

# *Nonpoint Source Water Pollution Abatement and Soil Conservation Programs*



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## **Introduction**

The Wisconsin Department of Natural Resources (DNR) and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) work jointly in controlling nonpoint source water pollution and soil erosion in the state. The purpose of the soil and water conservation program and the nonpoint source water pollution abatement program includes providing a mechanism for statewide coverage of soil and water conservation needs at the county level. Further, the intent of the DNR nonpoint source pollution abatement financial assistance program is to focus resources where nonpoint source related water quality problems and threats are the most severe and control is most feasible. For the 2001-03 biennium approximately \$69.3 million is available for nonpoint soil and water conservation grant funding, DNR and DATCP are budgeted \$28.4 million in general purpose (GPR), segregated (SEG) and federal (FED) revenues. An additional \$10.7 million is available directly from the federal government to local governments for conservation practices. Further, \$30.2 million in new bonding authority is available in the 2001-03 biennium.

Nonpoint sources of water pollution are those sources that are diffuse in nature, having no single, well-defined point of origin. Nonpoint sources include land management activities that contribute to runoff, seepage or percolation that adversely affect the quality of waters in the state. DNR estimates that nearly one-half of the lakes and streams within as-

essed watersheds are degraded by nonpoint source pollution, with an additional one-quarter considered threatened. Within these areas, nonpoint pollution is responsible for 90% of the observed degradation in lake water quality and 40% in stream water quality. Soil erosion and runoff are major contributors to the level of nonpoint source pollution.

Several state programs address both urban and rural sources of nonpoint pollution and soil erosion. DNR and DATCP have authority to review the rules of the other agency concerning the nonpoint and land and water conservation programs. In addition, DNR and DATCP jointly establish technical standards for land and water conservation and nonpoint source pollution abatement management practices. Responsible state and local units of government include the following.

## **Natural Resources**

Section 281.11 of the statutes directs DNR to serve as the central unit of state government to protect, maintain and improve the quality and management of the waters of the state, ground and surface, public and private. DNR holds general supervision and control over the waters of the state and is directed to carry out planning, management and regulatory programs. Under these general powers, in addition to the specific statutory program, DNR implements nonpoint source water pollution abatement grant programs and regulates certain animal waste and nonpoint pollution discharges.

## **Agriculture, Trade and Consumer Protection**

Chapter 92 of the statutes establishes DATCP as the central state agency responsible for developing and implementing statewide land and water conservation policies. DATCP administers programs that assist in the abatement of rural water pollution through the reduction of soil erosion, the management of animal wastes and funding of county and state land and water conservation and nonpoint pollution abatement staff.

## **Commerce**

The Department of Commerce is required, in consultation with DNR, to establish statewide standards for construction site erosion control at public buildings and places of employment (commercial buildings). Commerce is also required to establish standards for construction site erosion control on one- and two-family dwellings. Commerce must review construction plans and inspect erosion control activities at commercial construction sites. The Department also may issue stop work orders for noncompliance. Commerce may delegate its administrative authority to local units of government (counties, cities, villages or towns).

## **Land and Water Conservation Board**

The Wisconsin Land and Water Conservation Board (LWCB) is directed to develop recommendations and advise DATCP and DNR on matters concerning land and water conservation and nonpoint source water pollution abatement. This advisory role includes the review and recommendation of a joint annual grant allocation plan for the DNR and DATCP Secretaries. Further for DATCP, the LWCB reviews land and water resource management plans, annual reports and evaluation plans, erosion control plans, project aid applications and administrative rules. In addition, the Board monitors the achievement of statutorily defined soil erosion control goals and is directed to establish a tolerable soil erosion rate.

In regard to DNR programs, the LWCB has several responsibilities involving the oversight of the nonpoint source program. These responsibilities include reviewing and commenting on DNR administrative rules, making recommendations to the governor and DNR concerning the efficiency and effectiveness of the program, assisting in the resolution of program concerns, reviewing and commenting on the joint agencies' funding allocation plan, and reviewing and commenting on Targeted Runoff Management projects proposed by DNR for funding.

The LWCB consists of the following members: (1) the Secretaries of the Departments of Administration, Natural Resources, and Agriculture, Trade and Consumer Protection, or their designees; (2) three county land conservation committee members, who are designated at a statewide meeting of land conservation committees and appointed for two-year terms; and (3) five members appointed by the Governor, one for a two-year term and four for staggered four-year terms, to include one farmer, one member of an environmental group, one person from a city with a population greater than 50,000 people, and one person from a governmental unit involved in river management.

In addition, advisory members to the Board consist of representatives from: (1) the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS); (2) the USDA Farm Service Agency; (3) the College of Agriculture and Life Sciences of the University of Wisconsin-Madison; (4) the University of Wisconsin-Extension; (5) the Wisconsin Land and Water Conservation Association; (6) Wisconsin Association of Land Conservation Employees; and (7) Wisconsin County Code Administrators. DATCP provides administrative support to the Board and both DNR and DATCP staff provide technical support to the Board.

## **County Land Conservation Committees and Departments**

County land conservation committees (LCCs) set county policy on land and water conservation issues

and directly oversee the activities of county land and water conservation department staff. Each county board is statutorily directed to create an LCC. County LCCs must consist of county board members who are also members of the county committees on agriculture and extension education, and the committee on agricultural stabilization and conservation. In addition to these members, any number of other county board members and up to two persons who are not county board members may be appointed.

County LCCs' powers and duties relating to the implementation of state land and water conservation programs include: (1) distributing federal, state and county funds for cost-sharing programs; (2) providing equipment, technical assistance and materials to landowners for conservation purposes; (3) developing county ordinances for the regulation of land use and land management practices; and (4) developing standards for management practices and monitoring compliance with those standards. The LCCs are required to prepare land and water resource management plans. In addition, LCCs are required to annually prepare a single state grant request describing staffing and funding needs for all county soil and water conservation, animal waste management and nonpoint source water pollution abatement activities, including priority watershed projects and urban nonpoint grant requests submitted by counties. DATCP, in concert with DNR, then prepares a single grant allocation for each county.

The LCCs direct the activities of county Land Conservation Departments (LCDs). County LCDs implement state land and water conservation programs with assistance from federal NRCS staff. County conservationists also are responsible for the implementation of other state and federal programs such as nonpoint source pollution abatement programs, the wildlife damage abatement program, tree planting programs and assist county zoning administrators on land and water resource issues.

Generally, a county employs a county conservationist, a clerical assistant (part- or full-time) and, in

addition, may hire one or more technical assistants to the conservationist. In 2002, there were approximately 184 county-funded personnel employed by LCCs.

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### **Redesigned Nonpoint Source Pollution Abatement Program**

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The 1999-01 biennial budget act (1999 Act 9) made a number of major modifications to the state's nonpoint and soil and water resource management (SWRM) programs. Funding for grants to Wisconsin counties for county technical staff and administration was consolidated in DATCP while funding for cost-share grants to landowners for installation of pollution abatement projects in rural priority watersheds remains in DNR. The two agencies are required to develop a unified funding allocation plan each year that distributes available state funding for the nonpoint and SWRM programs (both staffing and cost-share implementation grants). DATCP, in addition to providing staffing grants for original priority watershed projects, receives funds to provide matching grants for county staff and cost-shares to fund landowners' soil conservation and nonpoint pollution abatement practices. 1999 Act 9 also separated urban nonpoint and stormwater grants from the rural program and created a municipal flood control and riparian restoration program within the new urban nonpoint program. The Legislature approved revamped DNR and DATCP administrative rules (NR 151, 152, 153, 154 and 155 and ATCP 50) to implement the nonpoint source, stormwater and SWRM programs, and the new rules became effective in October 1, 2002. As written, many of these standards do not take effect until a later date. These include a nutrient management standard, which is not effective until October 1, 2003, for new croplands and not until at least January 1, 2005, for other croplands. Also, post-construction urban runoff standards for new development and transportation projects do not take effect until October 1, 2004, and until March 10, 2008,

and 2013 for existing urban areas and transportation facilities. The following section outlines the current nonpoint source pollution abatement program.

### Unified Grant Submission

Since 2000, LCCs are required to annually prepare a single grant request describing staffing needs and activities to be undertaken or funded by the county under Chapter 92 (Soil and Water Conservation and Animal Waste Management), s. 281.65 (Financial assistance; nonpoint source water pollution abatement) and s. 281.66 (Urban nonpoint source water pollution abatement and stormwater management program). Further, DATCP and DNR are required to create a single grant application process and set of forms for soil and water resource and nonpoint source management program grants, funding allocations, and reporting and evaluations, and to prepare a single grant to counties. The agencies are required to jointly review the applications, determine if projects should be considered for funding through DATCP or DNR competitive funding and submit a coordinated grant allocation plan to the LWCB for its review and recommendation to the agency Secretaries.

### Funding to Counties for Staff and Cost-Sharing

Since 1987, DATCP has disbursed state funds through its grant program to local units of government and other project cooperators for the purpose of conducting land and water conservation activities across the state. A joint final allocation plan lists the amount and program purpose for funds to be received by the county in each calendar year. Table 1 lists 2003 DATCP Soil and Water Resource Management (SWRM) allocations of \$13.5 million. DATCP has the authority to make these grants through the provisions of section 92.14 of the statutes, and Administrative Code ATCP 50. Under s. 92.14 (6) of the statutes, DATCP and DNR are required to prepare an annual grant allocation plan with the goal of supporting an average of three staff per county and providing an average of \$100,000 per county for cost-sharing grants to landowners.

The first county staff person may be fully funded by the state, with a 30% match required for the second and a 50% match required for each additional staff person.

**Table 1: DATCP 2003 SWRM Grant Allocation**

Program	Grants	Percent of Total
County Staffing Grants*	\$9,547,000	70.5%
LWRM Plan Implementation	<u>3,988,500</u>	<u>29.5</u>
TOTAL	\$13,535,500	100.0%

\* May be used for staff, staff training or support and "shared staff and support" expenses. These staff may work on soil erosion control, priority watersheds, farmland preservation cross compliance, LWRM plan preparation or other county-priority activities.

DATCP provides funding to counties based on a strategy to: (1) increase the minimum award for county staff to \$85,000 (per ATCP 50), (2) maintain county staff and projects, (3) support county implementation of local conservation programs, and (4) increase county flexibility to use local grant funding. Consistent with administrative rule ATCP 50, DATCP allocates the greater of \$85,000 or the amount awarded to the county in 2001 for DNR priority watershed staffing in 2001, minus any amount allocated in 2001 for a priority watershed that has subsequently closed.

DATCP provides funding to counties with a goal of providing each county with (a) a minimum of \$85,000 in staff and support cost funding and (b) a base cost-share award of up to \$30,000 to fund up to 70%, except in cases of economic hardship, of the installation costs of conservation practices of landowners. Funding is allocated to any LCC with an approved Land and Water Resource Management (LWRM) plan as long as the county board has resolved to match state funds granted for funding under (a) above with county funds, with match requirements determined by DATCP rule. However,



for priority watershed staff, 2001 Act 16 requires DATCP to require a county to provide matching grants equal to not less than 10% nor more than 30% of the staff funding that was provided to the county for 1997 for staff in continuing priority watersheds (rather than minimum required matches of 30% for a second position and 50% for additional positions for non-priority watershed staff). Beginning in grant year 2002, DATCP no longer makes advance payments to counties for staff, and instead reimburses county staff costs.

Funds are allocated based on approved LWRM plans. LCCs are allowed to use the grant for activities to meet compliance with farmland preservation credit requirements, and, consistent with approved LWRM plans, activities related to animal waste management and ordinances, nonpoint source pollution abatement and other conservation practices determined by the county to be necessary for conservation and resource management in that county, and priority watershed activities previously funded under NR 120. LCCs also may use the grant for shoreland management projects. State agencies are ineligible for SWRM grant funding, but may still receive DNR funding for a priority watershed or competitive project.

DATCP also may provide SWRM grant funding to an organization on behalf of multiple counties for regional or statewide efforts. In 2003, as it has done in past years, DATCP is allocating grant funds to the Wisconsin Land and Water Conservation Association for partial support of their Standards Oversight Council.

Staffing grants may pay salaries, fringe benefits, training, and support costs for county employees and agents engaged in land and water resource management activities. Support costs, which are to be identified in the grant application, may include travel expenses, computers and software, office supplies and equipment, field equipment, information and education support costs, or any other costs approved by the Department. Staffing grants may be transferred to pay for landowner cost-share

grants to the extent that the Department approves the total amount transferred in writing, and that these redirected funds be used in the same year for which they are allocated. ATCP 50 also allows the reallocation of staffing grant funds to a local government or tribe if it is shown these funds will be used to meet a LWRM workplan priority or achieve compliance with state agriculture performance standards. The statutes do not stipulate a specific match requirement for these support costs, while ATCP 50 specifies no match is required. The grant amounts awarded to different counties are based on the Department's assessment of funding needs and priorities, and are made on a reimbursement basis. However, as explained in the 2003 Joint Allocation Plan, the Department has set forth the following priorities in determining how to allocate funding.

1. The minimum award for county staff support to each county will be increased to \$85,000.
2. Remaining funds will go towards maintaining county staff funding levels and project continuity to the maximum extent feasible.

**Grants for Local Administration.** Prior to 1999 Act 9, DNR provided local assistance grants (LAG) to designated management agencies (generally counties or municipalities) for their administrative costs under the original nonpoint source grant program. Beginning in 1998, state law required all nonpoint pollution abatement watershed or special projects designated after June 30, 1998, to include a LAG match of at least 30% (a maximum state grant of 70%). Further, based on available funds and a 1997 directive to provide nonpoint funding for staff in all counties, DNR capped LAG spending for 1998 and 1999 at 90% of the 1997 level. Under a DNR financing plan approved by the LWCB, this local match was to be gradually increased until counties would be required to provide 30% of staff costs by 2004.

Currently, s. 92.14 (5g) of the statutes specifies that the first county staff person may be fully funded by the state, with a 30% match required for

the second and 50% match required for each additional staff person. However, for a grant award before 2010, 2001 Act 16 requires DATCP to require a county to provide matching grants for priority watershed project staff equal to not less than 10% nor more than 30% of the staff funding that was provided to the county for 1997 for a priority watershed that was designated before July 1, 1998, as long as it is before the termination date that was in effect on October 6, 1998, for the priority watershed project. For 2003, DATCP is choosing to require counties to provide a 10% match for priority watershed staff (generally the amount of priority watershed staffing funds received in previous years).

As shown in Table 1 and displayed by county in Appendix II, 2003 joint final allocation plan apportionments \$9,547,000 for staffing and support, including \$9,432,700 for county staff and support costs, \$92,700 for non-county staff and support (\$85,000 of this is for the Central Wisconsin Windshed Partnership, and \$7,700 is for information and education activities) and \$21,600 for the Wisconsin Land and Water Conservation Association (WLWCA).

**Land and Water Resource Management Plans.** Each LCC is required to prepare a LWRM plan that at a minimum includes: (a) a county-wide assessment of soil erosion conditions and water quality, including information available from DNR; (b) water quality objectives identified for each water basin, priority watershed and priority lake, and identifying the best management practices to achieve the water quality objectives and to reach current state soil erosion control goals; (c) nonpoint source and soil erosion performance standards and prohibitions required under soil and water resource management and water quality protection provisions; (d) a multi-year strategy for implementing LWRM plan-related activities and priorities, including those identified in the plan and those necessary to ensure compliance with federal laws and regulations and state animal waste and other applicable performance standards and prohibitions; (e) a system to track progress of activities identified in the plan; (f) an information and education strategy; and (g) methods for coordi-

nating plan implementation activities with other applicable local, state or federal agencies and organizations.

County LCCs, with the assistance of DATCP, develop the plans, which are then sent to the LWCB, which recommends DATCP approval or disapproval. DNR assists counties in LWRM plan activities by providing available water quality data and information, training and support for water resource assessments and appraisals and other related program information. As shown in Table 1 and Appendix II, the 2003 final allocation plan allocates \$3,988,500 in bonding for LWRM plan implementation cost-sharing.

**Regulatory Animal Waste Grants.** Regulatory funding for animal waste management is statutorily available from DATCP or DNR. Under s. 92.14 (3) counties may use DATCP grants to fund cost-shares for animal waste management practices as a result of a "notice of discharge" (NOD) issued by DNR under authority of Chapter 283 of the statutes and NR 243. In DNR, the competitive nonpoint grant program provides the funding mechanism for the construction of animal waste management practices that are required as a result of an NOD. All large concentrated animal feeding operations and those smaller feeding operations that have not corrected the deficiencies identified in an NOD are required to obtain a Wisconsin pollutant discharge elimination system (WPDES) permit and are not eligible for cost-sharing grants through the nonpoint program.

Grants may be provided for construction of livestock operation runoff control and manure storage facilities, vegetative filter strips or other agricultural best management practices. The joint final allocation plan for calendar year 2003 does not earmark DATCP bonding for these regulatory animal waste grants. Cost-sharing for the NR 243 program has been provided and managed by DNR since 2002. NODs are only funded through the competitive targeted runoff management grant program and so can only be funded if a county applies for these grants.

### **Agricultural Shoreland Management Projects.**

The Wisconsin Legislature established the agricultural shoreland management program in 1992. This law allows counties, cities, towns and villages to enact agricultural shoreland management (ASM) ordinances for the purposes of maintaining and improving surface water quality. Before an ordinance is enacted, however, it must first be approved by DATCP. To assist in the preparation of ordinances, DATCP has developed ASM ordinance guidelines. The law also provides that an ASM ordinance may not be enforced unless a county uses grant funds to correct the infraction.

DATCP may award cost-share grants to county LCCs to implement practices required by a county, city, town or village ASM ordinance, including reimbursement for the cost of fencing that a landowner installs to comply with a DATCP-approved shoreland management ordinance or the cost of providing a well for livestock, if as a result of complying with such an ordinance, the livestock does not have adequate access to drinking water. Further, DATCP and DNR are required to work with counties to implement shoreland management provisions. Beginning with the 2003 joint final allocation plan, DATCP eliminated separate grant funding for agricultural shoreland management ordinances. Projects may be funded from the unified LWRM grants.

### **Nonpoint Source Cost-Sharing Grants**

DNR provides cost-share grants to landowners for installation of pollution abatement projects in original priority watersheds. DNR awards cost-sharing grants to counties to reimburse landowners a portion of the cost to install best management practices. The maximum cost-share rate is 70% except that it may be as high as 90% in cases of economic hardship. These original nonpoint source grants are included in the unified grant award to counties. Counties, in turn, provide cost-sharing grants to individual landowners for cost-share agreements to install water pollution abatement practices and structures. To receive cost-share fund-

ing from the nonpoint source grant, a landowner must agree to install identified cost-effective best management practices. The DNR and DATCP jointly establish technical standards for management practices eligible for grant funds. Table 2 lists the recent history of DNR grant expenditures under the program. DNR administrative costs are not included in the table and are discussed in a later section.

**Table 2: DNR Nonpoint Source Pollution Abatement Grant Program Expenditures by Grant Category\***

Type of Grant	2000-01	2001-02
Cost-Share Grants	\$7,870,324	\$6,389,699
Local Assistance	102,122	0
Easements	171,291	220,822
Contracts**	<u>1,114,559</u>	<u>1,265,189</u>
TOTAL	\$9,258,296	\$7,875,710

\* Includes expenditures for priority watershed projects and for urban and rural TRM projects.

\*\* Includes expenditures of contract funds provided by the state for USDA, UW-Extension and other organizations.

**Best Management Practices.** "Best management practices" are those techniques which have been determined to be the most effective and practical means of abating nonpoint source pollution to a level compatible with state water quality goals, and which do not adversely impact fish and wildlife habitat. These include practices, except dredging, to prevent or reduce pollutants from sediments of inland lakes polluted by nonpoint sources. The 1997 biennial budget act further required that DNR and DATCP identify best management practices that are also "cost-effective" for water pollution abatement. Best management practices eligible for cost-share agreements must be cost-effective unless the use of the cost-effective practice would not improve water quality or would cause the watershed or lake to continue to be impaired under EPA standards.

**Cost-Share Rates.** Cost-share grants generally equal 70% of the cost of implementing the best man-

agement practice. However, in cases of economic hardship, as defined by rule, the state cost-share rate may be increased to a maximum of 90%. Additionally, after cost-sharing grants have been available in a priority watershed or lake for 36 months, only a reduced grant (one which does not exceed the cost-share rates established by rule) may be provided to the owner or operator of a site designated as a critical site in a priority watershed.

Best management practices and the associated cost-share rates have been established by administrative rules NR 120 and 154 and ATCP 50, as listed in Table 3. For certain cropland practices, a county has the option to select between fixed rates per acre or rates based on costs incurred. A definition of each of the cost-shared best management practices is provided in Appendix I.

**Table 3: Best Management Practices State Cost-Share Rates**

<b>Cropland Practices</b>		<b>Cropland and Other Practices</b>	
Contour farming	70% or \$9 per acre, 4 yr.	Sediment basins	70%
Strip-cropping	70% or \$13.50 per acre, 4 yr.	Critical area stabilization	70%
Cover and green manure cropping	70% or \$25 per acre, 4 yr.	Grade stabilization structures	70%
Residue management	70% or \$18.50 per acre, 4 yr.	Stream bank and shoreline protection	70%
Nutrient management	70% or \$7 per acre, 4 yr.	Wetland development or restoration	70%
Pesticide management	70% or \$7 per acre, 4 yr.	Milking center waste control	70%
		Diversions	70%
		Terrace Systems	70%
		Well Decommissioning	70%
<b>Animal Waste Management Practices</b>		Animal trails and walkways	70%
Livestock fencing	70%	Field windbreaks	70%
Barnyard runoff control systems	70%	Filter strips*	70% <sup>b</sup>
Animal feeding operation relocation or abandonment	70% <sup>a</sup>	Water and sediment control basins	70%
Manure storage systems	70%	Riparian buffers*	70% <sup>c</sup>
Manure storage system closure	70%	Sinkhole treatment	70%
Roofs	70%	Subsurface drains	70%
Roof runoff system	70%	Underground outlets	70%
Access roads and cattle crossings	70%	Waterway Systems	70% <sup>d</sup>
Heavy use area protection	70%		
Livestock watering facilities	70%		
Prescribed grazing	70%		

The listed rates may be increased up to 90% in cases of economic hardship.

\* Under ATCP 50, a landowner is entitled to payments for land taken out of production if the landowner must take or keep more than 1/2 acre out of agricultural production in order to install or maintain the conservation practice. This payment is not required for land occupied as part of the practice. If the land is in a riparian area, the rate is equal to the rate received under the federal CREP program. If not, the rate is 70%. Also, under ATCP 50, maintenance payments for mowing, up to twice per year, are \$10/acre/mowing.

<sup>a</sup> DATCP offers 70%, with a \$5,000 maximum for livestock transport.

<sup>b</sup> In addition to 70% of installation costs, DATCP offers twice annual mowing costs and 70% of the rental rate if the land is taken out of production for non-riparian filter strips. For riparian filter strips, DATCP offers the CREP rate if land is taken out of production. If CREP is not applicable, DATCP makes the same offer it does for non-riparian filter strips.

<sup>c</sup> DNR offers 70% plus \$500 per acre. DATCP offers the CREP rate if the land is eligible for CREP. If not, it offers 70% of installation costs, twice annual mowing and 70% of the rental rate if the land is taken out of production.

<sup>d</sup> DNR offers 70% plus \$300 per acre.

The 2003 joint final allocation plan allocates \$10,644,800 for reimbursements to grantees for cost-sharing in priority watershed projects. Of this, \$10,567,300 is allocated to counties, \$30,400 is allocated to the Oneida Tribe of Indians and \$47,100 is allocated to lake districts.

**Easements.** Funding may also be used for the purchase of easements in conjunction with shoreline buffers, wetland restoration, critical area stabilization and animal lot abandonment or relocation. The easements may be for a period of not less than 20 years.

**Maintenance of Practices.** Landowners and governmental units receiving grants are required to maintain the cost-shared practices for a period extending 10 years beyond the date the last practice is installed. If the property on which the practice was installed is sold before the expiration of the 10-year period, the new owner must continue the practice or repay the grant. After the 10-year period, the landowner may discontinue the best management practice.

The agencies are required to develop, by rule, the types of cost-shared practices and the minimum grant amounts that require any subsequent owner of a property to maintain the cost-shared practice for the duration of the cost-share agreement. In addition, the state may not require the repayment of grants if, at the time of a violation, the grant recipient no longer owns or operates the land.

### Nonpoint Source Grant Funding

The nonpoint source grant program is funded by state and federal appropriations. DATCP is provided over \$25.8 million over the biennium for rural grants, including LWRM plan implementation. DNR is provided an additional \$20.7 million for rural nonpoint grants. DNR funds include approximately \$4 million in federal funds used for local cost-share grants for cropping practices. In addition approximately \$10.7 million in federal funds are expected to be directly available to local governments

for nonpoint pollution abatement practices. This brings total available funding for the biennium to over \$61.2 million. Table 4 delineates rural nonpoint funding by year.

**Table 4: Rural Nonpoint Grant Appropriations**

	DATCP		DNR	
	2001-02	2002-03	2001-02	2002-03
GPR	\$5,670,100	\$5,581,900	\$852,700	\$839,400
FED			5,502,300	9,230,700
PR	0	0	0	0
SEG	3,848,200	3,725,100	0	0
BR*	<u>3,500,000</u>	<u>3,500,000</u>	<u>9,500,000</u>	<u>9,500,000</u>
Total	\$13,018,300	\$12,807,000	\$15,855,000	\$19,570,100
	\$25,825,300		\$35,425,100	

\*Available in either year of the biennium. DNR has an additional \$15,385,498 in un-used authority from the previous biennium.

The table does not include federal funding that was used for contracts with DATCP or other agencies.

Funding for cost-sharing and staffing grants is provided from the following sources:

**General Purpose Revenues (GPR).** DATCP is provided \$5,581,900 GPR in 2002-03 for SWRM program grants, including funding for priority watershed staff. As of July 1, 2002, the continuing appropriation had an additional \$275,000 of uncommitted funds available for program grants.

DNR is provided \$839,400 GPR in 2002-03 in a biennial appropriation. Of this amount, \$300,000 annually must be allocated for priority lakes projects. The remainder of these funds is being used to pay for non-bondable cropping practices like nutrient management, contour strip cropping and conservation tillage, in priority watershed projects.

**Segregated (SEG) Revenues.** DATCP is provided \$3,725,100 SEG in 2002-03 from the nonpoint account of the environmental fund for county staffing grants, including funding for priority watershed

staff. Prior to 1997, environmental fund revenues were provided from a \$7.50 automobile title transfer fee adopted in 1991. This revenue source was selected in recognition of the nonpoint source pollution attributable to the state's transportation infrastructure and vehicle operation. However, the 1997 biennial budget act required that title transfer fees be deposited to the transportation fund, and that instead, general fund revenues in an amount based on the annual title transfer fee revenues be deposited to the segregated nonpoint account of the environmental fund. Unspent segregated appropriation authority lapses back to the environmental fund at the end of each year.

**General Obligation Bonding.** General obligation bonds to provide funding for SWRM activities were first authorized in the 1997-99 biennial budget act. A total of \$13,575,000 in bonds has been authorized for DATCP SWRM activities.

General obligation bonds to support DNR grants for installing cost-sharing practices were first authorized for the program in the 1991-93 biennial budget act. Since that time, a total of \$95.5 million in bonds has been authorized for DNR nonpoint pollution abatement activities, including \$75.8 million for the priority watershed program, \$17.7 million for urban storm water and municipal flood control programs and \$2 million for the targeted runoff management (TRM) program. Bonding is limited to cost-share grants for the installation of certain water pollution abatement or conservation practices and cannot be used for local program administration. In 2001-02, debt service costs on bonds issued by the two agencies totaled approximately \$3.3 million GPR.

**Federal Funding.** Of the federal portion of DNR's rural nonpoint funding, \$2 million annually is from Clean Water Act funding (Section 319 Grants) from the Environmental Protection Agency. This funding is associated with the Great Lakes basin projects and selected cost-share and local staffing grants. In addition, local governments may receive federal funds directly for conservation practices un-

der the United States Department of Agriculture's environmental quality incentive program (EQIP). For Wisconsin, these funds were \$3.5 million in 2001-02 and are expected to total about \$7.2 million in 2002-03. Under EQIP, 65% of the funds have to be spent in 15 federally designated priority area basins and up to 35% may be spent statewide.

**Administrative Funding**

As shown in Table 5, in 2002-03, the agencies are provided approximately \$6.1 million in direct administrative funding for nonpoint and soil conservation programs (in addition to amounts identified in the table each agency supports a portion of overall Department overhead costs). DATCP funding is estimated at approximately \$2.3 million and 29.0 staff to administer its land and water resource management program activities. Funding is provided from general purpose revenue, the segregated nonpoint account of the environmental fund and program revenues from funds provided from other state agencies for SWRM activities.

**Table 5: 2002-03 Administrative Funding and Positions**

Source	DATCP		DNR	
	Funding	Staff	Funding	Staff
GPR	\$833,000	11.0	\$805,200	10.5
FED	338,000	4.0	1,736,200	29.5
SEG	905,000	11.0	683,000	11.5
PR	<u>180,000</u>	<u>3.0</u>	<u>595,000</u>	<u>9.5</u>
Total	\$2,256,000	29.0	\$3,819,400	61.0

Federal and state funding has been provided for DNR planning, monitoring and administration of the nonpoint program. In 2002-03, DNR is provided \$3.8 million and 61.0 staff to administer its nonpoint pollution abatement and stormwater activities. Program revenues are provided from storm water fees. Segregated revenues are provided from the non-point account of the environmental fund.

In addition, DNR is provided \$997,600 SEG from the nonpoint account of the environmental fund for nonpoint contracts in 2002-03. Of these funds, DNR is directed to allocate \$500,000 each year for contracts with UW-Extension for educational and technical assistance, while actual funding for 2002-03 provided to the UW-Extension Basin Educator program from this appropriation is \$763,000.

The current DNR federal positions were authorized in 1990 and are funded under the federal Water Quality Act of 1987. The federal program requires states to submit a proposed management program for controlling pollution from nonpoint sources and improving water quality. This must include a list of best management practices, a program of implementation of those measures and a timetable. States that comply with requirements are eligible for 50% federal grants to assist nonpoint source plan implementation (known as "section 319 grants" because of the section of the federal act creating the program).

The total federal funding received for federal fiscal year 2002 was \$6,012,500. This includes \$2,665,000 for administrative funding, \$2,032,400 for watershed grants, \$855,900 in contracts with other agencies, \$359,200 for research, and \$100,000 for a project at Devil's Lake. These contracts include \$499,500 with DATCP, \$241,400 with the federal government, and \$115,000 with the Wisconsin Land and Water Conservation Association (WLWCA).

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### **Nonpoint Source Pollution Abatement Grant Programs**

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DNR may provide grants to governmental units for competitive nonpoint source projects to accelerate the implementation of nonpoint source pollution control to target areas that: (a) are of highest priority, including targeted water quality standards, impaired waters, outstanding and exceptional resource waters, public health threat situations and other issues of state and national importance; and (b) pollu-

tion abatement can not be achieved through implementation of county soil and water resource activities funded under DATCP cost-shares. Targeted projects include projects for managing pollutants from animal feeding operations receiving a notice of discharge or notice of intent to issue a notice of discharge.

DNR administers three grant programs under administrative rules NR 153, NR 155 and NR 199: (a) the targeted runoff management (TRM) program; (b) the urban nonpoint source and stormwater (UNPS) grant program; and (c) the municipal flood control program. Local governments that are awarded a grant enter into a contractual agreement with the DNR. Grant recipients must comply with program conditions, provide the local portion of the project costs, and install and maintain for 10 years all best management practices (BMPs) constructed under these programs. Local governments that use these grant funds to provide assistance to private landowners are required to enter into a similar contractual agreement with the landowner. Project applications to construct practices in navigable streams or in wetlands require a waterway or wetland permit prior to the submittal of the application.

### **Targeted Runoff Management Grant Program**

Targeted runoff management grants are competitive financial awards to support small-scale, short-term projects that are completed by local governmental units within 24 months of the start of the grant period, with a possible 12 month extension (the statutory maximum is four years). Both urban and rural projects can be funded through a TRM grant. Up to 70% of a project's eligible costs can be funded through a TRM grant, to a maximum of \$150,000 in state funding. Funds may be used for the construction of rural and urban BMPs, which are listed in Table 3. TRM grant funds cannot be used to pay for staffing, studies, or designs. Of the 43 applicants for 2003 TRM grants, 31 met minimum scoring requirements. For 2003, the TRM program has awarded 28 projects over \$2.1 million. These grants are listed in Appendix IV.

## **Grants for Local Assistance**

Under the Wisconsin Constitution, generally the state may only issue public debt for long term capital improvements. Since bonding is currently the only source of funding for TRM projects, local assistance grants are not provided for staff or administrative costs, and all staff funding support comes from the awards made under the joint allocation plan. Under the 1997 biennial budget act, it was expected that some existing priority watersheds might be scaled back or discontinued with program savings shifted to the competitive program. However, all active and planned projects were continued. Further, 1999 Act 9 shifted most funding for staffing grants from DNR to DATCP. The state share of staffing grants for projects selected under the competitive program may not exceed 70% of the cost of the activity for which the grant is provided.

## **Urban Nonpoint Source and Stormwater Grant Program**

1999 Act 9 created a statutory urban nonpoint program under DNR and removed oversight and project selection powers from the LWCB for the urban nonpoint program. DNR provides cost-share and local assistance grants for urban point and nonpoint source pollution abatement projects. An urban area is one that: (a) serves a population of 1,000 or more per square mile within its boundary, according to the most recent population estimate made by the Department of Administration; (b) consists of industrial or commercial land uses; or (c) is surrounded by either (a) or (b) above. The purposes of the urban nonpoint program are to: (a) manage urban storm water discharge of pollutants and runoff from existing and developing urban areas to achieve water quality standards, minimize flooding and protect groundwater; (b) coordinate urban nonpoint source management activities and municipal storm water discharge permits; and (c) provide for implementation of urban nonpoint source performance standards.

The governmental unit with jurisdiction for the

project area must ensure adequate implementation of the construction site pollutant control and post-development storm water management for new development and redevelopment for sites of one or more acres in order to receive an urban nonpoint cost-share grant. Further, the project also must be consistent with the urban nonpoint source performance standards that were promulgated by administrative rule NR 151.

DNR may distribute a grant to a governmental unit or for activities within that governmental unit to be carried out by another governmental unit that is required to control storm water discharges relating to s. 283.33. These governmental units or activities include: cities with populations over 100,000, discharge associated with an industrial activity or other discharge that DNR determines either contributes to a violation of a water quality standard or is a significant contributor of pollutants, municipal separate storm sewer systems that serve an area located in an urbanized area (an area with a population density of 1,000 or more per square mile with a total population of at least 50,000), those serving an area with a population of 10,000 or more and having a population density of 1,000 or more per square mile that the Department designates based on an evaluation of whether the storm water discharge has the potential to exceed water quality standards, and those that contribute substantially to the pollutant loading of a physically interconnected municipal separate storm sewer system that is required to have a permit.

Urban nonpoint source and stormwater grants promote urban runoff management for existing urban areas, developing urban areas and urban redevelopment, for a two-year period, with a possible one-year extension. These grants are site-specific, generally smaller than a subwatershed, and targeted to address high-priority problems in urban project areas. For a storm water planning project to be eligible for funding under this program, it must currently be in an urban area or an area projected to be urban within 20 years. A municipality is eligible for cost sharing even if a storm water permit under NR



216 covers the municipality. The primary goals include implementing urban runoff performance standards (NR 151), achieving water quality standards, protecting groundwater, and helping municipalities meet municipal storm water permit conditions (NR 216). Urban nonpoint grants can fund 70% of technical assistance while standard cost-share funds are available at 50% of the project cost from DNR. Eligible cost-share activities include: (a) structural urban best management practices, including necessary land acquisition, storm sewer rerouting, removal of structures and associated flood management, but excluding new construction activities and new development; (b) stream bank and shoreland stabilization; and (c) other activities, such as improved street sweeping, identified by DNR rule. The maximum amount that can be granted for a construction project is \$150,000. The maximum amount that can be granted for a technical assistance project is \$100,000.

Of the 57 applicants for 2003 stormwater competitive grants, 39 met minimum scoring requirements. For 2003, the UNPS program awarded nearly \$3.2 million to 36 projects. Of this amount, about \$2.2 million in bonding went to fund construction costs, with the remaining approximately \$1 million in planning costs being funded by segregated revenue. A list of these grants can be found in Appendix V. In addition, \$150,000 in cost-share grants was allocated from the DNR to Milwaukee County, and \$164,000 was allocated for urban staffing and administrative grants (\$100,000 to Dane County, and \$64,000 to Milwaukee County) through the Joint Final Allocation plan with DATCP.

### **Project Selection Process**

Any governmental unit may request funding for nonpoint source water pollution abatement projects by applying to DNR. Governmental units include cities, villages, counties, towns, sanitary districts, lake districts, and others. It does not include lake associations. Applications are due by April 15 to be considered for funding in the following calendar year. Urban nonpoint source and stormwater com-

petitive projects must be in an urban area, have the local government's assurance of adequate implementation, be consistent with nonpoint source performance standards and be consistent with DNR priorities for the watershed or geographic area.

In addition to the stipulations above, applicants are awarded cost-share agreements based on a scoring system devised by DNR. Statutorily, the scoring criteria must include the following: (a) the extent to which the application proposes to use cost-effective and appropriate best management practices to achieve water quality goals; (b) the existence in the project area of an impaired water body that the DNR has identified to EPA; (c) the extent to which the project will result in the attainment of established water quality objectives; (d) the local interest in, and commitment to, the projects; (e) the inclusion of a strategy to evaluate the progress toward reaching project goals; (f) the extent to which the application proposes to use available federal funding; and (g) the extent to which the project is necessary to enable the City of Racine to control storm water discharges as required under federal and state requirements.

DNR guidelines establish minimum qualifications for eligibility, including a state cost-share maximum of \$150,000 and installation generally to be completed within 24 months of the start of the grant period. Applicants meeting the minimum qualifications are then scored based on fiscal accountability, water quality information, evidence of local support, and the ranking of the area on the watershed and lake list, where again they must receive minimum scores for further consideration. Finally, applicants meeting those minimum score requirements are scored based on water quality needs, the extent of pollutant control needed, the likelihood of success of the project, the leveraging of additional funding and as a tiebreaker, whether or not the project will assist the City of Racine to control storm water discharge. The initial project score is increased by 10% if there is a comprehensive local implementation program serving the project area, and (for the TRM program) by 25% if there is an implementation

and enforcement program. Urban and rural projects are scored using the same application and compete against one another.

DNR distributes applications in February, and these must be returned by April 15. After determining project scores, (and after DNR and the Land and Water Conservation Board have discussed the scores and recommended projects for TRM cost-sharing) by September 1, rankings are established using the scoring system and, to the extent possible, on an even geographic distribution of projects in the state. Grants are then written by January 1 of the following year.

**Designated Projects**

Local units of government, in their project applications, are allowed to determine the TRM cost-share rate for their project, not to exceed 70% except in cases of economic hardship. Bonding revenue may only be used for certain best management practices and not for staff related costs. Eligible best management projects for TRM cost-shares (typically at 70% except in cases of economic hardship) are listed in Appendix I. Cost-shares under the urban nonpoint and stormwater program do not exceed 50%.

As shown in Table 6, a total of over \$8 million is available for urban nonpoint grants and municipal flood control and riparian restoration grants in 2001-03. It is not specified how much of the \$8 million be spent on either program. In the 2001-03 biennium,

**Table 6: Urban Nonpoint and Municipal Flood Control Grant Appropriations**

Source	2001-02	2002-03
SEG	\$1,949,500	\$1,899,000
BR*	<u>2,100,000</u>	<u>2,100,000</u>
Total	\$4,049,500	\$3,999,000

\*Available in either year of the biennium.

bonding authority was increased by \$4.7 million. Of this, \$500,000 was earmarked for dam rehabilitation, leaving \$4.2 million for the two grant programs. Of this, \$2.1 million was allotted to municipal flood control and \$2.1 million to urban nonpoint. The SEG funding was evenly split between the programs in 2001-02. However, the municipal flood control program awarded all available bond funds in the first year of the biennium. All of the SEG funding was then allocated to the urban storm water program in 2002-03.

**UW-System Nonpoint Source Grants**

Further, urban nonpoint source cost-share grants are available to the Board of Regents of the University of Wisconsin System for practices, techniques or measures implemented to control storm water discharges on certain University of Wisconsin campuses. The UW campus must be located in a municipality that is within a priority watershed or Great Lakes area of concern and that is required to obtain a storm water discharge permit.

**Municipal Flood Control and Riparian Restoration Program**

1999 Act 9 created a municipal flood control and riparian restoration program within the urban nonpoint program. The program provides financial assistance to cities, villages, towns or metropolitan sewerage districts for the collection and transmission of storm water and ground water. Grants may be used for facilities and structures, including the purchase of perpetual flowage and conservation easement rights on land within a flood way and flood proofing of public or private structures remaining in a 100-year flood plain.

DNR may provide grants for up to 70% of eligible costs for construction and real estate acquisition for a DNR approved project. DNR may also provide municipal flood control and riparian restoration program local assistance grants for up to 70% of eligible costs, including planning and design costs. In any fiscal year, the Department may not provide to

any applicant more than 20% of the funding available for the program.

DNR may provide grants: (a) for projects affecting two or more municipalities or metropolitan sewerage districts, to one of the applicant municipalities or metropolitan sewerage districts upon application by all of the municipalities or metropolitan sewerage districts affected by the project; (b) to a municipality or metropolitan sewerage district with jurisdiction for the provision of storm water collection facilities to two or more municipalities or metropolitan sewerage districts affected by the project; or (c) for projects affecting only one municipality or metropolitan sewerage district to the applicant municipality or metropolitan sewerage district.

DNR must specify criteria for determining the eligibility and priority ranking of projects which include requiring: (a) no transfer of flooding down stream; (b) to the extent practical, no harm of existing beneficial functions of waterbodies and wetlands; (c) the maintenance of aquatic and riparian environments; (d) to the extent practical, the use of storm water retention and detention structures and the use of natural storage; (e) adequate opportunity for public use access for the stream and flood way; and (f) no channelization, acceleration of upstream runoff or concrete lining of natural stream beds.

The Department promulgated administrative rules related to the municipal flood control program in NR 199, which became effective October 1, 2001. Subsequently, in March of 2002, the Department awarded 17 flood control grants worth \$3.9 million to municipalities. These grants are listed in Appendix VI. Of this, nearly \$3 million was bonding revenue, \$1 million of which was set aside for this purpose in the 1999-2001 biennium. The remaining approximately \$2 million in bonding was from the 2001-03 biennial budget. DNR plans to make the next round of grants for the two year period lasting from January 1, 2004, through December 31, 2005.

## **Clean Water Fund Loans**

The clean water fund program, administered by DNR and the Department of Administration, provides low-interest loans to municipalities for nonpoint source pollution abatement and storm water management projects. The subsidized interest rate is 65% of the market rate, which currently provides an interest rate of 3.25% to these projects. DNR promulgated rule changes effective March 1, 2001, to allow funding for nonpoint and urban storm water projects. To date the program has not funded any nonpoint or storm water projects. The land recycling loan program is part of the clean water fund program and provides 0% interest rate loans to certain local governments for the investigation and remediation of certain eligible properties. Under federal clean water regulations, land recycling loans are considered to be for nonpoint source pollution abatement projects. Legislative Fiscal Bureau Informational Paper #61, "Environmental Improvement Fund," describes the clean water fund program.

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## **Original Nonpoint Source Pollution Abatement Grant Program**

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Chapter 418, Laws of 1977, created the nonpoint source water pollution abatement grant program to provide state financial assistance for the installation of practices that abate nonpoint sources of pollution. The program awards grants to landowners and municipalities for projects that reduce nonpoint sources of pollution. Through June 30, 2002, over \$156 million in local assistance and cost-share grants has been spent for original priority watershed and lake projects. The program remains authorized under s. 281.65 of the statutes and administrative rule NR 120.

The 1997-99 and 1999-01 budgets (1997 Act 27 and 1999 Act 9) retailored the nonpoint pollution control program, including the procedures by which new nonpoint pollution abatement projects are des-

ignated and splitting the urban and rural portions of the program. The original program is being phased out as priority watershed projects end. In its place, the Legislature created a competitive nonpoint grant program in DNR (TRM) and emphasized providing staff funding to all counties through DATCP. Since previously designated nonpoint projects were implemented in the original structure and are planned to continue through 2009, this section describes the process of implementing those original grants.

### **Original Priority Watershed Projects**

Prior to 1998, the nonpoint source grant program was implemented solely through a priority watershed strategy. A watershed is generally defined as all land that contributes runoff water to a stream or lake. In the past, DNR identified those watersheds and lakes where the need for nonpoint source pollution abatement was viewed as most critical through area-wide water quality plans that were originally developed under the requirements of the Federal Water Pollution Control Act. Only nonpoint abatement projects located within watersheds designated as a high or medium priority under the area-wide water quality plan were eligible for funding. Specific projects within these areas were then selected, first by DNR and later by the LWCB, based on district workload and priorities, county ability to manage a project and landowner participation.

### **Priority Watershed Designations**

The 1997 biennial budget act required that DNR re-rank all watersheds and lakes in the state by the level of impairment by nonpoint source pollution. In preparing the rankings, DNR considered the location of the impaired water bodies as identified by DNR in a list of impaired state waters, which is federally required to be submitted to EPA (the 303 (d) list). The 1997 biennial budget act also required that funding be terminated for any of the 62 active priority watershed projects that were not re-identified by the LWCB. DNR subsequently categorized large-scale, small scale and priority lakes projects watersheds into high, medium or low priority watershed

status. Using this list, the LWCB was directed to identify priority watersheds and lakes with DNR and DATCP recommendations, regardless of past priority watershed designations (except for those watersheds in the Milwaukee River basin and the South Fork of the Hay River that are statutorily designated). The LWCB ultimately redesignated all 62 active priority watershed projects. Thus, each of the 62 projects remains eligible to continue receiving funding on an area-wide basis until their completion. No future designations of priority watershed projects may be made. Priority areas are grouped according to the following designations:

**Large-Scale Priority Watersheds.** For planning purposes, the state is divided into 330 large-scale watersheds. Each large-scale watershed is generally 75 to 300 square miles.

**Small-Scale Priority Watersheds.** Small-scale priority watersheds are sub-watersheds within a large-scale watershed that are selected to achieve local water quality objectives. Small-scale priority watershed projects implement the same best management practices as the large-scale projects. An example might be a project to reduce sedimentation of a small stream. Small-scale projects are often found in medium- or low-priority watershed areas where it can be demonstrated that significant local benefits can be derived.

**Priority Lakes Projects.** Priority lakes projects generally include watersheds draining to a selected lake or lakes. "Priority lakes" are defined as those where the need for nonpoint source water pollution abatement is most critical. The affected area of these projects has ranged from eight to 230 square miles. DNR is directed to allocate at least \$300,000 of non-point source grant funds each year to priority lakes projects.

**High-Priority Areas.** Areas with a predominance of impaired waters, threatened waters or a mix of waters impaired, threatened or partially impaired. The existence of endangered or threatened species may also result in a high ranking.

**Medium-Priority Areas.** Areas that are a mixture of those fully meeting their uses and those partially meeting their uses.

**Low-Priority Areas.** Areas tending to have a majority of waters fully meeting their uses.

### **Statutorily Designated Priority Watersheds**

As part of 1983 Act 416, DNR was required to identify watershed projects in the Milwaukee River Basin, which includes portions of Milwaukee, Waukesha, Washington, Ozaukee, Fond du Lac and Sheboygan counties. In 1989 Act 366, the Kinnickinnic River was designated a part of the Milwaukee River Basin, and was, therefore, included as a part of the nonpoint project area. Six of the 66 large-scale priority watershed projects are located in the Milwaukee River Basin. In 1997 Act 209, the Root River Watershed was statutorily designated a priority watershed, reopening a watershed that previously had been completed.

The South Fork of the Hay River priority watershed area (in Barron, Dunn, Polk and St. Croix Counties) was statutorily designated a priority watershed until June 30, 2001, in the 1997 biennial budget act. This designation has subsequently been extended until 2005. The South Fork watershed area is exempt from nonpoint requirements related to cost-share rates and the types of best management projects installed. Instead, cost-shares are paid based on the amount of pollution reduced. Dunn County, with assistance from DNR, established guidelines for this pilot project related to cost-share rates and types of practices to be installed. At the completion of the project, DNR will evaluate the cost-effectiveness and the nonpoint source water pollution reduction associated with this pilot project. The watershed was originally designated priority in 1993.

### **Project Planning and Implementation**

**Best Management Practices.** The abatement of nonpoint pollution in priority watersheds is pur-

sued through the adoption of best management practices. Best management practices are generally identified in area-wide water quality management plans and then refined in the nonpoint source water pollution abatement plan that is prepared for each watershed project. Landowners receive cost-share grants to install these practices.

DNR may require the adoption of local manure storage ordinances and construction site ordinances as a grant condition under the nonpoint program. DNR has developed a handbook of construction site best management practices and a model construction site erosion control ordinance. In addition, the Department of Commerce and the Department of Transportation (DOT) have specific authorities and duties related to one- and two-family construction sites and highway and bridge construction projects. These provisions require Commerce and DOT, in consultation with DNR, to establish standards based on best management practices.

**Designated Management Agency.** For the nonpoint source grant program, the term "designated management agency" is used to identify the primary local government participant or participants. Various local governmental units can participate in the nonpoint source grant program. In the past, these have included counties, cities, villages, towns, tribal governments, metropolitan sewerage districts, town sanitary districts, regional planning commissions, drainage districts and various lake districts. In a given watershed area, DNR selects local designated management agencies for nonpoint source planning and implementation activities. In rural watersheds, the counties generally serve as the designated management agencies for their areas of jurisdiction. In urban areas, cities, villages and towns are typically designated.

**Local Priority Watershed Advisory Committee.** DNR is directed to appoint a local committee for each priority watershed and priority lake project to provide advice on all aspects of the nonpoint source pollution abatement program. The committee consists of at least two farmers, if the watershed or lake

project includes agricultural land and at least two representatives of a public inland lake protection district, or if one does not exist, of riparian property owners (persons owning property abutting a lake, river or other natural body of water). If the priority area is located in the Milwaukee River basin, the committee must also include a member of the county board from each county within the Milwaukee River Basin priority watershed or priority lake area. Local priority watershed advisory committees are not required for projects selected under the competitive program.

**Watershed Assessment and Planning.** Projects in the original nonpoint program were based on watershed plans and assessments with continual updates. The first step in the watershed plan involves preparing an inventory of nonpoint source water pollution in the watershed. This assessment analyzes the water quality problems in the watershed's lakes, streams and groundwater, and the nonpoint sources causing the problems. The priority watershed plan is also required by statute to: (a) identify critical surface water and groundwater protection management areas within the watershed (those portions where the occurrence of pollution is most significant and where the use of best management practices will be most effective); (b) establish an integrated resource management strategy to protect or enhance fish and wildlife habitat, aesthetics and other natural resources; and (c) develop a comprehensive strategy to manage agricultural and nonagricultural nonpoint source water pollution affecting surface water or groundwater.

DNR delegates some of the planning work to the designated management agency in the priority watershed areas. DATCP, other state agencies, local governmental units and persons located in the watershed also participate in this planning process. DATCP has responsibility for preparing parts of the watershed plans relating to: (a) farm-specific implementation schedules; (b) cross compliance activities (requirements that recipients of farmland preservation tax credits employ best management practices and comply with land and water conservation

standards); (c) animal waste management; and (d) selection of best management practices for agricultural areas.

DNR was directed by 1991 Act 309 to complete the planning process for all designated priority watersheds by December 31, 2000. However, 1995 Act 27 extended that date to December 31, 2015. All originally designated projects have completed their plans. Further, under the current financing plan, all originally designated projects are slated for project implementation to be completed prior to 2010.

**Project Implementation Phase.** Once the LWCB, counties and DNR approve the plan, implementation by the designated management agency can begin. The designated management agency is responsible for coordination and implementation of plan activities. This includes contacting all owners or operators identified as significant nonpoint sources in the watershed plan and securing their cooperation. Since participation in the nonpoint program is voluntary except for those sites within a watershed that are designated as critical, enlisting the cooperation of those land users who have the greatest impact on nonpoint source pollution is one of the more important functions of the designated management agency. The agency enters into cost-share agreements with individual landowners, ensures the proper installation of best management practices, and provides general local program administration and coordination. In urban areas, the "landowner" is typically the municipality.

**Critical Sites.** 1993 Act 166 directed DNR, in preparing priority watershed plans, to designate critical sites within the watershed as part of the planning and selection process of the priority watershed project (see later section on animal waste regulatory authority). The DNR, in consultation with DATCP, is required to submit to the LWCB, as part of the priority watershed and lake planning process, any sites within that watershed that are critical to achieving the water quality goals established in the plan. The LWCB, as part of its priority watershed and lake plan approval authority, must approve

those sites before they are designated as critical. DNR, in consultation with DATCP, can also make modifications to a priority watershed or lake plan for the purposes of designating additional sites as critical to the attainment of water quality goals in the plan. However, the LWCB also must approve any modifications to these plans. Since no new priority watersheds will be identified, DNR may not designate critical sites under the competitive nonpoint program

### **Designated Watershed Projects**

Under the original nonpoint program, 86 large, small and lake projects were selected for funding. Of these, 32 projects have been completed and closed. DNR is preparing reports on the closed projects to provide information on the amount expended, cost-share participation rates and water quality information.

Table 7 lists large-scale nonpoint source pollution control projects. Table 8 lists small-scale, priority lakes and other uses of grant funds. The tables portray the grant amounts that have been expended for each project including funding for cost-share and local assistance grants. The tables also note which projects are closed, or the year of completion for open projects. The amounts listed reflect final project costs only through June 30, 2002, for completed projects. The tables reflect state and federal expenditure figures.

### **Continuing Nonpoint Project Funding**

In 1998, the LWCB approved revised nonpoint source grant totals for original nonpoint projects, decreasing most grant awards, but still fully funding all signed cost-share agreements. Since 1997, the DNR has provided counties with active priority watershed projects with an anticipated cost-share reimbursement amount (ACRA), to be used to reimburse landowners for best management practices installed during that calendar year. The ACRA should equal the state cost-share amount for practices installed in each watershed project for that cal-

endar year. If a county exceeds its ACRA, the county is responsible for funding the amount of the overage.

Unspent ACRA's may be transferred between projects within the same county or between grantees in the same priority watershed. The result of unspent ACRA allowances is that funds may be reallocated for grants in the competitive nonpoint program.

ACRA funds provided by the DNR to counties and the Oneida Tribe, come with two restrictions in how they may be used. First, bond revenue may not be used to pay for cropping practices, such as nutrient management and conservation tillage. Second, for the priority watershed program, cropping practices will only be reimbursed using the combination of federal 319 funds (which is restricted to certain areas of Wisconsin) and state GPR.

For 2003, DNR has allocated \$10,644,800 for anticipated cost-share reimbursement amounts. This includes \$8.27 million in bonding for rural cost-shares, \$2.3 million for rural cropping practices, \$31,000 for cost-sharing to the Oneida Tribe and \$47,000 for cost-sharing for lake districts.

### **DATCP Participation in the Original Nonpoint Source Grant Program**

Under the original nonpoint program, DATCP has authority to: (1) prepare the parts of the watershed plans relating to farm-specific implementation schedules, cross compliance activities, animal waste management and agriculturally-related best management practices selection; (2) identify areas within a watershed project which are subject to activities required under the cross compliance provisions of the farmland preservation program; (3) identify recommendations for implementation of these activities; (4) develop a grant disbursement and project management schedule for agricultural best management practices; (5) provide input on critical site selection within a watershed when pollution is animal waste related; and (6) provide engineering assistance.

**Table 7: Original Nonpoint Source Pollution Abatement Grant Program Expenditures Through June 30, 2002 -- Large-Scale Priority Watershed Projects ♦**

Year Started	Project Name (end date)	Location	Size Sq. Miles	Local Assistance	Cost-Share
1979	Galena River*	Lafayette, Grant	241	\$120,412	\$2,267,305
	Elk Creek*	Trempealeau	112	78,732	1,456,717
	Root River*	Racine, Waukesha, Milwaukee	198	489,057	1,487,593
	Lower Manitowoc River*	Manitowoc, Brown	168	8,224	188,750
	Hay River*	Barron, Dunn	289	29,464	841,307
1980	Big Green Lake*	Green Lake, Fond du Lac	106	312,913	650,435
	Upper Willow River*	St. Croix, Polk	183	53,173	327,522
	Six-mile/Pheasant Branch Creek* ♦	Dane	119	2,321	493,293
	Onion River*	Sheboygan, Ozaukee	97	58,324	321,193
1981	Upper W. Branch Pecatonica River*	Iowa, Lafayette	77	9,227	257,049
	Lower Black River*	La Crosse, Trempealeau	189	312,364	1,309,686
1982	Kewaunee River*	Kewaunee, Brown	142	245,452	647,267
	Turtle Creek*	Walworth, Rock	288	586,582	1,482,020
1983	Oconomowoc River*	Waukesha, Washington, Jefferson	130	594,875	283,984
	Little River*	Oconto, Marinette	210	777,206	1,472,807
	Crossman Creek/Little Baraboo River*	Sauk, Juneau, Richland	213	1,616,899	3,846,414
	Lower Eau Claire River*	Eau Claire	399	399,224	833,631
	Beaver Creek*	Trempealeau, Jackson	160	166,794	1,620,347
1984	Upper Big Eau Pleine River*	Marathon, Clark, Taylor	219	696,567	1,119,674
	Seven-mile/Silver Creek*	Manitowoc, Sheboygan	112	291,508	1,188,890
	Upper Door Peninsula*	Door	287	1,161,944	3,846,414
	East & West Branch Milwaukee River*	Fond du Lac, Washington, Sheboygan, Dodge, Ozaukee	265	1,665,851	1,625,934
	North Branch Milwaukee River*	Sheboygan, Washington, Ozaukee	149	1,369,836	1,348,996
	Cedar Creek (2004)	Ozaukee, Washington	129	1,262,521	1,023,085
	Milwaukee River South (2003)	Ozaukee, Milwaukee	167	3,830,134	4,652,948
	Menomonee River*	Milwaukee, Waukesha, Ozaukee, Washington	136	3,224,356	1,150,422
1985	Black Earth Creek*	Dane	105	645,841	1,600,512
	Sheboygan River (2003)	Sheboygan, Fond du Lac, Manitowoc, Calumet	260	2,827,999	3,441,519
	Waumandee Creek*	Buffalo	221	1,409,795	3,476,336
1986	East River (2002)	Brown, Calumet	206	3,936,671	3,045,473
	Yahara River-Lake Monona*	Dane	93	2,070,735	1,856,528
	Lower Grant River (2002)	Grant	129	1,061,056	1,205,944
1989	Middle Trempealeau River (2004)	Trempealeau, Buffalo	205	2,492,682	3,048,403
	Lake Winnebago/East (2004)	Fond du Lac, Calumet	99	1,946,144	1,910,708
	Middle Kickapoo River (2004)	Vernon, Monroe, Richland	246	2,170,618	2,860,924
	Yellow River (2004)	Barron	239	828,868	801,587
	Upper Fox/Illinois River (2005)	Waukesha	151	1,717,551	655,174
	Narrows Creek/Baraboo River (2004)	Sauk	176	1,408,825	1,985,849
	L. E. Branch Pecatonica River (2003)	Green, Lafayette	144	1,898,949	1,898,949



**Table 7: Original Nonpoint Source Pollution Abatement Grant Program Expenditures Through June 30, 2002 -- Large-Scale Priority Watershed Projects (continued)**

Year Started	Project Name (end date)	Location	Size Sq. Miles	Local Assistance	Cost-Share
1990	Arrowhead River				
	/Daggets Creek (2004)	Outagamie, Winnebago	142	\$1,473,852	\$1,514,212
	Kinnickinnic River*	Milwaukee	33	175,094	0
	Beaver Dam River (2005)	Dodge, Columbia, Green Lake	290	2,054,655	1,744,031
	Duncan Creek (2005)	Chippewa, Eau Claire	191	2,283,577	1,282,708
	Lower Big Eau Pleine River (2002)	Marathon	138	993,368	1,316,289
	Upper Yellow River (2004)	Wood, Clark, Marathon	212	1,320,268	1,781,518
1991	Upper Trempealeau River (2006)	Jackson, Trempealeau	175	1,490,582	2,338,219
	Neenah Creek (2005)	Adams, Marquette, Columbia	173	1,078,588	529,482
1992	Balsam Branch Creek (2006)	Polk	104	896,430	384,725
	Red River/Little Sturgeon Bay (2007)	Door, Kewaunee, Brown	139	1,944,648	1,854,567
1993	Branch River (2007)	Brown, Manitowoc	108	2,056,800	1,590,450
	Soft Maple/Hay Creek (2007)	Rusk	176	567,997	216,990
	South Fork Hay River (2005)	St. Croix, Dunn, Polk, Barron	181	1,170,004	667,622
	Tomorrow/Waupaca River (2007)	Waupaca, Portage	290	1,331,289	1,367,887
1994	Duck/Apple/ Ashwaubenon Creeks (2009)	Brown, Outagamie, Oneida Nation	264	2,126,536	1,947,916
	Dell Creek (2009)	Juneau, Sauk	133	708,940	274,657
	Pensaukee River (2008)	Oconto, Shawano	163	685,373	826,533
	Spring Brook (2008)	Langlade, Marathon	69	305,913	89,311
	Sugar & Honey Creeks (2008)	Racine, Walworth	166	749,964	332,225
1995	Fond du Lac River (2009)	Fond du Lac, Winnebago	244	616,281	638,211
	Kinnickinnic River (2009)	Pierce, St. Croix	206	639,213	323,183
	Lower Little Wolf River (2008)	Waupaca	152	380,529	772,020
	Lower Rib River (2009)	Marathon	129	503,692	282,300
	Middle Peshtigo & Thunder Rivers (2009)	Marinette, Oconto	193	238,916	117,791
	Pigeon River (2009)	Manitowoc, Sheboygan	78	544,838	296,277
	Pine & Willow Rivers (2009)	Waushara, Winnebago	303	576,741	556,200
	<b>TOTAL</b>			<b>11,511</b>	<b>\$70,702,453</b>

\* Completed Projects

◆ Six-mile/Pheasant Branch is currently a part of the Lake Mendota priority lake project (1993).

♠ Updates for FY 01 and 02 include Priority Watershed grants only. Urban nonpoint source and storm water management grant and targeted runoff management grant awards are included in a separate table.

**Table 8: Original Nonpoint Source Pollution Abatement Grant Program Expenditure Through June 30, 2002 -- Small-Scale Priority Watersheds, Priority Lake Projects, and Other Grants▲**

Year Started	Project Name (end date)	Location	Watershed Size (Sq. Miles)	Local Assistance	Cost-Share
<b>Small Scale Watershed Projects</b>					
1986	Bass Lake*	Marinette	1	\$23,026	\$94,593
1990	Dunlap Creek (2004)	Dane	14	100,742	147,673
	Lowes Creek*	Eau Claire	10	289,587	232,255
	Port Edwards Groundwater Project*	Wood	10	157,108	0
1991	Whittlesey Creek (2006)	Bayfield	12	343,826	29,891
	Spring Creek (2004)	Rock	6	234,741	9,999
1994	Osceola Creek (2007)	Polk	9	198,646	122,878
	Subtotal		62	\$1,347,675	\$637,289
<b>Priority Lake Projects</b>					
1990	Minocqua Lake*	Oneida	10	\$175,587	\$82,001
	Lake Tomah (2002)	Monroe	32	376,096	350,886
1991	Little/Big Muskego-Wind Lakes (2005)	Waukesha, Racine	41	1,297,915	633,571
1992	Middle Inlet-Lake Noquebay (2006)	Marinette	155	556,907	590,787
	Lake Ripley (2006)	Jefferson	8	454,555	104,574
1993	Camp/Center Lakes (2007)	Kenosha	8	369,756	111,684
	Hillsboro Lake (2005)	Vernon	35	551,334	508,706
	Lake Mendota (2008)	Dane, Columbia	230	1,740,591	121,554
1994	St. Croix Lakes Cluster (2008)	St. Croix	3	282,465	88,251
	St. Croix Flowage & Upper St. Croix Lake (2008)	Douglas	45	313,583	35,241
1995	Big Wood Lake (2009)	Burnett	20	280,753	1,583
	Horse Creek (2009)	Polk	15	306,247	40,020
	Rock Lake (2004)	Jefferson	10	163,288	39,416
	Subtotal		612	\$6,869,077	\$2,708,274
<b>Other Grant Recipients</b>					
	Federal (NRCS, USGS)			\$1,238,526	\$0
	State Institutions (UW, UWEX)			1,524,702	0
	Regional Planning Commissions			282,188	0
	Other			103,170	0
	Subtotal			\$3,148,586	\$0
<b>TOTAL</b>				\$11,365,338	\$3,345,563

\* Completed Projects

▲ Updates for FY 01 and 02 include Priority Watershed grants only. Urban nonpoint source and storm water management grant and targeted runoff management grant awards are included in a separate table.

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## **Animal Waste, Nonpoint Regulatory Authority and Performance Standards**

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### **Animal Waste Management Regulatory Authority (NR 243)**

DNR administrative rule NR 243 regulates all large animal feeding operations in the state and those smaller animal feeding operations that have been identified as causing a significant discharge of pollutants into state waters. DNR promulgated rules that updated NR 243 in September, 2002, by adding the agricultural performance standards and prohibitions in NR 151 to the existing requirements for animal-feeding operations.

**Discharge Permits.** Under NR 243, all concentrated animal feeding operations are required to obtain a Wisconsin pollutant discharge elimination system (WPDES) permit from DNR. This is the same permit system used to regulate "point source" water pollution discharges, such as municipal sewage treatment plants. A concentrated animal feeding operation is defined by rule as having greater than 1,000 standard animal units. ("Animal units" are used in NR 243 to measure the total number of animals that are present in an animal feeding operation in a way that adjusts for the potential impacts of their wastes. One animal unit is defined as the equivalent of one head of beef or slaughter cattle weighing 1,000 pounds. Under this measure, a dairy cow is valued at 1.4 animal units and a laying chicken is valued at .01 animal units.) Concentrated animal feeding operations are required to maintain acceptable management practices and facility design standards to prevent ground or surface water pollution. The construction of new or altered storage or pollutant runoff control structures may be required due to NR 243 regulations.

In addition, NR 243 regulates all other animal feeding operations, if DNR determines that the animal feeding operation has unacceptable practices.

An animal feeding operation is defined as "a feedlot or facility, other than a pasture, where animals have been, are or will be fed, confined or maintained for a total of 45 days or more over any 12 month period." The Department has the authority to issue a "notice of discharge" directing the operator to take corrective action. Any operation that has more than 301 animal units and meets the federal definition of a point source discharge must apply for a WPDES permit.

### **Enforcement**

In the past, DNR identified potential violations based upon citizen complaints. However, DNR has changed its complaint-only investigation policy. As suggested in a 1994 audit by the Legislative Audit Bureau, DNR now investigates animal waste sites on the basis of information received from state and county staff, in addition to citizen complaints.

From the original adoption of NR 243 in 1984, the DNR estimates that it has received between 90 and 100 citizen complaints annually. The complaints and subsequent investigations resulted in the issuance of 582 notices of discharge to livestock operators through June 30, 2002. The state cost-share grant program has been available to assist these livestock operators in paying for the cost of facilities needed to correct the pollution discharge. Grants have ranged from \$140 to \$179,100, with an average grant amount of approximately \$20,000. In addition, county LCD staff and DATCP engineering staff usually provide technical assistance for cost-shared projects.

Approximately 56% (or 328) of the livestock operations receiving DNR notices of discharge have received, or are in the process of receiving, cost-sharing. Of these 328 operations that have received cost-sharing, 319 have received it from DATCP's animal waste regulatory cost-share program, seven have received it from the priority watershed program, one has received it from TRM and one has received cost-sharing as a part of the federal Envi-

ronmental Quality Incentives Program (EQIP). Effective with calendar year 2002, DNR administered funding for this program. Under current practice, the only funding mechanism is a TRM grant. As a result, no special "reserve" has been created to fund NR 243 projects that come to the DNR's attention during 2003. If the property on which an NOD is issued is located within an existing priority watershed project, the county could elect to offer cost-sharing to the landowner from the county's ACRA amount. As of June 30, 2002, 531 NOD projects have been completed, five were in construction, five were in the planning stage and 11 projects had completed design of corrective actions but had not begun construction. Some 37% of the operators have resolved the pollutant discharge without the use of a state grant. Approximately three percent of the operators failed to take required actions under the notice of discharge and have been issued WPDES permits or have DNR action pending. Another percent have recently received a notice, and have yet to take action.

As of January, 2003, two livestock operators had failed to comply with a WPDES permit and were referred to the Department of Justice for prosecution. The operators were assessed a civil forfeiture and were enjoined from conducting farm operations.

### **Nonpoint Pollution Regulatory Authority**

With the promulgation of the new nonpoint source water pollution abatement rules, there are enforceable state standards to control farm runoff. DNR administrative rule NR 151 defines the procedures to enforce these standards. In most cases, farmers are entitled to receive a cost-share offer before they can be required to change an existing operation to meet the new state standards. Under both DATCP and DNR's rules, counties will play a lead role in securing compliance with the new standards. Under these rules, counties will use their land and water resource management (LWRM) plans to de-

velop implementation strategies. To this end, DATCP cannot approve LWRM plans unless counties include work plans describing how the county will achieve compliance with the new standards. Counties may use voluntary and other methods to secure compliance. The standards and procedures established by the new rules will be the predominant approach taken by the Departments to control nonpoint source water pollution in the future.

DNR may order the abatement of pollution that the Department, in consultation with DATCP, has determined to be a significant nonpoint pollution source. This includes nonpoint pollution which causes the violation of a water quality standard, significantly impairs aquatic habitat or organisms, restricts navigation, is deleterious to human health or otherwise significantly impairs water quality. This authority does not apply to pollution caused primarily by animal waste or an agricultural source that is located in a priority watershed or lake as regulated by NR 243, unless the source is designated as a critical site in a priority watershed or lake plan.

If DNR identifies a significant source of agricultural-related nonpoint pollution, it may send a notice of intent to issue an order to abate the pollution to the affected landowner and to DATCP. The notice identifies the pollution problem and establishes a date by which the pollution must be abated. Landowners must be given at least one year to abate the pollution unless a shorter period is required because DNR believes that the pollution is causing severe water quality degradation.

If the pollution is agriculture-related, DATCP is responsible, in cooperation with the land conservation committees, for providing the landowner with: (1) a list of management practices which could be adopted to abate the pollution; and (2) an explanation of the financial aids and technical assistance which may be available for the abatement of pollution or the implementation of the best management practices. In addition, DATCP is required to file a

report with DNR describing the actions taken by the landowner and recommend whether DNR should issue an order to abate the pollution after the one-year period allowed the landowner has expired. If an order is issued, DNR may begin enforcement proceedings.

### **Nonpoint Source Performance Standards**

The 1997 biennial budget act contained legislation to develop performance standards for both agricultural and nonagricultural facilities. These standards are to be established and enforced by both DNR and DATCP.

**DNR Authority.** DNR is required to prescribe performance standards to achieve water quality standards by limiting water pollution from nonpoint sources that are not agriculturally related. The Department is also required to specify a process for the development and dissemination of technical standards to implement these performance requirements.

In addition, DNR has statutory authority relating to nonpoint sources that are agricultural. After consulting with DATCP, DNR must promulgate rules prescribing performance standards and prohibitions for agricultural facilities and agricultural practices that are nonpoint sources. The performance standards and prohibitions shall be designed to achieve water quality standards by limiting nonpoint source water pollution. At a minimum, the prohibitions shall provide that livestock operations have no:

1. Overflow of manure storage structures.
2. Unconfined manure piled in a "water quality management area," defined as follows: (a) the area within 1,000 feet from the ordinary high-water mark of a lake, pond or flowage; (b) the area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream; and (c) sites that are susceptible to groundwater contamination or that have a potential to be a direct conduit to

groundwater contamination.

3. Direct runoff from a livestock operation or stored manure into waters of the state.

4. Unlimited access by livestock to waters of the state where high concentrations of animals prevent adequate sod cover.

**DATCP Role.** DATCP is directed to establish best management practices and technical standards for nonpoint source agricultural practices and facilities to implement the performance standards and prohibitions promulgated by DNR. DATCP must also promulgate rules relating to conservation practices and a process for the development and dissemination of technical standards for nonpoint source agricultural sites. Alternative technical standards also must be included when more than one implementation method exists. These practices and standards must include animal waste management, nutrients applied to the soil and cropland sediment delivery components. Further, DATCP is required to develop statewide agricultural nutrient management strategies that include technical standards, incentives, educational and outreach provisions and compliance requirements.

**Local Regulations.** Local governmental units are allowed to promulgate rules for livestock operations that are consistent with the performance standards, prohibitions, conservation practices and technical standards established by DNR and DATCP. Furthermore, local standards may only exceed those established by DNR or DATCP if the more stringent regulations by the local unit of government are shown to be necessary to achieve DNR water quality standards. 1999 Act 9 requires DATCP to provide technical assistance to county land conservation committees and local units of government for the development of any local ordinance that implements agricultural performance standards. Technical assistance includes preparing model ordinances, providing data concerning these standards and reviewing draft ordinances for compliance with appli-

cable state laws. Existing livestock operations that were a lawful use or legal nonconforming use on October 14, 1997 and that have received a notice of discharge or are required to apply for a DNR point source permit may continue to operate at that location regardless of any subsequent city, village, town or county general zoning ordinance.

**Cost-Share Requirement.** Under section 281.16(3) of the statutes, compliance with, or enforcement of, the performance standards, prohibitions, conservation practices and technical standards for agricultural facilities and practices for the abatement of nonpoint source water pollution caused or threatened to be caused by agricultural facilities and practices existing prior to October 14, 1997, is not required unless cost-sharing is available. In addition, the performance standards and prohibitions for agricultural facilities and practices set by DNR and the conservation practices and technical standards set by DATCP apply to (a) DNR's priority watershed program; (b) the farmland preservation cross-compliance requirements; (c) animal feeding operations and DNR's animal waste regulatory program (NR 243); (d) the county land and water resource management planning program and remedies under the right to farm statute only if cost-sharing is available.

Further, local regulations exceeding state performance standards only apply to agricultural facilities that were a lawful use or legal nonconforming use on October 14, 1997, if cost-sharing is available; local nonpoint source performance standards that require the installation or implementation of a water pollution abatement practice must contain a minimum cost-share rate of 70% and up to 90% in cases of hardship. Both DNR and DATCP revised their cost-share rates in administrative rules (NR 120, NR 154 and ATCP 50) that became effective on October 1, 2002. These can be found in Table 3.

**Rule Promulgation Process.** The nonpoint source water quality performance standard rules

were first approved for public hearing by the Natural Resources Board (NRB) in January, 2000. Twenty-two public hearings were held across the state in March, 2000. Following revisions based on public comments received and four agency-stakeholder work groups, a second rule draft was submitted to the NRB for approval to take to public hearing again in January, 2001. Twelve more public hearings were held across the state in March, 2001. Following further revisions based on the comments received, a final version of the rules was approved by the NRB in January, 2002. Additional revisions to the rules were made in response to requests made by the Senate Committee on Environmental Resources. Legislative review of the rules ended in July, 2002. The rules were subsequently published as NR 151, effective October 1, 2002. NR 151 establishes statewide nonpoint source water quality performance standards for agricultural lands, non-agricultural lands and transportation facilities, and traces out the technical standards development process. In the event these standards are not met, the perpetrator could face fines, prosecution, and the forced abatement of the offending practices.

DATCP's nonpoint source BMPs and technical standards (ATCP 50) also took effect October 1, 2002. An outreach advisory committee and six functional work groups, composed of agency staff began meeting in June, 1998, to develop recommendations for administrative rule changes. In July, 2000, four work groups were formed to refocus on particular issues. These work groups are (1) agricultural standards; (2) nonagricultural issues; (3) agricultural performance standards, implementation and enforcement; and (4) transportation facility performance standards. The work groups' recommendations were presented to the DATCP Board in December, 2000. After a second round of public hearings, held in August of 2001, additional modifications to the rule were proposed in April of 2002, resulting in the current rule. ATCP 50 governs DATCP's new soil and water resource management (SWRM) program, including soil and water conservation on farms,

county soil and water programs, grants to counties, cost-share grants to landowners and local regulation of soil and water. In addition, ATCP 50 defines standard cost-share practices, and establishes DATCP's cost-share rates for landowners who install these practices. The list and definitions of these practices can be found in Appendix I, and the respective cost-share rate of each practice can be found in Table 3.

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## Erosion Control Programs

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DATCP implements programs to achieve the state's statutory soil erosion control goals. To achieve these statutory goals, DATCP uses a combination of voluntary land and water conservation grant programs and regulatory actions to address problem areas. Chapter 92 of the statutes and ATCP 50 of the administrative code provide the basis for DATCP's erosion control programs. The following sections provide detail on the state's statutory goals and the attainment of these statutory goals.

### Erosion Control Goals

The statutory land and water conservation goals for the state focus on the reduction of soil erosion rates on a statewide basis, a countywide basis and individual cropland fields.

The statutes define a tolerable soil erosion rate (or "T") as the maximum average annual rate of soil erosion allowable, which will sustain high crop productivity. Using the universal soil loss equation, a separate tolerable soil erosion rate is calculated for each soil type in the state based on soil composition, depth to bedrock, rainfall, and groundwater depth. In Wisconsin, tolerable soil erosion rates range from one to five tons of soil loss per acre per year, depending on soil type.

The specific long-term and interim statutory goals, which are based on the tolerable soil erosion rate, include the following:

**State Goal.** By January 1, 2000, no individual cropland field in the state was to have had a soil erosion rate which exceeds the tolerable soil erosion rate.

**County Goal.** By July 1, 1990, no county was to have had an average annual cropland soil erosion rate which exceeded 1.5 times the tolerable soil erosion rate. By July 1, 1993, no county would have had an average annual cropland soil erosion rate which exceeded the tolerable soil erosion rate.

**Individual Cropland Field Goal.** By July 1, 1990, no individual cropland field in the state was to have had a soil erosion rate which exceeded three times the tolerable soil erosion rate. By July 1, 1995, no individual cropland field in the state was to have had a soil erosion rate which exceeded two times the tolerable soil erosion rate.

**State-Run Farms Goal.** By July 1, 1990, no individual cropland field of a farm owned by the University of Wisconsin system, the Department of Corrections, or any other agency of state government was to have had a soil erosion rate which exceeded the tolerable soil erosion rate, excluding research plots.

### Attainment of Erosion Control Goals

The Department depends on counties to identify their most severe soil erosion problem areas. For 55 of the southern-most counties in the state, this was done between 1984 and 1988 through county soil erosion control plans. The typical plan includes an analysis of land uses, calculations of soil erosion rates and a strategy for addressing areas with soil erosion greater than "T". These plans were approved by the Land Conservation Board, predecessor of the LWCB.

When ATCP 50 was revised in December, 1996, it required that all counties have approved soil erosion control plans or soil erosion control plan waivers in order to continue receiving LWRM plan grant funds. By January 1, 2003, the LWCB had approved either soil erosion control plans or land and water resource management plans that encompass required soil erosion control components for all counties.

Beginning with calendar year 1995, there was a significant change in the way data was reported to and analyzed by DATCP staff to determine progress toward meeting the "T-by-2000" goals. County LCD staff used to submit data indicating the number of acres of cropland in their county that fell into the various erosion categories. In many cases, the county estimated this data. In response to concerns expressed by the Legislative Audit Bureau in 1994 about unequal estimations and sometimes erroneous data supplied by counties, DATCP began relying exclusively on data entered into a unified county database to track progress toward meeting "T-by-2000" goals. However, it became difficult to maintain ever-changing data from fields not participating in state or federal programs, and by 1998 only half of Wisconsin's cropland was entered into the county database.

In response to the need for accountability and additional data on the current status of soil conservation efforts in Wisconsin, in 1999, 60 counties participated in a transect survey designed to determine erosion rates and conservation tillage residue levels. DATCP has performed a similar survey annually since then, and the 2002 survey's results are shown in Table 9. As shown in the table, 80% of the acres reported by counties through the survey have a soil erosion rate of "T" or less. However, a transect survey cannot track individual cropland fields progress toward "T".

**Table 9: 2002 Transect Survey Soil Erosion Rates\***

Erosion Rate	Acres	Percentage of Reported Acres
T or Less	6,530,883	80.1%
Between T and 2T	962,292	11.8
Between 2T and 3T	312,561	3.8
Greater than 3T	<u>351,561</u>	<u>4.3</u>
Total Reported	8,157,297	100.0%

\* The transect survey included 8.2 million, or approximately 51%, of the state's 16.2 million cropland acres.

### **Cross Compliance Enforcement - Farmland Preservation and Federal Programs**

DATCP officials indicate that aside from the SWRM grant program to counties, the cross compliance aspects of the farmland preservation program and federal commodity programs have had a large impact on the state's ability to attain its soil erosion control goals.

According to DOR, aggregate income tax data in 2002, for tax year 2001 property taxes, the farmland preservation program provided approximately \$16.4 million in formula-based state income tax credits to non-corporate agricultural landowners who meet specified criteria. The tax credit is based on the property taxes levied on the eligible land, the income of the farm household and whether the eligible land is subject to exclusive agricultural zoning or a preservation agreement. Based on DOR aggregate income tax data, the average credit received by the 20,490 non-corporate claimants in 2002, for tax year 2001 was \$798.

Through the farmland preservation program, land and water conservation activities of participating landowners are regulated under a "cross com-



pliance" provision. This provision requires all claimants of farmland preservation credits to conduct farming activities in compliance with land and water conservation standards. As a requirement of the farmland preservation program, all cropland must be eroding at "T" or less. To assure enforcement of this provision, the LWCB has developed: (1) guidelines for land and water conservation standards; (2) procedures for the submission of these standards for review by county LCCs; (3) standardized forms; and (4) notices of noncompliance. Using these guidelines, county LCCs are required to establish applicable local standards and monitor compliance with the standards. If a farmer receiving tax credits does not meet conservation standards, the county LCC may issue a notice of noncompliance, which withholds the tax credits for an individual landowner. In 2001, 28 notices of noncompliance were issued to program participants.

The Department of Revenue reports for the 2001 tax year that approximately 4 million (24%) of Wisconsin's 16.2 million eligible acres are protected in the program. The DOR number does not include acreage in the program reported by corporate filers. DATCP believes that the cross compliance provisions of the program have a significant effect on the amount of land and water conservation activities occurring on Wisconsin farms. Implementing the conservation provision of the farmland preservation program has been identified by the Department as a cost-effective method of achieving erosion control. Through landowner participation in the farmland preservation program, Department staff have concluded that of farms of at least 35 acres, 37 percent of Wisconsin's cropland has a conservation plan. Through the soil erosion transect survey, DATCP estimates that about 80% of the state's cropland meets tolerable soil loss standards. The Department anticipates that most farmland preservation tax credit claimants will choose to abide by erosion control standards rather than lose the tax credits. To achieve implementation, a substantial amount of county staff work is required in order to assist affected farmers in adopting appropriate practices

and monitoring those practices for noncompliance.

Federal programs also have significantly contributed to the amount of land meeting the state's soil erosion goals. Federally funded USDA field staff work closely with county LCD staff and jointly provide technical assistance to farmers through the development of conservation plans. Also, the cross-compliance requirements of the 1985 Food Security Act boosted the number of landowners requesting conservation plans in order to be eligible for USDA benefits. These conservation plans require crop rotations and other management strategies that reduce soil erosion to "T" or less.

### **Construction Site Erosion Control Program**

**One- and Two-Family Dwellings.** The Department of Commerce is responsible for administering the state one- and two-family uniform dwelling code, including standards for erosion control for such dwellings. A total of 717 municipalities have chosen to adopt the state code and administer it at the local level. In addition, three counties administer the program for 29 municipalities. Commerce enforces the code in other municipalities. The erosion control standards specify that best management practices be used to prevent or reduce erosion during construction. These practices are generally those specified in the Construction Site Best Management Practices Handbook published by DNR.

**Commercial Buildings.** Since 1994, the Safety and Buildings Division in the Department of Commerce (formerly in the Department of Industry, Labor and Human Relations) has been responsible for developing statewide standards for erosion control at construction sites for public buildings and buildings that are places of employment. The erosion control authority includes sites such as multi-family dwellings, commercial shopping malls, industrial buildings and schools. Commerce is required to approve erosion control plans for commercial construction sites and inspect erosion control activities and structures at such construction sites. Commerce

has the authority to issue a special stop-work order for a construction site until required erosion control plan approval is obtained or until the site complies with state erosion control standards.

Commerce may delegate authority for approval of erosion control plans and inspection of erosion control at construction sites to a county, city, village or town that follows the statewide standards. A local erosion control ordinance supersedes Commerce's statewide standards if it was adopted before January 1, 1994 and if standards in the local ordinance are more stringent than the statewide standards. Commerce estimates that approximately 165 local soil erosion control ordinances were adopted prior to 1994, but it does not know whether any of the local ordinances are more restrictive than the administrative rules being developed by Commerce. Commerce is aware of two counties that are administering an erosion control program in 27 municipalities.

Commerce (at the time the Department of Industry, Labor and Human Relations) and DNR signed a memorandum of understanding in 1993 to jointly develop construction site soil erosion and sediment control standards. A Commerce advisory committee that included DNR and public representatives developed a draft administrative rule during 1994 through 1998 to establish construction site erosion control standards. Commerce submitted a proposed rule to the Legislature in October, 1998. In December, 1998, the Department agreed to revise the rule and resubmit it in 1999. Since December, 1998, Commerce and DNR have discussed the degree to which the proposed Commerce administrative rules for erosion control should incorporate DNR administrative rules related to storm water discharge and runoff management. The proposed rule has not been resubmitted to the Legislature.

Commerce does not mandate submittal of erosion control plans for commercial construction sites. Under administrative rule Comm 61.115, the owner of a construction project of a public building or a building that is a place of employment disturbing five or more acres of land must file a notice of intent with Commerce for coverage under a Wisconsin Pollutant Discharge Elimination System general permit for storm water discharges associated with construction activities. Erosion control plans must be prepared and implemented for such sites, but the plans do not have to be submitted to Commerce.

Commerce requests submission of the erosion control plan when the Department receives a complaint or when a person requests expedited approval of a commercial building permit. Commerce has not conducted any recent reviews of soil erosion plans as a result of complaints or expedited approvals.

**Commerce Funding for Construction Site Erosion Control.** Commerce is allocating \$73,800 PR and 1.0 PR position in 2002-03 to administer the construction site erosion control program. The program revenue funds are derived from commercial building plan review fees. The position is vacant primarily because of a decrease in revenues resulting from the economic downturn. Commerce is performing the following activities related to construction site erosion control: (a) inspect soil erosion control activities at building sites where building inspections are also being performed or where complaints have been received; (b) provide consultation and advice to persons who may be performing soil erosion control activities; and (c) train local inspectors who inspect erosion control at one- and two-family dwelling construction sites. Commerce is not currently conducting audits of local soil erosion control activities or reviewing soil erosion control plans.

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## Program Evaluations

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### Joint Evaluation System

DNR and DATCP are required to conduct a joint evaluation system for the nonpoint source program and the land and water resource management program. In response to this requirement, the two agencies developed a joint plan, which establishes the criteria to be used for program evaluation. The plan was last published in 1997, and is being revised to measure new program elements, including the new rule, plan and grant requirements of the programs. Major aspects of the plan include the following:

**Annual Reports.** DATCP and DNR are required to annually submit a report to the Land and Water Conservation Board on the status of all nonpoint source pollution abatement and soil and water resource management projects. DATCP annually collects data from counties and other grantees on cropland soil erosion rates (based on the transect survey), local technical assistance for animal waste violations under NR 243, acres under nutrient management, conservation planning status, farmland preservation program status, overall progress toward soil erosion control goals and progress toward LWRM plan implementation. DNR annually collects data from counties with priority watershed projects on pollutant load reduction, progress toward other plan goals, acres under conservation plans, landowner contacts and participation levels, major information and education activities, overall project progress, critical sites updates and land and/or water conservation ordinances (which is optional).

**Comprehensive Program Evaluation Reports.** In each even-numbered year, DNR and DATCP are directed to prepare a comprehensive program evaluation report that contains project status reports, program accomplishments, expenditures, an evaluation of program policies and recommenda-

tions for future changes. Joint evaluation reports were last published in 1990, 1993 and 1994. After delaying new reports until the revision of the nonpoint rules was completed, DATCP and DNR are currently developing a new evaluation system based on local implementation of the state performance standards and increased emphasis on county land and water resource management (LWRM) plans. Preliminary evaluation plans include establishing baseline data for both agricultural and non-agricultural performance standards and measuring compliance, tracking and evaluating for two competitive grant programs (TRM and UNPS), and continued evaluation of the remaining priority watershed projects.

**Monitoring of Land and Water Resources Using a Unified Data Collection System.** In the past, water quality improvements resulting from the nonpoint source program have been difficult to quantify. In part, this has been due to lack of baseline information to use as evaluation criteria. Particularly during the early years of the program, little initial water quality data was collected.

Beginning in 1989, DATCP and DNR began to collect data from all funded projects, including: (a) accomplishment data, such as the number and type of conservation practices installed by project; (b) resource data, such as fish surveys, bacteria sampling, and chemical monitoring to determine water quality; (c) financial data, including the number and cost of landowner cost-share agreements signed; and (d) time data, including how state-funded local government staff time has been allocated. Individual watershed project evaluations included administrative review, modeling review and water resources evaluation. The administrative review focused on the progress of the local unit of government in implementing the project. The modeling review evaluated pollutant loads before and after best management practices are installed. The water resource monitoring is used to evaluate how well a priority watershed project achieves the water resource objectives identified in the watershed plan.

Reports were to be published for each watershed project within 18 months following the completion of the project. However, this evaluation process was never fully implemented and has largely been replaced by other monitoring strategies.

For example, DNR conducts single source monitoring. The purpose of single source monitoring is to isolate and measure the effectiveness of best management practice implementation at a single site. The goal is to measure how each practice reduces the pollutant loading.

### **Whole Stream Monitoring**

As part of a joint agreement, DNR and the U.S. Geological Survey started "whole stream monitoring" of 10 designated streams located in seven priority watershed projects. Monitoring for most of the streams began between 1990 and 1993. The purpose of the monitoring is to determine if the implementation of the recommended nonpoint source practices improves the quality of a whole stream. Nine of the streams are impacted by runoff from agricultural activities, while one stream is in an urban drainage area. The size of the drainage areas for the ten streams varies from five to 40 square miles.

Whole stream monitoring involves the collection of chemical, physical, and biological data before and after the implementation of nonpoint source practices. Monitoring prior to practice implementation has been complete, and to date, three streams have been monitored since improvements were made. The whole stream monitoring project found that best management practices implemented in the Spring Creek (Rock County), Sheboygan River and Waumandee Creek (which included Joos Valley Creek and Eagle Creek in Buffalo County) watersheds significantly reduced bank erosion and improved overall habitat quality. The number of cool- and coldwater fishes also showed a significant in-

crease in Spring Creek after best management practice implementation. While no significant fish community changes were observed in the Joos Valley Creek, Eagle Creek has shown a significant improvements in the abundance of trout during the monitoring process. During the monitoring done on Otter Creek in the Sheboygan River watershed (where most practices were installed during 1995-1997), some fish community change was observed.

### **Single Source and Multi-Stream Comparisons**

Because "whole stream monitoring" is a time consuming process, the nonpoint source program staff sought more immediate ways of documenting the benefits of the nonpoint practices. Both single source monitoring and multi-stream comparison monitoring are ways of measuring water quality in a more timely fashion. Single source monitoring was started in 1994 and multi-stream comparison monitoring began in 1996.

Single source monitoring attempts to evaluate the benefits of a single practice. A stream that is adjacent to the source of pollutants, such as a barnyard, is monitored before and after practices are installed. For example, using this data, staff found that pollutant loads were reduced as much as 90% after complete barnyard systems were installed at two dairy farms. Also, initial monitoring of a small stream in Fond du Lac County where rip-rap was installed on eroded stream banks seems to indicate improvements in the stream.

Differences in water quality for 45 streams are being evaluated for the first multi-stream comparison project. Unlike the other types of monitoring, data collection is only done once. This snap-shot of water quality is intended to be used to compare streams with high, medium and low levels of practice implementation. DNR has not yet completed this report.

## APPENDIX I

### Definitions of Cost-Shared Best Management Practices

**Access Roads and Cattle Crossings.** A road or pathway which confines or directs the movement of livestock or farm equipment, and which is designed and installed to control surface water run off, to protect an installed practice, to control livestock access to a stream or waterway, to stabilize a stream crossing, or to prevent erosion.

**Animal Feeding Operation Relocation or Abandonment.** Relocation of an animal lot from a site such as a floodway to a suitable site to minimize the amount of pollutants from the animal lot to surface or ground waters.

**Animal Trails and Walkways.** A travel lane to facilitate the movement of livestock.

**Barnyard Runoff Management.** The use of structural measures such as gutters, downspouts and diversions to intercept and redirect surface runoff around the barnyard, feeding area or farmstead, and collect, convey and temporarily store runoff from the barnyard, feeding area or farmstead.

**Contour Farming.\*** Plowing, preparing, planting and cultivating sloping land on the contour and along established grades of terraces or diversions.

**Cover and Green Manure Cropping.\*** Close-growing grasses, legumes or small grain grown for seasonal protection and soil improvement.

**Critical Area Stabilization.** The planting of suitable trees, shrubs and other vegetation appropriate for controlling and stabilizing sloped lands which are producing nonpoint source pollutants and lands that drain into bedrock crevices, openings or sink-holes.

**Diversions.** Structures installed to divert water from areas where it is in excess to sites where it can be used or transported safely. Usually the system is a channel with a supporting ridge on the lower side constructed across the slope at a suitable grade.

**Field Windbreaks.** A strip or belt of trees, shrubs or grasses established or restored within or adjacent to a field, so as to control soil erosion by reducing wind velocities at the land surface.

**Filter Strips.** An area of herbaceous vegetation that separates an environmentally sensitive area from cropland, grazing land or disturbed land.

**Grade Stabilization Structures.** A structure used to reduce the grade in a drainageway or channel to protect the channel from erosion or to prevent formation or advance of gullies.

**Heavy Use Area Protection.** Installation of surface material to control runoff and erosion in areas subject to concentrated or frequent livestock activity.

**Livestock Fencing.** The enclosure, separation or division of one area of land from another in such a manner that it provides a permanent barrier to livestock in order to exclude livestock from land areas that should be protected from grazing or gleaning where degradation of the natural resource will likely result if livestock access is permitted.

**Livestock Watering Facilities.** A trough, tank, pipe, conduit, spring development, pump, well, or other device or combination of devices installed to deliver drinking water to livestock.

**Manure Storage Facilities.** A structure for the storage of a volume of manure: (a) for which suit-

able land application sites or practices are temporarily unavailable generally due to frozen or saturated conditions; (b) from operations where the location and site characteristics of areas where manure is spread have a high potential to carry pollutants to lakes, streams and groundwater; and (c) for which the facility is necessary to properly land apply the manure according to a nutrient management plan.

**Manure Storage Systems Closure.** The proper abandonment of leaking or improperly sited manure storage systems.

**Milking Center Waste Control.** A piece of equipment, practice or combination of practices installed in a milking center for the purposes of reducing the quantity or pollution potential of wastes. For example, a waste storage system that captures milking equipment cleaning agent waste, discarded milk and other potential milking center wastes.

**Nutrient Management.\*** The management of the application of manure, legumes and commercial fertilizers including the rate, method and timing of application to minimize the amount of nutrients entering surface or ground waters.

**Pesticide Management.\*** The management of the handling, disposal and application of pesticides (including herbicides, insecticides and fungicides) including the rate, method and timing of application to minimize the amount of pesticides entering the air, water and nontarget organisms.

**Prescribed Grazing.\*** A grazing system which divides pastures into multiple cells, each of which is grazed intensively for a short period and then protected from grazing until its vegetative cover is restored.

**Residue Management.\*** The preparation or planting of land that results in a rough surface in order to maintain residue cover and avoid disturbing the entire soil surface.

**Riparian Buffers.** An area in which vegetation is enhanced or established to reduce or eliminate the movement of sediment, nutrients and other non-point source pollutants to an adjacent surface water resource.

**Roofs.** A roof and supporting structure constructed specifically to prevent rain and snow from contacting manure.

**Roof Runoff Systems.** A facility for collecting, controlling, diverting, and disposing of precipitation from roofs.

**Sediment Basin.** A permanent basin that reduces the transport of waterborne pollutants such as eroded soil sediment, debris and manure sediment.

**Stream Bank and Shoreline Protection.** The stabilization and protection of the banks of streams and lakes against erosion and the protection of fish habitat and water quality from livestock access.

**Sinkhole Treatment.** The modification of a sinkhole, or its surrounding area, to reduce erosion, prevent expansion of the hole, and reduce pollution of water resources.

**Strip-cropping.\*** Growing crops in a systematic arrangement of strips or bands, usually on the contour, in alternated strips of close growing crops, such as grasses or legumes, and tilled row crops.

**Subsurface Drains.** A conduit installed below the surface of the ground to collect drainage water and convey it to a suitable outlet.

**Terrace Systems.** A system of ridges and channels constructed on the contour with a non-erosive grade at a suitable spacing.

**Underground Outlets.** A conduit installed below the surface of the ground to collect surface water and convey it to a suitable outlet.

**Water and Sediment Control Basin.** An earthen embankment or a ridge and channel combination which is installed across a slope or minor watercourse to trap or detain runoff and sediment.

**Waterway System.** A natural or constructed waterway or outlet that is shaped, graded and covered with a vegetation or another suitable surface material to prevent erosion by runoff waters.

**Well Decommissioning.** The proper filling and sealing of a well to prevent it from acting as a channel for contaminants to reach the groundwater or as a channel for the vertical movement of surface water to groundwater.

**Wetland Development or Restoration.** The construction of berms or destruction of the function of tile lines and drainage ditches to create conditions suitable for wetland vegetation.

\* Practices where bonding revenues may not be used for implementation. The Wisconsin Constitution generally restricts the issuance of public debt to long-term capital projects.

## APPENDIX II

### 2003 Joint Final Allocation Plan of DATCP Soil and Water Resource Management Funding

County	Allocation for Staffing and Support From DATCP	LWRM* Plan Implem. Cost-Sharing Bonding	Total DATCP 2003 Final Allocations	County	Allocation for Staffing and Support From DATCP	LWRM* Plan Implem. Cost-Sharing Bonding	Total DATCP 2003 Final Allocations
Adams	\$85,000	\$60,000	\$145,000	Oconto	\$96,272	\$30,000	\$126,272
Ashland	85,000	30,000	115,000	Oneida	85,000	30,000	115,000
Barron	91,439	60,000	151,439	Outagamie	191,807	30,000	221,807
Bayfield	85,000	30,000	115,000	Ozaukee	151,539	60,000	211,539
Brown	334,108	82,000	416,108	Pepin	85,000	82,000	167,000
Oneida Tribe	89,549	0	89,549	Pierce	91,124	80,000	171,124
Buffalo	91,012	60,000	151,012	Polk	237,149	30,000	267,149
Burnett	85,000	30,000	115,000	Portage	116,810	50,000	166,810
Calumet	94,527	60,000	154,527	Price	85,000	82,000	167,000
Chippewa	283,082	82,000	365,082	Racine	85,000	40,000	125,000
Clark	85,000	82,000	167,000	Richland	85,000	80,000	165,000
Columbia	126,754	70,000	196,754	Rock	86,316	82,000	168,316
Crawford	85,000	47,500	132,500	Rusk	111,781	30,000	141,781
Dane	229,943	82,000	311,943	Saint Croix	212,483	35,000	247,483
Dodge	240,764	50,000	290,764	Sauk	321,420	82,000	403,420
Door	234,411	50,000	284,411	Sawyer	85,000	30,000	115,000
Douglas	85,000	30,000	115,000	Shawano	85,000	82,000	167,000
Dunn	176,598	30,000	206,598	Sheboygan	197,190	82,000	279,190
Eau Claire	85,000	82,000	167,000	Taylor	85,000	82,000	167,000
Florence	85,000	30,000	115,000	Trempealeau	360,027	82,000	442,027
Fond du Lac	213,753	30,000	243,753	Vernon	228,788	50,000	278,788
Forest	85,000	30,000	115,000	Vilas	85,000	50,000	135,000
Grant	85,000	82,000	167,000	Walworth	145,562	30,000	175,562
Green	85,000	82,000	167,000	Washburn	85,000	30,000	115,000
Green Lake	85,000	30,000	115,000	Washington	109,059	82,000	191,059
Iowa	85,000	60,000	145,000	Waukesha	150,121	30,000	180,121
Iron	85,000	30,000	115,000	Waupaca	174,657	82,000	256,657
Jackson	113,384	82,000	195,384	Waushara	114,567	82,000	196,567
Jefferson	85,000	30,000	115,000	Winnebago	186,768	60,000	246,768
Juneau	85,000	30,000	115,000	Wood	117,935	30,000	147,935
Kenosha	85,000	30,000	115,000	County Sub-			
Kewaunee	85,000	30,000	115,000	Totals	\$9,432,698	\$3,983,500	\$13,416,198
LaCrosse	85,000	82,000	167,000	Shared Staff and Support			
Lafayette	133,724	60,000	193,724	Central Wisconsin			
Langlade	85,000	45,000	130,000	Windshed Partnership	\$85,000		\$85,000
Lincoln	85,000	82,000	167,000	WLWCA:			
Manitowoc	231,488	80,000	311,488	Standards			
Marathon	157,698	82,000	239,698	Oversight			
Marinette	116,488	82,000	198,488	Council	21,563		21,563
Marquette	85,000	30,000	115,000	Information and			
Menominee	85,000	30,000	115,000	Education	7,739		7,739
Milwaukee	85,000	30,000	115,000	Practice Repair Reserve		\$5,000	5,000
Monroe	97,600	80,000	177,600				
				Total	\$9,547,000	\$3,988,500	\$13,535,500

\*LWRM is Land and Water Resource Management.



**APPENDIX III**

**2003 Joint Final Allocation Plan of DNR Rural Nonpoint Funding**

County	Targeted Runoff Mgmt. (TRM) Cost-Sharing	Watershed Cost- Sharing (ACRAs)	Total DNR 2003 Final Allocation	County	Targeted Runoff Mgmt. (TRM) Cost-Sharing	Watershed Cost- Sharing (ACRAs)	Total DNR 2003 Final Allocation
Adams	\$0	\$0	\$0	Marquette	\$0	\$43,173	\$43,173
Ashland	0	0	0	Menominee	0	0	0
Barron	0	138,417	138,417	Milwaukee	0	0	0
Bayfield	0	37,173	37,173	Monroe	0	113,856	113,856
Brown	0	499,958	499,958	Oconto	0	87,028	87,028
Buffalo	616,900	77,143	694,043	Oneida	0	0	0
Burnett	0	53,287	53,287	Outagamie	32,222	322,728	354,950
Calumet	0	100,877	100,877	Ozaukee	0	139,741	139,741
Chippewa	0	294,305	294,305	Pepin	38,500	0	38,500
Clark	0	53,298	53,298	Pierce	0	80,128	80,128
Columbia	0	86,041	86,041	Polk	0	308,035	308,035
Crawford	0	0	0	Portage	0	169,816	169,816
Dane	101,746	299,449	401,195	Price	0	0	0
Dodge	0	340,949	340,949	Racine	0	16,893	16,893
Door	116,200	530,572	646,772	Richland	0	111,367	111,367
Douglas	0	16,442	16,442	Rock	0	10,000	10,000
Dunn	0	115,547	115,547	Rusk	0	71,987	71,987
Eau Claire	0	0	0	Saint Croix	0	308,063	308,063
Florence	0	0	0	Sauk	0	778,467	778,467
Fond du Lac	0	712,834	712,834	Sawyer	0	0	0
Forest	0	0	0	Shawano	0	235,910	235,910
Grant	0	0	0	Sheboygan	0	254,035	254,035
Green	0	0	0	Taylor	0	0	0
Green Lake	0	0	0	Trempealeau	0	592,880	592,880
Iowa	0	0	0	Vernon	0	386,659	386,659
Iron	0	0	0	Vilas	0	0	0
Jackson	0	386,715	386,715	Walworth	0	295,591	295,591
Jefferson	0	27,116	27,116	Washburn	0	0	0
Juneau	0	0	0	Washington	0	109,492	109,492
Kenosha	0	0	0	Waukesha	0	33,091	33,091
Kewaunee	17,150	119,514	136,664	Waupaca	0	330,444	330,444
LaCrosse	0	0	0	Waushara	0	367,299	367,299
Lafayette	0	116,082	116,082	Winnebago	120,000	292,274	412,274
Langlade	0	72,064	72,064	Wood	0	239,632	239,632
Lincoln	0	0	0	Oneida Tribe	0	<u>30,451</u>	<u>30,451</u>
Manitowoc	0	425,034	425,034				
Marathon	116,250	263,093	379,343	Totals	\$1,565,461	\$10,597,711	\$12,163,172
Marinette	406,493	102,761	509,254				

## APPENDIX IV

### Targeted Runoff Management Project Grants for Calendar Year 2003

Grantee Name	Funding Designated
Buffalo County [A]	\$150,000
Buffalo County [B]	89,600
Buffalo County [C]	149,100
Buffalo County [D]	42,000
Buffalo County [E]	143,500
Buffalo County [F]	42,700
Camp & Center Lake	57,620
Dane County	101,800
Door County	116,200
Greenville, Town [A]	59,540
Greenville, Town [B]	13,950
Greenville, Town [C]	18,480
Hustisford, Village	17,780
Kewaunee County	17,150
Marathon County [A]	35,000
Marathon County [B]	70,500
Marathon County [C]	10,500
Marinette County [A]	150,000
Marinette County [B]	150,000
Marinette County [C]	106,500
New Holstein, Town	149,500
Outagamie County	32,300
Paddock Lake, Village,	24,500
Pepin County	38,500
Pleasant Prairie, Village [A]	55,400
Pleasant Prairie, Village [B]	70,000
Pleasant Prairie, Village [C]	71,000
Winnebago County	<u>120,000</u>
Total TRM	\$2,103,120

\*Letters listed after the grantee denote separate grant awards to the governmental unit.

**APPENDIX V**

**Urban Nonpoint Source and Stormwater Project Grants for Calendar Year 2003**

Grantee Name	Grant Type	Funding Source	Funding Designated
Appleton, City	Planning	SEG	\$100,000
Bellevue, Town	Construction	BOND	150,000
Brookfield, City [A]	Construction	BOND	150,000
Brookfield, City [B]	Construction	BOND	125,000
Brookfield, City [C]	Construction	BOND	145,450
Brookfield, Town	Planning	SEG	59,600
Chippewa Falls, City	Planning	SEG	32,960
Dane County	Planning	SEG	100,000
Elm Grove, Village [A]	Construction	BOND	150,000
Elm Grove, Village [B]	Construction	BOND	48,600
Fox Point, Village	Construction	BOND	150,000
Franklin, City	Construction	BOND	61,400
Ledgeview, Town	Planning	SEG	88,420
Marshfield	Planning	SEG	105,560
Mequon, City	Construction	BOND	150,000
Mequon, City	Construction	SEG	23,190
Milwaukee County	Planning	SEG	63,880
Milwaukee County	Construction	BOND	150,000
Mt. Pleasant	Construction	BOND	98,550
Muskego, City	Construction	BOND	136,320
North Fond du Lac, Village	Construction	BOND	150,000
Oak Creek, City	Construction	BOND	14,000
Omro, Town	Planning	SEG	4,270
Platteville, City	Planning	SEG	59,750
Racine, City	Planning	SEG	100,000
Somerset, Village	Construction	BOND	150,000
Somerset, Village	Planning	SEG	31,500
St. Francis, Village	Planning	SEG	36,750
Sturgeon Bay, City	Planning	SEG	87,500
University of Wisconsin	Construction	BOND	136,430
Watertown, City	Planning	SEG	100,000
Watertown, City	Planning	SEG	33,670
Waunakee, Village	Construction		
Waupun, City	Planning	SEG	35,070
Wauwatosa, City	Construction	BOND	149,980
Whitefish Bay, Village	Construction	BOND	<u>34,500</u>
<b>Total Grant Amount</b>			<b>\$3,212,350</b>
<b>Total SEG</b>			<b>\$1,062,120</b>
<b>Total Bonding</b>			<b>\$2,150,230</b>

\*Letters listed after the grantee denote separate grant awards to governmental unit.

## APPENDIX VI

### Municipal Flood Control Grant Awards for Calendar Year 2003

Applicant	Grant Award
Bristol, Town of	\$333,603
Brookfield, City of	136,360
Brookfield, City of	257,004
Chippewa Falls, City of	147,200
Chippewa Falls, City of *	32,352
Darlington, City of	273,200
Elm Grove, Village of	744,678
Fox Point, Village of	490,190
Lisbon, Town of	45,897
Menasha, Town of	10,000
Mequon, City of	200,000
Milwaukee Metro Sewerage	185,000
Milwaukee Metro Sewerage	600,000
Oshkosh, City of	224,685
Shell Lake, City of	138,000
Shell Lake, City of *	21,000
Slinger, Village of	<u>80,831</u>
Total Grant Amount	\$3,920,000

\* Local assistance (staffing) grants. All others are cost-share grants (70% maximum) for project implementation.