

AGENDA  
CONSERVATION EDUCATION AND ECONOMIC DEVELOPMENT COMMITTEE  
SPECIAL MEETING

DATE: Tuesday, February 21, 2017  
TIME: 9:00 A.M.  
LOCATION: Wood County Courthouse, Room 317A

1. Call meeting to order
2. Public Comments (*brief comments/statements regarding committee business*)
3. Review Correspondence
4. nEXT Generation reorganization report response
5. Consider/take action on a resolution encouraging the state legislature to make additional resources available to all counties for groundwater programming.
6. Adjourn

## MEMO

TO: CEED committee; Wood County Board  
FROM: Hilde Henkel  
DATE: January 28, 2017  
RE: WCA Agriculture, Environment & Land Use Steering Committee

Sixteen county board supervisors from across the state met at the Mead Inn Friday. There are several new members, many with experience on town government and some county staff delegates. Committee chairman Larry Jepsen is chair of Polk County. After introductions, Ted Suave made a brief statement about the seaboard and land based testing of ballast water and the continuing concern about AIS.

The committee reviewed the recommendations from the WCA Shoreland Zoning Taskforce, which member Steve Rasmussen chaired, and which were approved by the WCA Board of Directors. Rasmussen detailed the process of bringing stakeholders to the table, and his hope that legislators will address some of the recommendation this session, including the height limitations and permitting which Dan Bahr emphasized would help bring clarity and certainty of zoning compliance to the owners, title insurers and lenders. There does not seem to be much support in Madison for the lake classification issue. Various members commented on concerns such as involving towns in the shoreland regulation discussion and changing Ordinary High Water Mark (OHWM) affecting setbacks, while a few were fine with NR 115 and no additional restrictions.

The main presentation from a panel of concerned groups related to oil pipeline expansion. Dr. Mark Borchardt (80 is Enough), Patrick Miles (Dane County), Kevin Kessler (Columbia County) and Elizabeth Ward (Sierra Club) spoke. In Wisconsin eminent domain authority for OIL pipelines is handled differently than other pipelines and the qualifying phrase has changed from "public use" to "public interest" to "public benefit," according to Borchardt, and the last change appears to have come thru a 999 motion (originally intended as a clean up motion, both majorities have used this more broadly in recent years). Miles emphasized that local zoning through CUPs can be a significant tool for positive outcomes allowing more public input and education. He urged insurance reviews by a specialist to ensure coverage gaps surrounding spill clean up are eliminated. A small farmer from Columbia County related his experience with Enbridge clearing land outside their easement and claimed the local reps intimidated him. A committee member with seven farms affected by Enbridge in the Delevan area said their experience with the company was completely positive.

IN the legislative update, Bahr said there was some interest in providing some changes in the telecommunication tower siting, which would tie setbacks to residential density, but no details on that right now. The committee will meet in March and July with several topics proposed for discussion at those meetings.

Correspondence

**Subject:** FW: Questions on Eminent Domain  
**Attachments:** Eminent DomainWLC (2).pdf; ATT00001.htm

**From:** Dan Bahr <bahr@wicounties.org>  
**Date:** February 1, 2017 at 9:48:54 AM CST  
**To:** Amy Dias <dias@wicounties.org>  
**Subject:** Questions on Eminent Domain

WCA Ag, Environment, and Land Use Steering Committee Members,

The Wisconsin Counties Association has long made a diligent effort to ensure that points of view on each side of different issues are presented to its members. Recently, the Wisconsin Safe Energy Alliance (WISE) presented to the WCA Ag, Environment and Land Use Steering Committee. Some questions have been raised regarding particular statements in that presentation on the Enbridge Pipeline and the issue of Eminent Domain. Several of the WISE presenters made reference to changes in state eminent domain policy made in the final "999 motion" of the 2015-17 biennial state budget.

In 2016, the Wisconsin Legislative Council responded to questions from Rep. Adam Jarchow, regarding whether changes related to Eminent Domain were actually made in the budget's final "999 motion" or if they were made in the budget at all.

Please see the memo from the Wisconsin Legislative Council below:

For further explanation, WCA will invite a representative from the Wisconsin Legislative Council to address this topic and take your questions at our next meeting.

Thanks,

-Dan

Dan Bahr  
[bahr@wicounties.org](mailto:bahr@wicounties.org)



Correspondence

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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director*

TO: REPRESENTATIVE ADAM JARCHOW

FROM: Larry Konopacki, Principal Attorney

RE: Provisions in 2015 Act 55 Related to Oil Pipeline Companies

DATE: February 25, 2016

This memorandum provides brief answers to questions that you posed regarding the impact of the recently enacted state budget bill (2015 Act 55) on the eminent domain powers of companies that own and operate pipelines for carrying oil or related products in this state, and on state regulations applicable to these companies.

**1. Does Act 55 grant any new powers of eminent domain or condemnation authority to oil pipeline companies?**

No. Act 55 does allow an oil pipeline company that is authorized to use eminent domain authority to be organized as a different type of business other than a "corporation," but the Act did not expand the eminent domain authority of such companies.

**2. Does Act 55 change any of the state permitting requirements that oil pipeline companies must meet to site, construct, or operate a new or expanded oil pipeline?**

Act 55 did not change any state permitting requirements specific to oil pipelines. At the local level, the Act did prohibit towns and counties from imposing requirements that are expressly preempted by federal or state law as conditions for approving a conditional use permit for an oil pipeline, and prohibited them from imposing insurance requirements on an operator of an oil pipeline company if it carries specified insurance. There is some question as to whether towns or counties had either of these authorities prior to the Act.

Act 55 also made certain generally applicable changes to state regulations that may apply to particular oil pipeline projects, such as the changes to shoreland zoning and culvert permitting laws contained in the Act, but the Act did not contain any changes specifically applicable to oil pipeline companies.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

LAK:jal

## WOOD COUNTY



## RESOLUTION#

ITEM# 4-

DATE February 21, 2017

Effective Date February 21, 2017

 Introduced by Conservation, Education & Economic Development Committee  
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LAD

Motion:	Adopted:	<input type="checkbox"/>
1 <sup>st</sup>	Lost:	<input type="checkbox"/>
2 <sup>nd</sup>	Tabled:	<input type="checkbox"/>
No: _____	Yes: _____	Absent: _____
Number of votes required:		
<input checked="" type="checkbox"/> Majority <input type="checkbox"/> Two-thirds		
Reviewed by: <u>PAK</u> , Corp Counsel		
Reviewed by: _____, Finance Dir.		

INTENT & SYNOPSIS: To encourage the state legislature to make additional resources available to all counties to plan and implement groundwater programming.

FISCAL NOTE: none.

		NO	YES	A
1	LaFontaine, D			
2	Rozar, D			
3	Feirer, M			
4	Wagner, E			
5	Fischer, A			
6	Breu, A			
7	Ashbeck, R			
8	Miner, T			
9	Winch, W			
10	Henkel, H			
11	Curry, K			
12	Machon, D			
13	Hokamp, M			
14	Polach, D			
15	Clendenning, B			
16	Pliml, L			
17	Zurfluh, J			
18	Hamilton, B			
19	Leichtnam, B			

**WHEREAS**, groundwater is a basic resource that citizens and businesses in the state rely upon and expect government to monitor and protect in such a way that we may all prosper, and

**WHEREAS**, negative implications to the citizens and businesses of the state from not having comprehensive groundwater programming available could be catastrophic, and

**WHEREAS**, there exists very little groundwater and drinking water information available on a statewide basis, and

**WHEREAS**, currently some counties are coordinating their own groundwater programs to test, monitor, and track groundwater quality while also educating well owners about the importance of clean drinking water and protecting their water sources from contamination, and

**WHEREAS**, there exists very few and limited funding sources for counties to plan and implement groundwater programming and educate and protect their citizens and groundwater sources, and

**WHEREAS**, potential for groundwater contamination continues to grow statewide, becoming an ever increasing threat with few additional resources available to mitigate this threat, and

**WHEREAS**, the Wisconsin Land + Water Conservation Association has encouraged all counties to pass this resolution supporting the funding of groundwater programs.

**NOW, THEREFORE, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES** to encourage the state legislature to make available additional resources for all counties to plan and implement groundwater programming that will lead to better understanding, protection, and utilization of our groundwater and drinking water supplies.

**BE IT FURTHER RESOLVED** that a copy of this resolution be directed to the attention of the state legislators, the governor, the directors of WDNR and DATCP, and the Wisconsin Counties Association.