In short, the reclamation of the mine according to an approved plan and in compliance with the reclamation standards will result in a stable, non-eroding site and a productive end land use. Thus, there is increased potential to enhance habitat and increase land values and tax revenues.

FINANCIAL ASSURANCE

The objective of financial assurance is to ensure reclamation. The amount of this financial assurance is based on the cost to implement the reclamation plan. A surety bond or other form of financial assurance is required from the mine operator to guarantee that the regulatory authority has the funds necessary to perform site reclamation in the event of a default. Other options for financial assurance include: a certificate of deposit, an irrevocable letter of credit, government securities among others. A special provision was included in the rules to make it more feasible for small operators, in particular, to provide financial assurance without jeopardizing the solvency of their business. An example of this would be an interest bearing account designed to grow to meet the needs of reclamation.

DEPARTMENT TECHNICAL ASSISTANCE AND OVERSIGHT

The Department provides technical support and advises counties and municipal regulatory authorities regarding the ability of their reclamation program to ensure that operators in their jurisdiction reclaim mining sites in a manner that complies with the uniform statewide reclamation standards set out in ch. NR 135. This support includes providing model ordinances, technical guidance on reclamation plans, financial assurance and the establishment of reasonable fees. Upon request, the Department may act to assist in resolving disputes between regulatory authorities and operators. In addition, the Department is required by law to audit all county and municipal programs to ensure that they are in compliance with the program requirements in the rule and, if need be, to become the regulatory authority in any county that fails to successfully administer a nonmetallic mining reclamation program.

PROGRAM FUNDING

Reclamation programs must be self-funded through fees on the unreclaimed portions of active mining operations. In this way the reclamation program is designed to be funded without imposing a "direct" burden on the tax payers of the state. These fees are intended to support county or municipal program administration as well as statewide Department oversight and technical support. By law, the county or municipal entity administering a nonmetallic mining reclamation program sets and collects fees that represent, as closely as possible, their administrative costs. In addition, fees are to be collected and forwarded to the Department to cover the DNR's statewide administrative costs.

Operators are required to provide annual reports of unreclaimed acres (basis of assessment of fees) to the regulatory authority each year. On an annual basis, the regulatory authority summarizes operator reports, and in turn, reports this and other information to the Department.

REGISTRATION

The law provides for the registration of marketable nonmetallic mineral deposits to afford a degree of protection for registered deposits. Registered deposits are protected by statute from any county or local zoning or other decision that permanently interferes with nonmetallic mining at the site.

To prevent spurious registration there is a requirement that a registered geologist or engineer must certify that a marketable deposit exists on the land proposed for registration. Also, county and local governments have the right to object to an improper registration or renewal. Registration lasts for a period of ten years and may be automatically renewed for an additional ten year period. Zoning authorities may rezone land containing a registered deposit as long as this is done in accordance with an approved land use plan and only if mining has not yet begun. Further, such rezoning cannot take effect until registration has expired. Registration, in conjunction with wise land use planning and zoning, will help to reserve these valuable and finite resources for the needs of future generations.

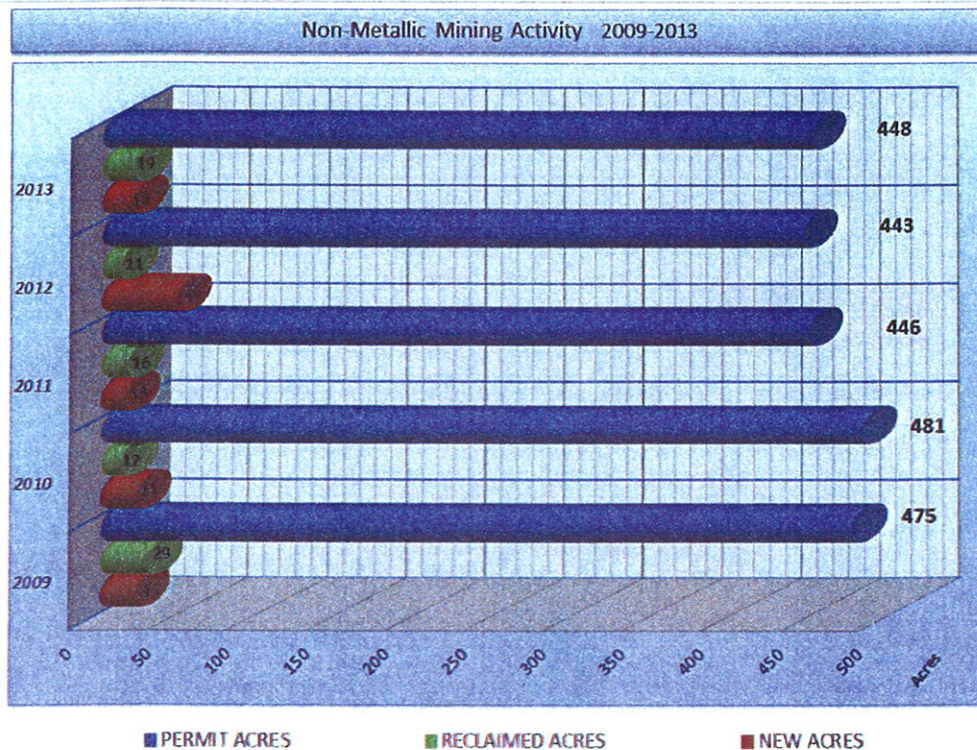
QUESTIONS

Contact 608/266-2111 or Waste.Materials@dnr.state.wi.us or <http://www.dnr.state.wi.us/org/aw/wm/mining/nonmetallic/staff.htm> for further information.

Disclaimers: This document is intended solely as guidance and does not include any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any manner addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format (large print, Braille, audio tape, etc.) upon request. Please call 608/266-2111 for more information.





The chart to the left illustrates activity totals on an annual basis from 2009 to 2013. Operators are required by County Ordinance, to file a year-end report detailing the areas of extraction and reclamation at each permitted location. In nearly all cases the acreage is field verified during an annual inspection.

Operators are encouraged to minimize the exposed acres by working in phases and reclaiming as they move through a site. In doing so, this provides the operator an opportunity to minimize annual permitting fees and financial assurance expenses

2013 to mid-2014 Review:

- Fees collected for 2013; \$11812.50 - of which \$2260 was reimbursed to the DNR and remainder - \$9552.50 earmarked for LWCD administrative expenses.
- 33 sites inspected, to include exempt, inactive, recently reclaimed and active extraction sites.
- Inspected site characterizations: Please see map on reverse side... Active: 1-5 acres 6 permits, 6-10 acres 4 permits, 11-15 acres 4 permits, 16-25 acres 5 permits, 26-50 acres 2 permit, >50 acres 3 permits. Inactive: 1 site. Exemption: 5 sites. Completed reclamation: 3 sites.
- Transfer Approvals & Plan Modifications: 2 permit/plans transfer – Timberlane to Scott Construction & Notbohm Pit (Amon) to GradeTech Pavers; 1 plan modification approved; Homann.
- The Committee adopted Financial Assurance Administrative Policy has assisted the Department with a uniform approach when communicating with operators.
- Prepared Annual Newsletter to provide information and updates to operators and landowners.
- Attended three DNR organized training events/meetings.
- Updated Financial Assurance guidelines published by the DNR which will be incorporated.

Remainder of 2014:

- Amon Receivership: Lake Mills Black Top shingle remediation continues; part of sale agreement, may require bonding money reclamation to complete sale and ultimately a permit transfer. Stark Pit under permit revocation also bond money called by Corp Counsel; Department issued Receiver reclamation order. Should see a portion of pit reclaimed to allow landowner permit transfer.
- Working toward completion of reclamation at both Hollenberger & Schneider sites.
- Several sites with potential for interim reclamation determinations.
- Review of Financial Assurance for large operators using recently compiled DNR guidelines to verify monetary amounts and plan consistency.

Jefferson County Non-Metallic Mining Reclamation Ordinance



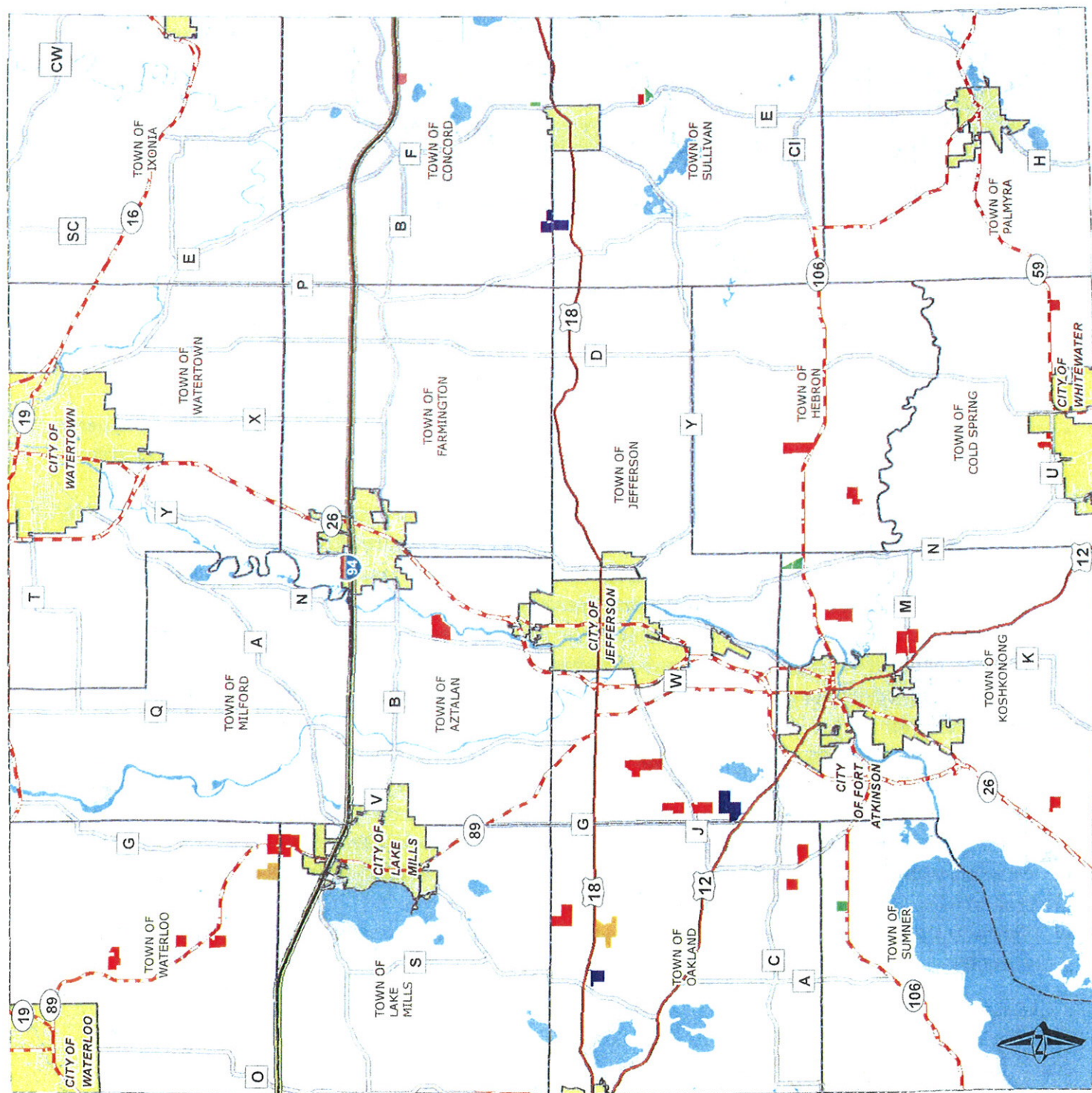
Extraction Sites

PERMIT STATUS - MID 2014

■	ACTIVE - 23 sites
■	AMON-RECIEVERSHIP - 2 sites
■	EXEMPT - 5 sites
■	RECLAIMED - 3 sites
■	INACTIVE - 1 site

0 2.5 5 Miles

Map Prepared by: Jefferson County
Land & Water Conservation Department
Date: 7/15/2014



Proposal for a 2015 Budget Placeholder - Shoreland Assessment of Rock Lake Grant

Funding Source

WI Department of Natural Resources – Small Scale Lake Planning Grant

State funds available are up to \$3,000

County match is required and will be provided with existing staff time

Some county expenses can be covered by the grant

NO County funds will be expended

Grant Deadline is December 10, with funding provided in 2015

Project Idea

Shoreland areas are vital to the health of lakes as they are areas that can filter polluted runoff, help prevent shoreline erosion, and provide habitat for a variety of animals (90% of all lake life is dependent on the shoreland area at some point in their lifecycle). The proposed project would include a survey to document the vegetation and condition of the shoreland area. The information gathered would have many uses. Properties that have excellent conditions can be highlighted as examples of healthy shorelands. Options of how to improve the shoreland area could be shared with other properties to enhance the overall health of the lake.

The WI DNR is going to start offering grant money to pay for shoreland area improvements. Once a shoreland assessment is performed, then projects could be lined up to qualify for this benefit.

Partners

The Rock Lake Improvement Association is a potential partner for the project and future steps to improve shoreland areas.

Jefferson County
Land & Water Conservation Totals

Date Ran 6/23/2014
Period 5
Year 2014

Business Unit	Description	Current Period Actual	Current Period Budget	YTD Actual	YTD Budget	Prorated Variance	Total Budget	Annual Remaining	Percentage Of Budget
7001 Land & Water	Revenue	(3,517.63)	(16,803.17)	(23,962.63)	(84,015.83)	60,053.20	(201,638.00)	(177,675.37)	11.88%
	Expenditures	44,729.38	44,466.92	223,024.62	222,334.58	690.04	533,603.00	310,578.38	41.80%
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	41,211.75	27,663.75	199,061.99	138,318.75	60,743.24	331,965.00	132,903.01	59.96%
7002 Wild Life Crop	Revenue	-	(1,666.67)	(1,330.00)	(8,333.33)	7,003.33	(20,000.00)	(18,670.00)	6.65%
	Expenditures	-	1,666.67	1,330.00	8,333.33	(7,003.33)	20,000.00	18,670.00	6.65%
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	-	-	-	-	-	-	-	#DIV/0!
7007 Nutrient Manage	Revenue	-	-	(350.00)	-	(350.00)	-	350.00	#DIV/0!
	Expenditures	-	-	114.75	-	114.75	-	(114.75)	#DIV/0!
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	-	-	(235.25)	-	(235.25)	-	235.25	#DIV/0!
7008 County Cost Share	Revenue	-	-	-	-	-	-	-	#DIV/0!
	Expenditures	-	-	-	-	-	-	-	#DIV/0!
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	-	-	-	-	-	-	-	#DIV/0!
7009 Hope Lake	Revenue	-	-	-	-	-	-	-	#DIV/0!
	Expenditures	-	-	-	-	-	-	-	#DIV/0!
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	-	-	-	-	-	-	-	#DIV/0!
7010 Resources	Revenue	(3,950.80)	(4,000.00)	(10,894.80)	(20,000.00)	9,105.20	(48,000.00)	(37,105.20)	22.70%
	Expenditures	-	4,000.00	10,894.80	20,000.00	(9,105.20)	48,000.00	37,105.20	22.70%
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	(3,950.80)	-	-	-	0.00	-	-	#DIV/0!
7011 Non Metallic	Revenue	-	(1,330.83)	-	(6,654.17)	6,654.17	(15,970.00)	(15,970.00)	0.00%
	Expenditures	-	39.58	21.52	197.92	(176.40)	475.00	453.48	4.53%
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	-	(1,291.25)	21.52	(6,456.25)	6,477.77	(15,495.00)	(15,516.52)	-0.14%
7012 Mud Lake	Revenue	-	-	-	-	-	-	-	#DIV/0!
	Expenditures	-	-	-	-	-	-	-	#DIV/0!
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	-	-	-	-	-	-	-	#DIV/0!
7013 Rome Ponds	Revenue	-	-	-	-	-	-	-	#DIV/0!
	Expenditures	-	-	-	-	-	-	-	#DIV/0!
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	-	-	-	-	-	-	-	#DIV/0!
7014 Gypsy Moth Program	Revenue	-	-	-	-	-	-	-	#DIV/0!
	Expenditures	-	-	-	-	-	-	-	#DIV/0!
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	-	-	-	-	-	-	-	#DIV/0!
7016 Southern Area	Revenue	-	-	-	-	-	-	-	#DIV/0!
	Expenditures	-	-	-	-	-	-	-	#DIV/0!
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	-	-	-	-	-	-	-	#DIV/0!
7020 County Farm	Revenue	-	(7,725.83)	(52,844.00)	(38,629.17)	(14,214.83)	(92,710.00)	(39,866.00)	57.00%
	Expenditures	91.68	169.00	188.33	845.00	(656.67)	2,028.00	1,839.67	9.29%
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Total	91.68	(7,556.83)	(52,655.67)	(37,784.17)	(14,871.50)	(90,682.00)	(38,026.33)	58.07%
Total All Business Units	Revenue	(7,468.43)	(31,526.50)	(89,381.43)	(157,632.50)	68,251.07	(378,318.00)	(288,936.57)	23.63%
	Expenditures	44,821.06	50,342.17	235,574.02	251,710.83	(16,136.81)	604,106.00	368,531.98	39.00%
	Other Sources	-	-	-	-	-	-	-	#DIV/0!
	Grand Toat Land Conservation	37,352.63	18,815.67	146,192.59	94,078.33	52,114.26	225,788.00	79,595.41	64.75%

