

**MINUTES
LAND AND WATER CONSERVATION BOARD MEETING**

**December 3, 2013
DATCP Board Room (Teleconference Meeting)
Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive, Madison, Wisconsin**

Item #1 Call to Order—pledge of allegiance, open meeting notice, roll call, appoint a secretary, approval of agenda, approval of October 1, 2013 LWCB meeting minutes.

The meeting was called to order by Chairman Mark Cupp at 9:00 a.m. with the pledge of allegiance. Chuck Wagner, Tom Rudolph, Robin Leary, Lynn Harrison, Joe Piechowski, Mary Anne Lowndes, and Caitlin Frederick participated via teleconference. Eric Birschbach and John Petty were present. A quorum was present. Advisors Jimmy Bramblett, NCRS, and Greg Biba, FSA, participated via teleconference. Kurt Calkins & Jim VandenBrook for WLWCA were present.

Vosburg confirmed that the meeting was publicly noticed, as required.

Cupp appointed Wagner as secretary for the meeting.

Cupp presented the agenda for approval. Leary made a motion to approve the agenda, and Rudolph seconded the motion. The motion carried.

The minutes for the October 1st meeting were considered. Wagner moved to approve the minutes as read, seconded by Petty, and the motion carried.

Item #2 Public Appearances

No public appearance cards were submitted.

Item #3 Report from LWCB Officers

Rudolph moved to approve the September 9th Officer's Meeting Minutes as read. Wagner seconded. The motion carried.

Leary, Birschbach and Frederick were appointed to serve on the Nominating Committee. Leary will Chair the committee. They will meet in January and provide report at the February 4, 2014 LWCB meeting.

Castelnuovo proposed that the Board modernize its bylaws to allow an audio recording as an option to record board and committee meetings. The Board members would be authorized to make the decision about whether they prefer minutes instead of an audio recording.

Leary voiced concern about replacing written minutes with audio recordings, anticipating open records issues. Rudolph noted that providing an audio recording in place of written minutes might limit public access to meeting records. Frederick clarified that providing an audio file as an alternative to written minutes does not mean that the Board must exclusively use audio files as a method of recording their meetings.

Cupp indicated that he will insist on written minutes during his tenure as Chair of the Land & Water Conservation Board. A majority of the Board was aligned with this preference.

Wagner moved to amend the LWCB bylaws to provide the option for an audio recording as set forth in draft submitted to the LWCB for consideration, with a modification to allow committee chairs and secretary to make the decision. Frederick seconded. The motion carried.

Cupp noted that some members of the Board experienced difficulties downloading the meeting materials from Outlook and from the LWCB webpage. Vosburg indicated that staff would look into numerous solutions for the aforementioned technological problems.

Item #4 Update on LWRM plans for 2014

Trumble presented a report that identified updates for LWRM plans in 2014. There are 20 plans due for renewal or extension in 2014. Trumble is working closely with the counties to develop their plans and has arranged for meetings with each of the counties whose plans will expire in 2014.

Trumble noted an error on Table 1 under Marquette County. She also noted that Kenosha County is seeking a 1 year extension, but Trumble is hoping that the county will pursue 5 year extension.

Rudolph made a motion to receive the report. Harrison seconded. The motion carried.

Item #5 Presentation of 2012 Annual Report

Schultz presented the 2012 Annual Report on both of both DATCP & DNR. All Board members and advisors confirmed that they had received the report. Schultz reported stylistic & formatting changes. The focus of the report has been shifted from hard data to case studies and success stories. The 2012 report highlights specific projects, farmers and agency partnerships. The Report was compiled in a fashion that each story can be pulled out as a one page handout. The 2012 Report is intended for electronic distribution and is print-ready.

Schultz recognized that the 2012 Report was delayed and indicated that there were unforeseeable circumstances that postponed its publication. DATCP and DNR are optimistic that the 2013 Annual Report will be published earlier next year.

The Board offered overwhelmingly positive feedback. Lowndes indicated that the DNR was pleased to move away from a 'data-heavy' publication and is interested to see how it works for DNR tracking and recording requirements.

Rudolph would like to see the report available to county board supervisors. VandenBrook committed to help with this request.

No action required.

Item #6 Report on proposed NMFE awards from the allocation reserve

DATCP representative, Jenks, reported on the NMFE awards proposed by DATCP for 2014.

With this grant cycle, the first year of awards (2013-14) were administered by the UW-Extension. In the 2014, Nutrient Management Farmer Education awards will be administered by DATCP. DATCP and UWEX sent joint applications out in August. Jenks and Kevan Klingberg of UW-Discovery Farms scored the proposals for the 2014-2015 year.

Leary moved to approve the proposed allocation of the NMFE awards from the reserve set up for this purpose. The motion was seconded by Wagner. The motion carried.

Item #7 Report on Board authority regarding LWRM plan implementation

At the October 1, 2013 meeting, Greg Farnham, Commissioner of the Lake Sinissippi Improvement District requested the Board investigate Dodge County's implementation of its LWRM. DATCP with assistance from its legal staff addressed the following questions Board authority in response to Farnham's presentation.

1) What is the LWCB's authority to investigate and take action to enforce requirements related to a county's implementation of its DATCP- approved LWRM plan?

The LWCB does not have independent authority investigate and take action to affect county implementation. The Board's authority is limited to providing recommendations for approval of revised county LWRM plans according to specific criteria.

2) What is the LWCB's authority to recommend that DATCP alter its SWRM grant allocation based on a county's alleged failure to effectively implement its LWRM plan and meet its legal responsibilities?

DATCP sets criteria each year for awarding grant funds. Those are the standards that the LWCB should follow in making its recommendations. There are no funding criteria related to a county's implementation of an ordinance.

No action taken on this item.

Item #8 Approval of Proposed 2014 LWCB Annual Agenda

Vosburg indicated that the proposed annual agenda was drafted by reviewing the 2012 & 2013 agendas to ensure items reviewed on a biennial basis were included.

Cupp requested that a discussion on possible forum topics be added to the February 2014 meeting. Rudolph suggested that a hearing for extensions of LWRM plans or a forum could be added to the June 2014 meeting.

Wagner moved to recommend approval of the 2014 LWCB Annual Agenda as presented. Seconded by Rudolph. The motion carried.

Item #9 DATCP Staffing Formula for 2015 SWRM Grants

Castelnuovo indicated that problems with the staffing formula date back to 2006 when the formula was first adopted. The formula does not adequately address the weakening conservation focus at the county level. DATCP is proposing a change to the formula for the 2015 grant cycle, and only has a short window to share the proposal for before SWRM grant applications is mailed in January of 2014. The proposed staffing formula seeks to address concerns that state grants are funding personnel who are employed in positions not directly linked to conservation work. DATCP has altered staffing grant criteria to more carefully define which county staff are eligible to be listed as the county's first position in the application. At this time DATCP has not established criteria for the second position.

DATCP has received formal comments from Waukesha & Marinette Counties. Castelnuovo expects more comments before December 14th. At this point DATCP will consider feedback, finalize its approach to better achieve conservation goals, and establish outreach opportunities to better understand county questions and concerns.

VandenBrook noted that counties are working on response. Comments presented to the WLWCA have amounted to more questions for DATCP. Concerns included:

- The role of LWRM Plans and how they relate to this proposal.
- The definition of conservation programs.
- How realistic is it to hold staff to a requirement of a 100% conservation work
- Will there be audits? If so, who will do them?
- How will blended positions be affected by the formula change?
- Is DATCP moving towards only providing full-time funding for County Conservationist positions?

Calkins suggested that a 100% threshold for conservation work is very difficult to meet.

Lowndes stated that the statutory language indicates that conservation work needs to be reflective of both DATCP & DNR priorities.

Petty indicated that DATCP was motivated to alter staffing grant to ensure that its dollars support staff who perform conservation work. He affirmed that the proposal has nothing to do with departmental mergers on the county level noting that DATCP cannot tell counties how to structure their governments. Piechowski highlighted the importance of maintaining the county conservationist position, even in merged departments. Leary emphasized the concern that decreases in support for staffing will likely hurt programming.

Cupp supports the goal of allocating funds based on conservation work. He agreed that the staffing grant has been a complicated & contentious issue for more than a decade.

While this item was not an action item, the Board would like to see the comments from the counties. Castelnuovo agreed to send the Board a copy of the grant application with the February materials and to add an agenda item to the February meeting.

Item #10 Agency reports

FSA: Greg Biba, the new representative for FSA, indicated Susan Butler retired on July 31st. Biba has worked for DATCP, Richland County, & FSA. He is currently working on the Conservation Reserve Program.

FSA's principal concern is not having a signed Farm Bill.

NRCS: NRCS submitted a written report.

WLWCA: VandenBrook noted WLWCA's largest concern is the proposed alterations to the staffing formula in the 2015 SWRM grants. Members have concerns regarding SB349 Regulatory Act for Frac Sand Mining, particularly in the western part of Wisconsin where are concerns about the loss of local control. The WLWCA will consider drafting a resolution in opposition to the bill at its December 5, 2013 meeting. VandenBrook also noted that WLWCA is involved with the administrative rules related to use value assessment under Tax 18.

VandenBrook and Calkins informed the Board that the annual WLWCA meeting has been moved to March of the election year. This raised the issue that an individual could be elected to serve on the LWCB in March and lose the county board election in April. There is question that the person could not serve on the LWCB under these conditions. However, a replacement could be elected.

DATCP: Petty indicated that Kathy Pielsticker retired November 1st. DATCP is in the middle of the process to hire for a new Director in the Land & Water Bureau. A rating panel will meet Friday (12/6). Interviews could happen in the next 2 weeks. Petty is interim bureau Chief and expects to hire quickly.

Rudolph asked about DATCP training for new conservation staff, and was informed that such training was provided to staff from Taylor, Crawford and Calumet Counties and new WLWCA staff. DATCP staff received positive feedback from many participants. Schultz noted challenges in organizing this kind of training on a larger scale. DATCP staff is working with VandenBrook to expand training opportunities.

DNR: Calhoon presented a report on the Nonpoint Source Program Fiscal Status.

Lowndes shared information about several webinars the DNR will host during the next few months related to Water Quality Training and Adaptive Management.

Cupp indicated he had spoken with Governor's appointment director & that he did not have any suggestions for filling Denny Caneff's spot.

Item # 11 Planning for February Meeting

The Board agreed to meet in Madison with an option for members to join by teleconference for the February 4, 2014 meeting. Additional agenda items will include a discussion of forum topics & a report on the staff grant allocation.

Cupp clarified that Agenda Item 5 is an initial discussion on how to proceed with outreach.

Adjourn

Rudolph moved to adjourn the meeting. Wagner seconded. The motion carried. The meeting was adjourned at 11:44am.

Respectfully submitted,

Charles R. Wagner 2-5-14
Secretary Date

Recorder: LT & KV