

Michele Sadauskas

From: Karl Jennrich
Sent: Wednesday, January 5, 2022 8:00 AM
To: Michele Sadauskas
Subject: FW: paul daigle conversation

[Is this public comment?](#)

From: Tom Jerow <tjerow@gmail.com>
Sent: Tuesday, January 4, 2022 9:37 PM
To: Michele Sadauskas <msadauskas@co.oneida.wi.us>
Cc: Bob Mott <bobmott329@hotmail.com>; Robert Thome <rthome@co.oneida.wi.us>; Karl Jennrich <kjennrich@co.oneida.wi.us>; Dan Butkus <dan.butkus@yahoo.com>; Michael Fugle <mfugle@co.oneida.wi.us>
Subject: Re: paul daigle conversation

Good advice from Paul, particularly on small operations. I know Paul and he certainly knows the regulations very well - admittedly better than me. Tomorrow I will have some photos to share regarding small operators. Most small producers are good stewards of the land and water but it only takes one to cause significant water quality problem or issue. See additional comments below.

Tom

On Jan 4, 2022, at 4:56 PM, Michele Sadauskas <msadauskas@co.oneida.wi.us> wrote:

Hi everyone-

I wanted to update everyone on a conversation I had this afternoon with Paul Daigle, Marathon County Conservationist. Bob had a few questions that I threw Paul's way and I wanted to share those answers.

1. John Sweeney mentioned there is an organization that has

the amount of registered cattle in an area. Yes, this does exist, but it is not public record. We cannot access that information.

Being a consumer of locally produced meat products I know there are only a handful of operators in Oneida County. We are simply do not have agricultural lands suitable for production. However, the lack of local regulatory control makes us an ideal target for large industrial farms. Bayfield County had a sleepy little agricultural economy in some respects more agriculturally orientated than Oneida County. This is exactly why a 10,000 head pork producer sought to develop a large industrial farm in Bayfield County. Feed for these facilities can easily be trucked in from nearby counties such as Lincoln, Langlade or Marathon Counties. While the state certainly does regulate these larger facilities, without a MSO the County would have little or no regulatory in-put into the operation or location of manure storage facilities for such a large facility.

2. Is there something on the books that determines when a farmer needs a manure storage facility? For example, so many head of cows, or cubic feet of manure. No. Farmers should be following State Standards (on manure spreading). If they don't have the land capacity to spread, or have to spread during winter (no storage capacity), they should be investing in a facility. But nothing is requiring them to build a facility.

Dry stacking manure outside the Water Quality Management area with a vegetative buffer or grass swale drainage is a perfectly acceptable practice for small operators AND is far better than winter spreading. The code as currently drafted would encourage proper manure management and spreading manure on a regular basis.

a. As Oneida County stands right now, a farmer can build any type of "structure" to hold manure. And that structure can be located within a water quality management area. If we pass an ordinance, the farmer will need to get a permit, which means the County has oversight of that facility.

This exactly is why we need an ordinance. Right now any operator with 500 or less animal units can store manure wherever they would like to with limited or no regulatory oversight. Yes some prohibitions still exist but enforcement is subject to the state's priorities and staffing. Permit backlogs often take priority to enforcement when there is limited staffing at DNR.

3. If we establish an ordinance, any new manure facility will need to get a permit. Even one over 500 head of cattle (where a CAFO designation begins). DNR will regulate the CAFO (County would regulate anything smaller), but the County will have permitted it, and in Paul's county, it allows a close working relationship with the DNR.

As Paul and Michele stated everything over 500 units requires a state permit. However, if the County has a MSO, we have more input and will work in tandem with the state. Without an ordinance the County is not invited to the dance - no matter what size facility is being proposed.

4. If we do not pass an ordinance, DNR would regulate the 4 prohibitions listed on page 28-10 of our ordinance and CAFO's. L&W could work with a farmer that is breaking the law, but County will have no oversight and no regulatory power.

Exactly why we need an ordinance. Without an ordinance the state cannot enforce the prohibition unless funding is available to fix the problem. We should always use technical assistance and funding to help solve problems but having the enforcement tool is SOMETIMES crucial to get compliance. Otherwise we no input and the state can easily becomes a paper tiger.

5. Can we put a minimum animal unit on our ordinance? For ex., have our ordinance only apply to those farms with over 100 animal units. Paul strongly recommended against this angle. He told me he has been in discussion groups that have expressed the need for regulatory consistency across small and large farms. Also, Paul has seen issues with small producers. So by limiting our ordinance, we could be allowing the very thing we want to prevent.

I plan to share some photos from small operations that have had some pretty horrific impacts to water quality tomorrow. Most small operations, like Camp 4 Farms, are great stewards of the land and water - all it takes is one bad apple...

6. Lastly, Paul was asked to go over our ordinance (by Mr. Sweeney) and made mention of those areas that he thought exceeded NR151. Paul also shared those areas with me. I have highlighted those sections, and included some notes. I will not have time to research and list all of these sections in a document for the public hearing (and would feel uncomfortable in doing so), but will be able to address the setbacks in a document by tomorrow's meeting (those things that I know are in or out of State Statute). I wanted the group to know of these "pinch points" before tomorrow's hearing.

The vast majority of the ordinance is lock step with the state standards, although we do extend some of the protections for smaller operations. Where we exceed, is our set-backs for wetlands. If you recall we had extensive discussions during the rule drafting process and I stand by the draft rule which has a 300 foot setback for wetlands. All wetlands in Oneida County, by virtue of our geology, are connected either to groundwater or more often nearby surface waters (lakes & streams). As the preamble to the rule states our high quality water resources deserve the best possible protection as does our water based tourism economy.

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