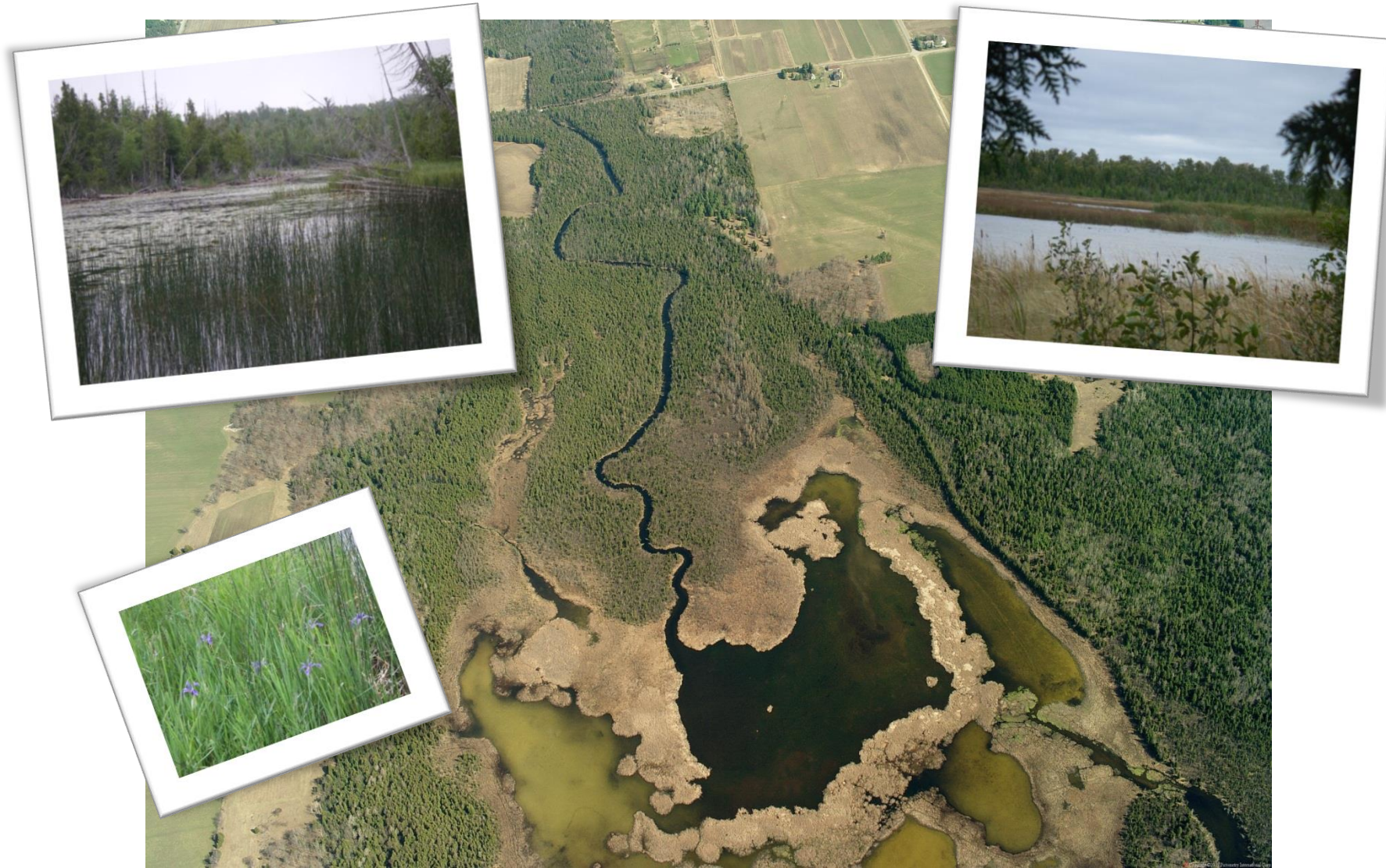


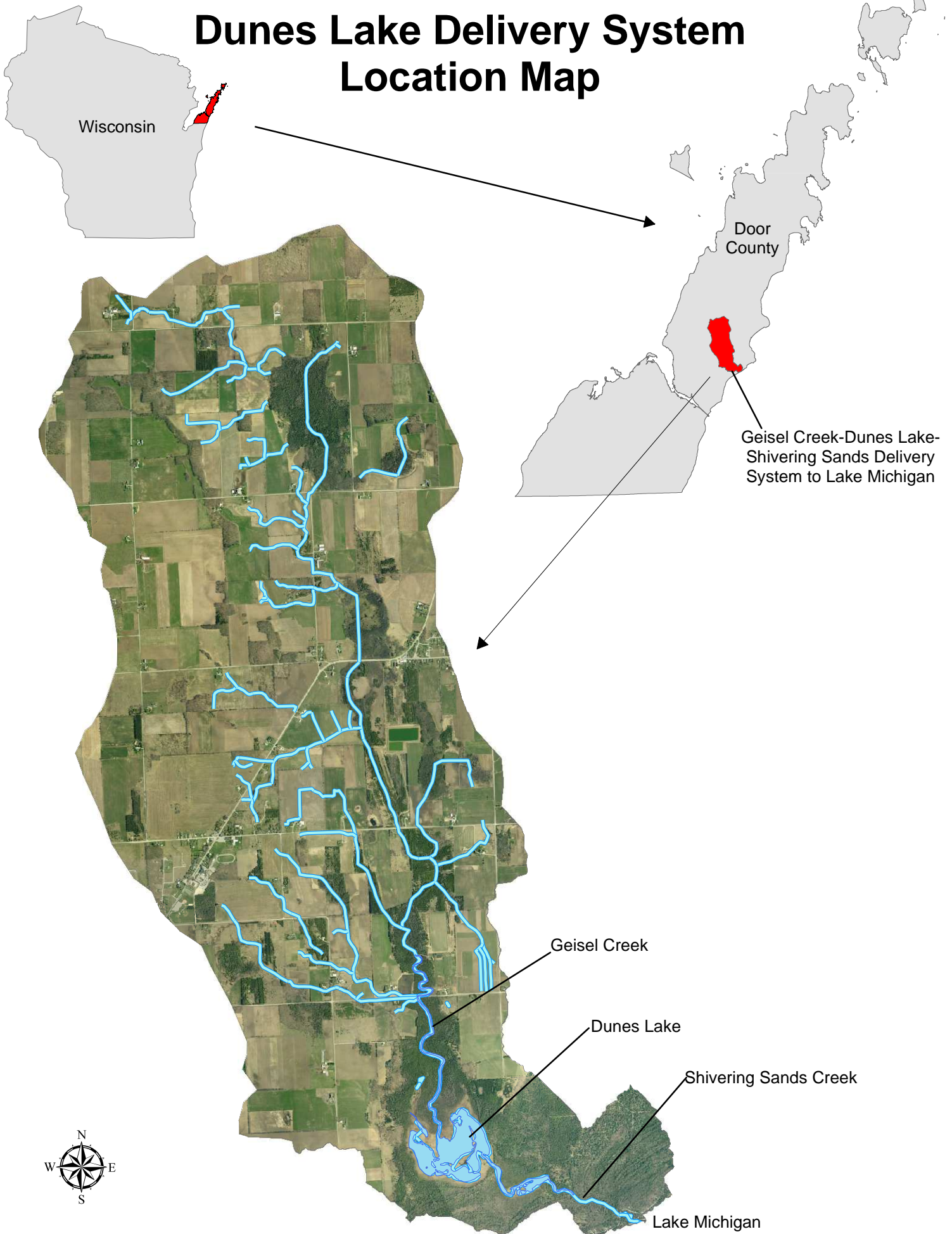
# TRC-L-TK06-15000-12B

## Implementation Of Agricultural BMPs In The Dunes Lake Watershed Door County Soil and Water Conservation Department



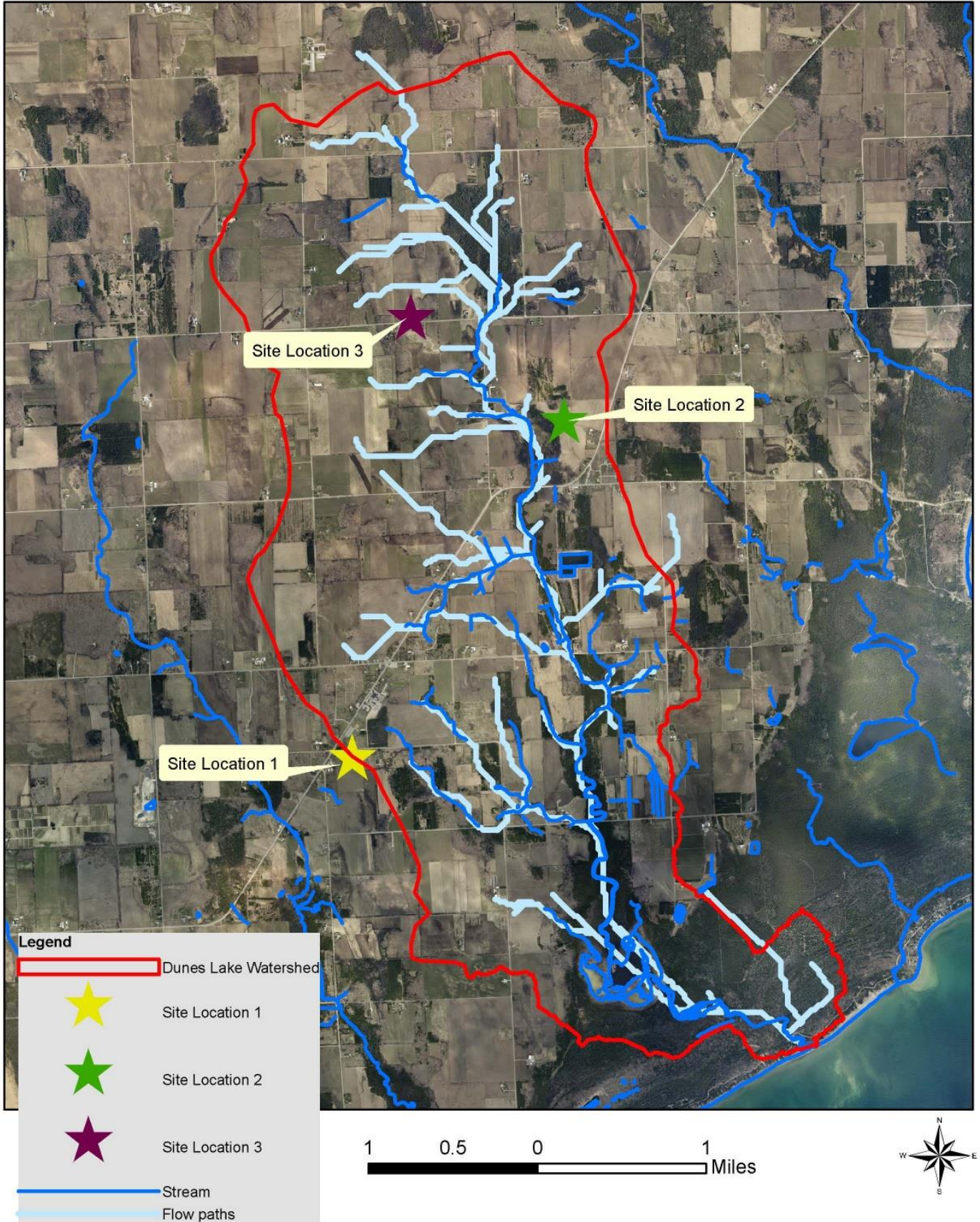


# Dunes Lake Delivery System Location Map



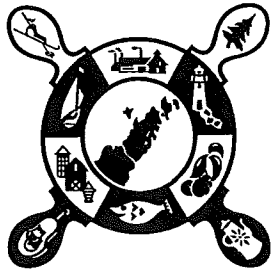


# Dunes Lake Site Locations



TRC-L-TK06-15000-12B  
14-STO-01 Site Location 3

Property Owner/ Cost-Share Recipient: Stoeger, Charles and Melissa



# 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

July 29, 2013

Charles & Melissa Stoeger  
5107 Brauer Road  
Sturgeon Bay, WI 54235

## Certified Mail Receipt: Affidavit of Hand Delivery

Mr. & Mrs. Stoeger:

This letter is to inform you that an inventory has been performed, on June 27, 2013, on property that you own or operate to make a determination of compliance with Statewide 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:

- |                                                         |                                                                                                                              |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Cropped Lands       | <input checked="" type="checkbox"/> Manure Handling, Storage and Application                                                 |
| <input checked="" type="checkbox"/> Livestock Operation | <input checked="" type="checkbox"/> Applications of Manure, Commercial Fertilizers and other Nutrients to Agricultural Lands |

Property Location (Parcel #):	0220201282624	0220201282642	0220201282643A
	0220201282643B	0220212282614A	0220307282742A3
	0220307282743B		

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

- |                                                                                  |                                                                                                             |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Sheet, Rill and Wind Erosion                 | <input checked="" type="checkbox"/> Clean Water Diversions in a WQMA*                                       |
| <input checked="" type="checkbox"/> Tillage Setbacks                             | <input checked="" type="checkbox"/> Nutrient Management                                                     |
| <input checked="" type="checkbox"/> Phosphorus Index                             | <input checked="" type="checkbox"/> No overflow of Manure Storage Facilities                                |
| <input checked="" type="checkbox"/> Manure Storage Facilities (New Construction) | <input checked="" type="checkbox"/> No unconfined Manure Pile in WQMA*                                      |
| <input checked="" type="checkbox"/> Manure Storage (Significant Alteration)      | <input checked="" type="checkbox"/> No direct runoff from Feedlot or Stored Manure into Waters of the State |
| <input checked="" type="checkbox"/> Manure Storage (Abandoned Facilities)        | <input checked="" type="checkbox"/> No unlimited access of Livestock to Waters of the State                 |
| <input checked="" type="checkbox"/> Manure Storage (Existing Facilities)         |                                                                                                             |
| <input checked="" type="checkbox"/> Process Wastewater Handling                  |                                                                                                             |

\* Water Quality Management Area

The above listed property has been determined to be compliant with the requirements of the following agricultural performance standards and/or manure management prohibitions:

- Manure Storage Facilities (New Construction)
- Manure Storage (Significant Alterations)
- Manure Storage (Abandoned Facilities)
- Manure Storage (Existing Facilities)
- Process Wastewater Handling
- Clean water diversions in a WQMA
- No overflow of manure storage facilities
- No unconfined manure pile in a WQMA
- No direct runoff from feedlot or stored manure into waters of the state
- 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 above listed property has been determined to be non-compliant with the requirements of the following agricultural performance standards and/or manure management prohibitions:

- Sheet, Rill and Wind Erosion *(May not have been observed but SWCD does not currently have sufficient documentation to verify compliance for this item)*
- Tillage Setbacks
- Phosphorus Index *(May not have been observed but SWCD does not currently have sufficient documentation to verify compliance for this item)*
- Nutrient Management

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)*
- Reestablishment of vegetative cover adjacent to the top of channel of surface waters
- Application of nutrients within requirements of the Phosphorus Index *(Part of Nutrient Management Plan)*
- Development and implementation of a Nutrient Management Plan

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 available, and is being offered to you, for eligible costs to achieve compliance with the requirements for Tillage Setbacks and Nutrient Management.

A flat cost-share rate of \$957.43/acre for critical area planting and a 10-year compensation for loss of production has been applied to .51 acres for a total cost-share amount of \$488.29. This rate will be applied to larger amounts of eligible acreage if an increased setback is agreed upon and installed.

A 4-year flat cost share rate of \$28/acre for Nutrient Management planning will be applied to all eligible cropland. There are 118.3 acres of your total acreage currently being operated in accordance with an approved Nutrient Management Plan, there is no cost sharing available for those acres. There are 23.1 eligible acres for a total cost share amount of \$646.80.

**To accept this offer of cost sharing, the owner and cost share recipient must sign the proposed cost share agreement before August 16, 2013.** Failure to accept and sign the offered cost share agreement will result in a loss of this offer of cost sharing and you will still need to address noncompliance with the standards and prohibitions.

Please contact the Door County Soil and Water Conservation Department as soon as possible to arrange for the preparation of a cost-share agreement and the associated conservation plan.



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, **you must install corrective measures to achieve compliance.** Compliance shall be accomplished by **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.

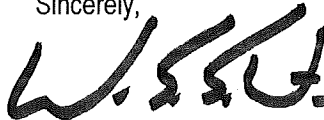
**Noncompliance after the established compliance period will result in enforcement.** If, after the above mentioned compliance period has elapsed, you remain out of compliance with the above listed agricultural performance standards and prohibitions, Door County may: issue a citation pursuant to and 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 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,



William E. Schuster  
County 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.
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.

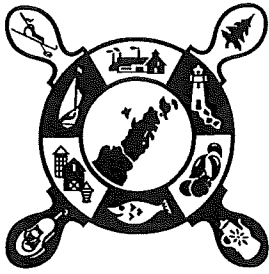
The following process shall occur at the appeal hearing.

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

July 29, 2014

Charles & Melissa Stoeger  
5107 Brauer Road  
Sturgeon Bay, WI 54235

Mr. & Mrs. Stoeger:

This letter is being sent as a follow up to the Agriculture Performance Standards and Animal Waste Storage Ordinance Notification letter sent to you on July 29, 2013 in which you were notified the following parcel(s) were out of compliance with the following state performance standards and prohibitions:

Property Location (Parcel #):	0220201282624	0220201282642	0220201282643A
	0220201282643B	022021282614A	0220307282742A3
	0220307282743B		

- Sheet, Rill and Wind Erosion
- Tillage Setbacks
- Phosphorus Index
- Nutrient Management

It was determined that the installation of the following Best Management Practices and/or corrective measures were 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
- Reestablishment of vegetative cover adjacent to the top of channel of surface waters
- Application of nutrients within requirements of the Phosphorus Index
- Development and implementation of a Nutrient Management Plan

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. This was communicated to you in the same notification letter dated July 29, 2013. You accepted cost share funding in order to develop and implement a nutrient management plan, and to install tillage setbacks.

With the installation of the tillage setbacks and continued successful implementation of an approved nutrient management plan, you are now in compliance with the above items. By implementing these corrective measures you meet the minimum requirements of the Agriculture Performance Standards and Animal Waste Storage Ordinance.

**You are currently in compliance with all items covered in the Agriculture Performance Standards and Animal Waste Storage Ordinance. 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 of prohibition is attained, compliance with the standard shall be maintained by the existing landowner or operator and hires or subsequent owners.

If, after the date of this letter, you fall out of compliance with the above listed agricultural performance standards and manure management prohibitions, 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.

An appeal may be filed for a final compliance determination made in writing by the Soil & Water Conservation Department.

Please see the enclosed 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 "Mitch McCarthy", with a long horizontal flourish extending to the right.

Mitch McCarthy  
Conservationist

Enc.  
Appeals Procedure  
July 29, 2013 Notification Letter

## 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 Land Conservation Department (LCC), 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 LCC 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.

LCC 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 LCC 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.
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6. Appellant and SWCD may cross-examine witnesses of the other side.
7. LCC may swear witnesses.
8. LCC will mark and preserve exhibits.
9. LCC 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 LCC.
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 LCC 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 LCC 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 LCC's sole discretion, the filing fee may be refunded in whole or part. Otherwise, each party must pay its own costs and fees.

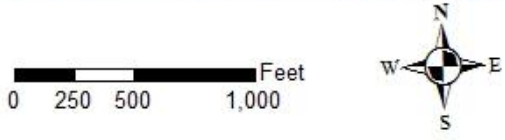


# 14-STO-01 Site Location 3



**Legend**

-  2014 Stoeger tillage setbacks
-  Roads
-  Streams





Pre-implementation



Inadequate Tillage Setback



Pre-implementation



Inadequate Tillage Setback



Pre-implementation



Inadequate Tillage Setback



Post-implementation



Tillage Setback Seedbed Preparation



Post-implementation



Tillage Setback Seed Germination



Post-implementation



Tillage Setback Seed Established



# Post-implementation



Tillage Setback Seed Established (Only North Side Required)