

**ENVIRONMENT AND LAND USE COMMITTEE**  
**Department of Land Management**

**SPECIAL MEETING MINUTES**  
**October 17<sup>th</sup>, 2011, 6:00 PM**  
**TREMPLO ROOM**

Secretary Nelson called the meeting to order at 6:15 PM.

Committee members present: Hensel Vold, Tom Bice, Mark A. Smick, Dave Quarne, Roland Thompson, Michael E. Nelson and Jeff Dregney. George Brandt was absent.

Staff/Advisors present: Kevin Lien and Carla Doelle.

Others present – Judy Betker attended as a public citizen.

Secretary Nelson stated that the Open Meeting Law requirements had been complied with through notifications and posting.

**Approval of Agenda** – Bice made a motion to approve the agenda as presented, Thompson seconded, motion to approve the agenda carried unopposed.

**Adoption of Minutes** – Quarne made a motion to approve the September 14<sup>th</sup>, 2011 regular meeting minutes as presented, Bice seconded, motion carried unopposed.

**Public Hearing – Land and Water Resource Management (LWRM) Plan Revisions.** Secretary Nelson opened the public hearing at 6:16PM. Nelson read the public hearing notice aloud. Upon Thompson's inquiry, Lien stated a copy had been sent to all the townships as well as DNR, DATCP and NRCS which reviewed the plan. Lien had worked with Peter Fletcher, Mississippi River Regional Planning Commission on revising the plan. This public hearing is one requirement and there is also a public hearing scheduled for December 6<sup>th</sup>, 2011 with DATCP in Madison. Lien had mentioned previously that he felt it could be done as a Webinar meeting so that staff wouldn't have to drive to Madison. Lien added George Brandt has expressed an interest in being present for the Webinar. Trempealeau County has a 45 minute time slot and Lien and Doelle expect to be present. Lien explained that not much has changed from the previous plan. It sets up what the Dept. of Land Management (DLM) does, the work goals, and how DLM gets reimbursed from the state for the work that is done. Lien felt everything in the Department is pretty much a part of this plan, is conservation related and a part of water resource management. The Uniform Dwelling Code (UDC) program is mentioned in the plan even though the state does not want to reimburse the County for that because it is not considered a conservation goal (Lien felt this was arguable). Lien stated one of the biggest topics as of late is the mining which isn't mentioned a lot in the plan but is still one of the activities that DLM is involved in and the State, so far, has never challenged that as being an activity. NR-135 dictates that reclamation has to be done so that is part of the LWRM plan. Lien added two people have registered for the public hearing.

Mark Carlson (DLM staff member) - Registered in favor but not testify.

Judy Betker (DLM staff member) – Registered in favor but not testify.

Lien talked to two of the people that were part of the process when the Division of Land Management was created originally and the LWRM plan was worked on. Each person had a couple of questions and comments on it, but no concerns. Doelle mentioned she had talked to Susan Butler of the Farm Service Agency. Butler had asked why the Conservation Reserve Enhancement Program (CREP) wasn't recognized in the plan. Doelle stated her actual words were "it was a shame that it wasn't mentioned in the plan".

Doelle continued that Trempealeau County doesn't offer the CREP program. Bice asked if that was because the County had to cost share part of it. Doelle responded, yes. Doelle did make mention of the Conservation Reserve Program (CRP), which is a program available through the Federal programs. Doelle talked with Mark Kunz, NRCS District Conservationist and found out all the programs that they do offer and referenced them as federal programs in the LWRM plan. Therefore, DLM staff is aware of those programs and can encourage landowners to go to the federal offices if there is a program that they are interested in participating in. Lien inquired if Kunz had any additional comments. Doelle responded he did not.

Lien explained this plan is how DLM gets the staffing grant money which is supposed to be by Statute as 100% of the first position, 70% the second, and 50% for the third. Lien added the County has received the funding for the first two positions, but has never received 50% for the third position. Bice verified that the State law is set up so that the County is supposed to get that percentage for the third person, but the State never gives it to us. Lien responded the State never has. Lien referenced past history where there was discussion at the state level regarding the terminology of "may" versus "shall" and the Statutes reference "maybe". Lien added the Counties address this funding issue with DATCP at every conference that he attends. DATCP claims that, legally, the way the language is written that they don't have to fund the position; they just have to exhaust efforts. Bice inquired if counties with larger populations get that. Lien responded they do not, but it does vary as to what County's get depending on what wages are, because they pay 100% of the first position and 70% of the second so there are County's that do receive different levels of money. Lien explained that DLM was fortunate that they are a merged department and have the ability to charge for services because that is what keeps the DLM afloat. If DLM had to rely on the state funding, it is just not out there and getting worse every year. Discussion followed on unfunded mandates. Dregney commented that the FSA meetings that he attends have been cancelled the last three months because they don't want to pay for them to attend. Bice voiced his surprise because he thought money flowed to the federal level with no issues. Lien referred the Committee to Appendix I of the LWRM plan which contained the goals and objectives. Lien explained Doelle and Stalheim worked hard on this section. They discussed with Lien, pretty extensively, that if one added up all the hours, we don't have the staff to implement all this stuff, so they decided to put in the hours to realistically, completely implement the different programs and not the staff hours that we are limited to. Lien mentioned that if the state questions this information, the response will be that we felt that these are the hours or dollars attached to implement these specific programs not necessarily the people we have "in house" to do the job. Bice inquired what DLM does in a situation where they don't have time to do the job. Lien responded that jobs are prioritized and done accordingly. For example, Lien mentioned that previously permits had been issued in as little as 48 hours, however now with limited staff, landowners are told to expect their permits within a week. Lien had talked to a gentleman from the Better Business Bureau who stated that we are at an all time low with building but they are expecting, within the next three years, that will come back and the problem will be that everyone (building inspectors, etc.) will be cut back and how will that surge be met in three years. Lien commented on the number of building permits that have come into the office in the last couple of days which is typical in the fall right before freeze up. Bice commented that building is not coming back in the foreseeable future; however Trempealeau County is unique because we are agriculturally based and agriculture is holding its own. Lien added DLM has seen a lot of new home additions rather than new homes. Thompson commented he is seeing either home additions or new sheds. Bice inquired if someone building a grain bin has to get a permit. Lien responded yes. Bice commented if a landowner turns a large profit, he can depreciate off equipment quite quickly. Lien reiterated the number of hours in the LWRM plan is the hours that would be expected to be worked if everything in the plan was accomplished. Bice expressed his appreciation for Lien explaining that information to him and stated if someone calls him he will simply state that we don't have the money or the people to get everything done. Lien add fortunately DLM has highly diversified staff that can cover a lot of areas that they perhaps never would have been covering ten years ago. Discussion followed.

Secretary Nelson called for any testimony in favor. There being none, Secretary Nelson called for any testimony in opposition. There being none, Secretary Nelson closed the public hearing at 6:35PM. Quarne

made a motion to approve the Land and Water Resource Management Plan revisions as presented, Bice seconded, motion carried with no opposition.

At 6:36 PM, a motion was made by Bice to adjourn the meeting, Dregney seconded, motion carried with no opposition.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Michael E. Nelson, Secretary