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ATCP 50 Hearings March and April, 2000
Written Comments and Registrations

<u>Individual</u>	<u>Representing</u>	<u>Support the rule</u>	<u>Oppose the rule</u>	<u>Support parts/ Oppose parts</u>	<u>Location</u>
Baker, Marvin			x		Hancock
Bays, James II				x	Hancock
Behrend, Dale				x	Hancock
Buss, Leonard			x		Hancock
Chilewski, Howard			x		Hancock
Detler, Gary				x	Hancock
Finnessy, Mike			x		Hancock
Malek, Joe				x	Hancock
Miller, Paul			x		Hancock
Newsome, Glen				x	Hancock
Solensky, Wayne				x	Hancock
Van Haren, Randy			x		Hancock
Vander Velde, Keith				x	Hancock
Wallendal, Andrew			x		Hancock
Wegner, John			x		Hancock
Zink, Louis Jr.			x		Hancock
Total		0	9	7	16

These are in addition to those giving oral testimony

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<u>Individual</u>	<u>Representing</u>	<u>Support the rule</u>	<u>Oppose the rule</u>	<u>Support parts/ Oppose parts</u>	<u>Location</u>
Brandner, Mike			x		Medford
Hackel, Jon			x		Medford
Hardrath, Glen			x		Medford
Hasput, Allen				x	Medford
Hein, Ken		x			Medford
Hoffman, Jay				x	Medford
Hughes, Alan			x		Medford
Hughes, Alan			x		Medford
Hughes, Richard				x	Medford
Mahalko, Kenneth			x		Medford
Mahalko, Kevin				x	Medford
Matyak, Peter			x		Medford
Mayes, Floyd			x		Medford
Menne, John Jr.				x	Medford
Mergen, Steve			x		Medford
Miller, Paul				x	Medford
Mueller, Joyce			x		Medford
Nelson, Bill	Huntsinger Farms			x	Medford
Oberle, Earl				x	Medford
Oberle, Steve				x	Medford
Peacock, Dale				x	Medford
Peissig, Tom		x			Medford
Pescinski, David				x	Medford
Rau, George				x	Medford
Sackmann, Mark				x	Medford
Scheurr, Richard	Marathon Co. LCC	x			Medford
Smith, Roger				x	Medford
Spindler, Keith			x		Medford
Stockheimer, Francis				x	Medford
Strack, Darlene			x		Medford
Stueber, John			x		Medford
Zagorski, Theresa				x	Medford
Zenner, Joseph			x		Medford
Zenner, Melvin			x		Medford
Total		3	15	16	34

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Anderson, Eric			x		Antigo
Anderson, Tom			x		Antigo
Balen, Dick			x		Antigo
Bures, Andy				x	Antigo
Carter, Mike				x	Antigo
Deffner, Marvin			x		Antigo
Depies, Terry				x	Antigo
Fseidl, Arthur			x		Antigo
Gorichan, K. R.		x			Antigo
Gruetzmacher, Kathleen			x		Antigo
Gruetzmacher, Warren			x		Antigo
Hodiewicz, Dennis			x		Antigo
Koeppel, Aaron			x		Antigo
Kolpack, Curtis				x	Antigo
Kolpack, Thomas			x		Antigo
Lucht, William			x		Antigo
Ludwig, William				x	Antigo
Mach, Ken				x	Antigo
Mlezina, Mike	Agriliance		x		Antigo
Nagel, Jason			x		Antigo
Nagel, John			x		Antigo
Natzke, Clarence		x			Antigo
Noll, Allen			x		Antigo
O'Harrow, R. J.				x	Antigo
Ostrowski, Ron		x			Antigo
Pierce, Bryan		x			Antigo
Rupiper, Mike				x	Antigo
Schmidt, Donald			x		Antigo
Schroeder, Dale				x	Antigo
Stolz, Kenneth				x	Antigo
Urban, Bernard		x			Antigo
Van De Walle, Leland			x		Antigo
Volk, James			x		Antigo
Watson, Keith				x	Antigo
Welch, Nick				x	Antigo
Wolter, John			x		Antigo
Total		5	19	12	36

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<u>Individual</u>	<u>Representing</u>	<u>Support the rule</u>	<u>Oppose the rule</u>	<u>Support parts/ Oppose parts</u>	<u>Location</u>
Bailey, William			x		Barron
Bamman, Marvin				x	Barron
Baneck, Greg	Washburn Co. LCD			x	Barron
Bergeson, Duron				x	Barron
Bertelsen, Brian				x	Barron
Bina, Randy				x	Barron
Broker, Clarence			x		Barron
Christopherson, Tony			x		Barron
Harrison, Wayne			x		Barron
Held, Robert			x		Barron
Herrman, Walter			x		Barron
Kane, Jerome			x		Barron
Kauffman, John				x	Barron
Keene, Donald			x		Barron
Knutson, Gregory		x			Barron
Knutson, Jan				x	Barron
Koser, Jerry			x		Barron
Kringle, Harold				x	Barron
Larson, Norm			x		Barron
Lundeen, Walter			x		Barron
Madison, William				x	Barron
Mares, Tim				x	Barron
Mininger, Ed		x			Barron
Minor, Lyle			x		Barron
Nielson, Gary		x			Barron
Olson, Dale	Sawyer Co. LCD			x	Barron
Owens, Wilfred				x	Barron
Peterson, Vernon	Burnett Co. LCC			x	Barron
Retz, Franklin			x		Barron
Rippenburg, Al					Barron
Skoug, Mark		x			Barron
Splett, Leonard				x	Barron
Weis, Ted				x	Barron
Winger, Arthur			x		Barron
Wormer, Douglas				x	Barron
Zehner, Jerry		x			Barron
Total		5	14	17	36

These are in addition to those giving oral testimony

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<u>Individual</u>	<u>Representing</u>	<u>Support the rule</u>	<u>Oppose the rule</u>	<u>Support parts/ Oppose parts</u>	<u>Location</u>
Courtier, Phil				x	Madison/ videoconf.
DeWald, Ryan				x	
Hafner, Jack		x			
Wieben, Ann		x			
Total		2	0	2	4

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<u>Individual</u>	<u>Representing</u>	<u>Support the rule</u>	<u>Oppose the rule</u>	<u>Support parts/ Oppose parts</u>
Alsteen, Mike			X	
Ambs, Todd	River Alliance of Wis			X
Baker, Marvin	Bakersfield Consulting		X	
Barclay, Michael			X	
Baten, Angela			X	
Battest, Wenda			X	
Battist, Karen			X	
Battist, Philip			X	
Beck, Jason	Heartland Coop		X	
Becken, Kim	Todd, Kim, Jacob & Joshua Becken			X
Becker, Edwin	Ed's Crop Consulting		X	
Beebe, Carolyn				X
Benedict, Delbert			X	
Bennett, Brad				X
Benson, John		X		
Blazer, Aaron				X
Bobb, Ray			X	
Bobolz, Jodie			X	
Boone, Vera				X
Breus, William			X	
Brewer, Daniel			X	
Brewer, Marian & William			X	
Broker, Clancy			X	
Bulin, Dale				X
Bushweiler, Bruce	Waupaca Co LCD			X
Buss, David			X	
Cieslak, Doug	Buffalo Co. LCC			X
Clary, Tom	Clary Dairy Farms		X	
Clay, Tim	Wis. Fed. Of Coops			X
Cofta, Colene				X
Congdon, Ken	Scotch Prairie farms		X	
Conley, Lisa				X
Cooper, Cathy	Richland Co LCD			X
Cordes, Marilyn			X	
Crass, David	The Turkey Store		X	
Dahlke, Arnold Jr.			X	
Daigle, Paul	WALCE NC Region			X
Daly, Phyllis				X
Davis, Alice				X
Davis, Sarah				X
Delinke, C. W.			X	
Digman, Leona & David			X	
Dodge Co. LCC				X
Donaldson, John	Zeneca Ag Products		X	
Eckert, William	Gumz Muck Farms		X	
Erickson, Rudy	Indianhead Polled Hereford Assn		X	
Esser, Jane			X	

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<u>Individual</u>	<u>Representing</u>	<u>Support the rule</u>	<u>Oppose the rule</u>	<u>Support parts/ Oppose parts</u>
Evans, Gary	Chippewa Valley Tech College			x
Eversfield, Pamela				x
Fish, Terry, Kinley,			x	
Fisher, Lavern			x	
Fitzgerald, Megan				x
Fosmo, Harold	Izaak Walton League	x		
Fredrickson, Darcy				x
Freitag, John	Wis. Cattlemen's Assn.		x	
Fuller, William			x	
Gapen Timothy			x	
Gehring, Robert			x	
Goodrich, Angie				x
Grant Co. LCC & LCD				x
Graupner, Marie	Langlade Co LCC/LCD			x
Grohn, Luther			x	
Grupetrog, Paul M.			x	
Haag, John & Cindi				x
Hafeman, Sheila			x	
Hafner, Marguerite				x
Hale, Karen Etter	Madison Audubon Society			x
Halverson, Audrey				x
Halverson, Susan				x
Hanewall, Peter			x	
Hansen, Roger				x
Hanson, Bob				x
Hanson, Diane	Lincoln Co LCC			x
Harris, Ronald				x
Hefmann, Ken			x	
Heims, Randy				x
Hein, Jesse				x
Heise, Robert	St. Croix Co LCD			x
Hermanson, David			x	
Hillan, Eric				x
Hindman, Darwin III				x
Hoerth, Norbert			x	
Hoff, Al	Monroe Co LCC/LCD			x
Hoogland, Jeff	Hoogland Dairy		x	
Isolene & Grant				x
Jenson, Todd	Green Co. LCC			x
Jorgenson, Steven				x
Kelh, Bill				x
Kent, Paul	Municipal Environmental Group			x
Kerr, Greg			x	
Kinney, Greg			x	
Kirkham, Donald			x	
Kitzmann, Lowell & Donna			x	
Kluth, Dale	Glendale Farms		x	

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Knoop, Sharon				x
Knutzen, Brian & Paul				
Koens, Eric	North Wis. Beef Prod. Assn.		x	
Konkel, Deborah				x
Koss, B. Todd	Kewaunee Coop		x	
Kosterman, Megan				x
Kraft, Ervin			x	
Kuehn, Ronald	Wis. Agri-Service Assn., Wis. Pork Producers Assn., Wis. State Cranberry Growers Assn., WPVGA			x
Kuehne, Carl	Amer. Foods Group		x	
Kuphal, Troy	WALCE			x
Langlade Co. LCC				x
Larson, Brett	WLWCA			x
Larson, Emily				x
Larson, Fred	Indianhead Polled Hereford Assn		x	
Leavenworth, Patricia	NRCS	Neither support nor oppose. Tech. Notes		
Lee, Leonard				x
Lessard, Val	Door County Coop			x
Lester, William				x
Lindquist, Perry	Waukesha Co. LCC & LCD			x
Lorch, Darrel			x	
Lucas, Patricia			x	
Luchsinger, Donavon			x	
Lueck, Jeff, Arnold & Marie			x	
Luther, Matt	Harmony Country Coop		x	
Lynch, Eric				x
Maertz, Bernice				x
Mahoney, Patrick				x
Markiewicz, Jim			x	
Marshall, John & Gloria			x	
Mazola, Jodi				x
McElmurry, Dana				x
McEntire, Margaret				x
Meils, Ben			x	
Merline, Robert	Gibraltar Preserv. Council			x
Meyer, Erik				x
Michalski, Vince	Agriliance		x	
Mickelson, Robert			x	
Miller, Thomas	River Alliance of Wis.			x
Mleziva, Mike	Agriliance		x	
Morel, Robert				x
Mudd, Susan	Citizens for a Better Environment			x
Mueller, Patricia			x	
Munsch, Jim & Phylis			x	
Nachreiner, Carl	Co-op Country Partners		x	

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Nankee, Daniel & Lois			X	
Nehring, Thomas			X	
Neises, Alan				X
Nelson, Stanley			X	
Niedfeldt, Gerald			X	
Nixdorf, Wally	Harmony Country Co-ops		X	
Nowobulski, Clarence			X	
NW Wis. Potato Growers Assn.			X	
Oconto Co. LCC				X
Odean, Andrea			X	
Oerter, Greg			X	
Offerdahl, Larry	Countryside Coop		X	
Olson, Gaylord	Jackson Co LCC			X
Olson Farms of Larsen	Joe, Matt & Tom Olson and Brian & Paul Knutzen			X
O'Neill, Jean				X
Ott, Gary	Co-op Country Partners		X	
Ottone, Gerald				X
Pasch, Gay & Mary			X	
Penn, Andrea				X
Pernsteiner, Patrick				X
Pernsteiner, Vernon				X
Peterson, Vernon	Town of Daniels, Burnette Co.		X	
Pevnick, Laurie				X
Phillips, Andrea				X
Pickard, Jacob				X
Pontar, Toni				X
Purdy, Charles			X	
Radde, Don			X	
Rademacher, Robert Jr.			X	
Ragatz, Annalisa				X
Rasmussen, Paul			X	
Rathke, Rebecca				X
Reddy Ag Service			X	
Reichers, Mark	Lafayette Co Farm Bureau		X	
Reichers, Mark			X	
Reimer, Gregg			X	
Reinier, Katie				X
Rice, Duane				X
Richards, Don				X
Richardson, Jay			X	
Ritten, Tony	Control Crop Consulting		X	
Rock Co. LCC				X
Rogers, S. C.				X
Rose, R. & P.				X
Samsa, Angela				X
Samsa, Sarah				X

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Sawicki, Shannon				X
Scampini, Mia				X
Schank, W. & D.			X	
Schmidt, Don			X	
Schrock, Joseph			X	
Schumann, Kerry	Wis. Public Inter. Research Grp			X
Scott, Michael				X
Shaw, Byron	UW-SP	Technical comments		
Shippy, Jane Maya				X
Sjmaneh, Amanda				X
Skaar, Eugene			X	
Skenandore, Kimberly				X
Smith, Larry			X	
Spotts, Richard				X
Spring, Winifred				X
Staats, Steven			X	
Steinback, Doug & Janice			X	
Stevens, Shirley				X
Streuli, Donald				X
Swan, P				X
Swanson, Julie				X
Swoboda, Michael	Trout Unlimited			X
Tadda, Sally			X	
Taylor, Stephen	Badger Laboratories		X	
Teal, James			X	
Terrell, Caryl	Sierra Club			X
Thompson, Donald			X	
Thompson, Jana				X
Thompson, Roger				X
Tolbs, Fred J.			X	
Tonnar, Edna			X	
Town of Wellington, Monroe County			X	
Tritsch, Jessica				X
Trumble, Lisa	Lafayette Co LCC			X
Vande Walle, Leland			X	
Washington Co. LCC				X
Weiss, G. M.	Progress Plus		X	
Welander, Ivan				X
Wessely, Frank				X
West, Sarah				X
Wex, Terry	Pine Bluff Farms		X	
Whelpley, Heather				X
Wickman, Thomas				X
Wilhelm, Bess				X
Wilmes, Judith			X	
Wilusz, Edward	Wis. Paper Council	Need clarification of the rule		
Wing, Christine				X

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Winnebago Co. LCC & LWCD				x
Wis. Land & Water Conserv. Brd.				x
Wis. Leg. Rules Clearinghouse		Technical changes		
Witocki, Terry			x	
Yantis, June	Town of Delavan			x
Yapp, Doug				x
Young, Harry			x	
Zaber, David	Wis. Envir. Decade			x
Zawacki, Jennifer				x
Ziegler, Nancy				x
Zielicke, Leslie			x	
Zink, Louis Jr.			x	
Sub-Total	(Technical comments = 4)	2	111	Total 123
Sub-Total from hearing locations		31	141	124

In addition, the department received 998 postcards supporting the intent of the rule but stating that this version of the rule does not go far enough to protect the waters of the state.

519 cards from Sierra Club members
479 cards from Wis. Public Interest Research Group members
998 total cards

Added to the "support part/oppose parts" column, the final written comments and registrations are as follows:

Total	(Technical comments = 4)	33	252	1,245
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The department also collected 159 appearance cards at the hearings from individuals who did not indicate whether they supported or opposed the rules.

The department received 133 pieces of written testimony that arrived after the closing of the hearing record. These 133 are not included in the totals above.

The postcards and appearance cards as well as all pieces of written testimony can be viewed upon request.

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Attachment 2

HEARING SUMMARY

**Hearings Held
August 28-30, 2001**

**ATCP 50 Hearing Summary
August 28, 29 and 30, 2001**

8/28/01 Jefferson, Wis. About 70 people were in attendance. 32 cards were filled out. 18 people provided oral testimony; 4 representing lake districts or associations, 4 representing environmental groups, 4 representing farm groups, 3 representing LCCs and LCDs, and 3 representing themselves. Of those who filled out the cards, 9 stated they opposed the proposed rule and 8 stated they supported it.

Those presenting oral testimony were:

1. Marc Bethke, Dodge County LCD, opposes the proposed rule. The rule is too costly; the state should not pay for crop rotations, practice maintenance and taking land out of production.
2. Mary Danoski, Fox Lake Inland Lake, opposes the rule. The rule needs to focus on keeping waters clean rather than insuring farmers' profitability. The rule must address phosphorus entering waters.
3. Greg Farnham, Lake Sinissippi Improvement District, supports the intent of the rule but feels it does not go far enough to protect the waters of the state. The rule must address phosphorus. Do not tie enforcement to the availability of cost-share dollars.
4. Bob Oleson, Wisconsin Corn Growers Association, opposes the rule. It has too many bureaucratic requirements and it is too expensive. If passed, the public will expect it to be implemented and the state does not have the funds for that so the burden will fall on the back of farmers.
5. Megan Fitzgerald, Wisconsin Public Interest Research Group (WISPIRG), supports the intent of the rule but feels it does not go far enough to protect the waters of the state. It needs a phosphorus standard and more state funding.
6. Emily Larson, interested citizen, supports the intent of the rule but feels it needs to do more to protect the waters of the state. Agricultural runoff threatens our waterways and all farmers offered cost sharing should be made to comply with the rules.
7. Paul Junio, Wisconsin Environmental Lab Association, opposes the rule. The proposed rule creates a duplicate program to what DNR already has.
8. Dennis Zeloski, Muck Farms, Inc., opposes the rules. The rules are too restrictive for farmers and leaves them unable to compete.
9. Carl Olsen, interested citizen, supports and opposes the rule. The rule prioritizes the work that needs to be done, but the wording provides loopholes for farmers for not doing the work.
10. Danny Katz, interested citizen, supports parts of the rule and opposes other parts. He supports the intent of the rule, but feels it is too costly. Farmers should be required to meet the standard if cost sharing is

- "offered" not "received."
11. Mary McClelland, interested citizen, supports the intent of the rule but opposes parts of it. The program needs more funds. The wording should be changed so that a farmer must comply with the standards if cost sharing is "offered", not "received."
 12. Lisa Conley, Wisconsin Association of Lakes, supports the intent of the rule but opposes this version of it. This version is too costly. It also needs a phosphorus standard.
 13. Paul Dearlove, Lake Ripley Management District, supports the intent of the rule but suggests further changes. The rule needs a phosphorus standard and the state should not pay for taking land out of production.
 14. Betsy Ahner, Wisconsin Fertilizer and Chemical Association, opposes the nutrient management requirements of the rule.
 15. Perry Lindquist, Waukesha County LCD, opposes the rule. LCCs should have been involved in developing the rule. DATCP has lost track of the original vision for redesigning the program.
 16. Patrick Buckley, Hunter's Lake Association, supports the intent of the rule but opposes this version of it. A phosphorus standard needs to be included in the rule.
 17. Jim Hebbe, Green Lake County LCD, supports parts and opposes parts of the rule. There isn't enough money available to implement this program. Counties need staff funding and money is needed to reward the good actors.
 18. Bruce Barganz, Jefferson County Farmco, opposes the rule. Supports the intent of the rule but opposes parts of it. The nutrient management program needs reworking.

8/28/01 Menomonie, Wis. About 30 people were in attendance. 25 cards were filled out. 8 people provided oral testimony; 6 representing LCC and LCDs and 2 representing themselves. Of those who filled out the cards, 16 opposed the rule and none supported it.

Those presenting oral testimony were:

1. - Richard Coen, Polk County LCC, opposes the rule. This rule is too costly. It also tries to usurp power from counties.
2. David Appleyard, Trempealeau County LCC and LCD, opposes the rule. DATCP needs to work with LCCs and LCDs to develop the program and the rule.
3. Stan Hensley, farmer, opposes the rule. Cost sharing should be at 100%. The benefits go to the public, the public should pay for it.
4. Charles Handy, Pierce County LCC and LCD, opposes the rule. This is too regulatory for farmers, it will negate all of the good work the voluntary programs have done.
5. Jean Schomisch, Eau Claire County LCC and LCD, opposes the rule.

The rule is fiscally irresponsible and undermines local ordinances. It does not follow the intent of the law.

6. Dale Hanson, Barron County LCC and LCD, opposes the rule. The rule is too costly as written. The program needs a new source of funding such as a small tax on food.
7. Dan Masterpole, Chippewa County LCC and LCD, opposes the rule. A landowner meeting a standard at the time of rule passage must continue to meet that standard at no cost to the state. The rule does not meet the intent of the law.
8. Richard Bayer, farmer, opposes the rule. The rule is too regulatory and puts Wisconsin farmers at a disadvantage to farmers in other states.

8/29/01 Richland Center, Wis. Approximately 30 people were in attendance. 24 cards were filled out. 8 people provided oral testimony; 5 representing LCCs and LCDs, 2 representing themselves, and 1 representing an environmental organization. Of those who filled out the cards, 11 opposed the rule and 3 supported it.

Those presenting oral testimony were:

1. Joe Van Berkel, Sauk County LCC and LCD, opposes the rule. The rule is too complex and too costly for farmers. It centralizes power and denies local control.
2. Bill Pielsticker, Southern Wisconsin Trout Unlimited, supports the intent of the rule but opposes many parts of this version of it. This rule would be too costly. It needs to incorporate a phosphorus standard in it.
3. Rebecca Baumann, Wisconsin Land and Water Conservation Association, opposes the rule. This does not meet the intent of the law. It restricts counties' ability to enact ordinances. DATCP needs to work with LCCs and LCDs in developing the program and its rule.
4. Doug Cieslak, Buffalo County LCD, opposes the rule. The rule is fiscally irresponsible and it preempts counties' ability to enact ordinances.
5. Kurt Radke, farmer, opposes the rule. The rule will put farmers out of business. Farmers need 90% cost sharing. It is too expensive.
6. Don Franke, La Crosse County LCD, opposes the rule. The whole rule needs to be redrafted with input from county LCCs.
7. Dick Hauser, farmer, opposes the rule. The level of cost sharing should be raised to 90% and it should include the new 590 standard.
8. Don Bina, La Crosse County LCC, opposes the rule. This rule provides too much cost sharing, it is fiscally irresponsible. The rules need better coordination between DATCP and DNR.

8/29/01 Phillips, Wis. 11 people were in attendance. 11 cards were filled out. 5 people provided oral testimony; 3 representing themselves, and 2 representing LCCs and LCDs. Of those who filled out the cards, 3 opposed the rule and 1 supported it.

Those presenting oral testimony were:

1. Al Riphensburg, farmer, opposes the rule. The rules are too regulatory for farmers. We don't need regulations for all farmers, only for some abusing the land.
2. Marie Graupner, Langlade County LCD, opposes the rule. The rule should not be paying farmers for practice maintenance and land taken out of production, it rewards the bad. The state needs to provide funding for staff.
3. Joe Stotka, farmer, is neutral on the rule. He wants to know why the law doesn't allow realtors to measure property differently.
4. Marlus Heath, farmer, is neutral on the rule. The rule must deal with odor problems and manure pit abandonment. The state needs to speed up the cost share process so farmers can get reimbursed quicker.
5. Barb Schieffer, Taylor County LCD, is neutral on the rule. The rule is confusing and she has many questions regarding it.

8/30/01 Green Bay, Wis. Approximately 30 people were in attendance. 17 cards were filled out. 11 people provided oral testimony; 4 representing environmental organizations, 4 representing LCCs and LCDs, 2 representing themselves, and 1 representing an agricultural organization. Of those who filled out the cards, 6 opposed the rule and none supported it.

Those presenting oral testimony were:

1. Mary Ann Meyer, Wis. Public Interest Research Group, supports the intent of the rule but opposes this version of it. There are too many loopholes in this rule and not enough state funding. It needs to have a phosphorus standards.
2. Mary Ryan, interested citizen, supports the intent of the rules, but this version needs to be made stronger. The rule needs an enforcement element and more state funding.
3. Dario Ganic, interested citizen, supports the intent of the rule, but opposes this version. It needs to be made stronger. The rule needs a phosphorus standard and the program needs more funding.
4. Tom Milheiser, Oconto County LCC, supports the intent of the rule but opposes this version of it. It provides too much cost sharing for farmers. Watershed staff funding needs to be returned to 100% funding.
5. Pete Van Airsdale, Winnebago County LWCD, opposes the rule,

- regrettably. Need clear implementation program to reach standards. It needs to be adequately funded to provide for local conservation leadership.
6. Bill Hafs, Brown County LCD, opposes the rule. The rule needs a clear implementation program. It should not be rewarding violators for their violations.
 7. Marvin Fox, WLWCA, opposes the rule. DATCP must work with LCCs and LCDs to revise the rule. The proposed rule undermines local authority and is too costly.
 8. Steve Heraly, Wis. Environmental Laboratory Assn., opposes certain parts of the rule. The rule should not endorse only the U. W. laboratories. The lab certification process is in conflict with what is in NR 151.
 9. Vince Michalski, Agriliance, supports the intent of the law but opposes this version of the rule. U. W. recommendations should not be made mandatory. Retailers should not be involved with reporting on farmers who have nutrient management plans.
 10. Rebecca Katus, Clean Water Action Council, supports strong nonpoint source rules, but opposes this version. This rule has too much cost sharing and rewards bad behavior. The rule needs an enforcement element.
 11. Linda Stoll, Fox-Wolf Basin 2000, supports the need for strong rules, but opposes this version of them. This rule has too many loopholes and is not cost efficient. No one is required to do anything.

Statewide. Approximately 170 people attended the hearings. 50 people provided oral testimony. These 50 people represented farmers and farm organizations, local governments, environmental organizations, and themselves as private citizens. 109 appearance cards were filled out. Of those filling out appearance cards, 45 people opposed the proposed rule and 12 supported it.

Common Themes:

- **Nutrient Management.** Many environmental groups feel the requirements are too weak and many farm representatives feel the requirements are too strong. Environmental group representatives feel rule should allow for a nutrient management standard to be based on phosphorus, not just nitrogen.
- **Cost sharing.** Environmental groups and LCDs state that the proposed rule is too costly. Cost sharing should not be provided to farmers for practice maintenance and land taken out of production.
- **Ordinances.** Local government is concerned that cost-share funds will have to be provided in order to enforce local ordinances.

- **Ordinances.** Local government is concerned about the level of state control being exerted over the counties' abilities and authorities to pass local ordinances.
- **Ordinances.** Farmers expressed concern that this rule was too regulatory and that farmers were being burdened with too many regulations.
- **Process.** Local governments and environmental groups expressed concern that representatives of county land conservation committees and departments need to be worked with to develop the rule.
- **County Staff Funding.** More funding should be provided for staff funding. The cost-share to staff cost ratio is only two or three to one, not the 11 to one used in the fiscal estimate.
- **Fiscal Estimate.** The fiscal estimate needs to be updated to account for the changes to the proposed rule since the fiscal estimate was completed.
- **Consistency.** The rule must be consistent with DNR's proposed rules. Terms and definitions must be used consistently throughout the rule.

**ATCP 50 Hearings - August 2001
Written Comments and Registrations**

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts	Location
Baade, Walter	Ashippun Lake District			x	Jefferson
Battist, James			x		Jefferson
Bries, Dennis				x	Jefferson
Busch, Randy	Rock River Laboratories	x			Jefferson
Calkins, Kurt	Columbia Co. LCC & LCD			x	Jefferson
Diestelmann, Eva		x			Jefferson
Hallen, Walt		x			Jefferson
Marx, Suzanne			x		Jefferson
Strapp, Ralph			x		Jefferson
Total		3	3	3	9

These are in addition to those giving oral testimony

**ATCP 50 Hearings - August 2001
Written Comments and Registrations**

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts	Location
Blaha, Jerry	Trempealeau Co. LCC		x		Menom.
Carlson, Alan			x		Menom.
Licht, Pam			x		Menom.
Ludwigson, LaVerne	Chippewa Co. Board		x		Menom.
Marquardt, Larry	Chippewa Co. Board		x		Menom.
Monson, Gary	Trempealeau Co. LCC		x		Menom.
Olson, Gaylord II	Jackson Co. LCD		x		Menom.
Timmons, Jeff	Polk Co. LWRD		x		Menom.
Van Tassel, Geraldin	Trempealeau Co. LCC		x		Menom.
Webb, Rod	Pepin Co. LCC		x		Menom.
Whitney, Wayne			x		Menom.
Total		0	11	0	11

These are in addition to those giving oral testimony

**ATCP 50 Hearings - August 2001
Written Comments and Registrations**

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts	Location
Kamps, Eugene	Langlade Co.		x		Phillips
Lindquist, Kenneth	Ashland Co. LCC	x			Phillips
Mika, George	Ashland Co. LCC			x	Phillips
Total		1	1	1	3

These are in addition to those giving oral testimony

ATCP 50 Hearings - August 2001
Written Comments and Registrations

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts	Location
Anderson, Ken	Richland Co. LCD	x			RchInd Ctr
Hagen, Russ	Crawford Co. LCD		x		RchInd Ctr
Igou, Patrick		x			RchInd Ctr
Lange, Rick		x			RchInd Ctr
O'Leary, Timothy	Columbia Co. LWCD		x		RchInd Ctr
Rietmann, Todd	Columbia Co. LWCD		x		RchInd Ctr
Schwer, Sam			x		RchInd Ctr
Trumble, Lisa	Lafayette Co LCD		x		RchInd Ctr
Wilburn, Lynda	Grant Co. LCD		x		RchInd Ctr
Total		3	6	0	9

These are in addition to those giving oral testimony

**ATCP 50 Hearings - August 2001
Written Comments and Registrations**

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts	Location
Holtz, Brad			x		Green Bay
Jolly, Jim	Brown Co. LCD			x	Green Bay
Ostrowski, Ron	Shawano Co. LCD		x		Green Bay
Webster, Bobbie				x	Green Bay
Total		0	2	2	4

These are in addition to those giving oral testimony

ATCP 50 Hearings - August 2001
Written Comments and Registrations

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts
Abramson, Pamela			x	
Agard, Mary				x
Ahmadi, Hoda				x
Ahner, Betsy	Wis. Fert. & Chem. Assn.			x
Alderman, Alice				x
Ambs, Todd	River Alliance of Wis.			x
Appleyard, David	Trempealeau Co. LCC & LCD		x	
Arndorfer, Chris			x	
Arts, Marshall				x
Ashmun, April				x
Askew, Brian				x
Athen, Lacinda			x	
Baade, Walter	Ashippoon Lake District			x
Bader, Brian			x	
Banak, Tania				x
Banna, Denise				x
Barganz, Bruce	Jefferson Co Farmco			x
Barkwill, Linda			x	
Barnes, G.			x	
Barth, Jeremy				x
Bartol, John			x	
Battist, James	Battist Farms, Inc.		x	
Baumann, Rebecca	Wis. Land & Water Cons. Assn.		x	
Bayer, Richard			x	
Bazzell, Darrell	Wis. DNR	Technical comments		
Bebow-Reinhard, Monette				x
Beebe, Carolyn				x
Bernardo, Kathleen			x	
Bertrand, Rose Marie			x	
Bethke, Marc	Dodge Co. LCD			x
Bischoff, Gordon			x	
Bjerk, Joy				x
Bloch, B.			x	
Bollerman, Matthew			x	
Borden, Kent				x
Bormann, Virginia				x
Brandley, Jane				x
Bries, Dennis				x
Buckley, Patrick	Hunters Lake Assn.	x		
Burton, Roy	Outagamie Co. LCC & LCD		x	
Busch, Randy	Rock River Labs	x		
Cain, Kelly	UW-R.F. Plant & Earth Sci.			x
Calkins, Kurt	Columbia Co. LCC and LWCD		x	
Carncross, Emily				x
Carroll, Mark			x	
Casella, Cristy				x
Cayley, Scott				x

**ATCP 50 Hearings - August 2001
Written Comments and Registrations**

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts
Chard, Philip			X	
Christiansen, John	Wis. Trout Unlimited			X
Cieslak, Doug	Buffalo Co. LCD			X
Cieslewicz, Dave	1000 Friends of Wis.			X
Coen, Richard	Polk Co. LCC		X	
Connell, James				X
Cooper, Cathy	Richland Co. LCD		X	
Cramer, John				X
Crass, David	Jennie-O Turkey Store			X
Daigle, Jonathan				X
Danoski, Mary	Fox Lake District		X	
Daub, Ed			X	
Davlanes, Nancy			X	
Dean, Dale			X	
Dearlove, Paul	Lake Ripley District			X
DeGrant-Vissers, Kelly				X
Delizio, Roberta				X
Deupree, Neil			X	
Diaz, Kim	Baird Creek Parkway Preserv.			X
Dodge Co. LCC				X
Dodson, Stanley	UW-Mad. Zoology			X
Drori, Oren				X
Drori, Rina				X
Duller, Carol				X
Dumit, Margarita				X
DuRussel, Mark			X	
Eckroth, Holly				X
Ehlke, Glenn			X	
Emch, David			X	
Emmling, Phillip	Cons. Fed. Of Fly Fishers			X
Emmling, Phillip	UW-Mad. Engineering			X
Enright, Rachel				X
Fassbind, Kevin	Wis. B.A.S.S. Federation			X
Findley, Keith				X
Fiore, Jim				X
Fiore, Susan				X
Fitzgerald, Megan				X
Fletcher, Peter	Trempealeau Co. Planning Dept.		X	
Flores, Dayna				X
Florey, Martha			X	
Foster, Marvin				X
Fox, Marvin	Wis. Land & Water Cons. Assn.		X	
Franke, Don	La Crosse Co. LCC & LCD		X	
Frisk, Charles				X
Fuchs, Sandy			X	
Furchtenicht, Alan			X	
Ganic, Dario				X

ATCP 50 Hearings - August 2001
Written Comments and Registrations

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts
Gaska, Jeff	Pheasants Forever			X
Gehring, Robert		X		
Gelfer, John				X
Gerhard, M. M.		X		
Gerke, Lisa				X
Gieryn, Sam		X		
Giese, Mark		X		
Gilbertson, J. D.				X
Gildner, Tara				X
Gill, E. A.		X		
Godfrey, Elizabeth				X
Grabowski, A.				X
Graupner, Marie	Langlade Co. LCD		X	
Griffin, Dennis		X		
Gryder, Rick		X		
Guzman, Mary		X		
Haase, Lisa				X
Hafs, Bill	Brown Co. LCD	X		
Hagen, Tim		X		
Hale, Brack				X
Hale, Karen Etter	Wis. Audobon Council			X
Hale, Karen Etter	Personal		X	
Hallstrom, Bill	Green Rock Audobon Society			X
Handy, Charles	Pierce Co. LCD	X		
Hanson, Diane	Lincoln Co. LCC & LCD	X		
Hassemer, Catherine				X
Haukom, Bruce	Jefferson Co. Zoning Office		X	
Hays, Paul				X
Heath, Rita				X
Heiber-Cobb, Kate		X		
Helminiak, Julia				X
Henning, Shari				X
Herold, Clem	Buffalo Co. LCC		X	
Herrera, Olga		X		
Hiatt, Jennifer				X
Hilbert, Hans				X
Hoch, Elizabeth				X
Hochtritt, David		X		
Hoff, Al	Monroe Co. LCD		X	
Hoffs, Brad		X		
Hoich, Erica		X		
Hollands, Nancy	Oneida Co. LCC & LCD	X		
Horowitz, Tina				X
Howard, John				X
Hoyt, Marika		X		
Hrobar, Jessica				X
Hrobar, Julie				X

**ATCP 50 Hearings - August 2001
Written Comments and Registrations**

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts
Hudson, Carolyn				X
Huffman, Eddy		X		
Irving, Preston				X
Jackson Co. LCC				X
Jacobson, Teri				X
Jakopac, Barbara	Milwaukee Fly Fishers			X
Jansky, Leroy	Wis. Soc. Of Prof. Soil Scientist	Technical comments		
Johnson, Harry		X		
Johnson, John				X
Johnstone, Kira				X
Jolly, Jim	Brown Co LCD			X
Josephson, Abbey		X		
Junio, Paul	Wis. Environental Lab Assn.	X		
Kaatz, Dean	Marathon Co. LCC & LCD	X		
Kamp, Tressie				X
Kamps, Eugene	Langlade Co. LCC	X		
Karczewski, Brian		X		
Kark, Richard				X
Katus, Rebecca	Clean Water Action Council			X
Kent, Paul	Municipal Environmental Group		X	
King, Austin				X
Kinsman, John	Family Farm Defenders			X
Knutzen, Betty				X
Knutzen, David				X
Knutzen, Paul	Knutzen Crop Consulting			X
Koch, Marie				X
Koermer, Stephen				X
Kohlstedt, Steve	UWEX - Richland Co.	Technical comments		
Kostka, Pam		X		
Kozelka, Michael		X		
Kraft, George	UW-SP Coll. Of Nat. Resources			X
Kreitmeir, Erik				X
Krimpelbein, Shelley				X
Kruger, Amy				X
Krumwiede, Anna				X
Kuderer, Jenny		X		
Kugler, Ben		X		
Kugler, Tony		X		
Kuklinski, Linda				X
Kuphal, Troy	Wis. Assn. Of Land Cons. Empl		X	
Kurtz, Melinda				X
Lacy, Anne				X
LaForest, Michael				X
Le Bouton, Gary	Waushara Co. LCC & LCD	X		
Leavenworth, Pat	USDA NRCS	Technical comments		
Lee, Kum Yi				X
Liberski, Mark				X

ATCP 50 Hearings - August 2001
Written Comments and Registrations

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts
Licht, Pam			X	
Lindloff, Coral				X
Lindquist, Perry	Waukesha Co. LCD		X	
Linski, Jamie				X
Lintner, Don	Sierra Club Touring Section			X
Lomas, Philip				X
Long, Pam				X
Long, Sally	UW-Milw. Biology Sciences			X
Lott, Cynthia				X
Lowe, Justin		X		
Lutenegeger, Brian				X
Luthin, Charlie	Wis. Wetlands Assn.			X
Lyden, Tiffany	Vilas Co. LCC & LCD	X		
Maassen, Jennifer		X		
MacLaughlin-Berres, Ann				X
Maehl, Joseph	Winnebago Co. LCC	X		
Malick, Sarah				X
Manske, Jinny				X
Marasco, Gina				X
Masterpole, Dan	Chippewa Co. LCD	X		
Matthews, Kristin				X
McCloud, Robert	Fox Lake District			X
McCormick, Cheryl				X
McElrone, Joel				X
McLeod, Eugene		X		
McMonagle, Rick	Kinnickinnic River Land Trust			X
McNurlan, Rhonda				X
McRoberts, Reed	Trempealeau Co. Zoning Dept.	X		
McWilliams, Margaret				X
Meitner, Erik				X
Metelak, Janice				X
Metz, Judy		X		
Meyer, Mary Ann	WISPIRG			X
Meyer, Mary Ann	Personal			X
Michalski, Vince	Agriliance	X		
Mika, George	Ashland Co. LCC			X
Moede, Roberta				X
Moldenauer, Janet		X		
Moore, Columba		X		
Morack, Michael		X		
Mueller, Joan		X		
Muensch, Stephan				X
Mulvihill, Shawn		X		
Murphy, John				X
Murphy, Karen				X
Nelson, Amy				X
Nestler, Briana				X

**ATCP 50 Hearings - August 2001
Written Comments and Registrations**

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts
Nikora, James				X
Noll, Justin				X
Oconto Co. LCC			X	
O'Leary, Timothy	Columbia Co. LCD		X	
Oleson, Bob	Wisconsin Corn Growers Assn.		X	
Olsen, Carl				X
Olsgard, Bob	Lake Superior Alliance			X
Olson, Linda				X
Olson, Louise	Walworth Co. LCD		X	
Omdalen, Ron			X	
Omdalen, Ruth			X	
Ostrowski, Ron	Shawano Co. LCD		X	
Pagh, Sierra				X
Parker, Eric			X	
Paulson, Nancy				X
Penfield, Anne				X
Peterson, David				X
Peterson, Le Roy	Pierce Co. LCC		X	
Pielsticker, Bill	S. Wis. Trout Unlimited			X
Pierce, Bryan	UWEX - Vilas Co.			X
Pieters, Thomas				X
Plate, Leslie			X	
Ploeger, Richard	Lake Sinissippi District			X
Porath, John				X
Prochaska, Bonnie	Sustainable Racine			X
Prusak, Jeanne			X	
Puls, Andy				X
Quamme, JoAnne				X
Ragatz, Annalisa				X
Raunio, Duncan				X
Reinhold, Heidi			X	
Reith, Paul			X	
Reopelle, Keith	Wis. Environmental Decade			X
Riel, Laura				X
Rietmann, Todd	Columbia Co. LCD		X	
Rippenburg, AL	R&Z Farms		X	
Roeth, Bridgit				X
Rosefelt, Mitchell			X	
Rosenblatt, Suzanne				X
Rosland, Linda			X	
Ross, Trisha				X
Ruffolo, Philip				X
Ryan, Mary				X
Rynders, Paul			X	
Saecker, Jan			X	
Satter, Ellyn			X	
Scala, Stephen				X

ATCP 50 Hearings - August 2001
Written Comments and Registrations

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts
Scanlan, Melissa	Midwest Environmental Adv.			X
Scanlon, Melissa	Personal			X
Schmidt, Claire		X		
Schmidt, Don	Bay Lakes Co-op			X
Schomisch, Jean	Eau Claire Co. LCC	X		
Schroeder, Pam		X		
Schumann, Kerry	Wis. Public Interest Res. Group			X
Schuster, William	Door Co. SWCD	X		
Schwab, Sarah				X
Schwalenberg, Shawna				X
Schwer, Sam		X		
Seeger, Chuck	Racine Co. LCC & LCD	X		
Seichter, Jeffrey				X
Sensenstein, Ann				X
Sevetson, Erika		X		
Shippy, Jane		X		
Siegel, Bruce				X
Sievers, Emily				X
Silk, Zachariah		X		
Simons, John				X
Sines, Craig				X
Skup, David				X
Skup, Debra		X		
Smith, David		X		
Smith, Richard		X		
Smith, Tony	Manitowoc Co. SWCD			X
Snavely, Nicholas				X
Speich, Robert		X		
Spotts, Richard		X		
St. Croix Co. LCC		X		
Stanek, Marsha				X
Stanley, Terri		X		
Starks, Jess		X		
Steffenson, Dave		X		
Stefferd, Renee		X		
Steinke, Kathy		X		
Stern, Billy		X		
Stoll, Linda	Fox-Wolf Basin 2000			X
Stone, George		X		
Strand, Gayle	Manitowish Waters Lake Assn.			X
Strapp, Ralph		X		
Stratman-Durrer, Annette				X
Strupp, Maurice	Washington Co. LCC	X		
Sunstrom, Jennifer	Wis. Counties Assn.			X
Swanson, Roger	Wis. Assn of Lakes			X
Tadda, Sally		X		
Tadda, Terry		X		

**ATCP 50 Hearings - August 2001
Written Comments and Registrations**

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts
Taylor, Gretchen				X
Taylor, Harvey				X
Temple, Stanley	UW-Mad. Wildlife Ecology			X
Teodoro-Dier, Daniella				X
Terrell, Caryl	Sierra Club, J. Muir Chp.			X
Terrell, Caryl	Personal			X
Thessin, Marie				X
Tischer, Sarah				X
Trainer, Daniel	Plover River Alliance			X
Trumble, Lisa	Lafayette Co. LCC & LCD		X	
Tudisco, Steve				X
Turner, Kathleen			X	
Tushaus, Kent				X
Valadez, Anjelica			X	
Van Airdale, Pete	Winnebago Co. LCC & LCD		X	
Van Berkel, Joe	Sauk Co. LCC		X	
Van Dinter, Danielle				X
Van Drisse, Gaary			X	
Vanden Plas, Merlin	Brown Co. LCC		X	
Vanharpn, Amy			X	
Vetter, Senia				X
Victor, Tim	Portage Co. LCD		X	
Viste, Jerome	Door Co. Environmental Council			X
Walton, Bryan				X
Warrichaiet, Randal				X
Watkins, Mark	Jefferson Co. LWCD		X	
Webb, Rod	Pepin Co. LCC		X	
Weborg, Lynne			X	
Weiland, Sandra			X	
Welander, Ivan				X
Welke, Margaret			X	
Wentland, Don			X	
Wentzel, Richard			X	
Wetter, Jennifer				X
Wiesner, Joe			X	
Wilburn, Lynda	Grant Co. LCD		X	
Williams, Joanne				X
Williams, Mark				X
Witney, Russell				X
Wojahn, Patrick				X
Wolkowski	UWEX - soil science	Technical comments		
Woodke, Jena				X
Yelk, Harvey				X
Young, Tiffany				X
Zaber, Dave	Western Lakes Wildlife Center			X
Zagar, Bruno			X	
Zagar, Michlyn			X	

**ATCP 50 Hearings - August 2001
Written Comments and Registrations**

Individual	Representing	Support the rule	Oppose the rule	Support parts/ Oppose parts	
Zeloski, Dennis Zinns, Carolyn	Muck Farms, Inc.			X X	
					Total
Sub-total	(Technical comments = 5)	2	157	214	378
Sub-total from hearing locations		7	23	4	34

In addition, the department received 788 postcards from members of the Wisconsin Public Interest Research Group (WISPIRG) supporting the intent of the rule but stating that this version does not go far enough to protect the waters of the state. Added to the "support parts/oppose parts" column, the final written comments and registrations are as follows:

Total	(Technical comments = 5)	9	180	1,006	1,200
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The department also collected 23 appearance cards at the hearings from individuals who did not indicate whether they supported or opposed the rule.

The department also received 25 pieces of written testimony that arrived after the closing of the hearing record on September 14, 2001. These 25 are not included in the totals above.

The postcards, appearance cards and late pieces of written testimony as well as all pieces of written testimony can be viewed upon request.



ATCP 50

Overview, impacts and costs

Overview

Revised ATCP 50 is part of an administrative rule package that represents the nation's most comprehensive standards to protect water quality from farm and urban runoff. The Department of Agriculture, Trade and Consumer Protection (DATCP) and Department of Natural Resources (DNR) revised their rules to meet a legislative mandate to redesign the state program to control nonpoint source pollution program.

Under the revised ATCP 50, DATCP will work with counties to help farmers comply with DNR's new pollution control standards. Farmers must comply by following conservation practices such as nutrient management planning. Required cost-sharing, including payments for land taken out of production, will minimize impacts on farmers.

DATCP's new rule offers more protection for the environment, supports the important role of counties in conservation, and is fair to farmers.

Environmental Benefits

Farmers who follow the rule will apply nutrients (manure and fertilizer) more precisely, control soil erosion, reduce polluted farm runoff, and improve management of manure.

Annual benefits over ten-year implementation period	
Practice	Benefit
Develop nutrient management plans each year for 1 million new acres (Size of Marathon County)	<ul style="list-style-type: none"> • Reduce phosphorous in rivers and lakes • Reduce nitrogen in groundwater • Promote more profitable use of on-farm and purchased nutrients
Increase cropland meeting "T" each year by 160,000 new acres (Size of Kenosha County)	<ul style="list-style-type: none"> • Reduce sediment loading in rivers and lakes • Promote fish habitat and water quality • Preserve most productive layer of soil
Prevent feedlot runoff and other manure problems from livestock operations	<ul style="list-style-type: none"> • Prevent overflow from manure storage facilities • Reduce unconfined manure piles in environmentally sensitive areas • Curb direct runoff from feedlots or facilities • Protect shoreland areas from overgrazing • Reduce nutrients, pathogens and organic matter in surface water
Improve capacity to store manure for 10% of livestock operations in driftless areas.	<ul style="list-style-type: none"> • Improve nutrient management by allowing timely application to benefit crops • Reduce manure runoff from frozen or wet ground • Protect quality of ground and surface water

County Support

ATCP 50 strengthens county conservation programs that help farmers become better stewards. The rule:

- Establishes procedures to fund county programs to effectively address local conservation priorities based on DATCP-approved land and water resource management plans.
- Guarantees higher grants for county conservation staff, subject to the availability of funds.
- Provides more flexibility in using DATCP funds, and simplifies paperwork and accounting through a new reimbursement system.
- Offers counties greater flexibility in setting up voluntary cost-sharing to implement conservation practices.
- Ensures more choices for counties to secure compliance, ranging from passage of ordinances to suspension of a farmer's farmland preservation tax credits for non-compliance with conservation standards.

Fair to Farmers

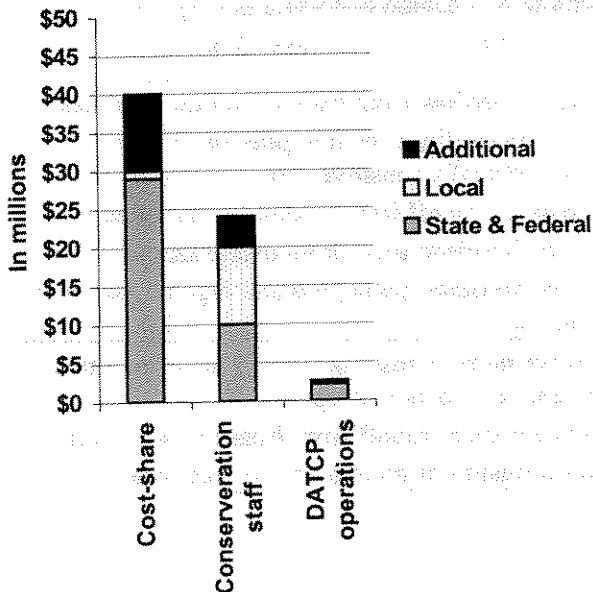
The rule fairly allocates responsibility for conservation practices between the farmer and the taxpayer. The rule:

- Ensures 90% cost-sharing for farmers facing economic hardship.
- Pays more in required cost-sharing to cover costs for maintenance and land out of production.
- Provides a higher flat cost-share rate for nutrient management.
- Ensures farmers 4 years of cost-share for nutrient management and other soft practices.
- Treats farmers equally by providing higher CREP payments for buffers.

Fiscal Analysis

Based on a 10-year implementation period, DATCP estimates that it needs an additional \$11.4 million per year to provide cost-share grants, fund conservation staff and cover increased operation costs. The legislature may adjust appropriation levels to alter the rate of implementation.

Annual public costs for implementation



The following provides an analysis of the \$10 million shortfall for cost-share funding:

- Total costs are expected to range from \$37.3 to \$57.3 million for each of the 10 years.
- State and local government must cost-share at least 70% of the implementation costs for existing farms.
- At current appropriation rates, state and local government will have inadequate funds to pay their share of \$26.1 to 40.1 million.
- Federal programs, such as the Conservation Reserve Program, Environmental Quality Incentives Program, and Conservation Reserve Enhancement Program can contribute significant annual funding for farmer cost-sharing to meet state performance standards.
- Assuming level funding over 10 years, the combined available cost-share funds from federal, state and local sources total approximately \$30 million annually.



ATCP 50 Fact Sheet

Cost-Sharing and County Funding

Background

The Department of Agriculture, Trade and Consumer Protection (DATCP) will work with counties to help farmers comply with new pollution control standards adopted by the Department of Natural Resources (DNR). Farmers must comply by installing conservation practices. Compliance costs will vary from farm to farm, but will be substantial.

This rule (ATCP 50) explains how DATCP will provide funding for county conservation staff and cost-share payments to farmers. Counties may use staffing and cost-share funds as they see fit, subject to this rule. This rule gives counties and landowners a variety of cost-share options.

The state Legislature determines the total funding that DATCP can provide to counties. Some of this funding comes from *bond revenues*. Counties may use bond revenues to cost-share "capital improvements" (long-term conservation practices). But under the state constitution, counties may *not* use bond revenues to pay for county staff, or annual conservation practices such as nutrient management or contour farming.

Cost-Sharing for Voluntary Compliance

Counties typically use cost-share grants to encourage voluntary compliance with conservation standards. In return for a cost-

share grant, a landowner agrees to install and maintain conservation practices specified by the county.

The county makes the cost-share payment when the conservation practices are installed. The landowner must then maintain the practices for the agreed number of years. Cost-shared "capital improvements" must be maintained for at least 10 years.

In a voluntary cost-share agreement, the parties are free to negotiate the cost-share rate. The county may use state funds to pay up to 70% of the project cost (up to 90% if there is an *economic hardship*). For annual practices such as nutrient management and contour farming, a county may pay an alternative flat rate per acre.

The parties may negotiate their own cost-share arrangements, subject to this rule. For example, a voluntary cost-share contract may:

- Pay for selected conservation practices, or selected costs.
- Pay for installation or maintenance, or both.
- Pay for some practices if the landowner agrees to install others without cost-sharing.
- Make "incentive payments" in return for the landowner's commitment to continue annual practices (such as nutrient management or contour farming) from year to year.

- Credit, as part of the landowner's cost-share contribution, the reasonable value of the landowner's labor, equipment and supplies.

Cost-Sharing for Enforcement

Different cost-share requirements apply if a county or local government *requires* a farmer to install conservation practices that change an "existing" farming operation. In these cases, the county or local government *must* offer cost-sharing.

The cost-share offer must cover at least 70% of the farmer's cost to *install* and *maintain* the required practice (at least 90% if there is an *economic hardship*).

There are some limitations on this cost-sharing requirement:

- A farmer is no longer entitled to *cost-sharing after receiving*:
 - 10 years worth of cost-sharing (the normal cost-share maintenance period) for a capital improvement.
 - 4 years worth of cost-sharing for an annual practice such as nutrient management or contour farming.
- If a farming operation achieves compliance with a conservation requirement, but then falls out of compliance, the farmer must regain compliance at the farmer's expense.
- A county or local government need only make a bona fide *offer* of cost-sharing. If the farmer refuses the cost-share offer, the county or local government may require the farmer to comply without cost-sharing.
- A county or local government need not cost-share a nutrient management plan required under a permit for a manure

storage system voluntarily constructed by a farmer.

- Cost-sharing is not required to correct a landowner's criminal or grossly negligent discharge of pollutants.
- Practices required by a WPDES permit are not eligible for cost-sharing.
- A county may suspend a farmer's eligibility for farmland preservation credits if the farmer fails to comply, regardless of whether the county offers cost-sharing.
- A county or local government may take emergency action to prevent immediate harm to water quality, without first making a cost-share offer.

Extended Cost-Sharing

If a county or local government forces a farmer to take one half (½) acre or more of land out of production, it must continue to offer cost-sharing to keep land out of production. A county or local government also may choose to continue cost-sharing, even though it is no longer required to provide cost-sharing.

Farmer's Cost

A farmer's *cost* includes all the following:

- The cost to *install and maintain* the conservation practice for the term of the cost-share contract.
- The reasonable value of necessary labor, equipment and supplies provided by farmer.
- The cost of taking land out of production, if the farmer must take more than one half (½) acre out of production.

Land Taken Out of Production

Land is not taken "out of production" if the farmer may continue to use it for pasture, hay, or cropping under conservation tillage, as the farmer sees fit.

The cost of taking land "out of production" is based on current county rental rates for land, multiplied by the number of years the land will be forced out of production. Payments are discounted to "present value" using an annual rate of 3 percent.

For as long as the Conservation Reserve Enhancement (CREP) program is offered, a farmer is entitled to higher CREP-equivalent payments for riparian land taken out of production. To receive the higher CREP-equivalent amount, the landowner must agree to keep the land out of production for 15 years or in perpetuity (as if the farmer was participating in the CREP program).

Even after a county or local government has satisfied its other cost-share obligations, it has a continuing obligation to cost-share land forced out of production.

Economic Hardship

A farmer qualifies for *economic hardship* status if a banker or CPA certifies that the farmer cannot pay the normal 30% share of the project cost, but can pay 10%. This certification must be based on a farm financial statement prepared according to generally accepted accounting principles.

If a farmer qualifies for *economic hardship* status, a county may pay up to 90% of the farmer's cost for a voluntary practice, not just 70%. If a county or local government requires a farmer in economic hardship to

install a conservation practice, it *must* offer the farmer *at least* 90% of the farmer's cost.

Cost-Shared Practices

DATCP cost-share funds may be used for conservation practices identified in this rule, or approved in writing by DATCP. Cost-shared practices must be installed according to this rule.

Cost-Share Contracts

Counties must enter into contracts with cost-share recipients. Contracts must comply with this rule if DATCP funds are used. Contracts over \$10,000 must be recorded with the county Register of Deeds (The recording threshold will increase to \$12,000 in 2005 and \$14,000 in 2010). DATCP must approve any contract over \$50,000.

If a county pays a farmer to take land out of production, the county may require the farmer to grant an easement for the term of the contract. Easements are also recorded with the Register of Deeds.

Maximum Cost-Share

A county may not use *state* funds to pay more than 70% of a farmer's cost (90% if there is an *economic hardship*). DATCP and DNR funds may be combined up to this level. A county may use funding from *other sources* to increase the total cost-share payment.

Cost-Share Funding

Each year, DATCP and DNR make cost-share grant awards to counties after reviewing county grant requests. DATCP

and DNR jointly prepare an *annual grant allocation plan* showing the amounts awarded to each county. DATCP and DNR seek comments on a draft allocation plan. They issue a final plan after considering comments from counties and the Land and Water Conservation Board. If needed, DATCP and DNR may issue supplementary allocation plans.

Counties must use cost-share grant funds in the year for which they are awarded. Unspent DATCP grant awards remain with DATCP, for allocation in a future year.

Counties determine cost-share priorities, and enter into cost-share contracts with landowners. DATCP reimburses county cost-share payments, up to the amount of the county's annual grant award. DATCP makes payments after the county certifies that the landowner has properly installed the cost-shared practices.

Funding for County Staff

DATCP provides funding for county staff and support. Counties may use these funds to pay for conservation staff, including staff working on CREP and priority watershed projects. Counties may use the funds as they see fit, based on local needs and priorities.

DATCP allocates staffing grant funds (like cost-share funds) in its *annual grant allocation plan*. Subject to legislative appropriations, DATCP will offer each county *at least* \$85,000 annually. Priority watershed counties may receive more based on the amount received for DNR priority watershed staffing in 2001, less any amount allocated in 2001 for a priority watershed that has subsequently closed. DATCP may consider statewide and county priorities,

county contributions of staff and resources, and other factors when allocating grant awards among the counties. DATCP will try to ensure reasonable funding continuity from year to year.

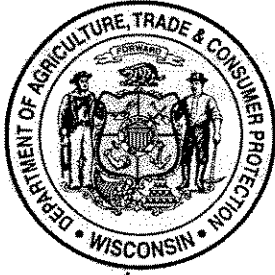
DATCP will make staffing grant *payments* on a *reimbursement* basis. Each county will submit reimbursement requests showing actual amounts spent for county staff and support. DATCP will then reimburse the county, at a percentage rate prescribed by the Legislature, up to the total amount of the county's annual staffing grant award.

The Legislature has specified higher reimbursement rates for staff working in DNR "priority watersheds." DATCP interprets this to include staff working on CREP or other programs in those geographic areas. This will make it easier for each county to claim the highest possible reimbursement rate, and use its staff effectively.

A county may use staffing grant funds to pay for county staff, contract consultants and eligible support costs. Eligible support costs include information and education materials, newsletters, office supplies, maps and plats, photocopying, printing, postage, mileage, computers, audits and other DATCP-approved costs.

With DATCP permission, counties may use unspent *staffing* grant awards for *cost-share* purposes.

With DATCP permission, a county may reallocate staffing grant funds (not cost-share funds) to a local government or tribe.



ATCP 50 Fact Sheet

Local Implementation of Farm Conservation Practices

Counties play a key role in implementing farm conservation practices. Specifically, they:

- Develop land and water resource management plans to identify conservation needs and priorities.
- Provide information, cost-sharing and technical assistance to secure voluntary compliance.
- Administer farmland preservation standards.
- May adopt conservation ordinances.
- May seek enforcement, if necessary as a last resort. Enforcement is normally contingent on cost-sharing.

The Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Natural Resources (DNR) work with counties, and provide funding for county programs. This rule (ATCP 50) clarifies the relationship between state and county programs.

County Plans

County land and water resource management (LWRM) plans provide the foundation for conservation efforts. This rule integrates different county planning functions (water quality, soil erosion) into a single land and water resource management plan.

A county must have a DATCP-approved plan in order to qualify for state funding. A county plan must explain how the county will implement farm conservation practices and

promote compliance with DNR pollution control standards. A county plan must:

- Inventory water quality and soil erosion conditions in the county.
- Identify state and local regulations used to implement the plan. DATCP may ask for copies of local regulations and make comments.
- Set water quality goals, in consultation with DNR.
- Identify key water quality and soil erosion problems, and practices to address those problems.
- Identify priority farm areas based on water quality needs, manure management problems, nutrient applications and other criteria.
- Identify strategies to promote voluntary compliance, including information, cost-sharing and technical assistance.
- Identify enforcement procedures, including notice and appeal procedures.
- Include a multi-year work plan to achieve soil and water conservation objectives.

County Funding

Counties use DATCP funds to implement LWRM plans. DATCP funds county staff, and finances county cost-share grants to landowners. *For more information, see the cost-sharing and county funding fact sheet.*

Farmland Preservation Program

Farmers receiving farmland preservation tax credits must meet conservation standards set by counties. Counties must update their standards to incorporate new state conservation requirements. The Land and Water Conservation Board must approve these new county standards.

A county may suspend a farmer's eligibility for tax credits if the farmer fails to comply with conservation requirements. Before taking action, the county must give the farmer notice and an opportunity to comply. A county may suspend a farmer's tax credit eligibility without providing cost-sharing.

County and Local Ordinances

County and local governments may adopt conservation ordinances. Some ordinances must be approved by DATCP or DNR.

No county or local livestock ordinance may exceed state standards unless DATCP or DNR finds that the ordinance is needed to protect water quality (see s. 92.15, Stats.). This rule spells out a procedure by which a county or local government may seek such state approval.

A livestock operator may challenge an ordinance in court if the operator believes that it exceeds state standards and has not been approved by DATCP or DNR.

This rule spells out standards for agricultural shoreland management ordinances adopted under section 92.17, Stats. DATCP must approve these ordinances for compliance with this rule.

This rule also spells out standards for manure storage ordinances adopted under s. 92.16, Stats. County and local governments must submit these ordinances for DATCP review,

but DATCP approval is not required. The ordinances must comply with this rule.

Cost-Sharing for Voluntary Compliance

Counties typically use cost-share grants, at their discretion, to encourage voluntary compliance with conservation standards. *For more information, see the cost-sharing and county funding fact sheet.*

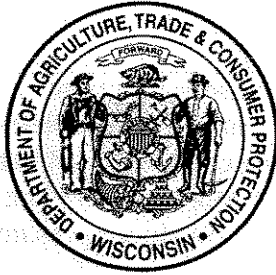
Cost-Sharing for Enforcement

Cost-sharing is normally required if a county or local government *requires* a farmer to install conservation practices that change an "existing" farm operation. *For more information, see the cost-sharing and county funding fact sheet.*

Enforcement

As a last resort, a county may pursue any of these enforcement actions against a landowner who refuses to implement essential farm conservation practices.

- Suspend a landowner's eligibility for farmland preservation tax credits (see ATCP 50).
- Seek a DNR order requiring a landowner to obtain a pollution discharge permit (see NR 243).
- Ask the Department of Justice or a District Attorney to file a civil forfeiture action (see s. 281.98, Wis. Stats.).
- Take action to enforce its own ordinance. Cities, villages and towns may also enforce their local ordinances.



ATCP 50 Fact Sheet

Nutrient Management

This rule (ATCP 50) establishes nutrient management standards for farms. The Department of Agriculture, Trade and Consumer Protection (DATCP) is adopting this rule to implement pollution runoff standards adopted by the Department of Natural Resources (DNR).

This rule spells out nutrient management standards based on nitrogen, not phosphorus. Farmers must follow an annual nutrient management plan prepared by a qualified planner. Qualified farmers may prepare their own plans.

Effective Date

By 2008, all "existing" farming operations must meet nutrient management standards. Farms must comply by 2005 if they are located near outstanding or impaired waters, or within a source water protection area. "New" farming operations must comply within one year after this rule is adopted. DNR rules define "new" and "existing" farm operations.

Cost-Sharing

Counties typically use cost-share grants to encourage *voluntary* compliance with nutrient management standards. In return for a cost-share grant, a farmer agrees to implement nutrient management for specified number of years. The county and farmer are free to negotiate the contract terms, including the cost-share amount (up to the maximum allowed by this rule).

Different cost-share requirements apply if a county or local government *requires* a farmer to implement nutrient management practices that

change an "existing" farming operation. In these cases, the county or local government *must* offer cost-sharing.

If cost-sharing is required, the cost-share offer must cover at least 70% of the farmer's annual cost to implement nutrient management (90% if there is an economic hardship). The farmer may accept an alternative flat payment of \$7 per acre per year.

If a county or local government cost-shares nutrient management for at least 4 years, it may then *require* the farmer to continue those practices at the farmer's expense. But a county or local government may continue to cost-share if it chooses to do so. *See cost-sharing fact sheet for more information.*

Nutrient Management Standards

Farmers applying nutrients must have and follow an annual nutrient management plan. *Nutrients* include manure, legume nitrogen, organic byproducts and commercial fertilizer.

The plan must comply with NRCS standard 590 (dated March 1999), and must include every field on which the farmer mechanically applies nutrients. Under NRCS standard 590 and this rule:

- Soil must be tested every 4 years, with approximately one composite sample per 5 acres.
- Fields receiving organic byproducts or manure must not exceed the T-value soil erosion rate, typically 3 to 5 tons of soil loss per acre per year.
- Applications of manure and other organic byproducts may not exceed 75 pounds of P₂O₅ per

acre per year unless incorporated into the soil within 72 hours.

- Nutrient applications may not exceed the amounts required to achieve crop fertility levels recommended by the University of Wisconsin in *Soil Test Recommendations for Field, Vegetable and Fruit Crops (1998)*, UW-Extension publication A-2809. This rule identifies some circumstances that may warrant higher applications.
- No manure or organic byproducts may be applied:
 - In waterways, or on frozen slopes greater than 9% (12% for grassed areas, and for contoured areas with all crop residue remaining).
 - Within 200 feet of streams, rivers, lakes, sinkholes, creviced bedrock or wells unless incorporated into the soil within 72 hours.

The federal government (NRCS) has proposed a phosphorus-based nutrient management standard. DATCP will modify its rules to incorporate the new federal standard by 2005 if NRCS adopts the standard by that date.

Qualified planner

A qualified nutrient management planner must prepare each nutrient management plan. A planner must be knowledgeable and competent in these areas:

- Compliance with NRCS technical guide.
- Soil testing.
- Calculating nutrient needs and crediting nutrient sources (such as manure) on a field-by-field basis.
- Using conservation plans.
- Relevant nutrient management laws.
- Preparing nutrient management plans.

Farmers may prepare their *own* plans if they are qualified to do so. They may demonstrate their

qualifications by preparing sound nutrient management plans. They may also complete a DATCP-approved training course every 4 years, and have the course instructor approve their plans. Persons preparing plans for others are presumed to be qualified if they are:

- Certified as crop consultants by the National Alliance of Independent Crop Consultants.
- Certified as crop advisors by the American Society of Agronomy, Wisconsin Certified Crop Advisors Board.
- Registered as crop scientists, crop specialists, soil scientists, soil specialists or professional agronomists with the American Registry of Certified Professionals in Agronomy, Crops and Soils.

DATCP may *disqualify* a nutrient management planner for a lack of qualifications or rule violations.

Bulk Fertilizer Sales

A person selling bulk agricultural fertilizer to a farmer must record the name and address of the person who prepared the farmer's nutrient management plan, if any. But this rule does not prohibit sales to farmers who do not yet have plans.

Soil Testing Laboratories

A nutrient management plan must be based on soil tests conducted by the University of Wisconsin or another certified soil-testing laboratory. DATCP will certify soil-testing laboratories. This rule spells out standards for certified laboratories. DATCP or its agent will audit laboratories for compliance.

If a certified laboratory recommends nutrient applications that exceed UW recommendations, it must include the UW recommendations for comparison. It must also include a written disclosure warning of the potential consequences of excessive applications.

Attachment 3

FISCAL ESTIMATE

FISCAL ESTIMATE

DOA-2048 N(R 10/98)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

List both LRB No. and Bill/Adm. Rule No.
 ATCP 3.02, 40.11, and 50
 Amendment No. (If Applicable)

Subject Soil and Water Resource Management Program

Fiscal Effect

State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs – May be possible to Absorb Within Agency's Budget Yes No

Decrease Costs

Local: No local government costs

1. Increase Costs Permissive Mandatory
 2. Decrease Costs Permissive Mandatory

3. Increase Revenues Permissive Mandatory
 4. Decrease Revenues Permissive Mandatory

5. Types of Local Governmental Unit Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Source Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
 20.115(7) (c)

Assumptions Used in Arriving at Fiscal Estimate

The proposed rule amends ATCP 3.02(1)(h), revising an administrative code reference; creates ATCP 40.11, related to nutrient management plan requirements for agricultural fertilizer sales; and repeals and recreates ch. ATCP 50, Wis. Adm. Code, interpreting Ch. 92, Stats., regarding the state's soil and water resource management program and the department's role in s. 281.16, Stats., related to water quality protection from nonpoint sources. The proposed rule incorporates changes to Ch. 92, and s. 281.16, Stats., made by 1997 Wisconsin Act 27 and 1999 Wisconsin Act 9, two former biennial budget bills.

Impact of the Rule Revision on County Governments

The proposed rule establishes procedures and requirements for counties that prepare land and water resource management plans under s. 92.10, Stats. The initial plans were approved for two to three year periods. The next round of plans is expected primarily in 2002 and 2003. The department allocated an average of \$2 million per year in 1999, 2000 and 2001 to counties to implement their land and water resource management plans. The department also allocates about \$10.2 million annually (final allocation plan for 2001) to counties for annual staffing grants.

(Continued on Page 2)

Long - Range Fiscal Implications

The total costs to implement state standards and conservation practices is expected to range from \$37.3 to \$57.3 million annually (costs listed in attached DATCP Cost Analysis less costs for staffing) The legislature has not established a timeline to complete implementation. The department and DNR project a ten-year implementation period. The legislature did require that state and local government share the implementation costs with farmers for existing farm operations that are required to comply. At current appropriation rates, state and local government will not have adequate cost-share funds to meet projected annual costs over ten years. The legislature may adjust the level of appropriations to alter the rate of implementation. Federal programs, such as Conservation Reserve Program, Environmental Quality Incentives Program, and Conservation Reserve Enhancement Program can contribute significant funding for farmer cost-sharing to meet state performance standards. Assuming level funding over ten years, the department estimates that the combined available cost-share funds from federal and state sources total approximately \$30 million annually. The department estimates it needs an additional \$10 million per year (which may include bond revenue funds) to fully meet its responsibilities to implement the uniform state agricultural performance standards.

Agency/prepared by: (Name & Phone No.)

Authorized Signature/Telephone No.

Date

DATCP
 Dave Jelinski 224-4621

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January 30, 2002

Assumptions Used in Arriving at Fiscal Estimate (continued from page 1)

It is anticipated that county staff will have primary responsibility for implementing state agricultural performance standards and conservation practices through technical assistance, information and education, and voluntary cost-sharing. Local governments also may adopt local ordinances, at their discretion. The proposed rule establishes the procedures and standards that counties and other local governments must use to adopt local ordinances for manure storage systems (under s. 92.16, Stats.), shoreland management (under s. 92.17, Stats.), and for local regulation of livestock operations (s. 92.15, Stats.). Local implementation efforts will be contingent on available state and local funds for cost-sharing. (See Page 1 for Long-Range Fiscal Implications)

As a result of the proposed rule, the department may be asked to increase the allocation of state funds to some county land conservation committees and some farmers. 1999 Wisconsin Act 9, the budget bill, included \$3.575 million in new bond revenue, funding for cost-share grants; and transferred about \$6.2 million from the Wisconsin DNR priority watershed program to the department in the second year of the biennium, fiscal year 2000-2001. The budget also directed the department to establish a goal of providing an average of three staff funded 100% for the first, 70% for the second, and 50% for the third staff person. The department is also directed to provide an average of \$100,000 grant per year per county for cost-share assistance to implement county land and water resource management plans. (See Page 1 for Long-Range Fiscal Implications) The department is revising its allocation process to begin to phase in the new funding strategy for 2002. The proposed rule does not otherwise increase funding for the program; therefore any increases in grants to some counties must result in decreases in grants to other counties.

The department has estimated the total cost for staff to implement the new conservation standards and practices is estimated at between about \$80 million and \$190 million over a ten-year implementation period for low cost and high cost alternatives, respectively. Currently, there are about 400 county land conservation department staff, statewide. The department estimates that the average salary and fringe benefit for county staff is about \$45,000 per year. For this fiscal estimate, the department assumes that about 75% of the needed staff resources to complete the technical and administrative work related to implementing the standards and practices could come from redirecting current staff. Counties currently implement a number of local, state and federal programs that support implementation of these standards and practices. Using the 75% assumption, implementing the rule over an assumed ten-year implementation period would result in an unmet need of about 450 staff years (45 staff per year), or about \$2 million per year for the low cost alternative. Assuming the high cost alternative, the department estimates that about 900 staff years would be needed over ten years, or about 90 staff per year, or about \$4.0 million per year. The table below illustrates the assumptions used for the DATCP cost analysis.

	<u>Low Cost</u>	<u>High Cost</u>
Total Staff Needed Over Ten-year Implementation	1,786	3,604
Annual Staff Needs For Implementation	179	360
75% of Need From Redirecting Current Staff	134	270
Difference Which Estimates Annual Additional Staff Needs	45	90
Estimated Annual Cost (Assuming \$45,000 per staff per year)	\$ 2.0 million	\$ 4.0 million

The department considered the county's position regarding the estimates for staff needs, which is reflected in the DATCP cost analysis. It also considered a workload analysis prepared by the USDA Natural Resources Conservation Service, (with assistance from counties), showing an unmet staff need to implement current programs. If less than 75% of the needed staff to implement conservation standards and practices were available from redirecting current staff, the staff costs would increase proportionately. Redirecting these current staff would result in fewer staff available to implement current programs. The programs affected under this scenario include those that do not directly or indirectly implement the new state standards and practices. However, the department believes the low cost estimate for this fiscal estimate is more accurate, because these estimates do not include the staffing contributions made by the federal government.

It is estimated that the department will provide 50% match to fund additional staff positions. This is based on the assumption that additional positions will be funded at the lowest matching rate currently allowed by the legislature, because counties will already be receiving matching funds at rates of 100 and 70% for the first two staff positions.

Impact of the Rule Revision to State Government

Implementation of state performance standards and conservation staff will be implemented largely through existing program and staff. The department estimates an increased workload of 5.0 FTE annually detailed as follows:

Assumptions Used in Arriving at Fiscal Estimate (continued from page 2)

Implementing these standards will require approximately 2.0 FTE for highly specialized technical assistance and support:

1. One position will provide engineering technical assistance to local conservation staff to install practices and structures according to technical standards. This senior engineering position will be assigned to serve areas inadequately served by existing staff. This position would assist in developing conservation practices and technical standards for implementation of the agricultural performance standards. This ongoing work effort will entail 2,080 hours per year. Salaries and fringes equal \$59,488 (2,080 hours x \$28.60/hr).
2. One position requires high-level computer skills to develop GIS products to assist the department and local conservation staff to plan, monitor, and evaluate implementation efforts. This ongoing work effort will entail 2,080 hours per year. Salaries and fringes equal \$54,080 (2,080 hours x \$26/hr).

Implementing these standards will require approximately 2.0 FTE to provide information, guidance, project planning and administration for voluntary compliance, and other technical assistance with a special focus on contract administration, and program and planning. One position will have primary responsibilities regarding the allocation and contract administration for reimbursement of department funds for cost share agreements and other contracts. The other position would provide assistance in program planning for voluntary methods to assist counties in planning and implementing county land and water resource management plans. Both positions would provide guidance to department and county staff on implementing agricultural performance standards and prohibitions, contracting for installing best management practices, and conduct outreach efforts to inform and educate governmental units, landowners and the public. This ongoing work effort will entail 2,080 hours per year for each position. Salaries and fringes for the contract specialist equal \$42,848 (2,080 hours x \$20.60/hr). Salaries and fringes for the program and planning position equal \$50,024 (2,080 hours x \$24.05/hr).

An additional 1.0 FTE will have a range of duties related to ordinances. This position will provide environmental analysis and technical assistance related to ordinance development. Responsibilities also include working with department staff to evaluate ordinances as part of the review process for land and water resource management plans. This position will assume significant responsibilities for reviewing local livestock operation ordinances that exceed the state performance standards and prohibitions. There will be a significant workload due to the number of local governments that can enact ordinances, and the fact that that these ordinances will be highly variable and involve significant policy decisions. The ongoing workload in this area will require about 2,080 hours per year. Salaries and fringes equal \$50,024 (2,080 hours x \$24.05/hr).

To support these new staff, the department would need \$14,000 per position (total of \$70,000) for supplies and services. This cost is reflected in the State Operations – Other Costs on the attached fiscal estimate worksheet.

The department will use existing staff to absorb additional workloads in these areas:

1. Implementation of a statewide nutrient management program. The proposed rule includes a process to certify soil-testing laboratories.
2. Review county land and water resource management plans and local ordinances. The department previously had staff that assisted the Department of Natural Resources by developing portions of the priority watershed plans under DNR's nonpoint source pollution abatement program. The priority watershed program is being phased out and the department's staff that worked on the watershed plans will now be assigned to review and work in these areas.
3. The department also has new responsibility, under s. 281.16, Stats., to develop conservation practices and develop and disseminate technical standards to implement agricultural performance standards and prohibitions. The proposed rule establishes the procedures the department will use to accomplish this task. In addition to new staff needed to do this work, some of these duties will be absorbed by existing staff.
4. Grants issued to counties to implement land and water resource management plans and the agricultural performance standards and prohibitions in Department of Natural Resources NR 151 and ATCP 50. In addition to new staff needed to do this work, some of these duties will be absorbed by existing staff.

Justification for Fiscal Estimate Worksheet

This provides additional justification for the net change in costs of \$11 million in the worksheet category of Aids to Localities, Individuals or Organizations. In particular, the analysis addresses that portion of costs (\$10 million) related to farmer cost-sharing. A detailed justification for \$1 million for staff grants is provided above.

Justification for Fiscal Estimate Worksheet (continued from page 3)

Over the ten-year implementation period, state government will provide farmer cost-sharing directly or indirectly funding to counties. Using the minimum cost-share rate of 70%, the state's annual share will range from \$26 (70% of \$37.3 million) to \$40 (70% of \$57.3 million). Subject to continued appropriation, funds for federal conservation programs are available for landowner cost-sharing. While these federal programs may reach as high as \$53 million per year in potential cost-share funds (\$48 million for CREP, \$5 million for CRP and EQIP), only a portion of those funds can be applied to cost-share practices that are specifically targeted to meet state standards.

Assuming level funding over ten years, the department estimates the combined available funds from federal and state sources total approximately \$30 million annually. There is a shortfall of \$10 million dollars per year.

Consistent with existing legislation and policy, the department expects to assume full cost-sharing responsibility for implementation of the uniform agricultural performance standards in NR 151. Accordingly, the fiscal estimate reflects the need for the department to receive the entire \$10 million per year.

Justification for State Operations – Other Costs

The department will need to track and verify progress in complying with the agricultural performance standards and prohibitions. To do that, the department will need to develop a database that is linked to a geographical information system (GIS) to spatially track compliance with the standards and prohibitions in various areas around the state. The department estimates that developing this database and GIS connection will cost about \$50,000. In addition the department would need to purchase a scanner, computer, and computer software (estimated cost of \$30,000) to set up a GIS workstation. The effort to verify progress toward meeting the agricultural performance standards and prohibitions will aid in the evaluation of the impact on this compliance on improving water quality, the ultimate goal of these standards and prohibitions. The other costs also include the \$70,000 for supplies and services for the five new staff positions.