



Dane County

Minutes - Final Unless Amended by Committee

Lakes & Watershed Commission - Executive Committee

Thursday, December 4, 2014

5:30 PM

City-County Building - Room 351
210 Martin Luther King Jr Blvd
Madison WI 53703

City-County Building - Room 351

A. Call To Order

Present 4 - REBECCA POWER, LYLE UPDIKE, SUSAN WEST, and CHUCK ERICKSON

Staff present: Mindy Habecker, Sue Jones, Nik Simonson

The meeting was called to order by Chair Power at 5:38 PM.

B. Public Comment on Items not on the Agenda

None.

C. Consideration of Minutes

[2014](#) LWC EXEC MINUTES OF NOVEMBER 6, 2014
[MIN-466](#)

Attachments: [2014 MIN-466 LWC Exec Minutes 11-6-14.pdf](#)

A motion was made by WEST, seconded by UPDIKE, that the Minutes be approved. The motion carried by a voice vote.

D. Action Items

[2014](#)
[RES-391](#)

REGARDING GROUNDWATER LEGISLATION AND CURRENT AND
FUTURE REVIEWS OF HIGH-CAPACITY WELL APPLICATIONS

Attachments: [2014Res391_groundwater_resolution_dane_co.pdf](#)
[Res_391_Sub_1.pdf](#)

A motion was made by UPDIKE, seconded by WEST, to recommend a series of changes to Res. 391, as indicated below, to be incorporated into a substitute amendment for action by the full Commission. The motion carried by a voice vote.

- Note that withdrawals of groundwater affect the amount of water available to maintain the quantity and quality of surface waters.
- Clarify that demand for groundwater is for agricultural, industrial, commercial, and residential uses.
- Clarify that Dane County already has over 400 operating high-capacity wells.
- Add a statement that adequate quantities of groundwater in Dane County are critical to sustain and enhance the economic security and quality of life of the citizens of Dane County.
- State that groundwater pumping affects both lake water and ground water supply and quality.
- Add a point that the cumulative effects of groundwater pumping in Dane County also has the potential to cause adverse impacts to other protected waters, including area streams, springs and wetlands.
- Clarify that Wisconsin's Public Trust Doctrine is within the constitution and relates to navigable waters
- Clarify that the Lake Beulah v. Wisconsin DNR case referred to the DNR's responsibilities as the trustee of public waters.
- Add a note that the Wisconsin's District IV Court of Appeals case decided on December 19, 2013 is titled Family Farm Defenders, et al. v. DNR
- Clarify that Administrative Law Judge Jeffrey D. Boldt's conclusions of law referenced in Res. 391 were from In the Matter of Richfield Dairy
- Amend the two "Be It Further Resolved" clauses to read:

"BE IT FURTHER RESOLVED that the Dane County Board formally requests that the Wisconsin legislature pass no new legislation that will limit, interfere with, or compromise DNR's duties, as trustee of public waters, to protect public trust resources from both the individual and cumulative effects of groundwater withdrawals, or the public's ability to contest DNR's administration of such public trust duties; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to all Dane County members of the state legislature, all municipalities within Dane County, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, the Dane County Cities and Villages Association, the Dane County Towns Association, and "

- Add a "Be It Finally Resolved" clause to read: "BE IT FINALLY RESOLVED that Dane County develop and implement plans and take such additional actions, in conjunction with Dane County municipalities and neighboring counties as warranted, that are necessary and appropriate to protect the quantity as well as quality of Dane County water resources. "

E. Presentations - None

F. Reports to Committee

1. Announcements - None
2. 2015 Adopted Budget Review - Members discussed next steps on implementing the adopted budget. A position description for the Strategic Engagement Coordinator position is needed as soon as possible to initiate the hiring process.
3. Commission Membership - Power noted the urgency for filling the impending Commission vacancy. Diversity and professional work in water resources are among the top priorities for a prospective candidate.
4. Plan 2015 Commission Retreat - Members suggested refinements to the staff draft design for the January 10 retreat. Updike and West suggested that chlorides, phosphorus, water levels, ground water, and community engagement remain as Commission priorities in 2015. Power said that the full commission will confirm its 2015 priority issues at the December 11 meeting. The retreat will begin promptly at 9 a.m., and people can begin arriving at 8:30 a.m. Members narrowed the invitation list to representatives of the Land Conservation Committee, Park Commission, Environment Agriculture and Natural Resources Committee, Land and Water Resources Department staff, and the County Executive's office.

G. Future Meeting Items and Dates - December 11, 2014 (Full Commission)

Members approved the draft agenda prepared by staff for the December 11, 2014 Commission meeting.

H. Such Other Business as Allowed by Law

None.

I. Adjourn

The meeting adjourned by consensus at 8:30 PM