

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING, AMENDING AND REPEALING RULES**

The department of agriculture, trade and consumer protection proposes the following order to amend ATCP 3.02(1)(h), to repeal and recreate ch. ATCP 50, and to create ATCP 40.11, relating to soil and water resource management.

**Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection**

Statutory authority: ss. 92.05(3)(c) and (k), 92.14(8), 92.15(3)(b), 92.16, 92.18(1), 93.07(1), and 281.16(3)(b) and (c), Stats.

Statute interpreted: s. 91.80, ch. 92, and s. 281.16, Stats.

This rule repeals and recreates current rules related to Wisconsin's soil and water resource management program. The department of agriculture, trade and consumer protection ("DATCP") administers this program under ch. 92, Stats. Among other things, this rule:

- Requires farm conservation practices.
- Creates a farm nutrient management program.
- Updates standards for county soil and water conservation programs, including county land and water resource management plans.
- Updates standards and procedures for DATCP grants to counties.
- Updates standards and procedures for county cost-share grants to landowners.
- Establishes technical standards for cost-shared conservation practices.
- Transfers some nonpoint source pollution abatement grant programs from DNR to DATCP, as directed by the Legislature.

Background

General

DATCP administers Wisconsin's soil and water resource management program under ch. 92, Stats. The program is designed to conserve the state's soil and water resources, reduce soil erosion, prevent nonpoint source pollution and enhance water quality. This rule spells out program standards and procedures.

DATCP administers this program in cooperation with county land conservation committees, the state land and water conservation board ("LWCB"), the department of natural resources ("DNR"), the natural resource conservation service of the U.S. department of agriculture ("NRCS") and other agencies. DATCP coordinates soil and water management efforts by these agencies. DATCP funds county soil and water conservation programs, and finances county cost-share grants to landowners to implement conservation practices. DNR administers a related cost-share program aimed at preventing nonpoint source pollution.

In 1997 Wis. Act 27 and 1999 Wis. Act 9, the Legislature mandated a comprehensive redesign of state programs related to nonpoint source pollution. Among other things, the Legislature directed DATCP and DNR to establish conservation standards and practices for farms. The Legislature also directed DATCP to adopt rules related to nutrient management on farms. This rule implements the redesigned nonpoint program.

County Programs

DATCP administers soil and water conservation programs in cooperation with county land conservation committees. Counties adopt land and water resource management plans, administer county ordinances, adopt conservation compliance standards for farmers claiming farmland preservation tax credits, provide information and technical assistance, and make cost-share grants to landowners installing conservation practices.

DATCP awards soil and water grants to counties. Grants reimburse county staff and support costs, and finance county cost-share grants to landowners. DATCP reviews county grant applications and awards grants according to an annual grant allocation plan reviewed by the LWCB. Counties must ensure that cost-shared practices are installed according to state standards, and must account for all grant funds received.

Soil and Water Conservation on Farms

Farm Conservation Practices

DNR is primarily responsible for adopting farm performance standards to prevent nonpoint source pollution. DATCP must prescribe conservation practices to implement the DNR standards. DATCP must also establish soil conservation and farm nutrient management requirements. Counties will take the lead role in implementing conservation

practices on farms. Counties will receive staff funding from DATCP. Counties will receive cost-share funding from DATCP and DNR.

Under this rule, every farm must implement conservation practices that achieve compliance with DNR performance standards. This rule cross-references, but does not restate or duplicate, DNR performance standards. Conservation requirements are contingent on cost-sharing (see below).

DATCP (not DNR) is primarily responsible for establishing conservation requirements related to cropland soil erosion and nutrient management. This rule establishes the following soil erosion and nutrient management requirements, which are contingent on cost-sharing (see below):

- *Soil erosion.* A farmer must manage croplands and cropping practices so that soil erosion rates on cropped soils do not exceed a tolerable rate ("T"). For most soils, the tolerable rate ("T") is equivalent to 3 to 5 tons of soil loss per acre per year. DNR rules will establish more specific runoff standards for riparian areas and waterways.
- *Annual nutrient management plan.* A farmer applying manure or commercial fertilizer must have an annual nutrient management plan, and must follow that plan.
- *Nutrient management plan; preparation.* A qualified nutrient management planner (see below) must prepare each nutrient management plan required under this rule. A farmer may prepare his or her own nutrient management plan if the farmer has, within the previous 4 years, completed a department-approved training course.
- A person selling bulk fertilizer to a farmer must record the name and address of the nutrient management planner who prepared the farmer's nutrient management plan (if the farmer has a plan).
- *Nutrient management plan; contents.* A nutrient management plan must be based on soil tests, and must comply with standards under this rule. Nutrient applications may not exceed the amounts required to achieve applicable crop fertility levels recommended by the university of Wisconsin in UWEX publication A-2809, *Soil Test Recommendations for Field, Vegetable and Fruit Crops (copyright 1998)*, unless the nutrient management planner documents a special agronomic need for the deviation. *Appendix B* contains a convenient summary of the UW recommendations for selected crops.

County Implementation

Counties will take the lead role in implementing farm conservation practices under this rule (see below). Counties must adopt land and water resource management plans to implement the conservation practices on farms. DATCP must approve county plans, as provided in ch. 92, Stats. Counties must update conservation standards for farmers claiming farmland preservation tax credits, and may adopt ordinances requiring other

farmers to implement conservation practices. With DATCP financial help, counties may also provide cost-share grants, technical assistance and information to farmers.

Installing Conservation Practices; Technical Standards

A farmer may implement the conservation practices under this rule in a variety of different ways. DATCP, UW-extension, NRCS and the counties will provide information and recommendations.

If a landowner receives cost-share funding to install a conservation practice, the practice must comply with technical standards under this rule. The county must also determine that the funded practice is cost-effective. This rule specifies technical standards (including required maintenance periods) for the following cost-shared practices:

- Manure storage systems
- Manure storage system closure
- Barnyard runoff control systems
- Access roads and cattle crossings
- Animal trails and walkways
- Contour farming
- Cover and green manure crop
- Critical area stabilization
- Diversions
- Field windbreaks
- Filter strips
- Grade stabilization structures
- Heavy use area protection
- Livestock fencing
- Livestock watering facilities
- Milking center waste control systems
- Nutrient management
- Pesticide management
- Prescribed grazing
- Relocating or abandoning animal feeding operations
- Residue management
- Riparian buffers
- Roofs
- Roof runoff systems
- Sediment basins
- Sinkhole treatment
- Streambank and shoreline protection
- Strip-cropping
- Subsurface drains
- Terrace systems
- Underground outlets

- Waste transfer systems
- Water and sediment control basins
- Waterway systems
- Well decommissioning
- Wetland development or restoration

This rule does not change or eliminate any current technical standards, or add any new technical standards, except that this rule:

- Adds a standard for cover and green manure crops.
- Adds a standard for riparian buffers (the new standard is similar to the existing standard for filter strips).
- Adds a standard for sinkhole treatments.
- Splits the nutrient and pesticide management standard into 2 separate standards.
- Eliminates the standard for cattle mounds.
- Renames several standards.
- Eliminates restrictions on the length of cost-share contracts for the following practices:
 - * Residue management
 - * Contour farming
 - * Cover and green manure crops (new standard)
 - * Prescribed grazing
 - * Nutrient management
 - * Pesticide management

This rule spells out a procedure by which DATCP may change technical standards in the future. DATCP will adopt future changes, if any, by rule (as it has in the past). The rulemaking process provides opportunity for public review and input. DATCP will make available complete copies of any technical standards that it incorporates by reference in a rule. DATCP will prepare a fiscal estimate and small business analysis on each proposed rule change, and may seek input from a DATCP advisory council.

DATCP will cooperate with the current Standards Oversight Council (SOC) in the development of technical standards. DATCP will consider SOC technical recommendations, but is not bound to adopt SOC recommendations as rules. SOC is a voluntary, multi-agency committee that works to share technical information and coordinate state and federal technical standards. SOC has no rulemaking authority. This rule does not change SOC's current role or operations. DATCP will encourage SOC to seek public input and cost information as SOC develops technical recommendations.

Cost-Sharing Required

Many landowners will need to install new conservation practices in order to comply with this rule. This rule clarifies that a landowner is not *required* to do any of the following

unless the landowner receives at least 70% cost-sharing (90% if the county finds that there is an "economic hardship"):

- Discontinue or modify that part of a facility or practice that exists on the effective date of the rule.
- Obtain or implement an annual nutrient management plan.
- Change annual cropping or tillage practices.

This rule clarifies that the 70% (90% hardship) cost-sharing requirement applies to all of the following:

- The landowner's reasonable and necessary out-of-pocket expenditures to install and maintain the conservation practice.
- Reasonable compensation for necessary labor, equipment and supplies provided by the landowner.
- The value of the landowner's cost to take land out of agricultural production. The rule provides a formula for determining value, authorizing payment for the *greater of*:
 - The prevailing agricultural land rental rates in the county (as determined by USDA).
 - The payment that would be offered under the state-federal conservation reserve enhancement program (CREP), whether or not the land is eligible for the program.

This rule clarifies that the 70% (90% hardship) cost-sharing requirement does *not* apply to any of the following:

- A conservation practice for which DATCP "technical standards" specify a minimum cost-share contract period (typically 10 years) if the landowner has *already received* a cost-share grant (at the rate required in this rule) for that period. *But a county must continue to provide cost-sharing in subsequent years if the county requires the landowner to keep land out of agricultural production.*
- A conservation practice (such as conservation tillage or nutrient management) for which DATCP rules specify no minimum maintenance period if the landowner has *already received* a cost-share grant (at the rate required in this rule) for at least 3 years. For example, if a county has *already paid* a landowner to implement nutrient management for at least 3 years, the county may require the landowner to comply with state nutrient management standards in subsequent years without further cost-sharing.
- Conservation practices or costs for which this rule prohibits cost-sharing.

This rule clarifies that:

- Cost-share grants from any public or private source, or combination of sources, may be counted toward the 70% (90% hardship) cost-share payment.
- A loan is not a grant.
- The 70% (90% hardship) cost-sharing requirement also applies to conservation practices required by county and local ordinances.

Cost-Share Funding for Conservation Practices

Under this rule, DATCP will finance county cost-share grants to farmers and rural landowners who install conservation practices – including practices designed to abate nonpoint source pollution. But DATCP will no longer finance cost-share grants to landowners who receive specific pollution discharge notices from DNR. Funding for that purpose is transferred to DNR. DNR will also continue to fund cost-share grants to urban landowners.

DATCP and DNR will jointly review county funding requests to determine the appropriate source of cost-share funding. Each county will determine its cost-share priorities based on the county land and water resource management plan. DATCP will allocate available cost-share dollars among the counties, based on state and county priorities.

DATCP will enter into an annual funding contract with each county receiving cost-share funds. The county, in turn, must enter into cost-share contracts with individual landowners. DATCP must be a party to a landowner cost-share contract if the contract is for more than \$50,000. This rule spells out requirements for county cost-share contracts with landowners (see below).

DATCP reimburses cost-share payments after the county certifies that the cost-shared practice has been properly installed and paid for. Some conservation practices must be designed and certified by a professional engineer, a certified agricultural engineering practitioner or a qualified nutrient planner (see below).

County Cost-Share Grants to Landowners

This rule spells out standards for county cost-share grants to landowners. The county must enter into a cost-share contract with the landowner. The county may cost-share conservation practices identified in this rule (or other practices specifically approved by DATCP). The cost-shared practice must comply with “technical standards” specified in this rule.

This rule clarifies that a cost-share grant may include a landowner's cost to *maintain* (not just install) a cost-shared practice for the period specified in the cost-share contract. The county and landowner may negotiate the contract maintenance period, but DATCP "technical standards" require a minimum maintenance period (typically 10 years) for many practices.

Cost-Share Payments for Land Taken Out of Production

If a cost-share contract requires a landowner to take land out of agricultural production, the landowner's cost is calculated as the sum of the annual costs that the landowner will incur over the contract maintenance period.

The landowner's projected annual cost, for each year of the maintenance period, equals the *greater of* the following:

- The number of affected acres multiplied by the per-acre weighted average soil rental rate in the county (as determined by the United States department of agriculture) on the date of the cost-share contract. (That annual cost is then multiplied by the number of years in the maintenance period.)
- The annual value of payments that would be offered under the combined state-federal conservation reserve enhancement program (CREP) if the affected lands were enrolled in that program. (That annual value is then multiplied by the number of years in the maintenance period.)

If a county pays a landowner to take land out of production, the county may require the landowner to grant the county an easement on the land taken out of production. The county must record the easement with the county register of deeds.

Maximum Cost-Share Rates

A cost-share contract reimburses a portion of the landowner's cost to install the cost-shared practice. The county must implement cost-containment procedures (such as competitive bidding or other procedures described in this rule) to ensure that costs are reasonable.

This rule limits cost-share rates as follows:

- Generally speaking, a county may not use DATCP funds to pay more than 70% of the cost of a conservation practice (see s. 92.14(6)(gm), Stats.).
- A county may pay 90% if the county makes an "economic hardship" finding. A county may do so if it finds that the landowner has inadequate cash flow to make the normal 30% cost-share contribution. This must be verified by a CPA or an accredited financial institution.

- A county land conservation committee may combine DATCP and DNR funds, up to the above limits.
- The cost-share limits in this rule do *not* apply to cost-share funds provided by non-state sources. A county may combine state funds with funds from other sources.
- A county may provide additional cost-share funds to replace a cost-shared practice that is damaged or destroyed by natural causes. The same cost-share limits apply to the replacement funding.
- For installation of the following practices, the county may pay the maximum percentage or the following maximum amount, whichever is higher:
 - * For contour farming, \$9 per acre.
 - * For cover and green manure crop, \$25 per acre.
 - * For strip-cropping, \$13.50 per acre.
 - * For field strip-cropping, \$7.50 per acre.
 - * For high residue management systems, no-till systems, ridge till systems or mulch till systems, \$18.50 per acre.
 - * For riparian buffers, \$100 per acre.
 - * For nutrient management or pesticide management, \$7.00 per acre.
- No cost-share grant to relocate an animal feeding operation may exceed 70% of the estimated cost to install a manure management system or 70% of eligible relocation costs, whichever is less.

If a county cost-share grant to a landowner exceeds \$50,000, DATCP must be a party to the contract (with the county and the landowner). If the cost-share contract exceeds \$25,000, the county or landowner must record the contract with the county register of deeds.

Cost-Share Contracts with Landowners

A county land conservation committee must enter into a written contract with every landowner to whom the committee awards a cost-share grant financed by DATCP. The contract must include the following terms, among others:

- The location where the cost-shared practice will be installed, and a specific legal description if the cost-share grant exceeds \$25,000.
- Design specifications for the cost-shared practice. Cost-shared practices must be designed and installed according to this rule.
- The estimated cost of the practice.
- The rate and maximum amount of the cost-share grant.

- A construction timetable.
- A required maintenance period. The maintenance requirement runs with the land, and is binding on subsequent owners, if the cost-share grant is for more than \$25,000.
- A procedure for pre-approving material construction changes.
- A requirement that the landowner must properly install the cost-shared practice and make all payments for which the landowner is responsible before the county makes any cost-share payment to the landowner. The county may make partial payments for partial installations that have independent conservation benefits. Some cost-shared practices must be reviewed by a professional engineer, a certified agricultural engineering practitioner or a qualified nutrient management planner (see below).
- County remedies for breach of contract.

Nutrient Management Program

General

This rule creates a nutrient management program, as required by 1997 Wis. Act 27. The program is designed to reduce excessive nutrient applications and nutrient runoff that may pollute surface water and groundwater. This program includes the following elements:

- *Annual nutrient management plan.* A farmer applying commercial fertilizer or manure must have an annual nutrient management plan (see above), and must follow that plan. The requirement is contingent on cost-sharing for at least 3 years.
- *Nutrient management plan; preparation and contents.* A qualified nutrient management planner (see below) must prepare each nutrient management plan. A farmer may prepare his or her own plan if, within the preceding 4 years, the farmer has completed a DATCP-approved training course.
- Nutrient applications may not exceed crop fertility levels recommended by the university of Wisconsin, unless the nutrient management planner documents that the deviation is justified by special agronomic needs (see above).
- *Cost-share grants for animal waste and nutrient management.* A county may award cost-share grants for animal waste and nutrient management practices installed by farmers. Cost-shared practices must comply with technical standards under this rule.

Soil Testing Laboratories

Soil tests required by this rule must be performed by the university of Wisconsin or another soil testing laboratory certified by DATCP. To be certified, a laboratory must show that it is qualified and equipped to perform accurate soil tests. If a certified laboratory recommends nutrient applications that exceed the amounts needed to achieve applicable crop fertility levels recommended by the university of Wisconsin, the laboratory must make the following disclosure:

IMPORTANT NOTICE

Our recommended nutrient applications exceed the amounts required to achieve applicable crop fertility levels recommended by the University of Wisconsin. The amounts required to achieve the UW's recommended crop fertility levels are shown for comparison. Excessive nutrient applications may increase your costs, and may cause surface water and groundwater pollution. If you apply nutrients at the rates we recommend, you will not comply with state soil and water conservation standards. You may contact your county land conservation committee for more information.

A certified laboratory must keep, for at least 4 years, copies of all its soil tests and nutrient recommendations. DATCP may deny, suspend or revoke a laboratory certification for cause. The affected laboratory may request a formal hearing under ch. 227, Stats.

Nutrient Management Planners

A qualified nutrient management planner must prepare each nutrient management plan required under this rule. A farmer may prepare his or her own nutrient management plan if the farmer has completed a DATCP-approved training course within the preceding 4 years. A qualified nutrient management planner must prepare plans according to this rule.

A qualified nutrient management planner must be knowledgeable and competent in all of the following areas:

- Using soil tests.
- Calculating nutrient needs.
- Crediting manure and other nutrient sources.
- State and federal standards related to nutrient management.
- Preparing nutrient management plans according to this rule.

A nutrient management planner is presumed to be qualified if at least one of the following applies:

- The planner is recognized as a certified professional crop consultant by the national alliance of independent crop consultants.
- The planner is recognized as a certified crop advisor by the American society of agronomy, Wisconsin certified crop advisors board.
- The planner is registered as a crop scientist, crop specialist, soil scientist, soil specialist or professional agronomist in the American registry of certified professionals in agronomy, crops and soils.
- The planner holds equivalent credentials recognized by DATCP. A farmer is presumptively qualified to prepare a nutrient management plan for his or her farm (but not for others) if all of the following apply:
 - The farmer has completed a DATCP-approved training course within the preceding 4 years.
 - The course instructor or another qualified nutrient management planner approves the farmer's initial plan.

No person may misrepresent that he or she is a qualified nutrient management planner. A nutrient management planner must keep, for at least 4 years, a record of all nutrient management plans that he or she prepares under this rule.

DATCP may issue a written notice disqualifying a nutrient management planner if the planner fails to prepare nutrient management plans according to this rule, or lacks other qualifications required under this rule. A nutrient management planner who receives a disqualification notice may request a formal hearing under ch. 227, Stats.

County Soil and Water Conservation Programs

General

This rule establishes standards for county soil and water resource management programs. Under this rule, a county program must include all of the following:

- A county land and water resource management plan, and a program to implement that plan.
- County conservation standards that implement state soil and water conservation requirements on farms.
- A program to apply for, receive, distribute and account for state soil and water resource management grants.
- A program for distributing cost-share grants to landowners. A county must ensure that cost-shared conservation practices are designed and installed according to this rule.
- A recordkeeping and reporting system. A county must file an annual report with DATCP.

Land and Water Resource Management Plans

Under s. 92.10, Stats., every county must prepare a land and water resource management plan. DATCP must approve the county plan, for up to 5 years, after consulting with the LWCB. DATCP may not award soil and water conservation grants to a county that lacks an approved plan.

A county land and water resource management plan must, at a minimum, describe all of the following in reasonable detail:

- Water quality and soil erosion conditions throughout the county.
- State and local regulations that are relevant to the county plan. The plan must disclose whether local regulations will require farm conservation practices that differ materially from the practices required under this rule.
- Water quality objectives for each water basin, priority watershed and priority lake. The county must consult with DNR when determining water quality objectives.
- Key water quality and soil erosion problem areas. The county must consult with DNR when determining key water quality problem areas.
- Conservation practices needed to address key water quality and soil erosion problems.
- A plan to identify priority farms in the county.
- Compliance procedures, including notice, enforcement and appeal procedures, that may apply if a farmer fails to comply with applicable requirements.
- The county's multi-year workplan to achieve compliance with water quality objectives and implement farm conservation practices. The plan must identify priorities and expected costs.
- How the county will monitor and measure its progress.
- How the county will provide information and education to farmers, including information related to conservation practices and cost-share funding.
- How the county will coordinate its program with other agencies.

When preparing a land and water resource management plan, a county must do all of the following:

- Appoint and consult with a local advisory committee of interested persons.
- Assemble relevant data, including relevant data on land use, natural resources, water quality and soils.
- Consult with DNR.

- Assess resource conditions and identify problem areas.
- Establish and document priorities and objectives.
- Project available funding and resources.
- Establish and document a plan of action.
- Identify roles and responsibilities.

Before a county submits a land and water resource management plan for DATCP approval, the county must hold at least one public hearing on the plan. The county must also make a reasonable effort to notify farmers affected by county findings, and give them an opportunity to contest the findings.

DATCP may review a county's ongoing implementation of a DATCP-approved county plan. DATCP may consider information obtained in its review when it makes its annual grant allocations to counties.

County Ordinances

A county may require farm conservation practices by ordinance. DATCP must review, and may comment on, proposed ordinances that establish farm conservation requirements. DATCP will review agricultural shoreland management ordinances and other ordinances that regulate farm conservation practices. DATCP will assist DNR in reviewing general shoreland management ordinances adopted under s. 59.692, Stats., if those ordinances regulate farm conservation practices.

A county need not obtain DATCP approval to adopt an ordinance, except in certain cases prescribed by statute. This rule, like current rules, establishes specific standards for county and local ordinances related to manure storage and agricultural shoreland management (see below). Conservation practices required under a county ordinance are subject to the cost-sharing requirements in this rule (see above).

Farmland Preservation; Conservation Standards

Farmers who claim farmland preservation tax credits must currently meet county farm conservation standards. This rule requires every county to incorporate in its standards the farm conservation practices required under this rule (see above). In a county that fails to comply, farmers may be disqualified from claiming tax credits. DATCP may also deny soil and water conservation funding to a noncomplying county.

This rule spells out the procedure by which a county must adopt conservation standards for farms receiving tax credits under the farmland preservation program. The county must hold a public hearing on the proposed standards. The county must also submit the proposed standards for LWCB approval, as required under s. 92.105, Stats.

A farmer must comply with the county conservation standards in order to claim farmland preservation tax credits. A county may ask a farmer to certify compliance on an annual or other periodic basis, and must inspect a farmer's compliance at least once every 6

years. The county must issue a notice of noncompliance if the county finds that a farmer is not complying with the standards. If the farmer fails to comply by a deadline specified in the notice, the farmer may no longer claim farmland preservation tax credits. The farmer may meet with the county land conservation committee to discuss or contest a notice.

A farmer who fails to meet farmland preservation conservation standards may continue to claim tax credits if the farmer complies with a farm conservation plan that will achieve full compliance within 5 years. A farm conservation plan is a written agreement between the farmer and county, in which the farmer agrees to install specified conservation practices by a specified date.

Annual Grant Application

By April 15 of each calendar year, a county must file its funding application with DATCP for the next calendar year. The county may request any of the following:

- *Annual staffing grant.* A staffing grant is used to finance county staff engaged in soil and water conservation programs (see below). Staff may include county employees and independent contractors who work for the county land conservation committee. A grant may include training and support for county employees. The grant application must identify the activities that the staff will perform, and the amount of funding requested. DATCP will reimburse county staff and employee support costs at the rate specified in s. 92.14, Stats., up to the amount of the annual staffing grant award.
- *Cost-share funding for farm conservation practices.* The county must identify the amount of cost-share funding requested, and the purposes for which the county will use that funding. DATCP distributes cost-share funding on a reimbursement basis, after the county certifies that the cost-shared practices are properly installed and paid for.

Annual Report

By April 15 of each year, a county must file with DATCP a year-end report for the preceding calendar year. The report must describe the county's activities and accomplishments, including progress toward the objectives identified in the county land and water resource management plan (see above).

Accounting and Recordkeeping

Every county land conservation committee, in consultation with the county's chief financial officer, must establish and maintain an accounting and recordkeeping system that fully and clearly accounts for all soil and water conservation funds. The records must document compliance with applicable rules and contracts.

DATCP Review

DATCP may review county activities under this rule, and may require the county to provide relevant records and information.

Training for County Staff

DATCP may provide training, distribute training funds to counties (see below), make training recommendations, and take other action to ensure adequate training of county staff. Under this rule, DATCP must appoint a training advisory committee to advise DATCP on county staff training activities. The committee must include representatives of all of the following:

- DNR.
- NRCS.
- The university of Wisconsin-extension.
- The statewide association of land conservation committees.
- The statewide association of land conservation committee staff.

Grants to Counties

DATCP awards soil and water conservation grants to counties. These grants finance county staff and support, as well as county cost-share grants to landowners. DATCP does not provide grants to local government. In certain limited cases, DATCP may authorize a county to reallocate county *staffing* grant funds to local governments or tribes.

DATCP may award grants (service contracts) to governmental or non-governmental entities for information, education, training and other services related to DATCP's administration of the soil and water conservation program. Under this rule, DATCP will no longer award cost-share grants directly to individual landowners.

Annual Grant Allocation Plan

This rule requires DATCP to allocate soil and water conservation grants according to an annual grant allocation plan. The DATCP secretary signs the allocation plan after consulting with the LWCB. The plan must specify, for the next calendar year, all of the following:

- The total amount appropriated to DATCP for possible allocation under the plan, including the amounts derived from general purpose revenue (GPR), segregated revenue (SEG) and bond revenue sources.
- The total amount allocated under the plan, including the amounts allocated from GPR, SEG and bond revenue sources.

- The total amount allocated for annual staffing grants to counties, the total and subtotal amounts allocated to each county, and an explanation for any material difference in allocations between counties.
- The total amount allocated to counties for cost-share grants to landowners, the total and subtotal amounts allocated to each county, and an explanation for those allocations.
- The amounts allocated to non-county grant recipients, and an explanation for those allocations.

DATCP must prepare the annual grant allocation plan after reviewing county grant applications. DATCP will normally provide a draft plan to DNR, the LWCB and every county land conservation committee by August 1 of the year preceding the calendar year to which the plan applies.

DATCP must adopt an annual allocation plan by December 31 of the year preceding the calendar year to which the plan applies. The final draft plan may include changes recommended by the LWCB, as well as updated estimates of project costs. DATCP must provide copies of the plan to DNR, the LWCB and every county land conservation committee.

Revising the Allocation Plan

DATCP may make certain revisions to an annual grant allocation plan after it adopts that plan. The DATCP secretary must sign each plan revision. A revision may do any of the following:

- Extend funding for landowner cost-share contracts that were signed by December 1 of the preceding year, but not completed during that year. Counties must apply by December 31 for contract funding extensions.
- Increase the total grant to any county. DATCP must give all counties notice and an equal opportunity to compete for funding increases (other than funding extensions for existing cost-share contracts).
- Reduce a grant award to any county.
- Reallocate a county's annual grant between grant categories, to the extent authorized by law and with the agreement of the county.

Before DATCP revises an annual grant allocation plan, it must do all of the following:

- Provide notice and a draft revision to DNR, the LWCB and every county land conservation committee. The notice must clearly identify and explain the proposed revision.

- Obtain LWCB recommendations on the proposed revision.

Grant Priorities

Under this rule, DATCP must consider all of the following when preparing an annual grant allocation plan:

- *County staff and project continuity.* DATCP must give high priority to maintaining county staff and project continuity. DATCP must also consider priorities identified in the county grant application and in the county's approved land and water resource management plan.
- *Statewide priorities.* DATCP may give priority to county projects that address the following statewide priorities:

- * Farms discharging pollutants to waters that DNR has listed as "impaired waters" under 33 USC 1313(d)(1)(A).
- * Farms whose cropland erosion is more than twice T-value.
- * Farms discharging substantial pollution to waters of the state.
- * Farms claiming tax credits under the farmland preservation program.

- *Other factors.* DATCP may also consider the following factors, among others, when determining grant allocation priorities:

- * The strength of the county's plan and documentation.
- * A county's demonstrated commitment to adopt and implement the farm conservation practices required under this rule.
- * The likelihood that funded activities will address and resolve high priority problems identified in approved county land and water resource management plans.
- * The relative severity and priority of the water quality and soil erosion problems addressed.
- * The relative cost-effectiveness of funded activities in addressing and resolving high priority problems.
- * The extent to which funded activities are part of a systematic and comprehensive approach to soil erosion and water quality problems.
- * The timeliness of county grant applications and annual reports.
- * The completeness of county grant applications and supporting data.
- * The county's demonstrated ability, cooperation and commitment, including its commitment of staff and financial resources.
- * The degree to which funded projects contribute to a coordinated soil and water resource management program and avoid duplication of effort.
- * The degree to which funded projects meet county needs and state requirements.
- * The degree to which county activities are consistent with the county's

approved land and water resource management plan.

Annual Staffing Grants to Counties

DATCP must award an annual staffing grant to each eligible county that makes a required commitment of county funds. DATCP may not use bond revenue funds for county staffing grants. DATCP must distribute an annual staffing grant according to an annual grant contract with the county. With DATCP permission, the county may reallocate staffing grant funds to a local government or tribe.

A county must use an annual staffing grant in the year for which it is made. The county may use the grant for any of the following purposes, subject to the grant contract:

- Employee salaries, employee fringe benefits and contractor fees for county employees and independent contractors engaged in soil and water resource management activities on behalf of the county land conservation committee.
- Training for county employees and county land conservation committee members.
- Any of the following employee support costs identified in the grant application:
 - * Mileage expenses at the state rate. A staffing grant may not be used to lease or purchase a vehicle.
 - * Personal computers, software, printers and related devices.
 - * A proportionate share of costs for required financial and compliance audits.
 - * Other staff support costs that DATCP identifies, in the grant application form, as being reimbursable for all counties.

DATCP may award different staffing grant amounts to different counties, based on statutory requirements and DATCP's assessment of funding needs and priorities. Subject to the availability of funds, DATCP will award at least \$50,000 to each county.

A county may redirect unused staffing grant funds for landowner cost-share grants if DATCP approves in writing. The county must use the redirected funds in the year for which they are allocated. (See cost-share reimbursement procedures below.)

To qualify for a staffing grant, a county must maintain its soil and water resource management effort at or above the amounts that the county expended in each of the years 1985 and 1986 (see s. 92.14(7), Stats.) A county may count, as part of its "maintenance of effort" contribution, expenditures for any county staff (employees and independent contractors) engaged in soil or water resource management work for the county land conservation committee. A county may not count capital improvement expenditures, expenditures for county staff not working for the land conservation committee, or the expenditure of grant revenues received from other government sources.

A county land conservation committee must keep records related to annual staffing grants. The records must document that the county used grant funds according to this rule and the grant contract. The county must retain the records for at least 3 years.

Paying Staffing Grants

DATCP will make staffing grant payments on a reimbursement basis. DATCP will pay reimbursement, at the prescribed statutory rate, on costs identified in a valid county reimbursement request. Total payments may not exceed the total annual grant award to the county. DATCP will reimburse costs that the county incurs during the grant year (and pays by January 31 of the following year). Unspent grant funds remain with DATCP, for allocation in future years.

A county may file 2 reimbursement requests for each grant year. A county may file its first reimbursement request on or after July 1 for costs incurred before July 1 of the grant year. A county may file a second reimbursement request for costs incurred on or after July 1 of the grant year. A county must file all of its requests by April 15 of the following year. DATCP will pay reimbursement within 30 days after a county submits a valid request.

The county must file its reimbursement request on a form provided by DATCP. In its reimbursement request, the county must identify the costs for which it seeks reimbursement. The reimbursement rate is based on a statutory formula. The rate depends on the number of staff in the county, and whether those staff are working on the DNR priority watershed program. The county must provide information needed to determine the reimbursement rate.

If a county reallocates part of its staffing grant to a local government or tribe, the county must submit reimbursement requests on behalf of that local government or tribe. DATCP may then pay reimbursement directly to the local government or tribe.

Grants for Conservation Practices

DATCP may award grants to eligible counties to finance cost-share grants to landowners. DATCP must enter into an annual contract with each county receiving cost-share funds. DATCP will pay the county on a reimbursement basis, after the landowner installs the cost-shared practice and the county does all of the following:

- Files with DATCP a copy of the county's cost-share contract with the landowner. The cost-share contract must comply with this rule (see above).
- Certifies the reimbursement amount due.
- Certifies, based on documentation filed in the county, that the cost-shared practice is properly designed, installed and paid for (see above).

Cost-share funds may be used to finance conservation practices identified in this rule (see above), except that bond revenues may not be used to finance any of the following practices:

- Conservation tillage.
- Contour farming.
- Cropland cover (green manure).
- Intensive grazing management.
- Nutrient or pesticide management.
- Strip-cropping.

DATCP may not use cost-share grant funds to reimburse a county for costs incurred after December 31 of the grant year (or paid after January 31 of the following year). Unspent funds remain with DATCP, for distribution under a future year's allocation plan. If a landowner signs a funded cost-share contract by December 1 of the initial grant year, but does not complete that contract in that grant year (e.g., because of bona fide construction delays), DATCP may extend funding to the next year. DATCP will normally extend funding if the county requests the extension by December 31. DATCP will not extend funding for more than one year.

A county land conservation committee must keep all of the following records related to cost-share grant funds received from DATCP:

- Copies of all county cost-share contracts with landowners.
- Documentation to support each county reimbursement request to DATCP (see above).
- Documentation showing all county receipts and disbursements of grant funds.
- Other records needed to document county compliance with this rule and the grant contract.

A county land conservation committee must retain cost-share records for at least 3 years after the committee makes its last cost-share payment to the landowner, or for the duration of the required maintenance period, whichever is longer. The committee must make the records available to DATCP and grant auditors upon request.

Priority Watershed Program; County Staffing Grants

As part of the legislative restructuring of the state's nonpoint source pollution abatement program, DNR is phasing out its priority watershed program under ch. NR 120. DNR will continue to provide cost-share funding for priority watershed projects established prior to July 1, 1998. But DNR will establish no new priority watershed projects, and has established no new projects since July 1, 1998. DNR will no longer provide funding for county and local government staff engaged in the priority watershed program.

DATCP currently provides grants to pay for county soil and water conservation staff (see above). Under the redesigned nonpoint source pollution abatement program, DATCP will

also fund county and local staff who are still engaged in DNR's priority watershed program. Funding for these county staff will be added to, and included in, DATCP's annual staffing grants to counties.

Agricultural Engineering Practitioners; Certification

Under s. 92.18, Stats., DATCP must certify persons who design, review or approve cost-shared agricultural engineering practices. This rule identifies the agricultural engineering practices for which certification is required. This rule continues, without change, the certification program established under current rules. No certification is required for a professional engineer certified under ch. 443, Stats.

Applying for Certification

Under this rule, a person who wishes to be certified as an agricultural engineering practitioner must apply to DATCP or a county land conservation committee. A person may apply orally or in writing. DATCP or the committee must promptly refer the application to a DATCP field engineer. Within 30 days, the DATCP field engineer must rate the applicant and issue a decision granting or denying the application.

Certification Rating

The DATCP field engineer must rate an applicant using the rating form shown in *Appendix E* to this rule. The field engineer must rate the applicant based on the applicant's demonstrated knowledge, training, experience, and record of appropriately seeking assistance. For the purpose of rating an applicant, a field engineer may conduct interviews, perform inspections, and require answers and documentation from the applicant.

For each type of agricultural engineering practice, the rating form identifies 5 job classes requiring progressively more complex planning, design and construction. Under this rule, the field engineer must identify the most complex of the 5 job classes for which the applicant is authorized to certify that the practice is properly designed and installed. A certified practitioner may not certify any agricultural engineering practice in a job class more complex than that for which the practitioner is certified.

Appealing a Certification Decision

A field engineer must issue a certification decision in writing, and must include a complete rating form. An applicant may appeal a certification decision or rating by filing a written appeal with the field engineer. The field engineer must meet with the appellant in person or by telephone to discuss the matters at issue.

If the appeal is not resolved, DATCP must schedule an informal hearing before a qualified DATCP employee other than the field engineer. After the informal hearing, the presiding officer must issue a written decision that affirms, modifies or reverses the field

engineer's action. If the applicant disputes the presiding officer's decision, the applicant may request a formal hearing under ch. 227, Stats.

Reviewing Certification Ratings

Under this rule, a DATCP field engineer must review the certification rating of every agricultural engineering practitioner at least once every 3 years. A field engineer must also review a certification rating at the request of the person certified. A field engineer may not reduce a rating without good cause, and all reductions must be in writing.

Suspending or Revoking Certification

Under this rule, DATCP may suspend or revoke a certification for cause. DATCP may summarily suspend a certification, without prior notice or hearing, if DATCP makes a written finding that the summary suspension is necessary to prevent an imminent threat to the public health, safety or welfare. The practitioner may request a formal hearing under ch. 227, Stats.

County and Local Ordinances

General

Farm conservation requirements adopted by a county, city, village, town or local governmental unit must be reasonably consistent with this rule. DATCP must review, and may comment on, proposed county ordinances requiring farm conservation practices. DATCP will review agricultural shoreland management ordinances and other ordinances that regulate farm conservation practices. DATCP will assist DNR in reviewing general shoreland management ordinances adopted under s. 59.692, if those ordinances regulate farm conservation practices.

Counties must submit relevant ordinances for review. They need not obtain DATCP approval of their proposed ordinances, except in specific cases provided by statute. This rule, like current rules, establishes specific standards for county and local ordinances related to manure storage and agricultural shoreland management (see below).

Manure Storage Ordinances

A county, city, village or town may enact a manure storage ordinance under s. 92.16, Stats. Current rules spell out standards for manure storage ordinances. This rule incorporates those standards without change.

Under this rule, a county or local manure storage ordinance adopted under s. 92.16, Stats., must require persons constructing manure storage systems to obtain a county or local permit. A person constructing a manure storage system must have a nutrient management plan that complies with this rule, and must comply with applicable design and construction standards.

A manure storage ordinance may prohibit any person from abandoning a manure storage system unless that person submits an abandonment plan and obtains an abandonment permit. The rule spells out suggested abandonment requirements for those ordinances that regulate abandonment.

Agricultural Shoreland Management Ordinances

A county, city, village or town may enact an agricultural shoreland management ordinance under s. 92.17, Stats., with DATCP approval. Current rules spell out standards for agricultural shoreland management ordinances. This rule adopts the current rules without change. DATCP must seek DNR and LWCB recommendations before it approves an ordinance or amendment, except that DATCP may summarily approve an ordinance amendment that presents no significant legal or policy issues.

Local Regulation of Livestock Operations

A local governmental unit may regulate livestock operations under s. 92.15, Stats., and other statutes. Local regulations must comply with s. 92.15, Stats., as applicable.

Waivers

DATCP may grant a waiver from any standard or requirement under this rule if DATCP finds that the waiver is necessary to achieve the objectives of this rule. The DATCP secretary must sign the waiver. DATCP may not waive a statutory requirement.

Standards Incorporated by Reference

Pursuant to s. 227.21, Stats., DATCP has received permission from the attorney general and the revisor of statutes to incorporate by reference in this rule NRCS technical guide standards, ASAE engineering practice standards, DNR construction site erosion control standards, the UW-extension pollution control guide for milking center waste water management, and the UW-extension guide on rotational grazing. Copies of these standards are on file with the department, the secretary of state and the revisor of statutes, but are not reproduced in this rule. Where technical standards have changed, DATCP is seeking permission from the attorney general and the revisor of statutes to incorporate by reference the modified standards.

NRCS technical guide nutrient management standard 590 is attached as *Appendix D* to this rule. *Appendix B* contains a summary of UWEX publication A-2809, *Soil Test Recommendations for Field, Vegetable and Fruit Crops (copyright 1998)*, for selected crops. The department is seeking permission from the attorney general and revisor of statutes to incorporate the complete UWEX publication by reference in this rule. The complete publication and the summary are available from UW-extension, and will be on file with the department, the secretary of state and the revisor of statutes.

See 92.04 (B)(a)
UNCB review -
done?
T 92.05 (B)(c)

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SECTION 1. ATCP 3.02(1)(h) is amended to read:

ATCP 3.02(1)(h) *Soil and water resource management; grant allocation plan.*

Approval of an annual soil and water resource management grant allocation plan under s. 92.14, Stats., and s. ATCP 50.30 ~~50.28~~. — *check all x-ref.*

SECTION 2. ATCP 40.11 is created to read:

ATCP 40.11 Agricultural fertilizer sales; nutrient management plan. (1) A

person who sells bulk agricultural fertilizer to a landowner shall record the name and address of the nutrient management planner who prepared the landowner's nutrient management plan, if the landowner has a nutrient management plan. The person may record this information on the fertilizer invoice or statement required under s. 94.64(2)(b), Stats. The person shall keep the record for at least 24 months after the person files the fertilizer tonnage report required under s. 94.64(5), Stats.

NOTE: See current invoice and recordkeeping requirements under ss. 94.64(2)(b) and (6), Stats.

(2) In this section, "landowner" has the meaning given in s. ATCP 50.01(13).

SECTION 3. Chapter ATCP 50 is repealed and recreated to read:

CHAPTER ATCP 50

SOIL AND WATER RESOURCE MANAGEMENT

Subchapter I

Definitions and General Provisions

- ATCP 50.01 Definitions
- ATCP 50.02 Waivers

Subchapter II

Soil and Water Conservation on Farms

- 1 ATCP 50.04 Farm conservation practices
- 2 ATCP 50.06 Installing conservation practices
- 3 ATCP 50.08 Cost-sharing required

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Subchapter III
County Soil and Water Program

- ATCP 50.10 County program; general
- ATCP 50.12 Land and water resource management plan
- ATCP 50.14 County ordinances
- ATCP 50.16 Farmland preservation program; conservation standards
- ATCP 50.18 Annual report
- ATCP 50.20 Annual grant application
- ATCP 50.22 Accounting and recordkeeping
- ATCP 50.24 Department review

Subchapter IV
Grants to Counties

- ATCP 50.26 Grant applications
- ATCP 50.28 Annual grant allocation plan
- ATCP 50.30 Grant priorities
- ATCP 50.32 Annual staffing grants to counties
- ATCP 50.34 Grants for conservation practices
- ATCP 50.36 Grant contracts

Subchapter V
Cost-Share Grants to Landowners

- ATCP 50.40 Cost-share grants to landowners
- ATCP 50.42 Maximum cost-share rates

Subchapter VI
Soil and Water Professionals

- ATCP 50.46 Agricultural engineering practitioners
- ATCP 50.48 Nutrient management planners
- ATCP 50.50 Soil testing laboratories
- ATCP 50.52 Training for county staff

Subchapter VII
Local Regulations

- ATCP 50.54 Local regulations; general
- ATCP 50.56 Manure storage systems; ordinance
- ATCP 50.58 Shoreland management; ordinance

1 ATCP 50.60 Livestock operations; local regulation

2

3

Subchapter VIII

4

Conservation Practices; Technical Standards

5

6 ATCP 50.61 Technical standards; general

7 ATCP 50.62 Manure storage systems

8 ATCP 50.63 Manure storage system closure

9 ATCP 50.64 Barnyard runoff control systems

10 ATCP 50.65 Access roads and cattle crossings

11 ATCP 50.66 Animal trails and walkways

12 ATCP 50.67 Contour farming

13 ATCP 50.68 Cover and green manure crop

14 ATCP 50.69 Critical area stabilization

15 ATCP 50.70 Diversions

16 ATCP 50.71 Field windbreaks

17 ATCP 50.72 Filter strips

18 ATCP 50.73 Grade stabilization structures

19 ATCP 50.74 Heavy use area protection

20 ATCP 50.75 Livestock fencing

21 ATCP 50.76 Livestock watering facilities

22 ATCP 50.77 Milking center waste control systems

23 ATCP 50.78 Nutrient management

24 ATCP 50.79 Pesticide management

25 ATCP 50.80 Prescribed grazing

26 ATCP 50.81 Relocating or abandoning animal feeding operations

27 ATCP 50.82 Residue management

28 ATCP 50.83 Riparian buffers

29 ATCP 50.84 Roofs

30 ATCP 50.85 Roof runoff systems

31 ATCP 50.86 Sediment basins

32 ATCP 50.87 Sinkhole treatment

33 ATCP 50.88 Streambank and shoreline protection

34 ATCP 50.89 Strip-cropping

35 ATCP 50.90 Subsurface drains

36 ATCP 50.91 Terrace systems

37 ATCP 50.92 Underground outlets

38 ATCP 50.93 Waste transfer systems

39 ATCP 50.94 Water and sediment control basins

40 ATCP 50.95 Waterway systems

41 ATCP 50.96 Well decommissioning

42 ATCP 50.97 Wetland development or restoration

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44 *Appendix A Watersheds draining to impaired waters ("303(d) list")*

45 *Appendix B Summary of UWEX soil test recommendations (for selected crops)*

46 *Appendix C Nutrient management plan; checklist*

1 (24) "NRCS technical guide" means the NRCS field office technical guide that is
2 in effect on [...revisor inserts effective date of this recreated chapter...].

3 **NOTE:** Copies of the NRCS technical guide are on file with the department, the
4 secretary of state and the revisor of statutes. Copies of individual
5 standards contained in the NRCS technical guide may be obtained from
6 the county land conservation committee or from an NRCS field office.

7 (25) "Nutrient management plan" means any of the following:

8 (a) A plan required under s. ATP 50.04(3), 50.56(3)(b), or 50.62(5)(a) or (f).

9 (b) A farm nutrient plan prepared or approved, for a landowner, by a qualified

10 nutrient management planner.

11 **NOTE:** A nutrient management plan must comply with s. ATP 50.04(3).

12 (26) "Nutrients" means plant nutrients derived from commercial fertilizers,
13 manure, organic wastes, soil reserves, legumes or other sources.

14 (27) "Person" means an individual, corporation, partnership, cooperative
15 association, limited liability company, trust, or other legal organization or entity.

16 (28) "Secretary" means the secretary of the department.

17 (29) "State regulation" means a regulation that the department or DNR
18 promulgates under ch. 88, 92, 281 or 283, Stats.

19 (30) "Structural height" means the difference in elevation in feet between the
20 point of lowest elevation of the structure or embankment before overtopping and the
21 lowest elevation of the natural stream or lake bed at the downstream toe of the structure
22 or embankment.

23 (31) "Tribe" means an American Indian tribe organized under 25 USC 461 to
24 479.

~~is this
correct?~~

this just refers to
50.04(3)

this doesn't
define a plan

see 5.16.964
(b)(a)

1 (15) "Local regulation" means any of the following regulations affecting soil and
2 water conservation on farms:

3 (a) Soil and water conservation standards that a county land conservation
4 committee adopts under s. 92.105, Stats. *7.7 See 150/110 with 3*

5 (b) An ordinance that a county adopts under s. 59.69, 59.692, 92.11, 92.15, 92.16
6 or 92.17, Stats., or under other county authority.

7 (c) An ordinance that a town, city or village adopts under s. 92.11, 92.15, 92.16
8 or 92.17, Stats., or under other town, city or village authority.

9 (d) A regulation adopted by a county drainage board, a lake district or other
10 special purpose district, or a tribe.

11 (16) "LWCB" means the state of Wisconsin land and water conservation board.

12 (17) "Manure" means livestock excreta. "Manure" includes livestock bedding,
13 water, soil, hair, feathers, and other debris that becomes intermingled with livestock
14 excreta in normal manure handling operations.

15 (18) "Manure management system" has the meaning given in s. ATCP
16 50.62(1)(b).

17 (19) "Manure storage facility" has the meaning given in s. ATCP 50.62(1)(c).

18 (20) "Manure storage structure" has the meaning given in s. ATCP 50.62(1)(d).

19 (21) "Nonpoint source" has the meaning given in s. 281.65(2)(b), Stats.

20 (22) "Nonpoint source water pollution" has the meaning given in s. 281.16(1)(f),

21 Stats.

22 (23) "NRCS" means the natural resources conservation service of the United
23 States department of agriculture.

1 (6) "County land conservation committee" means the committee created by a
2 county board under s. 92.06, Stats. "County land conservation committee" includes
3 employees or agents of a county land conservation committee who, with committee
4 authorization, act on behalf of the committee.

5 (7) "Department" means the state of Wisconsin department of agriculture, trade
6 and consumer protection.

7 (8) "DNR" means the state of Wisconsin department of natural resources.

8 (9) "Farm" means a parcel of land on which a landowner conducts one or more
9 agricultural practices.

10 (10) "Farm conservation plan" means a written agreement, between a county land
11 conservation committee and a landowner, in which the landowner agrees to take specific
12 steps to bring a farm into compliance with applicable soil and water conservation
13 standards.

14 (11) "Individual" means a natural person.

15 (12) "Lake district" means a public inland lake protection and rehabilitation
16 district created under subch. IV of ch. 33, Stats.

17 (13) "Landowner" means any of the following:

18 (a) A person who owns a parcel of land.

19 (b) A person who rents, controls or uses a parcel of land for agricultural
20 purposes.

21 (14) "Livestock operation" means a feedlot or other facility or pasture where
22 animals are fed, confined, maintained or stabled.

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1 **SUBCHAPTER I**

2 **DEFINITIONS AND GENERAL PROVISIONS**

3
4
5 **ATCP 50.01 Definitions**

6 **ATCP 50.02 Waivers**

7
8 **ATCP 50.01 Definitions.** In this chapter:

9 (1) "Agricultural practice" means beekeeping; commercial feedlots; dairying; egg
10 production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry
11 raising; raising of grain, grass, mint or seed crops; raising of fruits, nuts or berries; sod
12 farming; placing land in federal programs in return for payments in kind; owning land, at
13 least 35 acres of which is enrolled in the conservation reserve program under 16 USC
14 3831 to 3836; or vegetable raising.

15 **NOTE:** Compare ss. 91.01(1) and 281.16(1)(b), Stats. *not useful - same as, or not*

16 (2) "Conservation practice" means a facility or practice that is designed to
17 prevent or reduce soil erosion, prevent or reduce nonpoint source water pollution, or
18 achieve or maintain compliance with soil and water conservation standards.

19 "Conservation practice" includes a nutrient management plan.

20 (3) "Cost-shared practice" means a conservation practice financed by a cost-share
21 grant.

22 (4) "Cost-share grant" means a grant that reimburses a landowner for all or part
23 of the cost to install a conservation practice identified in the grant. *no any funds funded?*

24 **NOTE:** See s. ATCP 50.40.

25 (5) "County drainage board" means a board created and appointed under s. 88.17,
26 Stats. ~~Stats.~~

1 (32) "T-value" means the maximum average annual rate of soil erosion for each
2 soil type that will permit a high level of crop productivity to be sustained economically
3 and indefinitely.

4 (33) "Unconfined manure pile" means a quantity of manure, at least 175 cu. ft. in
5 volume, that covers the ground surface to a depth of at least 2 inches and is not confined
6 within a manure storage facility, livestock housing facility or barnyard runoff control
7 facility.

8 **NOTE:** A typical 140 bushel manure spreader contains about 175 cu. ft. of
9 manure.

10 (34) "Waters of the state" has the meaning given in s. 283.01(20), Stats.

11 (35) "Weighted average soil rental rate" means, for each county, the rate
12 determined by the United States department of agriculture, farm service agency, on form
13 CRP-2 dated September 14, 1999.

14 **ATCP 50.02 Waivers.** The department may grant a written waiver from any
15 provision of this chapter if the department finds that the waiver is necessary to achieve
16 the objectives of this chapter. The secretary shall sign each waiver under this section.
17 The department may not waive a statutory requirement.
18

1 (a) The plan shall include every field on which the landowner mechanically
2 applies nutrients.

3 (b) A nutrient management planner qualified under s. ATCP 50.48 shall prepare
4 or approve the plan.

5 **NOTE:** A landowner who has the knowledge and skills described in s. ATCP
6 50.48(1) may prepare his or her own nutrient management plan. ATCP
7 50.48 does not require a planner to obtain a state certification, complete a
8 training program or hold specific professional credentials. Persons
9 holding certain credentials are presumed to be qualified, but other persons
10 may also demonstrate their qualifications by preparing sound nutrient
11 management plans. A person may not misrepresent himself or herself as a
12 qualified nutrient management planner.

13
14 (c) The plan shall be based on soil nutrient tests conducted at a laboratory
15 certified under s. ATCP 50.50.

16 (d) The plan shall comply with NRCS technical guide nutrient management
17 standard 590.

18 **NOTE:** The checklist in *Appendix C* may be used to gather information for a
19 nutrient management plan. NRCS technical guide nutrient management
20 standard 590 is reproduced in *Appendix D*.

21
22 (e) The plan may not recommend nutrient applications that exceed the amounts
23 required to achieve applicable crop fertility levels recommended by the university of
24 Wisconsin in EX publication A-2809, *Soil Test Recommendations for Field, Vegetable*
25 *and Fruit Crops (copyright 1998)*, unless the nutrient management planner can show that
26 one or more of the following circumstances justifies the recommended application:

- 27 1. A soil or tissue test reveals a specific nutrient deficiency.
28 2. Excess nutrients are the result of an unforeseen change in the type of crop
29 planted.
30 3. Excess nutrients are the result of prior manure applications.

- 1 4. Organic nutrients are the only nutrients applied to the field.
- 2 5. Excess nutrients from organic nutrient applications will be used later in the
- 3 planned crop rotation.
- 4 6. Corn after corn is conservation tilled with greater than 50% residue after
- 5 planting.
- 6 7. Starter fertilizer is properly applied to row crops.
- 7 8. The crop is irrigated.
- 8 9. Other special agronomic conditions documented by the planner.

9 **NOTE:** Appendix B contains a convenient summary of UWEX publication A-
10 2809, for selected crops. You may obtain the complete publication and
11 the summary from your county extension agent. The complete publication
12 is also on file with the department, the secretary of state and the revisor of
13 statutes.

14 (f) The plan shall be consistent with any nutrient management plan required
15
16 under ch. NR 113, NR 204 or NR 214 if the landowner applies septage, municipal sludge,
17 industrial waste or industrial byproducts to the land. A landowner is not required to have
18 a nutrient management plan under this subsection if the landowner applies only septage,
19 municipal sludge, industrial waste or industrial byproducts according to ch. NR 113, NR
20 204 or NR 214.

21 **ATCP 50.06 Installing conservation practices.** (1) GENERAL. A landowner
22 may use any of the following to comply with s. ATCP 50.04, unless s. ATCP 50.04
23 mandates a specific practice:

- 24 (a) Conservation practices identified in subch. VIII or the NRCS technical guide.
- 25 (b) Other conservation practices that comply with s. ATCP 50.04.

1 (2) FUNDED PRACTICES. Conservation practices for which a landowner receives a
2 cost-share grant under this chapter shall comply with subch. VIII.

3 **NOTE:** Your county land conservation committee can provide you with a helpful
4 document called "Farmland Conservation Choices: A Guide to
5 Environmentally Sound Practices for Wisconsin Farmers." The
6 committee can also recommend conservation practices that are appropriate
7 for your farm. Cost-share grants may be available to help you install or
8 implement recommended practices. Contact your county land
9 conservation committee to apply for cost-share grants. If you receive a
10 cost-share grant for a conservation practice, that practice must comply
11 with subch. VIII.

12
13 Counties have land and water resource management plans to promote
14 compliance with farm conservation requirements (see s. ATCP 50.12).
15 Counties will seek voluntary compliance and will offer information, cost-
16 sharing and technical assistance to help landowners comply.

17
18 As a last resort, a county may seek enforcement action against a
19 landowner who refuses to implement required conservation practices. A
20 county may not seek enforcement action until the cost-sharing
21 requirements under s. ATCP 50.08 are met. A county may pursue any of
22 the following enforcement options, as appropriate:

- 23
24 • The county may suspend a violator's eligibility for farmland
25 preservation tax credits (see s. ATCP 50.16(6)).
- 26
27 • DNR may issue a notice of discharge, requiring a violator to obtain
28 a pollution discharge permit from DNR (see ch. NR 243).
- 29
30 • The department of justice or a district attorney may file a civil
31 forfeiture action against the violator (see s. 281.98, Stats.).
- 32
33 • The county may take action to enforce its own ordinance, if any.
- 34
35 • A town, city or village may take action to enforce its own
36 ordinance, if any.

37
38 **ATCP 50.08 Cost-sharing required.** (1) GENERAL. Except as provided in sub.
39 (3), s. ATCP 50.04 does not require a landowner to take any of the following actions
40 unless the landowner receives a cost-share grant to cover at least 70% of the landowner's
41 cost to take that action:

1 (a) Discontinue or modify that part of a facility or practice that was constructed
2 or begun prior to [revisor inserts effective date of this chapter].

3 (b) Obtain or implement an annual nutrient management plan.

4 (c) Implement annual cropping or tillage practices.

5 **NOTE:** See ss. 92.07(2), 92.105(1), 92.15(4) and 281.16(3)(e), Stats.)

what is the point of this

6 (2) LANDOWNER'S COST. Except as provided in sub. (3), a landowner's cost
7 under sub. (1) includes all of the following that apply:

8 (a) The landowner's reasonable and necessary out-of-pocket expenditures to
9 install and maintain the conservation practice.

10 (b) Reasonable compensation for necessary labor, equipment and supplies
11 provided by the landowner in the installation and maintenance of the conservation
12 practice, if not included in par. (a).

13 (c) The landowner's cost to keep land out of agricultural production, if the
14 landowner must take land out of production in order to install and maintain the
15 conservation practice. The landowner's cost shall be calculated according to s. ATCP
16 50.40(17).

17 (3) EXEMPTIONS. The 70% cost-sharing requirement under sub. (1) does not
18 apply to any of the following, except to the extent that the conservation practice keeps
19 land out of agricultural production:

20 (a) A conservation practice for which subch. VIII requires a minimum cost-share
21 contract maintenance period if the landowner has already received cost-share payments,
22 at the rate specified under sub. (1), to install and maintain that practice for at least that
23 minimum maintenance period.

1 (b) A conservation practice for which subch. VIII requires no minimum
2 maintenance period if the landowner has already received cost-share payments, at the rate
3 provided under sub. (1), to install and maintain that practice for at least 3 years.

4 **NOTE:** For example, if a county has *already paid* a landowner to implement
5 nutrient management for at least 3 years, the county may require the
6 landowner to comply with state nutrient management standards in
7 subsequent years without further cost-sharing.

8
9 (c) Conservation practices or costs for which s. ATCP 50.40(3) or subch. VIII
10 prohibits cost-sharing.

11 (4) **COST-SHARE GRANT SOURCES.** A grant from any public or private source, or
12 combination of sources, may be counted as part of a cost-share grant under sub. (1). A
13 loan is not a grant.

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SUBCHAPTER III

COUNTY SOIL AND WATER PROGRAM

- ATCP 50.10 County program; general
- ATCP 50.12 Land and water resource management plan
- ATCP 50.14 County ordinances
- ATCP 50.16 Farmland preservation program; conservation standards
- ATCP 50.18 Annual report
- ATCP 50.20 Annual grant application
- ATCP 50.22 Accounting and recordkeeping
- ATCP 50.24 Department review

ATCP 50.10 County program; general. (1) PROGRAM ELEMENTS. Every

county land conservation committee shall establish and maintain a county soil and water conservation program. The program shall include all of the following elements:

(a) A county land and water resource management plan under s. ATCP 50.12, and a program to implement that plan.

(b) County soil and water conservation standards, and a program to implement those standards.

NOTE: A county's land and water resource management plan under s. ATCP 50.12 should identify the county's strategy to implement the farm conservation practices required under s. ATCP 50.04. See s. ATCP 50.16 related to county standards for lands covered by the farmland preservation program under ch. 91, Stats. See s. ATCP 50.14 and subch. VII related to county ordinances.

(c) A program to prepare and submit annual reports under s. ATCP 50.18 and annual grant applications under s. ATCP 50.20.

(d) A program to receive, distribute and account for soil and water resource management grants under this chapter.

(e) A procedure to ensure that conservation practices funded under this chapter are designed and installed according to this chapter.

- 1 (f) An accounting and recordkeeping system under s. ATCP 50.22.
- 2 (g) An information and education program to promote effective soil and water
- 3 resource management.
- 4 (h) Other program elements, if any, required under this chapter.

5 (2) COORDINATION. A county land conservation committee shall, to the extent
6 practicable, coordinate the program elements under sub. (1) with each other and with all
7 of the following:

- 8 (a) The county's land information and modernization program under ss. 16.967
9 and 59.72(3), Stats.
- 10 (b) The related activities of NRCS, state agencies and other governmental units in

11 that county.

12 **ATCP 50.12 Land and water resource management plan. (1) REQUIREMENT.**

13 A county land conservation committee shall prepare and submit, for department approval,
14 a land and water resource management plan. The department shall approve the county
15 plan before allocating any funds to the county under subch. IV.

16 (2) PLAN CONTENTS. A land and water resource management plan shall describe
17 all of the following in reasonable detail:

- 18 (a) Water quality and soil erosion conditions throughout the county. The plan
19 shall include water quality assessments available from DNR, if any.

- 20 (b) State and local regulations that are relevant to the county plan. The plan shall
21 disclose whether local regulations will require farm conservation practices that differ
22 materially from the practices required under this chapter.

23 **NOTE:** See state regulations under chs. ATCP 48, ATCP 50, NR 120, NR 151
24 and NR 243.

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(c) Water quality objectives for each water basin, priority watershed as defined in s. 281.65(2)(c), Stats., and priority lake as defined in s. 281.65(2)(be), Stats. The county shall determine water quality objectives in consultation with DNR.

(d) Key water quality and soil erosion problem areas. The county land conservation committee shall identify key water quality problem areas in consultation with DNR.

(e) Conservation practices needed to address key water quality and soil erosion problems.

(f) A plan to identify priority farms in the county.

not defined what is this? see note

NOTE: The identification of priority farms may vary between counties, depending on local conditions, strategies and information. A county should focus on identifying or working with the following farms, or other categories of farms that the county identifies in its plan:

- Critical sites that DNR designates under s. 281.65(4)(g)8.am., Stats.
- Farms subject to a DNR notice of intent under s. 281.20 or notice of discharge under ch. 283, Stats.
- Farms located in watersheds draining to waters that DNR has listed pursuant to 33 USC 1313(d)(1)(A). This is also known as the "303(d) list of impaired waters." Appendix A contains a map showing the watersheds that drain to listed waters.
- Farms that have large numbers of livestock, or significant problems with manure management.
- Farms making clearly excessive nutrient applications.
- Farms with clearly excessive rates of cropland erosion.

1 (g) County strategies to encourage voluntary implementation of conservation
2 practices under s. ATCP 50.04. County strategies may include information and
3 education, cost-sharing, technical assistance and other strategies.

4 (h) Compliance procedures, including notice, hearing, enforcement and appeal
5 procedures, that may apply if a landowner fails to comply with applicable requirements.

6 **NOTE:** See ss. ATCP 50.04 to 50.08.

7 (i) The county's multi-year workplan to implement the farm conservation
8 practices under s. ATCP 50.04, and achieve compliance with performance standards
9 under ch. NR 151. The plan shall identify priorities and expected costs.

10 **NOTE:** The county workplan under par. (i) should be based on a reasonable
11 assessment of available funding and resources.

12 (j) How the county will monitor and measure its progress under par. (i).

13 (k) How the county will provide information and education related to land and
14 water conservation, including information related to farm conservation practices and
15 cost-share funding.

16 (L) How the county will coordinate its land and water conservation program with
17 federal, state and local agencies.

18 (3) PLAN DEVELOPMENT. A county land conservation committee, when preparing
19 a land and water resource management plan, shall do all of the following:
20

21 (a) Appoint and consult with a local advisory committee of interested persons.

22 **NOTE:** A local advisory committee should reflect a broad spectrum of public
23 interests and perspectives. For example, it could include:

- 24 • Affected farmers, businesses and landowners.
25 • Agricultural, business, environmental, civic and recreational
26 organizations.
27 • Federal, state, local and tribal officials.
28 • The university of Wisconsin and other educational institutions.

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(b) Assemble relevant data, including relevant land use, natural resource, water quality and soil data.

(c) Consult with DNR.

NOTE: The county land conservation committee should normally consult with the appropriate DNR basin team.

(d) Assess resource conditions and identify problem areas.

(e) Establish and document priorities and objectives.

(f) Project available funding and resources.

(g) Establish and document a plan of action.

(h) Identify roles and responsibilities.

(4) PUBLIC NOTICE AND HEARING. Before a county land conservation committee submits a land and water resource management plan for department approval, the committee shall do all of the following:

(a) Hold at least one public hearing on the plan.

(b) Make a reasonable effort to notify landowners affected by committee findings under subs. (2)(d) and (e), and give them an opportunity to present information related to the accuracy of the committee's findings.

that could be simplified - use notice method is specified - is this personal or public info

individually or in hearing

NOTE: The county land conservation committee should consult with the department before holding public hearings on a land and water resource management plan.

(5) PLAN APPROVAL. The department shall approve or disapprove a county land and water resource management plan after consulting with the LWCB. The secretary shall sign the order approving or disapproving the county plan. The department shall approve a plan for a specified period of time that shall not exceed 5 years, subject to

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1 conditions that the department specifies in the order. The department's approval does not
2 take effect if the county board does not approve the county plan.

3 **NOTE:** The county board may approve the county land and water resource
4 management plan before or after the department approves the plan. The
5 plan approved by the county board must be the same plan approved by the
6 department. If the department requires changes to a plan previously
7 approved by the county board, the department's approval does not take
8 effect until the county board approves the modified plan.

9
10 (6) **PLAN IMPLEMENTATION.** The department may review county implementation
11 of an approved county land and water resource management plan. The department may
12 consider information obtained in its review when it makes annual grant allocations to
13 counties under subch. IV.

14 **ATCP 50.14 County ordinances.** A county may, by ordinance, require
15 landowners to implement conservation practices required under s. ATCP 50.04. A
16 county shall comply with applicable requirements under subch. VII.

17 **NOTE:** See county authority under ss. 59.69, 59.692, 92.11, 92.15, 92.16 and
18 92.17, Stats. This section does not expand a county's statutory authority.
19 A county ordinance implementing conservation practices under s. ATCP
20 50.04 must be reasonably consistent with s. ATCP 50.04. A county
21 livestock ordinance must comply with s. 92.15, Stats., as applicable. See
22 s. ATCP 50.54.

23
24 **ATCP 50.16 Farmland preservation program; conservation standards.** (1)
25 **STANDARDS REQUIRED.** (a) A county land conservation committee shall adopt soil and
26 water conservation standards, under s. 92.105, Stats., for all lands for which landowners
27 claim farmland preservation tax credits under subch. IX of ch. 71, Stats. The standards
28 shall incorporate and be consistent with the farm conservation practices required under s.
29 ATCP 50.04.

30 **NOTE:** See ss. 91.80 and 92.105, Stats. Under the farmland preservation
31 program, an "owner" of "eligible farmland" (as defined in ss. 91.01(9) and

1 (6), Stats.) may claim farmland preservation tax credits if the land is
2 covered by a farmland preservation agreement or exclusive agricultural
3 zoning ordinance. (The LWCB must certify the ordinance.) To claim the
4 tax credits, the "owner" must comply with county soil and water
5 conservation standards approved by the LWCB. Section ATCP 50.16
6 requires the county to incorporate, in the county's standards, the farm
7 conservation practices required under s. ATCP 50.04. The county
8 standards must be consistent with s. ATCP 50.04.
9

10 (b) The LWCB may deny or withdraw certification, under s. 91.06, Stats., of an
11 exclusive agricultural zoning ordinance in a county that fails to comply with par. (a).

12 (c) The department may refuse to enter into farmland preservation agreements
13 with landowners in a county that fails to comply with par. (a). The department may also
14 deny funding under this chapter to any county that fails to comply with par. (a).

15 (2) PUBLIC HEARING. A county land conservation committee shall hold a public
16 hearing whenever the committee proposes to adopt or amend soil or water conservation
17 standards under sub. (1)(a).

18 **NOTE:** A county land conservation committee should consult with the
19 department before holding a public hearing on proposed soil or water
20 conservation standards or amendments.
21

22 (3) LWCB APPROVAL. (a) County soil and water conservation standards and
23 amendments under sub. (1) are not effective until approved by the LWCB.

24 (b) A county land conservation committee may submit a proposed standard or
25 amendment to the department, for approval by the LWCB. The department shall submit
26 the proposed standard or amendment to the LWCB and shall recommend approval,
27 conditional approval or disapproval. The department shall provide the LWCB with a
28 proposed decision, including proposed findings, proposed conclusions and a proposed
29 order.

1 (c) The LWCB shall issue a written decision approving, conditionally approving
2 or disapproving a proposed standard or amendment under sub. (1). The LWCB may
3 disapprove a proposed standard or amendment for any of the following reasons:

4 1. The standard or amendment fails to comply with s. 92.105, Stats., or this
5 chapter.

6 2. The standard or amendment does not reasonably conform to guidelines that the
7 LWCB has established under s. 92.105(2), Stats.

8 3. The standard or amendment is arbitrary or capricious.

9 4. The county land conservation committee has failed to provide the department
10 or the LWCB with requested information that is reasonably relevant to the LWCB's
11 review of the standard or amendment.

12 **NOTE:** Under s. 227.42, Stats., a county land conservation committee may
13 request a contested case hearing on an LWCB decision that is adverse to
14 the committee. If the LWCB grants the hearing request, it may ask the
15 department to appoint an impartial hearing examiner to conduct the
16 hearing. The LWCB may affirm or modify its decision based on the
17 hearing record. A county land conservation committee may also seek
18 judicial review under ch. 227, Stats.
19

20 (4) FARM CONSERVATION PLANS. A county land conservation committee may
21 enter into a farm conservation plan with a landowner. A landowner meets the
22 conservation standards under sub. (1) if the landowner implements a farm conservation
23 plan that will achieve full compliance with those standards within 5 years.

24 (5) MONITORING COMPLIANCE. (a) A county land conservation committee may
25 inspect a landowner's compliance with the conservation standards under sub. (1) and any
26 farm conservation plan under sub. (4). A county land conservation committee shall

1 inspect each landowner's compliance with the conservation standards under sub. (1) at
2 least once every 6 years.

3 (b) A county land conservation committee may ask a landowner to certify, on an
4 annual or other periodic basis, that the landowner is complying with the conservation
5 standards under sub. (1) and any farm conservation plan under sub. (4). A landowner
6 shall certify compliance on a form provided by the committee.

7 (6) NOTICE OF NONCOMPLIANCE. (a) A county land conservation committee shall
8 issue a written notice of noncompliance to a landowner if the committee finds that the
9 landowner has done any of the following:

- 10 1. Failed to comply with applicable standards under sub. (1).
- 11 2. Failed to comply with a farm conservation plan under sub. (4).
- 12 3. Failed to permit a reasonable inspection under sub. (5)(a).
- 13 4. Failed to certify compliance in response to a committee request under sub.

14 (5)(b).

15 (b) A county land conservation committee shall issue a notice of noncompliance
16 under par. (a) on a form provided by the department. The notice shall disclose all of the
17 following:

- 18 1. The nature of the violation, and a deadline date for curing the violation.
- 19 2. That the landowner may not claim farmland preservation tax credits under
20 subch. IX of ch. 71, Stats., unless the landowner corrects the violation.
- 21 3. That the landowner may meet with the county land conservation committee to
22 contest or discuss the violation.

1 (c) If a landowner receiving a notice under par. (a) fails to cure the violation by
2 the deadline date specified in the notice, the county land conservation committee shall
3 issue a copy of the notice to all of the following:

- 4 1. The state of Wisconsin department of revenue.
- 5 2. The county planning and zoning committee if the land is covered by an
6 exclusive agricultural zoning ordinance.

7 (d) A county land conservation committee may, at any time, withdraw a notice of
8 noncompliance under par. (a). The committee shall give notice of the withdrawal to any
9 agency under par. (c) that received a copy of the notice of noncompliance.

10 **ATCP 50.18 Annual report.** (1) ANNUAL REPORT. By April 15 of each year, a
11 county land conservation committee shall file with the department a year-end report for
12 the preceding calendar year. The committee shall file the report on a form provided by
13 the department. The report shall identify all of the following:

14 (a) The county's activities and accomplishments related to soil and water
15 resource management during the preceding calendar year, including activities required or
16 funded under this chapter.

17 (b) The county's progress toward the objectives identified in the county land and
18 water resource management plan under s. ATCP 50.12. The report shall identify key
19 areas of improvement, key compliance activities and key remaining problem areas.

20 (2) FAILURE TO FILE ANNUAL REPORT. The department may withhold funding
21 under this chapter from a county land conservation committee that fails to file a timely
22 annual report under sub. (1).

1 **ATCP 50.20 Annual grant application.** By April 15 of each year, a county
2 land conservation committee shall file with the department its application for funding
3 under this chapter for the next calendar year. The application shall comply with s. ATCP
4 50.26

5 **NOTE:** The department awards grants to counties according to subch. IV.

6 **ATCP 50.22 Accounting and recordkeeping.** A county land conservation
7 committee, in consultation with the county's chief financial officer, shall establish and
8 maintain an accounting and recordkeeping system. The accounting and recordkeeping
9 system shall do all of the following:

10 (1) Fully and clearly account for the receipt, handling and disposition of all funds
11 that the committee receives under s. 92.14, Stats., and this chapter.

12 (2) Document county compliance with s. 92.14, Stats., and this chapter, and each
13 grant contract under this chapter.

14 (3) Include records required under s. ATCP 50.32(9) related to annual staffing
15 grants.

16 (4) Include records required under s. ATCP 50.34(7) related to cost-share grants
17 for conservation practices.

18 **ATCP 50.24 Department review.** The department may review the activities of
19 a county land conservation committee under this chapter. The department may do any of
20 the following in connection with its review:

21 (1) Require the committee to provide relevant information requested by the
22 department, including information from the county's annual financial and compliance
23 audit.

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