

**MINUTES
LAND AND WATER CONSERVATION BOARD MEETING**

**August 2, 2016
DATCP Board Room
Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive, Madison, Wisconsin**

Item #1 Call to Order—pledge of allegiance, open meeting notice, approval of agenda, approval of April 5, 2016 LWCB meeting minutes.

The meeting was called to order by Chairman Mark Cupp at 9:00 a.m. Cupp, George Mika, Dave Solin, Eric Birschbach, Dale Hood, John Petty, Caitlin Frederick (phone), and Mary Anne Lowndes were in attendance. A quorum was present. Advisors Kurt Calkins (phone), Jim VandenBrook (WI Land + Water), Brandon Soldner (FSA, for Greg Biba), and Eric Allness (NRCS, for Jimmy Bramblett) were present. Others present included Perry Lindquist, Waukesha County LRD; Tim Detzer and Steve Keith, Milwaukee County Environmental Services; Dave Troester, Crawford County LCD; Karley Downing, Allison Volk, Richard Castelnovo, Lisa Trumble, and Chris Clayton, DATCP.

Clayton confirmed that the meeting was publicly noticed.

Hood moved to approve the agenda as presented, Mika seconded, and the motion carried.

Solin moved to approve the April 5, 2016 meeting minutes, Petty seconded, and the motion carried.

Cupp reported that Birschbach's reappointment was made official by the governor's office.

Item #2 Public Appearances

No public appearance cards were submitted.

Castelnovo, DATCP, reported receiving a written public request from county conservationist regarding a mistake in the county's annual grant application resulting in fewer funds proposed for allocation to the county. The request was that the board consider finding an option to correct for the mistake. The board circulated a copy of the request during the meeting for review.

Item #3 Report on preliminary 2017 DATCP and DNR joint allocation plan

Castelnovo, DATCP, reported that a corrected copy of the preliminary allocation plan involving three counties went out to board members. In FY17, DATCP is setting aside \$350,000 in bond reserves to apply to farms having a Notice of Discharge or Notice of Intent, as well as farms with a discharge requiring additional cost-sharing (e.g. feedlot or feed storage discharge to a vegetated treatment area). The grants provided to counties and cooperators are similar to those made in recent years.

Castelnovo reported that the bond formula is complex, and DATCP staff agree that to achieve the goals of the program, the department may need to revisit the formula for granting bond funds to counties.

The following issues were discussed: reasons for making changes to the bond formula that determines allocations of bond funds among the counties, and potential consequences of different scenarios; taking the issue of changing the bond formula to the Legislative / Administrative Committee of WI Land & Water; the current system's effectiveness in making sure more of the allocated funds are spent; the amount of unmet funding requests; pending US EPA approval to implement a phosphorus multi-discharger variance program; the consequences of constraints on funding staff and cost-sharing; funding cooperators and meeting the need to train conservation professionals.

Lowndes reported that DNR would like to provide additional funding for vegetated treatment area (VTA) projects that were already underway and may need to meet a higher standard for containing feedlot or feed storage runoff.

Item #4 Runoff Management Program; Targeted Runoff Management and Urban Nonpoint Source and Storm Water Grants

Lowndes, DNR, reported on the DNR's proposed scoring and ranking of Targeted Runoff Management (TRM) and Urban Nonpoint Source and Storm Water Management (UNPS) project applications for CY 2017 funding. Lowndes reported rankings for incoming projects. DNR grants funds for urban planning projects and construction projects in offsetting years of the biennium. Funds for construction grants were allocated for FY17.

Item #5 5-year review of Waukesha County Land and Water Resource Management Plan

Lindquist made a presentation in support of Waukesha County's 5-year review of its 10-year LWRM plan. (The presentation can be accessed at DATCP's Land and Water Conservation Board website: https://datcp.wi.gov/Pages/About_Us/LandWaterConservationBoard.aspx.)

Lindquist reported that the county's current farm priority strategy is effective. He highlighted the county's progress in meeting planned activities to meet the goals and objectives defined in its approved LWRM plan, and addressed key benchmarked activities pursued by the county over the past five years. Lindquist also reported that Waukesha County submitted an updated annual work plan to capture changes in planned activities necessary to meeting the goals and objectives outlined in its 10-year LWRM plan.

The following issues were discussed: the county stormwater ordinance was recently updated; the county's participation in the state's Authorized Local Program (ALP) to implement WPDES permits; EPA concerns surrounding the program to the point of not allowing authorization of additional counties; the benefits to the county of participating in the ALP and implementing WPDES permits; annual tracking by the county of conservation activities; benchmarking in future workplans; reporting via workplans.

Frederick moved to approve Waukesha County's 5-year review as meeting the board's criteria for 5-year plan reviews, Mika seconded, and the motion carried.

Item #6 Recommendation for approval of 5-year extension request for Milwaukee County Land and Water Resource Management Plan

Detzer and Keith made a presentation in support of Milwaukee County's 5-year extension of its LWRM plan. (The presentation can be accessed at DATCP's Land and Water Conservation Board website: https://datcp.wi.gov/Pages/About_Us/LandWaterConservationBoard.aspx.)

Detzer and Keith highlighted the county's progress in meeting planned goals and activities, and addressed key benchmarked activities pursued by the county over the past five years.

Detzer and Keith reported that the county submitted an annual work plan that covers planned activities consistent with new DATCP requirements.

The following issues were discussed: opportunities for urban agriculture projects and possible support the county could provide to these projects; use of permeable pavers in county projects; challenges with funding projects that implement newer, "green" technologies; county leadership in using permeable pavers before establishment of a standard which was recently completed by the Standards Oversight Committee.

Mika moved to approve Milwaukee County's 5-year extension request as presented, Birschbach seconded, and the motion carried.

Item #7 Approval of county requests to extend Land and Water Resource Management Plan expiration dates by one to three years

Trumble presented information in support of Calumet County's 3-year extension of its LWRM plan, Oneida County's 3-year extension of its LWRM plan, and Clark County's 3-year extension of its LWRM plan.

Trumble reported on progress by the counties toward meeting their current plan goals and presented each county's updated work plan developed consistent with DATCP's new requirements.

Mika moved to recommend approval of Calumet County's, Oneida County's, and Clark County's requests to extend Land and Water Management Plan expiration dates by three years, Solin seconded, and the motion carried.

Item #8 Recommendation of approval of Crawford County Land and Water Resource Management Plan revision for Crawford County

Troester made a presentation supporting the request for a 10-year approval of Crawford County's LWRM plan revision. (The presentation can be accessed at: https://datcp.wi.gov/Pages/About_Us/LandWaterConservationBoard.aspx.)

Troester reported that the DATCP staff reviewed the plan using the LWRM Plan Review Checklist and found that the plan complies with all requirements of section 92.10, Wisconsin Statutes, and Chapter ATCP 50, Wisconsin Administrative Code.

Troester highlighted the county's progress in meeting goals and activities in its previous LWRM plan, and addressed key benchmarked activities pursued by the county over the past five years. Troester reported that the county's current farm priority strategy is effective, and he submitted an updated work plan that covers planned goals and activities.

The following issues were discussed: timber production in the county; the significance of recreation and hunting; implications of revised T values; higher volume storm events and gully erosion; progress by the county on finding software to track conservation practices.

Hood moved to recommend approval of Crawford County's plan revision for a period of 10 years, Petty seconded, and the motion carried.

Item #10 Public Records Presentation

Downing provided an overview of the Wisconsin public records statute and requirements affecting LWCB members. She reviewed: the consequences of deliberate actions to avoid compliance; examples of records (e.g. non-transitory voicemails), and what are not records (e.g. personal notes that are not shared); the retention of emails and transitory communications; why paper records are treated differently than electronic records; Records Disposition Authorization (RDA) and methods for a record's disposal; not sending text messages in connection with board business; proper handling of requests for records; Department assistance to board members with the retention of records.

Item #11 CREP Spending Authority-2016 Amendment

Volk requested board approval of the county CREP spending authority. Volk reported that adjustments to county spending authorities were based on enrollment of new CREP agreements at current rates. Initial CREP agreements are beginning to expire, and the department predicts reenrollment on 75% of existing agreements with about 5% changing to perpetual easements. Volk stated that some adjustments were made to allocations due to some counties adding regions to CREP.

The board discussed the following: differences in allocations and underspending; general feedback from the counties.

Mika moved to recommend approval of the 2016 amendment to CREP spending authority, Petty seconded, and the motion carried.

Item #12 Agency reports

FSA – Soldner reported that 241,000 acres are enrolled in CRP, and this number represents the first positive increase in acreage in a decade. Lower commodity prices are driving an increased interest in CRP enrollments. The program is focusing on continuous CRP enrollment, but the amount of acreage to enroll continuously is diminishing. In the last sign-up for CRP, 124 offers out of 957 total were accepted due to higher national criteria for environmental benefits of enrolled lands. CRP Grasslands is a new working lands program in which producers can hay or graze the land.

NRCS – Allness reported that NRCS will obligate \$20 million for EQIP. Currently, local conservation priorities are in process of being set. CSP rewards farmers for conservation work already being done, and participants must go above and beyond. CSP has reached the 1 million acre mark.

WI Land & Water – VandenBrook reported that conservation observance day will take place at the Meuer Farm in Calumet County on August 26.

DATCP – Petty reported that the second round of the producer led watershed grants is open. Two AEAs will be designated, and one expanded, by the end of the year. Recently, the DATCP website was redesigned. Following up on the open records presentation, Petty asked the board to take the issue seriously and assume that any written communications with a state employee is a public record.

DNR – Lowndes reported that DNR is forwarding a scope statement to the Natural Resources Board for targeted performance standards for spreading manure on karst topography. The DNR denied Bayfield County’s request to approve their ordinance which goes above and beyond state water quality standards. The county’s ordinance provisions were too specific to one location and one farm. As a result of the legislative audit, the DNR will receive two new CAFO positions and one nutrient management planning position.

DOA – Frederick reported that agency budget requests are due on September 15. The governor’s office has required agencies to assume zero growth and to present a scenario of a 5% reduction to administration and operations budgets. The reduction scenario would not apply to SEG or bond funds.

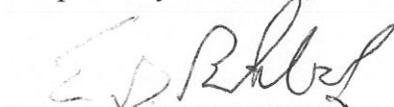
Item #13 Planning for October 2016 Meeting

- Five or six LWRM plans will be on the agenda.
- Proposed revisions to ATCP 50 will be presented in December.

Item #14 Adjourn

Mika moved to adjourn, Hood seconded. The meeting was adjourned at 1:55 pm.

Respectfully submitted,



Eric Birschbach, Secretary



Date

Recorder: CRC, DATCP

