

## AGRICULTURAL BEST MANAGEMENT PRACTICES (BMP)

**Disclaimer:** This attachment contains a summary of the administrative rule requirements. Where discrepancies exist the provisions of the rule will govern.

### Agricultural BMPs Eligible For Small-Scale And Large-Scale TRM Grants

The following BMPs are eligible for cost sharing under the Small-Scale and Large-Scale Agricultural TRM grant project categories:

<b>BMP Code</b>	<b>BMP Name</b>	<b>NR Code Reference</b>
R1	Access Roads & Cattle Crossings	NR 154.04(6)
R2	Animal Trails and Walkways	NR 154.04(7)
R3	Barnyard Runoff Control Systems	NR 154.04(5)
R6	Critical Area Stabilization	NR 154.04(10)
R7	Diversions	NR 154.04(11)
R8	Field Windbreaks	NR 154.04(12)
R9	Filter Strips	NR 154.04(13)
R10	Grade Stabilization	NR 154.04(14)
R13	Livestock Fencing	NR 154.04(17)
R14	Livestock Watering Facilities	NR 154.04(18)
R15	Manure Storage System Closure	NR 154.04(4)
R16	Manure Storage Systems	NR 154.04(3)
R17	Milking Center Waste Control Systems	NR 154.04(19) & NRCS 629
R18	Nutrient Management	NR 154.04(20)
R20	Prescribed Grazing	NR 154.04(22)
R21	Relocate or Abandon Animal Feeding Ops.	NR 154.04(23)
R23	Riparian Buffers	NR 154.04(25)
R24	Roof Runoff Systems	NR 154.04(27)
R25	Roofs	NR 154.04(26)
R26	Sediment Basins	NR 154.04(28)
R28	Sinkhole Treatment	NR 154.04(30)
R30	Subsurface Drains	NR 154.04(33)
R31	Terrace Systems	NR 154.04(34)
R32	Underground Outlets	NR 154.04(35)
R33	Waste Transfer Systems	NR 154.04(36)
R34	Wastewater Treatment Strips	NR 154.04(37)
R35	Water and Sediment Control Basins	NR 154.04(38)

*list continued on next page*

### **Agricultural BMPs Eligible For Small-Scale And Large-Scale TRM Grants (continued)**

R36	Waterway Systems	NR 154.04(39)
R37	Well Decommissioning	NR 154.04(40)
R38	Wetland Development or Restoration	NR 154.04(41)
R39C	Streambank/Shoreline Protection: Stream Crossing	NR 154.03(31)
R39S	Streambank/Shoreline Protection: Shaping & Seeding	NR 154.03(31)
R39F	Streambank/Shoreline Protection: Fencing	NR 154.03(31)
R39O	Other Stream/Shoreline Protection	NR 154.03(31)
R39R	Streambank/Shoreline Protection: Rip-rapping	NR 154.03(31)
R52	Feed Storage Runoff Control System	ATCP 50.705
R42	Habitat diversification	ATCP 50.733
R43	Harvestable buffers	ATCP 50.738
R44	Hydrologic restoration	ATCP 50.74
R45	Nutrient treatment systems	ACTP 50.785
R46	Stream restoration	ATCP 50.882
R47	Verification of depth to bedrock	ATCP 50.925

### **Agricultural BMPs Eligible For Large-Scale TRM Grants Only**

The following BMPs are not eligible for cost sharing under the Small-Scale Agricultural TRM grant project categories because of limitations on how Small-Scale TRM funding can be spent:

<b>BMP Code</b>	<b>BMP Name</b>	<b>NR Code Reference</b>
R4	Contour farming	NR 154.04(8)
R40	Conservation cover	ATCP 50.663
R41	Conservation crop rotation	ATCP 50.668
R5	Cover and green manure crop	NR 154.04(9)
R19	Pesticide management	NR 154.04(21)
R22	Residue management	NR 154.04(24)
R29	Strip cropping	NR 154.04(32)

### **Agricultural BMPs Eligible For Small-Scale TRM Grants Only**

The following BMPs are not eligible for cost sharing under the Large-Scale Agricultural TRM grant project categories because of limitations on how Large-Scale TRM funding can be spent:

<b>BMP Code</b>	<b>BMP Name</b>	<b>NR Code Reference</b>
R12	Lake sediment treatment	NR 154.04(16)

## Reimbursement Of Engineering Services Performed By Governmental Unit Staff (Force Account)

Engineering services provided by governmental unit staff (such as project planning, design, construction, construction-related activities, inspection, repair or improvement to a BMP) required for the installation of agricultural or urban BMPs are eligible for cost sharing under TRM grants. These services, however, may only be cost shared following practice installation. Services that do not result in the installation of a cost-shared BMP are not eligible for reimbursement. Subject to the limitations and restrictions below, the cost-share rate for these services is up to 70%, and funds provided for these activities count toward the \$225,000 project cap. Because these activities are often funded by tax-exempt state bonds, additional conditions govern reimbursement for force account work.

**Note:** Technical services performed by a private contractor are eligible for cost sharing and are not subject to these restrictions.

The following provisions apply when determining the eligibility of governmental unit employee hours for cost sharing:

1. Provision of Services by Governmental Unit Staff on Private Land:
  - a. Engineering services by the governmental unit must lead to the direct installation or implementation of a BMP listed on a signed cost-share agreement or a Runoff Management grant. The services can only be reimbursed once the BMP is installed and certified as constructed according to engineering specifications.
  - b. The governmental unit must have a written contract with the landowner or operator for the provision of engineering services. This written agreement must indicate services to be provided, a deadline for the product and the cost of those services. Both parties must sign. The written agreement must be separate from the cost-share agreement but reference the cost-share agreement by number.
  - c. The governmental unit and technician must have local authority to perform the work.
  - d. The governmental unit must comply with cost-containment procedures to assure that the design costs charged by the local government are reasonable and competitive. In some cases, this may mean that the governmental unit must submit a bid to the landowner.
  - e. DNR reimbursement may not exceed 70% of actual total design and construction costs paid by the landowner (unless the CSA establishes hardship cost-sharing). Force account costs will be limited to the actual number of hours documented as spent on the cost-shared practice times the hourly rate (salary plus applicable benefits) of the technician directly working on the project.
  - f. If the governmental unit is a county, and the county is also receiving funds from Wis. Dept. of Agriculture, Trade and Consumer Protection (DATCP) under s. 92.14, Wis. Stats. and ch. ATCP 50, the county must demonstrate through staff time reimbursement requests submitted to DATCP that the same staff time is not being repaid by both the DNR and the DATCP.
  - g. As part of its reimbursement request, the governmental unit will also submit to the DNR the *Force Account Certification* request. This documentation will be provided with the final reimbursement request for that practice.

- h. The DNR reimbursement must be structured so that the amount calculated for engineering services does not exceed five percent of the total state reimbursement for that practice.
2. Provision of Services by Governmental Unit Staff on Public Land:
- All of the provisions listed above will apply with one modification. A TRM grant agreement between the DNR and the governmental unit will take the place of a cost-share agreement. Additional provisions of s. NR 153.27(4), Force Account Work, also apply.

### **State & Local Permit Fees**

State and local permit fees are not reimbursable as part of the BMP construction cost.

### **Projects Requiring Permits Under Chapters 30 And 31 Wis. Stats.**

There are projects that will require a Chapter 30 permit, or a Chapter 31 permit or plan review, from the DNR. These include projects that may result in grading along a navigable water, that may result in drainage to a non-navigable wetland or that may require construction of a dam. Although you may submit your application for these types of projects prior to obtaining your permit, DNR reserves the right to deny consideration or funding if it believes the permitting process might significantly delay your project beyond the allowable project period. If this is the case, the DNR will request that you re-submit your application during a subsequent application cycle.

In order to avoid unanticipated problems during the grant award process, it is suggested that you contact the DNR Regional Management Specialist for your area to discuss whether serious delays are likely to occur during the permitting or plan review process and whether changes to the project might make the process easier.

Information about permits and plan review requirements under chs. 30 and 31, Wis. Stats., can be found on the DNR's web site at: <https://dnr.wi.gov/topic/Waterways/>.

The contacts for Regional Water Management Specialists are on the DNR web site at: [https://dnr.wi.gov/topic/Waterways/about\\_us/county\\_contacts.html](https://dnr.wi.gov/topic/Waterways/about_us/county_contacts.html).

Water management contact names are also available from the Regional NPS Coordinators at: <https://dnr.wi.gov/topic/nonpoint/NPScontacts.html>.

### **Sizing BMPs For TRM Grants**

In order to ensure proper utilization of state cost-share funds, the DNR needs to verify projects meet certain criteria for cost-effectiveness. Cost-sharing will be provided to BMPs sized to meet water quality standards (NR 151 agricultural performance standards and prohibitions) for current and insignificant growth in animal units (AUs) (cost-share eligibility requirement). The applicant must provide supporting information or documentation for the size of the proposed BMPs (e.g., barn yards, roofs, feed storage pads, manure storage, etc.) to assure proper utilization of state cost-share funds to achieve water quality goals.

### **Proposing Manure Storage Facilities**

It has generally been assumed that six months of liquid manure storage is a good starting point for sizing a manure storage facility in order to assure the operation has enough storage to address the

winter months. However, in certain parts of the state, depending on the number of acres the landowner operates, additional storage may be necessary in order to properly apply manure and minimize risks to surface waters and groundwater. In limited instances we may consider cost-sharing up to two additional months. When evaluating the proposed size of manure storage for cost-effectiveness, information including the current and proposed animal units at the facility, volume of manure and process wastewater to be collected and nutrient management planning should be reviewed to accurately determine the size and months of storage needed to properly address the farm's manure management issues. This information should be included in the application materials and narratives to support proposed storage volumes greater than six months, as well as the site history in terms of weather, site conditions and geology. If a landowner wishes to construct manure storage beyond what is needed to address their animal units, waste generation and nutrient management needs, that portion of the storage would be covered at the owner's expense.

### **Significant Expansions Of Livestock Operations And TRM Grants**

Significant expansions of livestock operations are ineligible for cost-share funds through the TRM program. Expansions are measured as a change in animal units. Calculate animal units according to the worksheet available at: [http://dnr.wi.gov/topic/AgBusiness/documents/Form\\_3400-025A\\_WT.doc](http://dnr.wi.gov/topic/AgBusiness/documents/Form_3400-025A_WT.doc).

- For operations with a base livestock population of less than 250 animal units, a significant expansion would be that portion of a proposed expansion where the livestock population size exceeds 300 animal units.
- For operations with a base livestock population greater than 250 animal units but less than that required to apply for a WPDES permit, a significant expansion would be that portion of the expansion that exceeds 20% of the base livestock population.
- If a proposed expansion causes the operation to exceed 1,000 animal units at any time, the entire project is ineligible for state cost-share funds and should apply for a WPDES permit in accordance with NR 243.
- For operations with a base livestock population greater than 1,000 animal units at any time, the operation is ineligible for state cost-share funds and should apply for a WPDES permit in accordance with NR 243.

Base Animal Units (AUs) are [is] the number of AUs present at a facility on the effective date of the Performance Standard or Prohibition (PSorP) addressed by a proposed project. If more than one PSorP is addressed by a project, the base AUs for each proposed BMP is the number of AUs present at the facility on the effective date of each PSorP being addressed by that BMP.

If a landowner wishes to construct a BMP beyond what is needed to address current and insignificant growth in AUs, that portion of the construction beyond the eligible expansion would be at the landowner's expense.

### **WPDES Permits And TRM Grants**

All WPDES activities are ineligible. Livestock operations that exceed 1,000 animal units at any time are required to obtain a WPDES permit under NR 243. These operations are ineligible for state cost-share funds.

Livestock operations with less than 1,000 animal units that have been issued a WPDES permit are ineligible for state cost-share funds.

Livestock operations that have or will have within 12 months at least 1,000 animal units are required to apply for a WPDES permit and are ineligible for state cost-share funds. If an operation receives funds and then expands within this 12-month time frame, the operation is required to repay all state cost-share funds received for the project.

Cropland included in a CAFO nutrient management plan is not eligible for cost-share funds.

### **New Operation/New Facility**

The following situations are classified as a new operation or a new facility, as per NR 151.095(5)(b).

- An operation or facility that was established or installed after the effective PSorP date, including the placement of livestock structures on a site that did not previously have structures or the placement of animals on lands that did not have animals as of effective PSorP date, unless the placement of animals is part of a rotational grazing operation.
- A livestock facility that is in existence and in compliance with a livestock performance standard or prohibition on or after the effective date of the livestock performance standard or prohibition and that undergoes a change in the livestock facility that results in noncompliance with the livestock performance standard or prohibition.
- On a livestock operation that is in existence as of the effective date of the livestock performance standard or prohibition that establishes or constructs or substantially alters a facility after the effective date of the livestock performance standard or prohibition, the facilities constructed, established or substantially altered after the effective date of the livestock performance standard or prohibition are considered new.

### **Substantially Altered**

Substantially altered means a change initiated by an owner or operator that results in a relocation of a structure or facility or significant changes to the size, depth or configuration of a structure or facility including:

1. replacement of a liner in a manure storage structure;
2. an increase in the volumetric capacity or area of a structure or facility by greater than 20%; or
3. a change in a structure or facility related to a change in livestock management from one species of livestock to another such as cattle to poultry [NR 151.015(20)].