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Speaker's Task Force on Water Quality Hearing

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WI Land+Water Testimony by Matt Krueger, Executive Director

Good morning, my name is Matt Krueger. I am the executive director of Wisconsin Land and Water Conservation Association, commonly called WI Land+Water (WLW). WLW represents the interests of county conservation department staff and the elected county board supervisors on the committees that oversee conservation departments. In total, we have over 800 members in 70 dues-paying counties across the state.

I'd like to begin by thanking Chair Novak, Vice Chair Shankland, and members of the Task Force for the opportunity to provide input today on this important topic. I'd also like to commend the Speaker and this body for initiating a process that once complete, will highlight scores of issues that are worthy of our attention, but overdue in receiving it. Referring to this as a moment of opportunity and need is an understatement. We are at the most critical juncture on water quality that we have seen in decades, and we collectively owe it to the people of Wisconsin to use this opportunity to advance real, lasting solutions. So it is with great optimism that I appear before you this morning to speak on this.

In my comments today, I'll share observations on the realities of the current water quality situation in Wisconsin. I'll highlight some challenges we face, and they are ample, but also identify opportunities for improvement. The value of my testimony, I hope, will be in providing the Task Force with a picture of water quality issues from the perspective of the people who are dealing with these issues on a local level, every day, and who are working to solve incredibly complex and varied resource problems, all over the state. As you might expect, I'm referring to county land and water conservation departments.

County land & water conservation departments, play a unique role that is unmatched in the public sector. They are literally the boots-on-the-ground conservation corps that Wisconsin has employed to work locally in every county across the state. We toss around that "boots on the ground" phrase quite a bit, but I want to illustrate what that looks like, from a water quality standpoint, through some examples.

County conservation departments have great knowledge, and credibility. Day-in and day-out, they work to implement conservation practices on Wisconsin's landscape. Often this means

responding to the needs of farmers or other private landowners to provide technical support or financial resources to install practices that protect and enhance their soil and water.

Depicted on the slide in front of you are “before” and “after” pictures of a massive gully that formed on a crop field on the Swoboda Farm in Chippewa County, after an intense thunderstorm dumped 8” of rain. A torrent of water tore through the field and left behind a gully 100 yards long, and it consumed an acre of farmland. Disaster-relief funds couldn’t be secured to fix the damage, so the Chippewa County Department of Land Conservation and Forest Management worked with the farmer and developed a plan to reinforce the bank, and install a rock-lined channel that featured water diversions and check dams that helped reduce the impacts of future rainfall events.

This is a specific example, but it highlights a role that all county conservation departments play in some capacity, and that is, finding solutions to pressing resource concerns. But, they do much more. It was noteworthy as I listened to agency testimony at the first Task Force hearing that nearly all issues discussed were ones that counties are on the front lines of, including point and nonpoint source pollution, public health, invasive species, clean sweep, and more. County conservation staff are the ones who are often called first when crises arise, whether it’s a manure spill, or a dam failure from unprecedented rain events, as we saw this past summer. (This picture is of the Jersey Valley Dam failure in Vernon County). When county conservation staff are needed, they show up.

But some of the emerging issues we’re currently facing, such as groundwater and drinking water contamination, are difficult for county conservation departments to solve, but they’re being asked to do so more and more frequently. Local residents in counties across the state are asking conservation staff “is my well water safe to drink?” And in most cases, our people cannot answer them definitively, which is problematic for everyone.

As you have heard already and as you will undoubtedly hear as this Task Force travels the state, the people of Wisconsin firmly have the issue of groundwater contamination in the forefront of their minds. They read the papers, they see the news, and an unfortunate but growing number of them have had to make hard life decisions based on the safety—or lack thereof—of their drinking water. For many of us, water issues have always been broader than the “environmental issue” box they get put in, but they have now noticeably crossed into the territory of being a public health issue. A developing collaboration between the membership of WI Land+Water and the Wisconsin Association of Local Health Departments and Boards is testament to the intersection between conservation and public health issues, as it relates to concerns about drinking water from private wells.

The polluted runoff issue, on the other hand, is not new, but also has not yet been solved. By state statute, county conservation departments are tasked with implementing programs to reduce soil erosion and pollution of our waters. They do so in partnership with state and federal agency partners. Many conservation best-management practices such as tillage setbacks and nutrient management plans have been implemented on the landscape to reduce pollution, and in many cases they've done just that. But on the whole, we are not making the progress we should. Soil erosion rates have increased by 25% since 1992, reversing an earlier trend.

Nutrients like phosphorus are an asset on the land, helping increase soil productivity and grow crops. When soil erodes off the land and is deposited in lakes and streams, however, phosphorus often comes with it; and once in the water, phosphorus acts like a fertilizer on steroids. Though most of Wisconsin's water bodies are generally healthy, the list of Impaired Waters that DNR must report to EPA every two years continues to grow; and of the new listings added in 2018, 75% were for total phosphorus.

A pound of phosphorus has the ability to generate 500 pounds of algae, and can cause massive blue-green algae blooms, like the one you see here on Lake Petenwell. These blooms impact human health, and affect industries such as real estate, hospitality, and even public works. We saw evidence of this with the toxic algae bloom that left approximately 400,000 residents of Toledo, Ohio without safe drinking water in 2013 and 2014. Algae blooms are often followed by a collapse in oxygen, which can kill fish, and wildlife. While 2/3 of Wisconsin residents drink groundwater, many communities source their drinking water from lakes Michigan and Winnebago, both of which are challenged by algae blooms.

We've developed an array of funding sources among an alphabet soup of agencies, bureaus, grant programs, permit compliance options, and more. Between DNR's Nonpoint Source Program and DATCP's Soil and Water Resource Management Program, Wisconsin will spend nearly $21 million in 2019 on county conservation staff support, cost-sharing for private landowners, and runoff management projects. DATCP's farmland preservation program, which requires conservation compliance from participants, provided $17.2 million in tax credits to participants in FY 2017-18. On the federal level, the Natural Resources Conservation Service, provided $62 million in conservation funding in 2018 to private landowners in Wisconsin for installing conservation practices on a voluntary basis. And this list doesn't factor in additional funding from a host of federal programs such as the Great Lakes Restoration or Mississippi River Basin initiatives, and state programs such as lake and river protection grant or several phosphorus-compliance programs.

Despite all of these sources of funding we've allocated toward conservation initiatives, we still have not committed the funding levels necessary to adequately protect water quality. Our agricultural performance standards and prohibitions defined in Wisconsin Administrative Code Chapter NR 151 define a suite of baseline conservation practices designed to control runoff from cropland and livestock operations. A 2004 DATCP analysis estimated implementation costs of these standards to be $39.5 million annually on the low end, and $63.5 million on the high end. Adjusted for 2019 dollars, that's between $52.7 and $84.7 million per year, just to implement the performance standards.

When water bodies are impaired, DNR is required by the EPA to produce Total Maximum Daily Load plans for watershed restoration. The standards that TMDLs generate are often more stringent than the ag performance standards, which were not designed to be protective of water quality, but were designed to be a step forward toward improving water quality. A recent estimate projected it would take $12.6 million for a 30,000-acre watershed in the Lower Fox River Basin to meet water quality goals defined in the Lower Fox TMDL.

A question we should be asking ourselves is why we don't have better adoption of performance standards on the landscape. These standards have existed for 20 years, and at the time of their development, they were mutually-agreed upon by agricultural, conservation, and other interests, and agreed to be minimal conservation steps that all farms should follow. Except for in a few counties, we don't currently have a comprehensive statewide picture of how widely they are being implemented. For those we do have data on, the picture isn't good. One of the most basic performance standards, nutrient management plans, only exist for 37% of Wisconsin's cropland, as of 2018

Which brings me to my next point…agriculture contributes to our water quality challenges, but is also part of the solution. If you're talking about water quality in Wisconsin, whether it is groundwater or surface water quality, you are by necessity talking about agriculture, in some capacity. This is often times perceived as "finger-pointing," but numbers are a part of it. Not counting forest production, 40% of Wisconsin's land is devoted to agriculture, and its associated high-impact land use practices such as tillage and manure application which can profoundly affect water resources. We have roughly 1.3 million dairy cows in Wisconsin, which produce four times as much waste as our state's human population of 5.8 million people. A percentage of these are on industrial farms that are required by permit to process wastewater, but many are not required to do so, and are not subject to the same scrutiny. The growth of the Producer-Led Watershed Program is reason for optimism, though, as you can see its reach spreading across the state.

But farms are in a tough place right now in Wisconsin, and maintaining the status quo is a recipe for failure. In 2018, we lost 691 dairy farms in the state, an alarming trend line that continues to rise. We're losing farmland, too, at an estimated rate of 20-30,000 acres per year. Farmers are increasingly getting squeezed by a system that does not work for them, and are being asked to produce more crops per acre for lower input costs.

As I've described, the status quo isn't working for water quality, either. There is huge opportunity here to find common ground, and consensus exists that we must do a better job. Over a two-year period ending in 2017, WLW convened a diverse group of bi-partisan stakeholders through our Food, Land, and Water project, a copy of which each of you should have in front of you. The effort produced a report that highlights the substantial funding deficiencies in our current state conservation programs. It also emphasizes that water quality is not solely the responsibility of agriculture—and that we all have a role to play to make improvements. Its findings should assist this Task Force as it looks for water quality solutions, and provide valuable background for you. Additionally, I'd like to note that the state Land and Water Conservation Board has endorsed the surface water quality and groundwater quality goals of the report, a copy of which you also have in front of you.

So what should our next steps be? Let's start with a single—but not simple—long-term solution. In order to address complex and long-lasting water quality problems, the state needs to make a serious commitment to funding conservation and water quality initiatives. In addition to financial resources, this will require bi-partisan political will. And doing this is entirely possible, as demonstrated by Minnesota, Iowa, Missouri, and several other states that have created conservation funds.

Minnesota's Clean Water, Land, and Legacy Amendment was approved in 2008. It has generated $2.6 billion dollars in state funding, a portion of which goes to conservation, and has leveraged an additional $2.5 billion, from 2010 to present. The fund is paid for by a 3/8 of a cent sales tax increase that 56% of voters approved, during the Great Recession. Seven years after the Amendment was enacted, statewide approval of it has increased to 75%, with majority approval in every congressional district. Of the $2.6 billion in state funds that have been generated, over $860.1 million is dedicated to water quality initiatives. If we are serious about improving water quality, we need to boldly invest in it. If we do not, the issues we are facing and the price tag to fix them well only get worse over time.

Second, we should launch a robust effort to obtain a comprehensive and verifiable picture of conservation and water quality programs across the state, and across agency programs, optimizing and aligning all programs that affect water quality. TMDLs nutrient management

standards, and programs with a conservation compliance component, such as the Farmland Preservation program should be assessed. A centerpiece of this effort, however, should be evaluating progress toward implementation of statewide agricultural performance standards, identifying the financial commitment necessary to achieve implementation (including evaluating current cost-share funding levels), and assessing program tracking and verification. If performance standards are the way forward, they should be prioritized, and funded accordingly. If they are not, then we should determine what policy tools can better allow us to achieve water quality goals.

There are steps we can take in the short-term, as well, that will improve water quality. First, fully fund county conservation staffing and support grants at a baseline amount of $12.4 million annually, recognizing this is the minimum amount of funding that allows counties to provide basic conservation services. We have appreciated the bipartisan support the Legislature has provided county conservation departments in the past. Being trusted and accountable, they are the best and most logical investment we can make in water quality and conservation, in the short-term. And it requires no new authorities, laws, or bureaucracy to do so. But it requires people. Real people, on the ground, working one-on-one with farmers and landowners, building relationships, and trust.

Provide adequate funding to support groundwater mapping, education, and outreach. Wisconsin is lucky to have institutions such as the Geological and Natural History Survey, and the UWSP Center for Watershed Science and Education which provide top-notch science and research, but also provide vital outreach to the general public on groundwater issues—the value of which is often underappreciated, and overlooked. These institutions have the ability to provide sound data to inform the development of groundwater policy and information—but they need more resources to do so.

Lastly, support the clean water initiatives in the Governor's proposed budget, specifically increases in DATCP bonding for cost-share from $3.5 to $5 million annually. Especially during the current farm crisis, providing financial assistance to farmers to implement conservation practices is essential. Not only does it help build long-term farm profitability, but it helps farmers do the right thing to protect land and water. At current funding levels, each county would receive on average less than $50,000, whereas a single manure storage facility can cost upwards of $350,000.

Additionally, the agencies that promote and protect water quality in Wisconsin have had their funding and focus on science reduced in recent budgets, and we're seeing the effects as a state. I

encourage the Task Force to give thoughtful consideration to these, and other clean water initiatives in the Governor's budget.

I'd like to end my testimony on a hopeful note. Wisconsin has been at a crossroads on water quality before, and has come out better for it. In the 1930s, a severe and unprecedented soil erosion crisis was gripping the state, particularly in the Driftless Area. These NRCS images convey the scale of the problem. Farmers were literally losing their farms to erosion. This picture from Monroe County from 1939 shows a gully that advanced ¾ of a mile, consumed 80 acres, and forced a road to be moved six times. We'd never seen a crisis like this before.

But Wisconsin, through an innovative watershed approach to conservation—the first of its kind in our country—put people to work putting conservation on the landscape that held soil in place, allowed farms to thrive, and cleaned up our water. We led the nation before, and we can do it again. I'll end with a picture of what that area of Wisconsin looks like today, where you can still see examples of conservation practices implemented in Coon Valley watershed project, years ago.

Thank you.