

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
2811 Agriculture Drive, P.O. Box 8911
Madison, WI 53708-8911

IN THE MATTER OF THE COUNTY
LAND AND WATER RESOURCE
MANAGEMENT PLAN FOR ONEIDA
COUNTY

LWCB DOCKET NO. 085-00000-L-16-E-
0816 ORDER EXTENDING THE
APPROVAL OF THE REVISED PLAN
THROUGH DECEMBER 31, 2019

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 February 16, 2012 Order approving the revised plan through December 31, 2016, *In the Matter of the County Land and Water Resource Management Plan for Oneida County*, LWCB Docket No. 12-07-43-000-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 February 16, 2012, the department approved the Oneida County land and water resource management (LWRM) plan until December 31, 2016, as more fully described in Docket No. 12-07-43-000-L-1.
- (3) On February 16, 2012, when the department approved the LWRM Plan, it was authorized under s. ATCP 50.12(5), Wis. Admin. Code, to approve the plan for a period not to exceed ten years.

- (4) The LWCB has approved criteria and procedures that apply to any county seeking an extension of its plan approval for one to three years. A guidance document, available on the DATCP LWRM plan webpage, outlines the criteria and procedures applicable to the extension request described in Finding of Fact (6).
- (5) On February 2, 2016, the LWCB approved a DATCP recommendation to discontinue the formal process for requesting extensions of expiring LWRM Plans effective January 1, 2017.
- (6) On April 11, 2016, Oneida County requested an extension of its plan approval expiration date, based on authorization from its designated Land Conservation Committee (LCC). In support of its extension request, the Oneida County LCC submitted the documentation specified in the LWCB procedures for extension requests.
- (7) On August 2, 2016, upon finding that Oneida County met the Board criteria for a one to three year extension of its plan approval, the LWCB recommended extension of the approval of the Oneida County LWRM plan through December 31, 2019.

CONCLUSIONS OF LAW

- (1) The department, working in consultation with the LWCB, is authorized by s. ATCP 50.12(5) Wis. Admin. Code, to approve a LWRM plan for a period not to exceed 10 years, including any extension of the LWRM plan.
- (2) Oneida County has met the criteria for requesting an extension of its plan approval, as established by the LWCB, by submitting an updated work plan and providing other requested information.
- (3) Based on Findings of Fact (1) through (7) above, the department should issue an order extending the approval of the Oneida County LWRM plan for a term ending December 31, 2019.


ORDER

NOW, THEREFORE, IT IS ORDERED that:

- (1) Pursuant to s. 92.10, Wis. Stats., the approval of Oneida County LWRM plan, as more fully described in Findings of Fact (1) and (2), is extended through December 31, 2019.
- (2) As a condition of this extension, Oneida County must file with the department an annual work plan that describes planned activities and includes annual benchmarks for priority activities. Oneida 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 extension approved by this Order.
- (3) Based on Finding of Fact (5), Oneida County has no formal process to extend approval of its LWRM plan, as more fully described in Finding of Fact (1) and (2), beyond December 31, 2019.

Dated this 24th day of August, 2016

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Ben Brancel, Secretary