

**MINUTES  
LAND AND WATER CONSERVATION BOARD  
MEETING  
February 1, 2011**

**Boardroom 106  
Wisconsin Department of Agriculture, Trade and Consumer Protection  
2811 Agriculture Drive, Madison, Wisconsin**

**Item #1      Call to Order--open meeting notice, approval of agenda, and approval of  
LWCB meeting minutes, LWCB membership changes, public appearances**

The meeting was called to order by Chairman Cupp at 9:17 a.m. with the pledge of allegiance. Other LWCB members present were: Tom Rudolph (by phone), Denny Caneff, Sandi Cihlar, Chuck Wagner (by phone), Ryan Schroeder, Ken Johnson for the DNR Secretary, Kathy Pielsticker and Richard Castelnuovo for the DATCP Secretary. A quorum was present. Advisor present was Julian Zelazny for WLWCA.

Cupp confirmed with Price that the meeting had been publicly noticed, as required. Cupp presented the agenda for approval. Wagner made a motion to approve the agenda, and Rudolph seconded the motion. The motion passed. Cupp presented the December 7, 2010, LWCB meeting minutes for approval. Cihlar made a motion to approve the minutes as written, and Caneff seconded the motion. The motion passed.

Wagner reported that at the annual WLWCA meeting in December, he, Tom Rudolph, and Patrick Laughrin were elected to serve on the LWCB as representatives from county land conservation committees. Cupp added that Laughrin previously served on the LWCB as a member and chair. Cupp reported that Governor Walker has pulled all recent board, council, etc., appointments made by the former Governor so that Governor Walker's staff could review them. Robin Leary's recent reappointment to the LWCB will be reviewed, but Leary will continue to serve until she is reappointed or replaced.

No public appearances took place at this meeting.

**Item #2      Budget update—Kathy Pielsticker, DATCP**

Pielsticker reported the Land and Water Resources Bureau's supplies and services budget, which supports the LWCB, is currently running low in funds. This budget also supports staff training and travel, and Limited Term Employees in the Bureau. Staff travel and training and LTE hours have been greatly reduced as a result. Another result of this reduced budget will be a reduction in the LWCB budget. The LWCB budget will be adjusted from \$9,000/year to \$7,750 to help reduce costs and coincide with rest of the Bureau's reductions. Pielsticker presented a financial comparison of three different locations for the two planned LWCB forums. The LWCB discussed the comparisons and asked for clarification on some of the amounts. They decided to make a decision on the April forum location under Agenda Item 4.

**Item #3      Report of the LWCB Officers Nominating Committee: approval of the January 18, 2011, meeting minutes and election of the 2011 LWCB Officers**

Wagner made a motion to approve the January 18<sup>th</sup> LWCB Officers Nominating Committee meeting minutes as written. Schroeder seconded the motion. The motion passed. Wagner reported that the Nominating Committee met on January 18<sup>th</sup> to discuss recommendations for the LWCB offices of Chair, Vice-Chair, and Secretary. Upon the Committee's recommendation, Wagner made a motion to nominate Cupp for LWCB Chair, Rudolph for Vice Chair, and Caneff for Secretary for Calendar Year 2011. No other nominations were made. Schroeder seconded the motion. The motion passed.

**Item #4      Report of the LWCB Officers Committee: approval of the January 10, 2011, meeting minutes; LWCB legislation update; and status of developing 2011 LWCB forums**

Cupp presented the January 10<sup>th</sup> meeting minutes for approval. Rudolph made a motion to approve the minutes as written, and Caneff seconded the motion. The motion passed.

On the LWCB legislation, Cupp reported that he met with Jonathon Klein from Senator Dale Schultz' office and Klein will have the bill redrafted for the new legislative session. It is hoped the bill will be introduced soon. Favorable responses about the bill have been received from the Chairs of the Senate and Assembly agriculture committees.

Next, the LWCB discussed the forum on "Local Implementation of Revised NR 115 on Shoreland Zoning Requirements." Prior to today's meeting, Cupp polled the LWCB on the change in the meeting/forum date from April 5<sup>th</sup> to April 4<sup>th</sup>, and most of the LWCB members could attend on April 4<sup>th</sup>. Wagner made a motion to change the April meeting date to April 4<sup>th</sup>, and Rudolph seconded the motion. The motion passed. After further discussion on where to hold the meeting/forum, Wagner made a motion to hold the meeting/forum in Wausau in order to save on travel costs. Cihlar seconded the motion. The motion passed. Rudolph outlined the format of the forum: Bob Martini would present a lake association's view of what should be included in the shoreland zoning model ordinance; Langlade County staff would present their ordinance; Oneida County Zoning Director would present the county's efforts to revise their ordinance; and a DNR representative would give an overview of NR 115 and the model ordinance. Johnson will contact the DNR representative asking for suggestions on other counties that have exceptional ordinances to speak at the forum. Cupp suggested that a question and answer period be added to the forum agenda. Cupp requested that Rudolph and Johnson submit a forum outline to him by the end of February prior to the next LWCB Officers meeting.

On the "Land Spreading of Septage and Municipal/Industrial Waste" forum, Caneff reported that he, Cihlar, and possibly Johnson will be meeting with Fred Hegeman of DNR to discuss presenters for the forum. Cupp suggested that this forum be moved to the August meeting in order to save money on meeting expenses in the current state fiscal year. The LWCB agreed and made the change.

**Item #5 Recommendation for approval of the Taylor County Land and Water Resource Management Plan—Steve Oberle, Taylor County LCD; and Dennis Presser, DATCP**

Oberle presented the plan for an LWCB approval recommendation. His presentation covered the following areas: the county's LCC and LCD staff; county geographical information; the plan's top resource concern—water; state funding from DATCP and DNR; services and activities of the county LCD; and a groundwater fact sheet.

After the presentation, the LWCB discussed with Oberle the following: why groundwater remains a top priority in the county; public response to a recent county news release on the groundwater quality, quantity, and conservation measures; whether the county had a Groundwater Guardian chapter; county health and LCD staff working together on groundwater issues; further explanation of enforcing local septic inspections and upgrades, and enforcement of state septage disposal requirements; county activities on invasive species; example of county response to an identified water problem; livestock exposure to arsenic in groundwater; and local citizens' concerns with groundwater quantity and quality around site of proposed livestock expansion. Caneff made a motion for the LWCB to recommend approval of the Taylor County Land and Water Resource Management Plan. Cihlar seconded the motion. The motion passed.

**Item #6 Recommendation for approval of the Marathon County Land and Water Resource Management Plan—Andy Johnson and Paul Daigle, Marathon County CPZD; and Dennis Presser, DATCP**

Johnson and Daigle presented the plan to the LWCB for an approval recommendation. Their presentation covered the following: the Land Conservation and Zoning Committee members; long-term outcomes; agency partnerships; overview of the updated 10-year plan; prior plan accomplishments; resource concerns; plan goals; 2000-2008 land use trends in county; county's priority farm strategy; conservation programs and partnerships; state and local regulations that the CPZD oversees; information and education activities; and nutrient management planning in the county.

After the presentation, the LWCB held a discussion with the county representatives on the following subjects: cooperative effort with the Golden Sands Resource Conservation & Development Council on aquatic invasive species; status and impact of proposed bio-fuels plant; the county's septic program and its landowner education efforts; whether municipal waste is accounted for in nutrient management plans; land-use shift around where waste is land spread; and if fractured crystalline rock geology in the county is similar to Karst geology. Cihlar made a motion for the LWCB to recommend approval of the Marathon County Land and Water Resource Management Plan. Wagner seconded the motion. The motion passed.

**Item #7 Report on 2012 grant applications—Richard Castelnuovo, DATCP**

Castelnuovo reported that the 2012 joint DATCP and DNR grant application materials were mailed out to the counties and other cooperators in January. Through this application, DATCP will solicit requests for county staffing and support, cost-share for LWRM plan implementation,

cost-share for nutrient management plans, and nutrient management support activities. DNR will solicit requests for cost-share for Targeted Runoff Management (TRM) projects, and cost-share and planning projects under the Urban Nonpoint Source and Stormwater Management (UNPS & SW) grant. DATCP has streamlined the process for applying for nutrient-management cost-share funds in anticipation of reduced funding. Counties will no longer need to submit information related to funding criteria. DATCP will review criteria already collected by state agencies and then rank each county's application based on how the county scores using these criteria. DATCP also plans to provide funding for state-wide nutrient management support activities. However, DATCP will not make a final decision until funding levels are known. Applications are due into DATCP and DNR by April 15, 2011. A preliminary allocation plan will be brought before the LWCB at the August meeting.

**Item #8      Agency reports**

**a. FSA**

No report was given.

**b. NRCS**

No report was given.

**c. UW-CALS**

No report was given.

**d. UW-Extension**

No report was given.

**e. WALCE**

No report was given.

**f. WLWCA**

Zelazny reported that the annual WLWCA meeting in December was successful. Currently, two WLWCA board members are attending the National Association of Conservation Districts annual meeting in Nashville, Tennessee, this week. The funding for this year's Conservation on the Land Internship Program (COLIP) is on hold because of the federal budget's current situation. The Envirothon is moving forward in 2011. On policy matters, WLWCA is advocating at the state level to protect the county staff funding.

**g. DATCP**

Castelnuovo reported that Ben Brancel, Jeff Lyon, and Sue Burocker have been appointed to serve as DATCP Secretary, Deputy Secretary, and Executive Staff Assistant, respectively. The ARM Division Administrator position has not been filled yet. In an effort to control costs, Castelnuovo suggested that the LWCB may want to consider receiving the meeting materials electronically to save on printing and mailing costs. An agenda item on this subject will be brought before the LWCB at the April meeting. A livestock siting issue has come up in Rock County with an out-of-state dairy farmer looking to build a large dairy operation in the Town of Bradford. In the neighboring town where the dairy has proposed to spray irrigate manure, the town adopted an ordinance banning center pivot irrigation of untreated animal waste, which can cause odor problems. The dairy farmer had already received easements in the neighboring town to spread the manure prior to the ban. Later in the meeting, Johnson added that this application process will be done over an area that is already high in nitrate levels in the groundwater. While the full scope of the impacts of spraying manure has not been determined, DNR has concerns about bacteria spores and ammonia during warm weather applications. Public comment is being accepted on DNR's environmental assessment through February 4th, and DNR will have a permit hearing on this facility in early March. Castelnuovo continued his report by stating that DATCP continues to do nutrient management and Working Lands training. The PACE Council met on January 26<sup>th</sup> to finalize easement language. The Livestock Facility Siting Review Board met by teleconference on January 21<sup>st</sup> to review status of appeals on prior cases, receive an update on the ATCP 51 rule update process, and review their bylaws. No appeal cases are scheduled for the LFSRB to hear so far this year. DATCP will be holding a public hearing on the one thousand cankers disease quarantine rule. Also, a presentation on the new DNR agricultural performance standards in the Nonpoint Pollution Program will be given at the February 9<sup>th</sup> ATCP meeting at DATCP.

In reference to the Livestock Facility Siting Technical Expert Committee's report on changes to standards in ATCP 51, Cihlar asked why the term "bio-solids" was changed to "organic solids." She commented that the term "organic" was deceptive in terms of waste. VandenBrook replied that this change was intended to match the terminology found in the NR codes that deal with this type of waste. Wagner asked if the emerald ash borer has been found in other parts of the state beyond the already identified areas. Castelnuovo will get that information from the Plant Industry Bureau and forward it to the LWCB. Wagner commented that there is a proposal for a 2,500 cow operation in the Town of Linden in Kewaunee County.

**h. DNR**

Johnson reported that DNR has a new Secretary, Deputy Secretary, and Executive Assistant. They are Cathy Stepp, Matt Moroney, and Scott Gunderson, respectively. They have been meeting with DNR regional management teams to introduce themselves and encourage their "open door" policy.

Wagner made a motion for the LWCB to request both the DATCP and DNR Secretaries attend a LWCB meeting, either together or separately, to present their perspective on what areas the LWCB should be looking at and how their departments' priorities relate to LWCB duties.

