

MINUTES
LAND AND WATER CONSERVATION BOARD MEETING

October 1, 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 August 6, 2019 LWCB meeting minutes.

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

Trumble confirmed that the meeting was publicly noticed.

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

Weigel moved to approve the August 6th meeting minutes with two minor edits, seconded by Potts, and the motion carried.

Item #2 Public Appearances

No public appearance cards were submitted.

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

Jim Arch, Clark County Land and Water Resources Department, and Fritz Garbisch, 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.

Clark 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: past staffing concerns and the importance of reestablishing relationships with landowners; the large Mennonite population, common practices, and participation in programs; a board suggestion to consider prohibitions on winter spreading; Farmland Preservation as a tool to implement standards; strategies to promote Farmland Preservation agreements; the county's purchase of a no-till drill; survey results showing groundwater is the biggest resource concern among residents; the declining number of milking herds; the draining of wetlands and structural challenges of enforcement.

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

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

Ashley Vande Voort, Douglas County Land and Water Resources Department, and Sue Hendrickson, 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.

Douglas 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: public involvement in creating the plan; funding for groundwater testing; the decline in dairy operations; future consideration of the Farmland Preservation Program; challenges in education and enforcement of shoreline buffers; a focus on education to combat coastal erosion; goals of the in-lieu fee program for wetland mitigation and interactions with the Army Corps of Engineers and the Wisconsin DNR; board concerns about the wetland mitigation program and a suggestion to return to board prior to implementation with a more fleshed out plan and partner support; failing septic systems and the use of the Wisconsin Fund program to replace older systems; staffing and resource concerns; the board's appreciation of out-of-the-box thinking.

Solin moved to recommend approval of Douglas County's plan revision for a period of 10 years, seconded by Weigel, and the board moved to discussion. Osterman moved to amend the motion, calling for review by the board prior to the implementation of the in-lieu fee program for wetland mitigation, seconded by Buttles. The motion carried with one nay recorded. The board voted on the motion as amended to approve Douglas County's plan revision for a period of 10 years, and the motion carried with one nay recorded.

Item #5 Recommendation for approval of the 2020 Joint DATCP and DNR Final Allocation Plan

Jennifer Heaton-Amrhein, DATCP and Mary Anne Lowndes, DNR made a presentation in support of recommendation for approval of the 2020 Joint DATCP and DNR Final Allocation plan.

DATCP and DNR noted the following changes from the preliminary allocation presented at the August 6th LWCB meeting: there were two comments, one about increasing involvement in Farmland Preservation, and one county was concerned about their decreased bonding amount due to paperwork errors; four typographical changes; language added to allow redistribution of reserve SEG funds for statewide conservation priorities; insufficient funding for all Urban Nonpoint Source projects.

Board members discussed the following: a board request to access the scoring matrix for Urban Nonpoint Source projects; the increasing size of Notice of Discharge projects and limited funding lead to more requests than can be met; an overall funding shortage; DATCP financial support for nutrient management.

Grasshoff moved to recommend approval of the 2020 Joint DATCP and DNR Final Allocation Plan, seconded by Potts, and the motion carried.

Item #6 Recommendation for approval of Land and Water Resource Management Plan revision for La Crosse County

Greg Stangl, La Crosse County Land and Water Resources Department, and Steve O'Malley, La Crosse County Administrator, 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.

La Crosse 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 high level of quality data; the lack of a winter manure spreading ordinance; proactively tackling erosion and teaching workshop participants nutrient management planning; the decline in the number of dairy operations, challenges with renters, and a lack of new farmers; consideration of conservation rental agreements; strategies to manage urban growth; strategies to mitigate damage from frequent and extreme rain events; the need for more outreach and consideration of increasing CREP promotion.

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

Item #8 Livestock Facility Siting Update

Chris Clayton, DATCP gave an update on proposed changes to ATCP 51 including: the completion of 12 public hearings at six locations; the high level of attendance during afternoon meetings and especially in Spooner; confusion surrounding various ordinances and rules and the opportunity to clear that up; issues discussed that are outside of the scope of the rule; concerns about proposed setbacks; the department's plan to revise the draft rules based on comments and a request to meet with the board before the December meeting.

Board members discussed the benefits of informal conversations after each public hearing and how to adequately communicate public comments to the board.

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

Molly McKay, Langlade County Land and Water Resources Department, Dave Solin, Land Conservation Committee Chair, Duane Haakenson, Land Records and Regulations Department, and Fred Heider, North Central Regional Planning Commission 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.

Langlade 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: a revision to the manure storage ordinance and the lack of prohibitions on winter application; the county's small staff and concern about adopting rules they're not able to enforce; resources such as Farmland Preservation, SWRM, grants, and partnerships determining priority work; farmer-led initiative partnering with Discovery Farms and focusing on research; challenges including an aging population, urbanization, limited tourism, and farms going out of business; the creation of the Evergreen AEA; high participation in Farmland Preservation; staffing constraints and the heavy Farmland Preservation workload; concerns about conservation staff turnover across the state and impacts on accomplishments; the board's appreciation of wind storm event information.

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

Item #10 Report on 2018 Program Accomplishments

Coreen Fallat, DATCP presented the Land and Water Resource Report on 2018 program accomplishments. Highlights include: county top conservation issues in time spent are farmland preservation, groundwater quality, and invasive species; an increased focus on watershed-based strategies; areas targeted for priority are mainly determined by Land and Water Resource Management Plans; most counties met or exceeded estimated numbers of conservation practices; reasons for not meeting work plan targets were primarily due to weather or unforeseen conditions, followed by changes in landowner interest.

Board members discussed the following: the high level of clear information; the importance of having a narrative and educating legislators; a summary would be useful to explain gaps in conservation funding; the board would like to see counties sharing success stories with each other more often; a disconnect between LCDs and LCCs.

Item #11 Discussion on Funding Sources for Programs Subject to LWCB Oversight.

Mark Cupp, LWCB Chair led a discussion on funding sources for programs subject to LWCB oversight.

Board members and advisors discussed the following: funding sources such as a tax or fee increase, diverting money from general tax revenue, or shifting funds within state government; a suggestion to invite a DOR analyst to the next meeting; the restrictive nature of federal funds and a suggestion to invite a representative from the US Fish and Wildlife Service; looking to what other states are doing and focusing on results, such as environmental benefits or base-building activities.

Item #12 Agency Reports

NRCS – Biggs reported that the Regional Conservation Partnership Program is accepting proposals, the Floodplain Easement Program is accepting applications, planners will get updated software to use in the field, and weather is delaying the installation of practices.

WI Land + Water – Krueger reported that the training for county staff was well attended, county conservationists were featured at roadshow stops for the Water Quality Task Force, and the Water Quality Task Force supports getting full funding for counties.

DOA – Potts reported that the Office of Outdoor Recreation is hiring, and the financial report for fiscal year 2019 will release in a couple weeks.

DATCP – Walling announced the new Farmland Preservation Program Manager, integrating the Farm Center and the Bureau of Land and Water Resources, and updates on the industrial hemp program.

DNR – Weigel provided updates on the targeted performance standards for nitrates with three public hearings to be scheduled, and announced the recruitment for an Agricultural Runoff Section Chief and other vacancies.

LWCB Chair – Cupp reported that Birschbach, Buttles, Grasshoff and Webster appeared before the Senate Natural Resources Committee.

Item #13 Planning for December 2019 LWCB meeting

- Five LWRM plan revisions (Marquette, Portage, Rock, Polk, Bayfield).
- CREP update may be moved to the following meeting because of the full schedule.

Item #14 Adjourn

Osterman moved to adjourn, seconded by Birschbach, and the motion carried. The meeting was adjourned at 3:05pm.

Respectfully submitted,



Eric Birschbach, Secretary

12/12/19

Date

Recorder: MMG, DATCP