

NR 151 Advisory Committee Meeting
DNR South Central Regional Office, Fitchburg WI
February 7, 2008
9:30am – 12:30pm

In attendance:

Stevenson, Gordon	WI DNR	Masterpole, Dan	Chippewa County
Billings, Corinne	WI DNR	Calkins, Kurt	Columbia County
Parsons, Tim	WI DNR	Cleereman, Greg	Marinette County
Pfender, John	WI DNR	Sebo, Paul	Washington County
Kirsch, Kevin	WI DNR	Crass, David	Representing DBA
*Lueders, Laura	WI DNR	Zelazny, Julian	WLWCA
*Bauman, Tom	WI DNR	Maxted, Jeff	UW – Madison
*Holden, Carol	WI DNR	Calkins, Kurt	Columbia County
Cihlar, Sandi	Producer	*Ward Good, Laura	UW – Madison
Castelnuovo, Richard	DATCP	*Fallat, Coreen	DATCP
Caneff, Denny	River Alliance	*Hoyer, Will	Clean Wisconsin
Nowak, Pete	UW Soils	*Sansteadt, Joan	AgriReview
Koepke, Al	PDPW	*Lamb, Jordan	Dewitt, Ross & Stevens
Zimmerman, Paul	WI Farm Bureau		
Klingberg, Kevan	UW Discovery Farm		

*Observers – These individuals are not on the Advisory Committee

- I. Agenda Repair
- II. Feedback on Miscellaneous Proposed Changes in Existing Agricultural Performance Standards from January 7, 2008 meeting.
 1. Direct runoff definition – (NR 151.015(7))

Committee comments:

 - List of practices in code is not limited to practices (ie. milking center wastes is not a practice)
 - The proposed language concerning milkhouse waste is overstepping the bounds of the state statute
 - Define feedlot; there is a definition in NR 243. Need to determine if that definition is applicable here
 - Committee thinks that the department should address milking center waste but not in the proposed way.
 - There should be a new performance standard to address milkhouse waste.
 - Mixed recommendation on defining a “significant amount of pollutants”. Some said it would help, others that it should not be defined any further.
 - There was a suggestion to keep the language “significant amount of pollutants” as is to allow flexibility of interpretation by local staff.
 - Recommendation to remove “or predicted to reach” from (b) because it seems to implicate that we have to control all runoff to zero

- Better define “direct runoff to groundwater”; look to the definition of “a direct discharge to groundwater” for clarification.
2. Substantially altered definition – (NR 151.015(20))
- Committee comments:
- Need to make clear the definition of abandonment vs. closure
 - Discussion about what facilities we should be cost-sharing to abandon.
 1. Facilities built after 2002? All agreed that these don’t need to be cost-shared.
 2. Facilities built prior to 2002, but built to technical standards? There were varying opinions.
 3. Really old facilities. These should require cost-sharing.
 - Committee members felt that this is being placed in the wrong place within the rule.
 - There is a potential loop hole because the “abandoned” does not fit into substantially altered

Action: Committee members asked what manure storage facility abandonments/closures cost the state.

Cost-sharing by DATCP for manure storage closures for 2005 and 2006. In 2006, DATCP spent about \$278,174 to cost-share about 46 closures at an average cost of \$6,047. In 2005, DATCP spent about \$190,320 to cost-shared about 37 closures at an average cost of \$5,143.

3. Sheet, rill, wind erosion performance standard applicability – (NR 151.02)
- Committee comments:
- Should replace “crop” with “manage”; pastures are not cropped
 - Define “pasture”
4. Nutrient management performance standard – (NR 151.07)
- Committee comments:
- Concern with the ability to implement with SNAP-Plus.
 - Discussion of the appropriateness of offsetting a higher Phosphorous Index on one field with bmps on another to reach an overall balance across farm to meet requirements.
 - ACTION ITEM: The department will determine for the committee members how many ORW/ERWs have been added as a result of a petition a few years ago.
 - Concern about the adoption of SNAP-Plus by producers was expressed. The counter - point was made that there was doubt about the adoption of RUSLE when it was first introduced and today everyone is doing it.

Action Item: DATCP will find out how many county LCSs are using SNAP-Plus.

- In the case of the ORW/ERW watersheds, there was concern by the agricultural community that the PI requirements will limit what producers can do with their land once they meet requirements after the

accounting periods (ex. CREP lands that a producer wants to put back into production).

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5. Due to time limitations, the department asked that committee comments regarding to “Notice requirements issued under enforcement procedures – NR 151.09 and NR.095.” be submitted via email or phone.

Other Comment: Concern from one committee member about the definition of effective incorporation for winter manure application. It is insufficient as written in NRCS 590

III. Discussion of proposed new performance standards issues (see 12/10 presentation: http://dnr.wi.gov/runoff/rules/nr151/NR%20151_WBIAdvisoryMeeting.pdf)

1. PI standard: No direct application of nutrients or soils to surface water, including manure deposition (NR 151.04(4))

Committee comments:

- We need to account for direct deposition without destroying validity of PI calculation which is based upon the assumption that there is no direct deposition.
- In the situation of a pasture, there will be direct deposition from the cow to the waters if the cow has access to the stream.
- Well managed grazing operations with proper water access should be exempted somehow
- The rule as it reads only applies to crop producers, it should be broadened to include all producers
- Use a note to be clear on the scope of your intent (grazing example).
- Due to statute, we cannot require cattle to be fenced out of streams.
- We could explore other models for use in the case of pastureland
- Overall, use more written explanation in future drafts to better explain to farmers what is expected of them; referring to models does not help.
- The intent of PI=6 is not to limit cattle in the stream
- Discussion of whether the PI is a field standard or a farm standard.
- Uncertainty about the definition of surface waters vs. waters of the state vs. navigable waters

2. Tillage Setback (NR 151.03)

Purpose: Prevent tilling of bed and bank and to prevent direct deposition of phosphorous into the stream as the PI calculation assumes

Committee comments:

- As an alternative state in a perf. standard that “tillage practices cannot deteriorate the streambank”; if a producer fails to meet this requirement then apply a minimum setback
- Confusion on the definition of a channel. It was proposed that we begin with intermittent streams on a USGS 7.5 quad map and then look for relief on the field.

- Support for 20' tillage setback because it is already a requirement of the drainage districts (on one side of the ditch) and because a uniform dimensional setback is easier to interpret and enforce.
- Recommendation to just require "no direct application of soil and nutrients to the stream". Recommendation to rely on professionalism of local staff and give them the authority to enforce.
- There was concern over providing habitat; DNR responded that it lacked stat authority to require controls that went beyond water quality
- There was a recommendation to write performance standards that farmers can easily apply and can be verified externally.
- Discussion of the Wisconsin Buffer Initiative approach of targeting best management practices only where there are problems verses minimum setback ideas to be required uniformly.
- The PI assumes bank integrity is one supporting reason for the minimum setback.