

# **MARATHON COUNTY**

**Soil and Water Conservation Policy  
for the Farmland Preservation Program**

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SECTION Authority, Purpose and Applicability.

This policy is established by the Marathon County Land Conservation Committee pursuant to s. 92.105, Wis. Stats., and related guidelines adopted by the Wisconsin Land Conservation Board under s. 92.105(2). It provides for soil and water conservation standards to be met and procedures to be followed by participants in the Wisconsin Farmland Preservation Program. Conformance with these standards and procedures will be necessary for landowners to establish and maintain eligibility for farmland preservation tax credits under sections 71.09(11) and 92.105(6).

This policy shall apply to all of the following:

- A. Farmland preservation agreements applied for on or after July 1, 1986.  
(Farmland preservation agreements applied for prior to July 1, 1986, must meet soil conservation requirements previously established under s. 91.13(8)(d), Wis. Stats.)
- B. Landowners who claim a farmland preservation tax credit for which they are eligible because their land is located in a district zoned exclusive agricultural use. Landowners who claimed a tax credit for the 1984 tax year or any prior year must meet the new requirements by the end of 1988 to receive tax credits in 1989. Landowners who have not claimed a tax credit for the 1984 tax year or any prior year must meet the new requirements by the end of 1986 to receive tax credits in 1987. **Is. 92.105(7), Wis. Stats.]**

SECTION II. Definitions.

- A. "Committee" means the Marathon County Land Conservation Committee.
- B. "Construction practice" means earth moving work such as, but not limited to, waterways, diversions, and terraces.

- C. "Cropland" means land used for the growing and harvesting of grains, legumes, grasses, fruits or vegetables; including land used for such purposes that may occasionally be used for livestock pasture
- D. "Farmland" means lands used for any agricultural uses defined in s. 91.01(1), Wis. Stats., including beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising, raising of grain, grass, mint and seed crops; raising fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; and vegetable raising.
- E. "Management practices" means crop rotations, tillage methods and tillage patterns. (Examples: Strip Cropping, Conservation Tillage, Contour Farming).
- F. "Participant" means a landowner who owns land that is subject to an effective farmland preservation agreement under s. 91.13, Wis. Stats. or is included on a zoning certificate issued during the most recent program year under s. 71.09(11)(h), Wis. Stats.
- G. "Technical Guide" means the Wisconsin edition of the United States Department of Agriculture-Soil Conservation Service Technical Guide.
- H. "T-Value" means the maximum average annual rate of soil erosion for each soil type that will permit a high level of crop productivity to be sustained economically and indefinitely. T-Values of soils are specified in sections I and II of the Technical Guide.
- I. "Universal Soil Loss Equation" means the mathematical formula for estimating or predicting average annual soil erosion rates due to sheet and rill erosion caused by rainstorms on specified land areas, as described in Section I of the Technical Guide.
- J. "Wind Erosion Equation" means the mathematical formula for estimating or predicting average annual soil erosion rates due to wind erosion, as described in Section I of the Technical Guide.

SECTION III. Technical Standard(s).

Participants in the Farmland Preservation Program shall reduce soil erosion on participating cropland to T-Value on individual fields according to a schedule of compliance established by the committee. Soil erosion rates shall be determined through use of the universal soil loss equation (USLE) and wind erosion equation. This standard shall apply to all cropland subject to a farmland preservation agreement or included on a zoning certificate.

SECTION IV. Schedule of Compliance.

The soil and water conservation standard(s) in Section III shall be achieved and maintained according to a schedule of compliance established by the committee. The committee may allow landowners a schedule of compliance of up to five years to meet standards from the year this policy first applies to the landowner. Each landowner shall make sufficient annual progress to ensure that the technical standard(s) will be met by the end of the schedule of compliance. The committee may issue a notice of noncompliance at any time that soil loss reduction, or maintenance of conservation practices, does not meet the standards or prescribed annual progress.

Fields with the highest erosion rates should be given first consideration. The complexity of compliance measure will determine the time allowed to meet standards. Management practices will generally be required to be implemented within 3 years and construction practices will be given up to 5 years for completion. Suggested practices should be implemented as soon as practical.

SECTION V. Variances.

The committee may authorize a variance from the standard schedule of compliance when, upon a showing by the landowner, unnecessary hardship would result from meeting the standard schedule of compliance. The grant of a variance for unnecessary hardship must be based on findings by the committee that:

- A. The standard schedule of compliance, by itself, would preclude a reasonable return from the land in question;
- B. The plight of the owner is due to unique circumstances and not to the general conditions of the area which may reflect the unreasonableness of the schedule of compliance itself; and
- C. The conditions authorized by the variance will not have significant off-site impacts.

The unavailability of cost-sharing funds to install needed practices, by itself, will not be a sufficient ground for the committee to grant a variance. The availability of cost-sharing funds may be considered in determining reasonable return under A., however, a variance will not be granted to allow time for the implementation of an expensive conservation practice when a less expensive practice would allow the landowner to meet the standard schedule of compliance. The committee will require that a landowner requesting a variance to do so in writing to the Land Conservation Department office and appear at a regular meeting of the committee to review the landowner's request.

The committee may also authorize variances from soil and water conservation requirements when the committee is unable to review and determine conformance with requirements due to county staff shortages. These variances may be authorized only upon prior approval in writing by the State Land Conservation Board.

#### SECTION VI. Administration.

This policy shall be administered by the Marathon County Land Conservation Committee and its staff. The County Conservationist will be responsible for the daily administration of these standards and procedures. Technical assistance may also be provided by available staff of the Soil Conservation Service, U.S. Department of Agriculture.

A. Screening of Participants.

The committee will screen each participant in the Farmland Preservation Program by the end of the year that this policy first applies to the participant with information found in Soil and Water Conservation Plans, Soil Erosion Control Plan, and Big Eau Pleine Watershed Plans, other appropriate plans or on-site visits by staff. The screening will evaluate whether each participant is meeting the soil and water conservation standard(s) enumerated in Section III, and the extent to which any participant is out of compliance with the standard(s). For participants who are out of compliance with the standard(s), the committee will establish a schedule of compliance as a final step in the screening process.

B. Compliance.

1. Certification. After a participant has been screened, the participant shall certify in writing each year that he or she is complying with the soil and water conservation standard(s) required in Section III. For participants with an ongoing schedule of compliance, the participant shall certify that the annual progress to achieve required standards has or has not been accomplished. Certification may be made by mail or in person to the Marathon County Land Conservation Department on forms provided by the committee. Certification must be made by October 31 of each year.
2. Spot-checking. The committee will randomly determine individual compliance with the required soil and water conservation standard(s) once every four years. This determination will be made through a combination of field inspection and examination of aerial photos or slides.

3. Notice of Noncompliance. The committee will issue a notice of non-compliance to any participant who does not comply with the technical standards in Section III or make the required annual progress on a schedule of compliance under Section IV. A field inspection of the farm operation will be conducted prior to issuance of the notice. Copies of the notice of noncompliance will be forwarded to the appropriate zoning authority, the Wisconsin Department of Revenue and The Wisconsin Department of Agriculture, Trade and Consumer Protection. Lanowners issued a notice of noncompliance will not be allowed to claim farmland preservation tax credits unless the notice of non-compliance is subsequently cancelled by the committee under s. 92.104(4) or s. 92.105(5), Wis. Stats.
4. Hearing. Prior to issuing a notice of noncompliance, the committee will notify the affected landowner by registered mail that the committee is considering issuing the notice of noncompliance. The affected landowner will be given an opportunity at a regular committee meeting to present reasons why the notice of noncompliance should not be issued. The committee will provide at least 10 days notice to the landowner prior to the committee meeting at which the landowner should appear.
5. Cancellation of Notice of Noncompliance. If a landowner who has been issued a notice of noncompliance subsequently complies with the required technical standard(s) or reestablishes a schedule of compliance, the committee will cancel the notice of noncompliance. The cancellation of the notice of noncompliance must be based on a request from the affected landowner and a field inspection of the farm operation. Notice of the cancellation of the notice of noncompliance will be given to the appropriate zoning authority, the Wisconsin Department of Revenue, and the Wisconsin Department of Agriculture, Trade and Consumer Protection.

SECTION VII. Annual report.

By December 31 of each year, the committee will prepare a report of the status of administering this policy. The report will include the number of participants complying with standards, the number of participants at various stages of schedules of compliance, the type and number of variances granted, and the number of notices of noncompliance issued. A copy of the report will be forwarded to the State Land Conservation Board and copies will be made available to participants.

SECTION VIII. Amendments.

This policy may be amended following a public hearing held by the committee for which a class 2 notice shall be published. All amendments shall be consistent with the Wisconsin Land Conservation Board Guidelines for Soil and Water Conservation Requirements in the Farmland Preservation Program.