

**MINUTES  
LAND AND WATER CONSERVATION BOARD  
MEETING**

**October 4, 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 August 2, 2011, LWCB business meeting and forum minutes**

The meeting was called to order by Chairman Cupp at 10 a.m. with the pledge of allegiance. Other LWCB members present were: Tom Rudolph, Denny Caneff, Lynn Harrison, Chuck Wagner, John Petty for the DATCP Secretary, Lynn Wavrunek for the DOA Secretary, and Mary Anne Lowndes for the DNR Secretary. Laughrin, Schroeder, and Leary were excused from the meeting. A quorum was present. Advisors present were Kurt Calkins for WALCE, Julian Zelazny for WLWCA, and Patricia Leavenworth for NRCS.

Cupp confirmed with Lori Price that the meeting had been publicly noticed, as required. Price administered the LWCB oath of office to Harrison, Wavrunek, and Lowndes. Harrison replaced Sandi Cihlar as the farmer representative to the LWCB. Introductions took place.

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 August 2, 2011, LWCB meeting business and forum minutes for approval. Rudolph had one change to the business meeting minutes on page 1, 3<sup>rd</sup> paragraph: change "appointments" to "appoints". He also had a change to the forum minutes on page 2, 5<sup>th</sup> full paragraph, change "is" to "in." Rudolph made a motion to approve the business meeting and forum minutes with the changes, and Petty seconded the motion. The motion passed.

**Item #2      Public appearances**

No public appearances took place at this meeting.

**Item #3      LWCB administrative items on distribution of the August 2<sup>nd</sup> forum minutes and forum ideas for 2012—Mark Cupp, LWCB**

Caneff announced he will write a draft cover memo highlighting points made at the August 2<sup>nd</sup> forum to accompany the forum minutes when they are distributed to the same group that past

LWCB forum minutes have been sent to. The LWCB Officers will review the memo at their next meeting before the minutes are sent out. It was decided not to include any policy recommendations along with the minutes but to discuss possible recommendations at a later LWCB meeting.

The LWCB discussed topic ideas for 2012 forums. The topics that were brought up were frack sand mining impacts on water quality and erosion, and other resource management concerns; trading (or adaptive management) of water pollution emissions; and challenges with zoning and regulations regarding non-traditional, small-scale livestock operations. Prior to the next LWCB Officers meeting, Price will send out an e-mail message requesting additional topic ideas for 2012 forums. The Officers will discuss these ideas at more length before bringing them to the LWCB for final decision at the December meeting.

Cupp reported that he briefed Governor Walker's and Senator Schultz' offices on the legislation pertaining to the LWCB's vision for the future, and they feel it's appropriate for one of the legislative standing committees to introduce the legislation. Cupp's next move is to meet with John Petty with DATCP to move it forward to the appropriate committee.

**Item #4      Presentation on the Metrogro Program and how the Madison Metropolitan Sewerage District (MMSD) will make use of the provisions in the phosphorus rule—Dave Taylor, MMSD**

Taylor's presentation covered the national regulations on biosolids, the 14 land application exposure pathways considered by the Environmental Protection Agency, the USEPA Part 503 rule, and the state regulations framework. He also covered quick facts, site selection and approval, and monitoring in the Metrogro Program; and phosphorus management strategies.

After the presentation, the LWCB asked various questions of Taylor that led to the following information: testing is done on the Metrogro product to know what is in it, including testing for personal care and pharmaceutical products; cancer treatments is one example where radionuclides come from; basic regulatory requirements are robust and provide some comfort when it comes to areas that are not closely monitored; MMSD is experiencing an increased receipt of septage from private haulers; the size of a waste water treatment plant may determine whether a sanitary district can take septage from private haulers; Dane County has committed funds to the med drop program in order to keep it available and free to the public, and the collected pharmaceuticals are separated by controlled and non-controlled substances and then incinerated; pharmaceuticals in water comes mainly from people ingesting and excreting the product rather than from it being flushed down the toilet; MMSD is investing in a process that harvests struvite, a high phosphorus product, to help reduce phosphorus in biosolids; MMSD bases their application rate on soil tests; and the majority of farmers working with MMSD are not grid sampling. Taylor also spoke on MMSD starting with a Adaptive Management pilot project before fully adopting this concept and using Adaptive Management to bring point sources together to address pollution issues.

**Item #5      Recommendation for approval of the Florence County Land and Water Resource Management Plan—Margie Yadro, Florence County LCD; and Dennis Presser, DATCP**

Yadro joined the meeting through MS Live Meeting and presented the LWRM plan to the LWCB for an approval recommendation. Her presentation covered the following: county geographical information; the public and agency input that was sought on the plan; the county land and water resource inventory; county demographics; conservation priorities; information and education strategy; standards and ordinances; plan implementation budget; and plan progress.

After the presentation, the LWCB discussed with Yadro changing the term “townships” to “towns,” the county’s interstate partnership on invasive species relief, and the sustainable Forestry Conference held each year through the UW Extension. The LWCB also asked for clarification on the plan approval the county was seeking. Yadro explained that the county requests a 10-year approval on the plan with a review after 5 years. Rudolph made a motion for the LWCB to approve the plan for 10 years with a 5-year review. Wagner seconded the motion. The LWCB discussed the need to develop procedures and criteria for a 5-year review prior to approving a plan for 10 years. Rudolph withdrew his motion, and Wagner withdrew his 2<sup>nd</sup> on the motion. Rudolph motioned for the LWCB to recommend a 5-year approval for the Florence County 10-year Land and Water Resource Management Plan. Caneff seconded the motion. The motion passed. There was consensus that the LWCB work with DATCP on setting procedures and criteria for a 5-year review for a 10-year plan. Cupp will begin this process with DATCP, and it will also be discussed at the next Officers meeting. The procedures and criteria will then be brought before the LWCB for discussion and decision.

**Item #6      Recommendation for approval of the Forest County Land and Water Resource Management Plan—Cindy Gretzinger, Forest County LCD; Fred Heider, North Central Regional Planning Commission; and Dennis Presser**

Heider presented the Forest County LWRM plan to the LWCB for an approval recommendation. His presentation covered: resources and geology in the county; agriculture, residential development, and commercial/industrial land uses in the county; prior plan goals and accomplishments, shoreland protection projects; and the proposed 5-year plan including priority issues, goals and objectives, monitoring and evaluation, and information and education activities.

After the presentation, there was discussion between the LWCB and the county on sustainable forest management; other forestry associations that should be listed in plan; clarification that the county partners with Langlade County, not Oneida County, on AIS coordination; and the county developing a habitat restoration webpage for landowner use. There was also discussion on the plan lacking measurable goals. Rudolph made a motion for the LWCB to recommend a 5-year approval for the Forest County Land and Water Resource Management Plan. Petty seconded the motion. There was further discussion on including measurable goals in the plan and whether the LWCB had authority at this time to request this in the plan. Wagner made a motion for the

LWCB to table the motion until the December 6, 2011, LWCB meeting when Forest County will present an amended plan with measurable goals. Caneff seconded the motion. The motion passed.

**Item #7 Recommendation for approval of the Oneida County Land and Water Resource Management Plan—Dan Kuzlik, Oneida County LWCD; and Dennis Presser**

Kuzlik presented the Oneida County LWRM plan to the LWCB for an approval recommendation. His presentation covered the following: county resource assessment; surface water and impaired waters facts; groundwater and county geography including land use; residential development and commercial/industrial activities in the county; prior plan accomplishments; and the updated plan that included the planning process, priority issues, goals and objectives, monitoring and evaluation, and information and education activities.

After the presentation, the LWCB discussed with the county the lack of measurable goals in the plan update and whether the plan checklist should be modified to indicate that the plan met requirements for measurable goals. Caneff made a motion to table a decision on this agenda item until the December 6, 2011, meeting when Oneida County will present a revised plan with measurable outcomes. Wagner seconded the motion. The motion passed with one abstention from Rudolph.

**Item #8 Agency reports**

**a. FSA**

No report was given.

**b. NRCS**

Leavenworth handed out copies of the "Wisconsin NRCS Update September 2011" and highlighted some of the areas in the report. Congress voted to fund the federal government through November 18, 2011. NRCS has obligated all financial assistance dollars and was able to renew agreements in Fiscal Year 2011. NRCS entered into \$3.2 million worth of cooperative agreements, and the federal government no longer funds earmarks. The Standards Oversight Council (SOC) is in the process of updating the standards for manure storage, waste transfer, and waste treatment. Wisconsin NRCS hired a new Easement Program Biologist, Kristin Westad; a new Tribal Resource Conservationist, Chris Borden; and a new state biologist, Steve Bertiens. Upcoming events include a series of soil and water conservation talks through the UW Nelson Institute of Environmental Studies and the Land Trust Alliance rally in Milwaukee.

**c. UW-CALS**

No report was given.

**d. UW-Extension**

No report was given.

**e. WALCE**

Calkins announced the Fall county conservationists meeting is taking place Thursday and Friday of this week in Stevens Point. He reviewed the agenda for the meeting.

**f. WLWCA**

Zelazny announced that the annual conservation poster and speaking contest will be on November 5<sup>th</sup>. The annual WLWCA conference will be on December 8-9 in Wisconsin Dells. The ad hoc committee on the WALCE and WLWCA merger has completed its face-to-face meetings and is now talking with affected parties on the proposed merger. A vote on the merger will be done at the annual conference.

**g. DATCP**

Petty reported that DATCP staff will no longer make any judgment on the county LWRM plan benchmarks. DATCP staff will continue to review the plans to make sure they meet the requirements as listed in the plan checklist. The LWCB can use the checklist as a guide when reviewing plans at a substantive level and then make their decision to recommend approval. Zelazny commented that it is important to commit the joint allocation plan funding to measurable goals in the plan. Rudolph commented that the counties need to be made aware of this new policy change. Caneff added that one of the legislative changes the LWCB is requesting is to have final approval for the county LWRM plans.

Petty also announced that the Ed Odgers, Conservation Engineering Section Chief in the Bureau of Land and Water Resources, retired. The Bureau hired an Engineering Unit Leader, Todd Boehne, to take over many of the duties that Odgers performed.

Petty reported that DATCP still does not know what funding lapse it will need to take, so the allocation plan was unable to be presented to the LWCB at this meeting. He hopes to hear something on the lapse by the end of this month.

Wagner asked if the Emerald Ash Borer has spread further than what was last reported. Petty responded that EAB was recently found in LaCrosse County and in some counties in Minnesota across the Mississippi River from LaCrosse County.

**h. DNR**

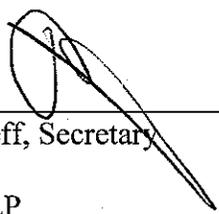
Lowndes reported that DNR does not know what budget lapses it will need to take at this time. She recommended that when the lapses are known, the LWCB may want to hold a special meeting to review the preliminary allocation plan. She also reported that DNR has been given approval to begin hiring for vacant positions. She hopes to fill 4 vacant positions within the nonpoint source program.

**Adjourn**

Prior to adjournment, Cupp reminded the LWCB to submit ideas on 2012 forum topics and to watch for information on a possible special meeting on the allocation plan. He also plans to meet with DATCP staff on the LWCB legislation and the criteria for the 10-year plan review.

There being no further business before the LWCB, Rudolph made a motion to adjourn the meeting and Petty seconded the motion. The motion passed, and the meeting adjourned at 1:48 p.m.

Respectfully submitted,

  
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Denny Caneff, Secretary

12/6/11  
\_\_\_\_\_  
Date

Recorder: LP