

Wisconsin Tribal Conservation Advisory Council  
Meeting Minutes December 1, 2009

Roll call:

- 1) Approval of Agenda, Motion to accept by Red Cliff, Second by Oneida, all in favor, motion carries.
- 2) Approval of Minutes, Nate is not present, Motion to table minutes by Oneida, Second by St. Croix, all in favor, motion carries.
- 3) NRCS Update – Pat Leavenworth, Pat began by explaining the interim position she had held while appointments were made, she had assisted in preparing briefing materials. New assignments; Ann ?, Over secretary to the WDNR. Chief, Dave White, has been in place, he is a career employee who worked previously in Montana, he worked on the Farm Bill. Associate Chief, Ginger Murphy. Pearly Reed was Chief and is now Assistant Secretary to the Administrator. Doug McCaleb, Confidential Assistant to the Secretary. Carol Jet, Deputy Chief of Staff. So we have known people in place.

A Tribal meeting was held, was to be a special Tribal/USDA session, she will try to get an update and get that info out.

Budget has been received, looking balanced, should move ahead well.

News on initiatives – EQIP and WHIP (Tony will update later today), GLRI EPA-led has been funded, \$33 Million will be going to NRCS.

Pat then introduced Rory Griffin, MS Thesis at UW/Steven's Point College of Natural Resources Indigenous Knowledge for Sustainable Development; Three case studies. It can be found at <http://epapers.uwsp.edu/thesis/2009/griffin.pdf>

The case studies are done at Menominee, Bad River and Oneida. There are interviews with 51 Tribal members speaking about social, environmental and economic issues and indigenous knowledge that has dealt with these issues (appendices). For all three Tribes, the priority is preservation of cultural resources. The goal is to incorporate indigenous knowledge into management practices, for Tribes and other agencies as well (State, NRCS, BLM and local).

Pat then passed out the NRCS Wisconsin 2009 Report. She added that a congressional delegation had visited northern Wisconsin and that Jonathan and Nate had met with them to discuss WTCAC. Pat heard "tremendously positive" feedback about how WTCAC is working. The NRCS report includes WTCAC information.

Tom gave some more information. He had discussed with Nate the lake protection practice for lake access. The lake has an unimproved Forest Service access, but Tribal members must then go off the Reservation to access the lake for fishing. The Tribe would like to put in their own access on Tribal land, but the standard is written so that NRCS funds can not be used to pay for a second access on the lake.

Tom offered two points; within EQIP or WHIP programs, there has to be a natural resource concern, ie erosion to apply the practice – therefore, if there is already a boat landing, would not put in another. They are considering editing the language to state “if Tribe or applicant” already controls an access on the lake, they could not use funding to place a second to prevent erosion concerns.

There are NRCS Great Lakes funds that have to be used for invasive species controls. Todd Fishinsen (sp?), Pat’s boss, has set up a meeting to discuss the issue, there will be approximately \$1 million, they would like to target Wisconsin Tribes. There will be more information at the next WTCAC meeting.

The majority of the GLRI will run through EPA, NRCS is getting a small portion of the GLRI, Tom encourages Tribes to go directly with EPA RFP. The NRCS portion will be divided among all eligible states. He has not gotten information on how much Wisconsin could potentially receive. NRCS may try to target the Green Bay Watershed because of groundwater issues. There are potential future allocations through GLRI.

The EQIP allocation for this year has been received, slightly below last year. They will be working with the field offices to roll out programs in January.

The Chief has a new approach that will be introduced shortly. Wisconsin is the only state that has set a process for Tribes. Funds will be applied at the field office level in project area “funding pools” so project will only compete with like applications. Tony attended one of these meetings and will be available to assist the discussion. The new process will be beneficial to Tribes as they will only be competing in like “pools”. Last year the WTCAC Tribes came close to utilizing all of their funds, tracking of funding accounts will be more detailed in the future.

Pat added that the question has been raised on the Tribal earmark remaining intact or separated by landuse “pools”. The response was that they do not necessarily need to sub-divide the earmark between land use practices.

Tom stated that by competing like practices together there may be an advantage in scoring for each applicant, versus competing all practices (cropland, grazing, forestry, etc) together.

Question – can the funds be converted if not utilized in one “pool” to another “pool”?  
Tom – they will be funded according to dollars in each pool, if not utilized can be moved to another pool

WHIP update, no significant changes, funding levels are about the same. Plan on operating same as last year if there are no specific issues.

Pat added that they are trying to get a legislative fix on public lands and allowing public lands to be included in stream restorations.

#### 4) APHIS update

Joan Cruse – we have a budget and it looks good, Emerald Ash Borer is funded. The State and Tribes put up about 7,000 traps. Infestations have been found. The infestation in Newburgh has not grown a lot (2 to 3 miles out from the initial area). The Crawford area had a find 5 miles

from the initial find. Infestation found in Kenosha County, found EAB in the trap but see no sign of infestation in trees, ie no larvae. Same in a find in Green Bay. APHIS will look more closely. Is it possible that the lure is getting better and we are finding infestations earlier? Found infestations in Franklin and Oak Creek that will be further delineated. Kenosha, Milwaukee, Racine and Waukesha Counties are now under quarantine. Infestations were found in 3 counties in the eastern UP; quarantine is possible for the eastern half of the UP. Plan for 2010, additional traps, including more adjacent to the UP. Traps will again be available to the Tribes.

Tim ? There is VHS funding and there is a template for cooperative agreements.

H1N1 update – First detected commercial turkey flock H1N1 infestation in Virginia. It potentially came from an ill worker. The virus moved to the birds with little or no clinical disease manifestation or respiratory signs or increase in mortality in the turkeys. There is increasing sampling in poultry, turkey and pork facilities. H1N1 was found in pigs in the Minnesota state fair.

The Agricultural Research Service in June inoculated poultry with a Mexican H1N1 strain; they could not culture the virus back from the inoculated birds, except for Japanese quail. There is therefore, low risk expected for H1N1 multiplying in poultry. Humans are the greatest risk.

There have been reports of companion animals becoming infected (ferrets and cats). Can be bad infections in pets. The Chinese have reported sick dogs having virus 99% identical to the H1N1 virus. There is a higher mortality in mammals but we are still not seeing the virus come back out of animals to humans.

WTCAC discussion on VHS testing cooperative agreements – Jonathan asked if there was support for a WTCAC CA to disburse to Tribes, St.Croix stated they had a CA in house, Red Cliff has done some work with VHS testing but will have to check with Fisheries Dept. What is the deadline? – VHS for spring work January 15 application, VHS and CWD summer and fall April 1 application.

Joann – It would be more simple to go with one WTCAC CA for APHIS.

St. Croix – How would a single CA work with the work plan, Tribes may wish to target different species, could a workplan be submitted as one WTCAC CA for “all susceptible species”?

APHIS – would agree. Laboratory costs and shipping costs, not salary, would be included and could go through as a joint CA easily.

Menominee – Menominee had been considering funds for leveraging equipment, it might be a separate route for each Tribe to first set up their VHS programs, then once they are set up, go to one WTCAC CA.

Oneida – How about the possibility of a tier WTCAC CA for those already set up with VHS programs, we would need to dedicate WTCAC members to work on setting one up, it would be a long-term benefit to APHIS.

St. Croix – may be a one year CA for each Tribe, then have a template ready, second year other Tribes could join and use the template.

APHIS – We could have every Tribe put in a work plan to be included with an overarching narrative with separate budgets. That may be easier than “lumping” all workplans.

Oneida – EQIP works because Tribes get a set-aside, similar for APHIS and VHS.

Jonathan – From the NAFWS conference it appears that money is being directed to Tribes with the goal of getting more VHS samples. Tribes only need to submit samples.

Tim, APHIS – We could get the idea to Dr. Dutcher (sp?) who will be the administrator, could set up a meeting/conference call with him to explore the possibilities.

Oneida – We should include NRCS to explain how the EQIP/WHIP strategy works as a boiler plate.

Jonathan – WTCAC will try to set up a conference call and get that info out, St. Croix wants to participate.

#### Forest Service Update

Who was speaking? - The supervisor's office has consolidated and moved to Rhinelander by the industrial park. It's an old DOT building and was re-done utilizing Green building. December 16<sup>th</sup> is an open house. Will send flier.

- Letters were sent out to the Tribes in the last few months on the Forest Service strategy for emerald ash borer. SLAM = slow ash mortality. If an infestation is found, within 24 to 48 hours it should be addressed by sanitizing (chipping) trees within 50ft, set up sink trees and monitor, set up traps within 2 miles. January 2009 SLAM documents with details were passed out. Also copies of the Chequamegon-Nicolet strategy (2-pager).
- Passed around a brochure of the EAB impact on American Indian communities produced through the Forest Service and the College of the Menominee Nation.

- 5) Small project update – Brett, pretty well on track, have sent in the SF-270, expect projects that were completed will be sent out before Christmas.

#### 6) EQIP and WHIP proposals discussion

Tony – He was going to put together a ranking tool process but feels it needs more discussion. With the new Farm Bill there is a higher degree of transparency and accountability, therefore there will be changes in the process. He handed out last year's ranking process and this year's resource concerns from feedback received from the Tribes (only received feedback from 5 or 6). WTCAC will get allocations but will not be able to simply divide to Tribes equally as that would require 11 funding pools. The problem with the new process and the equal division of \$40,000 to each Tribe is that it eliminates the competitive nature, therefore the Tribes will have to utilize the ranking process. Whether it is one pool for WTCAC or divided into land use pool, it still needs to be put through the ranking process. The advantage to having only one pool is that funds do not need to be re-allocated. The disadvantage is that you couldn't target funds, one land use may get an overall advantage with the ranking process depending on how the scoring is set.

The process according to the ranking criteria set last year includes crop, pasture, forestry, farmstead and specialty landuse pools. Water resources protection practices are categorized according to the predominance of landuse adjacent to the waterbody. You could have an application for a project with 2 different landuses but would apply for funds under the predominant landuse.

Question – what about stream or lake restoration projects, for erosion control?

Tony – what is the use of resources around the waterbody?

Question – Fishing.

Tony – my take would be "cropland", ie sustainability could be particular to the Tribe.

The parameters for the ranking tool include four sections – National, State, Local and Efficiency. There are points for each, the total has to be 1000, National and Local each total 25% of that.

Tom – Last year the efficiency score accounted for a large percentage of points, this year it has a reduced influence. Efficiency is part of the State scores with about 10% total. WTCAC could take over and develop the State section questions in the WTCAC ranking process. Would still need 25% of total score in Local. If you have more applications than funds, the ranking process is needed. If you go with one “pool”, if it is felt that the overall target project would be wild rice, you make sure the ranking tool gives points for that type of project, this establishes wild rice as a priority project. If you go with landuse break out of “pools”, the ranking questions are created to encourage a particular practice use in each category of landuse.

Tony – So the efficiency score relates to the cost of the practice and the benefit, how it physically fits. You can set up your ranking tool a lot of ways, but the process will not be as open as it was in the past.

Tom- one of the changes addresses transparency, the local field offices will no longer be able to establish percentage goals for particular practices unless it is clearly in the ranking criteria.

Oneida – WTCAC had developed a ranking tool in case we needed it, but we didn’t need it because of our culture, consensus working. I can understand around the ranking process, but the WTCAC understanding was that WTCAC was different, there have not been a great amount of applications greater than funding.

Tom – we are not saying that you can’t still do that. The Tribes are the applicants, but if you have needs beyond the allocation, we want to be able to consider that too. If you do the consensus process for available funds, but then have another \$20,000 project that is unfunded, we need to get that \$20,000 into Protracts.

Discussion about the current WTCAC consensus process and the NRCS process follows. The fact that there are also funds for beginning farmers and socially disadvantaged farmers in the field offices could be funds that are utilized as well. Tribes could apply through several sources (WTCAC, socially disadvantaged, beginning), then the application that ranks highest in its “pool” is the one that gets funded. WTCAC could set up something similar internally.

Tony – We take applications year round in EQIP, but people don’t get really serious until the ranking period is announced. If it is found that there is extra demand in WTCAC, we could set up two ranking periods, do the main ranking and then have a second ranking to see what applications come in but can’t guarantee extra funds.

Oneida – So it sounds like the possibility is to keep the consensus process to some extent, but I’m not sure we are ready to decide if the funding “pools” are advantageous.

Tony – I could pull past projects into land use “pools” to see what has been applied for, the historical percentage could show where the priorities have been. These are still WTCAC funds, but if you have only one ranking sheet it may lean toward one landuse. It may not make any difference, you could decide to go with one pool this year and see what happens.

Oneida – The ability to have that report out on project types would be useful. We would be able to tell the story about what funds are still needed, but it may be easier to keep one pool for now.

Tony – Look at the Local issues on the ranking tool, I added all the Tribes reported priority concerns as a “yes” or “no” question, based on the number of Tribes who felt that was a resource concern. You would assign points for each “yes”. You may use a multiplier to get a total of 250 points for Local issues addressed.

Oneida – There may be a benefit to a small working group taking on this process this month.

Tony – The process creation we are talking about is due January 12.

Motion by Oneida to have Menominee host a work group to meet with Tony to develop the ranking process. Second by St. Croix. All in favor, motion carries. Jonathan will set up.

6e). Technical Recommendations – had briefly discussed the boat landing issue, no others were brought forth. May have fish crib recommendations and possibly invasive species recommendations when these projects are complete.

Pat Leavenworth – The waiver requests are in the hopper, but no update yet, we are still waiting on the pipeline, well and pest management.

Tom – There could be some eligible practices added to the 2010 cookbook. We are still trying to add riparian forest buffer, filter strip, wetland restoration, temporary hoop houses for vegetables. We expect the cookbook update December 23.

DATE for NEXT MEETING – January 5<sup>th</sup>, Tuesday. Jonathan will work on location.

Break for lunch 11:50. Agencies dismissed.

WTCAC follow discussion on EQIP ranking system

The points were made that the ranking system could involve the time sensitivity needs of the project as has been involved in the small project consensus process and decisions; we may need to document consensus process; we would like to see the data on the past few years projects categorized by land use. The next step is to get a WTCAC ranking tool drafted, send it around for responses, and put it on the agenda for the next meeting.

6b) Website Quote Discussion

Two quotes had been received – Jordan, Rising Flame Inc. and Build My Own Site. Prices for services comparable, typical to industry in services included, both include 50% upfront. Members thought that maintenance and usage training were important. Brett thought that the accessibility to Rising Flame gave it an advantage. Apparently the domain name WTCAC.org is available.

Motion by Lac du Flambeau to go with Rising Flame, Inc., Brett take the lead, with Luke as second. Second by Red Cliff. All in favor, motion carries.

7) Financial Report – Brett

On October 18<sup>th</sup> turned in the last quarter travel reimbursement request and covered travel checks from the checking account.

044 small projects is zeroed out, sent out November 17<sup>th</sup>, signed by Julie. Possibly funds will be in the account before Christmas.

AEINA Conference travel, reimbursed to Jerry, has not yet come into the account.

There will be \$11,000 left in the checking account with no obligations.

36 small projects contract – put in for \$127,361 reimbursement request through September 30<sup>th</sup>, there may be funds left for small projects or interns.

Funding – Nate and Jonathan met with congressional delegates at Red Cliff. Pat Leavenworth noted today that they were impressed, we want to update the earmark request/testimony Jim Thannum had produced and add the WTCAC brochure. WTCAC is the first such council in the nation, should be eligible for funding since WTCAC is willing to assume assistance to other Tribes. Aiming to get the request complete in December, individual Tribes should get ready to submit own supporting letters or documents.

Jonathan – Basically all three earmarks have been in the same ball park. We should request for travel and meeting funds and small projects. The NRCS liaisons can't lobby but they should be copied and kept informed.

WTCAC officers should try to meet with at least Kohl and Feingolds offices. Tribes should let their Council members know about WTCAC's request to include in their requests.

#### 6c) Logo Development updates

Luke – We have looked over some of the suggestions and picked out common bits. Luke will get comments back to Mary. All comments agree that we want something without too much imagery that won't translate to Black&White, we want both WTCAC highlighted and the name spelled out. By January we should have a project report from the class to bring to the next meeting.

#### OTHER

Judicare – All tax forms signed and in, no new news.

Jerry Thompson – Contract has run out, Pat Leavenworth requested if he was interested in a new contract.

Bad River Project update: November fish survey summary passed out. Budget estimates for culvert project also handed out. May not utilize all requested funds as NRCS assisted in the field work.

Lac du Flambeau Bird Study project update: The survey related to the water control structures was carried out by NRCS in two half days. The bird survey to see what number of species were present and document T&E species presence was completed. The work was contracted through Discovery Center for visual and audio surveys. They found 109 species and some T&E species.

Motion to Adjourn by Stockbridge-Munsee. Second by St. Croix. Meeting adjourned at 14:40.

NOTE: Tribes should prepare projects to EQIP for next meeting.