

- (1) Practices to be funded through other programs.
- (2) Practices previously installed and necessary to support cost shared practices.
- (3) Changes in crop rotation.
- (4) Minimum levels of street sweeping and leaf collection.
- (5) Changes in location of unconfined manure stacks involving no capital cost.
- (6) Manure spreading management.
- (7) Other practices the department determines are necessary to achieve the objectives of the watershed project.

History: Cr. Register, June, 1986, No. 366, eff. 7-1-86; r. (7) and (8), renum. (9) to be (7), Register, November, 1989, No. 407, eff. 12-1-89.

NR 120.18 Cost share rates. (1) STATE COST SHARE RATES. (a) State cost share rates for individual best management practices are identified in Table 2. The cost share rates for best management practices under cost share agreements resulting from nonpoint source grant agreements entered into on or after January 1, 1989, but prior to December 1, 1989, may be amended to use the rates identified in this section.

Table 2

Practice	State cost share rate
Contour farming .....	50%*
Contour and field stripcropping .....	50%*
Field diversions .....	70%
Terraces .....	70%
Grassed waterways .....	70%
Reduced tillage systems for continuous row cropping and long rotations .....	50%
Reduced tillage systems for short crop rotations and forage and small grains establishment ..	50%
Nutrient management .....	50%
Pesticide management .....	50%**
Critical area stabilization .....	70%
Grade stabilization structures .....	70%
Agricultural sediment basins .....	70%
Shoreline and streambank stabilization .....	70%
Shoreline buffers .....	70%
Wetland restoration .....	70%
Barnyard runoff management .....	70%
Animal lot relocation .....	70%
Manure storage facilities .....	70%
Roofs for barnyard runoff management and manure storage facilities .....	70%
Livestock exclusion from woodlots .....	50%
Structural urban best management practices ...	70%

\* Wildlife habitat recreation has a state cost share rate of 70%  
\*\* Spill control basins have a state cost share rate of 70%

(b) Counties may use the following state cost share rates per acre in lieu of the state cost share percentages listed in Table 2.

1. \$6 per acre for contour cropping.
2. \$12 per acre for strip cropping.
3. \$10 per acre for field strip cropping.
4. \$45 per acre over 3 years for reduced tillage on continuous row croplands.
5. \$15 per acre for one year only for reduced tillage on crop rotations involving hay.

(c) Governmental units may increase the state cost share rate up to 80% for the following practices provided the conditions of s. 144.25(8)(h), Stats., are met:

1. Critical area stabilization.
2. Grade stabilization structures.
3. Shoreline protection.
4. Roofs for animal lots and manure storage facilities.
5. Demonstration practices when approved by the department.
6. Animal lot relocation.
7. Shoreline buffers.
8. Wetland restoration.

(d) Funds and in kind contributions of labor and material from other state programs used directly in the installations of best management practices may be considered part of the local matching share for best management practices described in par. (c).

(2) **MAXIMUM AMOUNTS.** (a) *Least cost.* A governmental unit may set cost share rates up to the maximum amount specified for the practice in this section. Where 2 or more practices are of equal effectiveness in the control of pollutants, the cost share rate shall be based on the least-cost practice provided the practice is consistent with the use and management of the land in question. The department may approve, in writing, cost sharing for a best management practice that is not the least cost if the practice is cost effective in providing greater control of pollutants or providing fish and wildlife habitat.

(b) *Manure storage facilities.* Effective August 12, 1993, the maximum cost share for long-term manure storage facilities may not exceed \$20,000 total per facility including no more than \$5,000 for manure transfer equipment such as pipes, pumps, hoppers and push off ramps.

(c) *Relocation of buildings, structures and animal lots.* The maximum cost share amount for relocation of buildings, structures and lots shall be 70% of the replacement cost up to the appraised value of the buildings, structures or lots to be replaced. Any salvage value or resale value realized during the maintenance period of the cost share agreement shall be deducted from the appraised value and reimbursement for the cost shared amount be made to the department.

(d) *Leases of manure storage tanks.* The maximum amount cost shared for leases of manure storage tanks shall be 70% of the down payment and

lease cost of the tank during the grant period of the watershed project up to a maximum of \$10,000.

(3) **LOCAL SHARE.** Funds from sources other than the appropriation under s. 20.370 (4) (cc), Stats., including federal programs, may be used to provide the local share of project costs, as set forth in s. 144.25 (8), Stats. In kind contributions of labor and material used directly in the installations of best management practices may be considered part of the local matching share of best management practice costs, if properly described and substantiated to the cost share agreement grantor.

*History:* Cr. Register, June, 1986, No. 366, eff. 7-1-86; am. (1) (a), (b) (intro.), (c) (intro.), (2) (a) and (3), r. and recr. Table 1 and (2) (c), cr. (1) (c) 6, to 8., (d) and (2) (d), Register, November, 1989, No. 407, eff. 12-1-89; emerg. am. (2) (b), eff. 9-13-93; am. (2) (b), Register, April, 1994, No. 460, eff. 5-1-94.

**NR 120.185 Easements.** The department may enter into easements with landowners for lands identified in watershed plans. The easements shall be for a period of no less than 20 years. Easements may be used in conjunction with the following best management practices:

- (1) Critical area stabilization.
- (2) Shoreline buffers.
- (3) Wetland restoration.

*History:* Cr. Register, November, 1989, No. 407, eff. 12-1-89.

**NR 120.19 Cost containment procedures.** (1) Governmental units as grantors of cost share agreements shall identify and agree to use one or more of the following cost containment procedures for each best management practice in the detailed program for implementation portion of the watershed plan.

(a) *Average cost.* Based on past cost information, a governmental unit determines an average cost per unit of materials and labor for the installation of a best management practice which may not be exceeded.

(b) *Range of costs.* Based on past cost information, a governmental unit establishes a cost range for the installation of a best management practice. Eligible costs may not exceed the maximum cost of the range.

(c) *Bidding.* A governmental unit requires the landowner or land operator to request bids from contractors for the installation of a best management practice. The landowner or land operator shall accept the low bid.

(d) *Maximum cost share limit.* A governmental unit or the department establishes a maximum cost share rate limit not to exceed the rates specified in s. NR 120.18 for installation of a best management practice.

(e) *Municipal work group.* A governmental unit hires or assigns its employees to install a best management practice for a number of landowners and land operators if the employees are able to perform the work more economically than the private sector.

(f) *Wisconsin conservation corps.* A governmental unit uses the Wisconsin conservation corps to install best management practices for landowners and land operators.

(g) *Other cost containment procedures.* If a governmental unit determines another cost containment procedure would be more effective than the cost containment procedures described in this subsection, it shall include the alternative in the detailed program for implementation portion of the watershed plan.

(2) Amendments to cost containment procedures contained in the detailed program for implementation shall follow the procedures provided in s. NR 120.08.

(3) Under unusual or exceptional circumstances, the governmental unit may accept costs exceeding the cost share maximum identified in an adopted cost containment procedure. Requests for exceptions from landowners or land operators and the governmental unit's approval shall be documented in writing explaining the unusual or exceptional circumstances and attached to the cost share agreement or amendment and attached to the request for reimbursement submitted to the department by the governmental unit.

(4) A governmental unit shall develop a cost containment procedure to control in kind contributions by landowners installing best management practices using their own labor or equipment unless in kind contributions will not be utilized in the project.

History: Cr. Register, June, 1986, No. 366, eff. 7-1-86; am. (1) and (3), cr. (4), Register, November, 1989, No. 407, eff. 12-1-89.

**NR 120.21 Local assistance grant agreement.** (1) **PURPOSE.** The local assistance grant agreement is an agreement between the department and a state agency, governmental unit or an agent acting on behalf of a state agency, or governmental unit for providing funds for activities necessary for watershed plan preparation, ordinance development and administration, information and education, demonstration practices, easement administration, educating and training staff and implementation of the priority watershed project and requiring additional staff, increased hours of existing staff or requiring the grantee to incur direct costs. A local assistance grant may be used to support activities that have program or statewide impact including education and training activities; such as public meetings and mailings, newsletters, tours, and other activities determined by the department to support program objectives.

(2) **GRANT PERIOD.** (a) No local assistance grant agreement pertaining to a specific priority watershed plan may begin before the selection of the nonpoint source priority watershed project, nor extend beyond the end date of the nonpoint source grant agreement.

(b) Grants having program or statewide impact shall include a specific grant period in the grant.

(3) **APPLICATION PROCEDURES.** The grantee shall apply for local assistance grant funds on forms provided by the department. Funding shall be provided based on activities identified in the annual or periodic work plans submitted by the grantee. Applications shall be submitted according to the following requirements.

(a) Grantees, except counties, shall submit an application for a grant or grant amendment and a work plan to the department. The depart-