

1 chapter to a county that fails to submit a proposed ordinance for review under this
2 paragraph.

3 **NOTE:** See s. 92.05(3)(L), Stats. DATCP also encourages cities, villages,
4 towns, county drainage boards and lake districts to submit local
5 regulations for review if those local regulations are related to agricultural
6 conservation practices under this chapter. DATCP may comment on a
7 local regulation that it reviews. DATCP will assist DNR in reviewing
8 general shoreland management ordinances adopted under s. 59.692 (DNR
9 has primary authority) if those ordinances regulate agricultural
10 conservation practices.

11
12 (b) Paragraph (a) does not require a county to obtain DATCP approval of a
13 proposed ordinance, except as provided under s. ATCP 50.58 or 50.60.

14 **ATCP 50.56 Manure storage systems; ordinance.** (1) GENERAL. A county,
15 city, village or town may adopt an ordinance under s. 92.16, Stats., that establishes
16 standards for manure storage systems.

17 (2) CONTENTS. An ordinance adopted under s. 92.16, Stats., shall include all of
18 the following:

- 19 (a) The authority of the county, city, village or town to adopt the ordinance.
20 (b) The purpose for the ordinance, and the findings that prompted the county,
21 city, village or town to adopt the ordinance.
22 (c) Definitions of significant terms used in the ordinance.

23 **NOTE:** Section ATCP 50.62(1) includes relevant definitions that may be used in
24 a manure storage ordinance.

- 25 (d) Construction provisions under sub. (3).
26
27 (e) Abandonment provisions under sub. (4), if any.
28 (f) Conditions, if any, under which the county, city, village or town may require
29 the abandonment of a manure storage system.

1 (g) Provisions, if any, for monitoring the adequacy of manure storage systems,
2 including the adequacy of related nutrient management practices.

3 **NOTE:** The monitoring system may be applied to all manure storage systems,
4 regardless of when those systems were installed.

5
6 (h) Provisions related to ordinance administration, including inspection and
7 enforcement authority, appeal procedures, and penalties for violating the ordinance.

8 (i) Provisions, if any, related to the initial applicability and severability of the
9 ordinance.

10 (j) The effective date of the ordinance.

11 (3) CONSTRUCTION PROVISIONS. An ordinance adopted under s. 92.16, Stats.,
12 shall prohibit any person from constructing a manure storage system unless that person
13 does all of the following:

14 (a) Obtains a permit from the county, city, village or town that adopts the
15 ordinance.

16 (b) Develops a nutrient management plan that complies with s. ATCP 50.04(3).

17 **NOTE:** A nutrient management plan, demonstrating that manure can be properly
18 utilized, should be included with a permit application under par. (a). If the
19 county, city, village or town wants to monitor compliance with the
20 nutrient management plan, its ordinance may include monitoring
21 provisions under sub. (2)(g).

22
23 (c) Complies with all of the following standards:

24 1. NRCS technical guide waste storage facility standard 313, if incorporated by
25 reference in the ordinance.

26 2. NRCS technical guide manure transfer standard 634, if incorporated by
27 reference in the ordinance.

28 3. Applicable DNR requirements under s. 281.65(4)(g)5., Stats.

1 (4) ABANDONMENT PROVISIONS. An ordinance adopted under s. 92.16, Stats.,
2 may prohibit any person from abandoning a manure storage system unless that person
3 does all of the following:

4 (a) Submits an abandonment plan for approval by the county, city, village or
5 town. The abandonment plan shall comply with the waste facility closure provisions
6 contained in NRCS technical guide waste storage standard 313.

7 (b) Obtains a permit for the abandonment.

8 (c) Complies with the approved abandonment plan under par. (a).

9 **NOTE:** An ordinance may apply the abandonment requirements under sub. (4) to
10 any manure storage system, regardless of when that system was installed.

11 (5) COUNTY REVIEW. Before a county, city, village or town adopts or amends a
12 manure storage ordinance under s. 92.16, Stats., the county, city, village or town shall
13 refer the proposed ordinance or amendment to the county land conservation committee
14 and the county planning and zoning agency for review and comment.

15 (6) DEPARTMENT REVIEW. Before a county, city, village or town adopts or
16 amends an ordinance under s. 92.16, Stats., the county, city, village or town shall submit
17 the ordinance to the department. The department shall review the ordinance for
18 consistency with this chapter. The department may ask the county, city, village or town
19 for information that it needs to perform the review.

20 **NOTE:** See s. 92.05(3)(L), Stats.

21 **ATCP 50.58 Shoreland management; ordinance.** (1) GENERAL. A county,
22 city, village or town may adopt or amend a shoreland management ordinance under s.
23 92.17, Stats., with department approval.
24

1 **NOTE:** This subsection does not limit the authority of a county, city, village or
2 town to adopt a shoreland management ordinance under other applicable
3 law.

4
5 (2) **CONTENTS.** An ordinance adopted under s. 92.17, Stats., shall include all of
6 the following provisions:

7 (a) The authority of the county, city, village or town to adopt the ordinance.

8 (b) The purpose for the ordinance, and the findings that prompted the county,
9 city, village or town to adopt the ordinance.

10 (c) Definitions of significant terms used in the ordinance.

11 (d) A description of the activities and geographical areas regulated under the
12 ordinance, including maps of the areas at a scale of 1:24,000 (one inch per 2,000 feet) or
13 larger.

14 (e) Soil and water resource management practices or compliance standards
15 required under the ordinance.

16 (f) Procedures for developing and approving conservation plans, if required under
17 the ordinance.

18 (g) Provisions related to ordinance administration, including inspection and
19 enforcement authority, appeal procedures, and penalties for violating the ordinance.

20 (h) Provisions, if any, related to the initial applicability and severability of the
21 ordinance.

22 (i) The effective date of the ordinance.

23 (3) **COUNTY REVIEW.** Before a county, city, village or town adopts or amends a
24 shoreland management ordinance under 92.17, Stats., the county, city, village or town

1 shall refer the proposed ordinance or amendment to the county land conservation
2 committee and the county planning and zoning agency for review and comment.

3 (4) DEPARTMENT APPROVAL. (a) A county, city, village or town may submit a
4 proposed ordinance or amendment for department approval under sub. (1). Except as
5 provided in par. (c), the county, city, village or town shall submit all of the following
6 with the proposed ordinance or amendment:

- 7 1. County comments under sub. (3), if any.
- 8 2. A description of any public hearings held on the proposal, and a brief summary
9 of hearing comments if any.
- 10 3. A statement, by an attorney authorized to practice law in this state, saying that
11 the attorney has reviewed the ordinance or amendment for compliance with applicable
12 law under chs. 59 to 68, Stats.

13 (b) Except as provided in par. (c), the department shall consult with DNR and the
14 LWCB before approving a proposed ordinance or amendment under sub. (1). The
15 department may approve a proposed ordinance or amendment subject to conditions
16 specified by the department. If the department disapproves a proposed ordinance or
17 amendment, it shall give written notice specifying its reasons.

18 **NOTE:** DNR reviews shoreland management ordinances and amendments to
19 determine whether they conflict with shoreland and shoreland-wetland
20 zoning rules administered by the DNR under chs. NR 115 and 117.

21 (c) The department may approve a proposed ordinance amendment without
22 consulting DNR or the LWCB, and without reviewing any information under par. (a), if
23 the department finds that the amendment involves no significant legal or policy issues.
24

1 (d) The department may approve a shoreland management ordinance or
2 amendment proposed under s. 92.17, Stats., if the department finds that the ordinance or
3 amendment is consistent with this chapter and conforms to guidelines adopted by the
4 department under s. 92.17, Stats.

5 (e) Whenever a county, city, village or town adopts a shoreland management
6 ordinance under s. 92.17, Stats., the county, city, village or town shall file a certified copy
7 of the adopted ordinance with the department.

8 **ATCP 50.60 Livestock operations; local regulation.** Local regulation of
9 livestock operations shall comply with s. 92.15, Stats.

10

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SUBCHAPTER VIII

2

CONSERVATION PRACTICES; TECHNICAL STANDARDS

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ATCP 50.61 Technical standards; general

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ATCP 50.62 Manure storage systems

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ATCP 50.63 Manure storage system closure

7

ATCP 50.64 Barnyard runoff control systems

8

ATCP 50.65 Access roads and cattle crossings

9

ATCP 50.66 Animal trails and walkways

10

ATCP 50.67 Contour farming

11

ATCP 50.68 Cover and green manure crop

12

ATCP 50.69 Critical area stabilization

13

ATCP 50.70 Diversions

14

ATCP 50.71 Field windbreaks

15

ATCP 50.72 Filter strips

16

ATCP 50.73 Grade stabilization structures

17

ATCP 50.74 Heavy use area protection

18

ATCP 50.75 Livestock fencing

19

ATCP 50.76 Livestock watering facilities

20

ATCP 50.77 Milking center waste control systems

21

ATCP 50.78 Nutrient management

22

ATCP 50.79 Pesticide management

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ATCP 50.80 Prescribed grazing

24

ATCP 50.81 Relocating or abandoning animal feeding operations

25

ATCP 50.82 Residue management

26

ATCP 50.83 Riparian buffers

27

ATCP 50.84 Roofs

28

ATCP 50.85 Roof runoff systems

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ATCP 50.86 Sediment basins

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ATCP 50.87 Sinkhole treatment

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ATCP 50.88 Streambank and shoreline protection

32

ATCP 50.89 Strip-cropping

33

ATCP 50.90 Subsurface drains

34

ATCP 50.91 Terrace systems

35

ATCP 50.92 Underground outlets

36

ATCP 50.93 Waste transfer systems

37

ATCP 50.94 Water and sediment control basins

38

ATCP 50.95 Waterway systems

39

ATCP 50.96 Well decommissioning

40

ATCP 50.97 Wetland development or restoration

1 **ATCP 50.61 Technical standards; general. (1) COST-SHARED PRACTICES**

2 **MUST COMPLY.** Cost-shared practices under this chapter shall comply with applicable
3 technical standards under this subchapter.

4 **(2) TECHNICAL STANDARDS ADOPTED BY RULE.** The department may not adopt,
5 amend or repeal technical standards under this subchapter, except by rule.

6 **NOTE:** Before the department adopts, amends or repeals a technical standard by
7 rule, the department will consider the recommendations of the standards
8 oversight council, a voluntary multi-agency council that works to share
9 technical information and coordinate technical standards among
10 participating agencies. Before the department adopts, amends or repeals a
11 technical standard by rule, the department must do all of the following
12 (see s. 15.13, Stats., and ch. 227, Stats.):

- 13
- 14 • Submit proposed rules to the land and water conservation board for
15 review and comment.
- 16 • Hold public hearings.
- 17 • Obtain the approval of the board of agriculture, trade and
18 consumer protection.
- 19 • Submit the final draft rule for legislative committee review.
- 20 • Obtain the approval of the attorney general and the revisor of
21 statutes, if the department proposes to incorporate technical
22 publications by reference in the rule. The department must make
23 copies of the technical publications available for public inspection,
24 and must file copies with the attorney general, the revisor of
25 statutes and the secretary of state.
- 26 • Prepare a fiscal estimate that discusses the financial impact of the
27 rule on state and local government.
- 28 • Prepare a small business analysis that discusses the impact of the
29 rule on small businesses (including farmers)
- 30 • File the rule with the secretary of state.
- 31 • File the rule with the revisor of statutes, for publication in the
32 Wisconsin administrative register and the Wisconsin
33 administrative code.
- 34

35 **ATCP 50.62 Manure storage systems. (1) DEFINITIONS.** In this section:

36 (a) "Animal feeding operation" means a feedlot or facility, other than a pasture,
37 where animals are fed, confined, maintained or stabled for 45 days or more in any 12-

1 month period. Two or more animal feeding operations under common ownership or
2 management constitute a single animal feeding operation if any of the following apply:

- 3 1. The operations are adjacent.
- 4 2. The operations use common plans, acreage or systems to landspread manure or
5 other wastes.
- 6 3. Manure, barnyard runoff or other wastes are commingled in a common storage
7 facility prior to landspreading.

8 (b) "Manure management system" means a system of one or more practices,
9 facilities, techniques or measures used to prevent or reduce pollutants associated with
10 manure. A "manure management system" may include one or more of the following:

- 11 1. A manure storage system.
- 12 2. A barnyard runoff control system as defined in s. ATCP 50.64(1).
- 13 3. Nutrient management as defined in s. ATCP 50.78(1).
- 14 4. Manure storage system closure as defined in s. ATCP 50.63(1)(b).
- 15 5. Well abandonment as described in ch. NR 812.

16 (c) "Manure storage facility" means one or more manure storage structures.
17 "Manure storage facility" includes stationary equipment and piping used to load or
18 unload a manure storage structure if the equipment is specifically designed for that
19 purpose and is an integral part of the facility. "Manure storage facility" does not include
20 equipment used to apply manure to land.

21 (d) "Manure storage structure" means a manure storage impoundment made by
22 constructing embankments, excavating a pit or dugout, or fabricating a structure.

23 "Manure storage structure" does not include equipment used to apply manure to land.

1 (e) "Manure storage system" means a manure storage facility and related
2 practices needed for the environmentally safe storage of manure at that facility. A
3 "manure storage system" does not include any of the following:

- 4 1. A milking center waste control system.
- 5 2. Nutrient management as defined in s. ATP 50.78(1).
- 6 3. A barnyard runoff control system as defined in s. ATP 50.64(1).
- 7 4. Equipment used to apply manure to land.

8 (2) MANURE STORAGE SYSTEMS; ELIGIBLE COSTS. A cost-share grant under s.
9 ATP 50.40 may reimburse any of the following costs related to a manure storage
10 system:

- 11 (a) Costs to design or construct the system.
- 12 (b) Costs to purchase and install permanent fencing needed to protect the system.
- 13 (c) Abandonment of the system if abandonment is required to meet water quality
14 objectives.
- 15 (d) Costs to repair, reconstruct or modify the system, or to abandon a related
16 well, if all of the following apply:

- 17 1. The action is needed to meet water quality objectives.
- 18 2. The remaining portions of the system are fully operational.
- 19 3. The landowner has made a substantial investment in the system, and will lose
20 that investment if the system is not repaired or modified.

21 (3) MANURE STORAGE SYSTEMS; INELIGIBLE COSTS. A cost-share grant under s.
22 ATP 50.40 may not reimburse any of the following costs:

- 23 (a) Costs to design a manure storage system that is not installed.

1 (b) Costs to construct, modify or support a building. This paragraph does not
2 apply to a modification that is essential for the installation of a manure storage system, or
3 to the construction of a roof pursuant to s. ATCP 50.84.

4 (c) Costs for equipment used to apply manure to land, including manure
5 spreaders, portable pumps and other nonstationary equipment.

6 (d) Any manure storage system costs related to an animal feeding operation if all
7 of the manure from that operation could be applied to land according to NRCS technical
8 guide nutrient management standard 590 without causing or aggravating nonattainment
9 of water quality standards.

10 **NOTE:** The feasibility of applying manure to land under par. (d) will be
11 determined in light of existing topographic, climatological and
12 management factors.

13 (e) Costs for more than one manure storage system for an animal feeding
14 operation.

15 (f) Costs for a manure storage system, to the extent that those costs exceed the
16 cost of an equally effective alternative.

17 (g) That portion of the system capacity needed to accommodate a significant
18 increase in the base livestock population size. If the landowner chooses a system with
19 additional capacity, the cost-share grant will be prorated based on the eligible capacity.
20 The following criteria shall be used in making the determinations under this paragraph, as
21 applicable:

22 1. The criteria used in s. NR 153.15(2)(d)2.a. to determine the size of the base
23 livestock population.

24 2. The criteria used in s. NR 153.15(2)(d)2.b. to determine significant increases
25 to the base livestock population.

1 3. The calculation used in s. NR 243.11(2) to measure animal units.

2 (h) Any portion of the system capacity needed for a livestock population size
3 required to apply for a WPDES permit under s. NR 243.12(1)(a) or (b). The size of the
4 livestock population shall be measured in animal units according to s. NR 243.11(2).

5 (4) MANURE STORAGE SYSTEMS; GRANT DISQUALIFICATION. Neither the
6 department nor a county land conservation committee may award a cost-share grant for a
7 manure storage system if the department finds any of the following:

8 (a) The landowner intentionally aggravated a pollution discharge from the animal
9 feeding operation.

10 (b) The landowner could prevent the discharge of pollutants through improved
11 management practices at nominal cost.

12 (c) The manure storage system will not achieve compliance with applicable state
13 and local regulations.

14 (d) The landowner holds, or is required to apply for, a Wisconsin pollution
15 discharge elimination system permit for the animal feeding operation under s. 283.31,
16 Stats.

17 (e) The landowner could have prevented the discharge of pollutants by
18 complying with an operations and maintenance plan previously agreed upon by the
19 landowner and one of the following:

20 1. The department.

21 2. The county land conservation committee.

22 3. DNR.

23 4. NRCS.

1 (5) MANURE STORAGE SYSTEMS; DESIGN, CONSTRUCTION AND MAINTENANCE. A
2 cost-share grant under s. ATCP 50.40 may not reimburse any costs related to a manure
3 storage system unless all of the following conditions are met:

4 (a) The system capacity is necessary to store the manure produced by the animal
5 feeding operation over a normal period of 30 to 365 days, as verified by a nutrient
6 management plan or an operation and maintenance plan.

7 (b) The system complies with well location requirements under s. NR 812.08.

8 (c) If the manure storage facility is designed to be emptied annually or semi-
9 annually, manure from the system is incorporated into the soil within 3 days after it is
10 applied to land.

11 (d) No manure from the system is applied to frozen or saturated ground.

12 (e) The system complies with all of the following that apply:

13 1. NRCS technical guide waste storage facility standard 313.

14 2. NRCS technical guide manure transfer standard 634.

15 3. NRCS technical guide well decommissioning standard 351.

16 4. NRCS technical guide fencing standard 382.

17 5. NRCS technical guide heavy use area protection standard 561.

18 6. Other standards specified by the department.

19 (f) The landowner establishes a nutrient management plan, and agrees to comply
20 with that plan and maintain the manure storage system for 10 years unless the animal
21 feeding operation is discontinued.

22 **ATCP 50.63 Manure storage system closure.** (1) DEFINITIONS. In this
23 section:

1 (a) "Manure storage system" has the meaning given in s. ATCP 50.62(1)(e).

2 (b) "Manure storage system closure" means permanently disabling and sealing a
3 leaking or improperly sited manure storage system.

4 (2) COST-SHARE ELIGIBILITY: A cost-share grant under s. ATCP 50.40 may
5 reimburse costs to close a manure storage system if any of the following conditions exist:

6 (a) Groundwater enters the manure storage system.

7 (b) The manure storage system is in contact with or intercepts bedrock.

8 (c) Manure has been discharged into surface or groundwater as a result of an
9 irreparable structural failure in the manure storage system.

10 (d) The department finds that continued use of the manure storage system is
11 likely to result in structural failure or resource degradation.

12 (3) ELIGIBLE COSTS: A cost-share grant under s. ATCP 50.40 may reimburse any
13 of the following costs related to the closure of a manure storage system:

14 (a) Costs to design and remove any constructed soil liner, concrete liner or
15 membrane liner.

16 (b) Costs to remove and dispose of soil saturated with manure.

17 (c) Costs for filling, shaping and seeding the site to provide surface drainage
18 away from the closed site.

19 (4) INELIGIBLE COSTS: A cost-share grant under s. ATCP 50.40 may not
20 reimburse the costs of removing or spreading manure that can be removed using
21 conventional equipment and routine agricultural practices.

1 (5) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
2 ATCP 50.40 may not reimburse any costs related to the closure of a manure storage
3 system unless the closure plan complies with NRCS waste storage facility standard 313.

4 **ATCP 50.64 Barnyard runoff control systems.** (1) DEFINITION. In this
5 section, "barnyard runoff control system" means a system of facilities or practices used to
6 contain, divert, retard, treat or otherwise control the discharge of runoff from outdoor
7 areas of concentrated livestock activity. A "barnyard runoff control system" may include
8 any of the following components which is necessary to contain, divert, retard, treat or
9 control surface water runoff:

- 10 (a) Access roads or cattle crossings under s. ATCP 50.65.
- 11 (b) Animal trails and walkways under s. ATCP 50.66.
- 12 (c) Critical area stabilization under s. ATCP 50.69.
- 13 (d) Diversions under s. ATCP 50.70.
- 14 (e) Filter strips or buffer strips under s. ATCP 50.72.
- 15 (f) Heavy use area protection under s. ATCP 50.74.
- 16 (g) Prescribed grazing under s. ATCP 50.80.
- 17 (h) Waterway systems under s. ATCP 50.95.
- 18 (i) Livestock fencing under s. ATCP 50.75.
- 19 (j) Livestock watering facilities under s. ATCP 50.76.
- 20 (k) Manure storage systems under s. ATCP 50.62 that are needed to collect and
21 contain barnyard runoff.
- 22 (L) Nutrient management under s. ATCP 50.78.
- 23 (m) Relocating or abandoning animal feeding operations under s. ATCP 50.81.

- 1 (n) Roofs under s. ATCP 50.84.
- 2 (o) Roof runoff systems under s. ATCP 50.85.
- 3 (p) Sediment basins under s. ATCP 50.86.
- 4 (q) Streambank and shoreline protection under s. ATCP 50.88.
- 5 (r) Subsurface drains under s. ATCP 50.90.
- 6 (s) Underground outlets under s. ATCP 50.92.
- 7 (t) Waste transfer systems under s. ATCP 50.93.
- 8 (u) Water and sediment control basins under s. ATCP 50.94.
- 9 (v) Well decommissioning under s. ATCP 50.96.

10 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse any
11 of the following costs related to a barnyard runoff control system:

- 12 (a) Costs for system components under sub. (1) that are eligible for
13 reimbursement under this subchapter.
- 14 (b) Costs to establish permanent vegetative cover, or to provide temporary cover
15 pending the establishment of permanent cover. This may include costs for mulch,
16 fertilizer, seed and other necessary materials.
- 17 (c) Costs for modification of a building that is essential for installation of the
18 barnyard runoff control system, or for construction of a roof pursuant to s. ATCP 50.84.

19 (3) INELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may not
20 reimburse any of the following costs:

- 21 (a) Costs to design a barnyard runoff control system that is not installed.
- 22 (b) Costs to construct a building.
- 23 (c) Costs for equipment used to apply manure to land.

1 (d) Costs of a proposed practice, to the extent that those costs exceed the cost of
2 an equally effective alternative.

3 (e) Costs ineligible under s. ATCP 50.62(3)(g) or (h).

4 (4) BARNYARD RUNOFF CONTROL SYSTEMS; GRANT DISQUALIFICATION. A county
5 land conservation committee may not award a cost-share grant for a barnyard runoff
6 control system if any of the following apply:

7 (a) The landowner intentionally aggravated a pollution discharge from the animal
8 feeding operation.

9 (b) The landowner could prevent the discharge of pollutants through improved
10 management practices at nominal cost.

11 (c) The barnyard runoff control system will not be adequate to achieve
12 compliance with applicable state and local regulations.

13 (d) The landowner holds, or is required to apply for, a Wisconsin pollution
14 discharge elimination system permit for the animal feeding operation under s. 283.31,
15 Stats.

16 (e) The landowner could have prevented the discharge of pollutants by
17 complying with an operations and maintenance plan previously agreed upon by the
18 landowner and one of the following:

19 1. The department.

20 2. The county land conservation committee.

21 3. DNR.

22 4. NRCS.

1 (5) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant may not
2 reimburse any costs for a barnyard runoff control system unless all of the following
3 conditions are met:

4 (a) The system complies with applicable design, construction and maintenance
5 standards under this subchapter.

6 (b) The landowner agrees to maintain the barnyard runoff control system, and the
7 nutrient management plan if required, for 10 years unless the animal feeding operation is
8 discontinued.

9 **NOTE:** A barnyard runoff control system may include one or more of the
10 practices listed in this section. Standards for the listed practices are
11 contained in other sections of this subchapter. Any of the listed practices
12 may also be cost-shared in a project which is not a barnyard runoff control
13 project.

14 **ATCP 50.65 Access roads and cattle crossings. (1) DEFINITION.** In this

15 section, "access road or cattle crossing" means a road or pathway which confines or
16 directs the movement of livestock or farm equipment, and which is designed and installed
17 to control surface water runoff, to protect an installed practice, to control livestock access
18 to a stream or waterway, to stabilize a stream crossing, or to prevent erosion.

19 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse the
20 cost of establishing an access road or cattle crossing if the access road or cattle crossing is
21 needed to comply with applicable state or local regulations.

22 (3) DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS. A cost-share grant
23 under s. ATCP 50.40 may not reimburse the cost of establishing an access road or cattle
24 crossing unless all of the following conditions are met:
25

1 (a) The access road or cattle crossing complies with all of the following that
2 apply:

- 3 1. NRCS technical guide access road standard 560.
- 4 2. NRCS technical guide streambank and shoreline protection standard 580.
- 5 3. NRCS technical guide fencing standard 382.

6 (b) The landowner agrees to maintain the access road or cattle crossing for 10
7 years unless farming operations on the affected land are discontinued.

8 **ATCP 50.66 Animal trails and walkways.** (1) DEFINITION. In this section,
9 “animal trail or walkway” means a travel lane to facilitate movement of livestock.

10 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse the
11 cost of establishing an animal trail or walkway when necessary to comply with state or
12 local regulations.

13 (3) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
14 ATCP 50.40 may not reimburse the cost of establishing an animal trail or walkway unless
15 all of the following conditions are met:

16 (a) The animal trail or walkway complies with all of the following that apply:

- 17 1. NRCS technical guide animal trails and walkways standard 575.
- 18 2. NRCS technical guide streambank and shoreline protection standard 580.
- 19 3. NRCS technical guide fencing standard 382.

20 (b) The landowner agrees to maintain the animal trail or walkway for 10 years
21 unless farming operations on the affected land are discontinued.

1 **ATCP 50.67 Contour farming.** (1) DEFINITION. In this section, “contour
2 farming” means plowing, preparing, planting and cultivating sloping land on the contour
3 and along established grades of terraces or diversions.

4 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse
5 costs to establish a contour farming system, including necessary costs to remove
6 obstacles.

7 (3) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
8 ATCP 50.40 may not reimburse contour farming costs unless the contour farming system
9 meets the following applicable standards:

10 (a) NRCS technical guide contour farming standard 330.

11 (b) NRCS technical guide obstruction removal standard 500.

12 (c) NRCS technical guide standard wildlife upland habitat management standard
13 645, if habitat management is used to mitigate the loss of habitat resulting from the
14 installation of contour farming.

15 **ATCP 50.68 Cover and green manure crop.** (1) DEFINITION. In this section,
16 “cropland cover” means close-growing grasses, legumes or small grain grown for any of
17 the following purposes:

18 (a) To control erosion during periods when major crops do not furnish adequate
19 cover.

20 (b) To add organic matter to the soil.

21 (c) To improve soil infiltration, aeration or tilth.

22 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse
23 costs to establish cropland cover on a field that contributes to water quality degradation

1 when crop harvesting during the growing season leaves the field without enough residue
2 to provide adequate surface runoff protection.

3 (3) INELIGIBLE COSTS. A county land conservation committee may not, without
4 prior department approval, provide cost-share grants under this section and s. ATCP
5 50.82 for the same acreage for the same year.

6 (4) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
7 ATCP 50.40 may not reimburse any costs to establish cropland cover unless all of the
8 following apply:

9 (a) The cropland cover meets NRCS technical guide cropland cover and green
10 manure crop standard 340.

11 (b) The landowner agrees to maintain the cover and green manure crop in each
12 cropping season for which cost-sharing is provided.

*use of 340 instead
from
cropland cover*

13 **ATCP 50.69 Critical area stabilization.** (1) DEFINITION. In this section,
14 "critical area stabilization" means planting suitable vegetation on erodible areas such as
15 steep slopes, gullies and roadsides, so as to reduce soil erosion or pollution from
16 agricultural nonpoint sources. "Critical area stabilization" may also include treating areas
17 that drain into bedrock crevices, openings or sinkholes.

18 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse the
19 following critical area stabilization costs:

20 (a) Costs to purchase and install permanent fencing around the critical area.

21 (b) Costs to establish permanent vegetative cover, or to provide temporary cover
22 until permanent cover is established. This may include costs for mulch, fertilizer and
23 other necessary materials.

1 (c) Preparatory shaping and smoothing operations.

2 (3) INELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may not
3 reimburse for the costs of planting trees intended for commercial harvest.

4 (4) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
5 ATCP 50.40 may not reimburse critical area stabilization costs unless all of the following
6 conditions are met:

7 (a) The critical area stabilization complies with all of the following that apply:

- 8 1. NRCS technical guide critical area planting standard 342.
- 9 2. NRCS technical guide fencing standard 382.
- 10 3. NRCS technical guide field border standard 386.
- 11 4. NRCS technical guide livestock exclusion standard 472.
- 12 5. NRCS technical guide mulching standard 484.
- 13 6. NRCS technical guide tree planting standard 612.
- 14 7. NRCS technical guide sinkhole treatment standard 725.

15 (b) The landowner agrees to maintain the critical area stabilization practice for 10
16 years unless farming operations on the affected land are discontinued.

17 **ATCP 50.70 Diversions.** (1) DEFINITION. In this section, "diversion" means a
18 structure installed to divert excess surface runoff water to an area where it can be used,
19 transported or discharged without causing excessive soil erosion. "Diversion" includes a
20 channel with a supporting earthen ridge on the lower side, installed across the slope with
21 a self-discharging and non-erosive gradient.

22 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse any
23 of the following costs to establish a diversion system:

1 (a) Costs to install a diversion, outlet, dike or subsurface drain. Costs to install a
2 subsurface drain may be reimbursed only if the drain is installed on sloping land where
3 groundwater seeps to the surface and causes the land or land cover to lose its stability.

4 (b) Costs to install pipes, underground outlets, or other structures needed to
5 deliver water to a ditch or dike, to promote a more even flow of water, or to protect
6 outlets from erosion.

7 (c) Costs for leveling and filling needed to install an effective diversion system.

8 (d) Costs to remove obstructions, if necessary for the installation of an effective
9 diversion system.

10 (e) Costs to establish permanent vegetative cover, or to provide temporary cover
11 until permanent cover is established. This may include costs for mulch, fertilizer and
12 other necessary materials.

13 (f) Fencing needed to protect a diversion from livestock.

14 (3) INELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may not be used
15 to install ditches or dikes that are designed to drain or impound water for later use, or that
16 will be a part of a regular irrigation system.

17 (4) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
18 ATCP 50.40 may not reimburse any costs to establish a diversion system unless all of the
19 following conditions are met:

20 (a) The diversion includes an adequate outlet that prevents erosion.

21 (b) The diversion complies with all of the following that apply:

22 1. NRCS technical guide critical area planting standard 342.

23 2. NRCS technical guide diversion standard 362.

- 1 3. NRCS technical guide fencing standard 382.
- 2 4. NRCS technical guide grassed waterway standard 412.
- 3 5. NRCS technical guide lined waterway or outlet standard 468.
- 4 6. NRCS technical guide obstruction removal standard 500.
- 5 7. NRCS technical guide subsurface drain standard 606.
- 6 8. NRCS technical guide underground outlet standard 620.
- 7 9. NRCS technical guide wildlife upland habitat management standard 645, if
- 8 habitat management is used to mitigate the loss of habitat resulting from installation of a
- 9 diversion.
- 10 (c) The landowner agrees to maintain the diversion for 10 years unless farming
- 11 operations on the affected land are discontinued.

12 **ATCP 50.71 Field windbreaks.** (1) DEFINITION. In this section, "field

13 windbreak" means a strip or belt of trees, shrubs or grasses established or restored within

14 or adjacent to a field, so as to control soil erosion by reducing wind velocities at the land

15 surface.

16 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse the

17 cost of planting trees, shrubs or grasses to protect farm fields from wind erosion.

18 (3) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.

19 ATCP 50.40 may not reimburse field windbreak costs unless all of the following

20 conditions are met:

- 21 (a) The windbreak is protected from destructive grazing.
- 22 (b) The windbreak complies with all of the following that apply:
 - 23 1. NRCS technical guide fencing standard 382.

1 2. NRCS technical guide field windbreaks standard 392.

2 3. NRCS technical guide livestock exclusion standard 472.

3 (c) The landowner agrees to maintain the windbreak for 10 years unless farming
4 operations on the affected land are discontinued.

5 **ATCP 50.72 Filter strips.** (1) **ELIGIBLE COSTS.** A cost-share grant under s.

6 ATCP 50.40 may reimburse the following filter strip costs:

7 (a) Permanent fencing to protect the filter strip.

8 (b) Costs to establish permanent vegetative cover in the filter strip, or to provide
9 temporary cover until permanent cover is established. This may include costs for mulch,
10 fertilizer and other necessary materials.

11 (c) Costs to shape, smooth or prepare the filter strip before establishing a
12 permanent vegetative cover.

13 (2) **DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS.** A cost-share grant
14 under s. ATCP 50.40 may not reimburse filter strip costs unless all of the following

15 conditions are met:

16 (a) The filter strip complies with all of the following that apply:

17 1. NRCS technical guide critical area planting standard 342.

18 2. NRCS technical guide fencing standard 382.

19 3. NRCS technical guide field border standard 386.

20 4. NRCS technical guide filter strip standard 393.

21 5. NRCS technical guide livestock exclusion standard 472.

22 6. NRCS technical guide mulching standard 484.

1 (b) The landowner agrees to maintain the filter strip for 10 years unless farming
2 operations on the affected land are discontinued.

3 **ATCP 50.73 Grade stabilization structures.** (1) DEFINITION. In this section,
4 “grade stabilization structure” means a structure which stabilizes the grade in a channel in
5 order to protect the channel from erosion, or to prevent gullies from forming or
6 advancing. A “grade stabilization structure” may include any of the following:

7 (a) Detention or retention structures such as dams, desilting reservoirs, sediment
8 basins and debris basins.

9 (b) Related structures such as channel linings, chutes, drop spillways or pipe
10 drops.

11 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse any
12 of the following:

13 (a) Costs to design, construct, repair or modify a grade stabilization structure.

14 (b) Costs for leveling and filling needed to install the structure.

15 (c) Costs to establish permanent vegetative cover, or to provide temporary cover
16 until permanent cover is established. This may include costs for mulch, fertilizer, seed
17 and other necessary materials.

18 (d) Costs for fencing to protect the structure.

19 (3) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
20 ATCP 50.40 may not reimburse any cost related to a grade stabilization structure unless
21 all of the following conditions are met:

22 (a) The department pre-approves the structure in writing if the embankment
23 structural height is 15 to 25 feet, or the maximum storage capacity is 15 to 50 acre-feet.

1 (b) The structural height does not exceed 25 feet, and the maximum storage
2 capacity does not exceed 50 acre-feet.

3 (c) DNR pre-approves the structure in writing if the structure is adjacent to a
4 navigable stream or a stream supporting a fishery.

5 (d) The structure complies with all of the following that apply:

6 1. NRCS technical guide critical area planting standard 342.

7 2. NRCS technical guide diversion dam standard 348.

8 3. NRCS technical guide sediment basin standard 350.

9 4. NRCS technical guide diversion standard 362.

10 5. NRCS technical guide fencing standard 382.

11 6. NRCS technical guide obstruction removal standard 500.

12 7. NRCS technical guide grade stabilization structure standard 410.

13 8. NRCS technical guide grassed waterway standard 412.

14 9. NRCS technical guide lined waterway or outlet standard 468.

15 10. NRCS technical guide mulching standard 484.

16 11. NRCS technical guide subsurface drain standard 606.

17 12. NRCS technical guide underground outlet standard 620.

18 13. NRCS technical guide water and sediment control basin standard 638.

19 (e) The landowner agrees to maintain the grade stabilization structure for 10
20 years unless farming operations on the affected land are discontinued.

21 **ATCP 50.74 Heavy use area protection.** (1) DEFINITION. In this section,
22 "heavy use area protection" means installation of surface material to control runoff and
23 erosion in areas subject to concentrated or frequent livestock activity. "Heavy use area

1 protection" may include establishing vegetative cover, or installing surfacing materials
2 such as concrete, compacted stone and stone fragments, or geotextiles.

3 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse any
4 of the following costs related to heavy use area protection:

5 (a) Costs for surfacing materials in a barnyard runoff control system, manure
6 storage system or prescribed grazing system if necessary to facilitate removal of manure
7 or to protect groundwater.

8 (b) Costs for installing a permanent vegetative cover, including costs for mulch,
9 fertilizer, seed and other necessary materials.

10 (c) Costs for excavation, fill, grading and compacting.

11 (d) Costs for fencing needed to contain livestock in any barnyard runoff control
12 system.

13 (3) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
14 ATCP 50.40 may not reimburse the cost of heavy use area protection unless all of the
15 following conditions are met:

16 (a) The practice complies with all of the following that apply:

17 1. NRCS technical guide critical area planting standard 342.

18 2. NRCS technical guide fencing standard 382.

19 3. NRCS technical guide heavy use area protection standard 561.

20 (b) The landowner agrees to maintain the heavy use area protection for 10 years
21 unless farming operations on the affected land are discontinued.

22 **ATCP 50.75 Livestock fencing.** (1) DEFINITION. In this section, "livestock
23 fencing" means either of the following:

*a y/Rev.?
avail.?*

1 (a) Excluding livestock, by fencing or other means, in order to protect an erodible
2 area or a practice under this subchapter.

3 (b) Restricting, by fencing or other means, human access to manure storage
4 structures or other practices under this subchapter which may pose a hazard to humans.

5 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse
6 costs for livestock fencing, including the cost of designing and installing permanent
7 fencing, gates and related devices that are necessary to protect a practice, or to prevent
8 degradation of waters of the state.

9 (3) INELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may not
10 reimburse the costs for any of the following:

11 (a) Electric fence energizers.

12 (b) Portable fences and equipment used to contain or exclude livestock.

13 (c) Fencing, gates or other equipment used primarily for the purpose of
14 segregating, handling or feeding livestock, rather than protecting an erodible area or a
15 practice under this subchapter.

16 (4) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
17 ATCP 50.40 may not reimburse livestock fencing costs unless all of the following
18 conditions are met:

19 (a) The livestock fencing complies with all of the following that apply:

20 1. NRCS technical guide fencing standard 382.

21 2. NRCS technical guide livestock exclusion standard 472.

22 (b) The landowner agrees to maintain the livestock fencing practice for 10 years
23 unless farming operations on the affected land are discontinued.

1 **ATCP 50.76 Livestock watering facilities.** (1) DEFINITION. In this section,
2 “livestock watering facility” means a trough, tank, pipe, conduit, spring development,
3 pump, well, or other device or combination of devices installed to deliver drinking water
4 to livestock.

5 (2) COST-SHARE ELIGIBILITY. A cost-share grant under s. ATCP 50.40 may
6 reimburse costs to establish a livestock watering facility if the livestock watering facility
7 is a necessary component of a prescribed grazing system funded under s. ATCP 50.80, or
8 if all of the following conditions are met:

9 (a) The livestock watering facility will do one of the following:

10 1. Prevent nonpoint source water pollution by replacing livestock access to a
11 stream or other natural drinking water source.

12 2. Water livestock that are isolated from a natural drinking water source by
13 another conservation practice under this subchapter.

14 (b) The livestock watering facility is necessary to achieve water quality
15 objectives.

16 (c) Installing the livestock watering facility is less expensive than providing
17 environmentally safe livestock access to a natural source of drinking water.

18 (3) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse the
19 cost of designing and constructing a livestock watering facility.

20 (4) INELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may not
21 reimburse costs for any of the following:

22 (a) More than one livestock watering facility when the need for more than one
23 watering facility is created by the segregation or handling of livestock within a manure

1 management system. This paragraph does not apply when the need for more than one
2 livestock watering facility is created by the segregation or handling of livestock within a
3 prescribed grazing system.

4 (b) A water supply used for purposes other than providing drinking water to
5 livestock.

6 (c) Installing a livestock watering facility if there is a less expensive way to water
7 livestock, consistent with soil and water conservation goals.

8 (5) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant may not
9 reimburse the cost of establishing a livestock watering facility unless all of the following
10 conditions are met:

11 (a) The livestock watering facility complies with all of the following that apply:

12 1. NRCS technical guide spring development standard 574.

13 2. NRCS technical guide trough and tank standard 614.

14 3. NRCS technical guide well standard 642.

15 4. NRCS technical guide pipeline standard 516.

16 5. Ch. NR 812, related to well construction and pump installation.

17 (b) The landowner agrees to maintain the livestock watering facility for 10 years
18 unless farming operations on the affected land are discontinued.

19 **ATCP 50.77. Milking center waste control systems.** (1) DEFINITIONS. In this
20 section:

21 (a) "Milking center waste" means waste water, cleaning ingredients, waste milk
22 or other discharge from a milking parlor or milkhouse.

1 (b) "Milking center waste control system" means a system of facilities or
2 equipment designed to contain or control the discharge of milking center waste.

3 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse any
4 of the following costs related to a milking center waste control system:

5 (a) Costs to design, construct, repair or modify a milking center waste control
6 system, including costs for appropriate waste pretreatment, waste storage and land
7 irrigation equipment.

8 (b) Costs for conduits, pumps and related equipment required to transfer milking
9 center wastes, provided that the equipment is designed and used for that sole purpose.

10 (c) Other milking center waste control measures, approved by the department,
11 that are needed to meet identified water quality objectives. These measures may include
12 conservation sinks, pre-cooler water utilization systems, manifold cleaning systems, air
13 injection systems, wastewater treatment strips used with appropriate waste pretreatment
14 measures, recyclable water storage and plumbing for automatic water and cleaning
15 chemicals controls, flocculator systems, waste milk diverter valves and booster pumps for
16 parlor floor cleaning.

17 (3) INELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may not
18 reimburse any of the following costs related to a milking center waste control system:

19 (a) Costs for any system, component or practice that is not needed to correct an
20 identified water pollution hazard.

21 (b) Buildings or modifications to buildings. This paragraph does not apply to
22 building modifications that are essential for the installation of a milking center waste
23 control system.

1 (c) Portable equipment for spreading milking center wastes onto land or
2 incorporating those wastes into land.

3 (4) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant may not
4 reimburse any costs related to a milking center waste control system unless all of the
5 following conditions are met:

6 (a) The system complies with all of the following that apply:

7 1. The university of Wisconsin-extension pollution control guide for milking
8 center waste water management (July 1994).

9 **NOTE:** The UW-extension pollution control guide for milking center waste
10 water management is on file with the department, the secretary of state
11 and the revisor of statutes. Copies may be purchased from the department
12 or the university of Wisconsin-extension (UWEX Pub. No. A3592)

13 2. NRCS technical guide filter strip standard 393.

14 3. NRCS technical guide waste storage facility standard 313.

15 4. NRCS technical guide manure transfer standard 634.

16 5. NRCS technical guide nutrient management standard 590.

17 (b) The landowner agrees to maintain the milking center waste control system for
18 10 years unless the milking operation is discontinued.

19 **ATCP 50.78 Nutrient management.** (1) DEFINITIONS. In this section,
20 “nutrient management” means controlling the amount, source, form, location and timing
21 of plant nutrient applications, including application of organic wastes, commercial
22 fertilizers, soil reserves and legumes, in order to provide plant nutrients while minimizing
23 the movement of nutrients to surface water and groundwater.
24

1 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse
2 costs for nutrient management prescribed in a nutrient management plan. A cost-share
3 grant may reimburse any of the following costs related to nutrient management:

- 4 (a) Costs for soil and plant nutrient testing, including residual nitrogen analysis.
- 5 (b) Costs for nutrient analysis of manure and other organic waste.
- 6 (c) Costs to develop or revise a nutrient management plan.

7 (3) DESIGN AND MAINTENANCE. A cost-share grant under s. ATCP 50.40 may not
8 reimburse nutrient management costs under this section unless all of the following
9 conditions are met:

- 10 (a) The nutrient management practice complies with NRCS technical guide
11 nutrient management standard 590.
- 12 (b) The landowner agrees to maintain the nutrient management practice in each
13 year for which cost-sharing is provided.

14 **ATCP 50.79 Pesticide management.** (1) DEFINITION. In this section,
15 “pesticide management” means controlling the storage, handling, use and disposal of
16 pesticides used in crop production in order to minimize contamination of water, air and
17 nontarget organisms.

18 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse
19 costs for pesticide management described in a pesticide management plan. A cost-share
20 grant may reimburse any of the following costs related to pesticide management:

- 21 (a) Costs for integrated pest management field scouting.
- 22 (b) Costs to develop or revise a pesticide management plan.

1 (c) Costs for spill control facilities, including any of the following facilities that
2 are needed:

- 3 1. A liquid-tight, reinforced concrete pad for a pesticide mixing area.
- 4 2. Water-tight walls or perimeter flow diversion structures to convey spills or
5 contaminated water from a pesticide mixing area to a sump.
- 6 3. Perimeter flow diversion structures needed to convey surface water away from
7 a pesticide mixing area.
- 8 4. A shallow sump collection area capable of storing spills, rinsate, washwater
9 and precipitation that may leak or fall on a pesticide mixing pad.
- 10 5. Roof structures and walls to protect a pesticide mixing area.
- 11 6. Pesticide mixing area approach ramps.
- 12 7. Water supply systems needed for a pesticide mixing area.
- 13 8. Sump pump alarm and recovery systems for a pesticide mixing area.

14 (3) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
15 ATCP 50.40 may not reimburse pesticide management costs under this section unless all
16 of the following conditions are met:

- 17 (a) The cost-shared practice complies with all of the following that apply:
 - 18 1. NRCS technical guide pest management standard 595.
 - 19 2. Pesticide mixing and loading standards under subch. VIII of ch. ATCP 29.
 - 20 3. Designing facilities for pesticide and fertilizer containment, MWPS-37, 1st
21 edition, (1991).
- 22 (b) The landowner agrees to maintain the pesticide management practice for the
23 cropping season for which cost-sharing was provided.

1 **ATCP 50.80 Prescribed grazing.** (1) **DEFINITION.** In this section, “prescribed
2 grazing” or “rotational grazing” means a grazing system which divides pastures into
3 multiple cells, each of which is grazed intensively for a short period and then protected
4 from grazing until its vegetative cover is restored.

5 **NOTE:** Prescribed grazing systems can prevent degradation resulting from other
6 pasturing practices. Prescribed grazing systems should replace summer
7 dirt lots when they result in water quality degradation.
8

9 (2) **ELIGIBLE COSTS.** A cost-share grant under s. ATCP 50.40 may reimburse the
10 cost of replacing animal lots or pastures, or establishing a prescribed grazing system on
11 croplands, that contribute sediments, nutrients or pesticides to a water resource. This
12 may include any of the following costs:

13 (a) The cost to establish or repair livestock access lanes and stream crossings to
14 prevent instability and erosion.

15 (b) The cost to establish permanent boundary and main paddock fences. This
16 may include perimeter fencing, lane fencing, portable fencing and gates.

17 (c) The cost to establish good seeding stands for pasture and hayland planting.

18 (d) The cost to establish a livestock watering facility. This may include pipeline
19 and pasture watering systems, wells, spring developments, and portable watering systems
20 such as pumps, pipes and tanks.

21 (e) The costs for practices that would remediate streambank erosion and
22 streambank habitat degradation.

23 (f) The costs for practices that would exclude livestock from woodlands,
24 sensitive wildlife habitat and recreational lands.

1 (3) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
2 ATCP 50.40 may not reimburse prescribed grazing costs unless all of the following
3 conditions are met:

4 (a) The prescribed grazing practices comply with all of the following that apply:

- 5 1. NRCS technical guide critical area planting standard 342.
- 6 2. NRCS technical guide pasture and hayland planting standard 512.
- 7 3. NRCS technical guide pasture and hayland management standard 510.
- 8 4. NRCS technical guide livestock exclusion standard 472.
- 9 5. NRCS technical guide streambank and shoreline protection standard 580.
- 10 6. NRCS technical guide heavy use area protection standard 561.
- 11 7. NRCS technical guide prescribed grazing standard 528A.
- 12 8. Guidelines specified in "Wisconsin pastures for profit: a hands-on guide to
13 rotational grazing," published by the university of Wisconsin-extension, August 1994.

14 **NOTE:** Copies of "Wisconsin pastures for profit: a hands-on guide to rotational
15 grazing" are on file with the department, the secretary of state and the
16 revisor of statutes. Copies may be purchased from the department or from
17 the university of Wisconsin-extension (UWEX Pub. No. A3529).

- 18 9. NRCS technical guide animal trails and walkways standard 575.
- 19 10. Standards for livestock watering facilities specified under s. ATCP 50.76.

20 (b) The landowner agrees to maintain the prescribed grazing system for 10 years
21 unless farming operations on the affected land are discontinued.

22 **ATCP 50.81 Relocating or abandoning animal feeding operations. (1)**

23 **DEFINITIONS:** In this section:

24 (a) "Abandonment" means discontinuing an animal feeding operation in order to
25 prevent surface water or groundwater pollution from that animal feeding operation.

1 (b) "Animal feeding operation" means a feedlot or facility, other than a pasture,
2 where animals are fed, confined, maintained or stabled for 45 days or more in any 12-
3 month period. Two or more animal feeding operations under common ownership or
4 common management constitute a single animal feeding operation if any of the following
5 apply:

- 6 1. The operations are adjacent.
- 7 2. The operations use common plans, acreage or systems to landspread manure or
8 other wastes.
- 9 3. Manure, barnyard runoff or other wastes are commingled in a common storage
10 facility prior to landspreading.

11 (c) "Relocation" means discontinuing an animal feeding operation at one site and
12 commencing that operation at a suitable alternate site in order to minimize the amount of
13 surface water or groundwater pollution from that animal feeding operation.

14 (2) COST-SHARE ELIGIBILITY. A cost-share grant under s. ATCP 50.40 may
15 reimburse costs incurred for the permanent relocation or abandonment of an animal
16 feeding operation if all of the following conditions are met:

17 (a) The department or the county land conservation committee finds that
18 relocation or abandonment is the most practical and cost-effective way to achieve
19 compliance with state or local regulations.

20 (b) The department approves the relocation or abandonment plan.

21 (c) The landowner agrees, in a covenant that runs with the land, that no person
22 may reestablish an animal feeding operation at that site unless the department determines

1 that the reestablished operation complies with ATCP 50.04. The department may waive
2 this requirement if the department finds that the covenant is unnecessary.

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50.02

3 (d) The covenant under par. (c) is recorded in the office of the register of deeds
4 for each county in which the property is located.

5 (3) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse any
6 of the following costs to relocate or abandon an animal feeding operation:

7 (a) Costs to install manure management systems and other conservation practices
8 under this subchapter at a new site, as authorized under this chapter.

9 (b) Costs to abandon and rehabilitate the current site, including costs for any of
10 the following:

11 1. Removing concrete paving, fencing, bunks, livestock housing structures,
12 livestock feeding structures and other obstructions.

13 2. Grading and establishing vegetation on the site.

14 3. Excluding livestock from the site.

15 4. Abandoning wells on the site.

16 (c) Costs to move buildings and other structures.

17 (d) Costs to transport animals to a site in this state that is not on the same farm,
18 up to a maximum of \$5,000.

19 (e) Costs for livestock buildings and associated facilities needed to maintain the
20 transferred livestock at the new site if all of the following apply:

21 1. The department determines that the relocation is necessary to comply with
22 ATCP 50.04 and is cost-effective.

1 2. The cost-share grant does not exceed the appraised value of the buildings and
2 associated facilities at the current site, or 70% of the costs of the replacement buildings
3 and associated facilities, whichever is less.

4 3. The relocation will cause a violation of ATCP 50.04.

5 **NOTE:** Cost-share grants under this section are subject to the limitations
6 specified in s. ATCP 50.42.

7
8 (4) **INELIGIBLE COSTS.** A cost-share grant under s. ATCP 50.40 may not
9 reimburse any costs to reestablish an animal feeding operation that has been abandoned
10 under this section.

11 (5) **DESIGN, CONSTRUCTION AND MAINTENANCE.** A cost-share grant may not
12 reimburse the cost of relocating or abandoning an animal feeding operation unless all of
13 the following apply:

14 (a) The relocation or abandonment complies with the technical guide standards
15 for the conservation practices in this subchapter.

16 (b) The landowner agrees to maintain the relocated operation, if any, for 10 years
17 unless farming operations on the affected land are discontinued.

18 **ATCP 50.82 Residue management.** (1) **DEFINITION.** In this section, "residue
19 management" means any of the following:

20 (a) Preparing land surfaces for the planting and growing of crop plants using
21 methods that result in a rough land surface which is covered in varying degrees by
22 vegetative residues of a previous crop, and which provides a significant degree of
23 resistance to soil erosion by raindrop impact, surface water runoff or wind.

24 (b) Planting crop seeds in a narrow slot or a narrow strip of tilled soil, in order to
25 maintain residue cover and avoid disturbing the entire soil surface.

1 (2) **ELIGIBLE COSTS.** (a) A cost-share grant under s. ATCP 50.40 may reimburse
2 costs for any of the following residue management practices:

- 3 1. No-till practices.
- 4 2. Chisel plowing.
- 5 3. Disking.
- 6 4. Till-planting practices.
- 7 5. Other, similar practices.

8 (b) For cost-sharing purposes, the cost of residue management practices shall be
9 based on prevailing prices charged by providers of custom residue management services
10 in the surrounding area.

11 (3) **INELIGIBLE COSTS.** A cost-share grant may not reimburse costs for both this
12 practice and the cover and green manure crop practice for the same acreage in the same
13 year, without department approval.

14 (4) **DESIGN, CONSTRUCTION AND MAINTENANCE.** A cost-share grant under s.
15 ATCP 50.40 may not reimburse residue management costs unless all of the following
16 conditions are met:

17 (a) Land subject to residue management is protected from erosion from the time
18 of harvest until after the next planting. Protection may be provided by a cover crop
19 residue, temporary cover or another approved practice. The residue, temporary cover or
20 other approved practice shall cover at least 30% of the land.

21 (b) On lands with slopes greater than 6%, all tillage and planting operations are
22 performed as nearly as practicable on the contour or parallel to terraces.

1 (c) The residue management complies with all of the following applicable
2 standards:

- 3 1. NRCS technical guide conservation tillage standard 329.
- 4 2. NRCS technical guide residue management, no till and strip till standard 329A.
- 5 3. NRCS technical guide residue management, mulch till standard 329B.
- 6 4. NRCS technical guide residue management, seasonal standard 344.

7 (d) The landowner agrees to maintain the residue management practice for the
8 cropping season for which cost-sharing was provided.

9 **ATCP 50.83 Riparian buffers. (1) DEFINITION.** In this section, "riparian
10 buffer" means an area in which vegetation is enhanced or established to reduce or
11 eliminate the movement of sediment, nutrients and other nonpoint source pollutants to an
12 adjacent surface water resource or groundwater recharge area, to protect the banks of
13 streams and lakes from erosion, and to protect fish habitat.

14 (2) **ELIGIBLE COSTS.** A cost-share grant may reimburse any of the following
15 costs:

- 16 (a) Permanent fencing to protect a riparian buffer.
- 17 (b) Costs to establish or enhance permanent vegetative cover in a riparian buffer,
18 or to provide temporary cover until permanent cover is established. This may include
19 costs for mulch, fertilizer, seed, seedling trees and other necessary materials.
- 20 (c) Costs to shape, smooth or prepare the riparian buffer before establishing a
21 permanent vegetative cover.
- 22 (d) Costs for an easement on land removed from production to install a riparian
23 buffer.

1 (3) DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS: A cost-share grant
2 may not reimburse riparian buffer costs unless all of the following conditions are met:

3 (a) The riparian buffer system complies with all of the following that apply:

4 1. NRCS technical guide critical area planting standard 342.

5 2. NRCS technical guide fencing standard 382.

6 3. NRCS technical guide field border standard 386.

7 4. NRCS technical guide filter strip standard 393.

8 5. NRCS technical guide livestock exclusion standard 472.

9 6. NRCS technical guide mulching standard 484.

10 7. NRCS technical guide riparian forest buffer standard 391.

11 8. NRCS technical guide shoreland habitat standard 643A.

12 9. NRCS technical guide wildlife upland habitat management standard 645.

13 (b) The landowner agrees to maintain the riparian buffer for 10 years unless
14 farming operations on the affected land are discontinued.

15 **ATCP 50.84 Roofs.** (1) DEFINITIONS. In this section:

16 (a) "Roof" means a weather-proof covering that shields an animal lot or manure
17 storage structure from precipitation, and includes the structure supporting that weather-
18 proof covering. "Roof" does not include, except in the case of a manure storage
19 structure, a covering over an enclosed structure if the sum of the length of the walls of the
20 structure exceeds 50 percent of the perimeter of the covering. If a structure includes 2 or
21 more square or rectangular areas, the ratio of wall length to covering perimeter shall be
22 separately calculated for each square or rectangular area, excluding common sides.

1 (b) "Wall" means a vertical expanse in which more than 50 percent of the
2 opening from eave to floor or ground is composed of a solid building material. The
3 building material need not be rigid.

4 (2) COST-SHARE ELIGIBILITY. A cost-share grant under s. ATCP 50.40 may
5 reimburse the cost of constructing a roof if the county land conservation committee finds
6 that the roof construction is the most practical and cost-effective way to achieve
7 compliance with state or local regulations.

8 (3) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse the
9 cost of designing and constructing a roof, over an existing or relocated animal lot or
10 manure storage structure, that is necessary to prevent barnyard runoff or discharges from
11 a manure storage structure.

12 (4) INELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may not
13 reimburse any of the following:

14 (a) Costs to install walls or to enclose a roofed area.

15 (b) Costs to design or construct a building or structure other than a roof.

16 (c) Costs to install a roof over feed storage, machinery storage or animal housing
17 areas, except as provided in sub. (3).

18 (5) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
19 ATCP 50.40 may not reimburse the cost of installing a roof unless all of the following
20 conditions are met:

21 (a) The roof complies with the american society of agricultural engineers
22 engineering practice number 288.5, December 1992 edition.

1 (3) INELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may not
2 reimburse costs for structures that divert water to areas not adequately protected from
3 erosion.

4 (4) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
5 ATCP 50.40 may not reimburse the cost of installing a roof runoff system unless all of
6 the following conditions are met:

7 (a) The roof runoff system complies with all of the following that apply:

- 8 1. NRCS technical guide roof runoff management standard 558.
- 9 2. NRCS technical guide underground outlet standard 620.

10 (b) The landowner agrees to maintain the roof runoff system for 10 years unless
11 farming operations on the affected land are discontinued.

12 **ATCP 50.86 Sediment basins.** (1) DEFINITION. In this section:

13 (a) "Sediment basins" means permanent basins that reduce the transport of
14 waterborne pollutants such as eroded soil sediment, debris and manure sediment.

15 Sediment basins may include containment walls or berms, pickets or screens to filter
16 debris, orifices or weirs to control discharge, and conduits to direct runoff to treatment or
17 discharge areas.

18 (b) "Maximum storage capacity" means the volume of water, in acre-feet,
19 capable of being stored behind a dam at maximum water elevation without overtopping
20 any part that is not part of the spillway system.

21 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse the
22 cost of designing and constructing a sediment basin, including costs for heavy use area

1 protection, livestock fencing, filter strips, waste transfer, underground outlets, and critical
2 area plantings.

3 (3) INELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may not
4 reimburse the costs for any of the following:

5 (a) Basins with a structural height of more than 25 feet or with a maximum
6 storage capacity of more than 50 acre-feet.

7 (b) Basins whose failure may endanger human life, or real or personal property.

8 (4) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
9 ATCP 50.40 may not reimburse the cost of installing a sediment basin unless all of the
10 following conditions are met:

11 (a) Filter strips or buffers are used to filter any discharge from the sediment
12 basin.

13 (b) The sediment basin complies with all of the following that apply:

- 14 1. NRCS technical guide waste management system standard 312.
- 15 2. NRCS technical guide critical area planting standard 342.
- 16 3. NRCS technical guide sediment basin standard 350.
- 17 4. NRCS technical guide manure transfer standard 634.
- 18 5. NRCS technical guide fencing standard 382.
- 19 6. NRCS technical guide filter strip standard 393.
- 20 7. NRCS technical guide heavy use area protection standard 561.
- 21 8. NRCS technical guide underground outlet standard 620.
- 22 9. Wisconsin DNR conservation practice standard 1001; wet detention basin,
23 dated June 1999.

1 **NOTE:** Copies of the DNR conservation practice standard 1001 are on file with
2 the department, the secretary of state, and the revisor of statutes. Copies
3 may be obtained from the department.
4

5 (c) The landowner agrees to maintain the sediment basin for 10 years unless
6 farming operations on the affected land are discontinued.

7 **ATCP 50.87 Sinkhole treatment.** (1) **DEFINITION.** In this section, “sinkhole
8 treatment” means modifying a sinkhole, or the area around a sinkhole, to reduce erosion,
9 prevent expansion of the hole, and reduce pollution of water resources. Modifications
10 may include the diversion of runoff around a sinkhole, or the alteration of a sinkhole by
11 excavation, cleanout, filter treatment, sealing or refilling.

12 (2) **ELIGIBLE COSTS.** A cost-share grant under s. ATCP 50.40 may reimburse any
13 of the following costs related to sinkhole treatment:

14 (a) Costs for the design and construction of a grassed waterway or diversion to
15 direct surface runoff around a sinkhole.

16 (b) Costs for the design and construction of a grassed waterway or diversion to
17 direct surface runoff around a geologic depression to prevent the formation of a sinkhole.

18 (c) Costs for the design and construction of a modification to a sinkhole for the
19 purpose of protecting groundwater resources from contamination.

20 (3) **INELIGIBLE COSTS.** A cost-share grant under s. ATCP 50.40 may not
21 reimburse costs for any system, component or practice that is not needed to correct an
22 identified water pollution hazard.

23 (4) **DESIGN, CONSTRUCTION AND MAINTENANCE.** A cost-share grant under s.
24 ATCP 50.40 may not reimburse any costs related to sinkhole treatment unless all of the
25 following conditions are met:

1 (a) The treatment complies with all of the following that apply:

- 2 1. NRCS technical guide sinkhole treatment standard 725.
- 3 2. NRCS technical guide diversion standard 362.
- 4 3. NRCS technical guide grassed waterway standard 412.

5 (b) The landowner agrees to maintain the sinkhole treatment for 10 years unless
6 farming operations on the affected land are discontinued.

7 **ATCP 50.88 Streambank and shoreline protection.** (1) DEFINITION. In this
8 section, "streambank and shoreline protection" means using vegetation or structures to
9 stabilize and protect the banks of streams, lakes, estuaries or excavated channels against
10 scour and erosion, or to protect fish habitat and water quality from degradation due to
11 livestock access.

12 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse any
13 of the following costs related to streambank and shoreline protection:

14 (a) Costs for permanent fencing to protect streambanks and shorelines from
15 damage by livestock.

16 (b) Costs to install rock riprap. Wood chunks, unsorted demolition material,
17 brick, plaster, blacktop and other materials that may produce leachates may not be used
18 as riprap. A cost-share grant may reimburse costs for rock and timber riprap used to
19 establish fish habitat as part of a streambank and shoreline protection scheme, provided
20 that reimbursement for fish habitat does not exceed 25% of the cost-share grant.

21 **NOTE:** Lunker structures, or rock and timber riprap, are sometimes used to
22 create fish habitat.

23
24 (c) Costs to shape streambanks or shorelines before installing protective plantings
25 or structures.

1 (d) Costs to construct or modify stream crossings that will minimize disturbance
2 of the stream channel and banks.

3 (e) Costs to establish permanent vegetative cover, or to provide temporary cover
4 until permanent cover is established. This may include costs for mulch, fertilizer and
5 other necessary materials.

6 (f) Costs for water pumps or other facilities that deliver water to livestock so that
7 livestock can be excluded from surface waters. Well construction costs may not be
8 reimbursed under a cost-share grant unless well construction is the most cost-effective
9 way to deliver water to livestock.

10 (3) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
11 ATCP 50.40 may not reimburse costs for streambank or shoreline protection unless all of
12 the following conditions are met:

13 (a) The streambank or shoreline protection complies with all of the following that
14 apply:

- 15 1. NRCS technical guide critical area planting standard 342.
- 16 2. NRCS technical guide fencing standard 382.
- 17 3. NRCS technical guide streambank and shoreline protection standard 580.
- 18 4. NRCS technical guide tree planting standard 612.
- 19 5. NRCS technical guide heavy use area protection standard 561.

20 (b) DNR pre-approves the streambank or shoreline protection project in writing if
21 the project will create banks higher than 15 feet, measured from the stream or lake bed.

22 (c) The landowner agrees to maintain the streambank or shoreline protection for
23 10 years unless farming operations on the affected land are discontinued.

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