
PROCEDURES FOR RESCHEDULING OR EXTENDING LAND & WATER RESOURCE MANAGEMENT PLANS

Introduction

The Land and Water Conservation Board (LWCB or Board) has taken a series of actions based on a 2011 change to ATCP 50.12 authorizing approval of a land and water resource management (LWRM) plan for up to ten years. The Board first set up criteria for obtaining a ten year approval of a LWRM plan, either by the county securing a full ten year approval of a newly revised plan or a five year extension of a LWRM plan previously approved for five years (see Appendix A for more information). These procedures also describe the requirements for the review of plan implementation activities applicable to counties after they receive a ten year approval or before they can receive a four or five year extension.

The Board then focused on detailed criteria and procedures for counties to request extensions. The LWCB retained the procedures for a county to reschedule its appearance before the Board to present its plan. (Rescheduling involves changing the date of county's appearance from one Board meeting to another without changing the county's plan expiration date). The Board established procedures for short-term extensions from one to three years, creating a relatively simple process to seek extensions to accommodate county needs in certain areas including coordination of LWRM plan development with farmland preservation plan or county comprehensive plan development. The LWCB also established procedures for longer term extensions of four to five years designed to provide counties the opportunity to benefit from ten year plan approvals if they prepared their currently approved plan using a ten year planning horizon.

The three procedures for changing the date for a plan revision are outlined below.

Rescheduling and Extension Procedures

I. Procedure to reschedule a Board presentation

1. A county may request that its LWCB appearance be delayed for some months, but no later than February of the year after plan expiration.

Note: Rescheduling changes the date of a county's appearance from one Board meeting to another, generally within the same year. Rescheduling does not change the expiration date of a county's plan. In certain cases, when a county reschedules its plan presentation, the county's existing plan approval may expire before the county receives a new order approving its revised LWRM plan. Until a new plan approval order is issued, the county is technically not eligible to receive new grant funding from DATCP.

2. The county will submit a request to reschedule to the LWRM planner (Lisa Trumble, Lisa.Trumble@wisconsin.gov) as soon as it becomes apparent that the LWRM plan will not be completed and reviewed prior to the scheduled meeting.
3. The county may request this rescheduling without completing and submitting a separate form.
4. The LWRM planner checks the LWCB calendar, and notifies the office associate, supervisor, bureau director, and the LWCB Executive Committee.
5. The LWRM planner reschedules the appearance and notifies the county, LWCB, and DATCP staff of new date.

II. Procedure for a one- to three- year extension request

1. If a county with an approved five year plan would like to extend that plan for one- to three years, the county needs to request an extension by Feb 1st of the year the plan is scheduled to expire.
Note: Extension requests cannot be submitted for a plan that has expired. Plans approved for five years cannot be extended for more than another five years; however, the Board retains discretion to make recommendations in particular regarding multiple extension requests. For example, if a county has received a three year extension, the LWCB will evaluate a second request to determine if an additional extension is appropriate, but in no case will the LWCB recommend a second extension of more than two years.
2. A county must use the most current department form to request an extension, and complete the form by providing the following information:
 - a. The duration of the extension (i.e., one to three years).
 - b. The purpose of the request (e.g., coordinate plan development, staff workload, etc.).
 - c. A statement of progress/accomplishments for the current plan duration.
 - d. A work plan for the requested extension period.
 - e. An updated priority farm strategy, if appropriate.
 - f. The date of LCC approval of the extension request.¹ LCC approval of an extension request may occur before or after the LWCB provides its recommendation regarding the extension request. However, DATCP will not enter an order extending the plan approval date until the LCC approves the extension.

¹ The LWCB has determined that a Land Conservation Committee can approve extension requests up to five years without additional approval from the County Board, reasoning that extension does not change the LWRM plan originally approved by that County Board. Also, in certain cases the Board may have approved a ten year plan, and the LCC's actions are consistent with Board approval.

3. The county will send the completed form and documentation to the LWRM planner. The LWRM planner will work with the county to ensure that the form is properly completed and all required materials are submitted.
4. The LWRM planner will check LWCB calendar, notify key parties (e.g. office associate, supervisor, bureau director, and LWCB Executive Committee), and recommend a date for the county request to be considered by LWCB.
5. The LWCB reviews the extension request at a regularly scheduled Board meeting and makes a recommendation regarding the extension request based upon whether the request meets the Board's criteria. The county does not need to appear before the Board to present its request.
6. DATCP will issue an order extending the plan based on the LWCB's recommendation and confirmation of county approval (e.g. LCC) of the requested extension.

III. Procedure for a four- or five- year extension request

1. If a county with an approved five year plan would like to extend that plan for four to five years, the county must request an extension by Feb 1st of the year the plan is scheduled to expire.

Note: A county may seek a five year extension of a plan approval granted before 2012 as long as the LWRM plan was written for a ten year planning horizon when the county received its five year plan approval. Plans approved for five years cannot be extended for more than another five years.

2. The county must use the most current department form to request an extension, and submit a completed form providing the following information:
 - a. The duration of the extension (i.e. four or five years).
 - b. The purpose of the request (e.g. benefit from ten year planning horizon).
 - c. A statement of progress/accomplishments for the current plan duration. In addition, the county must prepare a presentation for the Board providing detailed review of plan implementation activities over the last five years.
 - d. Provide a completed guidance checklist as described in 3 below.
 - e. A work plan for the requested extension period.
 - f. The date of LCC approval of the extension request.¹ LCC approval of an extension request may occur before or after the LWCB provides its recommendation regarding the extension request. However, DATCP will not enter an order extending the plan approval date until the LCC approves the extension.
3. The county must submit a completed guidance checklist with their request, providing the following information for the LWCB:

- a. Specific, measurable benchmarks and targets for key activities appropriate for the county (including page references).²
 - b. A work plan formatted according to specific standards (including page references).²
 - c. A priority farm strategy designed to effectively implement state performance standards and conservation practices on farms within the county (including page references).²
 - d. Planning activities indicating the intent to develop a plan for a ten year horizon (including page references).
4. The county will send the completed request form, guidance checklist and other documentation to the LWRM planner. The LWRM planner will work with the county to ensure that the request form is properly completed and all required documentation is submitted. The completed guidance checklist will be provided to the LWCB without any review or comment from the LWRM planner.
 5. The LWRM planner will check the LWCB calendar, notify key parties (e.g. office associate, supervisor, bureau director, county LCD staff, LWCB Executive Committee), and recommend a date for the county request to be considered by the LWCB.
 6. The LWCB reviews the extension request at a regularly scheduled Board meeting and makes a recommendation regarding the extension request based upon whether the request meets the Board's criteria. The county **must appear** before the Board to provide a presentation regarding its progress in implementing its LWRM plan.
 7. The LWCB will conduct a review of the county's implementation of its plan within the past five years to determine if a four or five year extension is merited. The board will use the review criteria Sub. IV of its February 27, 2012 guidance, <http://datcp.wi.gov/uploads/Environment/pdf/FinalGuidanceOnAdditionalCriteria.pdf> If the LWCB determines that the extension request meets its criteria, it will recommend an extension. If the Board finds that the criteria are not met, the county will automatically receive a one-year extension in order to have sufficient time to prepare a plan update.
 8. DATCP will issue an order extending the plan based on the LWCB's recommendation and confirmation of county approval (e.g. LCC) of the requested extension.

² The LWCB has established these as requirements for recommending approval of an LWRM plan for either a five or ten year period. *Final guidance on criteria for recommending approval of land and water resource management plans including requirements to secure 10-year approvals and 5-year extensions* <http://datcp.wi.gov/uploads/Environment/pdf/FinalGuidanceOnAdditionalCriteria.pdf>. Key activities are defined in the guidance. ATCP 50, as revised, incorporates the benchmarking concept established by the Board.

Appendix A

References

Final guidance on criteria for recommending approval of land and water resource management plans including requirements to secure 10-year approvals and 5-year extensions
<http://datcp.wi.gov/uploads/Environment/pdf/FinalGuidanceOnAdditionalCriteria.pdf>

This February 27, 2012 guidance sets out the standards for a ten year approval of LWRM plans, including alternatives if counties fail to meet these standards; the procedures for a five year review for counties with plans approved for ten years; and the procedures for seeking a five year extension of LWRM plan previously approved for five years. The Board has modified this guidance by allowing counties to seek a five year extension of plans approved before 2012 and requiring that counties seeking four year extensions follow the procedures for a five year extension.

County-Prepared Checklist to determine compliance with additional criteria for an LWCB recommendation for a 10-year approval and 5-year extension
<http://datcp.wi.gov/uploads/Environment/doc/GuidanceChecklist.doc>

Extension request forms are available from the LWRM planner.