

received notices of discharge or intent. Acting jointly with DNR and the university of Wisconsin-extension, the department shall develop informational materials for recipients of these notices of discharge or intent describing animal waste and other nonpoint source water pollution problems, solutions and projects. The department shall coordinate distribution of these materials.

(3) **COUNTY INVOLVEMENT.** The department may enter into a written agreement with a land conservation committee under which the county assumes certain responsibilities of the department under this section. The department shall reimburse a land conservation committee for technical assistance and project administration expenses incurred under this subsection, as provided in s. ATCP 50.81 (6). Responsibilities assumed by a county on behalf of the department may include:

(a) Determining necessary corrective measures, providing technical assistance and preparing agreements with owners and operators of animal feeding operations, as provided in sub. (2) and s. ATCP 50.71.

(b) Certifying that waste storage and treatment facilities and runoff control systems meet the requirements of this chapter.

(4) **CONDITIONS OF INELIGIBILITY.** The department may determine that a landowner or land user identified under sub. (1) is not eligible for a cost-sharing grant if the department finds any of the following:

(a) The landowner or land user initiated a discharge of pollutants for the purpose of obtaining a cost-sharing grant.

(b) The landowner or land user could prevent the discharge of pollutants through improved management practices at nominal cost.

(c) The landowner or land user could have prevented the discharge of pollutants by complying with a previously agreed upon operations and maintenance plan.

(d) The cost-sharing grant will achieve no predictable water quality benefits. The department shall consult with DNR regarding the water quality benefits associated with the grant.

(e) The landowner or land user has received a Wisconsin pollution discharge elimination system permit from the DNR under s. 147.02, Stats.

(f) The landowner or land user's notice has expired or been terminated. Eligibility for conservation assistance may be restored to a landowner or land user with an expired notice of discharge if the department, DNR, the land conservation committee and the landowner or land user agree to extend the notice.

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

Subchapter VIII — Distribution of Conservation Funds

ATCP 50.80 Use of funds for soil and water resource management projects. A land conservation committee receiving a conservation grant for soil and water resource management projects under s. ATCP 50.60 shall distribute the funds to individual landowners and land users

in compliance with agreements under s. ATCP 50.71 and with the contract between the department and the land conservation committee under s. ATCP 50.70. Recipients shall use these funds to meet soil and water resource management objectives. A land conservation committee may allocate conservation funds only for soil and water resource management projects that meet the following requirements:

(1) **COST-EFFECTIVE SOIL AND WATER RESOURCE BENEFITS.** The amount of conservation funds to individual landowners and land users shall be based on the cost of projects that have predictable soil and water resource benefits and that are cost-effective in comparison to other measures available to the landowner or land user. The land conservation committee shall determine the cost-effectiveness of a proposed project. In determining the cost-effectiveness of a proposed project, the land conservation committee shall, in consultation with the department, consider the predicted soil and water resource benefits of the project, the cost of the project amortized over its expected useful life and the practical effects of the project on the agricultural operation.

(2) **MAXIMUM GRANT RATES.** (a) The amount paid to a landowner or land user under a conservation agreement shall be based on the cost of the proposed project, as determined by the land conservation committee. The cost-sharing rate for the design and construction of a project shall equal the percentages specified as follows:

PROJECT	PAYMENT RATE
1. Animal waste storage	70%
2. Runoff control systems	70%
3. Strip-cropping	50%
4. Diversions	70%
5. Terraces	70%
6. Waterways	70%
7. Critical area stabilization	70%
8. Grade stabilization structures	70%
9. Conservation tillage	50%
10. Field windbreaks	70%
11. Contour farming	50%
12. Streambank and shoreline protection	70%
13. Filter strips	70%
14. Livestock exclusion	50%
15. Nutrient management	50%
16. Pesticide management	50%

(b) The cost-sharing rate for the design and construction of a project not listed under par. (a) shall be established by the land conservation committee and approved by the department.

(c) In lieu of the payment rates specified in par. (a), a land conservation committee may use the following rates to pay for the design and construction costs of certain projects:

- \$6 per acre for contour cropping.
- \$12 per acre for strip-cropping.
- \$10 per acre for field strip-cropping.

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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.

(d) The maximum combined grant from all governmental sources for the construction of animal waste storage facilities may not exceed \$10,000. This \$10,000 limitation does not apply to any structure, facility or practice, the principal purpose of which is to control or prevent barnyard runoff.

(3) **INNOVATIVE APPROACHES TO SOIL AND WATER RESOURCE MANAGEMENT.** Funding under this section may be provided to counties to develop and implement innovative strategies for addressing resource management goals, established by a land conservation committee. Land conservation committees shall evaluate project proposals based on these strategies according to the criteria specified in s. ATCP 50.40 (2) (c) 1 to 7.

(4) **ADHERENCE TO PRINCIPLES OF SUSTAINABLE AGRICULTURE.** To the extent practicable, soil and water resource management projects shall be based on principles of sustainable agriculture.

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

ATCP 50.81 General restrictions on the use of funds. (1) USE OF FUNDS FOR DIRECT PERSONAL BENEFIT. No land conservation committee may distribute funds under this chapter, and no person may use funds distributed under this chapter, for work or equipment personally benefiting the recipient and not conforming to the purposes of the soil and water resource management program.

(2) **MAXIMUM CONSERVATION AMOUNTS WITHOUT DEPARTMENTAL APPROVAL.** Unless the department gives its prior written approval or is a party to a conservation agreement, no county may enter into a conservation agreement or other contract involving soil and water resource management funds whose cost exceeds \$25,000. In a contract signed under s. ATCP 50.70, the department may reduce this cost figure to a lesser amount. All conservation agreements prepared under s. ATCP 50.72 shall be reviewed by the department, regardless of the cost of the agreement.

(3) **DESTRUCTION OF WILDLIFE HABITAT AND WETLANDS.** Soil and water resource management projects funded under this chapter may only remove wildlife habitat that the land conservation committee or DNR finds to be significant, if the habitat is replaced at the landowner or land user's expense. The land conservation committee shall request DNR to determine the significance of habitat whose importance to wildlife is not immediately apparent. Soil and water resource management projects funded under this chapter may not damage wetlands.

(4) **COMPLIANCE WITH TECHNICAL STANDARDS.** (a) Except as provided in par. (b), no land conservation committee may fund soil and water conservation practices that fail to comply with technical guide specifications.

(b) A land conservation committee may fund a soil and water conservation practice the department determines, in consultation with DNR, to be an alternative best management practice. Sediment generated from the construc-

tion of a project receiving conservation funds shall be controlled in accordance with the Wisconsin construction site best management practice handbook, published by DNR in October, 1988.

Note: Copies of the Wisconsin construction site BMP handbook may be inspected at the central offices of the Department of Natural Resources, the Department of Agriculture, Trade and Consumer Protection, the Secretary of State and the Revisor of Statutes. Copies of this handbook may also be obtained from the Department of Natural Resources or the Department of Agriculture, Trade and Consumer Protection.

(5) **DIRECT GRANT PAYMENTS; PARTIAL PAYMENTS.** (a) A land conservation committee shall pay for soil and water conservation practices by issuing funds directly to the landowner or land user; no land conservation committee may issue a two-party payment for a soil and water resource management practice without the approval of the landowner or land user.

(b) 1. Except as provided in subd. 2, land conservation committees may only make payments under this section after a qualified technician or registered professional engineer certifies that the practice, facility or structure has been completed in compliance with this chapter.

2. A land conservation committee may pay for components of a soil and water resource management practice, facility or structure before the entire practice, facility or structure is completed, if a qualified technician or registered professional engineer certifies that the component is completed and independently provides soil and water resource management benefits. No more than 75% of the conservation funds under a conservation agreement may be used under this subdivision.

(6) **TECHNICAL ASSISTANCE AND PROJECT ADMINISTRATION.** The department may reimburse a land conservation committee for technical assistance and project administration services provided by or for the land conservation committee, if the department approves the services as being necessary to implement soil and water resource management practices and if the services are part of an approved project under s. ATCP 50.72 or s. 92.15, 1985 Stats. Technical assistance and project administration services are not eligible for reimbursement under this subsection if the land conservation committee is being reimbursed for these services under s. ATCP 50.40 (2) (b) 2. a or ch. NR 120. Total reimbursement under this subsection may not exceed 15% of the cost-sharing grants issued to fund the associated soil and water resource management practices or the actual cost of the technical assistance and project administration services, whichever is less.

(7) **FUNDING ENGINEERING DESIGN SERVICES.** The department may reimburse a landowner or land user for the cost of engineering services, if it approves the services as being necessary to implement soil and water resource management practices, subject to the following conditions:

(a) The services, including project certification, are provided by a registered professional engineer.

(b) The total reimbursement under this subsection may not exceed 15% of the amount paid as part of a conservation agreement under s. ATCP 50.80 (2), or the actual cost of the services, whichever is less. The total reimbursement