Chapter Ag 160

SOIL EROSION CONTROL PROGRAM

Ag 160.01 Erosion control goals. The goal of the soil erosion control program under s. 92.10, Stats., is to reduce soil erosion caused by wind or water on all cropland in Wisconsin to T-value by the year 2000. Interim goals are:

(1) To reduce average annual cropland soil erosion rates in each Wisconsin county to 1.5 times T-value by July 1, 1988, and to T-value by July 1, 1993;

(2) To reduce annual soil erosion rates on individual cropland fields to a maximum of 3 times T-value by July 1, 1988, and to a maximum of 2 times T-value by July 1, 1995.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.02 Policies. The following general policies shall govern implementation of the erosion control program under s. 92.10, Stats., subject to the specific provisions of this chapter:

(1) Priority shall be given to areas of the state having the most severe soil erosion problems.

(2) The program shall promote the use of soil and water conservation practices which are cost-effective in achieving soil erosion control objectives.

(3) The program shall be coordinated with related state and federal programs to the greatest practicable extent.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.03 Definitions. In this chapter:

(1) "Conservation tillage" means the preparation of land surfaces for the planting and culture of crop plants using methods that result in a rough land surface covered in varying degrees by vegetative residues of a previous crop, so as to provide a significant degree of resistance to soil erosion by raindrop impact, surface water runoff, or wind; or the planting of crop seeds in a narrow slot or a narrow strip of tilled soil, so as not to

disturb or roughen the entire soil surface. Conservation tillage includes no-till, chisel plowing, disking, and till-planting practices, and other similar practices.

(2) "Critical area stabilization" means the planting of suitable vegetation on highly erodible areas such as steep slopes, gullies, and roadsides, so as to reduce soil erosion.

(3) "Cropland" means land used for the growing and harvesting of grains, legumes, grasses, fruits or vegetables; including land used for such purposes that may occasionally be used for livestock pasture.

(4) "Department" means the Wisconsin department of agriculture, trade and consumer protection.

(5) "Diversions" means structures installed to divert excess surface runoff water to areas where it can be used, transported or discharged without causing excessive soil erosion. It includes systems which employ a channel with a supporting earthen ridge on the lower side, constructed across the slope with a self-discharging and non-erosive gradient.

(6) "Erosion control practices" means land management practices, techniques or measures identified in s. Ag 160.12, or other approved practices used to control soil erosion.

(7) "Field windbreak" means a strip or belt of trees, shrubs or grasses established or restored within or adjacent to a field, so as to reduce wind velocities at the land surface and thereby reduce soil erosion.

(8) "Grade stabilization structures" means structures used to stabilize the grade in a channel, so as to protect the channel from erosion or to prevent the formation or advance of gullies.

(9) "Land conservation committee" means the committee created by a county board under s. 92.06, Stats.

(10) "Landowner" means any person as defined in s. 92.03 (4), Stats.

(11) "Land user" means any person as defined in s. 92.03 (5), Stats.

(12) "Soil erosion control plan" means a plan developed under s. 92.10, Stats., by a land conservation committee with the assistance of the department.

(13) "Stripcropping" means the growing of crops in a systematic strip arrangement, with strips of grass, legumes or other close growing crops being alternated with strips of clean tilled crops or fallow, all of which are established on the contour, or across a slope, so as to reduce water or wind erosion.

(14) "Technical guide" means the Wisconsin edition of the United States department of agriculture soil conservation service technical guide effective on September 1, 1983.

Note: Copies of the technical guide may be inspected at the central offices of the department, the secretary of state and the revisor of statutes. Copies of the technical guide may be obtained at the central offices of the department.

(15) "Terrace system" means a system of ridges and channels constructed across a slope on a non-erosive grade at a suitable spacing.

(16) "T-value" means the maximum average annual rate of soil erosion for each soil type that will permit a high level of crop productivity to be sustained economically and indefinitely.

Note: T-values of soils are specified in sections I and II of the technical guide.

(17) "Universal soil loss equation" means the mathematical formula for estimating or predicting average annual soil erosion rates due to sheet and rill erosion caused by rainstorms on specified land areas, as described in section I of the technical guide.

(18) "Waterways" means natural or constructed watercourses or outlets which are shaped, graded, and covered with a suitable vegetative cover, or other stabilized surface as needed, to prevent erosion by runoff waters.

(19) "Wind erosion equation" means the mathematical formula for estimating or predicting average annual soil erosion rates due to wind erosion, as described in section I of the technical guide.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.04 Soil erosion control plans; general requirement. Every land conservation committee shall prepare a soil erosion control plan which conforms to the requirements of s. 92.10 (5), Stats., and this chapter. Soil erosion control plans shall be completed and submitted for department review within the time period specified under s. Ag 160.07. The department may not allocate funds under s. 92.14, Stats., to any county which has failed to meet its deadline under s. Ag 160.07 until the county's soil erosion control plan has been approved by the department under s. Ag 160.07.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.05 Soil erosion control plans; contents. (1) PRELIMINARY DESCRIPTION; LAND INVENTORY AND RATES OF EROSION. To provide a factual basis for the information required under s. 92.10 (5), Stats., and this section, every soil erosion control plan shall include a land inventory and current estimate of soil erosion rates within the county. The land inventory and estimate of soil erosion rates shall conform to the requirements of this subsection.

(a) *Land inventory.* 1. Every soil erosion control plan shall contain a general inventory of land within the county falling into each of the following land use categories:

a. Cropland.

b. Land developed or undergoing development for industrial, commercial, residential, and other nonagricultural purposes.

c. Public highways and other transportation rights-of-way.

d. Forests and woodlots.

e. Streams and lakes, including streambanks, lakeshores, and wetlands.

f. Barnyards and feedlots.

g. Other categories considered appropriate by the land conservation committee.

2. The land inventory shall indicate the approximate area and distribution of land falling into each category, and be illustrated by reference to maps or other illustrations.

3. With respect to cropland, the land inventory shall include a description of:

a. Major soil types and their geographical distribution.

b. Surface topography, and the geographical distribution of major topographical features or characteristics.

c. Watershed areas, including their geographical boundaries.

(b) *Current estimates of soil erosion.* 1. Every soil erosion control plan shall include current estimates of soil erosion caused by wind and water within the county. Estimates, expressed as average annual rates of soil erosion, shall be included for the county as a whole and for each of the land use categories under par. (a). Within each land use category, other than cropland, localized areas having especially high soil erosion rates shall be briefly identified and described.

2. With respect to cropland, soil erosion estimates shall be separately calculated for each watershed or other appropriate cropland area identified by the land conservation committee. If the cropland areas identified by the committee do not correspond to watersheds, the soil erosion control plan shall identify the basis on which the cropland areas are defined.

3. To estimate current rates of soil erosion, the land conservation committee shall use the universal soil loss equation, the wind erosion equation, or other estimating methods approved by the department.

(2) MAXIMUM ACCEPTABLE RATES OF SOIL EROSION; CROPLAND. (a) Every soil erosion control plan shall establish maximum acceptable rates of cropland erosion in the county. A maximum acceptable rate of cropland erosion shall be established for county cropland as a whole, and for each watershed or cropland area identified by the land conservation committee.

(b) In addition to the maximum acceptable rates established under par. (a), the soil erosion control plan shall establish a maximum acceptable rate of cropland erosion applicable to individual parcels of cropland within the county. The maximum acceptable rate for individual parcels may be established on a county-wide basis, or separate rates may be established for individual watersheds or cropland areas identified by the land conservation committee.

(c) Maximum acceptable rates of soil erosion shall be expressed in terms of T-value, or multiples or fractions of T-value.

(d) Maximum acceptable rates of soil erosion shall be established as goals for the short-term and long-term future, using such time intervals as the land conservation committee may consider appropriate. Maximum acceptable rates shall, at a minimum, meet the statewide goals set forth in s. Ag 160.01.

(3) EROSION IN EXCESS OF MAXIMUM ACCEPTABLE RATES. Based on information set forth in subs. (1) and (2), the soil erosion control plan shall identify those watersheds or cropland areas in which the current rate of cropland erosion exceeds the maximum acceptable rate for the watershed

or cropland area. To the extent practicable, the plan shall also identify localized areas within each watershed or cropland area where cropland erosion is occurring at an excessive rate or causing degradation of water quality, whether or not the overall rate of erosion for the watershed or cropland area exceeds the maximum acceptable rate.

(4) PRIORITY AREAS FOR EROSION CONTROL. (a) Areas identified in response to sub. (3) shall be ranked in the soil erosion control plan according to their relative order of priority for erosion control. Priorities shall be based on the amount of erosion; the extent to which erosion rates exceed the maximum acceptable rate; the value of the productive capacity which may be lost as a result of the erosion; the extent to which the erosion is preventable; the relative cost of erosion prevention; the off-site damages caused by the erosion, including water quality degradation; and other factors considered relevant by the land conservation committee. The factors considered by the committee in establishing its priorities shall be set forth in the soil erosion control plan.

(b) For watersheds or other cropland areas determined by the land conservation committee to be of highest priority, the soil erosion control plan shall include detailed estimates of cropland erosion rates. Estimates shall be sufficiently detailed to permit the identification of individual parcels of cropland which are in need of erosion control practices.

(5) PROPOSED EROSION CONTROL ACTIVITIES. For each priority area identified in response to sub. (4), the soil erosion control plan shall identify and evaluate proposed erosion control activities to be used in reducing soil erosion to acceptable rates. The plan shall describe:

(a) Specific erosion control practices and land use changes which are recommended for implementation by landowners and land users in each priority area. Recommended erosion control practices and land use changes shall be described in the greatest detail practicable, with reference, where possible, to specific farms and fields. The description shall include a general discussion of the projected benefits and costs of the recommended measures and any alternative measures. Recommendations shall emphasize erosion control practices and land-use changes which are likely to be cost-effective in achieving erosion control. Recommendations shall include general recommendations to landowners and land users, as well as specific recommendations for projects to be implemented by the land conservation committee.

(b) Alternative programs and policies available to the county to implement the erosion control projects recommended in response to par. (a). Programs and policies may include cost-sharing contracts with landowners and land users, information and education programs, technical assistance, regulation of land use and management practices, or other programs or policies identified by the land conservation committee. Alternative programs and policies shall be described in the greatest detail practicable, with reference to the specific projects under par. (a) which the committee expects to implement by means of the program or policy. The relative benefits and costs of the alternative programs and policies shall be identified and compared.

(c) The specific projects, programs and policies which the land conservation committee intends to implement, based on the committee's recommendations and evaluation under pars. (a) and (b).

(d) The specific costs of the chosen projects, programs and policies, and the staff services needed to implement them.

(e) The proposed methods by which the chosen projects, programs and policies will be funded.

(f) The persons and agencies, including the land conservation committee, who are responsible for implementing the chosen projects, programs and policies and the project tasks for which each person or agency is responsible.

(g) A method by which the land conservation committee will evaluate the effectiveness of county soil erosion control projects.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.06 Soil erosion control plans; public and agency participation. (1) Before preparing a soil erosion control plan, every land conservation committee shall:

(a) Hold at least one public informational meeting to inform the public about the purpose of the plan, and describe the procedures which the land conservation committee will use to prepare the plan. The public informational meeting shall be preceded by public notice.

(b) Invite the following agencies to participate in the preparation of the soil erosion control plan:

1. The soil conservation service of the United States department of agriculture;

2. The agricultural stabilization and conservation service of the United States department of agriculture;

3. The Wisconsin department of natural resources;

4. The farmers home administration of the United States department of agriculture;

5. The cooperative extension service of the university of Wisconsin;

6. Agencies with representatives designated to serve as advisors to the land conservation committee under s. 92.06 (2), Stats.;

7. Regional planning commissions;

8. Others considered appropriate by the land conservation committee.

(2) During the preparation of a soil erosion control plan, every land conservation committee shall hold at least one public meeting in each town in which the land conservation committee suspects that significant cropland erosion problems may exist. By public notice, and by other means considered appropriate by the land conservation committee, the committee shall invite town officials, landowners, land users and other interested or affected persons to attend the meetings. At each meeting, interested persons shall be given an opportunity to discuss the purpose of the plan and advise the land conservation committee regarding the collection of accurate information for the plan.

(3) After the land conservation committee has determined the priority areas for erosion control under s. Ag 160.05 (4), the land conservation

committee shall give written notice to landowners and land users in each priority area. Notice shall include:

(a) The average estimated cropland erosion rate for the priority area.

(b) The estimated cropland erosion rate for the landowner's or land user's individual parcel, if known.

(c) Recommended practices which may be adopted by landowners or land users to reduce soil erosion.

(d) An invitation to the landowner or land user to present information concerning the accuracy of the soil erosion rates estimated by the land conservation committee.

(e) A request that the landowner or land user inform the land conservation committee of his or her willingness or unwillingness to adopt the recommended erosion control practices. The notice shall further request the landowner or land user to state the reasons why he or she is unwilling to adopt the recommended practices, if such is the case.

(f) Other information considered appropriate by the land conservation committee.

(4) After a proposed soil erosion control plan has been prepared in writing, but before it is submitted to the department for approval, the land conservation committee shall hold at least one public hearing on the proposed plan. The public hearing shall be preceded by public notice.

(5) Every land conservation committee shall document its compliance with this section. The proposed soil erosion control plan submitted to the department for review and approval under s. Ag 160.07 shall include a description of the methods and procedures used by the land conservation committee to comply with this section.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.07 Soil erosion control plans; completion deadlines; review and approval. (1) The deadline for the completion of a soil erosion control plan by a county land conservation committee shall be based on a preliminary estimate of the average cropland erosion rate in the county, as determined by the department. The department shall notify the land conservation committee in each county of the completion deadline for that county. Completion deadlines are as follows:

(a) For each county having an average annual cropland erosion rate of 8 or more tons per acre per year, a soil erosion control plan shall be completed by April 1, 1985.

(b) For each county having an average annual cropland erosion rate of 5 or more tons per acre per year, but less than 8 tons per acre per year, a soil erosion control plan shall be completed by April 1, 1986.

(c) For each county having an average annual cropland erosion rate of less than 5 tons per acre per year, a soil erosion control plan shall be completed by April 1, 1987.

(2) The department may extend the deadlines under sub. (1) if state funding is not available to assist in preparing the soil erosion control plan.

(3) Soil erosion control plans shall be submitted to the land conservation board and the department for review. The department shall obtain the recommendations of the land conservation board on every proposed plan, as provided under s. 92.10 (4), Stats. Upon receipt of land conservation board recommendations, the department shall approve or disapprove in writing the proposed plan. The department shall disapprove a proposed plan if the plan fails to comply with the requirements of this chapter. If a proposed soil erosion control plan is disapproved, the department shall provide a written explanation of the reasons for disapproval.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.08 Funds for the preparation of soil erosion control plans. (1) The department may allocate funds to land conservation committees for the preparation of soil erosion control plans, as provided in s. 92.10 (3) (b), Stats. Funds shall be allocated under an annual allocation plan prepared by the department, with recommendations from the land conservation board. The allocation plan shall incorporate the proposed contracts under which the funds are to be allocated by the department to land conservation committees.

(2) No funds for the preparation of soil erosion control plans may be allocated or released by the department except under a contract with a land conservation committee. Contracts shall set forth the terms and conditions under which funds are to be allocated to the committee. No contract shall become final until an allocation plan has been prepared under sub. (1).

(3) In its annual allocation plan the department shall give first priority to counties which have the highest average annual cropland erosion rates. The department shall also consider the agricultural value of the county's cropland, and the willingness and ability of the county land conservation committee to prepare a soil erosion control plan.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.09 Funds for soil erosion control. (1) ALLOCATION PROCEDURE; GENERAL. The department shall allocate funds to land conservation committees for the implementation of erosion control plans, as provided in s. 92.10 (3) (d), Stats. Funds shall be allocated according to an annual allocation plan under sub. (2). Funds may be allocated for some or all of the projects proposed under a soil erosion control plan, but the amount of the allocation may not exceed 75% of the overall cost of projects included in the soil erosion control plan. The department may not allocate funds to a land conservation committee for soil erosion control unless the county soil erosion control plan has been approved by the department.

(2) ALLOCATION PLAN. The department shall prepare an annual written plan for the allocation of soil erosion control funds to land conservation committees. The plan shall include all proposed allocations of cost-sharing funds, and copies of all proposed funding contracts with land conservation committees under sub. (5). The department shall obtain the recommendations of the land conservation board on the proposed allocation plan. No erosion control funds may be committed or released to a land conservation committee except under an allocation plan prepared by the department.

(3) FUNDING PRIORITIES. Project funding priorities under the annual allocation plan shall be determined according to:

(a) The severity of cropland erosion in the proposed project area. The severity of cropland erosion depends on the degree to which cropland erosion rates exceed T-value, and on the number and agricultural value of cropland acres affected.

(b) The likelihood that the project will succeed in reducing soil erosion to T-value in the affected area, as evidenced by landowner interest and participation.

(c) The probable cost-effectiveness of the proposed project in reducing soil erosion. Cost-effectiveness shall be determined by calculating the combined total cost of the project to landowners, land users and the public, and by comparing that cost with the predicted reduction in soil erosion which will result from completion of the proposed project.

(d) The demonstrated ability of the land conservation committee to implement the proposed project.

(e) The degree to which the project complements, and is coordinated with the farmland preservation program created under ch. 91, Stats.; the nonpoint source water pollution abatement program created under s. 114.25, Stats.; the public inland lake protection and rehabilitation program created under ch. 33, Stats.; the agricultural conservation program administered by the agricultural stabilization and conservation service of the United States department of agriculture; and target area programs administered by the soil conservation service of the United States department of agriculture.

(f) Projected water quality benefits of the project.

(g) The willingness of the county to commit existing educational, technical and administrative staff resources to the project.

(4) PROJECT COSTS WHICH MAY BE FUNDED. Funds may be allocated to a land conservation committee under this section to finance:

(a) Education and information programs directed primarily toward landowners and land users.

(b) Technical assistance to landowners and land users.

(c) Cost-sharing contracts with landowners and land users for the implementation of soil erosion control practices or land use changes.

(d) Essential costs incurred for the administration of a soil erosion control project or plan.

(5) FUNDING CONTRACTS WITH LAND CONSERVATION COMMITTEES. (a) The department may not allocate or release soil erosion control funds to a land conservation committee except under a written contract with the land conservation committee. A copy of each proposed contract shall be included with the department's funding allocation plan under sub. (2). No funding contract between the department and a land conservation committee shall become final until the department's allocation plan has been adopted and has received all requisite approvals under applicable law.

(4) Cost-share payments under a landowner assistance agreement may not exceed 75% of the actual cost incurred by the landowner or land user to implement an erosion control practice under the agreement. Cost-sharing funds allocated under s. Ag 160.09 may be supplemented with cost-sharing funds from other sources, provided that the total amount of cost-share payments to the landowner or land user does not exceed 75% of the actual cost incurred by the landowner or land user to implement the erosion control practice.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.12 Erosion control practices, conditions for the receipt of cost-sharing funds or technical assistance. In order to qualify for cost-sharing funds or technical assistance, erosion control practices identified in this section shall comply with the requirements of this section. Cost-sharing funds for the erosion control practices identified in this section may be used only for the purposes provided in this section.

(1) STRIPCROPPING. (a) Cost-sharing funds for stripcropping practices may be used only to establish the stripcropping system, and, if necessary, to remove obstacles or install subsurface drains.

(b) Stripcropping practices shall conform to the following requirements:

1. All cultural operations shall be performed as nearly as practicable on the contour.

2. To the extent practicable, on acreage devoted to row crops:

a. A crop stubble or residue shall be left on the surface over the winter; or

b. A winter cover crop shall be established; or

c. Protective tillage operations shall be performed.

3. The stripcropping system shall be maintained for a minimum of 10 years.

4. The stripcropping system shall be established in compliance with technical guide specifications 500, 585, 589 and 606.

(2) DIVERSIONS. (a) Cost-sharing funds for diversion projects may be used only for:

1. Diversions, outlets, dikes or subsurface drains. Cost-sharing funds may be used for subsurface drains only if the subsurface drains are installed on sloping land where subsurface water seeps to the surface and causes the land, or land cover, to lose its stability.

2. The installation of structures such as pipes, underground outlets, or other outlets needed to assure proper transport and disposal of water to a ditch or dike, to promote a more even flow of water, or to protect outlets from erosion.

3. Leveling and filling operations needed for the installation of an effective diversion system.

4. The removal of obstructions, as necessary for the installation of an effective diversion system.

(b) Cost-sharing funds may not be used to install ditches or dikes which are designed to impound water for later use, or which will be a part of a regular irrigation system.

(c) Diversion projects shall:

1. Include an adequate outlet.

2. Be maintained for a minimum of 15 years.

3. Be installed in compliance with technical guide specifications 342, 356, 362, 412, 500, 606, 607, and 620.

(3) TERRACE SYSTEMS. (a) Cost-sharing funds for terrace systems may be used only for:

1. The construction of terraces.

2. Leveling and filling operations needed for the installation of an effective terrace system.

3. The removal of obstructions, as necessary for the installation of an effective terrace system.

4. Underground pipe outlets and other mechanical outlets needed for an effective terrace system, including materials and installation.

5. The conversion of an existing terrace system to a new system if the existing system is not serving its intended erosion control purpose.

(b) Cost-sharing funds may not be used to convert an old terrace system to a new terrace system if the sole purpose of the conversion is to accommodate changes in cropping patterns or equipment used by the farmer.

(c) Terrace systems shall:

1. Include a stable outlet or waterway of adequate capacity.

2. Be maintained for a minimum of 25 years.

3. Be installed in compliance with technical guide specifications 412, 500, 600, 606 and 620.

(4) WATERWAYS. (a) Cost-sharing funds for waterways may be used only for site preparation, grading, shaping, filling, establishing permanent vegetative cover; and, if necessary for proper functioning of the waterway, installing subsurface drains and machinery crossings.

(b) Waterway systems shall be:

1. Covered by a permanent vegetative cover consisting of sod-forming grasses, mixtures of grasses, or other vegetative cover which will provide adequate protection from erosion. Close-sown small grains, annual grasses or mulches may be used for temporary protection if followed by an appropriate permanent vegetative cover.

2. Maintained for a minimum of 15 years.

3. Installed in coompliance with technical guide specifications 342, 412, 468, 484, and 606.

(5) CRITICAL AREA STABILIZATION. (a) Cost-sharing funds for critical area stabilization shall be used only for:

1. Permanent fencing to protect the critical area.

2. The planting of trees, shrubs, or perennial grass cover.

3. Shaping and smoothing operations performed prior to the installation of protective structures or plantings.

(b) Critical area stabilization projects shall be:

1. Maintained for a minimum of 25 years.

2. Established in compliance with technical guide specifications 342, 472, 484, and 612.

(6) GRADE STABILIZATION STRUCTURES. (a) Cost-sharing funds for grade stabilization structures may be used only for:

1. Channel linings, chutes, drop spillways, and pipe drops to discharge excess water.

2. Fencing.

3. Vegetative cover, including mulching needed to protect the structure.

4. Leveling and filling operations needed to install the structure.

(b) Grade stabilization structures shall be:

1. Maintained for a minimum of 25 years.

2. Installed in compliance with technical guide specifications 350, 356, 382, 402, 410, and 468.

(7) CONSERVATION TILLAGE. (a) Cost-sharing funds may be allocated to a landowner or land user to finance conservation tillage operations for up to 3 consecutive years. In determining the amount to be allocated, the land conservation committee shall apply the cost-share percentage rate to the prevailing price which would be charged for the performance of the conservation tillage operations on a custom basis.

(b) Cost-sharing funds may not be allocated to a landowner or land user who is already using a satisfactory conservation tillage system.

(c) Conservation tillage projects shall conform to the following requirements:

1. Land subject to conservation tillage shall be protected from erosion from the time of harvest until after the next planting. Protection may be provided by a cover crop residue or temporary cover, or by the application of other approved management methods designed to protect against erosion.

2. On moderately or steeply sloping land all tillage operations shall be performed as nearly as practicable on the contour, or parallel to terraces.

3. The conservation tillage system shall be maintained for a minimum of 5 years, or the land shall be protected by close-growing crops such as grasses or legumes.

4. Conservation tillage shall be performed in compliance with technical guide specification 329.

(8) FIELD WINDBREAKS; ESTABLISHMENT OR RESTORATION. (a) Cost-sharing funds for the establishment or restoration of a field windbreak shall be used only for the planting of trees, shrubs or grasses, as necessary for the control of soil erosion.

(b) Field windbreaks shall be:

1. Protected from destructive grazing.

2. Maintained for a minimum of 25 years.

3. Established or restored in compliance with technical guide specifications 382, 392, and 472.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.13 Responsibilities of the land conservation committee. (1) The land conservation committee is responsible for local administration of the county soil erosion control plan, as provided in s. 92.10 (5) (f), Stats. Responsibilities include:

(a) Local approval of projects and expenditures under the plan, subject to any required approval by the department under this chapter.

(b) Fiscal accounting and management.

(c) Record keeping.

(d) Coordination of soil erosion control plans, project approvals and expenditures with local, state and federal cost-sharing programs.

(e) Technical assistance, including:

1. Preparation of landowner assistance agreements as provided under s. Ag 160.10.

2. Design and layout of erosion control practices included in landowner assistance agreements.

(2) The land conservation committee shall establish and maintain a complete accounting and record keeping system which shall include:

(a) Separate accounts of all funds allocated to the committee by the department under ss. Ag 160.08 and 160.09, including a record of all receipts and expenditures, and the current account balance.

(b) Complete accounting records showing all receipts by the land conservation committee, from whatever source; all expenditures made or committed by the committee; and all account balances.

(c) A complete file prepared for each landowner assistance agreement under which funds are paid or committed to a landowner or land user. The file shall include:

1. The application by the landowner or land user for cost-sharing funds or technical assistance.

2. Approval of the landowner assistance agreement by the land conservation committee. A record of approval shall be filed before the agreement is signed.

3. The original copy of the landowner assistance agreement, signed by the parties.

4. A record of technical referral, and certification by a qualified technician.

5. A request by the landowner or land user for payment, filed prior to payment.

6. Certification that the erosion control practice has been completed according to the landowner assistance agreement. Certification shall be filed prior to payment.

7. Authorization by the land conservation committee for the release of cost-sharing or technical assistance payments. A record of the authorization shall be filed prior to payment.

(3) The land conservation committee shall submit an annual accounting to the department by June 30 of each year, and a final accounting of project expenditures to the department within 60 days after each project completion date.

(4) The land conservation committee may contract for the performance of specified administrative and accounting tasks, subject to oversight and approval by the land conservation committee.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.14 Records and audits. (1) The land conservation committee shall maintain project records and documents for 5 years after project completion, or for the duration of the maintenance period required for the erosion control practice under s. Ag 160.12, whichever is longer.

(2) The department may conduct such financial and program audits as it deems necessary, including interim and final audits on funded plans or projects. Audits may include a physical inspection of erosion control projects and practices implemented with state erosion control funds, as necessary to determine consistency with program goals and standards.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.15 Program evaluation. (1) The department shall prepare an annual report which shall include:

(a) A summary of the status of soil erosion control plans and soil erosion control projects.

(b) A detailed description of:

1. Reductions in soil erosion achieved or anticipated under the erosion control program.

2. The costs, or anticipated costs, of achieving the described reductions in soil erosior

3. The methods used to coordinate the erosion control program with related state and federal programs.

4. The accomplishments of the erosion control program, including the number of landowner assistance agreements entered into, the number and type of erosion control practices installed, the number of acres adequately protected.

5. The amount of funds committed for erosion control practices remaining to be installed, and the number and type of practices to be installed.

6. Deficiencies in the program and the changes needed to correct these deficiencies.

(2) The report prepared under this section may be used to fulfill the biennial reporting requirements under s. 92.10 (3) (e), Stats.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

Ag 160.16 Authority. This chapter is adopted under authority of s. 92.05, Stats.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.