

**MINUTES**  
**LAND AND WATER CONSERVATION BOARD MEETING**

**February 4, 2020**  
**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 October 1, 2019 LWCB meeting minutes.**

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The meeting was called to order by Chairman Mark Cupp at 9:00 a.m. Members Eric Birschbach, Ron Grasshoff, Bobbie Webster, Mike Hofberger, Andrew Buttles, Dave Solin, Monte Osterman, Brian Weigel, Lacey Cochart (for Walling), and Andrew Potts were in attendance. A quorum was present. Advisors Angela Biggs, NRCS, and Brandon Soldner, FSA were also present. Others present included Lisa Trumble and Katy Smith, DATCP.

Trumble confirmed that the meeting was publicly noticed.

Solin moved to approve the agenda as presented, seconded by Hofberger, and the motion carried.

Webster requested a correction in Item 5: *Recommendation for approval of Land and Water Resource Management Plan revision for Portage County* of the December meeting minutes to change “Central Rivers Watershed” to “Central Rivers Farmshed”. Grasshoff requested a change in item 5 of the December meeting minutes to emphasize the need for the county to establish baseline data for evaluating compliance. Weigel made a motion to approve the December 3, 2019 meeting minutes as corrected, seconded by Potts, and the motion carried.

**Item #2      Public Appearances**

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Anita Martin, Lake Mills, presented an invitation to view the documentary “A Right to Harm” in Mount Horeb on February 16<sup>th</sup>, hosted by Wisconsin Farmer’s Union South Central, Iowa-Grant and the Dane County Chapters. The film highlights groundwater issues and other rural community concerns.

**Item #3      Election of Officers**

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The Board conducted an election of officers in the following order:

Solin nominated Webster as Secretary, seconded by Grasshoff. The LWCB closed nominations and cast a unanimous ballot for Webster. Motion carried.

Grasshoff nominated Birschbach as Vice Chair, seconded by Webster. The LWCB closed nominations and cast a unanimous ballot for Birschbach. Motion carried.

Birschbach nominated Cupp as Chair, seconded by Solin. The LWCB closed nominations and cast a unanimous ballot for Cupp. Motion carried.

**Item #4      Recommendation for approval of 5-year LWRM plan review for Manitowoc County**

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Jerry Halverson, Manitowoc County Soil and Water Conservation Department, and Catherine Wagner, Land Conservation Committee, made a formal presentation in support of the 5-year review of the county’s LWRM plan.

Manitowoc County Land and Water Conservation Department provided written answers to the Board's standardized questions, recent work plans and accomplishments, and other materials (available on LWCB's website: [https://datcp.wi.gov/Pages/About\\_Us/LandWaterConservationBoard.aspx](https://datcp.wi.gov/Pages/About_Us/LandWaterConservationBoard.aspx)).

Board members and county representatives discussed the following: implementation of nutrient management plans (NMPs), having a certified crop advisor on staff as a means to step up implementation of NMPs, county utilization of LiDAR data, implementation of the farmland preservation program through zoning, county-wide implementation of livestock facility siting. Halverson emphasized the county livestock facility licensing ordinance as a tool to mitigate community and land use conflicts by balancing agricultural and environmental interests. The board complimented the county's approach to outreach and education, Halverson attributed much of this success to hiring a staff outreach and education coordinator.

Hofberger moved to recommend approval of Manitowoc County's plan revision for a period of 10 years, seconded by Birschbach, and the motion carried.

#### **Item #5 Report and Recommendation on the 2020 CREP Spending Authority**

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Loeffelholz and Gilmore provided the board with an update on the Conservation Reserve Enhancement Program, highlighting recent flooding and uses of the program. Loeffelholz and Gilmore also presented a recommendation to allocate \$10,000 (each) to Door and Outagamie Counties from the program's uncommitted balance to accommodate additional enrollments in the program.

Osterman moved to recommend the \$10,000 allocation to Door and Outagamie Counties, seconded by Webster, and the motion carried.

#### **Item #6 Gathering input from stakeholders and public regarding nonpoint funding**

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Webster submitted information on two programs implemented by the Minnesota Department of Agriculture: 1) Agriculture Growth, Research, and Innovation (AGRI) Sustainable Agriculture Demonstration Grants 2) A Lawns to Legumes Program, highlighting opportunities for nonpoint funding in urban areas.

The Board asked Mockert, DATCP, to look into H2Ohio<sup>1</sup> and the Georgia Outdoor Stewardship Act<sup>2</sup>. H2Ohio is a state led initiative focused on reducing phosphorus, creating wetlands, addressing failing septic systems, and preventing lead contamination. The Georgia stewardship program focuses on funding parks and trails of statewide importance, preservation of lands critical to wildlife, clean water and outdoor recreation. In order to develop both programs, coalitions were built and the programs were brought to the legislatures in their respective states to be voted on. H2Ohio has been funded on a two-year trial basis, with a request for future funding submitted to the Ohio legislature for action. The Georgia Outdoor Stewardship Fund is financed through a tax on sporting goods. The state allocates 40% of that tax revenue to the stewardship fund. Mockert noted that most states take a tax-credit approach to take actions to address nonpoint sources of pollution. The board noted that Wisconsin would need to take an alternative approach to that utilized in Ohio, indicating the need to build coalitions and capture public support statewide.

Cupp asked Osterman, Hofberger, and Solin to request their association (WI Land + Water) to comment on this topic. Cupp encouraged the board to consider additional conduits for funding of nonpoint projects in Wisconsin.

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<sup>1</sup> <http://h2.ohio.gov/>

<sup>2</sup> <https://gadnr.org/gosp>

**Item #7 Board discussion regarding climate issues as they relate to LWRM plans**

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Grasshoff prepared a handout discussing Climate Change Resiliency and County Land and Water Resource Management Plans. The board discussed the possibility of a working group to develop a plan for how climate issues could be incorporated into County LWRM plans, Ashland County's Work with the Norther Institute of Applied Climate Change Science, works being done at the federal level, and the reorganization of the Wisconsin Institute on Climate Change Research.

Cupp asked the WI Land + Water members to take this back to Matt and gauge interest. The board determined it would continue this discussion at the next meeting.

**Item #8 Recommendation regarding SWRM allocation**

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*Waiver authority for extended grant contracts*

Heaton reported that DATCP has the authority to waive a rule to meet soil and water objectives. This year there were eight requests for waivers related to weather related concerns. DATCP recommended that six of the eight requests be granted (each had a weather related concern, county was willing to execute the contract but DATCP engineering staff determined delay). Two of the eight requests did not meet the threshold for meeting extenuating circumstances.

*Reallocation of 2020 Soil and Water Resource Management reserve funds*

In October of 2019, the board approved the allocation plan with \$350,000 reserved for updating the Soil and Water Resource Management (SWRM) database or other statewide conservation priorities. DATCP is not able to contract to update the database in 2020. The reserved funding needs to be contracted by the end of fiscal year or it will be lapsed to the general fund. Project that came to DATCP meets the standard for other conservation priorities. Heaton, Rushmann (DATCP), and Komiskey (USGS) presented an Aerial Electromagnetic Survey (AEM) project to the board for recommendation for approval, as a statewide conservation priority, because the project could be considered a re-allocation. DATCP funding for this project would be a match to the grant. Matt Komiskey presented on the proposed AEM Survey. The AEM project will contribute to statewide efforts on verification of depth to bedrock.

The board discussed the difference between LiDar and AEM survey data, the accuracy of data and interest in expanding the project to other Karst regions. The project will make maps publicly available which will help land managers and policy makers. The pilot project has the interest in duplicating in other parts of the country. Komiskey reported he would like to get the projects done by summer or early fall. If the project is successful they will recommend a second phase.

Osterman asked about the ability to spend the funds elsewhere. Heaton reported that a harvestable buffer project is on the table. DATCP is waiting for more information from the University of Wisconsin- Madison Soils Lab on needs for additional funding. The funding needs to be encumbered by May or the funding will be lost. Hofberger motioned to approve the funding under ATCP 50.28(5) to be dedicated to the AEM project. Seconded by Weigel. The motion carried. The board requested a status report in the coming year.

**Item #9 Results from Water Quality Task Force and the Governor's 2019 Year of Clean Drinking Water report**

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Eric Ebersberger, Policy Advisor, DNR presented information from the Governor's 2019 Year of Clean Drinking Water report. The report highlights that the need to focus on clean drinking water is ongoing, focusing on issues related to lead, nitrates and PFAS.

The board discussed that Natural Resources Board, DNR approved a scoping statement for NR151 to address nitrates, recommended actions of the report, the relationship of the report to the Speaker's Taskforce on Water Quality and an interest in water quality issues moving forward into the 2021-2023 budget.

## **Item #10      Agency Reports**

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**FSA-** Soldner reported that producers may make an election for ARC or PLC by commodity for 2019 or default to programming under the 2014 farm bill and become ineligible for future payments. Programming for Emergency Livestock Assistance, Honey Bee Assistance, Livestock Forage (continuously available for death losses) is open. A third payment under Market Facilitation Program was announced. CRP will be open through Feb 28th, announcement will go out in March, contracts will go into effect on October 1<sup>st</sup>. Conservation Emergency Programs are still cleaning up from 2018 to 2019 disaster events. There is no active emergency forestry recreation program.

**NRCS** – Biggs reported that the EQIP rule has been published and is open for comment through Feb 17th. The ACEP rule has been published and is open for comment through March 6. The RCPP rule anticipated in the immediate future. NRCS is waiting on the final allocation for their budget and is looking to determine what the new full time employee cap will be. Wisconsin has 14 entry-level positions, an assistant state soil scientist as well as state archeologist position open. EQIP, CSP, CRP activities should be open during the same period.

**WI Land + Water-** Osterman reported that WI Land + Water has a conference coming up on March 4-6 in Green Bay. They are still looking for sponsorships for the conference. Solin is not running for re-election to the LWCB, but will continue to sit on the board through the end of his term.

**DOA** – Potts reported that a request has been made to UW-College of Agriculture and Life Sciences and UW-Extension to nominate advisors that will attend board meetings, their office is working on a request from DNR to approve funds for the Central Sands Study. DOA is getting ready for the biennial budget.

**DATCP** – Cochart reported that the Bureau of Land and Water Resources is working on filling vacant positions. The Bureau had 3 experienced staff members retire in the last year. The Bureau will complete interviews for an Agricultural Land Use and Ordinances Specialist in the next week. All bureau staff contributed information and creative ideas to craft positive outcomes for inquiries made as a part of the Speaker's Taskforce on Water Quality Initiatives. SWRM reimbursement requests for 2019 are due in the immediate future; the Conservation Engineering team is engaging in a standards oversight process for new standards in cooperation with NRCS; the Bureau is looking forward to spring Conservation Partner Meetings with DNR, UW Extension and NRCS.

**DNR** – Weigel reported that DNR is preparing for 8 CAFO Update meetings around the state. A request has been submitted to the Natural Resources Board to approve a scoping statement for targeted performance standards. A committee comprised of members from DATCP, NRCS, County Conservation Offices, farmers and agronomists will convene to determine what the department can achieve, what the state of groundwater quality across the state is, and the economic costs and benefits. The department is looking for agronomists to be on the committee.

**Item #13 Planning for April 2020 LWCB meeting**

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The board should expect two 5-year reviews, and two full plans to be presented at the April meeting. Cupp requested a legislative update be included on the agenda.

**Item #14 Adjourn**

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Osterman moved to adjourn, seconded by Birschbach, and the motion carried. The meeting was adjourned at 12:55pm.

Respectfully submitted,



6/26/2020

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Bobbie Webster, Secretary

Date

Recorder: KS, DATCP