

## Chapter ATCP 52

### PRODUCER LED WATERSHED PROTECTION GRANTS

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**ATCP 52.01 Purpose.** This chapter implements the producer led watershed protection grants program created under s. 93.59, Stats.

**History:** CR 16–049: cr. Register May 2017 No. 737, eff. 6–1–17.

**ATCP 52.02 Definitions.** In this chapter:

(1) “Department” means the state of Wisconsin department of agriculture, trade and consumer protection.

(2) “Legal entity” includes a corporation, partnership, company, or association registered by the department of financial institutions or a nonprofit organization with tax–exempt status under section 501(c)(3) of the internal revenue code.

**History:** CR 16–049: cr. Register May 2017 No. 737, eff. 6–1–17.

**ATCP 52.03 Application requirements and procedures.** (1) **REQUEST FOR PROPOSALS.** The department shall issue at least one request for proposals in each fiscal biennium. The request for proposals shall describe the required form and content of grant proposals, and shall specify a deadline for submitting grant proposals, and specify any restrictions or limitations on how the grant funding may be spent. Applicants must submit grant proposals to the department, in the manner prescribed by the department’s request for proposals. The department shall publish the request for grant proposals on its webpage. The department shall also issue a press release announcing its request for proposals to news media likely to give notice to the public. The department shall announce grant awards within 60 days of the deadline for submitting grant proposals.

(2) **CRITERIA.** The department shall consider all of the following when evaluating grant proposals and making grant awards:

(a) Whether the proposed project will improve water quality within the respective watershed.

(b) The extent to which a proposed project will increase non-point pollution abatement activities and producer participation.

(c) Whether the proposal complies with the department’s request for proposals and budget requirements.

(d) Whether the proposed project meets the standards prescribed in this rule.

(e) The viability of the proposed project.

(f) The management and technical qualifications of the grant applicants.

(g) The qualifications of the persons, collaborators and legal entities who will carry out the project.

(h) The financial capacity of the grant applicant to complete the project as proposed.

(i) The adequacy of the project plan and budget.

(j) Whether the grant proposal and budget adequately identifies the nature of project expenses to be reimbursed under the proposed grant.

(k) Whether grant funds have been awarded to grant applicant in previous funding cycles.

(L) Past performance under previous grant awards and contracts.

(m) Other factors deemed by the department as consistent with the purpose of s. 93.59, Stats.

**History:** CR 16–049: cr. Register May 2017 No. 737, eff. 6–1–17.

**ATCP 52.04 Grant activities.** The department may award grants for projects undertaken by agricultural producers that are designed to do any of the following:

(1) Fund startup costs associated with: work planning, mission development, goal setting or learning days to have experts discuss conservation topics.

(2) Provide incentive payments to producers to implement conservation practices, such as soil testing, cover crops, nutrient and manure management planning, no–till, buffer strips, grassed waterways, manure composting, or low–disturbance manure injection.

(3) Measure and promote economic and environmental benefits of conservation practices.

(4) Perform nutrient management planning, training, and assessments.

(5) Develop innovative approaches to manure storage, stacking, or conservation equipment–sharing that increases and identifies economic and environmental benefits of such practices.

(6) Increase voluntary producer and agribusiness participation in a watershed through education and outreach activities such as hosting conferences, workshops, or field days.

(7) Collaborate with partners for on–farm research that identifies economic and environmental benefits and opportunities of utilizing various conservation practices or strategies.

(8) Complete cost–effective edge–of–field and in–stream water quality monitoring.

(9) Perform farm assessments to evaluate farm, manure, and nutrient management practices and identify solutions to resource concerns.

(10) Other activities deemed by the department as consistent with the purpose of s. 93.59, Stats.

**History:** CR 16–049: cr. Register May 2017 No. 737, eff. 6–1–17; correction in (2), (4), (6) made under s. 35.17, Stats., Register May 2017 No. 737.

**ATCP 52.05 Permitted use of grant funds.** Permitted uses for grant funds include the following:

(1) Development of work plan, mission development, goal setting, and learning days to have experts discuss related topics or development of incentive program.

(2) Incentive payments for conservation practices such as soil testing and cover crop seed.

(3) Field days, workshops and conferences including facility rentals, meals, and expenses directly related to hosting the event.

(4) Personnel for coordinator role including expenses for salaries and wages, contract and consulting services, and mileage at allowable state rates. The maximum amount for any type of labor expense is \$25 per hour.

(5) Mailings, creation of marketing and outreach brochures, handouts, newsletters, or factsheets.

(6) Materials and supplies directly associated with the project.

(7) Incentive payments for equipment rentals of innovative technologies used or shared by all farmers within the producer led group, for example covering costs for renting a low-disturbance manure injector or no-till drill.

(8) Rental costs for equipment directly associated with research projects, if pre-approved by project manager.

(9) Cost-effective edge-of-field and water quality monitoring.

(10) Farm assessments to identify and evaluate potential or existing resource concerns, nutrient management implementation and other water quality practices.

(11) Other costs deemed by the department as consistent with the purpose of s. 93.59, Stats.

**History:** CR 16-049: cr. Register May 2017 No. 737, eff. 6-1-17; correction in (1), (4), (5) made under s. 35.17, Stats., Register May 2017 No. 737.

**ATCP 52.06 Prohibited uses of grant funds.** Grant funds may not be used for any of the following:

(1) Real estate purchases.

(2) Repayment of loans or mortgages.

(3) Rent or contract payments for time periods extending beyond the term of the grant contract.

(4) Equipment purchases.

(5) Administrative or overhead costs that are not specifically requested as costs of the grant project.

(6) Costs associated with individual farm compliance issues.

(7) Costs not associated directly with the purpose of s. 93.59, Stats.

**History:** CR 16-049: cr. Register May 2017 No. 737, eff. 6-1-17.

**ATCP 52.07 Grant contracts.** (1) **CONTRACT REQUIRED.** A successful grant applicant shall enter into a contract with the department before any grant money is distributed to the applicant. No funding commitment is final until the contract is executed.

(2) **CONTRACT PROVISIONS.** A grant contract shall be reasonably designed to ensure that the grant recipient carries out the recipient's obligations with respect to the grant. The contract shall be signed by an authorized department official and by the applicant. The parties may amend the contract by mutual written consent.

(3) **BREACH OF CONTRACT.** The department may void a contract and seek return of any funds released under the contract for failure by the award recipient to perform the recipient's obligations under the contract.

(4) **REPORTING.** Every contract shall set forth a schedule of progress reports and payments. A grant recipient shall provide the department with a final progress report. Reimbursement payments shall be conditioned upon the receipt of reimbursement requests, related documents and reports, as provided in the contract.

**History:** CR 16-049: cr. Register May 2017 No. 737, eff. 6-1-17; correction in (4) made under s. 35.17, Stats., Register May 2017 No. 737.