

Wisconsin Tribal Conservation Advisory Council Meeting Minutes
Tuesday, June 2, 2009
NRCS State Office, Madison

Meeting called to order at 9:15am by Jonathan Pyatskowitz.

1. Roll Call

Present: Bad River (Pam Roberts), FCPC (Nate Guldan), LCO (Brett McConnell), Menominee (Jonathan Pyatskowitz), Oneida (Pat Pelky), St. Croix (Katie Stariha), Stockbridge-Munsee (Luke Hennigan, Bob Frank)

Others Present: Tom Fredrickson (NRCS), Tony Bush (NRCS), Greg Yackle (NRCS), Keith Sengbusch (NRCS), Sherrie Zenk-Reed (NRCS), Tom Cogger (NRCS)

2. Approval of Agenda

MOTION: Motion to approve agenda. Motion by Oneida, seconded by St. Croix. All ayes, zero opposed, motion carried.

3. Approval of Minutes

MOTION: Motion to approve May 19, 2009 meeting minutes. Motion by LCO, seconded by Stockbridge-Munsee. All ayes, zero opposed, Oneida abstained, motion carried.

4. Technical Recommendations

The technical recommendations that were planned to be presented to NRCS were gone through and finalized (attached).

Adding beaver trapping to Pest Management and hand dam removal of beaver dams was also discussed.

WTCAC also needs to look into adding sprinkler system for fire breaks for fire protection into the docket next year.

5. Strategic Plan Task List

Luke Hennigan contacted buildmyownsote.com to look into developing a WTCAC website. Luke will invite them to the next meeting to talk to us.

Northeast Wisconsin Technical College had a design contest for logos last year. Pat Pelky will get the contact information to Luke so he can look into the possibility of having a contest to design a WTCAC logo.

Nate Guldan put together spreadsheet to track EQIP/WHIP projects.

6. AIANEA Conference Update

Nate handed out a letter to put in the registration packet for all AIANEA conference attendees. The letter indicates WTCAC's offer to assist other states with developing their own advisory councils and gives the contact information for Jonathan, Nate, and Brett (attached). Nate will email it to Tony Bush to include in the packets.

Jonathan has an invoice for the AIANEA payment of \$10,000. Brett submitted the SF-270 and will cut a check.

WTCAC is on the agenda to give presentations on Tuesday, July 14 and Wednesday, July 15. Jonathan, Brett, Jim, and Nate will be presenting.

7. Small Projects

Jonathan still has not heard anything on the Bad River project. Jonathan will check the letter he sent to them to see if he gave them a deadline to respond.

8. Financial Report

SF-270 forms were turned in for the brochures, AIANEA conference, and GLIFWC 2nd quarter payment. Brett handed out travel checks to Oneida and St. Croix.

9. Next Meeting

The next meeting is scheduled for 9am on July 13, 2009 at Oneida.

MOTION: Motion to adjourn. Motion by FCPC seconded by St. Croix. All ayes, zero opposed motion carried. Meeting adjourned at 11:40 pm.

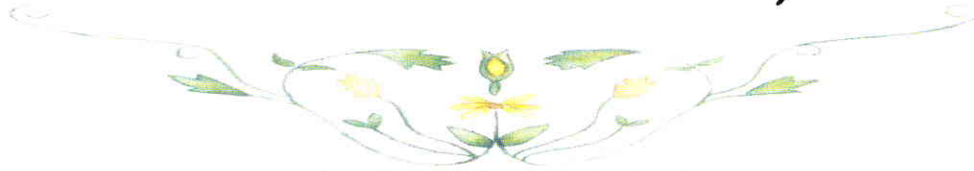
Public Meeting with State Conservationist to make Technical Recommendations

Tom Krapf gave an overview of new EQIP policy (attached). He discussed that NRCS is looking to eliminate language in EQIP and WHIP practices that specify "only for cranberry growers" or "only for Tribes." All practices would be open to everyone as long as they meet certain criteria.

Each technical recommendation (attached) was then discussed item by item. NRCS will prepare a written response to all the technical recommendations and present it to WTCAC at the July 13 meeting.

The WTCAC brochures were done and 50 copies were given to each Tribe. For those of you not in attendance, your NRCS Tribal Liaisons picked up your brochures.

Wisconsin Tribal Conservation Advisory Council



Jonathan Pyatskowitz, President
PO Box 910, Keshena, Wisconsin 54135
(715) 799-4937

Bad River Band of Lake
Superior Chippewa Indians

Hello,

Forest County Potawatomi
Community

The Wisconsin Tribal Conservation Advisory Council (WTCAC) would like to offer our assistance to Tribes in other states in the development of their own tribal conservation advisory councils. Feel free to contact any of us with questions you may have, we would be pleased to help in any way that we can.

Ho-Chunk Nation

Lac Courte Oreilles Band of
Lake Superior Chippewa
Indians

WTCAC Contacts:

Lac du Flambeau Band of
Lake Superior Chippewa
Indians

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Menomonee Tribe of
Wisconsin

Mole Lake Band of Lake
Superior Chippewa Indians

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Oneida Tribe of Indians of
Wisconsin

Red Cliff Band of
Lake Superior Chippewa
Indians

St. Croix Chippewa Indians
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Stockbridge-Munsee Indian
Community

Great Lakes Indian Fish &
Wildlife Commission



EQIP Practice Policy

These items need to be considered when developing new practices or practice scenarios.

The following section from the manual outlines the natural resource EQIP objectives.

515.3 Program Objectives

A. Objectives

The EQIP objectives, as stated in the Food, Conservation, and Energy Act of 2008 (P.L. 110-246), are to promote agricultural production, forest management, and environmental quality as compatible national goals, and to optimize environmental benefits, by:

- (1) Assisting producers in complying with local, State, Tribal, and Federal regulatory requirements concerning:
 - (i) Soil, water, and air quality.
 - (ii) Wildlife habitat.
 - (iii) Surface and ground water conservation.
 - (iv) Organic production.
 - (v) Other natural resource concerns.

The next section describes the EQIP priorities used for program direction.

B. National Priorities and Measures

(1) In order to provide direction to the State and local levels for implementing EQIP to achieve its objectives, NRCS has established the National priorities listed below. In addition, energy conservation is considered a component of all national priorities in the context of applying conservation practices in an energy conserving manner. The five (5) EQIP national priorities are:

- (i) Reduction of non-point source pollution, such as nutrients, sediment, pesticides, or excess salinity in impaired watersheds consistent with Total

Daily Maximum Loads (TMDLs), where available, as well as the reduction of groundwater and surface contamination and reduction of contamination from agricultural point sources including confined animal feeding operations;

(ii) The conservation of ground and surface water resources;

(iii) Reduction of emissions, such as particulate matter, nitrogen oxides (NO_x), volatile organic compounds, and ozone precursors and depleters that contribute to air quality impairment violations of National Ambient Air Quality Standards;

(iv) Reduction in soil erosion and sedimentation from unacceptable levels on agricultural land; and,

(v) Promotion of at-risk species habitat conservation.

This section outlines the key difference between practices that meet the purpose of conservation or production in determining eligible vs. ineligible practices.

515.81 Eligible Conservation Practices

A. Conservation Practices

A conservation practice is one or more conservation improvements and activities, including structural practices, land management practices, vegetative practices, forest management practices, and other improvements that achieve the program purposes, including such items as CNMPs, forest management plans and other plans determined acceptable by the Chief.

1) Eligible conservation practices:

(i) Provide beneficial, natural resource conservation or environmental enhancements.

(ii) Meet the intent of the program and locally identified natural resource concerns (*See* 440-CPM,

B. Ineligible Practices

Ineligible conservation practices are those:

- (i) Where the sole purpose is to enhance production without an identifiable conservation benefit.
- (ii) That the producer has already adopted.

I. New Technology

(440-V-CPM, Amend. ,) 515.I-4 440 – Conservation Programs Manual
The State Conservationist may approve, with advice from the State Technical Committee, new technologies or innovative conservation practices where warranted. Interim conservation practice standards will be developed for these practices before they are authorized for use and practices will be evaluated according to General Manual, Title 450, Part 401.

Note: Additional ineligible practice restrictions may apply per 440-CPM, Part 515, Subpart J

Payment Schedule Costs

This policy needs to be reviewed when developing new practice scenarios.

515.91 Determining Eligible Payment Schedule Costs

G. Eligible Costs

- (1) Payment rates are limited to the least-cost alternative to achieve the minimum practice standards and specifications needed to address the resource concerns. The least-cost alternative limitation is only applicable to payment rates and does not limit choice of treatment options.

Example: If minimum standards and specifications require a three-wire fence and the participant wants to install a woven wire fence that costs twice as much as the minimum acceptable standard, EQIP will pay the minimum payment rate and any additional costs are borne by the participant.

- (2) The individual or entity is responsible for the expense of conservation practice installation. The participant receiving the program benefit must also be the individual or entity that directly incurred the cost of the practice installation.
- (3) Items eligible to establish levels and rates include the cost of any direct or significant factors necessary to perform the practice, such as:
- (i) New, donated, or used materials (as per NRCS policy)
 - (ii) Services and labor, from the participant or others
 - (iii) Sales tax

Note: Used materials may be authorized if the criteria set forth in the National Engineering Manual, Title 210 [Part 512, Subpart C](#), are met. The determination that used materials meet NRCS requirements rests with the individual having job approval authority.

H. Ineligible Costs

See also the guidance provided in 440-CPM, Part 515, Subpart I. Ineligible Cost Category	Examples of Ineligible Costs	Examples of Eligible Costs
Production Practices - Practices installed only for production purposes.	<ul style="list-style-type: none"> • Subsurface drainage installed solely to obtain better yields. • Forage or pest control or treatment solely for crop production 	Pesticide treatment or control measures, authorized for establishing a conservation practices such as riparian buffers and tree planting
Permits and Fees - Non-USDA	<ul style="list-style-type: none"> • County earthmoving permits 	None

Wisconsin Tribal Conservation Advisory Council

Jonathan Pyatskowitz, President
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Wisconsin Tribal Conservation Advisory Council Tribal Subcommittee Technical Recommendations to State Conservationist June 2, 2009

Bad River Band of Lake
Superior Chippewa Indians

Forest County Potawatomi
Community

Ho-Chunk Nation

Lac Courte Oreilles Band of
Lake Superior Chippewa
Indians

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of Wisconsin

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Community

Great Lakes Indian Fish &
Wildlife Commission

- 1) WTCAC recommends developing 2 different EQIP/WHIP dockets in Wisconsin, one docket for tribes and one for the rest of the state.
- 2) Prescribed Burning-338
 - A) WTCAC recommends including Prescribed Burning-338 in EQIP as well as WHIP
- 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)
- 4) Irrigation Water Conveyance, High Pressure Underground Plastic Pipe-430DD
 - A) WTCAC recommends changing the purpose to include Tribes
- 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
- 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



Wisconsin Tribal Conservation Advisory Council



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

- 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

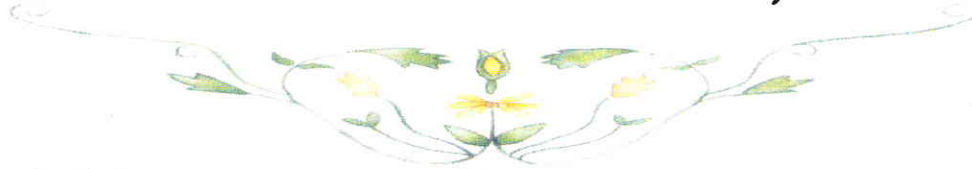
- 9) Pumping Plant-533
 - A) WTCAC recommends revising the cookbook limitations to include tail water recovery and other Tribal needs

- 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

- 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



Wisconsin Tribal Conservation Advisory Council



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.

12) Well-642

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

