



GREEN LAKE COUNTY

Land Conservation Department

571 County Road A
Green Lake, WI 54941

Phone: 920-294-4051
FAX: 920-294-4056
Email: lcd@greenlakecountywi.gov

Land Conservation Committee Meeting Notice

Date: November 9, 2023 Time: 9:00 AM
County Board Room #0902, Green Lake County Government Center
571 County Rd A, Green Lake WI

AGENDA

Committee Members

- Robert Schweder-
Chairman
- Ken Bates-
Vice-Chairman
- Bill Boutwell
- Nancy Hiestand
- Arnold Dahlke
- Wesley Eisenga –
FSA Member

Virtual attendance at meetings is optional. If technical difficulties arise, there may be instances when remote access may be compromised. If there is a quorum attending in person, the meeting will proceed as scheduled.

1. Call to Order
2. Certification of Open Meeting Law
3. Pledge of Allegiance
4. Approval of the October 12, 2023 Minutes
5. Public Comments
6. Appearances
7. Wake Boat Discussion & Action
8. Marquette Agriculture Enterprise Area Designation Discussion
9. Multi-Discharger Variance Program Participation Discussion
10. Discussion and Action for support of Little Green Lake Protection and Rehabilitation District Lake Management Planning Grant
11. Resolution
 - Relating to Opposition to Wisconsin Legislative Reference Bureau 2023 Bill Proposal LRB-3518/1
12. Department Activities Report
 - Staff Report
 - AIS Update
 - Lake and River Report
13. Upcoming Events
 - Deer Donation Program, November 22nd and 25th, 11:00am - 2:00pm, Green Lake County Highway Shop
 - Wisconsin Water & Soil Health Conference, December 7-8, Wisconsin Dells
14. Committee Discussion
15. Future Meeting Date: December 14, 2023 at 9:00 AM
16. Future Agenda items for action & discussion
17. Adjourn

This meeting will be conducted through in person attendance or audio/visual communication. Remote access can be obtained through the following link:

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 274 535 288 858

Passcode: fUVzfY

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

+1 920-515-0495..789589973# United States, Green Bay

Phone Conference ID: 789 589 973#

[Find a local number](#) | [Reset PIN](#)

Please accept at your earliest convenience. Thank you!

Kindly arrange to be present, if unable to do so, please notify our office.
All line items are subject to any and all action by this committee, unless noted.

“Our highest responsibility is to protect and enhance land and water resources that will sustain current and future generations.”

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Visit our Web site: www.greenlakecountywi.gov



LAND CONSERVATION COMMITTEE October 12, 2023 - MINUTES

The meeting of the Green Lake County Land Conservation Committee was called to order by Robert Schweder, Committee Chairman, at 9:00AM on October 12, 2023 in the County Board Room #0902 of the Green Lake County Government Center in Green Lake, WI. The requirements of the open meeting law were certified as being met. The Pledge of Allegiance was recited.

Present:
Robert Schweder
Bill Boutwell
Arnold Dahlke
Nancy Hiestand

Excused:
Wesley Eisenga, FSA Member
Ken Bates

Staff Present: Todd Morris
Heidi Weishaar

Others Present: Dave Terrell, Wildlife Services Al Weckwerth
Mike Arrowood Aaron Anderson

MINUTES

Motion/second (Boutwell/Hiestand) to approve and file the September 14, 2023 meeting minutes Motion carried.

PUBLIC COMMENTS

None

Motion/second (Boutwell/Dahlke) to move up item 8 for Wake Boats ahead of the Wildlife Damage Program. Motion Carried.

Motion/second (Boutwell/Hiestand) to suspend the rules to allow the audience to participate in the discussion. Motion carried.

WAKE BOAT DISCUSSION

Discussion held on the potential damage to the lake shore and lake bottom from wake boats.

- Kavanaugh, Green Lake County LCD, gave his input on what he has heard from the Wisconsin Association of Lakes Wake Boat Committee. Some of the information that is being discussed is minimum lake size of 1500 acres, depth of 40 feet to operate, and 700 feet from shoreline. A depth may be easier for operators to figure out than a distance from shore. Kavanaugh also discussed the invasive species issue, particularly with spiny water flea, which is currently not in Green Lake. The wake boats are not able to empty all their ballast water when moving between lakes, so this creates a way from these species to move between water bodies. Need additional information on what can be done to address this issue.
- Reas, Green Lake Sanitary District, also agreed with Kavanaugh that Green Lake is a big lake and there is room for everybody that wants to recreate, just need to come up with something that works for everyone. From the district standpoint their main concerns are safety, shoreline erosion, and aquatic plant impacts.
- Anderson, Walleyes for Tomorrow Chapter Chairman, expressed concern over loss of aquatic habitat and the potential for introduction of invasive species through the ballast tanks.
- Arrowood, Walleyes for Tomorrow and Wisconsin Wildlife Federation Fisheries Committee, expressed his concern with the disturbance of the bottom sediments in shallow water and covering the aquatic vegetation with silt which blocks the photosynthetic process, killing the plant. Stated plants are essential for fish populations.
- Representatives from local marina's will be invited to the next meeting.

WILDLIFE DAMAGE BUDGET AND CROP APPROVAL

1. **Motion/second (Dahlke/Boutwell)** to approve the 5-year Cooperative Service Agreement (CSA) for Green Lake County
2. **Motion/second (Boutwell/Dahlke)** to approve the 2023 budget in the amount of \$ 29,027.72 . Motion carried.
3. **Motion/second (Boutwell/Dahlke)** to approve the 2023 crop price proposal. Motion carried.
 - Alfalfa \$162.58/Ton
 - Alfalfa/Grass-mix \$111.08/Ton
 - Corn, Field \$5.75/Bushel
 - Oats \$4.00/Bushel
 - Soybeans \$14.33/Bushel
 - Wheat \$6.80/Bushel
4. **Motion/second (Boutwell/Dahlke)** to adopt December 1, 2023 as the 90% day that the crops have been harvested. Motion carried.
5. No action taken on the Venison Donation Program since this would be for reimbursement to a participating processor. Green Lake County does not have any processors that participate.

9:54 AM – Bill Boutwell left the meeting.

APPEARANCES

- **Federal Agencies**
None
- **Hannah Niewoehner**, Watershed Coordinator, provided a written update on the projects within the Green Lake Watershed that she is working on as well as updates from the Green Lake Sanitary District. See report attached.

DEPARTMENT ACTIVITIES REPORT

- **Staff Report**
Written report was reviewed.
- **AIS Update**
Written report was reviewed from Chris Hamerla, Regional Aquatic Invasive Species (AIS) Coordinator.
- **Lake and River Report**
Written report was reviewed.

COMMITTEE DISCUSSION

- Future Meeting Date: November 9, 2023 at 9:00 AM
- Future Agenda items for action & discussion

ADJOURN

Meeting adjourned at 9:59 AM .

Respectfully submitted,

Heidi Weishaar
Recorder

Green Lake County Land Conservation Committee Meeting

10/12/2023

Green Lake Watershed

Lake Levels

- Lake levels remain low. Landowners continue to struggle to get boats off lifts for winterizing. Rain is expected at the end of this week and many people are hoping this will be enough to get boats moving.
- Early last week, surface water temperatures were still found to be around 70 degrees. That changed dramatically over past week with surface temps now seen in the upper 50s.

Fish

- Roughly 30,000 lake trout were delivered to the Green Lake Fish Rearing Facility this week from the DNR's fish hatchery in Bayfield.
- The lake trout are raised as part of a cooperative effort through donations from the GLA, Green Lake County, the City of Green Lake, and local fishing guides.
- GLSD staff feed and monitor the fish daily, watching their growth between October and April when they are released into the lake. DNR staff take periodic evaluations of their growth.

BMPs

We are expecting construction to begin on a few projects this fall. These projects are in Green Lake County. The County staff was helpful in getting these projects rolling.

We expect construction to begin on a wetland scrape in Fond du Lac County this fall.

The rain should help newly planted cover crops establish.

I am working with Todd and his staff to begin outreach and start signing up projects in the Roy/Wuerches Creek areas for the GLRI grant. We are aiming to have a informational landowner meeting this fall.



WISCONSIN LAKES

We Speak for Lakes!

PO Box 7723 / Madison WI 53590

608.661.4313

info@wisconsinlakes.org

Wisconsin Lakes Policy Recommendations Regarding Regulation of Enhanced Wakes

October 21, 2023

In the last decade, the ability for watercraft to create “enhanced wakes” rose in capability and popularity. Wakeboats, boats with a construction and mechanics dedicated to the creation of enhanced wakes, especially through the use of ballast tanks to weigh down the boat’s stern, are a more and more common sight on lakes of all sizes in Wisconsin. Enhanced wakes are also created by aftermarket add-ons to existing boats, and are used for sports like wakeboarding and wakesurfing.

Under the public trust doctrine of the Wisconsin Constitution, our state’s waters are held in trust for all and are “forever free.” The doctrine has quite rightly been interpreted over the years to include a right of the public to recreate on our waters, which makes decisions about how and when to regulate an individual's right to use certain watercraft or partake in certain types of activities complicated and as such should only be undertaken with great restraint.

But wakeboats introduced watercraft with a size, power, and function not ever seen on our inland waters. Waves often vastly greater in intensity than any other wave, including those generated by periodic storms or general winds, crash into the shoreline. The downward thrust of the stern-heavy boats’ propellers scour the bottom in a way no other craft does to date. And the current design of the ballast tanks used to weigh down the stern of the boats do not sufficiently drain to prevent aquatic invasive species like zebra mussels, starry stonewort, or other plants and animals to be removed before the watercraft moves to another lake.

Wisconsin Lakes is a statewide non-profit conservation organization of waterfront property owners, lake users, lake associations, and lake districts who in turn represent over 80,000 citizens and property owners. For over 30 years, Wisconsin Lakes has been a powerful bipartisan advocate for the conservation, protection, and restoration of Wisconsin’s lake resources.

Wisconsin Lakes advocates sound, science-based solutions to protect our lake environments and the rights of all of Wisconsin's lake users. As such, **we make the following recommendations towards building a statewide policy around enhanced wakes in Wisconsin:**

- 1) ***Minimum state standards while maintaining local control:*** More than most states, Wisconsin features thousands of lakes, all with their own unique characteristics. While it is in the state's interest to set minimum standards for enhanced wakes statewide for reasons of public safety, the protection of private property, and protection of the lake environment, Wisconsin Lakes believes the best solutions for each lake come from the communities that call its waters home. The ability through the local boating ordinance process to enact enhanced wake ordinances stronger than any state standard for a particular lake should continue to be allowed.
- 2) ***No enhanced wakes within at least 500 feet of the shore:*** Based on the best available science, enhanced wakes should be prohibited within at least 500' from the shore.
- 3) ***No enhanced wakes in water shallower than at least 30 feet:*** Current studies are still in progress that will likely indicate impacts in waters deeper than 20 feet. We are currently recommending a prohibition of enhanced wake creation in depths of less than 30 feet to prevent bottom scouring or the stirring up of lakebed

In addition to advocating for these basic, minimum state standards, we also call for the following:

- 4) ***Prevention of aquatic invasive species transport:*** As currently designed, many of these boats do not allow for the complete draining of their ballast tanks. Wisconsin law currently prohibits a boater from transporting AIS from lake to lake, and these tanks make it almost a given that boaters are unwittingly violating that law and could contribute to the spread of species such as zebra mussels or starry stonewort. Steps should be taken - whether voluntarily by the boat manufacturers or by mandate in state law - to fix the drainage system of the tanks to fully allow complete drainage both for new models and by a retrofit of existing boats. Additionally, the state should put in place meaningful decontamination regulations for *all* watercraft backed by sufficient funding to ensure enforcement of those laws and regulations.
- 5) ***Best practices for wakes to be included in boater certification courses:*** All boaters taking certification courses in Wisconsin should be taught best practices if creating an enhanced wake to limit environmental damage, maintain the safest lake environment for other users, and cause the least infringement of the enjoyment of the lake by *all* lake users.



For Immediate Release
Contact: Steve Lyons

October 26, 2023
(608) 220-7478

“Lakes At Stake Wisconsin” Launches Efforts To Preserve Wisconsin Lakes Wake Boats Damage Lake Property, Fishing and Hurt Tourism

Madison... Lakes At Stake Wisconsin, (LSW) a Wisconsin-based bipartisan group, has formed with a single focus, stopping the damage being done to Wisconsin lakes caused by wake enhanced boating.

“Wisconsinites love our lakes and are very concerned by the impact from wake enhanced boats. We have heard from people throughout Wisconsin who are frustrated with the damage being done to our lakes by these wake boats designed to create a huge wave,” said Paul Gardetto, President Lakes at Stake Wisconsin.

Lakes At Stake Wisconsin consists of a strong cross-section of Wisconsin. The statewide association supports the interests of boaters, fisherman, kayakers, swimmers, sailors, property owners, and the tourism industry.

Gardetto went on to say, “Waves powerful enough to surf are best suited for a large body of water, but on Wisconsin’s small and medium sized lakes wreaks havoc. On Wisconsin waterbodies, they create hazards for other boaters, cause property and shore damage and crowd out many other historic water activities such as kayaking, swimming, paddle boarding, sailing, fishing and pleasure boating.”

LSW is asking the Wisconsin Legislature to adopt a statute that would prohibit enhanced wake sports on Wisconsin lakes under 1,500 acres.

Gardetto concluded by saying, “Fisherman, those in the tourism industry, and property owners, are very concerned about how these wake generating machines tear up our lakes, leaving permanent damage to our sandy beaches, fishing beds and public recreational areas.”

For more information about Lakes At Stake Wisconsin, go to lakesatstake.org



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3518/1
EHS:skw

2023 BILL

1 **AN ACT to amend** 30.69 (3) (d); and **to create** 30.01 (1ag), 30.01 (1ah), 30.50 (13r),
2 30.50 (13v) and 30.69 (3) (cm) of the statutes; **relating to:** the regulation of
3 wakesurfing and wakeboarding.

Analysis by the Legislative Reference Bureau

This bill regulates wakesurfing and wakeboarding. The bill defines wakesurfing as surfing a motorboat's wake, regardless of whether the person is being pulled by a tow rope attached to the motorboat that is producing the wake or operating a motorboat in a manner that creates a wake that is, or is intended to be, surfed by another person. The bill defines wakeboarding as being towed on a board with or without foot bindings by a motorboat across the vessel's wake or operating a motorboat in a manner that creates a wake while towing a person on a board with or without foot bindings.

Under current law, various regulations apply to water skiing, aquaplaning, "or similar activity," and under current law, wakesurfing and wakeboarding likely fall under "aquaplaning" or "similar activity." The bill explicitly provides that "aquaplaning" includes wakesurfing and wakeboarding, and thereby applies the same safety regulations that apply to water skiing and aquaplaning to wakesurfing and wakeboarding. These regulations include requiring an observer or a wide-angle mirror on the motorboat, restricting wakesurfing and wakeboarding to between sunrise and sunset, prohibiting intoxicated wakesurfing and wakeboarding, requiring a motorboat used for wakesurfing or wakeboarding to stay more than 100 feet away from any occupied anchored boat, personal watercraft, or marked

BILL

swimming area or public boat landing, and prohibiting a person engaged in wakesurfing or wakeboarding from being within 100 feet, or allowing a tow rope to be within 100 feet, of a personal watercraft.

The bill also adds restrictions that apply specifically to wakeboarding and wakesurfing. Current law prohibits the operation of a motorboat on a lake open to public access that is 50 acres or less. The bill prohibits wakesurfing and wakeboarding on a body of water of 50 acres or less or that is less than 400 feet wide, regardless of public access. The bill prohibits wakesurfing or wakeboarding within 200 feet of a shoreline or dock, pier, boathouse, or other structure located completely or partly on the water, though the bill allows a local ordinance to be less strict, but not more strict, than this prohibition. The bill also requires that a person surfing a wake or being towed on a board must wear a personal flotation device.

The bill applies the same penalties to wakesurfing and wakeboarding violations that apply to water skiing violations under current law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 30.01 (1ag) of the statutes is created to read:

2 30.01 (**1ag**) “Aquaplaning” includes wakesurfing and wakeboarding.

3 **SECTION 2.** 30.01 (1ah) of the statutes is created to read:

4 30.01 (**1ah**) “Aquaplane” includes the board upon which a person rides while
5 wakesurfing or wakeboarding.

6 **SECTION 3.** 30.50 (13r) of the statutes is created to read:

7 30.50 (**13r**) “Wakeboarding” means the activity of any of the following:

8 (a) Being towed on a board with or without foot bindings by a motorboat across
9 the motorboat’s wake.

10 (b) Operating a motorboat in a manner that creates a wake while towing a
11 person on a board with or without foot bindings.

12 **SECTION 4.** 30.50 (13v) of the statutes is created to read:

13 30.50 (**13v**) “Wakesurfing” means the activity of any of the following:

BILL

1 (a) Surfing a motorboat's wake, regardless of whether the person is being pulled
2 by a tow rope attached to the motorboat that is producing the wake.

3 (b) Operating a motorboat in a manner that creates a wake that is, or is
4 intended to be, surfed by a person.

5 **SECTION 5.** 30.69 (3) (cm) of the statutes is created to read:

6 30.69 (3) (cm) 1. Except as provided in subd. 2., no person may engage in
7 wakesurfing or wakeboarding in any of the following circumstances:

8 a. On a body of water that is 50 acres or less.

9 b. On a portion of a body of water with a width, measured from the nearest
10 shoreline to the second nearest shoreline, of less than 400 feet.

11 c. Subject to subd. 3., within 200 feet of a shoreline or a dock, pier, boathouse,
12 or other structure located completely or partly on the body of water.

13 d. When surfing a wake or being towed on a board without wearing a personal
14 flotation device prescribed by federal regulations.

15 2. Subdivision 1. does not apply to duly authorized wakeboarding or
16 wakesurfing tournaments, competitions, exhibitions, or trials therefor, where
17 adequate lighting is provided.

18 3. In an ordinance enacted under s. 30.77, a city, village, town, public inland
19 lake protection and rehabilitation district, or town sanitary district may not be more
20 restrictive than the prohibition in subd. 1. c. but may provide an exemption from the
21 prohibition in subd. 1. c. or substitute a lesser number of feet.

22 **SECTION 6.** 30.69 (3) (d) of the statutes is amended to read:

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

MARQUETTE AGRICULTURAL ENTERPRISE AREA GREEN LAKE COUNTY	DOCKET NO. ARM Division Docket No. 047-49525-A-23 E-0923 AEA NO. 23-02-N-0923 ORDER DESIGNATING AGRICULTURAL ENTERPRISE AREA
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INTRODUCTION

Green Lake County, the towns of Marquette, Green Lake and Kingston, and 7 landowner petitioners (the “Marquette Petitioners”) submitted a petition to the Department of Agriculture, Trade and Consumer Protection (“DATCP”) under s. 91.84, Stats., requesting designation of an Agricultural Enterprise Area (“AEA”). DATCP has evaluated the petition and adopts the following decision:

FINDINGS OF FACT

- (1) DATCP is an agency of the State of Wisconsin and is responsible for administering Wisconsin’s farmland preservation law under ch. 91, Stats., including designating AEAs.
- (2) Under s. 91.84(1), Stats., DATCP may, by order, designate an AEA that is targeted for agricultural preservation and development and that complies with the requirements in s. 91.84(1)(e), Stats. The designation must be in response to a petition requesting designation that complies with s. 91.86, Stats.
- (3) On July 28, 2023, the Marquette Petitioners submitted a petition requesting designation. The petition was signed by at least five eligible landowners and each political subdivision (*Green Lake County and towns of Marquette, Green Lake, and Kingston*) in which any part of the proposed AEA will be located, as required in s. 91.86(2), Stats. The petition also included the contents required under s. 91.86(3), Stats.
- (4) Pursuant to s. 91.84(1)(e), Stats., DATCP finds that parcels within the AEA are contiguous, the area is located entirely within a farmland preservation area identified in the certified Green Lake County Farmland Preservation Plan, and the area is primarily devoted to agricultural use.
- (5) The boundary of the Marquette AEA is depicted in the attached map dated September 2023.

CONCLUSIONS OF LAW

- (1) DATCP may, by order, designate an AEA in response to a petition submitted in accordance with ss. 91.84 and 91.86, Stats.
- (2) Pursuant to s. 91.84(3), Stats., owners of eligible land within a designated AEA may enter into farmland preservation agreements with DATCP.

(3) Pursuant to s. 91.84(1)(a)2, Stats., DATCP may, by order, modify or terminate the designation of an AEA.

(4) Based upon the Findings of Fact (1) through (3) above, DATCP should issue an order designating the Marquette AEA.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The Marquette AEA, as depicted in the attached map dated September 2023, is hereby designated under s. 91.84(1), Stats.

(2) Pursuant to s. 91.84(5), Stats., this designation takes effect on January 1, 2024.

(3) DATCP shall publish a notice of this order designating the Marquette AEA, including a general description of the towns affected, in the official state newspaper, as required by s. 91.84(1m), Stats.

Dated this 27 day of September, 2023.

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Randy Romanski, Secretary

Parties for Purposes of Review Under s. 227.53, Stats.:

Copies to:

MARQUETTE AEA

Green Lake County Land Conservation Department
Todd Morris, County Conservationist
571 County Rd A
Green Lake, WI 54941

Town of Marquette
Keith Frederick – Acting Town Chair
306 Lyon St.
Markeson, WI 53946

Town of Green Lake
Clerk
N4454 Horner Rd
Ripon, WI

Town of Kingston
Allen Hoffmann – Town Chair
W6368 E Pine St
Dalton, WI 53926

DATCP Agricultural Resource Management Division:

Tim Anderson, Director, Land & Water Resources Bureau
Katy Smith, Land & Resource Management Section Manager

Marquette AEA

Green Lake County, WI

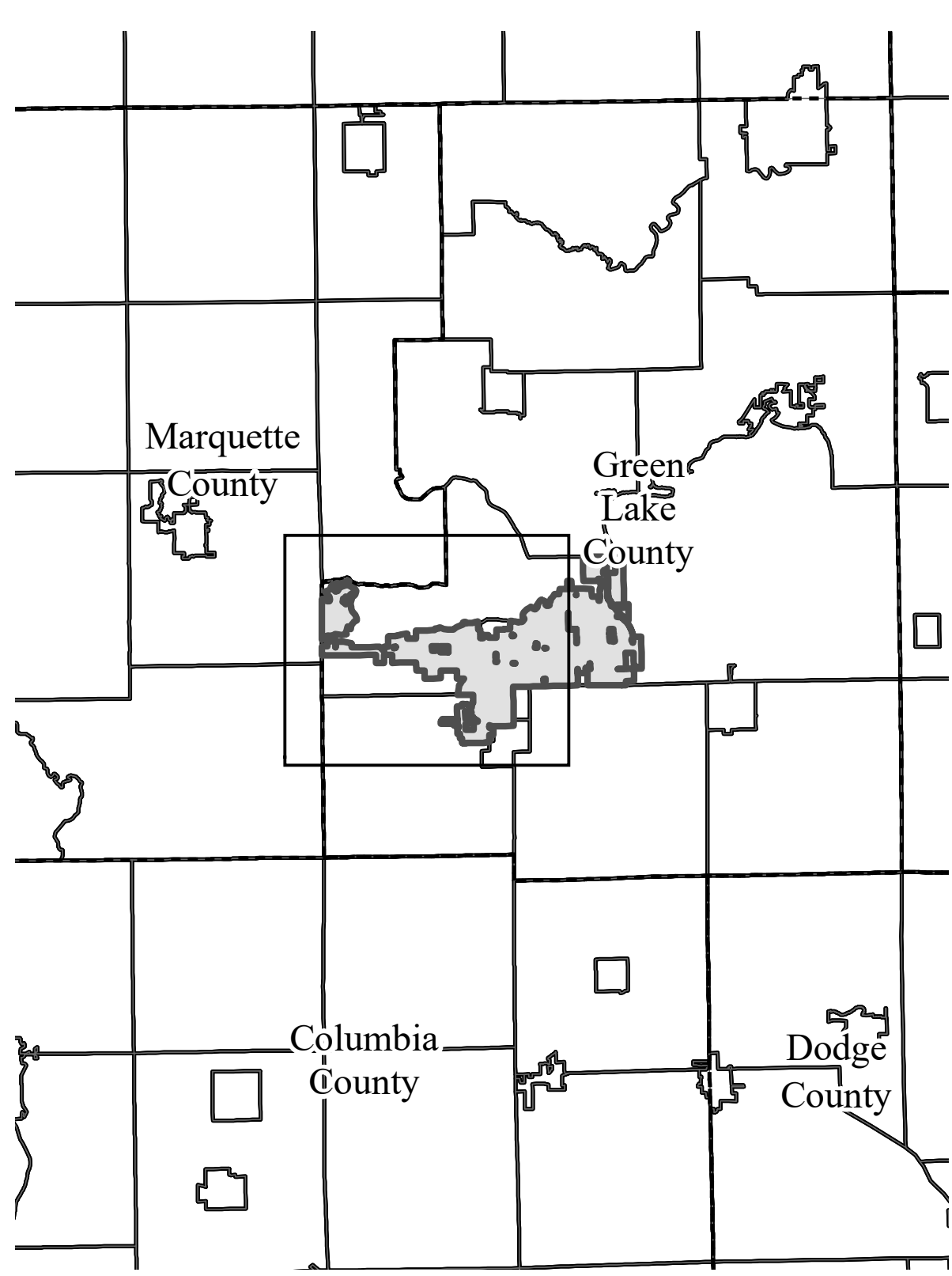
AEA 23-02-M-0923

13,427 acres

Map 1 of 2 Marquette - Kingston Subset

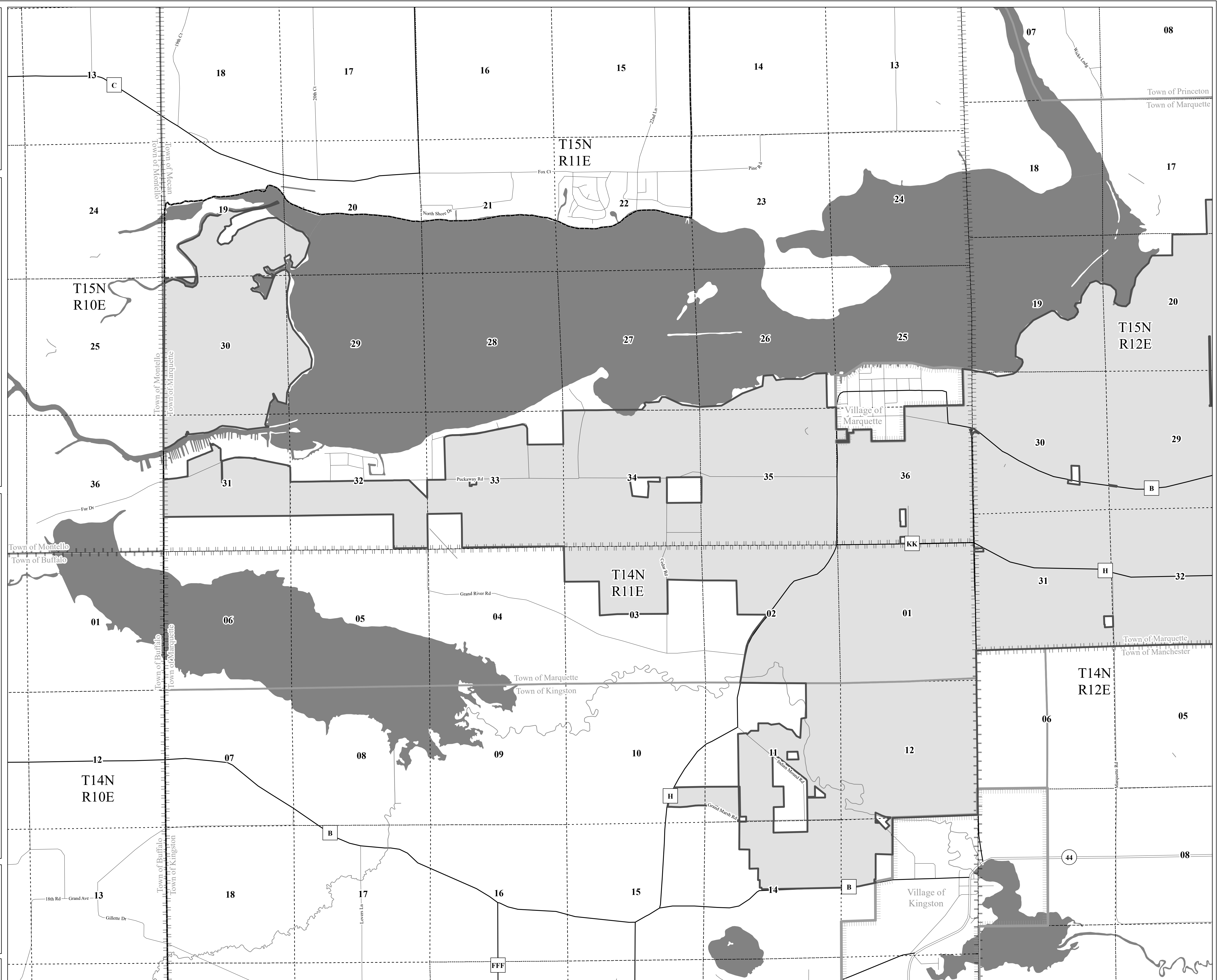
Legend

- Agricultural Enterprise Area
- County Boundary
- City/Village Boundary
- Town Boundary
- Section Line
- Township Line
- Lake/Stream
- Interstate
- US Highway
- State Highway
- County Rd
- Municipal Rd



This map has been prepared by the Department of Agriculture, Trade and Consumer Protection for use in administering the Agricultural Enterprise Area Program and does not constitute a survey plat, nor is it intended to be the same. Data shown on this map were obtained from various sources.
Prepared by: Land & Water Resource Bureau
September, 2023

0 0.25 0.5 1 Miles



Marquette AEA

Green Lake County, WI

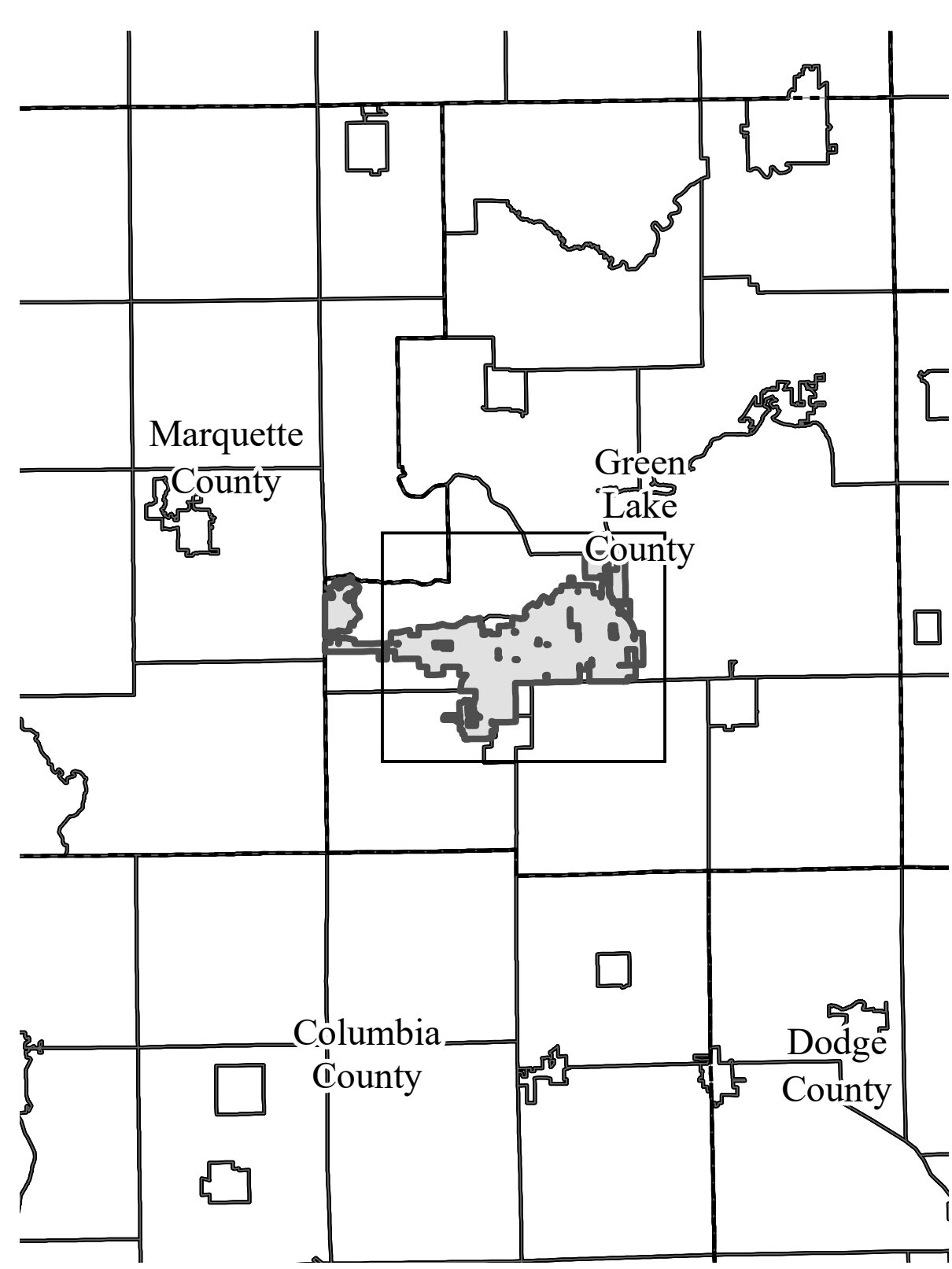
AEA 23-02-M-0923

13,427 acres

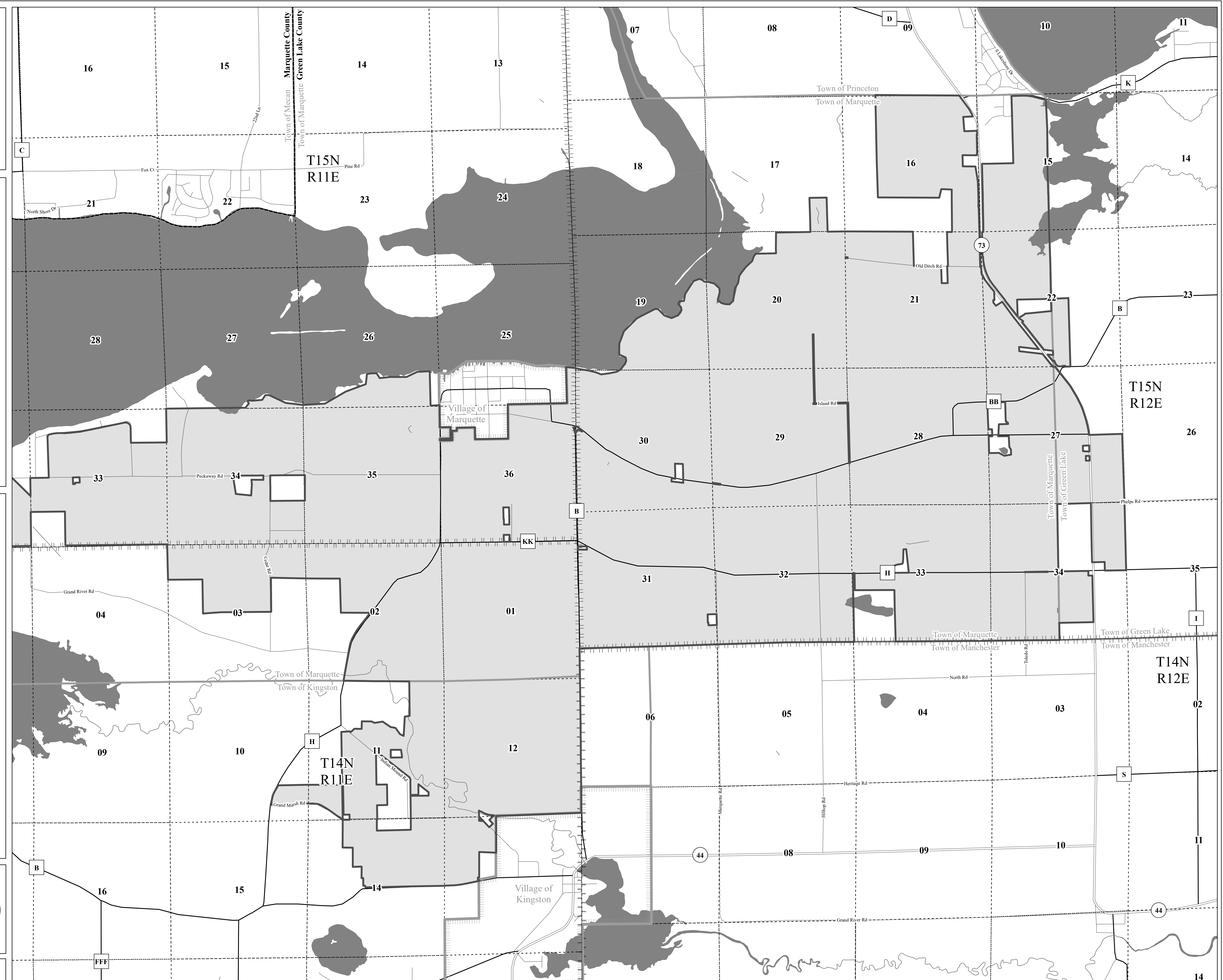
Map 2 of 2 Marquette - Green Lake Subset

Legend

- Agricultural Enterprise Area
- County Boundary
- City/Village Boundary
- Town Boundary
- Section Line
- Township Line
- Lake/Stream
- Interstate
- US Highway
- State Highway
- County Rd
- Municipal Rd



This map has been prepared by the Department of Agriculture, Trade and Consumer Protection for use in administering the Agricultural Enterprise Area Program and does not constitute a survey plat, nor is it intended to be the same. Data shown on this map were obtained from various sources. Prepared by: Land & Water Resource Bureau September, 2023



Multi-discharger Phosphorus Variance



ELIGIBLE POINT SOURCES:

A point source must meet all of the following to request a MDV:

- Must be an **existing facility**
- Requires a **major facility upgrade** to comply with their phosphorus WQBELs
- Meets the primary and secondary **substantial** indicators
- Agrees to **reduce its phosphorus load** during the variance time-line
- Implements a **watershed project** to help curb nonpoint source phosphorus pollution

An eligibility quiz is available online to help point sources make this determination.

ACRONYMS

DNR: Wisconsin Department of Natural Resources

DOA: Wisconsin Department of Administration

EIA: Economic Impact Analysis

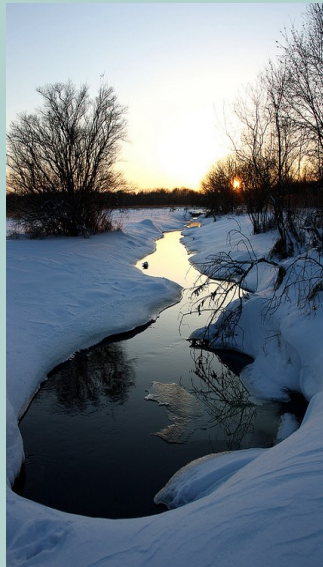
LCD: Land and Water Conservation Department

MDV: Multi-Discharger Variance

WPDES: Wisconsin Pollutant Discharge Elimination System

WQBEL: Water quality-based effluent limit

What is a multi-discharger variance?



A MULTIDISCHARGE VARIANCE (MDV) IS...

- A time extension for point sources facing restrictive phosphorus limits to comply with limits
- An opportunity for point sources to make meaningful strides towards water quality improvements in a more economically effective manner
- Approved on a case-by-case basis and implemented in a WPDES permit

A MDV IS NOT...

- An individual variance pursuant to s. 283.15
- A final compliance option for point sources
- Water quality trading or adaptive management
- Permanent

What the MDV requires:

A point source is responsible for evaluating its compliance options such as facility upgrades, water quality trading, adaptive management, and, potentially, a phosphorus MDV. If a facility meets the eligibility requirements and requests the MDV, the WPDES permit will, upon approval, be modified or reissued with the following requirements:

1. Reductions of effluent phosphorus: Point sources are required to reduce their phosphorus load each permit term. Interim limitations will be included in the permit based on current effluent quality, opportunities for optimization, and other site-specific considerations.
2. Implement a watershed project: Point sources must implement one of the following watershed project options to help reduce nonpoint source of phosphorus pollution:
 - Enter into an agreement with DNR to implement a project to offset the amount of phosphorus their discharge exceeds the target value.
 - Enter into a DNR-approved agreement with a third party to implement a project to offset the amount of phosphorus their discharge exceeds the target value.
 - Make payments to county LCDs of \$50 per pound times the number of pounds of phosphorus their discharge exceeds the target value.

The approval determination must be re-evaluated each permit reissuance of the MDV project timeline. The legal requirements of the MDV determination as well as general implementation procedures can be found in s. 283.16, Wis. Stat.

MDV APPROVAL & DURATION

EPA approved the MDV on February 6, 2017, which is effective until February 5, 2027. Permit terms and conditions that reflect the MDV cannot extend beyond the term of the variance expiration date. Several options are available to extend the current MDV approval to encompass the full time period allotted in s. 283.16, Wis. Stat., including:

- Seeking EPA approval on updated MDV packages, and
- Providing a compliance schedule after MDV expiration.

The Department will continue to work with EPA and stakeholders to pursue these options to maximize the duration of the MDV as necessary and appropriate. Section 283.16, Wis. Stat., authorized the DNR to seek MDV approval for up to 3 permit terms.

County Payment Option

ONLINE RESOURCES

- MDV Implementation Guidance
- Informational Webinars
- Application Materials
- County Resources
- Watershed Project Resources
- MDV Package Submitted to EPA
- Local contact information

It is voluntary for County LCDs to participate in the MDV. County LCDs should submit the “County Participation Form” to the DNR by January 1st of each year they wish to receive funding. At least 65% of MDV funds must be spent to bring farmers and other agricultural sources into compliance with NR 151 agricultural performance standards. The remaining funding may be spent on staffing, innovative projects, monitoring, modeling, demonstrations, etc. If a County chooses to participate, they will agree to:

- Develop a plan to use funds (due 1 year after funds received)
- Use the MDV funds appropriately
- Submit annual reports to the DNR until funds are used



A grass waterways is an example of an agricultural BMP that can be used as part of a watershed project.

Funds must be targeted to the highest phosphorus loading areas within the participating county. This may or may not be the same watershed the MDV funds were generated in. A “watershed plan” form has been created to help streamline the development and submittal of MDV watershed plans to DNR. Section 3.04 of the MDV Implementation Guidance is also designed to provide instructions to County LCDs on how to develop a successful MDV plan. Visit <http://dnr.wi.gov/>, search “statewide phosphorus variance” for more information.

Determining Substantial Impacts

A two-step process was used to determine if phosphorus standards compliance has a substantial impact to point source discharges. The purpose of the first step, commonly referred to as the “primary screener”, is to determine the phosphorus standards’ economic impact on dischargers in each category. The second step, referred to as the “secondary screener”, gauges the wider community’s socio-economic well-being and ability to adapt to changes that accompany implementation of phosphorus standards. In order to meet the “substantial determination” test, a facility must meet the primary screener and one or more secondary screeners. Permittees should review Appendices A-G of the MDV Implementation Guidance or the “eligibility quiz” at dnr.wi.gov, keywords “statewide phosphorus variance” for specific eligibility information:

Primary Screeners:

- Median household income (municipal WWTFs)
- Estimated compliance costs within the discharge category (industries)
- Estimated compliance costs within the county (industries)

Secondary Screeners:

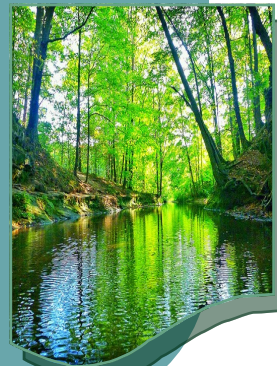
- Median household income (industries only)
- Transfer receipts as a share of total personal income
- Jobs per square mile
- Population change
- Net earnings by place of residence
- Job growth
- Capital costs as a share of total wages

REVIEWING THE MDV

- In order to comply with federal requirements, DNR must triennially review new information to determine if revisions are needed to the MDV including the substantial and wide-spread socioeconomic determination.
- DNR will also review facility-specific applications of the MDV upon permit reissuance to re-evaluate the need for the variance and update permit terms and conditions associated with s. 283.16, Wis. Stat. and the EPA-approved MDV.
- DNR may request EPA approval of revised phosphorus MDV packages in the future based on new information gathered from these analyses. This may extend the duration of the MDV.

FOR MORE INFORMATION

- Visit the DNR website: <http://dnr.wi.gov/>, search “phosphorus”
- Send comments or questions to DNRphosphorus@wisconsin.gov



Fact sheet for information only
Prepared by:
Wisconsin Department of Natural Resources
Box 7921
Madison, WI 53707-7921

Gail Sweet
5426 W Andover Rd
Milwaukee, WI 53219

Green Lake County LCD
Todd Morris
571 County Road A
Green Lake, WI 54941

October 20, 2023

Dear Mr. Morris,

I own a seasonal property on Little Green Lake, and I am writing on behalf of the Little Green Lake Protection and Rehabilitation District Lake Management Planning committee. We are researching ways to improve the waters and fishery on the lake, and we are going to try to get a grant to help our efforts from the Wisconsin Department of Natural Resources.

We are hoping for a donation commitment from Green Lake County Land Conservation Department, if possible, during 2024 and/or 2025. Your written commitment letter would be needed in advance of our 11/15/23 grant submission deadline. It could be a one-time donation in 2024 or you could split the donation over the 2-year window of 2024/2025. Your pledge/commitment is intended to be a sign of your support of Little Green Lake and our new Lake Management Planning initiative. ***No donations are due until after we (hopefully) are awarded the grant in February 2024.***

Your support will cause the Wisconsin DNR to award our Grant Proposal higher points and increase our chances of gaining approval. These grants are much more competitive than before, and with community support we have more likelihood of winning. So far, the pledges we have received have been small - \$200 in 2024 and \$200 in 2025, for instance – but even small amounts show community support.

If you can help us out, kindly email your commitment letter before November 15, 2023, to the chair of the committee, Jen Fechter, at jenfechter@gmail.com.

Thank you for considering our request!

Sincerely,



Gail Sweet
414 403 8397 (Please call or text if you have any questions.)

RESOLUTION NUMBER -2023

**Resolution in opposition to Wisconsin Legislative Reference Bureau 2023 Bill
Proposal LRB-3518/1**

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting begun on the 14th day of November, 2023, does resolve as follows:

- 1 **WHEREAS**, a proposed bill to amend and create statutory authority regulating
- 2 wakesurfing and wakeboarding has been created in the form of LRB-3518/1.
- 3 **WHEREAS**, said bill proposes to create restrictions specifically on wakeboarding and
- 4 wakesurfing on Wisconsin waters.
- 5 **WHEREAS**, said bill would significantly hinder a local municipality's ability to create and
- 6 pass its own laws, tailored to address its own unique, local issues.
- 7 **WHEREAS**, said bill would establish parameters at the state level that would apply the
- 8 same to all Wisconsin waters, regardless of size and circumstances.
- 9 **WHEREAS**, said bill fails to mention any scientific data supporting its proposed actions.
- 10 No fiscal impact anticipated.
- 11 Majority vote is needed to pass.

Roll Call on Resolution No. -2023

Submitted by Land Conservation
Committee:

Ayes , Nays , Absent , Abstain 0

Passed and Adopted/Rejected this 14th
day of November, 2023.

Bob Schweder, Chair

Ken Bates, Vice-Chair

County Board Chairman

Bill Boutwell

ATTEST: County Clerk
Approve as to Form:

Nancy Hiestand

Corporation Counsel

Arnold Dahlke

Land Conservation Committee

November 9, 2023 Monthly Staff Report

October 2023 Projects

1. Inspect open erosion control permits and review new permit applications for erosion control and storm-water management.
2. Complete the design for 2 grassed diversions in the Town of Kingston.
3. Complete design plan changes for a subsurface drain and underground outlet in the Town of Green Lake to allow both pipes to flow together per DATCP engineer recommendations.
4. Complete the design for a grassed waterway and subsurface drain in the Town of Green Lake.
5. Begin the design for a wetland restoration project in the Town of Green Lake.
6. Work with landowner on Little Green Lake to adjust stormwater management plan per ordinance.
7. Assist other LCD staff with the installation of a grassed waterway in the Town of Green Lake.
8. Supply survey data, files and AutoCAD drawings to a private engineer creating a mine reclamation plan for a mine in the Town of Princeton.
9. Complete two waste storage facility inspections.
10. Continue design of a grassed waterway in the Town of Princeton.
11. Continue design of a waste storage facility and waste transfer in the Town of Princeton.
12. Deliver the no-till drill to landowners and calibrate to their planting needs.
13. Attend Kewaunee County fall tech tour.
14. Conduct Farmland Preservation field checks.
15. Create plan for sinkholes in the Town of Green Lake.
16. Attend Grassland 2.0 Academy.
17. Collect monthly water samples with Derek on White River Road.
18. Prepare for installation of waterway in Town of Green Lake.

Lake and River Report

Puckaway – No Update

Twin Lakes – Submitted Pre-Application for 2024 Lake Planning Grant – conducted follow up work with association and consultant. Due Nov 15th

Spring Lake – No Update

Little Green – Met with Adaptive Management committee (monthly) to coordinate 2024-2029 Lake Management Plan update. Submitted Pre-Application for 2024 Lake Planning Grant

Green Lake – Attended several meetings to present information on Ballasted Boats.

Grand Lake – Submitted Pre-Application for 2024 Lake Planning Grant – conducted follow up work with association and consultant. Due Nov 15th

Other – Collected monthly water samples and stream measurements on White Creek. Coordinating Restoration plans for wetland violation with DNR Warden to develop restoration plans.

GREEN LAKE COUNTY

October AIS Highlights

2023

2024 LMPN AIS cooperative agreements sent to counties.

2023 LMPN wrap up and AIS reporting

Contacted Colorado and Utah AIS staff to learn how wakeboats are handled for AIS decontamination. Will be sharing with county staff.

AIS Coordinator announcement. Golden Sands RC&D has an immediate opening for a full time AIS Coordinator who will partner on regional activities but will focus on Green Lake, Marquette, Columbia, Juneau, Monroe and Jackson Counties. Details are found at <https://www.goldsandsrccd.org/employment>



Golden Sands
Resource Conservation
& Development Council, Inc.

Conservation That Works!

**VISIT OUR WEBSITE TO LEARN MORE:
GOLDSANDSRC.D.ORG**



Help Support Green Lake County Food Pantry with Deer Donation

Hunters wishing to donate a deer to the Deer Donation Program can drop off their deer locally at the Green Lake County Highway Shop located at 570 South Street, Green Lake. Donated deer will be collected here and taken to the processor. The collected venison will then be returned to the Green Lake County Food Pantry for distribution.

All monetary and deer donations for the program go directly to local food pantries to provide venison for local families.

How to donate?

1. **Field dress your deer.** Handle the carcass with care.
2. **Register your deer through Game Reg.** Make a note of your registration confirmation number and keep it on hand when dropping off your deer.
3. **Drop off your deer** either at the Green Lake County Drop Off Location, or a participating processor. (Closest participating processor for us is LeRoy Meats in Fox Lake or Beck's Meats in Oshkosh)
4. **Green Lake County Drop off Location:**

Green Lake County Highway Shop
570 South Street
Green Lake, WI 54941

Drop off dates: Wednesday, Nov. 22, 2023 and Saturday, Nov. 25, 2023

Drop off Times: 11:00 am – 2:00 pm each day

Contact Green Lake County Land Conservation Department at 920-294-4051 or visit the DNR's website at, www.dnr.wisconsin.gov search Deer Donation Program to learn more.