

MINUTES
LAND AND WATER CONSERVATION BOARD MEETING

December 3, 2019
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.

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

Smith confirmed that the meeting was publicly noticed.

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

Potts moved to approve the October 1st meeting minutes with two minor edits, seconded by Osterman, the motion carried.

Cupp introduced the new board member, Mike Hofberger.

Item #2 Public Appearances

No public appearance cards were submitted.

Grasshoff discussed climate change resiliency in plan review, particularly discussing Ashland County as an example. Grasshoff suggested that the board have a discussion on encouraging or instructing land and water resource management planners on including climate change resiliency in plans that come before the board. The discussion should focus on what role counties can play and the issues that affect them locally. Cupp requested that a discussion of climate change and how it affects LWRM plans be added as a 15 minute item at the February board meeting

Item #3 Recommendation for approval of Land and Water Resource Management Plan revision for Marquette County

Pat Kilbey, Marquette County Land and Water Conservation Department, and Robin Buchholz, Land Conservation Committee Chair, made a formal presentation in support of a 10-year approval of the county's LWRM plan.

DATCP's review of the plan using the LWRM Plan Review Checklist found that the plan complies with all requirements of section 92.10, Wisconsin Statutes, and Chapter ATCP 50, Wisconsin Administrative Code.

Marquette 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: DNR's proposed program tracking software, BITs; stream and lakeshore erosion; a noted decrease in the number of total farms as compared to a county increase in the number of farms participating in farmland preservation; the value of having a half-time agronomist on staff in the department and what it would take to get a full-time agronomist on staff; the TMDL plan being put out for public comment; county interactions with Amish and Mennonite populations and field days for the Demonstration Farm Network.

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

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

Tom Sweeney and Anne Miller, Rock County Land Conservation Department, and Richard Bostwick, Land Conservation Committee Chair, made a formal presentation in support of a 10-year approval of the county's LWRM plan.

DATCP's review of the plan using the LWRM Plan Review Checklist found that the plan complies with all requirements of section 92.10, Wisconsin Statutes, and Chapter ATCP 50, Wisconsin Administrative Code.

Rock County Land and Water Resources 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: the county's Purchase of Agricultural Conservation Easement program; town zoning; the high level of nutrient management plans in the groundwater water focus area; options for 9-key element plans; farm consolidation and the economy pushing towards large scale operations; the high rate of reenrollment in the CREP program; NR 151 compliance, county support of increases to the farmland preservation tax credit, and the future use of social media for program outreach.

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

Item #5 Recommendation for approval of Land and Water Resource Management Plan revision for Portage County

Steve Bradley, Portage County Land and Water Conservation Department, and Barry Jacowski, Land and Water Conservation Committee Chair, made a formal presentation in support of a 10-year approval of the county's LWRM plan.

DATCP's review of the plan using the LWRM Plan Review Checklist found that the plan complies with all requirements of section 92.10, Wisconsin Statutes, and Chapter ATCP 50, Wisconsin Administrative Code.

Portage 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: the county weed commissioner; the need for focus on programmatic documentation to establish baseline data for evaluating compliance and implementation of recommendations for metrics like Nitrogen applications; balancing the importance of programmatic documentation with institutional knowledge; a recommendation to spend time and money on activities that will have the best return on investment, for example, using the land and water resource management plan as an educational tool; the absence of a grazing program in the county; an opportunity for the department to partner with the Central Rivers Farmshed; the inability to use SEG cost share dollars to incentivize nutrient management over the last several years, and farmer sentiments regarding the obligation to prepare a nutrient management plan and maintain the plan in perpetuity; and the obligations of preparing an annual work plan the county feels is not necessary.

Solin moved to recommend approval of Portage County’s plan revision for a period of 10 years, seconded by Buttles, and the motion carried.

Item #6 Update on Funding sources for Programs Subject to LWCB Oversight

Susan Mockert, DATCP, made a presentation to introduce different ways that Georgia, Iowa, Minnesota, Missouri and Ohio fund conservation programming.

Cupp directed the Board to contact Lisa Trumble or him with topics of interest related to this discussion by December 20th, 2019. A secondary presentation regarding funding sources will be made at the February meeting. Cupp requested additional information regarding the Ohio Water Fund, in particular its funding source. Birschbach inquired about the funding source for the farmland preservation tax credit and the possible use of underspent funds. Smith clarified that the funding required for the farmland preservation credit is re-estimated every year so that there should not be a significant amount of unused funds associated with that allocation. In follow-up to the Board’s discussion of the Ohio Water Fund, Potts noted that Wisconsin already moves half of its surplus to a “rainy day fund.” This would need to be considered if the board highlighted the state surplus as potential source for conservation funding shortfalls. Cupp also noted that the board should expect a legislative package potentially addressing staffing grants, to come out of the water quality task force in the new year.

Following discussion from Weigel, Cupp and Osterman regarding the scope of board authority, the board agreed to keep the scope and nature of the inquiry into how other states fund conservation programming broad. Walling asked Potts that future discussions draw comparisons of state-level funding in Wisconsin with that in other States. Krueger reiterated that the importance of considering board authority as the board continues its discussion of conservation funding, however reinforced that taking a broad perspective in future discussions would provide an opportunity to identify and discuss funding shortfalls in conservation.

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

Ben Dufford, Bayfield County Land and Water Conservation Department, and Fred Strand, Land Conservation Committee Chair, made a formal presentation in support of a 10-year approval of the county’s LWRM plan.

DATCP’s review of the plan using the LWRM Plan Review Checklist found that the plan complies with all requirements of section 92.10, Wisconsin Statutes, and Chapter ATCP 50, Wisconsin Administrative Code.

Bayfield 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: the county study on Chronic Wasting Disease on a local deer farm; annual fence inspections from the Land Conservation and Zoning Departments; approval of the Marengo Watershed Plan as a 9-key element plan; hazard mitigation; the need for conservation training for highway engineers; county utilization of available cost share dollars and a shift of focus away from shore land and wetland projects and towards ag projects; utilization of ATCP 51 and ordinance for CAFO operations; the elimination of forestry goals from the LWRM plan with the growth of an independent county forestry department and the mitigation of high waters on Lake Superior and the need to refer landowners to private engineers to move structures adjacent to the lake.

Osterman moved to recommend approval of Bayfield County's plan revision for a period of 10 years, seconded by Walling, and the motion carried.

Item #9 Recommendation for approval of Land and Water Resource Management Plan revision for Polk County

Katelin Anderson and Eric Wojchik, Polk County Land and Water Resources Department, Kim O'Connell, Environmental Services Committee Chair, made a formal presentation in support of a 10-year approval of the county's LWRM plan.

DATCP's review of the plan using the LWRM Plan Review Checklist found that the plan complies with all requirements of section 92.10, Wisconsin Statutes, and Chapter ATCP 50, Wisconsin Administrative Code.

Polk County Land and Water Resources 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: retirement of the county conservationist, Tim Ritten; a decrease of interest in the farmland preservation program; an increased emphasis on the producer led watershed protection grant program and the impact that requiring NR151 compliance would have on these groups; the effectiveness of farmer written nutrient management plans as compared to agronomist written plans; the effectiveness of partnering with the county health department to send out a mailing for water sampling; the likelihood of frac sand mining coming to the county in the future; county consideration of enacting a hog CAFO moratorium; county utilization of the nutrient management farmer education grants; the effectiveness of having a committee that oversees five other county departments and why there are so many lakes on the 303d impaired waters list when there is a limited amount of ag in the county.

Webster moved to recommend approval of Polk County's plan revision for a period of 10 years, seconded by Weigel, and the motion carried.

Item #10 Approval of Proposed 2020 LWCB Annual Agenda

Trumble provided a memo with the dates and locations for the next year. Trumble and Cupp have discussed having a business meeting outside of the Madison area for June meeting.

Trumble discussed a theme related to the year of clean drinking water. A potential proposal will be discussed at the February meeting. Osterman noted that April 7th is the county elections and that it would affect 3 members of the board. Cupp noted that if Iron County felt that the elections would be a conflict for presenting their LWRM plan, they could push to the June meeting.

Potts motioned to approve. Seconded by Hofberger. Carried.

Item #11 Agency Reports

NRCS – Biggs reported that NRCS is still under continuing resolution. Conservation Stewardship Program (CSP) interim rules have been posted and are available for comment. NRCS expects EQIP interim rules to be posted soon.

WI Land + Water – Krueger reported that the county conservationist meeting will be held on December 12th and 13th. They are taking a roundtable approach as opposed to having keynote speakers. Topics will include connecting new county cons with seasoned county cons, nitrates and hazard mitigation. The WI Land +Water Conference is coming up March 4-6 in Green Bay.

DOA – Potts reported that DOA will be releasing their certified financial report in a couple of weeks. Tax collection resulted in an unexpected surplus of about \$321 million- this will be redirected to a rainy day fund. There is talk of pushing the rainy day fund to 5-10% of the operating budget, however getting to 2% would be a more realistic goal. The legislature defines a rainy day. DOA is working with the DNR on the Central Sands Study for three lakes in Waushara County. The study needs to go to joint finance committee to request additional funds.

DATCP – Walling reported that the annual reporting cycle has started for counties (asked to report counties for the 2019 cycle). Trumble has started annual work planning with counties. Siting is on the ATCP board's agenda for the December 12th meeting as a discussion item only. Chris Clayton has taken a position with DNR as the Ag Runoff Section Chief. Producer Led Watershed Protection Grant (PLWPG) awards for 2020 have been announced- 28 projects will be funded. The 2020 Agricultural Enterprise Area petition cycle is now open. December 9th Dana Christel will be starting work in the PLWPG program in an NRCS funded position.

DNR – Weigel reported that the runoff section has been divided into Ag Runoff and Urban Stormwater. Chris Clayton has started as the Section Chief in the Ag Runoff Section. He will be hiring 6 new staff- one hydrogeologist for the CAFO program, a permit application intake specialist position, an engineering supervisor, an engineer, a CAFO program coordinator and a non-point coordinator. NR 151 targeted performance standards for nitrates had 3 public hearings in November. TRM grants for urban construction will open in January. Several counties have had to return TRM grants when construction projects cannot be completed. DNR is evaluating capacity to spend going forward.

Item #13 Planning for February 2020 LWCB meeting

Cupp reported the meeting will be on the 4th of February.

In addition to the items identified in the proposed annual agenda, staff should plan to include agenda items for discussion on 1) climate issues as they related to LWRM plans, 2) a presentation on BITs from DNR 3) a presentation on topics of interest on funding sources for programs subject to LWCB oversight. Manitowoc County will be presenting their LWRM plan.

Item #14 Adjourn

Grasshoff moved to adjourn, seconded by Osterman, the motion carried. The meeting was adjourned at 2:41 pm.

Respectfully submitted,

 2/17/20

Eric Birschbach, Secretary Date

Recorder: KS, DATCP