



Large Scale Livestock Recommendations

BUDGET OVERVIEW AND HIGHLIGHTS:

In 2015 the Bayfield County Board established the Large Scale Livestock Committee in regards to large livestock operations concerns. This group met over a 10-month period in 2015 and 2016. Early in 2016 the Committee made a series of recommendations to the County Board. The Board approved the recommendations and forwarded them to the County Health and Land Conservation Committees for review, input and recommendations on implementation.

The recommendations are attached here: Based on the recommendations the Committee have taken the following actions and made the following budget recommendations:

Health Committee Actions:

- Applied for and received a coastal management grant to test wells in the Lake Superior Watershed. Work is underway. \$24,000. The County board authorized \$6000 to supplement this in 2016. This work includes identifying abandoned wells.
- The Health Committee has found that well drilling records and water testing information currently exists and is available on DNR database sights.
- Share existing DNR manure-spill response plans with Bayfield County Emergency Management
- In the process of assisting with planning for large scale swine and poultry influenza and other viral disease outbreaks.

Health Committee Recommendations for 2017:

- Add water sample study results to the UW Stevens Point Water Quality Review.
- Support a three-year Hydrogeological Atlas Project, overseen by Madeline Gotkowitz at the Wisconsin Geological and Natural History Survey. This will address depth to bedrock, water table elevation, ground water recharge and ground water susceptibility. One third of the funding \$33,000 is included in the CIP budget. Outside funding is also being sought for this.

Land Conservation:

- Preparing field edge monitoring grant. This is a three-year project on several parcels. Estimated annual cost is: \$36,000. Department is seeking a 75/25 grant. \$9,000 is in the budget for the county share in 2017.
- \$3000 in well abandonment funds are included, supplementing 2016 projects. This will close approximately 10 more wells, using DATCP matching funds.
- \$5000 is included for Succession Planning.

Livestock

Committee Recommendations

- 1. The Committee recommends the Bayfield County Board adopt the Large-Scale Concentrated Animal Feeding Operations Ordinance and Application Form as presented in Appendix 1.**

Key aspects of the recommended Operations Ordinance include:

- Bayfield County has the legal authority and responsibility to enact an ordinance to comprehensively regulate the *operations* of large-scale CAFOs of 1,000 animal units or greater.
- New or expanding livestock operations of 1,000 animal units or more are required to obtain an Operations Permit from Bayfield County prior to beginning operations.
- To the extent not preempted by state or federal law, the County Board may attach conditions to an operations permit to protect public health, safety, and general welfare, prevent pollution and the creation of private nuisances and public nuisances, and preserve the quality of life and environment of the County. Such conditions may include, but are not limited to matters of:
 - prevention of point and non-point pollution of air and water
 - management of animal or other waste
 - prevention of the spread of zoonotic disease
 - maintenance of animal health and welfare
 - transportation of animals, feed, or waste
 - maintenance of air quality related to dust or other hazardous air emissions
 - protection of private and public property rights and values.
- The applicant shall provide evidence that a CAFO having substantially similar operational characteristics, housing the same species of animals, and utilizing similar operations, has been continuously operated in the United States for at least ten (10) years without causing pollution of groundwater or surface water, and without causing either a private nuisance or a public nuisance. The County Board may waive this requirement at its discretion.
- The ordinance requires the applicant to ensure that sufficient funds will be available for pollution clean-up, nuisance abatement, and proper closure of the CAFO if it is abandoned or otherwise ceases to operate as planned and permitted.
- The applicant is required to compensate the County for all legal services, expert consulting services, and other expenses which may be reasonably incurred by the County in reviewing and considering the application, regardless of whether or not the application for a permit is subsequently approved, with or without conditions, or denied by the County Board.

2. The Committee recommends the Bayfield County Board adopt the South Fish Creek Watershed Animal Waste Storage and Management Ordinance as presented in Appendix 2.

Key aspects of the recommended Operations Ordinance include:

- The ordinance is necessary to reduce the risk of nutrient runoff and consequent downstream degradation of water quality in South Fish Creek and the Chequamegon Bay.
- The ordinance applies to concentrated animal feeding operations (CAFOs) with 1000 or more animal units located or utilizing owned or rented land within the South Fish Creek watershed in Bayfield County for the housing of livestock, production of crops, spreading of manure, or any other agricultural activity.
- Five-hundred forty (540) days of manure storage capacity will allow for storage of manure if manure spreading windows are missed due to weather, soil conditions, or equipment breakdowns.
- Cropping plans with multiple spreading windows will provide for flexibility for applying manure and reduce the risk of emergency spreading due to missed spreading windows.
- Restrictions on field-edge loss of phosphorus will limit phosphorus loading in the already impaired South Fish Creek, thereby reducing the risk of degradation of water quality in Chequamegon Bay.
- Requirements to incorporate manure when applied close to wells and surface waters will reduce the risk of contamination of surface and ground water.

Additional Recommendations

3. To further protect surface water, the Committee recommends the Bayfield County Land and Water Conservation Department and/or Bayfield County Health Department Committees *consider* the following actions:

- a. Provide *additional outreach education* to farmers and landowners to understand and adopt best management practices and comply with existing regulations.
 - i. Prioritize work duties of existing County staff to ensure continuation of the South Shore Nutrient Management Farmer Education Program.
 - ii. Provide outreach education to assist agricultural producers with compliance with existing regulations and best management practices.
 - iii. Provide up to \$1000/farm of cost-sharing for five farms per year for development of a farm succession plan through the South Shore Farm Succession Program.

- b. *Provide additional outreach education and cost-share dollars* to assist farmers and landowners in adopting best-management practices, installing conservation practices, and complying with existing regulations.
 - i. Provide funding for cost-sharing barnyard runoff control projects.
 - ii. Provide funding for cost-sharing well abandonment projects.
 - iii. Provide staff for project implementation and implementation of livestock ordinances.
- c. Adopt a Bayfield County Animal Waste Storage and Management Ordinance requiring:
 - i. An Animal Manure Permit and adherence to the NRCS 313 Standard for all new or significantly modified manure storage structures with volume greater than 500 cu ft.
 - ii. Closure of any permitted animal waste storage structure if unused for 24 consecutive months.
 - iii. An Animal Manure Permit for all new or significantly modified livestock feeding operations with 50 animal units or more and adherence to barnyard NRCS Technical Standards.
 - iv. Manure storage capacity of 180 days for new or expanding livestock operations with 200 to 499 animal units and 360 days of storage for livestock operations with 500 to 999 animal units.
- d. Incorporate NR 151 standards into the Bayfield County Animal Waste Storage and Management Ordinance to allow for local enforcement.
- e. Develop and implement a Bayfield County Water Quality Trading Program to allow new or expanding operations to purchase phosphorus credits to offset a planned increase in phosphorus loading to surface waters.
- f. Each of the remaining risk management strategy options listed in the *Surface Water Findings-of-Fact Document (Appendix 2,)* given the unique geography, topography, soils, water resources, air quality and other natural features of Bayfield County, and potential legal considerations, may or may not be appropriate for consideration as a condition of a permit issued pursuant to any individual application under the Bayfield County Large-Scale Confined Animal Feeding Operations Ordinance.

4. To further protect groundwater, the Committee recommends the Bayfield County Land and Water Conservation Department and/or Bayfield County Health Department Committees *consider* the following actions:

- a. Implement a well-testing outreach and education program to encourage and facilitate annual testing of private well water and repair of substandard wells.

- b. Provide funding to test water from at least 10 private wells in each Township in Bayfield County to establish a baseline water quality understanding.
 - c. Establish a County-maintained database with all well-drilling records and water test information.
 - d. Develop a depth-to-bedrock map for Bayfield County to identify areas with less than 20 feet of soil to the bedrock.
 - e. Analyze all known well-drilling records to identify wells with less than 20 feet of silty-clay till over water-bearing sand and gravel deposits.
 - f. Develop a groundwater susceptibility map for Bayfield County to identify areas, such as those near Gilles Road, that have increased susceptibility to groundwater contamination compared to areas with deep silty-clay till.
 - g. Identify abandoned wells and rate the risk of each well to groundwater quality for prioritizing abandonment efforts. Or conversely, identify fields with highest likelihood of groundwater contamination and look for abandoned and existing wells in and adjacent to these fields first.
 - h. Utilize groundwater flow maps and groundwater susceptibility mapping to design groundwater monitoring programs for sited livestock facilities.
 - i. Each of the remaining risk management strategy options listed in the *Groundwater Findings-of-Fact Document (Appendix 3,)* given the unique geography, topography, soils, water resources, air quality and other natural features of Bayfield County, and potential legal considerations, may or may not be appropriate for consideration as a condition of a permit issued pursuant to any individual application under the Bayfield County Large-Scale Confined Animal Feeding Operations Ordinance.
- 5. To further protect air quality, the Committee recommends the Bayfield County Land and Water Conservation Department and/or Bayfield County Health Department *consider* the following actions:**
- a. Expand outreach education and cost-sharing to assist existing producers in implementation of the Beneficial Management Practices recommended by the Wisconsin Air Emissions Advisory Group as listed in Appendix 3.
 - b. Require implementation of applicable Air Quality Beneficial Management Practices listed in Appendix 3 for new or expanding operations through local ordinance.
 - c. Each of the remaining risk management strategy options listed in the *Air Quality Findings-of-Fact Document (Appendix 4,)* given the unique geography, topography, soils, water resources, air quality and other natural features of Bayfield County, and potential legal considerations, may or may not be appropriate for consideration as a condition of a permit issued pursuant to any individual application under the Bayfield County Large-Scale Confined Animal Feeding Operations Ordinance.