

**MINUTES
LAND AND WATER CONSERVATION BOARD MEETING**

**October 2, 2018
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 August 7, 2018 LWCB meeting minutes.

The meeting was called to order by Chairman Mark Cupp at 9:00 a.m. Members Eric Birschbach, Carl Chenoweth, Lynn Harrison, Pat Laughrin, Keith Foye, Andrew Potts, and Mary Anne Lowndes were in attendance. A quorum was present. Advisor Matt Krueger (WI Land + Water) also was present. Others present included Ann Kirekatur, DNR; Richard Castelnuovo, Lisa Trumble, and Chris Clayton, DATCP.

Clayton confirmed that the meeting was publicly noticed.

Harrison moved to approve the agenda as presented, seconded by Laughrin, and the motion carried.

Laughrin moved to approve the August 7th meeting minutes as presented, seconded by Harrison, and the motion carried.

Item #2 Public Appearances

No public appearance cards were submitted.

Item #3 Review of the Forest County Land and Water Resource Management Plan

Following the LWCB's approval of Forest County's LWRM Plan in 2017, the order from DATCP required the county to report to the board in 2018 and 2020, in addition to their 5-year review in 2021, to review whether the county is demonstrating a sufficient commitment to implementing its LWRM Plan.

Al Murray, Forest County Land and Water Resources, and Larry Sommer, Land Conservation / Agriculture and Extension Committee, reported on the following: the county will separate the zoning department from land conservation in October; land conservation will be placed with the county's land information office; Murray has worked with DATCP – Clayton and Dehne – over the past year and with lake associations; coordination of stream crossing workshops with Trout Unlimited; Murray views LWRM Plan goals differently than what was approved in October 2017; plans to dredge Pine Lake and other lakes do not represent the top goal of the land conservation department; sidelining the project was supported by the LCC; collaboration with Lincoln, Langlade and RC&D to obtain DNR funding for aquatic invasive species work; the goal of providing better service to different types of landowners; another goal of using GIS and land information to facilitate work within land conservation department; completion of a draft Farmland Preservation ordinance and the follow-up work that will occur this winter; plans to reach out to all landowners of agricultural lands; local newspaper publications; cost-sharing possibilities; revision of the county's comprehensive plan; review of forestry plans; identification of potential projects such as stream crossing work; establishing inter-governmental agreements with the US Forest Service and the tribes.

Board members and county representatives discussed the following: combining land conservation and land information under one department head; working with small-holdings livestock farmers and

slowly introducing performance standards responsibilities; county relationship with the tribes; non-metallic mining inspections.

Murray also expressed concern that differences between state and federal laws involving agricultural commodities limit the use of cost share funding for projects in Forest County. Foye responded that cost share can be used, despite the type of agricultural land use, so long as the county identifies a water quality concern, and he recommended that the county continue to work with Dehne to figure out where and when cost sharing might be used.

Chenoweth moved that the Forest County has satisfactorily made improvements to address the Board's concerns, seconded by Laughrin, and the motion carried.

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

Matt Komiskey, Juneau County Land Conservation Department, and Joe Lally and Chris Zindorf, LWRD Committee members, 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.

Juneau County Land 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: county sampling of private wells for nitrates; nitrate sampling by homeowners; conversion of lands to agricultural use on sandy soils; adopting the performance standards through a county ordinance; a county survey showing groundwater quality as the top concern of county residents; nascent relationship with a growers' coalition due to nitrate sampling; dealing with high nitrates through livestock regulations; soil nitrate residence times; a recent public meeting to discuss nitrate sampling results and the predominant role of agriculture in the affected area.

Chenoweth moved to recommend approval of Juneau County's plan revision for a period of 10 years, seconded by Potts, and the motion carried.

Item #5 Recommendation for approval of the 2019 Joint DATCP and DNR Final Allocation Plan

Castelnuovo reported that DATCP and DNR received no comments on the preliminary allocation plan. DATCP made no changes in preparing its final allocation, while Hirekatur reported on the ranking of projects and funding awards as part of DNR's final allocation.

Chenoweth moved to recommend approval of the 2019 Joint DATCP and DNR Final Allocation Plan, seconded by Harrison, and the motion carried.

Item #6 Recommendation for approval of Land and Water Resource Management Plan revision for Green Lake County

Paul Gunderson and Todd Morris, Green Lake County Land Conservation Department, and Robert Schweder, Land Conservation Committee member, 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.

Green Lake County Land 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: land spreading of manure; procedure for testing private wells; Farmland Preservation landowners receiving a compliance letter for performance standards; interest in nine key element plans; use of the EVAAL model as part of the LWRM plan development and implementation; the county board decision not to merge departments; relationships with lake associations; operation of a county buffer program.

Harrison moved to recommend approval of Green Lake County’s plan revision for a period of 10 years, seconded by Birschbach, and the motion carried.

Item #7 LWCB statement on resource protection goals

Krueger reported on the progress made by the workgroup to refine the LWCB statement on resource protection goals. The board discussed the draft statement and recommended making the following revision to the third bullet point under the section “LWCB Statement of Endorsement”: Strike the draft text and substitute, “Wisconsin Statutes charge the LWCB with advising DATCP on matters relating to nonpoint source pollution.”

Chenoweth moved that the LWCB adopt the statement setting resource protection goals as revised, seconded by Harrison.

Before voting on the motion, the board discussed next steps. Cupp agreed to work with DATCP staff to send the memo out as a press release on LWCB letterhead and, after the election, to communicate the LWCB’s statement to the secretaries of DNR and DATCP, legislators and governor.

Following discussion, the board voted on the motion, and it carried unanimously.

Item #8 Agency Reports

WI Land + Water – Krueger visited several county land conservation committees over the last six months to build relationships. A high priority of most counties is groundwater protection.

DOA – Potts reported that agency budgets were due on September 17. DNR requested four positions for TMDL implementation. DATCP requested a consistent amount of \$7 million for bond cost-sharing in the SWRM Program.

DATCP – Producer Led Watershed Protection Grants Program received 27 grant applications, totaling more than the available \$750,000. Because the Farm Bill has not been renewed, CREP is on hold.

DNR – NR 154 revisions need to come before the LWCB. Lowndes stated that the DNR will bring it to the board in its revised, post-hearing form – during the first half of 2019. The small scale TRM grant has a cap of \$150K, and that might be raised to \$225,000.

Item #9 Planning for December 4, 2018 LWCB Meeting

- Three LWRM plan revisions
- CREP status report
- Approval of proposed 2019 LWCB annual agenda
- Review of meeting materials
- Tour in 2019
- Review of LWCB bylaws

Item #10 Adjourn

Chenoweth moved to adjourn, seconded by Potts, and the motion carried. The meeting was adjourned at 12:04pm.

Respectfully submitted,



Eric Birschbach, Secretary

12/4/18

Date

Recorder: CC, DATCP