

Wisconsin Department of Agriculture, Trade and Consumer Protection

Final Regulatory Flexibility Analysis

Rule Subject: Producer led Watershed Protection Grant Program
Adm. Code Reference: ATCP 52
Rules Clearinghouse # N/A
Department Docket # 15-R-10

Rule Summary

General

This emergency rule implements the Program created under s. 93.59 Stats., by 2015 Act 55. Under s. 93.59 Stats., the Department of Agriculture, Trade and Consumer Protection (“Department”) is authorized to make grants for nonpoint source pollution abatement activities that are conducted with the assistance of producer-led groups. 2015 Act 55 created an annual appropriation in the Department of \$250,000 for each year of the biennium for grants to producer led watershed groups.

Grant Purposes

Under this emergency rule, the Department makes award grants for projects that focus on nonpoint source pollution abatement activities to improve water quality through any of the following methods:

- Startup, work planning, mission development, goal setting, learning days to have experts discuss related topics, etc.
- Provide incentive payments to producers to implement conservation practices such as cover crops, nutrient and manure management planning, no-till, buffer strips, grassed waterways, manure composting, low-disturbance manure injection, etc.
- Measure and promote economic and environmental benefits of conservation practices.
- Develop innovative approaches to manure storage, stacking, or conservation equipment-sharing that increases and/or identifies economic and environmental benefits of such practices.
- Increase voluntary producer and agribusiness participation in their respective watersheds through education and outreach activities such as hosting conferences, workshops, or field days.
- Collaborate with partner(s) for on-farm research that identifies economic and environmental benefits/opportunities of utilizing various conservation practices.

- Complete cost-effective edge-of-field and in-stream water quality monitoring and soil testing.
- Perform farm walkovers to evaluate farm, manure, and nutrient management practices and identify solutions to resource concerns.

This emergency rule does all of the following:

- Defines "legal entity" for the purposes of the grant Program
- Specifies the application process for a grant
- Specifies activities that may be conducted using a grant

Small Businesses Affected

Analysis and Supporting Documents used to Determine Effect on Small Business

Because the program is voluntary, no significant analysis was required to determine the effect on small businesses.

Business Impact

This emergency rule will have no adverse effect on small business. The Program is voluntary and thus imposes no cost on businesses. By providing \$250,000 in grant funding to agricultural producers, the Program will benefit agricultural producers, other agricultural businesses, and communities that participate in the grant program. Grant recipients will benefit directly, while others will benefit indirectly from the creation of a stronger agricultural industry and improved water quality. The Department plans to use proposal procedures that will make the cost of applying insignificant.

Reporting, Bookkeeping and other Procedures

The proposed rule contains reporting requirements for grant recipients, some of which may be small businesses, to demonstrate progress towards project goals and overall success of their proposed projects. Beyond that, the proposed rule does not create any new reporting, bookkeeping, or other procedures for small businesses.

Professional Skills Required

The proposed rule does not require any new professional skills by small businesses.

Accommodation for Small Business

The agricultural producers that will participate in the Program will primarily be small businesses. The Program is voluntary. To ease participation of those small businesses the Department will work to make the application process as simple as possible.

Conclusion

This rule will have no adverse effect on small business. Because participation in the program is voluntary, there will be no negative economic impact produced by the proposed rule. The proposed rule will enable the Department to provide grants to producer led groups that wish to assist agricultural producers in a watershed to voluntarily conduct nonpoint source water abatement activities. Grant funds should positively impact businesses that provide goods and services used in abatement activities under this rule. This rule will not have a significant adverse effect on "small business," and is not subject to the delayed "small business" effective date provided in s. 227.22 (2) (e), Stats.