A PLAN

FOR THE CONTROL OF NONPOINT SOURCES

AND

RELATED RESOURCE MANAGEMENT

IN THE BLACK EARTH CREEK PRIORITY WATERSHED

WISCONSIN NONPOINT SOURCE WATER POLLUTION ABATEMENT PROGRAM

March 1989

Wisconsin Department of Natural Resources
Bureau of Water Resources Management
P. O. Box 7921
Madison, Wisconsin 53707

In Cooperation With:
Dane County Land Conservation Department
Department of Agriculture, Trade and Consumer Protection

Publication WR-218-89

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES
Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

File Ref:
2600

February 24, 1989

Richard Phelps, County Executive
Dane County
City-County Building
210 Martin Luther King Blvd.
Madison, Wisconsin 53702

Dear Mr. Phelps:

I am pleased to approve "A Plan for the Control of Nonpoint Sources and Related Resource Management in the Black Earth Creek Priority Watershed" prepared through the Wisconsin Nonpoint Source Water Pollution Abatement Program. This plan meets the intent and conditions of s. 144.25, Wisconsin Statutes, and Chapter NR 120, Wisconsin Administrative Code. This plan has been approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

I am also approving this plan as an amendment to the areawide water quality management plan for the Lower Wisconsin River Basin, and as recommended by the Dane County Regional Planning Commission as an amendment to the areawide water quality management plan for Dane County.

This plan, prepared jointly by Department and Dane County Land Conservation Department staffs, is an example of the cooperative efforts that are improving and protecting the lakes, streams and wetlands of Dane County. I'm confident the cooperative spirit shown throughout the development of this plan will continue during the implementation of this project.

Sincerely,

C. D. Besadny
Secretary

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Carol L. Nelson, the duly elected and qualified Clerk of the County of Dane, State of Wisconsin, do hereby swear that the attached is a true and correct copy of Sub 1 to Res. 268, 1988-89.

which was/were duly adopted by the Dane County Board of Supervisors on February 16, 1989, and approved by the County Executive on February 21, 1989.

Carol L. Nelson

Carol L. Nelson

Subscribed and sworn to before me
this 24th day of February, 1989

Cynthia L. Huemmer

Cynthia L. Huemmer
Notary Public Dane County, Wisconsin

My commission expires 7-14-1991

SUB #1 TO RES. NO. 268, 1988, 89

ADOPTION OF THE BLACK EARTH CREEK WATERSHED PLAN

On November 21, 1985, the Dane County Board of Supervisors adopted Res. No. 191, 1985-86 that accepted designation of the Black Earth Creek Watershed as a Wisconsin Nonpoint Source Water Pollution Abatement Project. The watershed plan is now developed for review and approval by the Dane County Board and the Wisconsin Department of Natural Resources. Cost-sharing and technical assistance funds for the Wisconsin Fund Project are available for reimbursement for implementation of Best Management Practices as identified in the watershed plan. Cost-share funds will be allocated by form cost-share agreements with individual landowners. Since there will be many of these cost-share agreements, it will greatly simplify matters if the requirements of Dane County Code of Ordinance 25.06 is waived and these agreements can be approved by the Land Conservation Committee without further action by other county committees or the County Board.

The watershed plan calls for two technical assistance positions in addition to an information education program. The 1989 Land Conservation budget contains an expense and revenue account for a Conservation Aid position. Additional funds ($15,000) are provided for a technical service contract with USDA-SCS and $450 for the county portion of an information education program.

NOW, THEREFORE, BE IT RESOLVED, that the Dane County Board of Supervisor's approve the watershed plan; that cost-share agreements with individual landowners be authorized directly by the Land Conservation Committee.

BE IT FURTHER RESOLVED, that $500,000 be transferred from the General Fund to the Land Conservation Black Earth Creek cost-share account and that $500,000 be set up as a Black Earth Creek Revenue account and credited to the General Fund.

BE IT FURTHER RESOLVED, that $15,450 be set up as a Land Conservation Black Earth Creek Technical Assistance Revenue account and be credited to the General Fund and that $15,450 be transferred from the General Fund to the Land Conservation Black Earth Creek Technical Assistance account.

BE IT FINALLY RESOLVED, that $27,739 be set up as Land Conservation, Black Earth Creek Technical Assistance Revenue and be credited to the General Fund and that $27,739 be transferred from the General Fund to the Land Conservation, Soil Conservation Service Revenue account.

Submitted by

Recommended for adoption by
Ag, Env. & Land Records
Committee Jan. 31, 1989

Dane County Regional Planning Commission
Room 523, City-County Building, Madison, Wisconsin 53709 Tel. 608/266-4137

April 12, 1989

RECEIVED
APR 14 1989

Bruce Baker, Director
Bureau of Water Resources Management
Wisconsin Department of Natural Resources
Box 7921
Madison, Wisconsin 53707

RE: Black Earth Creek Priority Watershed Plan

Dear Bruce:

I am attaching a copy of RPC Resolution No. 489, adopting the Black Earth Creek Priority Watershed Plan as a part of the Dane County Water Quality Plan, in response to your letter of January 27, 1989.

Our review of this plan has indicated that it is an excellent plan, that the findings and proposals contained in the plan are fully consistent with the areawide water quality management plans for the area, including the Dane County Water Quality Plan and the Lower Wisconsin River Basin Plan, and the Dane County Regional Planning Commission supports its implementation. The thoroughness and high quality of the plan are not too surprising, considering the individuals who worked on it, and they should be congratulated. We were, however, somewhat disappointed to see no more than a passing reference in the plan to the areawide water quality management plans, either as an information source or as a policy framework and context for the watershed plan. As you know, we believe it is important to maintain and utilize the areawide water quality management plans, such as the Dane County Water Quality Plan and the Basin Plan, as the overall policy framework for the development of specific implementation plans, such as priority watershed project plans.

Again, congratulations for a well-prepared and thorough plan, and a pledge of our support and cooperation in implementation of the plan. It would be appropriate to have this plan officially certified as an amendment to the Dane County Water Quality Plan and the Basin Plan.

Sincerely,

Bill Lane

William N. Lane
Director of Environmental Resources Planning

WNL:mp

cc: Mike Llewelyn
Rahim Oghalai
Steve Fix
Andy Morton
Lloyd Eagan
Jim Baumann
Kevin Connors

Resolution RPC No. 489

Adopting the Black Earth Creek Priority Watershed Plan

Whereas, the Dane County Water Quality Plan was prepared and adopted by the Regional Planning Commission and certified by the Governor in 1979 as the Areawide Water Quality Management Plan for Dane County, Wisconsin; and

Whereas, the Water Quality Plan describes and analyzes nonpoint source pollution and water quality problems throughout Dane County and proposes nonpoint source pollution abatement programs and policies to address those problems; and

Whereas, the Wisconsin Department of Natural Resources and the Dane County Land Conservation Department have prepared a Black Earth Creek Priority Watershed Plan detailing nonpoint source pollution problems and proposing management practices to address those problems in the Black Earth Creek watershed; and

Whereas, the findings and management proposals recommended in the Black Earth Creek Priority Watershed Plan are fully consistent with the findings, policies and recommendations of the Dane County Water Quality Plan and will serve to implement those policies and recommendations;

NOW, THEREFORE, BE IT RESOLVED, that the Dane County Regional Planning Commission hereby adopts the Black Earth Creek Priority Watershed Plan as a part of the Dane County Water Quality Plan and supports its implementation.

Feb 23, 1989
Date Adopted

Truman Nienstedt
Truman Nienstedt, Secretary

State of Wisconsin
Department of Agriculture, Trade & Consumer Protection
Howard C. Richards
Secretary

801 West Badger Road
P.O. Box 8911
Madison, WI 53708

February 7, 1989

Bruce J. Baker, Director
Bureau of Water Resources Management
Department of Natural Resources
Box 7921
Madison, WI 53707

Dear Mr. Baker:

We have received a copy of the Black Earth Creek Priority Watershed Plan along with your letter of transmittal. This marks the first completed watershed plan under the joint DATCP and DNR efforts in the Nonpoint Source Pollution Abatement Program. Although DATCP was involved only during the late stages of the planning process for Black Earth Creek, a thorough review of the document by members of my staff was accomplished due to the cooperative spirit of DNR and the Dane County Land Conservation Department.

Please accept this letter as the Department's approval of the Black Earth Creek Priority Watershed Plan. We look forward to assisting DNR and Dane County in the protection and enhancement of this unique water resource through implementation of the watershed plan.

If I or any members of my staff can be of any further assistance please let me know.

Sincerely,

Jim Johnson, Director
Land and Water Resources Bureau

cc: Nicholas J. Neher
Dave Jelinski

EXECUTIVE SUMMARY

A PLAN FOR THE CONTROL OF NONPOINT SOURCES AND RELATED RESOURCE MANAGEMENT IN THE BLACK EARTH CREEK WATERSHED

EXECUTIVE SUMMARY

INTRODUCTION

Black Earth Creek and a number of its tributaries provide a recreational trout fishery known throughout the Midwest. Over 200,000 people in the Madison metropolitan area live within 20 miles of this fishery. The trout population is large and stable. However, anglers and Department of Natural Resources (Department) fish managers expressed concern that conditions, such as water clarity, in the stream are degrading. In late 1985, the Department selected the Black Earth Creek Watershed for a priority watershed project through the Wisconsin Nonpoint Source Water Pollution Abatement Program. As shown in Figure 1, the Black Earth Creek Watershed in located principally in northwestern Dane County.

This watershed plan guides the implementation of best management practices, nonpoint source control measures, needed to meet the specific water resources objectives for Black Earth Creek and its tributaries. It also incorporates fishery management activities.

The Department and the Dane County Land Conservation Department (DCLCD) jointly prepared this plan. The University of Wisconsin, the U. S. Geological Survey, the Soil Conservation Service funded CONSOIL Project, Trout Unlimited and the Black Earth Creek Watershed Association (BECWA) provided substantial assistance in preparing this plan.

NONPOINT SOURCE WATER POLLUTION ABATEMENT PROGRAM

The Nonpoint Source Water Pollution Abatement Program was created in 1978 by the Wisconsin Legislature. Its goal is to improve and protect the water quality of lakes, streams, wetlands and groundwater by reducing pollutants from urban and rural nonpoint sources. The program is administered by the Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection.

Nonpoint sources include: eroding agricultural lands, eroding stream banks, animal lots, fields spread with manure, eroding construction sites, streets and parking lots. These sources are generally considered significant when pollutants from the site are carried to surface or ground waters by runoff or seepage.

Key elements of the program are as follows:

- The program is implemented through watershed projects. Each watershed is a hydrologic unit.

- A priority watershed plan is prepared for each project to guide implementation.

- Projects are implemented by local units of government, such as counties, cities and villages.

- Nonpoint sources are controlled by measures or engineered structures called best management practices. Ordinances are also used.

- Participation is voluntary. Cost share assistance is provided for control of the most significant nonpoint sources through the program. Landowners, land renters, counties, cities, villages, towns, metropolitan sewerage districts, sanitary districts are eligible cost share recipients. Educational and technical assistance is also provided.

- Generally, projects have a three year period for signing cost share agreements. All best management practices must be installed within five years of the date of the cost share agreement.

- The Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection review the progress of local units of government and provide assistance to those units of government throughout the life of the project.

- The Department of Natural Resources monitors improvements in water quality resulting from the control of the nonpoint sources.

WATER RESOURCES CONCERNS AND OBJECTIVES

Overall, Black Earth Creek and its tributaries support good quality fisheries. Much of Black Earth Creek supports a

PRINCIPAL PARTICIPANTS IN THE BLACK EARTH CREEK PLAN DEVELOPMENT

Project Coordinators:

Jim Baumann, Nonpoint Source and Land Management Sec., Dept. Natural Resources
Kevin Connors, County Conservationist, Dane County Land Conservation Department

Department of Natural Resources:

Nonpoint Source and Land Management Section:

Roger Bannerman
Ken Baun
Mari Larson

Southern District Water Resources Management:

Lloyd Lewis Eagan, District Coordination and Co-author
Dave Marshall
Andy Morton, Co-author

Southern District Fisheries Management:

Scot Stewart
Cliff Brynildson

Bureau of Water Resources Management:

Mark Tusler

Bureau of Fisheries Management:

Larry Claggett

Bureau of Information Management:

Mark Riggle
Brad Duncan

U. S. Geological Survey:

Steve Field
Dave Graczyk
Greg Allord
Wendy Danchuk

Dane County Land Conservation Department:

Pat Sutter

Dane County Systems and Data Processing Department

John Amundson

Soil Conservation Service Dane County Field Office:

Glen Kindermann
Todd Mau

University of Wisconsin - Madison Land Information and Computer Graphics Facility:

Steve Ventura
Pete Thum

Students of the University of Wisconsin Water Resources Management 1985 Graduate Student Workshop under the direction of Prof. Steve Born

Trout Unlimited Southern Wisconsin Chapter

Steve Born, University of Wisconsin Extension

Black Earth Creek Watershed Association (BECWA)

Soil Conservation Service CONSOIL Project

Keith Foye, Department of Agriculture, Trade and Consumer Protection