

MINUTES
LAND AND WATER CONSERVATION BOARD MEETING

February 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 December 1, 2015 LWCB meeting minutes.

The meeting was called to order by Chairman Mark Cupp at 9:00 a.m. Cupp (phone), George Mika, Dave Solin, Eric Birschbach, Dale Hood, Lynn Harrison, Robin Leary (phone), John Petty, Caitlin Frederick, and Mary Anne Lowndes were in attendance. A quorum was present. Advisor Jim VandenBrook (WI Land + Water) was present. Others present included Scott Frank, Shawano County LCD; Dan Treloar, Kenosha County LWCD; Katy Vosburg, Brian Loeffelholz, Richard Castelnuovo, Lisa Trumble (phone), and Chris Clayton, DATCP.

Clayton confirmed that the meeting was publicly noticed.

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

Birschbach moved to approve the December 1, 2015 meeting minutes, with one minor revision, Solin seconded, and the motion carried.

Item #2 Public Appearances

No public appearance cards were submitted.

Item #3 Election of Officers

Cupp reminded the board that changes to the bylaws dispense with the need for a nominating committee, and instead, the board took nominations from the floor to elect officers. Cupp indicated that the current officers had agreed to continue to serve in their elected positions: Cupp as Chair, Harrison as Vice-Chair, and Birschbach as Secretary. Beginning with the Secretary, Birschbach was nominated, and unanimously elected as Secretary. Harrison was then nominated for Vice-Chair, and unanimously elected. Finally, Cupp was nominated for Chair, and unanimously elected.

Item #4 Recommendation for approval of Land and Water Resource Management Plan revision for Shawano County

Frank made a presentation supporting the request for a 10-year approval of Shawano County's LWRM plan revision. (The presentation can be accessed at: <http://datcp.wi.gov/uploads/Environment/pdf/LWCBFeb2016ShawanoPresentation.pdf>.)

Frank 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.

Frank 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. Frank 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: agricultural trends in Shawano County; realizing broad outcomes, especially in regard to engaging particular numbers of individuals, and the county's dependency on partners getting individuals involved.

Mika moved to recommend approval of Shawano County's plan revision for a period of 10 years, Solin seconded, and the motion carried.

Item #5 Recommendation for approval of Land and Water Resource Management Plan Revision for Kenosha County

Treloar made a presentation supporting the request for a 10-year approval of Kenosha County's LWRM plan revision. (The presentation can be accessed at: <http://datcp.wi.gov/uploads/Environment/pdf/LWCBFeb2016KenoshaPresentation.pdf>.)

Treloar 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.

Treloar 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. Treloar 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: agricultural trends in Kenosha County; the need to communicate more measureable outcomes (e.g. NMPs) in the county's work plan, in addition to clearly communicating in the LWRM plan the goal of measuring outcomes; the methods for tallying outcomes related to farm projects that are ongoing; cost-sharing limits related to well decommissioning; revisions to the county's work plan to add numeric benchmarks, and the option of submitting a final work plan on April 15, as part of DATCP's proposed new requirements.

Harrison moved to recommend approval of Kenosha County's plan revision for a period of 10 years, on the condition that the county submits a revised work plan consistent with the new DATCP requirements, Birschbach seconded, and the motion carried.

Item #6a LWRM Plan Approvals and Work Plans

Castelnuovo presented a report on revisions to annual county work plan requirements. The proposed changes will enable timely updates of work plans during 10-year plan approvals, enhance benchmarking to better measure performance, provide more accurate information about county activities, and ultimately increase accountability.

Castelnuovo indicated that this proposed action is a step in the continuing process of improving work planning. The most recent effort was spearheaded by the LWCB through its issuance of the 2012 guidance and checklist. The shortcomings of the current process, he pointed out, were demonstrated by the questions asked of the two counties that presented LWRM plan revisions at this meeting. Last December, DATCP started the conversation at an annual meeting of county conservationists regarding a new approach to work planning and a new focus on annual work plans. DATCP staff has shared the proposed work plan templates and examples with a dozen counties whose LWRM plans are slated for revision. DATCP shared comments with the Board from Perry Lindquist of Waukesha County and Kurt Calkins of Columbia County.

At its core, the annual work plan requirement is not new, but is an extension of the current requirement that counties submit a current work plan with their grant applications whenever their work plan on file with DATCP becomes outdated. Now that DATCP has a 10-year approval period for new LWRM plans, there is greater need for improved tracking of planned activities during the 10 year approval period, including a need to track measureable outcomes, to measure progress, and report on accountability. Other programs, such as the DNR's Multi Discharger Variance program, have emphasized more detailed work planning.

Castelnuovo summarized the new requirements and objectives including annual deadlines, the focus on priorities, and the page limitations. With the new requirements, counties will no longer include extensive work plans in their LWRM plans, thus shortening the plans. A template work plan was given to the board for review, along with examples of how the county might fill out the work plan.

Waukesha County has concerns about the proposed changes to work planning. In response to the county's primary concern, DATCP stated that it does have the legal authority to implement the proposed changes. Kurt Calkins from Columbia County was generally accepting of the change but raised concerns about the cumbersomeness of current work plans, the lack of clarity about how this will affect the counties, the process being adaptive, annual work planning being simply a paper exercise, and the difficulty of describing some activities with specificity. Also, Trumble shared information about the proposed change with twelve counties to get their views on the proposed change. The sense from all twelve counties is that the proposed changes are manageable.

The following issues were discussed by the Board: the benefits of streamlining the planning process; the benefits to the overall program from increased accountability as a means to affirm the work performed by the counties; the ongoing DATCP and LWCB Board struggles to effectively document performance; the view that DATCP grants to counties are a block grant program, which places no weight on submitted work plans and grant applications; the need to revisit this issue as early as the April LWCB meeting.

The following suggestions and concerns were expressed: changes to work planning should address the overall goal of the program and the priorities of the state agencies; DATCP should receive assurances that the proposed work plan template meets various programmatic requirements (e.g. Multi Discharger Variance); the work plan template should remain adaptive; the work plans should be tied to the reporting; the need to provide clear signals about the present

and future use of information collected by DATCP; LWRM plans should still address the goals and objectives and priority farm strategies.

The following actions were suggested as areas appropriate for DATCP follow up: adding a step in the Memo to solicit feedback from the counties revising their land and water plans in 2016, and then discussing the topic with the Board again; addressing the county's concerns through a dialogue between counties, DATCP and the Board; providing DATCP feedback from counties about progress towards meeting the work planning requirements; capturing in the work plan template why counties did not hit benchmarks to allow for uncertainties and unforeseen circumstances.

DATCP agreed to place an item on the April agenda to present an update on the implementation of the annual work plans.

Item #6b Revision of LWRM requirements related to work plans, checklist submissions, plan extensions, and five year plan reviews

Castelnuovo proposed specific revisions to LWRM plan requirements, which relate to work plans, checklist submissions, plan extensions, and five year plan reviews. Castelnuovo restated the request for LWCB actions outlined in a Memorandum sent to Board members as part of their meeting materials packet. He noted the last page of the Memo, which summarizes the proposed changes, point by point. Castelnuovo also identified the documents that DATCP developed to implement any actions that may be approved by the Board.

Castelnuovo discussed why the changes are needed, including the transition to 10-year plan approvals and the new approach to annual work plans. In particular, he explained why it is no longer necessary for counties to prepare and submit a separate LWCB checklist, which has been required when submitting plan revisions and 5-year extension requests. He also discussed why DATCP needed to phase out extension requests effective December 31, 2016.

Castelnuovo reported on additional requirements to phase in over the next year, representing a different way to go through the plan revision and extension processes. Accepting the proposed changes would result in 10-year plans being the norm, and the maximum plan length. He expressed that the proposed changes would require more outreach to counties because, legally, there would be no extensions.

Castelnuovo asked the Board if it is satisfied with its guidance to counties about the conduct of a 5-year plan review. Changes proposed to the Board's current guidance would give the Board discretion to require a county to revise their plan when visiting the Board for the 5-year plan review of a 10-year plan.

The board discussed in detail the proposed guidance for conducting a 5-year review of a LWRM plan approved for 10 years (see 2017 Final Guidance). Castelnuovo emphasized that an adverse review by the Board would trigger a provision in the DATCP order terminating the 10-year approval, and require a county to submit a new 10-year plan for approval. The board expressed concern, asking that as part of the proposal DATCP monitor LWRM plan implementation and communicate with counties to help them avoid problems. DATCP agreed to add a provision in the guidance to reflect this role. Petty and others suggested a format for a 5-year review based

on assessing annual work plan performance. DATCP further agreed to schedule a December 2016 agenda item to review the process for conducting a 5-year review.

Castelnuovo made the case for the LWCB to endorse a policy requiring a 10-year planning horizon for all LWRM plans revised after January 1, 2016, and asked the LWCB to review the criteria and procedures for its 5-year review of a county's implementation of an approved 10-year LWRM plan.

Upon motion of Frederick, seconded by Mika, the board approved the action items in the Department memo including ending the use of the LWCB checklist, adoption of interim and final guidance documents, and affirmation of the criteria and procedures for the LWCB's five year review of approved LWRM plans, with the added provision that allows the LWCB to consider the extent to which DATCP provided reasonable feedback and support to a county to identify implementation issues and prepare the county for its five year review.

Item #7 Lunch

Lynn Harrison assumed the roles of chair with Cupp's departure from the meeting.

Item #8 Biennial budget process

The item was postponed to the April 5, 2016 meeting.

Item #9 Planning for Gathering Input from Stakeholders and Public on Funding and Annual Grant

The item was postponed to the April 5, 2016 meeting.

Item #10 FPP Biennial report

Vosburg presented on the Farmland Preservation Program Biennial report, which contains information on farmland availability, trends in farmland use, program participation by local governments and landowners, farmland preservation tax credit claim figures, adherence to soil and water conservation practice requirements, program costs and trends, and recommendations and issues identified by DATCP.

Item #11 Report and Potential Recommendation on the 2016 CREP Spending Authority

Loeffelholz reported that DATCP and Wisconsin FSA drafted amendments to the federal CREP contract to address reenrollment and expand the CREP eligible areas for the requesting counties. He stated that the process to amend the CREP spending authority provides counties an opportunity to discuss proposed spending authority levels with the LWCB, which can make a final recommendation to the DATCP Secretary.

The following issues were discussed: the effect of CREP easements on water quality; the differences between Wisconsin's CREP program and neighboring states' CREP programs.

Item #12 Agency reports

The item was removed from the agenda to enable early adjournment related to the weather.

Item #13 Planning for April 2016 Meeting

The item was removed from the agenda to enable early adjournment related to the weather.

Item #14 Adjourn

Petty moved to adjourn, Hood seconded. The meeting was adjourned at 2:10 pm.

Respectfully submitted,



4/5/16

Eric Birschbach, Secretary

Date

Recorder: CRC, DATCP