

**DRAFT MINUTES
LAND AND WATER CONSERVATION BOARD
MEETING**

**December 6, 2011
Boardroom 106**

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

Item #1 Call to Order--open meeting notice, oath of office for new LWCB members, approval of agenda, and approval of October 4, 2011, LWCB meeting minutes

The meeting was called to order by Chairman Cupp at 8 a.m. with the pledge of allegiance. Other LWCB members present were: Tom Rudolph, Denny Caneff, Lynn Harrison, Chuck Wagner, Pat Laughrin, Ryan Schroeder, John Petty for the DATCP Secretary, and Mary Anne Lowndes for the DNR Secretary. Robin Leary and Leah Wavrunek for the DOA Secretary were excused from the meeting. A quorum was present. Advisors present were Kurt Calkins for WALCE and Patricia Leavenworth for NRCS.

Cupp confirmed with Lori Price that the meeting had been publicly noticed, as required. Cupp presented the agenda for approval. Harrison made a motion to approve the agenda, and Rudolph seconded the motion. The motion passed.

Cupp presented the October 4, 2011, LWCB meeting minutes for approval. The changes to the minutes were as follows: Page 1, 1st paragraph, note that Laughrin, Schroeder, and Leary were excused from the meeting; page 2, Item #4, 2nd paragraph, 1st sentence, change "lead" to "led"; page 3, Item #5, 1st paragraph, 1st sentence should indicate that Yadro presented the LWRM plan to the LWCB through MS Live Meeting. Rudolph made a motion to approve the meeting minutes with the changes, and Wagner seconded the motion. The motion passed.

Item #2 Report from the LWCB Officers: approval of the October 25, 2011, meeting minutes; status of LWCB legislation; distribution of the August 2nd forum minutes; and discuss any policy recommendations as a result of the August 2nd forum

Cupp presented the October 25, 2011, LWCB Offices meeting minutes for approval. Rudolph made a motion to approve the minutes as written, and Cupp seconded the motion. The motion passed.

Cupp reported the he met with the DATCP Secretary on November 28th to discuss moving the LWCB legislation forward. One part of the legislation was that the LWCB have final approval of the county land and water resource management plans. Currently, the LWCB recommends approval to the DATCP Secretary. The Secretary had a concern with the Board's enforcement ability if they could not approve a plan. After discussing this further with the Secretary, Cupp

agreed that the LWCB should not seek final approval of the LWRM plans but proceed with all other points in the legislation. After Cupp's report, the LWCB discussed what enforcement currently takes place if a plan is not approved, how the LWCB currently has the ability to approve a plan since the Secretary usually follows the LWCB's recommendation, past plans the LWCB had not approved, if turnover in county LCCs every two years affects plan compliance review at the local level, and clarification on the annual work plan versus the entire LWRM plan.

Caneff reported that he has been in the process of trying to reach Fred Hageman with DNR in order to clarify information on the cover memo for the August 2nd forum minutes before Caneff sends them out. The LWCB then discussed what policy recommendations they may want to make as a result of the forum. The Officers discussed the additions proposed during their last officers' meeting on October 25, 2011. The Officers agreed to review the draft policy recommendations at the next Officers meeting. Cupp said that if anything changes of any substance the document will go back to the Board; otherwise the Officers will approve distribution of the memo after their review.

Item #3 Criteria for 10-year land and water resources management plan review

Castelnuovo started this report by giving a short history of the plan review process changes. Currently, there are key areas for the LWCB to look at when considering criteria for a 10-year LWRM plan review: improving benchmarks and targeting priority farms, what would be required for a 10-year approval, and how would the 5-year plans fit into the scheme. There was further discussion about the planning element related to county's priority farm strategy.

The LWCB reviewed the options for "Improve measures of anticipated county performance required in LWRM plans and work plans." The Board chose Options A.3., A.4., and A.5. with additions. Members added "forestry management" and "invasive species management" to A.4. A.5. was changed to include verbiage related to having an effective strategy to implement NR 151, the need to identify why the county selected conditions that will be addressed, and how the county addressed the conditions (outcomes). The LWCB reviewed the options for "Establish standards for a 10 year approval of LWRM plans, and alternatives for counties that fail to meet these standards." After further discussions on the options, the LWCB chose Options A.2. and A.4. On "Establish county reporting obligations to LWCB for plans approved for a 10 year period," the LWCB chose Option A.2. and deferred consideration of other details regarding this option until a subsequent meeting. On "Establish a process for counties with 5 year plan approvals to extend their approval for an additional 5 years, and in effect secure a 10 year approval," the LWCB agreed that counties should be required to present an update to the Board to secure a 5 year extension but deferred consideration of the details until a later date. Rudolph made a motion for the LWCB to approve the criteria for 10-year approval of LWRM plans including approval of 5-year extensions according to the recommendations of the staff including the amendments that were made. Wagner seconded the motion. The motion passed with one LWCB member, Laughrin, voting nay. The final document will be sent to the LWCB for review with the Officers approving it at their January meeting. Caneff offered his assistance in developing outcomes and standardized work plans.

Item #4 LWCB recommendation on Forest and Oneida Counties' Land and Water Resource Management plans

At the October 4, 2011 meeting, the LWCB tabled motions to recommend approval of the Forest and Oneida Counties' land and water resource management plans. The LWCB requested both counties to amend their plans to include measurable goals and present those amended plans to the Board at the December 6th meeting.

Dan Kuzlick with Oneida County, Cindy Gretzinger with Forest County, and Fred Heider from North Central Regional Planning Commission joined the meeting through teleconference call and presented their respective plan amendments to the LWCB. After the Oneida County presentation and further discussion by the LWCB, Harrison made a motion to recommend approval of the Oneida County LWRM plan through December 31, 2016, and Caneff seconded the motion. The motion passed. After the Forest County presentation and LWCB discussion, Rudolph made a motion to recommend approval of the Forest County LWRM plan through December 31, 2016, and Wagner seconded the motion. The motion passed.

Item #5 Recommendation for approval of the La Crosse County Land and Water Resource Management Plan—Gregg Stangl, La Crosse County DLC; and Dennis Presser, DATCP

Stangl joined the meeting through MS Live Meeting and presented the plan to the LWCB for an approval recommendation. His presentation covered county geography; agricultural trends; economic impact of tourism related to natural resources; prior plan priority activities and accomplishments; conservation compliance tracking; creation of the La Crosse Waters website; and the updated plan priorities and challenges.

After the presentation, the LWCB received further clarification on measurable goals and information and education activities in the plan. Wagner made a motion for the LWCB to recommend approval of the La Crosse County LWRM plan through December 31, 2016, and Laughrin seconded the motion. Rudolph abstained. The motion passed.

Item #6 Recommendation for approval of the Trempealeau County Land and Water Resource Management Plan—Kevin Lien and Carla Doelle, Trempealeau County DLM; and Dennis Presser

Lien and Doelle joined the meeting through MS Live Meeting and presented their plan to the LWCB for an approval recommendation. The presentation covered public participation in the planning process; resource assessment; plan goals and objectives; implementation tools and strategies; funding and plan implementation; prior plan successes; and evaluation and monitoring.

After the presentation, the LWCB discussed the county dealing with frack sand mining, and county information and education activities. Harrison made a motion to recommend approval of the Trempealeau County LWRM plan through December 31, 2016, and Schroeder seconded the motion. The motion passed.

Item #7 Recommendation for approval of the Dunn County Land and Water Resource Management plan—Daniel Prestebak, Dunn County LCD; and Dennis Presser

Prestebak presented the plan to the LWCB for an approval recommendation. The presentation covered county geography; history of LWRM planning in the county; the 2012 planning process; and 2012 plan objective and implementation including total maximum daily load.

After the presentation, the LWCB discussed outcomes from the county's priority farm strategy, continuation of yearly conferences on water quality improvement, and testing wells for contaminants beyond nitrates. Rudolph made a motion for the LWCB to recommend approval of the Dunn County LWRM plan through December 31, 2016, and Harrison seconded the motion. The motion passed.

Item #8 Recommendation for approval of the Clark County Land and Water Resource Management Plan—Matt Zoschke, Clark County LCD; and Dennis Presser

Zoschke presented the plan to the LWCB for an approval recommendation. The presentation covered a listing of county LCC members and LCD staff; updated plan overview; county geography; resources conditions; environmental issues and concerns; plan goals, objectives, proposed activities, and work plan; land conservation programs; conservation grants received between 2007-2011 and other funding sources; engineering and education assistance provided; success stories; and prior plan accomplishments.

After the presentation, the LWCB complimented the county on the plan and conservation efforts. Rudolph made a motion for the LWCB to recommend approval of the Clark County LWRM plan through December 31, 2016, and Caneff seconded the motion. The motion passed.

Item #9 Recognition of former LWCB member

Cupp presented Sandi Cihlar with a recognition plaque and thanked her for her 8 years of service to the LWCB.

The LWCB then took a lunch break.

Item #10 Presentation of the preliminary 2012 DATCP and DNR joint allocation plan: DNR proposed scoring of the Targeted Runoff Management (TRM) applications for Calendar Year 2012; DNR proposed scoring of the Urban Nonpoint Source and Storm Water (UNPS and SW) applications for Calendar Year 2012; preliminary 2012 joint allocation plan; waivers to postpone the deadline to adopt the final 2012 allocation plan and to eliminate minimum annual staffing grant awards; and alternative approach to staffing grant allocation—Richard Castelnovo, DATCP; and Corinne Billings, DNR

Billings presented the TRM and UNPS and SW rankings to the LWCB. DNR implemented the new version of the TRM program to reflect the code changes made effective January 1, 2011. There are now four categories, two for small-scale projects and 2 for large-scale projects. Within the categories, there is also a breakout of TMDL and non-TMDL projects. The four categories do not compete against each other. DNR received applications in all four categories, and proposes to fund at least half of the projects in each category. The TMDL projects are meant to address pollutant-specific needs or goals of a TMDL. The non-TMDL projects are meant to address the performance standards. DNR will fund all of the large-scale TMDL projects using federal Section 319 funds to cover the local assistance and cropping costs. Unfortunately, the state budget lapse did have an effect on the programs. DNR's GPR appropriation for large-scale non-TMDL cropping practices and local assistance will not be available. DNR had to lapse the entire amount. To more evenly apply the remaining funds, no one applicant may receive more than 20% of the available funds for a given project category. DNR has funding available for both construction and planning UNPS and SW requests. On the planning side, all 13 applications will be funded, including 2 county applications. On construction, DNR will fund the top 22 applications with 1 county project on the list.

Castelnuovo reported on DATCP's portion of the preliminary 2012 joint allocation plan. DATCP must lapse \$1.1 million in GPR funds used to fund staffing grants. DATCP will continue to allocate the same bond dollar amount as last year for cost-sharing practices, including an allocation for NOD/NOI projects. Funding for nutrient management planning was reduced because the environmental fund is running a deficit. DATCP will allocate \$1.3 million for nutrient management that will include support for nutrient management activities. The actual dollar amount to go to the UW and technical colleges for support will be \$52,000 less than what is listed in the preliminary plan. Funding for project cooperators such as Standards Oversight Council will come out of the same SEG funds used to provide support grants to the UW and technical colleges. There was a scoring mistake in cost sharing for nutrient management that affected Dane and LaCrosse Counties. DATCP has notified all parties whose final allocation must be corrected. The preliminary plan has been sent out for comment, and comments are due by December 22nd. The final allocation plan will be sent out for comment by January 6, 2012. The LWCB will then review and take action on the final allocation plan at its February 7, 2012, meeting. The LWCB discussed what services the UW Extension provides for the grant dollars it receives, changes in accounts used by DATCP to fund conservation, how the base staff funding remains in place even with the lapse, debate among county boards about funding LCDs when the state won't fully fund them, and whether the legislature could transfer funds after DATCP has approved the allocation plan.

Billings reported that besides the TRM and UNPSSWM rankings mentioned earlier, the bond revenue and 319 funding will remain consistent in DNR's portion of the 2012 allocation plan. DNR has received more requests for TRM funding than there are funding dollars. A reserve of bond revenue has been set aside for Calendar Year 2012 Notice of Discharge grants.

Castelnuovo reported that the first waiver that DATCP is seeking will extend the time for DATCP to complete the final allocation plan beyond the December 31st deadline required by its rule. The second waiver is to help DATCP manage the \$1.1 million lapse, and any future adjustments, through a proposed alternative for allocation of the staffing grants. The proposal is

to give each county the base amount, and calculate the rest of the grant as normal and then reduce that portion by 12%. This alternative is in lieu of using the grant formula alone to manage the lapse. Counties can also comment on the alternative staff funding proposal along with the preliminary allocation plan. Laughrin asked if any comments on the proposal have been received so far. Castelnuovo responded that some counties will lose staff as a result of the lapse. Calkins added that the WALCE perspective is to keep the formula “as is” and run the grant allocations as normal, and that any future discussions about changing the staffing grant allocation formula should be done in a procedural way in time for the next biennial state budget.

Item #11 Public appearances

Nick Peltier with Door County SWCD appeared before the LWCB to speak on the scoring formula used for SEG allocations for nutrient management cost-share, particularly with respect to the weight given to farmland preservation participation. The formula puts counties with lower farmland preservation participation at a disadvantage. The cost-share dollars are important for nutrient management for high priority farms. The cost-share dollars cover landowners not participating in the Farmland Preservation tax credit. He requested the LWCB reconsider the formula used to distribute cost-share dollars. VandenBrook commented that the rationale behind the formula was that some counties have huge numbers of farmland preservation participants that don't have nutrient management plans, and this funding was to help these participants to comply.

Item #12 Budget considerations and planning for 2012 forums and other activities

Petty reported that funding for LWCB meetings comes out of the Bureau of Land and Water Resources' supplies and service budget. The Bureau is currently in financial straits with vacant positions where no funds are available to fill the positions. In order to hold down meeting expenses, Petty suggested the Board may want to consider the economies as stated in the memo on this agenda item. For example, some suggestions were to hold only one forum in 2012 and not hold one of the 6 regular meetings in order to save on travel and meal expenses. These suggested economies should have little impact on the Board's performance of its statutory duties.

The LWCB members discussed the suggestions. They felt that the LWCB has repeatedly had its meeting budget reduced over the last few years and that it could not be reduced any further without a negative impact on the LWCB. They also said that not much savings would be had with giving up one regular meeting as those agenda items would be put on other meeting agendas causing those meeting to be longer resulting in possible overnight lodging and meal expenses. Also, the LWCB members were in favor of face-to-face meetings versus teleconference meetings.

Cupp then reported on the top three ideas for 2012 forums. They were frack sand mining and its impacts on water and air quality, erosion, and other resource management concerns; revisit staffing grant formula as a result of the state budget lapse; and groundwater quality concerns, such as high nitrate levels in the Central Sands area. The LWCB agreed that revisiting the staff grant formula is the most immediate issue on which to hold a forum. Cupp added that the

LWCB can look at holding a second forum later in the year based on where the meeting budget is at that time.

Rudolph made a motion for the LWCB to approve the 2012 LWCB annual agenda as proposed, and Laughrin seconded the motion. The motion passed.

Item #14 Selection of the 2012 LWCB Officer Nominating Committee

Cupp appointed Wagner, Schroeder, and Leary to the 2012 LWCB Officers Nominating Committee. The committee will meet in January to put together a list of nominations for LWCB chair, vice-chair, and secretary. They will then present their recommendations to the LWCB at the February 7, 2012, meeting.

Item #15 Agency reports

a. FSA

No report was given.

b. NRCS

Leavenworth reported that the Farm Bill is currently on a slow track. The Conservation Stewardship Program has another signup coming up soon with a deadline in January 2012. There is an EQIP /WHIP signup currently taking place that will end on February 3, 2012. Kevin Erb with UW Extension has received a national grant from NRCS for CRP technical service provider training sessions. The RC & Ds are still in business even though NRCS no longer provides funding to them.

c. UW-CALS

No report was given.

d. UW-Extension

No report was given.

e. WALCE

Calkins announced that WALCE and WLWCA are currently working through the legislative process to use the SEG funds to make up for the lapse in the staffing grant. Also, WALCE and WLWCA will be voting on their merger this Friday at the WLWCA annual meeting.

f. WLWCA

Wagner announced that WLWCA will be seeking applications to fill its Executive Director position formerly held by Julian Zelazny. If WLWCA and WALCE decide to merge the two

organizations, the merge will have to come into consideration when writing the position description for the executive director position.

g. DATCP

Petty reported that by the end of December, several PACE easements will be signed. In September, staff held a workshop on AEAs and over 100 people attended. In 2012, there may be even more AEA applications received that could cause an over subscription to the program. The ATCP Board approved the scope statement on ATCP 50 earlier this year. A group will be formed to see how to move forward with the revision to ATCP 50. The department is accepting input before the first draft is put together but will officially seek public comment after the final draft is sent out.

h. DNR

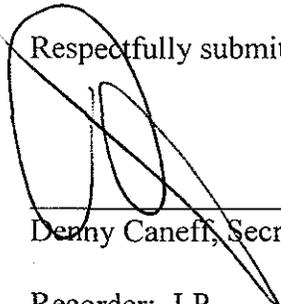
Lowndes reported that the EPA is interested in putting dollars in the Green Bay area for nutrient management planning and other agricultural practices, which could trigger new implementation activities. Also, DNR didn't have to lapse certain SEG dollars this biennium. DNR was not able to use the money for the allocation plan but will use the money to help fund the SOC coordinator to work with resource educators and to help fund SNAP plus. DNR is also looking at funding research regarding nitrogen levels in groundwater, particularly in the Central Sands area.

Adjourn

Before the meeting adjourned, Cupp announced that he will give an annual LWCB report to the ATCP Board on December 15, 2011.

There being no further business before the LWCB, Rudolph made a motion to adjourn the meeting and Wagner seconded the motion. The motion passed, and the meeting adjourned at 3:22 p.m.

Respectfully submitted,



Denny Caneff, Secretary

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Date

Recorder: LP