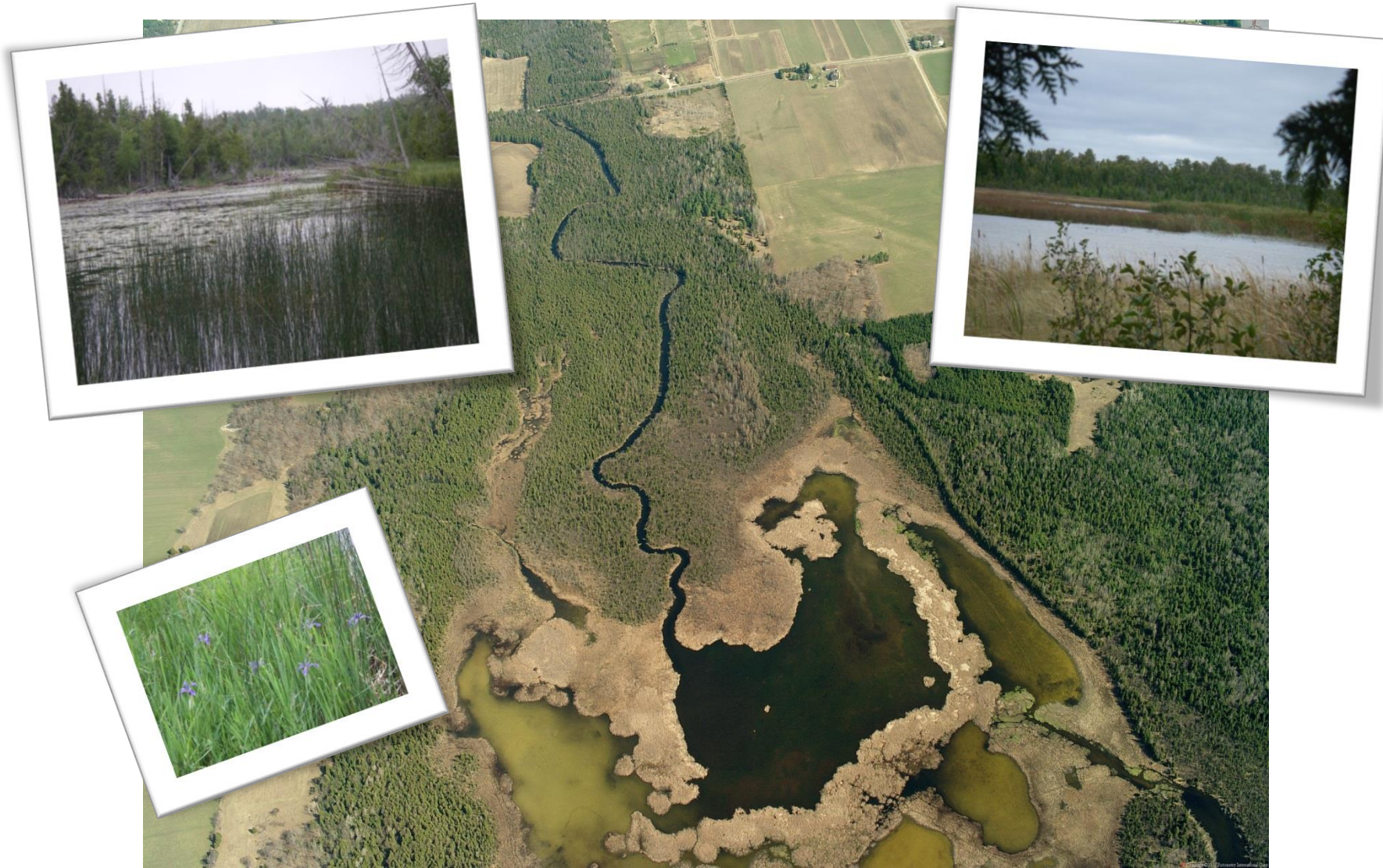
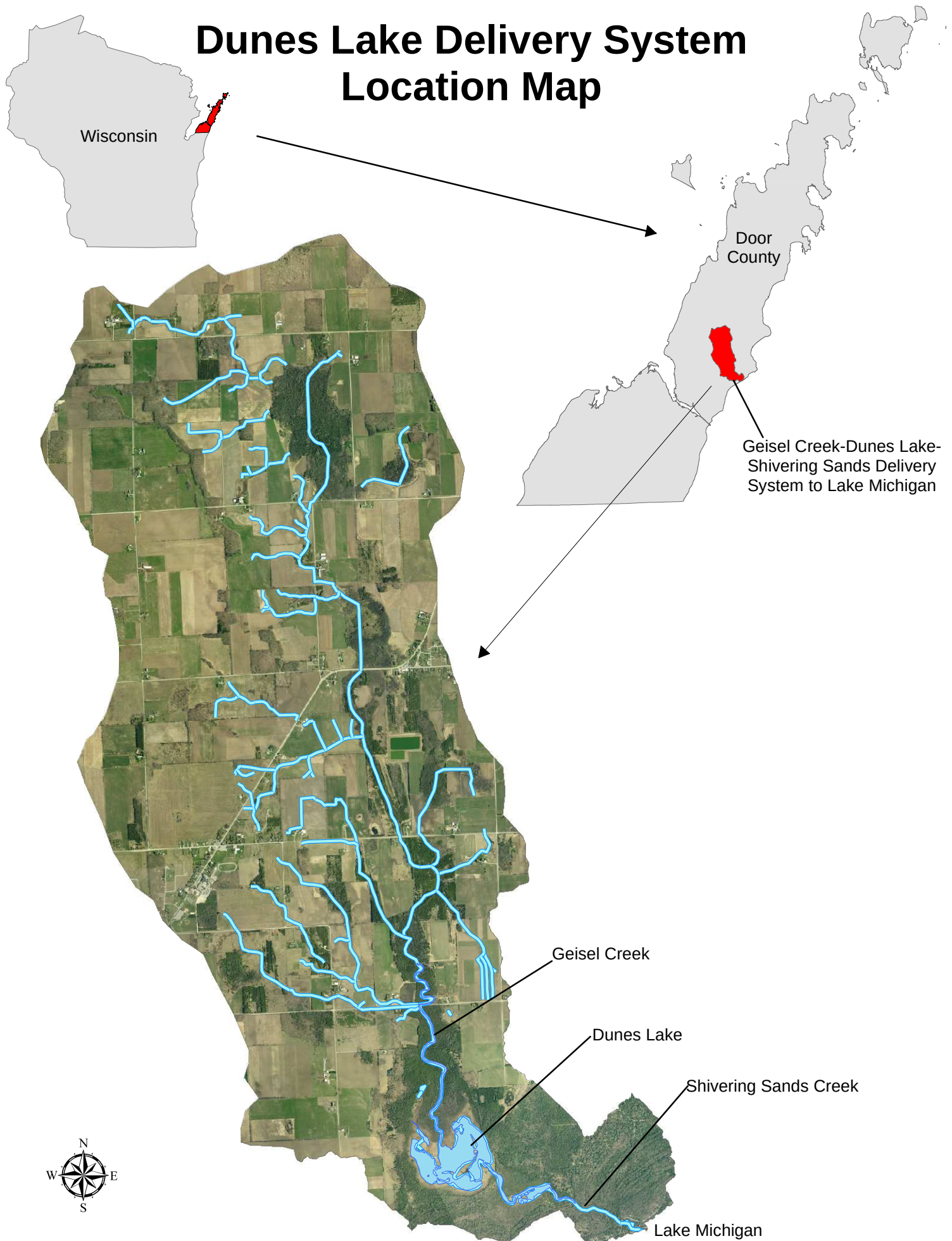


TRC-L-TK06-15000-12B

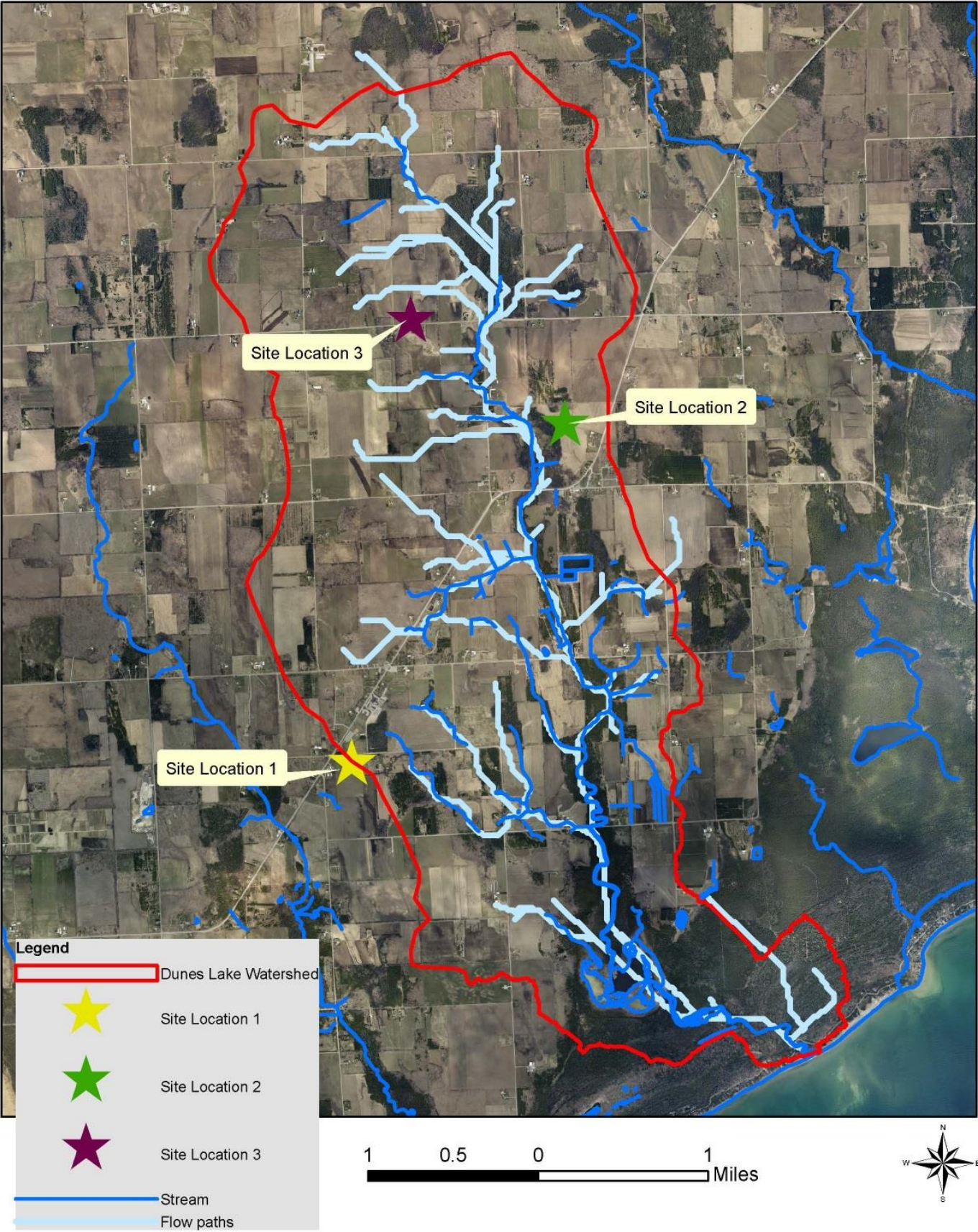
Implementation Of Agricultural BMPs In The Dunes Lake Watershed

Door County Soil and Water Conservation Department





Dunes Lake Site Locations



TRC-L-TK06-15000-12B

15-PLO-01 Site Location 1

Property Owner/ Cost-Share Recipient: Ploor, Abraham & Kristi



County of Door SOIL & WATER CONSERVATION DEPT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Phone: (920) 746-2214

Fax: (920) 746-2369

swcd@co.door.wi.us

March 14, 2013

Abraham & Kristi Floor
4360 Country View Road
Sturgeon Bay, WI 54235

Certified Mail Receipt: Affidavit of Hand Delivery

Mr. & Mrs. Floor:

This letter is to inform you that an inventory has been performed, on February 12, 2013, of property that you own or operate to make a determination of compliance with Agricultural Performance Standards and Manure Management Prohibitions. Compliance with these standards is a requirement for agricultural land and activities in Door County per Door County Chapter 23, *Agricultural Performance Standards and Animal Waste Storage Ordinance*.

An inventory of compliance for the following activities has been conducted on the following property:

- ☒ Cropped Lands
- ☒ Livestock Operation

- ☒ Manure Handling, Storage and Application
- ☒ Applications of Manure, Commercial Fertilizers and other Nutrients to Agricultural Lands

Property Location (Parcel #):

0220224282631B
0220224282633A

0220224282632A
0220224282634

0220224282633

The following Agricultural Standards and/or Prohibitions were inventoried on the above property:

- ☒ Sheet, Rill and Wind Erosion
- ☒ Manure Storage Facilities (New Construction)
- ☒ Manure Storage (Significant Alteration)
- ☒ Manure Storage (Abandoned Facilities)
- ☒ Manure Storage (Existing Facilities)
- ☒ Clean Water Diversions in a WQMA*
- ☒ Nutrient Management
- ☒ No overflow of Manure Storage Facilities
- ☒ No unconfined Manure Pile in WQMA
- ☒ No direct runoff from Feedlot or Stored Manure into Waters of the State
- ☒ No unlimited access of Livestock to Waters of the State

* Water Quality Management Area

The following Agricultural Standards and/or Prohibitions have been inventoried and found to be in compliance on the above listed property:

- Manure Storage Facilities (New Construction)
- Manure Storage (Significant Alterations)
- Manure Storage (Abandoned Facilities)
- Manure Storage (Existing Facilities)
- No overflow of manure storage facilities
- No unlimited access of livestock to waters of the state

If any cropland or livestock operation is meeting a cropland or livestock performance standard or prohibition on or after October 1, 2002, the performance standard or prohibition shall continue to be met by the existing owner or operator, heirs or subsequent owners or operators. If an owner or operator alters or changes management in a manner that results in noncompliance, the owner or operator shall return the cropland or livestock facility to compliance regardless of the availability of cost-sharing. Items determined to be compliant in this notification that fall out of compliance will be subject to enforcement without the requirement of an offer of cost-sharing.

The following agricultural performance standards and/or manure management prohibitions have been inventoried and found to be non-compliant on the above listed property:

- Sheet, Rill and Wind Erosion (*May not have been observed but SWCD does not currently have sufficient documentation to verify compliance for this item*)
- Clean water diversions in a WQMA
- Nutrient Management
- No unconfined manure pile in a WQMA
- No direct runoff from feedlot or stored manure into waters of the state

It has been determined that the above listed activities on this property are:

☐ New ☒ Existing

It has been determined that installation of the following Best Management Practices and/or corrective measures will be necessary to achieve compliance with the above listed agricultural standards and/or prohibitions and address water quality needs at the above listed property:

- Documentation that excessive sheet, wind and rill erosion is not occurring (*Part of Nutrient Management Plan*)
- Development and implementation of a Nutrient Management Plan
- Installation of a Barnyard Runoff Control System
- Installation of Manure Storage
- Installation of Clean Water Diversions (Roof Gutters)
- Livestock Fencing

The Door County Soil and Water Conservation Department is available to provide or coordinate technical assistance for the planning, design and installation of all best management practices necessary to achieve compliance with the agricultural performance standards and prohibitions. If you choose to address these issues on your own, consultation with the SWCD will be necessary to ensure compliance with agricultural performance standards and prohibitions.

Cost-sharing is now available for eligible costs and is being offered to you to achieve compliance with the agricultural performance standards and prohibitions and address water quality issues at your operation.

The total estimated cost to install the minimum, required components on your farm associated with the above listed structural best management practices is \$176,000. Total cost-sharing for all eligible costs associated with installation of necessary structural best management practices to achieve compliance is \$123,200.

Cost-sharing for Nutrient Management is also available and is being offered to you. A 4-year flat cost share rate of \$28/acre for Nutrient Management planning has been applied to all eligible cropland. There are 102 eligible acres for a total cost share amount of \$2,856.00.

As paraphrased from Section 1.34 (3) (b) (1) of Chapter 23 of the Door County Code: **An owner or operator that receives a notice shall install or implement best management practices and corrective measures to meet a performance standard or prohibition in the time period specified in the notice if cost-sharing is available.**

Accordingly, installation of the corrective measures that address the manure management issues on your farm that will address the above-listed items and achieve compliance shall be accomplished no later than **December 31, 2014**. However, keep in mind the deadline of December 31, 2014 is a deadline to have completely installed everything; to meet this deadline the planning and commencement of the construction work must begin well before December.

The deadline to achieve compliance with the requirement for nutrient management is **December 1, 2013**. Please contact the SWCD so planning can begin and soil samples and other data can be collected to develop a plan that will meet the deadline. Development and implementation of a nutrient management plan must include all owned and rented cropland as well as pastures for your operation.

In summary, the following deadlines must be met to achieve compliance:

December 1, 2013 - Deadline to develop and implement an approved nutrient management plan.

December 31, 2014 - Deadline to install practices or change management to meet agricultural performance standards and manure management prohibitions.

It will be your responsibility to work with the SWCD to develop practices that will enable your operation to meet the minimum state agricultural performance standards and manure management prohibitions. Your input and cooperation will be vital to produce a design that meets the required standards and also fits your management and needs for your operation.

Noncompliance after the established compliance period will result in enforcement. If, after the above mentioned compliance period has elapsed, your agricultural operation does not achieve compliance with items determined to be noncompliant, Door County may: issue a citation pursuant to and in accordance with Section 66.0113 Wisconsin Statutes and Chapter 35 Door County Code; issue a cease and desist order for all operations on the above listed property that are out of compliance; institute other proceedings in court including a civil forfeiture or injunction. Non-compliance after the above mentioned period will also result in the loss of offered cost-sharing.

An appeal may be filed for a final compliance determination made in writing by the Soil & Water Conservation Department. Please see the attached Appeals Procedure for more information.

If you have questions regarding this letter or wish to review copies of the statutes or ordinance mentioned in this letter please contact the Door County Soil and Water Conservation Department at (920) 746-2214.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Schuster', with a stylized flourish at the end.

William E. Schuster
County Conservationist

Enc.
CERTIFIED MAIL

Appeals Procedure

The final compliance determination or best management practices required to attain compliance stated in this letter can be appealed by the person aggrieved by the decision or a person aggrieved by the decision if such adversely impacts the substantial interests of that person by the following procedure.

1. Payment of \$300 for filing a Notice of Appeal.
2. Filing a Notice of Appeal with the Board of Adjustment (BOA), with a copy to the Soil and Water Conservation Department (SWCD).
3. Notice must identify appellant, specify the decision sought to be reviewed, and designate the factual and legal bases for the appeal.
4. Fee must be paid and Notice of Appeal filed within thirty (30) days from issuance of this letter, or an appeal is barred.

The appeal, ordinarily, stays all proceedings in furtherance of the decision appealed from. The appeal does not stay all proceedings if, after the appeal is filed, SWCD certifies to the BOA that a stay would pose an imminent threat to the environment, public health or public safety.

The burden of proof rests with the appellant. The appellant must submit evidence sufficient to support granting the appeal.

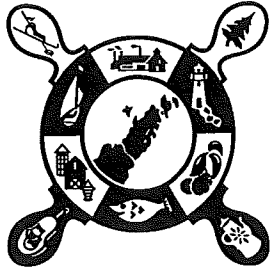
BOA shall fix the time for and location of hearing an appeal. The hearing shall commence within forty-five (45) days of the fee being paid and Notice of Appeal being filed.

The following process shall occur at the appeal hearing.

1. Opening Remarks by Appellant and then by SWCD. These opening remarks are intended to acquaint the BOA with the case and set out, in a general way, each side's case.
2. Appellant presents real and testimonial evidence first.
3. SWCD presents real and testimonial evidence second.
4. Appellant may offer rebuttal real and testimonial evidence.
5. Closing remarks by appellant and then by SWCD. These closing remarks are intended to be a brief summation of each side's position on the contested issues and the reasons each is entitled to prevail.
6. Appellant and SWCD may cross-examine witnesses of the other side.
7. BOA may swear witnesses.
8. BOA will mark and preserve exhibits.
9. BOA may cause the proceedings to be taken by a stenographer or by a recording device. The expense thereof to be paid by the parties to the proceeding. Any record of hearing will be retained by BOA.
10. The rules of evidence should be adhered to, but do not strictly apply.
11. The hearing shall be informal in nature.

The final determination/judicial review will occur by the following process. The BOA may affirm or reverse in whole or part or it may modify the decision on review. Within forty-five (45) days of completion of the hearing BOA shall mail or deliver to each side its written determination stating the reasons therefore. This determination shall be a final determination. Any party to the proceeding may seek judicial review thereof pursuant to and in accordance with Section 68.13 Wisconsin Statutes.

If the Appellant prevails and at the BOA's sole discretion, the filing fee may be refunded in whole or part. Otherwise, each party must pay its own costs and fees.



County of Door SOIL & WATER CONSERVATION DEPT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Phone: (920) 746-2214

Fax: (920) 746-2369

swcd@co.door.wi.us

January 27, 2016

Abraham & Kristi Ploor
4360 Country View Road
Sturgeon Bay, WI 54235

Mr. & Mrs. Ploor:

This letter is being sent as a follow up to the Agricultural Performance Standards and Animal Waste Storage Ordinance notification letter sent to you on March 14, 2013 and changes in management that you have made to your operation.

An inventory of compliance for the following activities has been conducted on the following property:

☒ Cropped Lands

☒ Livestock Operation

☒ Manure Handling, Storage and Application

☒ Applications of Manure, Commercial

Fertilizers and other Nutrients to Agricultural Lands

Property Location (Parcel #):

0220224282631B

0220224282632A

0220224282633

0220224282633A

0220224282634

As outlined in that letter, the following items were found to be noncompliant:

- Sheet, Rill and Wind Erosion *(May not have been observed but SWCD does not currently have sufficient documentation to verify compliance for this item)*
- Clean water diversions in a WQMA
- Nutrient Management
- No unconfined manure pile in a WQMA
- No direct runoff from feedlot or stored manure into waters of the state

A cost share offer was extended to you to install Best Management Practices (BMP's) and/or corrective measures to achieve compliance with the agriculture standards and/or prohibitions in the same letter dated March 14, 2013. You opted to accept the cost share agreement funding and install BMP's with TRM funding from WDNR to achieve compliance.

With the recent construction of a Manure Storage System, Barnyard and Roof Runoff Control, and implementation of an approved Nutrient Management Plan you meet all of the requirements of the statewide agricultural performance standards and manure management prohibitions. **You are currently in compliance with all items associated with Chapter 23 of the Door County Code. There is nothing that you are required to do at this time.**

Thank you for your cooperation and please remember, once compliance with a cropland performance standard and/or livestock performance standard or prohibition is attained, compliance shall be maintained by the existing landowner or operator and heirs or subsequent owners.

If, after the date of this letter, you fall out of compliance with any of the statewide agricultural performance standards and/or manure management prohibitions that have previously been determined to be compliant, Door County may: issue a citation pursuant to and in accordance with Section 66.0113 Wisconsin Statutes and Chapter

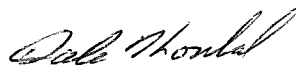
35 Door County Code; issue a cease and desist order for all operations on the above listed property that are out of compliance; institute other proceedings in court including a civil forfeiture or injunction. Items determined to be compliant in this notification that fall out of compliance will be subject to enforcement without the requirement of an offer of cost-sharing.

The Door County Soil and Water Conservation Department is available to provide or coordinate technical assistance for the planning, design and installation of all best management practices necessary to achieve compliance with the agricultural performance standards and prohibitions.

An appeal may be filed for a final compliance determination made in writing by the Soil & Water Conservation Department. Please see the attached Appeals Procedure for more information.

If you have questions regarding this letter or wish to review copies of the statutes or ordinance mentioned in this letter please contact the Door County Soil and Water Conservation Department at (920) 746-2214.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dale Konkol".

Dale Konkol
Conservationist

Appeals Procedure

The final compliance determination or best management practices required to attain compliance stated in this letter can be appealed by the person aggrieved by the decision or a person aggrieved by the decision if such adversely impacts the substantial interests of that person by the following procedure.

1. Payment of \$300 for filing a Notice of Appeal.
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If the Appellant prevails and at the BOA's sole discretion, the filing fee may be refunded in whole or part. Otherwise, each party must pay its own costs and fees.

15-PLO-01 Site Location 1



Barnyard Runoff Control System
& Roof Runoff System

Manure Storage

Legend

-  Manure Storage
-  Barnyard Runoff Control System/ Roof Runoff System
-  Roads



0 25 50 100 Feet

Roof Footing
Per Building
Plan

Pre-implementation



No Clean Water Diversions

Pre-implementation



No Clean Water Diversions/ Unlimited Access of Livestock

Pre-implementation



Unlimited Access of Livestock

Pre-implementation



02/20/2014

No long term Manure Storage causing winter spreading of manure

Construction



06/02/2015

Site preparation of Manure Storage and Roof Runoff System

Construction



06/08/2015

Site preparation of Manure Storage and Roof Runoff System

Construction



Construction of Manure Storage and Roof Runoff System

Construction



Construction of Manure Storage and Roof Runoff System

Construction



Construction of Manure Storage and Roof Runoff System

Construction



Construction of Manure Storage and Roof Runoff System

Construction



Construction of Roof Runoff System

Construction



Construction of Roof Runoff System

Construction



Construction of Roof Runoff System

Construction



Construction of Roof Runoff System