

MINUTES
LAND AND WATER CONSERVATION BOARD MEETING

August 3, 2021
Microsoft Teams Meeting

Item #1 Call to Order—pledge of allegiance, open meeting notice, approval of agenda, approval of June 1, 2021 LWCB meeting minutes.

The meeting was called to order by Chairman Mark Cupp at 9:00 a.m.

Members present: Mark Cupp, Eric Birschbach, Bobbie Webster, Andrew Buttles, Ron Grasshoff, Mike Hofberger, Andrew Potts, Chris Clayton for Brian Weigel, and Sara Walling. A quorum was present.

Advisors present: Francisco Arriaga (UW), Danielle Roder for Ian Krauss (FSA), Angela Biggs (NRCS) and Matt Krueger (WI Land+Water)

Department staff present: Lacey Cochart, Stephanie Bloechl-Anderson, Lisa Trumble, Jennifer Heaton-Amrhein, Alex Elias, Kim Carlson, Susan Mockert, Coreen Fallat, Katy Smith, and Zach Zopp (DATCP), Joe Baeten, Joanna Griffin, Liz Osborne (DNR).

Zopp confirmed that the meeting was publicly noticed.

The pledge of allegiance was conducted.

Hofberger moved to approve the agenda as presented, seconded by Webster, and the motion carried unanimously.

Walling made a motion to approve the June 1, 2021 meeting minutes as amended, seconded by Grasshoff, and the motion carried unanimously.

- Cupp requested a spelling correction to Matt Krueger's name
- Webster requested a change on page 2 under item 5, the acronym for the national association of conservation districts should be NACD

Item #2 Public Appearances

Cindy Leitner, Wisconsin Dairy Alliance, submitted a public appearance card and letter to the LWCB regarding the Quantitative Microbial Risk Study the Board planned to discuss during agenda item #16. Chairman Cupp read the letter in place of Cindy Leitner whom was not present at the meeting. A copy of the written statement from the Wisconsin Dairy Alliance is available online at the LWCB website within the August 3, 2021 [meeting packet](#).

Item #3 FSA Representation on County LCC's

Warren Hanson, Administrative Officer, USDA Farm Service Agency (FSA) informed the Board of an ongoing conflict of interest that has arisen in how FSA County Committee members are being represented on Land Conservation Committees. The memo describing the conflict of interest and potential resolutions is available online at the LWCB website within the August 3, 2021 [meeting packet](#).

The Board and agency representatives discussed the following: the USDA-FSA conflict outlined within the [FSA memo](#); the language under Wis. Stat. § 92.06(b)2 requiring county boards to appoint USDA-FSA reps to LCCs; county specific problems resulting from LCC meetings where LCC members were identified as USDA-FSA employees, possibility of any open records requests, and motivations behind the problems; how WI Land + Water obtains and uses data to generate the WI Land+Water Members Directory, including the data to identify USDA-FSA employees; concerns for removing USDA-FSA identification from LCC members; options to resolve the USDA-FSA conflict including removing USDA-FSA identifications from LCC members on the WI Land+Water website and from name tags or name placards at LCC meetings; obtaining DATCP & DNR legal feedback on the language and enforceability of Wis. Stat. § 92 to Federal employees (i.e USDA-FSA employees); potential to use DATCP and DNR feedback to form a consistent approach to WI statutory obligations and directives.

Item #4 Recommendation for approval of 5-year Land and Water Resource Management Plan review for Brown County

Mike Mushinski, County Conservationist, Brown County LWCD. Mike informed the board that Norbert Dantine Jr., Land Conservation Committee Chair was not able to participate in the presentation due to a schedule conflict. Mike then made the formal presentation in support of the 5-year review of the County’s LWRM plan. A short video showing cover crops in the Upper East River was shown. The video is available online at LWCB’s website lwcb.wi.gov under 2021 Meetings for August 3, 2021.

Brown 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 lwcb.wi.gov).

The Board and county representatives discussed the following: the total capacity for dairy agriculture and associated manure handling in Brown County; the success or pitfalls of manure digesters and their ability to process manure; Northern Pike monitoring and habitat restoration; inspecting farms with under 500 animal units; GLRI funding for the Fox River TMDL and how the county obtained the funding through the Fox Wolf Watershed Alliance in partnership with the Demo Farms Network; how the County identifies priority farms; new technologies for conservation agriculture and tracking conservation practices such as cover crops; updated waste standards to meet new agricultural performance standards; public acceptance and management of community manure digesters, producer led watershed groups.

Birschbach moved to recommend approval of Brown County’s 5-year LWRM plan review, seconded by Webster, and the motion carried unanimously.

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

Rodney Webb, Land Conservation Director, Pierce County LCD and Jerry Kosin, LCC 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.

Pierce 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: lwcb.wi.gov).

The Board and county representatives discussed the following: the motivation for the new county wide groundwater quality monitoring study; climate change variability planning and the impacts of climate variability to county flood control (i.e PL 566) structures; county trends in dairy/livestock operations/animal numbers/number of farms and working with landowners to adopt no-till when farms switch from grazing to cropping operations.

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

Item #6 5 Minute Break

Item #7 Recommendation for approval of Land and Water Resource Management Plan revision for Waupaca County

Brian Haase, County Conservationist and Dan McFarlane, GIS/Conservation Technician, Waupaca County LWCD and DuWayne Federwitz, LWCC 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.

Waupaca 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: lwcb.wi.gov).

The Board and county representatives discussed the following: county staff efforts to increase acres of farmland under nutrient management; shoreline development along the Waupaca chain of lakes, aquatic invasive species and algae blooms; NRCS funding for county contracted Upper Fox-Wolf Demonstration Farm Network position; concerns for water quality and water contamination in the heavily irrigated western side of Waupaca County; results of recent county wide well water sampling study and nitrate concentrations in well water; forest management planning in the revised LWRM plan; key highlights of the revised LWRM plan including TMDL planning and nine key element planning.

Hofberger moved to recommend approval of Waupaca County's plan revision for a period of 10 years, seconded by Walling, and the motion carried unanimously

Item #8 Lunch

Item #9 Results of the Airborne Electromagnetic (AEM) Survey

Matt Komiskey, USGS and David Hart, UW-Extension presented to the Board the results of the airborne electromagnetic (AEM) survey of karst bedrock features in Northeast Wisconsin. The memo addressing the AEM survey and a preliminary depth to bedrock map is available online at the LWCB website within the August 3, 2021 [meeting packet](#).

The Board and agency representatives discussed the following: opportunity to replicate the AEM study in the southwestern portion of WI (Grant, Lafayette, Green, and Iowa Counties) and potential funding for the study through a CIG grant from the NRCS; costs associated with the current AEM study; the basis for AEM study boundary and dependence on the Silurian bedrock formation to produce accurate data; detection of sink holes in Calumet County with the AEM data; the use of the AEM depth to bedrock map to implement the new NR 151 manure application regulations for the Silurian area.

Item #10 Presentation of 2022 Joint Preliminary Allocation Plan

Jenni Heaton- Amrhein, DATCP and Joanna Griffin, DNR presented to the Board the 2022 Joint Preliminary Allocation Plan. The 2022 Joint Preliminary Allocation Plan document is available online at the LWCB website within the August 3, 2021 [meeting packet](#).

If recommended by the LWCB, the Preliminary Allocation Plan will be posted to the Department’s Soil and Water Resource Management [website](#) and open for public comment for a 30-day period, after which point the final allocation plan may be considered. Contact Kim Carlson, kim.carlson@wi.gov for questions on accessing or commenting on the plan.

The Board and agency representatives discussed the following: the Governors Executive budget and the amount of funding for county conservation staff and modification to the funding levels through the legislative process.

Item #11 DNR Presentation of the Scores and Rankings of Urban Nonpoint Source and Storm Water Management Projects for CY 2022

Joanna Griffin, DNR presented to the Board the Scores and Rankings of Urban Nonpoint Source and Storm Water Management Projects for CY 2022. The memo describing the 2022 Scores and Rankings of Urban Nonpoint Source and Storm Water Management Projects and the tables showing the scores and rankings are available online at the LWCB website within the August 3, 2021 [meeting packet](#).

The Board and agency representatives discussed the following: identification of funding lines within the preliminary scores and ranking and likelihood of current project underspending.

Item #12 DNR Presentation of the Scores and Rankings of Targeted Runoff Management (TRM) Projects for CY 2022

Joanna Griffin, DNR presented to the Board the Scores and Rankings of Targeted Runoff Management (TRM) Projects for CY 2022. The memo describing the 2022 Scores and Rankings of Targeted Runoff Management (TRM) Projects and tables showing the scores and rankings are available online at the LWCB website within the August 3, 2021 [meeting packet](#).

The Board and agency representatives discussed the following: the tendency for counties to reapply for funding after a denial; whether counties refine applications after a denial to improve their opportunity to receive funding.

Item #13 5 Minute Break

Item #14 Revisions to the LWRM Plan 5-Year Review Form & Plan Revision Guidance Document

Lisa Trumble, DATCP informed the Board of the need to review and revise the LWRM Plan 5 Year Review Form and the Plan Revision Guidance Document. The memo describing the background & need to revise the documents and Department staff recommendations is available online at the LWCB website within the August 3, 2021 [meeting packet](#). An open discussion followed regarding potential ways to revise these documents.

The Board and agency representatives discussed the following: the value 5-year review presentations provide; 5-year presentation delivery trends observed by the Board, the opportunity to increase LWCB meeting efficiencies; potential to retain the option for a presentation while not requiring a presentation; option for counties to share figures, but not a presentation; differentiating requirements and questions for 5-year reviews and full plan revisions. The Board requested DATCP revise the LWRM Plan 5-Year Review Form and Plan Revisions Guidance Document, based on the guidance received, and provide final recommendations to the Board during the October LWCB meeting.

Item #15 Update on Post-pandemic Planning for In-person and Virtual LWCB Meetings

Katy Smith, DATCP presented to the Board the preliminary results of a recent survey of LWCB members and advisors. The survey sought to identify LWCB member and advisor preferences for virtual meeting options to be carried forward. An update on planning for a return to in-person LWCB meetings was also given.

The Board and agency representatives discussed the following: allowing counties the option to present virtually for 5 year reviews; providing LWCB members and advisors the option to attend virtually; whether WI state statute requires LWCB members to attend virtually or in-person; providing additional virtual flexibility for counties that are far away from Madison; observations of increased public attendance through the virtual platform; the possibility of increasing LWCB member and advisor candidate pools and the diversity of the Board with a virtual option and reducing the LWCB meeting carbon footprint by allowing virtual attendance.

Item #16 Discussion on Recent Predictive Well Water Contamination Study

Zach Zopp, DATCP presented to the Board an article entitled, “*Cow manure predicted to cause most sickness from contaminated wells in Kewaunee County*” published on June 23, 2021 by WisconsinWatch.org. A copy of the article is available online at the LWCB website within the August 3, 2021 [meeting packet](#). An open discussion on the article followed.

The Board and agency representatives discussed the following: asking the study authors to present at an upcoming LWCB meeting; sharing the public comment from the Wisconsin Dairy Alliance with the study author; ensuring the Board remains neutral in matters between special interests groups and research. The Board requested that DATCP invite the study authors (Dr. Burch & Dr. Borchardt) and share the Wisconsin Dairy Alliance public comment with the study authors.

Item #17 Agency Reports

FSA- Danielle Roder reported: Danielle Roder danielle.roder@usda.gov 608-662-442, x 113 and John Palmer ohn.palmer@usda.gov 608-662-4422, x124 will be handling the CRP & CREP programs while Ian is on leave; re-enrollments under the [Continuous CRP Signup](#) are ongoing.

NRCS – Angela Biggs submitted a written report that is available online at the Land and Water Conservation Board website within the August 3, 2021 [meeting packet](#). In addition to the written report, Angela reported WI NRCS field staff gained an additional 35 positions.

UW CALs & UW Ext - Dr. Arriaga reported: UW CALS and UW Extension has begun the search to hire three new UW CALS/UW Extension specialists that will reside within the following UW-CALS Departments: Biological Systems Engineering, Agronomy, and Entomology; the Agronomy Dept. is hosting a field day on [Integrated Pest and Crop Management](#) at the Arlington Agricultural Research Station on August 25th.

WI Land + Water- Matt Krueger reported: WI Land+Water has launched a [new website](#); [conservation observance day](#) will be held at the Parr family farm in Vernon County on August 13th; member updates on the WI Land+Water Board of Directors: Tom Clark (Jackson Co) and Ken Fisher (Door Co) are succeeding Kathy Zeglin (Trempealeau) and Chuck Wagner (Kewaunee) on the Board.

DOA – Andrew Potts reported the following updates on the recently passed Wisconsin biennial budget: TRM & SWRM bonding amounts carried over as in prior biennium, increased staffing dollars (one time for the biennium as opposed to ongoing), funding for climate change staff was not approved, the Producer-led Watershed Group program funding cap was increased, funding for PFAS was not approved.

DATCP – Sara Walling submitted a written report that is available online at the Land and Water Conservation Board website within the August 3, 2021 [meeting packet](#). In addition to the written report, Sara reported that beginning in January 2022, Wisconsin hemp growers will be licensed by the USDA and not DATCP. The Producer-led Watershed Group program is accepting applications for 2022 grant funding and is offering up to \$1,000,000 in total grant funding.

DNR – Chris Clayton submitted a written report that is available online at the Land and Water Conservation Board website within the August 3, 2021 [meeting packet](#). In addition to the written report, Chris reported: a new [nitrate webinar series](#) on nitrate contamination in groundwater and mitigation strategies; a new [Safe Drinking Water for All campaign](#).

Member Reports – No member reports were submitted

Item #18 Planning for October 2021 LWCB meeting

In addition to the items identified in the proposed 2021 annual agenda, the Board should expect the following at the August meeting:

- Two LWRM plan revisions (Milwaukee and Waushara counties)
- Two LWRM plan five year reviews (Trempealeau and Kenosha counties)
- August 2021 LWCB agenda items #3, 14 and 15 will be carried over to October 2021
- A presentation from Dr. Burch & Dr. Borchardt on their Quantitative Microbial Risk Assessment for Contaminated Private Wells publication
- DATCP/DNR legal counsel response to FSA Representation on County LCCs
- 2022 Final Joint allocation plan
- Revisions to the LWRM Plan 5 Year Review Form & Plan Revision Guidance
- Update on Post-pandemic Planning for In-person and Virtual LWCB Meetings

Item #19 Adjourn

Grasshoff moved to adjourn, seconded by Walling, and the motion carried unanimously. The meeting was adjourned at 2:44 pm.

Respectfully submitted,



10/13/2021

Bobbie Webster, Secretary

Date

Recorder: ZZ, DATCP