

A County at the Crossroads – Part 2

Expanded Land Stewardship Project Critique of Winona County Proposed Comprehensive Plan – September 2014

LSP does have a number of significant concerns and questions related to the proposed Comprehensive Plan. There are, however, some notable positives in the Plan. We appreciate the Plan's references to protecting prime farmland from development. We are in agreement that the clustering of housing is best, both environmentally and economically, for Winona County. We also agree that residential and business development should primarily occur in areas that are immediately adjacent to existing towns and cities, thereby minimizing the detrimental effects of "urban sprawl." Additionally, we appreciate the preliminary draft's thorough reporting of survey responses from city and township officials and local citizens. Regrettably, public comments were removed from the Plan forwarded to the Planning Commission.

Language inconsistent with public comments expressed LSP is concerned with language in the Plan that is inconsistent with the vast majority of public comments received. It is not clear how some language in this plan reflects the value statements outlined by the public. We note specifically that at least 80% of public comments placed high priorities on concerns such as protecting the natural beauty of the area, the bluffs, and the environment, clean water, cultural pursuits, educational opportunities, small farms, recreational opportunities of hiking, biking, fishing, hunting and river activities, and controls on industries that negatively impact the community. Only a small fraction of respondents seemed to favor un-impeded development, or property rights. Yet, the agriculture, economic development and natural resource sections of the Plan include language that fails to significantly restrict undesired development.

In our critique of the Plan, we have primarily focused on three key areas: Agriculture, Economic Development, and Natural Resources. We add comments on the failure to include reference to climate change in the Plan. We also note, that the plan pays little, if any, attention to the specific needs of the growing population of senior citizens in the County, nor the importance of appreciating and fully integrating the growing population of immigrants and people of color.

Agriculture

No reference to federal farm policy. A significant omission in your Agriculture section is an analysis of the detrimental role that federal farm policy plays in agricultural trends in the County, and the corresponding need for the County to be engaged in advocacy for federal policies that encourage crop diversity, promote more livestock enterprises throughout the County, and discourage farm consolidation. The Plan does note that state regulations have an

impact on local farming operations, but fails to consider the even more important role that federal policy plays in agriculture here.

Agricultural consolidation. The Plan's failure to analyze and address the consequences of agricultural consolidation in the County is noteworthy. The vast majority of studies of industrial agricultural trends in the U.S. show negative consequences for rural communities. The Plan should address this and proactively aim to support the viability of small and mid-sized farms, while at the same time, aim to prevent large-scale consolidation.

Private land rights. The Plan includes "Education of landowners and other citizens on the nature of private land rights. . ." This controversial addition to the Plan raises many questions. What does this language mean and what is the basis for this? What is it that citizens need to be educated about? Where else has this been done in the Midwest by a governmental body and what have been the results? We recognize that there are members of the advisory committee that are property rights proponents, however, it's important to recognize that these values are inconsistent with the values of a very significant majority of county citizens offering input to the Plan. We have additional questions about the private land rights issue: Does the land rights issue include only the rights of the property developer or do they include the rights of the neighboring property owner? And does "private land rights" education include a discussion about the effects of development on the property values of neighboring property owners? Additionally, can the committee point to research that shows the legal basis for promoting "private land rights" and how the implementation of this as a County priority would affect the County over the long term? Central to this issue is the question of where one landowner's rights begin, where another landowner's rights end, and a community's right to determine its future direction.

Declamatory statements. Additionally, LSP is unfamiliar with the use of declamatory statements for non-farm dwellings. Given Minnesota's "Right to Farm Law," which already prohibits farmers from being sued for employing common farming methods, it would be helpful to understand where else declamatory statements have been implemented, and the ramifications of their use on farming, property values, real estate activity, and the local economy.

Economic Development

Frac sand mining and processing. In public comments, there was only miniscule support for frac sand mining, processing and transport expressed, and numerous people expressed deep concern about this new industry and want the County to be extremely cautious in considering its potential impact on the environment and our quality of life. Yet, from our perspective, the preliminary comprehensive plan opens the door wide for frac sand development to occur.

The Economic Development section lists a number of goals (#'s 1,2,5,and 6) which appear to "green light" the frac sand industry. In particular, goal #1) "Protection of the

resource-based economy – across the spectrum of agriculture to industry” and goal #6) “Encouragement of the development of new industries that use local resources, human and natural and that are able to operate economically in the region” can be interpreted as an endorsement of frac sand mining, processing and transport. This does not match public sentiment. Just what do each of these goals mean? Is the committee endorsing extractive activities like mining for Winona County? Or is the committee referring to economic development that creates good paying jobs and protects the environment and the community at the same time? How do each of the economic development goals match up with the extensive local concern about the potential economic, environmental, transportation and public health hazards expressed in public comment and by countless citizens in public hearings in recent years? It is important to note that the dominant economic development theme in public comment was that of conservation and natural resource protection.

Natural Resource Protection

Frac sand mining. The Natural Resource Protection section, goal #10 refers to the “orderly development and extraction of mineral resources . . .” What research does the County have that shows that mining activities can be carried out in a Karst region without damaging farms, communities and the environment? What evidence is there from Wisconsin’s experience with the frac sand industry that this industry can be satisfactorily regulated? Where is the public support for this goal? Where is the peer-reviewed science that this is achievable? Please provide examples of locations where the frac sand industry is operating without disrupting local communities. The Plan’s policies for rural industries (#2) are laudable. They directly conflict, however, with the Plan’s apparent endorsement of extractive industrial mining for non-local use.

Water quality. Regarding water quality, Winona County’s own studies have shown that 20% of rural wells already exceed the safe drinking water standard for nitrates. We question whether Policy #4 is sufficiently strong enough (“Maintain groundwater nitrate level at a point which is equal to or less than the drinking water standard of 10 parts per million or in accordance with State Standards”). Similarly, implementation strategy #9 seems inadequate (“Implement appropriate best management practices as per state standards to protect surface and groundwater”). We note that the vast majority of farmers in Winona County have been implementing state-approved “Best Management Practices” for more than two decades. We question whether there is evidence that shows how “BMP’s” can reduce nitrate levels to an acceptable level in Winona County’s Karst geology?

Climate Change omitted as a key factor in Agriculture, Economic Development and Natural Resource Protection sections

LSP is concerned that the preliminary plan fails to address climate change despite numerous public comments on the subject. The highly variable and severe weather of recent years presents numerous challenges for farms, businesses, natural resources and local

government institutions. We are concerned that the plan fails to address climate change, Winona County's preparation for it, potential efforts to mitigate it and potential efforts to prevent it, despite the ramifications of climate change being fully documented in peer reviewed research. Similarly, there is considerable public interest in more public transportation, yet this is not reflected in the plan.

2013-14 Comp Plan Development to date: A failure of process

The Comp Plan Process of community participation was deeply flawed, lacking diverse interests and serious consideration of public input. The committee make-up of 17 men and 3 women was quite unbalanced. Numerous conservation-oriented applicants were left off this committee when it was appointed in 2013. This is highly unfortunate. This process should have been focused on inviting public input and including the public's values, hopes and dreams for the County in the Comprehensive Plan. There has been no robust discussion involving a broad cross-section of the community. Instead, there have been a series of missteps that have now resulted in the Comprehensive Planning Committee's refusal to incorporate public input into the proposed Plan, and in fact, removing all public comment from the document itself.

Over the past year, the overwhelming majority of citizens offering input to this committee favored preserving Winona County's natural beauty and environment, recreational and cultural opportunities, quality of life, and family-farm based agriculture that protects the soil and water. Opposition to frac sand mining and processing was strong. In public comment, there was very minimal support for property rights or unimpeded development

The Comp Plan Committee largely failed to incorporate this input, instead including language facilitating frac sand mining, putting property rights language in that is highly debatable and not at all a consensus in the County, failing to address improving water quality in the County where 20% of the wells exceed the safe drinking water standard, and saying not a word about the need to adapt to and prevent further climate change.