

Wisconsin Tribal Conservation Advisory Council (WTCAC) Meeting
THURSDAY, AUGUST 26, 2004
HO-CHUNK HOTEL & CASINO

1. Role Call

Present: Bad River, Lac Courte Oreilles, GLJFWC, Oneida, Sokagon, Ho-Chunk

Not Present: Forest County Potawatomi, Red Cliff, Lac Du Flambeau, Menominee, St. Croix
Stockbridge - Munsee

Others Present: Dan Chroninger, NRCS, Bob Battaglia, NASS, Patti Jackson-Kelly, NRCS, Pete Lindsgren, NRCS, Tony Bush, NRCS, Jan Whitcomb, NRCS, Sheryl Paczwa, NRCS

2. Introductions

3. Approval of Minutes

MOTION BY HO-CHUNK -RITCHIE BROWN TO APPROVE THE JULY 8, 2004 MINUTES, SECONDED BY BAD RIVER-RAE ANN MADAY. MOTION CARRIED UNANIMOUSLY.

4. Census 2002 Presentation

Bob Battaglia of USDA National Agricultural Statistics Service presented the results of the 2002 Census. He distributed Appendix B. American Indian and Alaska Native Farm Operators of a report which can be found on the NASS website. Since more than one race categories could be checked, Appendix B includes all those that checked race as Native American. A Tribal farm would be reported as an individual farm.

Aquaculture will be done separate census report. The products consumed but not sold will appear under "inventory."

5. WHIP Review of 2004 funded projects

Tony Bush handed out the Final Project Summary for the WHIP projects. All \$55,000 of the funding was used.

MOTION BY BAD RIVER-RAE ANN MADAY TO APPROVE THE REPORT ON WHIP, SECONDED BY HO-CHUNK-RITCHIE BROWN. MOTION CARRIED UNANIMOUSLY.

6. EQIP Application final review/ Approval of 2004 Projects

Monitoring well decommission received a one time approval. The Total EQIP request was \$411,617.25 with \$248,382 being returned. Bad River stated that the cost share percentage is issue that limits their ability to utilize the funds. This issue will be discussed later in the agenda.

MOTION BY HO-CHUNK - RICHIE BROWN TO APPROVE THE REPORT ON EQUIP WITH THE STATEMENT THAT THE COST SHARE RATE LIMITS THE TRIBES ABILITY TO USE EQUIP AND LCO AND MENOMINEE WOULD HAVE LIKED TO HAD THEIR MILFOIL PROJECTS APPROVED, SECONDED BY MOLE LAKE - ROMAN FERDINAND. MOTION CARRIED UNANIMOUSLY.

7. Conservation Practice Cost share Rates

EQUIP labor rates are \$12 per hour for in house work. This rate was set 2 years ago based on UWEX survey of typical farm labor costs for tasks or activities that don't require specific knowledge or advanced skills. The State Technical Committee decides rate for entire state. If a Contractor is used to do the work instead of in house, they will be paid the rate they charge.

WTCAC questioned is it possible to get paid by staff salary rates for Tribe?

Examples from how this rate affects the tribe:

LCO Staff time costs \$25/Hr. it makes no sense to do projects if we have to contract out work, or if the tribe will not get reimburse for staff's wage. We should be able to cost share the difference of what it costs the tribe to pay staff wages.

Ho-Chunk Project involved trucking sand with Tribal equipment. Bills were turned in and payment denied for a portion of the request. We thought it would save money by doing it in house when it would have been better to contract out.

Equipment shouldn't be part of labor cost. Dozer with/operator should be placed under equipment.

For each individual practice, 50% cost share is on the practice. Practices also have a cost share cap: Sediment Basin \$5K cap, Grass Waterway 7.5K/acre cap, Grade stabilization \$40K cap. Riprap is expensive in northern counties.

Labor rate is a different situation. Labor is capped at \$12/hr for individuals and therefore cannot exceed \$12 labor rate regardless of cost share on practice. If you are contracting a firm for services it doesn't apply.

Tribes are penalized for doing things in house. Suggestion was made to raise the cost per hour or give tribes some credit as contractor. Tribes are treated the same as individual farmers so any change would affect everyone. This assumes tribes and farmers are doing the same thing, not individual profit.

Each Tribe interested changing the labor rate should submit request to Liaison with justification or evidence from work from actual bills. WTCAC will submit a Proposal, which needs to be to Jan Whitcomb by Sept. 15. The proposal will be forwarded to the State technical committee at their next meeting. WTCAC should prepare a brief justification and representative at the meeting to state why change is needed. Once proposed to the State technical committee, it will be a touchy issue if not to change for entire state. Use some index system (like cost of living) to justify the increase. If proposed, it will have to change in entire State.

Engineers for technical and economic considerations review tribal projects. Tribes should be allowed to use extra \$/hr to use tribal match up to cap, similar to contractor rate. Tribes are

utilizing uncommon labor practices on these projects such as Wild rice management activity. Different equipment is used not just shoveling dirt.

Ho-Chunk proposed to raise the rate statewide. Another option would for tribes to be a subcontractor. Tribes are different since they have department budgets that they have to work within. Private farmer has control over budget. A Tribal department doesn't have control over purse strings.

MOTION BY HO-CHUNK - RITCHIE BROWN FOR WTCAC TO PROPOSE CHANGING LABOR RATE FROM \$12 PER HOUR TO A HIGHER RATE AGREED BY CONCENSUS. INDIVIDUAL TRIBES ARE TO SUBMIT EXAMPLES OR SUGGESTIONS TO TONY BUSH BY SEPTEMBER 10, 2004. SECONDED BY LAC COURTE ORIELLE - BRETT MCCONNELL. MOTION CARRIED UNANIMOUSLY.

8. Presentation on Eurasian Milfoil

Jim Thannum, GLIFWC, presented handouts of maps and information he has compiled. He recommended WTCAC form a Subcommittee on milfoil. Subcommittee would be tasked with refining costs and compiling findings after meeting on 8th. The result would be used to create a technical note on milfoil control.

Vilas County is pushing State to look at this issue. Tribal members go lake-to-lake spear harvest. Cultural practices are the prime way that things get carried from place to place. Education is needed to prevent spread.

Jan: Chemical control is in the works. NRCS, Jim, DNR biologist, MMLCO, and Menominee would like to have a solution by October 1st. Keith Sengbusch and Randy Gilbertson pulled off to work on Conservation Security Plan. Jerry Thompson was supposed to be pulling a meeting together soon.

Set it up more for Aquatic invasive species, including Eurasian milfoil and curly pondweed. Will contact tribes - send email to Jerry Thompson or Keith Sengbusch and Randy Gilbertson.

There is not enough money in EQIP to address this issue. EQIP should not be the total answer, is just a piece and efforts should include the State.

Jim will pull info together on 2-4-D, biological controls, and mechanized removal.

Tribal nations have a smaller scope and acreage. If caught in early phase and make the investment with couple acres, it could save whole lake. Monitoring efforts need to continue. Lake districts are becoming aware of the issue.

US Fish and Wildlife Service funding for tribes may be a source to leverage for 50% cost share with NRCS. Pest management is a flat rate practice. Preference is flat rate (e.g. \$450/acre.) May not work for public waters. Program requires contracted individual or entity to have control of waters. Three party agreements with a Lake Association, the DNR, and Tribe may be a solution. Innovative solutions need to be explored. Towns are also getting involved.

- 1) Secure eligible practices
- 2) Technical note development will help out; need to be case by case.

MOTION BY HO-CHUNK - RITCHIE BROWN FOR TOPIC TO BE FORWARDED TO ANNUAL MEETING FOR UPDATE. SECONDED BY LAC COURTE ORIELLES - BRETT MCCONNELL. MOTION CARRIED UNANIMOUSLY.

9. Stream bank Protection Special Rates for Lake Superior Region

Streambank work can be over the rate due to the accessibility. Not to exceed rate is \$50/ft when actual cost is \$ 55/ft. Because of the 1977 Mining Safety Act, the price of rock has tripled. The Technical bulletin should be revised. WTCAC should compile 3 actual installations including 3 vendor names and bids. WTCAC would forward to State technical committee to approve and forward to the State Conservationist.

A process needs to be developed and to be looked at individually and recommend to waive dollar amount? Process in NRCS? Want to raise this for entire State. Only State Conservationist can do this.

Wetland restoration - \$400/acre - earmark for tribes only. Limit is set way too low. Request Raising limit on cost share. Like a structure or waterway depends on how much it is going to cost. Ho-Chunk experienced wetland restoration costing \$4000/acre. The more flexibility Tribes have, the more likely we will be able to use up those EQIP funds.

MOTION BY HO-CHUNK - RICHIE BROWN FOR WTCAC TO WORK ON A PROPOSAL TO RECOMMEND A NOT TO EXCEED RATE FOR WETLAND RESTORATION. SECONDED BY ONEIDA - PAUL NINHAM. MOTION CARRIED UNANIMOUSLY.

10. WTCAC By-Laws

Oneida will reformat the by-laws with a signature page to be sent to each tribe.

11. Review of Earmark

Account is set up at Oneida. Jean will be contacted to send out copy of grant agreement to all WTCAC members.

MOTION BY BAD RIVER - RAE ANN MADAY FOR WTCAC ANNUAL MEETING TO BE HELD AT ONEIDA. SECONDED BY HO-CHUNK - RITCHIE BROWN. MOTION CARRIED UNANIMOUSLY.

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Attendees

Name	Organization	E-mail	Phone
Paul Ninham	Oneida	pninham@oneidanation.org	920-869-4311
Jennifer Hill-Kelley	Oneida	jhillkel@oneidanation.org	920-496-5354
Dan Chroninger	NRCS	daniel.chroningen@wi.usda.gov	608-637-2183
Ritchie Brown	HCH DNR		1-800-999-1652
Bob Battaglia	NASS	bob_battaglia@nass.usda.gov	608-224-9848
Rae Ann Maday	Bad River Tribe		
Michelle Connors	Bad River Nat.	mickicon@badriver.com	715-682-7123
Jim Thannum	GLIFWC	jthannum@glifwc.org	
Patti Jackson-Kelly	NRCS	patti.jacksonkelly@wi.usda.gov	608-647-8874
Pete Lindsgren	NRCS	pete.lindgren@wi.nrda.gov	715-362-5941
Roman Ferdinand	SCC-Mole Lake	roman.ferdinand@frontiernet.net	715-478-7611
Brett McConnell	LCO	brettmc@cheqnet.net	715-634-0102 Ext.
Tony Bush	NRCS	tony.bush@wi.usda.gov	920-496-5370