Land and Water Conservation Board
Meeting

June 5, 2018

On Tuesday June 5, 2018, the Land and Water Conservation Board hold an official business meeting starting at 9:00 a.m. in Room 326 of the Sauk County West Square Building, 505 Broadway St., Baraboo, WI. The agenda for the meeting is shown below. Following the business meeting, a tour of Sauk County innovative conservation projects will depart at 10:15 a.m. A lunch break will be observed.

AGENDA ITEMS AND TENTATIVE SCHEDULE:

9:00 a.m. 1 Call to order—Mark Cupp, LWCB
   a. Pledge of allegiance
   b. Open meeting notice
   c. Approval of agenda
   d. Approval of April 3, 2018 meeting minutes

2 Public appearances*
   * Each speaker is limited to 5 minutes or less, depending on the number of speakers.
   Each speaker must fill out a Public Appearance Request Card and submit it to a DATCP representative before the start of the meeting.


4 Gathering input from stakeholders and public on nonpoint funding—Mark Cupp, LWCB

5 LWCB statement on resource protection goals—Mark Cupp, LWCB
6 Agency reports
   a. FSA
   b. NRCS
   c. UW-CALS
   d. UW-Extension
   e. WLWCA
   f. DATCP
   g. DNR

7 Planning for August 2018 Meeting—Mark Cupp, LWCB

8 Adjourn

10:15 a.m. Tour of Sauk County Projects—Melissa Keenan, Sauk County Conservation, Planning & Zoning Department
   a. Rainfall simulator – Site 1
   b. Rotational grazing – Site 2
   c. Otter Creek Targeted Runoff Management Project – Site 3

Additional information about the tour (including locations) may be obtained prior to 10:15 a.m. from DATCP staff who will be available at the meeting.
Item #1       Call to Order—pledge of allegiance, open meeting notice, approval of agenda, approval of December 5, 2017 LWCB meeting minutes.

The meeting was called to order by Chairman Mark Cupp at 9:07 a.m. Members Carl Chenoweth, Pat Laughrin, Eric Birschbach, John Petty, Caitlin Frederick, and Mary Anne Lowndes were in attendance. A quorum was present. Advisors Jim VandenBrook and Matt Krueger (WI Land + Water), and Angela Biggs and Eric Allness (NRCS) also were present. Others present included Richard Castelnuovo and Chris Clayton, DATCP.

Clayton confirmed that the meeting was publicly noticed.

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

Petty moved to approve the December 5th meeting minutes as presented, seconded by Chenoweth, and the motion carried.

Cupp formally introduced the new Executive Director of the Wisconsin Land and Water Conservation Association, Matt Krueger.

Item #2     Public Appearances

No public appearance cards were submitted.

Item #3     Election of Officers

The Board conducted an election of officers, and officiated by Petty, in the following order:

Cupp nominated Birschbach as Secretary, second by Chenoweth. The LWCB closed nominations and cast a unanimous ballot for Birschbach. Motion carried.

Cupp nominated Harrison as Vice Chair, second by Chenoweth. The LWCB closed nominations and cast a unanimous ballot for Harrison. Motion carried.

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

Item #4     Five Year Review of Vilas County Land and Water Resource Management Plan

Carolyn Scholl, Vilas County Land and Water Conservation Department, and Marv Anderson, Vilas County Land Conservation Committee, made a formal presentation in support of the 5-year review of the county’s LWRM plan.

Vilas 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).
Board members and county representatives discussed the following: water quality problems in lakes due to erosion and other inputs from various land uses; county assistance to DNR by sampling lakes for phosphorus and calcium content; increased phosphorus content in lakes; lake classification system for lakes in Vilas County to assess the risk to development; changes to shoreland zoning; wetland losses due to development; ongoing impacts of acid rain; working with lakes associations; monitoring of woody habitat, aquatic vegetation, shoreline development, invertebrates, and water chemistry; working relationship with UW-Oshkosh to implement Clean Boats, Clean Waters, and Healthy Lakes Program; workshops and presentations done by the county.

Birschbach moved to recommend approval of Vilas County’s 5-year review request as presented, seconded by Chenoweth, and the motion carried.

**Item #5  Schedule for 2018 LWRM Plan Revisions and 5 Year Reviews**

Clayton reported the Board will review nine LWRM plans in 2018, and Richland and Forest Counties will attend Board meetings later this year to report back to the Board on progress made in implementing their LWRM Plans.

Castelnuovo asked the Board to identify any issues the two counties should address. The Board asked that Richland County report on the LCC’s support of land and water conservation work in the county, and that a LCC member accompany County Conservationist, Cathy Cooper.

**Item #6  Update on Revisions to NR 151, Targeted Performance Standards**

Lowndes made a presentation to the Board on the targeted performance standards meant to reduce pathogens in the eastern area of the state with Silurian and carbonate bedrock geology.

Board members discussed the following: the timing of implementation relating to permitted CAFOs and smaller farms; communication with the counties and landowners; enforcement responsibilities; confidence in mapping of soil depths; presence of livestock siting ordinances within 15 county area; application to other karst areas in the state; adoption rates of NMPs within 15 county area; compliance with NR 151 performance standards within 15 county area; history of shallow well contamination in the 15 county area.

**Item #7  Extension of DATCP Projects from 2017 Into 2018**

Castelnuovo presented on the project funding extended from 2017 into 2018. He reviewed the purpose of extending projects, adding that extensions maximize the county’s ability to spend funds in cases where some projects have cost overruns and other projects are not completed.

Chenoweth moved to recommend approval of project extensions from 2017 to 2018, Laughrin seconded, and the motion carried.

**Item #8  Gathering Input from Stakeholders and Public on Nonpoint Funding**

Cupp reported on input the LWCB has provided in the past to agencies relating to budgetary appropriations for nonpoint pollution control. Cupp asked Board members if they have a position to offer on agency budget requests for 2019-2020. The Board discussed the value of communicating the importance of land and water programming through a letter to agencies. LWCB members agreed to talk with their constituents and return in June with input.

**Item #9  Consideration of Resource Protection Goals – Food, Land and Water Project**

VandenBrook reported on the goals of the Food, Land and Water final report. He asked the Board to consider adopting some goals and objectives in the report.
The Board discussed the following: funding needed to implement the recommendations of the report; in the existing, cost-share model perhaps around $2 billion; a funding method has not been identified; WLWCA has made some estimates of the dollars needed to pay for implementation; the need and will to move forward with goals that are deemed important and worthwhile; the LWCB’s endorsement of goals by statute is limited to agricultural nonpoint source pollution; the important of prefacing any LWCB endorsement with an acknowledgement of all pollution sources.

Cupp, Krueger, Lowndes, Castelnuovo, and Birschbach agreed to draft a statement from the Board endorsing the goals of the Food, Land and Water Project report.

**Item #10  Agency Reports**

**DNR** – Proposals for TRM and UNPS Construction grants are due April 16.

**DATCP** – The legislature added an additional $500K for the Producer Led Watershed Protection Grants program, for a total of $750K. Dollars are available for 2018 and 2019. Method for distribution this year to be determined. FPP survey went out to landowners to get a sense of the pros and cons of the programs.

**NRCS** – An omnibus bill passed Congress and was confirmed into law, providing funding to NRCS. Bill Northey was confirmed as Under Secretary covering the mission area that includes NRCS and FSA. The bill increased funding for EQIP. NRCS remains under a hiring freeze. NRCS dollars were made available through the National Association of Conservation Districts to various counties for technical assistance.

**WI Land + Water** – VandenBrook announced the transition to Matt Krueger as the new Executive Director of the WLWCA. Board Chair Cupp recognized VandenBrook’s service as an advisor to the LWCB.

**Item #11  Planning for June 2018 LWCB Meeting**

- A tour of land and water conservation projects in Sauk County.

**Item #12  Adjourn**

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

Respectfully submitted,

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Eric Birschbach, Secretary

Date

Recorder: CC, DATCP
DATE: May 24, 2018

TO: Land and Water Conservation Board Members and Advisors

FROM: Keith Foye, DATCP  
Land and Water Resources Bureau Director


Recommended Action: This is an action item. Staff request that the Land and Water Conservation Board (LWCB) recommend approval of the 2018 Supplemental Allocation Plan, upon a confirmation that the final supplemental allocation will be unchanged from the draft circulated for public comment before the meeting.

Summary:

Since the adoption of the 2018 Plan, the Wisconsin Legislature enacted and the Governor signed 2017 Wisconsin Act 196. Effective on April 3, 2018, Act 196 increased SEG funding by $500,000 for each year of the biennium for the purpose of increasing the annual awards for Producer Led Watershed Protection (PLWP) Grants from $250,000 to an amount no greater than $750,000.

The late date upon which Act 196 was enacted precluded the department from soliciting additional requests for proposals from producer led watershed groups who had applied for funding in 2018. Relying on previously submitted proposals and restricted by an annual grant cap, the department allocated additional funds to PLWP grant recipients to the maximum extent possible. The department had $191,750 unallocated after increasing awards to PLWP grant recipients.

B. Grant Criteria and Award

In electing to allocate $191,750 for landowner cost-sharing, the supplemental allocation follows the award methodology used in making the 2018 final allocation. Specifically DATCP relied on counties’ initial 2018 grant applications and applied the funding formula established to make the initial awards. For this supplemental allocation, DATCP determined that no additional requests for funding would be solicited, nor would counties be allowed to modify their grant applications.

The 2018 SEG cost-share allocations for the following counties are increased by the amounts identified in parentheses:

Chippewa ($10,000), Clark ($25,000), Columbia ($25,000), Eau Claire ($5,000), LaCrosse ($10,000), Manitowoc ($10,000), Marathon ($36,750), Outagamie ($5,000), Rock ($25,000), Trempealeau ($10,000), Vernon ($10,000), Waupaca ($10,000), Winnebago ($10,000).

Table 2 of the 2018 Plan is adjusted to reflect the supplemental allocation. A copy of the adjusted table is attached for the proposed allocation.

C. Next Steps
DATCP provided the 2018 Preliminary Supplemental Allocation Plan to all county land conservation department offices, the LWCB and DNR on or before May 2, 2018. Counties and other interested persons were provided options to comment on the draft supplemental allocation including the option to submit written comments by June 1, 2018. DATCP will share written comments with the LWCB before seeking the Board’s recommendation to approve the proposed plan.

Assuming that the LWCB provides a recommendation to approve this supplemental allocation, DATCP will prepare and issue the final supplemental allocation, and provide a copy of the same to all parties who received the preliminary allocation.

**Materials Provided:**
- *2018 Preliminary Supplemental Allocation Plan*

**Presenter:** Richard Castelnuovo, DATCP
The Wisconsin Department of Agriculture, Trade and Consumer Protection (“DATCP”) proposes to allocate $191,750 in SEG funds for grant year 2018. This supplemental allocation provides additional grant funds to counties that applied for cost-sharing for nutrient management plans and other conservation practices that will reduce nutrient runoff. DATCP will rely on original county requests for funding and the funding formula in making these additional awards.

This allocation will revise DATCP’s portion of the 2018 joint allocation in accordance with ch. 92, Wis. Stats and s. ATCP 50.28(5).

This document:
1. Summarizes SEG cost-share allocations for the 2018 grant year and funding sources.
2. Describes DATCP’s rationale for making grant awards and details individual awards
3. Identifies the grant procedures and requirements including procedures for finalizing this supplemental allocation.
4. Details the grant awards made to select counties (See Table 2 for the revised awards for grant recipients).
5. Explains the scope of comments sought by DATCP and the period for making comments,

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<th>2018 COST-SHARE ALLOCATION SUMMARY AND FUNDING SOURCES</th>
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<td>DATCP ALLOCATIONS</td>
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<td>2018 Preliminary Supplemental Allocation Amount (May 2018), DATCP Portion</td>
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<tr>
<td>Total 2018 DATCP Cost-Share Allocation</td>
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</table>

To make the supplemental allocation, DATCP will use unallocated SEG funds appropriated by the legislature in 2018. The source of these funds as noted above is Segregated funds (SEG).

FUNDING RATIONALE AND STRATEGY

DATCP will make a supplemental allocation of SEG cost-share funds for 2018 to achieve same purposes identified in 2018 Joint Final Allocation Plan (“2018 Plan”); namely, to provide sufficient levels of funding to cost-share nutrient management (NM) plans at the higher maximum rate of $10 per acre for four years required to implement 2015 nutrient management standard. As it has historically done, DATCP has relied on counties to identify the amounts needed to adequately fund their cost-share programs.

On December 7, 2017, DATCP and the Department of Natural Resources (“DNR”) completed 2018 Plan. Based on available funds, DATCP awarded 57 counties $2,177,520 in SEG funds primarily for nutrient management plan cost-sharing. DATCP used a specific funding formula to score county applications and rank counties for purposes of determining their award amounts. The 57 counties had applied to DATCP for about $3.2 million in SEG cost-share grants.

Since the adoption of the 2018 Plan, the Wisconsin Legislature enacted and the Governor signed 2017 Wisconsin Act 196. Effective on April 3, 2018, Act 196 increased SEG funding by $500,000 for each year of the biennium for the purpose of increasing
the annual awards for Producer Led Watershed Protection (PLWP) Grants from $250,000 to amount no greater than $750,000. The late date upon which Act 196 was enacted precluded DATCP from soliciting additional requests for proposals from producer led watershed groups who had applied for funding in 2018. Relying on previously submitted proposals and restricted by an annual grant cap, DATCP allocated additional funds to PLWP grant recipients to the maximum extent possible. DATCP had $191,750 unallocated after increasing awards to PLWP grant recipients.

DATCP determined that it was authorized to allocate these remaining funds to counties for landowner cost-sharing. The following factors in making this decision: the unused funds would be allocated for a purpose expressly authorized in Wis. Stats. 20.115 (7) (qf); additional cost-share funds would benefit farmers, the same beneficiaries of PLWP grants; and DATCP’s initial allocation plan only provided about 68% of the SEG cost share funds requested by counties for landowner cost-sharing.

**GRANT REQUIREMENTS AND PROCEDURES**

In electing to allocate $191,750 for landowner cost-sharing, the supplemental allocation follows the award methodology used in making the SEG allocations for the 2018 Plan. Specifically DATCP relied on counties’ initial 2018 grant applications and applied the funding formula established to make the initial awards. For this supplemental allocation, DATCP determined that no additional requests for funding would be solicited, nor would counties be allowed to modify their grant applications.

In applying the previously established funding criteria, DATCP focused on closing the gap between a county’s request for funding and the amount of its initial award. This approach is designed to meet needs for cost-share funding identified by counties themselves. DATCP considered counties for increased grant awards in the order of their scores and group rankings. Counties with higher scores only received additional funds if they had initially requested more than their initial awards. In the process of making awards, DATCP exceeded the maximum grant award levels listed in the 2018 Plan. DATCP continued working down the rankings until $191,750 was fully allocated.

DATCP developed a draft plan reflecting its proposed allocation. This draft was provided to DNR, the LWCB, and every county on May 2, 2018, and 30 day period for comment was allowed.

These procedures will be used to complete the supplemental allocation:

- DATCP will accept comments on its proposed allocation until June 1, 2018.
- DATCP will present this preliminary allocation to the Land and Water Conservation Board (LWCB) at its June 5, 2018 meeting, along with any comments.
- DATCP will seek a LWCB recommendation to approve the draft allocation plan if no changes are made to the preliminary allocation.
- DATCP will issue the final supplemental allocation following the LWCB’s recommendation, and provide a copy of the same to all parties who received the preliminary allocation.

Increased SEG cost-share funds will be reflected in the 2018 schedule of awards provided counties as part of the renewal of their master contracts.
SUPPLEMENTAL GRANT AWARDS

The 2018 SEG cost-share allocations for the following counties are increased by the amounts identified in parenthesis:

Chippewa ($10,000), Clark ($25,000), Columbia ($25,000), Eau Claire ($5,000), LaCrosse ($10,000), Manitowoc ($10,000), Marathon ($36,750), Outagamie ($5,000), Rock ($25,000), Trempealeau ($10,000), Vernon ($10,000), Waupaca ($10,000), Winnebago ($10,000).

Table 2 of the 2018 Plan is adjusted to reflect the supplemental allocation. A copy of the adjusted table is attached.

COMMENT PERIOD

Counties and other interested persons may comment on this draft allocation either by:

- Requesting to appear and present comments before the LWCB at a regularly scheduled June 5th meeting (A Public Appearance Request Card must be completed before the start of meeting).
- Emailing written comments by no later than June 1, 2018 to: Susan Mockert or Kim Carlson at datcpswrm@wisconsin.gov.

FINAL DETERMINATION

I approve, under authority of s. 92.14, Wis. Stats., the amounts shown herein for this supplemental allocation of DATCP funds, and approve the adjusted table for SEG allocations for the 2018 DATCP allocation.

This supplemental allocation is consistent with the Environmental Assessment (EA), prepared for the 2018 Joint Final Allocation Plan, in which DATCP finds that annual allocation is not a major action significantly affecting the quality of the human environment, and concludes that an environmental impact statement is not required. DATCP determines that no supplemental EA is required.

DATCP has further determined that the actions proposed in this allocation plan for the soil and water resource management program conform to the provisions of s. 92.14, Wis. Stats.

Dated this ___ day of __________, 20__.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

______________________________
Sheila E. Harsdorf, Secretary
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**TOTALS** $2,369,270

Shaded counties awarded a supplemental allocation
DATE: May 23, 2018

TO: Land and Water Conservation Board Members and Advisors

FROM: Work-group members Mark Cupp, Eric Birschbach, Mary Anne Lowndes, Richard Castelnuovo, and Matt Krueger

SUBJECT: The following statement by the Land and Water Conservation Board (LWCB) is meant as an endorsement of the surface and groundwater quality goals and objectives of the Food, Land and Water Project. Those goals can be found at (https://wisconsinlandwater.org/events/food-land-water-conference) and follow below.

Background
At the LWCB’s December 2017 meeting, Wisconsin Land and Water Conservation Association (WLWCA) presented findings from a two-year effort convening an array of stakeholders to set goals designed to make progress on Wisconsin’s conservation of land and water. The Food, Land and Water Project (FLW Project) aimed to help move forward on four issues: surface water quality, groundwater quality, groundwater quantity (Central Sands), and the future of Wisconsin’s working lands.

The FLW steering committee and work groups included members representing a wide range of stakeholders, including significant representation of agricultural interests (e.g. Dairy Business Association, Wisconsin Farmers Union, Wisconsin Farm Bureau, and farm leaders). These leaders came together in the spirit of collaboration, charged with recommending practical steps forward on complex conservation issues—and that they did. The WLWCA made it clear that the FLW Project represents an attempt to articulate goals that agencies, landowners, businesses, farm groups, and civic and environmental groups and other stakeholders can move forward on, together.

Following discussion by the LWCB about FLW Project implementation, the value of having specific goals when reviewing Land and Water Resource Management Plans, and how the FLW Project goals fit with the state’s implementation of the nonpoint program, the LWCB approved a motion supporting the FLW Project concepts and report, and committing to support implementation of the concepts.

During the April 2018 LWCB meeting, the WLWCA reported on the goals and objectives of the FLW Project final report. Following discussion, the LWCB assigned a work group to draft a statement from the Board endorsing the surface and groundwater quality goals and objectives of the FLW Project.

(Selected) Food, Land, Water Project Goals

Surface Water Quality
1. Reduce statewide farm P runoff by at least 30% by 2035 (reductions may vary between watersheds), and make steady interim progress toward that goal.
2. Meet all watershed Total Maximum Daily Load (TMDL) targets (combined P loading from farm and nonfarm sources) within 20 years, or within 20 years of TMDL approval, whichever date is later, and make steady interim progress toward those targets.

3. Meet P concentration standards for P-impaired waters, so as to remove 90% of all P-impaired waters from the Wisconsin impaired waters list by 2050.

**Groundwater Quality**

1. Ensure safe drinking water for all Wisconsin residents.
2. Reduce nitrate and pathogen contamination of groundwater.
3. Maintain compliance with groundwater standards where those standards are currently being met, and accelerate efforts to restore compliance where the standards are not being met.
4. Keep Wisconsin agriculture and rural communities vibrant and economically sustainable, while achieving our groundwater quality goals.

**LWCB Mission**

The mission of the LWCB is to help protect the health of the soil and water of the state by overseeing land and water conservation programming and planning, and acting as a forum for land and water conservation issues.

**LWCB Roles and Responsibilities**

The LWCB provides coordination, policy recommendations, and strategic oversight in regard to the delivery of conservation, runoff control, and land use programs in Wisconsin. Reflective of the broad mission, the board has a range of responsibilities and functions involving conservation planning, providing funding and policy recommendations, protection of working lands, program evaluation, information sharing, promotion of research and education, and communication building.

**LWCB Statement of Endorsement**

In the matter of endorsing statewide goals relating to soil and water conservation, the LWCB acknowledges the following:

- While many sources contribute to pollution of the state’s surface and ground water, pollution from point sources, urban nonpoint sources and agricultural nonpoint sources make up the majority.
- The Board’s endorsement of goals, by statute, is limited to matters relating to agricultural nonpoint source pollution.
- The Board’s endorsement of goals is in keeping with its aforementioned mission, and roles and responsibilities.

As such, the LWCB endorses the goals and objectives of the Food, Land and Water Project final report relating specifically to surface water quality and groundwater quality, and commits to support of implementation of these water quality goals and objectives.