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CAPITOL LINK

Current Issues Affecting Wisconsin Agriculture and Agri-Business

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Calumet County Proposes More Stringent Local Agricultural Performance Standards and Livestock Facility Siting Ordinance

By: Jordan K. Lamb, DeWitt Ross & Stevens S.C.

Calumet County has proposed Local Agricultural Performance Standards and a Large Livestock Facility Siting Ordinance that exceed the statewide livestock facility siting standards in Wisconsin's Livestock Facility Siting Rule, ATCP 51, and that exceed current state agricultural performance standards.

The proposed Calumet County Large Livestock Facility Siting Ordinance would require new and expanding livestock operations that will have 500 or more animal units to comply with the statewide facility siting standards (ATCP 51) and several additional local facility siting standards which include: additional runoff and leachate restrictions; specific prohibitions applicable to sinkholes and bedrock openings; and prohibitions against animal lot and milking center runoff from "sites susceptible to groundwater contamination." The proposed Calumet County Local Agricultural Performance Standards also impose more stringent performance standards than those contained in state law. These performance standards could apply to farms of any size. To review the proposed performance standards and siting ordinance, go to the Calumet County web site at http://www.co.calumet.wi.us/departments2.iml?dept_id=9.

Under the statewide siting standards, local units of government are prohibited from enacting more stringent siting standards unless the more stringent standards are supported by "scientifically defensible findings of fact" and are necessary to protect public health and safety. In addition, more stringent local siting standards must be approved by the Department of Agriculture, Trade and Consumer Protection before they are enacted. At a public hearing held in Calumet County on May 2, 2007, DATCP provided comments on the draft ordinance that indicated that the County may not have secured DATCP approval for their increased standards and that the County may lack the requisite scientific findings to support them.

It is unclear what action, if any, Calumet County will take on the proposed standards and ordinance. The next meeting of the Calumet County Board is scheduled for May 15, 2007, beginning at 7:00 p.m. The agenda for the meeting was not available online at the time this report was prepared. ♦

In This Issue

House Agriculture Subcommittees Gather Background Information for the New Farm Bill

By Jeff Lyon, Director, Governmental Relations
Wisconsin Farm Bureau Federation, Madison

Writing a new Farm Bill became a little more serious this week within the U.S. House Agriculture Committee. Four subcommittees received testimony on the various titles of the Farm Bill including issues related to animal welfare, agricultural research programs, food aid and agricultural trade programs, and the Federal Crop Insurance Program. Last week, the subcommittees received testimony on general commodity programs and federal milk marketing order system rule making procedures. In late April, the Senate Agriculture Committee conducted a hearing on dairy policy.

With respect to the Milk Income Loss Contract program (MILC), language was included in both the House and Senate Supplemental Appropriation bills to extend the program. Conferees agreed to take the Senate version of the MILC extension provision, which extended MILC for one-month using mandatory funding, and thereby triggering extra baseline funding for the MILC program in the Farm Bill. This language enhanced chances of getting the MILC program extended in the 2007 Farm Bill.

The $124.2 billion bill, which included spending on a variety of programs, among them agriculture disaster aid, was vetoed by President Bush because of Iraq War funding and troop withdrawal provisions.

Different options are now being considered to either resubmit parts of the legislation that can be signed into law or make changes to the Iraq War language. Action is expected within the next two weeks. ♦

Joint Finance Committee Takes Action on DATCP Budget

By: Jordan K. Lamb, DeWitt Ross & Stevens S.C.

On May 3, 2007, the Joint Finance Committee (JFC) voted to reduce fees and surcharges that farmers pay when purchasing agricultural crop protection chemicals. With a 16-0 vote, the Committee reduced the Agricultural Chemical Cleanup Program (ACCP) fees and surcharges on agricultural and non-household herbicides, fertilizers and pesticides by almost 30%. This will reduce the surplus that has accumulated in this fund over previous budgets and which has made this fund a frequently targeted source to fund programs that are unrelated to agriculture. However, the Governor's proposed transfer of $600,000 from the ACCP account in this budget bill withstood JFC's scrutiny. The Committee's 8-8 tie vote failed to prevent this transfer. Accordingly, if this provision is retained in the final budget bill, these ACCP funds will be used to fund DATCP's food regulation program and the animal health program over the next biennium.

In addition, the JFC acted to support research on seed corn; to prevent damage by Sandhill Cranes; and to increase funding for county fairs to $350,000 annually, which is a $100,000 annual increase. ♦

Lawsuit Threatens Delisting of Gray Wolves in Wisconsin

By: Jordan K. Lamb, DeWitt Ross & Stevens S.C.

On April 16, 2007, three advocacy groups, the Humane Society of the United States, Help Our Wolves Live and the Animal Protection Institute, filed a lawsuit demanding that the U.S. Fish and Wildlife Service (F&WS) be prevented from removing the gray wolf from the federal endangered species list in Wisconsin, Minnesota and Michigan. The lawsuit challenges the basis upon which F&WS made their determination that wolves are no longer endangered in Wisconsin.

The F&WS has worked for years with the Wisconsin Department of Natural Resources, which crafted a very progressive wolf management plan designed to preserve a growing wolf population in our state and to balance the needs of the communities in which the wolves live. This lawsuit essentially challenges Wisconsin's wolf management plan and Wisconsin's successful creation of a thriving wolf population. Prior to the removal of the gray wolf from the list, only 16 species had recovered enough to be removed from the endangered species list in the thirty-three years since the list was created.

The Wisconsin Cattlemen's Association, the Wisconsin Farm Bureau Federation and the Wisconsin Bear Hunter's Association are among the groups that have requested the State of Wisconsin to intervene in this lawsuit in support of the F&WS' decision to remove wolves from the endangered species list. ♦

In The Next Issue

In the next issue of PDPW *Capitol Link*, look for updates on the State budget process as well as information on other recently introduced legislation and administrative rules.

If there is a legislative or administrative rule topic that you would like to know more about, email PDPW at *mail@pdpw.org* and put "PDPW Capitol Link" in the subject line.♦

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