



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Sheila E. Harsdorf, Secretary

DATE: January 3, 2018

TO: Bruce Hoesly, Legislative Reference Bureau
1 East Main Street, Suite 200

FROM: Sheila E. Harsdorf, Secretary

SUBJECT: Ch. ATCP 50 – Soil and Water Management; Final Rule (Clearinghouse Rule #16-083)

The Department of Agriculture, Trade and Consumer Protection (“Department”) hereby submits the following rule for publication:

CLEARINGHOUSE RULE #: 16-083

SUBJECT: Soil and Water Management

ADM. CODE REFERENCE: ATCP 50

DATCP DOCKET #: 15-R-13

We are enclosing a copy of the final rule, as adopted by the Department. We are also providing the following information for publication with the rule, as required by Wis. Stat. § 227.114(6).

Business Impact Analysis (Summary)

Most impacts of this rule will be on farmers, a great majority of whom qualify as “small businesses.” The analysis of the impacts on farms takes into consideration the following factors:

- Most farmers will be insulated from some of the costs of implementation by the state’s cost share requirement and the limited state funding available to provide cost-sharing.
- For farmers receiving farmland preservation tax credits, this rule provides farmers flexibility to minimize the financial impacts related to compliance (which range from \$8 to \$12 million state-wide), including a delay in the effective date for compliance with the 2011 DNR standards, the use of performance schedules, pursuit of cost-sharing for which they are eligible, use of a tax credit to offset some implementation costs, or if needed, withdrawal from the farmland preservation program to avoid unmanageable costs.

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The rule changes will have small, but positive impacts on businesses other than farmers. Those businesses include nutrient management planners, soil testing laboratories, farm supply organizations, agricultural engineering practitioners, and contractors installing farm conservation practices. The *Final Regulatory Flexibility Analysis*, which will be filed with this rule, provides a more complete analysis of this issue.

Comments from Legislative Committees (Summary)

On September 20, 2017, the Department transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Agriculture and the Senate Committee on Agriculture, Small Business and Tourism. Neither committee took action. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (“JCRAR”) on November 28, 2017, and the Assembly referred it to JCRAR on November 7, 2017. JCRAR took no action on the rule.