

MINUTES
LAND AND WATER CONSERVATION BOARD MEETING

December 1, 2020
Skype Meeting

Item #1 Call to Order—pledge of allegiance, open meeting notice, approval of agenda, approval of October 6th, 2020 LWCB meeting minutes.

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

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

Advisors present: Angela Biggs (NRCS), Ian Krauss (FSA) and Matt Krueger (WI Land + Water)

Department staff present: Lisa Trumble, Katy Smith, Lacey Cochart, Jennifer Heaton-Amrhein, Alex Elias, Kim Carlson, Susan Mockert, Sheri Walz, Brian Loeffelholz and Zach Zopp (DATCP), Joanna Griffin and Jill Schoen (DNR).

Zopp confirmed that the meeting was publicly noticed.

The pledge of allegiance was conducted.

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

Potts made a motion to approve the October 6th, 2020 meeting minutes as amended, seconded by Webster, and the motion carried unanimously.

Grasshoff requested a spelling correction to Item #10: *Agency Report – NRCS*. Cupp requested a spelling correction to Item #3: *Recommendation for approval of 5 year LWRM plan review for Sheboygan County*.

Item #2 Public Appearances

No public appearance cards were submitted.

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

Andy Holschbach, Director and County Conservationist, Ozaukee County Land and Water Management Department and Donald Korinek, Natural Resources 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.

Ozaukee County Land and Water Management 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: groundwater quality in the county, latent arsenic in bedrock and arsenic testing; the county's pilot phosphorus removal program and upscaling the program to control stormwater in urban areas; CAFOs and CAFO regulations in the county; the challenges of climate change in the county and lakeshore erosion along lake Michigan within Ozaukee county; the Ozaukee private well sampling program; hiring the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to write the county's LWRM plan; economics of nutrient management planning and soil health.

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

Item #4 Recommendation for approval of 5 year LWRM plan review for Rusk County

Nick Stadnyk, Director, Rusk County Land Conservation and Development Department and Robert Stout, Land and Water Conservation Committee Chair, made a formal presentation in support of the 5-year review of the county's LWRM plan.

Rusk County Land Conservation and Development 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: outreach and public education approaches utilized by the county for nutrient management and soil health; outreach to county Lake Associations; the county's groundwater sampling program, potential to work with the University of Wisconsin-Stevens Point to increase the county's water quality dataset and working with county public health department to map and build well logs; the county's efforts to work with agricultural producers to understand and comply with NR 151; impacts to air and water from the 53 permitted gravel pit and or sand mines; predation in rotational grazing systems from wolves or other carnivores; outreach and education strategy for nutrient management in 2021 and beyond.

Webster moved to recommend approval of Rusk County's 5-year LWRM plan review, seconded by Mott, and the motion carried unanimously.

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

Shannon Haydin, County Conservationist, Walworth County Land Use and Resource Management Department-Conservation Division (LRMD) and Brian Holt, Land Conservation Committee Chair and Dep. Director, Walworth County LRMD, 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.

Walworth County Land Use and Resource Management Department-Conservation 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: short-term home rentals and their potential to overload septic system capacity, county regulation and licensing of short-term home rentals; withdrawal of livestock siting regulations from the Walworth county zoning ordinance; coordination and implementation of NR 151 compliance checks; familiarity with DNR's healthy watershed vulnerability index; the impacts of Wisconsin Act 183 and the loss of oversight on isolated wetlands; outreach and social media strategies utilized by the county.

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

Item #6 Review of Acronyms Relative to the Joint Allocation Plan

Jenni Heaton- Amrhein, DATCP, presented to the board a review of acronyms relative to the joint allocation plan. A copy of the acronyms presentation is available online at the Land and Water Conservation Board website at this [link](#).

The board discussed the source of bonded funding, the funding formula for cost-share practices in the allocation, the shortage of funding for bonded practices and meeting the needs of practices funded via SEG dollars.

Item #7 Approval of 2021 Joint Preliminary Allocation Plan

Jenni Heaton- Amrhein, DATCP and Joanna Griffin, DNR presented to the board the 2021 Joint Preliminary Allocation Plan for approval. The 2021 Joint Preliminary Allocation Plan document is available online at the Land and Water Conservation Board website within the December 1st, 2020 [meeting packet](#).

The DNR stated they had found an error in a spreadsheet used to determine the large-scale TRM scoring and awards. Correcting the error resulted in subsequent changes to Chart 2, Table B and Table C of the 2021 Joint Final Allocation Plan. As a result of these changes, the DNR released an updated version of the 2021 Joint Final Allocation Plan dated (12/2020) for the board to review prior to the December LWCB meeting. DATCP and the DNR affirmed the appropriated funds are not sufficient to support bond or staffing requests from the counties.

The board discussed the following specific to the 2021 Joint Preliminary Allocation Plan: adequacy of notice of discharge (NOD) reserve; proposed increase for county staffing dollars in last legislative session, the possibility the proposed increase would be included within the budget and the current funding required to meet statutory obligations; comments received on the allocation plan during the open comment period, DATCP reported that no comments were submitted from stakeholders.

Mott motioned to approve the final allocation plan (dated 12/2020), Hofberger seconded and the motion carried unanimously.

Item #9 DNR Presentation of the Final Scores and Rankings of Targeted Runoff Management (TRM) and Urban Nonpoint Source and Storm Water Management Projects for CY 2021

Joanna Griffin, DNR presented to the board the final scores and rankings of Targeted Runoff Management (TRM) and Urban Nonpoint Source and Storm Water Management Projects (UNPS) for calendar year 2021. The TRM and UNPS documents are available online at the Land and Water Conservation Board website within the December 1st, 2020 [meeting packet](#).

The board and county representatives discussed the following: the error the DNR discovered within the La Crosse County Large Scale TRM score which resulted in the county's application for the Bostwick Creek project to be moved from 4th to 2nd place. Subsequently, correcting this error resulted in an Outagamie County project (Upper Duck Creek II TMDL Implementation) not being funded. DNR projected the Outagamie County project may receive partial funding. The potential partial funding would come from re-directing any underspending from Outagamie County's current grant project or any other project that ends with underspending to the Outagamie County Upper Duck Creek II TMDL Implementation project.

Hofberger motioned to approve the Final Scores and Rankings of TRM and UNPS Projects as presented, Potts seconded and the motion carried unanimously.

Item #10 Recommendation for approval of Land and Water Resource Management Plan revision for Pepin County

Chase Cummings, Land Conservation & Planning Director, Pepin County Land Conservation Department and Angie Bocksell, Chair, Land Conservation/UW-Extension and Community Services Committee, 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.

Pepin 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: lwcb.wi.gov).

The board and county representatives discussed the following: the county's general strategy to meet conservation needs, NR 151 compliance checks, and climate change the status of the county livestock siting moratoria originally adopted in 2018; transient non-community public wells and how they are impacted by nitrate contamination; ideas for mitigating groundwater nitrate contamination; implementation of a directed well monitoring program, privacy concerns related to contamination and funding the well monitoring program; outreach efforts used by the county to implement and ensure compliance with NR 151.

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

Item #11 Increasing Public Awareness of LWRM Plan Renewal Approvals

Mike Hofberger, LWCB, discussed the impact of Land and Water Resource Management Plans to highlight progress and ingenuity in conservation around Wisconsin. Hofberger asked how to showcase

this work to a larger audience. Hofberger discussed the following ideas: showcasing goals, struggles and successes, sharing plan highlights, social media campaigns, letters from the LWCB to County Board Chairs, sharing highlights with legislators, including a voluntary section on the LWRM plan checklist and questionnaire from the board. The board decided to discuss this item at the February Board meeting.

Item #12 Report and Potential Recommendation on 2021 CREP Spending Authority

Brian Loeffelholz, DATCP, presented to the board the annual report and potential recommendation on 2021 CREP spending authority. Dodge, Calumet and Manitowoc Counties have requested additional spending authority in their CREP allocations. Currently, there is not enough funding in the uncommitted balance to meet the increased requests from these three counties. DATCP staff evaluated which counties could tolerate a reduction in their CREP spending authority while maintaining their current enrollment pace in order to shift funds to these three counties, and recommended a reduction in the allocation to Rock County. DATCP staff recommended an increase in CREP spending authority to Dodge, Calumet and Manitowoc Counties, increase the uncommitted balance and decrease the CREP spending authority in Rock County.

Webster moved to recommend approval of the adjustments in CREP Spending Authority as presented, seconded by Mott, and the motion carried unanimously.

Item #13 Review of LWCB Bylaw revisions and recommendation for approval

Mark Cupp, LWCB and Zach Zopp, DATCP, presented to the board the biannual review of LWCB bylaws and proposed revisions. Proposed revisions focus on changes to member and advisor attendance and meeting scheduling and location.

The board discussed the following: the asterisked items in Appendix A of LWCB Bylaws and if these items were required to stay or if the board could omit them as the board no longer holds these principal responsibilities. DATCP staff stated the board oversees valid historic Farmland Preservation agreements that were agreed upon when the asterisked items were in effect. The board concluded that the items must remain in the appendix for the time being.

Birschbach moved to recommend approval of the bylaw changes as presented, seconded by Weigel, and the motion carried unanimously.

Item #14 Climate Change Resiliency and LWRM Plans Discussion

Matt Kreuger, WI Land + Water, updated the board on the committee of County Conservationists convened to evaluate recommendations for incorporating climate change resiliency into LWRM Plans. Matt reported: unanimous support to do something related to climate change, that climate change impacts are not equally understood around the state, the recommendation to insert climate change questions included in the associated memo in the LWCB county questionnaire to be completed on a voluntary basis. The board asked the department to keep track of trends, and to work to identify the latest resources to assist counties in addressing climate change issues in their LWRM plans.

Grasshoff motioned to include the two questions from the WI Land + Water memo on the Board questionnaire and LWRM Plan Checklist to be completed on a voluntary basis and that a thank you be submitted to the Climate Change Resiliency Committee; seconded by Mott, and the motion carried unanimously.

Item #15 Approval of Proposed 2021 LWCB Annual Agenda

Mark Cupp, LWCB and Zach Zopp, DATCP, presented to the board the proposed 2021 annual agenda.

The board discussed the following: planning for virtual board meetings until circumstances change; pending additional agenda items when dates are determined for: 1) a presentation of the 5-year LWRM plan review from Adams County and 2) a review and approval of 2021 Supplemental Allocation.

Walling moved to recommend approval of the annual agenda as presented, seconded by Grasshoff, and the motion carried unanimously.

Item #16 Agency Reports

FSA- Ian Krauss reported: CRP signups will be open from Jan 4 to Feb 12, 2021, general signups will include signups for the SAFE program; a grassland signup will open in March; the CREP signup opened in October; WHIP+ (disaster events program) closed October 30th; ARC and PLC have deadlines of March 15th.

NRCS – Angela Biggs submitted a written report that is available online at the Land and Water Conservation Board website within the December 1st, 2020 [meeting packet](#). In addition to the written report, Angela also reported: NRCS is operating under a continuous resolution until December 11th; there will be reduced funding assistance for EQIP and CSP in Wisconsin in 2021; NRCS service centers in Wisconsin have closed to visitors in response to increased cases of COVID 19; NRCS is reposting the State Soil Scientist position; beginning in January NRCS will open 17 entry-level positions around WI.

WI Land + Water – Matt Kruger reported: WI Land + Water is preparing for its first virtual conference from March 2nd to March 5th, 2021; WI Land + Water will start recruitment for a Communications Director in the near future.

DOA – Andrew Potts reported: work on the biennial budget process is ongoing.

DATCP – Sara Walling reported: the Bedrock Verification Standard is coming soon; outreach to municipalities and landowners in the AEM project area have commenced; AEA petitions will be posted in December and counties are encouraged to participate in the AEA Snapshot Initiative; pesticide applicator licensing testing has been halted for the time being, while current applicator licenses have been extended; hemp 2020 growing season has concluded.

DNR – Brian Weigel submitted a written report that is available online at the Land and Water Conservation Board website within the December 1st, 2020 [meeting packet](#). In addition to the written report, Brian reported: DNR staff continue to work remotely; a focus on developing maps that are consistent with the Depth to Bedrock workgroup; the expiration of 6 industrial storm water permits; the revision of NR 216; the hiring of a person to facilitate training for BITs who will onboard in January; Shannon Haydin, formerly of Walworth County, hired as the new DNR Section Chief for the Stormwater Runoff Section.

Item #17 Planning for February 2021 LWCB meeting

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

- Three full LWRM plan revisions (Jefferson, Marathon and Marinette Counties)
- December 2020 LWCB agenda items #12 and #14 have been carried over to February 2021.

