

Wisconsin Tribal Conservation Advisory Council Meeting Minutes
Monday, July 13, 2009
Oneida

Meeting called to order at 9:05am by Jonathan Pyatskowitz.

1. Roll Call

Present: Bad River (Pam Roberts), FCPC (Nate Guldan), LCO (Brett McConnell), Menominee (Jonathan Pyatskowitz), Oneida (Pat Pelky), Stockbridge-Munsee (Luke Hennigan), Ho-Chunk (Bill Hopinkah), Mole Lake (Roman Ferdinand, arrived at 12:30pm)

Others Present: Samantha Lawien (NRCS), Keith Sengbusch (NRCS), Sherrie Zenk-Reed (NRCS), William Poupart (WTCAC Intern), Arthur LaBarge (WTCAC Intern), Julie Malvitz (NRCS), Todd Dale (WTCAC Intern), Tom Fredrickson (NRCS), Jim Thannum (GLIFWC), Pat Leavenworth (NRCS), Tony Bush (NRCS)

2. Intern Introduction

All three WTCAC Interns (Todd Dale, William Poupart, Arthur LaBarge) introduced themselves.

3. Approval of Agenda

Added NRCS update to the agenda. NRCS will be presenting an update on EQIP projects between 11am and 12pm. Tom Krapf and Matt Otto will be giving the update.

MOTION: Motion to approve agenda. Motion by Oneida, seconded by Stockbridge-Munsee. All ayes, zero opposed, motion carried.

4. Approval of Minutes

For the June 2, 2009 minutes, under #4 change "though" to "through" and "damn" to "dam".

MOTION: Motion to approve June 2, 2009 meeting minutes with corrections. Motion by Oneida, seconded by Stockbridge-Munsee. All ayes, zero opposed, motion carried.

5. NRCS Update

Pat Leavenworth gave the NRCS update. NRCS is continuing to fill positions in the new administration. Ann Mills was previously with American Rivers and was appointed the new USDA Deputy Undersecretary for Natural Resources and Environment. She will be in charge of NRCS. The undersecretary position had been offered and declined due to personal reasons. This position is still not filled.

Wisconsin NRCS requested an additional \$9.8 million in EQIP funds and \$230,000 in WHIP to meet backlog. An additional \$1 million more was requested for the Wetland Reserve Program. There were over \$300 million in requests from all states. Wisconsin is usually very competitive in getting the money.

Tom Christiansen, the new Regional Conservationist for Central Region, will be speaking tomorrow at the AIANEA Conference. Three regional conservationists have been appointed and they are all career employees from within the agency and understand how NRCS operates, rules, regulations, etc. Tom used to be the State Conservationist in Illinois.

NRCS has economic stimulus dollars to purchase flood plain easements. They received the 2nd highest amount in the country with nearly \$20 million to secure easements and have asked for additional dollars. There is lots of paperwork for accountability for these projects. FY2010 budget coming out of the House looks good. There is an increase in EQIP and holding the amounts on most of the other programs. It also restores funding for RC&D and watershed planning. Climate change bill is through the house and senate. It apparently has a role for USDA and NRCS may be responsible agency for this. It would put in place a cap and trade system with 1 year to implement and funds would come out for technical assistance. Therefore, the Chief put in a request for additional funds to support this.

Conservation Security Program (used to be Conservation Stewardship Program) signup will be coming in August. They had a very successful organic signup. They had \$1 million for the sign up and had \$2 million in applications. They may be able to get extra dollars for it. There were specific practices (6 core practices) but farmers could sign up any practice. Ranking dependent on number of core practices implementing or signing up for.

6. AIANEA Conference Update

Jonathan, Brett, Jim, and Nate are presenting tomorrow at 11 am and Wednesday at 8 am. There was an issue with intern lodging but that has been taken care off. They are on government credit cards with an understating that WTCAC will cut a check this week.

7. Small Grant Update

Bad River update from Pam Roberts – the well project went to Executive Council. The \$15,000 will be used based on new Executive Council resolution. They are not sure of the timeline. Next month we will discuss the possibility of awarding project to Bad River once we receive a copy of the resolution. Tom Cogger would need to have a NEPA done, the project is NRCS funded so the NEPA needs to be done. They plan to do the project next year.

Greg Blackdeer was elected to legislature so for the time being Sheena Schoen, Randy Poelma, and Bill Hopinkah will be the representatives for Ho-Chunk.

Jonathan will check with Ho-Chunk and Lac du Flambeau on the status of the small project acknowledgement forms. He is not sure if he received them or not.

We want to have an update on all small projects at the August meeting to get an idea of when they are scheduled to be completed so we can figure out what contract to pay for them out of.

8. Financial Report

Brett is working on the quarterly accrual report and he will get that to Julie before he leaves on Wednesday. The money was put in the account for the conference and he will give a check to Harold Bryant with AIANEA. He will make out the check to AIANEA. GLIFWC did not cash check for 2nd quarter payment, Jim Thannum will check on it. We got a donation (\$750) from Oneida to pay for 501c3 fee. We need to discuss changing banks; the bank is currently in Colby. He can only mail things in to the bank. We are going to move to using Associated Bank (there is one in Hayward) or some other statewide bank to make things easier.

9. 501c3 Update

David Armstrong received a letter that they have received the application and it is in their further review category. There is a backlog so he is not sure when they will review it. Jonathan Pyatskowitz will follow up on whether or not the appropriations are non taxable and therefore do not need to be reported.

10. Website Presentation

Richard Manwiller with buildmyownsite.com gave a presentation and discussion about the development of our website. They do work with a number of other organizations, Fox/Wolf Watershed Alliance, Green Bay Sewerage District, and a number of other environmental organizations. They have been in business for 6 years, 800 or so clients. They develop the website and their design allows non-technical users to be able to manage the content on the website. They normally work on front end to define the website, graphic design, etc and then from that point it is a matter of populating out the content pages. The actual content pages can be done for us or we could do it ourselves. We went through a list of what we would want in the website. We also discussed a section for member login. We talked about incorporating the travel form on the website so it can be submitted electronically. He will get us a quote in about 1 week and we will discuss at the next meeting.

11. Technical Recommendations Update

Tom Krapf, Assistant State Conservationist with NRCS, gave an update on the technical recommendations from last month. Matt Otto, the EQIP State Manager and deals with the details of the program, is also here. The latest thing that came up from National Headquarters was for next year they are looking at bringing some uniformity from a national stand point. He doesn't think what they are doing nationally will effect what they are trying to do in Wisconsin.

They sat down after the last meeting and put in writing what they can do on WTCAC's technical recommendations. They will have further clarification at the next meeting. Matt Otto went through the list (handout).

- 1) *WTCAC recommends developing 2 different EQIP/WHIP dockets in Wisconsin, one docket for tribes and one for the rest of the state.*

Instead of having practices only for certain groups, NRCS wants to make all practices available to all groups and have 1 cookbook for EQIP and WHIP. NRCS does not want to limit practices to just EQIP or WHIP, if they can move them between programs they will.

- 2) *WTCAC recommends including Prescribed Burning-338 in EQIP as well as WHIP*

NRCS will include it in both programs.

- 3) *Fish Passage-396*
 - A) *WTCAC recommends including Fish Passage-396 in EQIP as well as WHIP*
 - B) *WTCAC recommends adding scenarios to Fish Passage-396 to allow for the removal of beaver dams with explosives*
 - a. *\$438.00/dam (remote access)*
 - b. *\$351.00/dam (road access)*

NRCS will include in both programs. As far as explosive dam removal, they need to do some more follow up on that.

- 4) *Irrigation Water Conveyance, High Pressure Underground Plastic Pipe-430DD*
 - A) *WTCAC recommends changing the purpose to include Tribes*

NRCS will include in 2010.

- 5) *Irrigation Water Conveyance, Low Pressure Underground Plastic Pipe-430EE*
 - A) *WTCAC recommends that Wisconsin NRCS accepts the national standard*
 - B) *WTCAC recommends using the 430DD scenarios for this standard*

NRCS will include in 2010.

- 6) *Irrigation System, Microirrigation-441*
 - A) *WTCAC recommends that Wisconsin NRCS accepts the national standard*
 - B) *Scenarios will be developed and provided in time for the 2011 sign up*

NRCS will include in 2010.

- 7) *Irrigation System, Sprinkler-442*
 - A) *WTCAC recommends changing the purpose to include Tribes*

NRCS will include in 2010, practice is only available to upgrade the efficiency of existing systems. This could not be used to put more land under irrigation, only to upgrade current infrastructure.

8) *Pipeline-516*

A) *WTCAC recommends that the limitations be changed to include Tribal needs such as aquaculture, orchards, gardens, and tree farms.*

B) *WTCAC recommends adding scenarios for 8" pipe installation*

a. Trenched \$40.00/ft

b. Drilled \$70.00/ft

A) NRCS thinks this is national policy, so they will need to put in a waiver request. Waiver would be good for the length of the Farm Bill. They need to follow up to see if there is a specific definition of livestock.

B) NRCS needs more clarification. The reason this was requested by WTCAC is that it is an aquaculture issue.

9) *Pumping Plant-533*

A) *WTCAC recommends revising the cookbook limitations to include tail water recovery and other Tribal needs*

NRCS will include in 2010.

10) *Access Road-560*

A) *WTCAC recommends adding scenario to Access Road-560 to allow armor for water access sites. This would be allowed only for Tribes.*

a. Reinforced concrete \$6.50/sq ft

b. Concrete planks \$305.00/plank

NRCS needs further clarification.

11) *Pest Management-595*

A) *WTCAC recommends that NRCS help expand Pest Management-595 to include scenarios for include different aquatic, semi-aquatic and terrestrial invasive species.*

B) *WTCAC recommends providing multi year payments, where appropriate, to properly control invasive species.*

a. The current standard offers Tribes a one time payment for the control of aquatic invasive species. The payment can only be used to control the targeted aquatic invasive species one time within the control area. The nature of invasive species often requires multiple treatments to achieve a desired level of control or eradication. As a one time payment indicates a single year application, the desired result may not be achieved.

C) *WTCAC recommends allowing Pest Management-595 to be used for invasive species for more than one contract per participant.*

a. Control of invasive species should not be addressed like a management practice. These are ongoing concerns that develop periodically similar to erosion or water quality issues. They are not management issues,

therefore allowing only one contract per applicant from 2009 or later will eliminate the use of EQIP funding for the practice beyond a single use.

D) WTCAC recommends adding scenarios to Pest Management-595 that will allow for Gypsy Moth Spraying

a. Aerial Spraying \$32.50/acre

b. Individual Tree Spraying \$30.00/tree

E) WTCAC recommends that NRCS start to explore the possibility of working with other agencies, as well as WTCAC, to address the issue of invasive species in right-of-ways.

NRCS found out they cannot use EQIP to pay for the spraying of weeds, only for plans. They should have gotten a waiver in the past. They can broaden the number of contracts and years but need to get permission to spray plants. This will not affect 2009 contracts; they just won't do it again. The problem is any purchase of a product (biological, chemical), not sure how hand control would fall under it.

12) *Well-642*

A) WTCAC recommends modifying the national EQIP manual to include supplying water for Tribal needs

NRCS needs to look into the waiver option. New wells only allowed for supplying livestock water. Aquaculture and orchards were the intent.

NRCS will send us a copy of the waiver and we can do with it what we want. We could follow up with the higher ups however we want.

Prior to next meeting, we need to be involved with what the proposed scenarios are and then at the next meeting they could show what waiver requests will be going in.

12. Logo Development

Northwest Wisconsin Technical College - Luke contacted them and they said they would be very interested in helping us develop a logo. The contact did not mention any costs associated with it, Pat Pelky worked with them in the past and he said they did a really good job. They have the class work on it and each student brings in their design. WTCAC can then choose which one we like the best and work with the student to finalize the logo. Luke is going to contact them and hand off to Pat Pelky because they are close to one another and can get information. This would first begin when school is in session this fall.

Luke also got a quote from a private company. The cost for 6 – 10 designs would be \$750 - \$950. The cost for everything including letterhead, envelop, business card design, etc would be \$1300 - \$1600.

13. Small Project Approval

Roman Ferdinand presented the final project report for Mole Lake's Logan Creek Bridge Project.

Roman requested a possible payment for the full 90% rate because the project ended up costing more than they budgeted for. WTCAC decided to approve payment for the original amount and then discuss possible payment to the full 90% rate when more is known about available funds at an upcoming meeting.

MOTION: Motion to approve payment to Mole Lake in the amount of \$15,000 for the Logan Creek Bridge Project and table the request for payment to the 90% level. Motion by Oneida, seconded by LCO. All ayes, zero opposed, Mole Lake abstains, motion carried.

14. Next Meeting

The date for the next meeting has been tentatively set for Wednesday, August 19 with an alternate date of Thursday, August 20 at Red Cliff. Nate will check with Tracey to see if they could host the meeting. If not, the meeting will be held at Stockbridge-Munsee.

MOTION: Motion to adjourn. Motion by Stockbridge-Munsee seconded by FCPC. All ayes, zero opposed motion carried. Meeting adjourned at 1:25 pm.