

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-19-A-  
0819 ORDER APPROVING THE  
REVISED PLAN THROUGH DECEMBER  
31, 2029, CONTINGENT ON LWCB  
REVIEW IN 2024

---

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 August 24, 2016, upon the LWCB's recommendation, the department extended the approval of the Oneida County LWRM plan through December 31, 2019, as more fully described in Docket No. 085-00000-L-16-E-0816.

- (4) On May 28, 2019, Oneida County submitted its revised LWRM plan for LWCB and department review, and requested department approval of its revised plan through December 31, 2029.
- (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 August 6, 2019, upon finding that Oneida County met all criteria for a ten year plan approval, the LWCB recommended the approval of the revised LWRM plan through December 31, 2029, contingent on Oneida County submitting to a five-year review by the LWCB in 2024.
- (8) On August 20, 2019, the Oneida County Board approved the revised Oneida 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 Oneida 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, 2029, 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 Oneida County LWRM plan is approved through December 31, 2029.
- 2) This order is contingent on a LWCB review in 2024 , 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 Oneida County has failed to meet the LWCB guidance, this order is automatically modified to approve the plan only through December 31, 2024. 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, Oneida County must file with the department an annual work plan that describes planned activities and includes benchmarks for priority activities. Oneida County may remain in compliance with this requirement by updating its work plan by no later than April 15<sup>th</sup> of each year during the period of the plan approval specified in this Order.

Dated this 18th day of December, 2019

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By   
Sara Z. Walling, DARM Division Administrator