

Federal Memo Impacts Participation on County Land Conservation Committees

Section 92.06(1)(b)2 of the Wisconsin statutes requires county land conservation committees (LCCs) to include the chairperson or designee from the U.S. Department of Agriculture's Farm Service Agency (FSA).

However, in July 2021, the FSA issued a memo stating that Chapter 92 of the Wisconsin statutes "...cannot be enforced on USDA employees, including COC [county committee] members. Participation on LCC/equivalent boards by FSA COC members is not sponsored or compensated by the USDA FSA. FSA COC member participation in their local LCC/equivalent board is voluntary and must be done as a citizen/producer."

In essence, the FSA strongly disfavors USDA employees representing the organization on county land conservation committees. If voluntary participation occurs, the individual participating must do so as a "citizen member" and not act as a representative of the FSA.

As a result of the FSA memo, county officials have expressed growing concerns that individuals affiliated with the FSA are less likely to agree to participate on a county land conservation committee. In addition to the challenges of complying with state statutes, counties are concerned

about losing expertise on the committee. Some situations have already arisen in which the position on the land conservation committee has remained vacant or the FSA member has become a non-voting, ad hoc member and not counted for quorum purposes.

In cooperation with the Wisconsin Land and Water Conservation Association (the county-based organization working directly with land conservationists), the WCA is developing a legislative strategy to address this issue when the state Legislature reconvenes in January.

Until there is a resolution, the WCA encourages counties to make the appointment required by state statute (i.e., the chair of the FSA or his/her designee pursuant to s. 92.06(1)(b)2), understanding that the appointee may be apprehensive about serving. Counties can then determine if additional committee members (likely from the county board membership) will be required to meet quorum requirements. If additional members are needed, discuss with corporation counsel and other county officials how to best address the situation.

If you have concerns or questions, contact the WCA for assistance. ■

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