WISCONSIN DEPARTMENT OF NATURAL RESOURCES
NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

WT-19-0045-C

DOCUMENT TITLE

Targeted Runoff Management Grant Application Instructions for Large-Scale Agricultural Projects

PROGRAM/BUREAU

Nonpoint Source Program/Watershed Management Bureau

STATUTORY AUTHORITY OR LEGAL CITATION

Section 281.65, Wisconsin Statutes, Chapters NR 153 and 154, Wisconsin Administrative Code

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

12/16/2019

DATE FINALIZED

01/27/2020

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

01/21/2020

Signature Date

Targeted Runoff Management Grant Application Instructions for Large-Scale Agricultural Projects

Applications must be postmarked by

April 15

(April 16, if April 15 falls on a Sunday)
For consideration for award in the following calendar year
Last Revised January 10, 2020

WISCONSIN
DEPT. OF NATURAL RESOURCES

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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Targeted Runoff Management Grant
Large-Scale Grant Application Instructions

General Information

The Targeted Runoff Management Grant Program is a reimbursement grant program. Once DNR issues a grant agreement, the grantee (governmental unit) may enter into cost-share agreement(s) with landowner(s). Typically, the landowner completes the project and pays 100% of the project costs. The landowner then requests reimbursement from the governmental unit, which pays landowners at the cost-share rate in the grant agreement. After the governmental unit has paid the landowner(s), the governmental unit requests reimbursement from DNR. DNR reimburses the governmental unit. An acceptable deviation from this process is that can grantees request reimbursement of bond-eligible practices from the DNR once the project is complete but before reimbursing the landowner. The DNR is able to reimburse grantees so long as the grantee can show that the landowner has paid 100% of its costs for practice installation AND the grantee can confirm that funds received from the DNR have been issued to the landowner in under 60 days. In such cases, funds received from the DNR must be placed in a separate account; grantees may not co-mingle funds received from the DNR with other grantee funds. Further, funds received from the DNR must. A second acceptable deviation from typical reimbursement sequence would be the grantee paying the cost-share rate of eligible costs directly to vendor(s) so that landowner(s) would only have to pay the local share of the total costs. See Attachment H Reimbursement Pathways for more information.

Use the current version of Form 8700-333 to apply for a ***Large-Scale Agricultural TMDL Project*** or a ***Large-Scale Agricultural Non-TMDL Project.*** The application form and instructions are posted on the DNR web site http://dnr.wi.gov/Aid/TargetedRunoff.html in January of each calendar year.

Completed applications are due to DNR postmarked no later than April 15 of the same calendar year, unless April 15 falls on a Sunday, in which case the postmark deadline is April 16.

Project applications will be reviewed and grants awarded through a competitive process. The *Targeted Runoff Management Scoring System Flow Chart* (Figure 1) is included to help orient applicants to the evaluation process that will be used in scoring applications. Large-Scale TMDL projects do not compete directly with Large-Scale Non-TMDL projects. Applicants will be notified of their project application status in the fall of the calendar year of application. The three-year grant periods will typically start the following January. Delayed budget decisions may delay grant awards.

Large-scale project funding has certain limitations and opportunities that you should consider, including:

- Compared to Small-Scale TRM Projects, Large-Scale Projects address water resources problems in the larger geographic areas of subwatersheds, the equivalent of HUC 12. If the project is in a non-TMDL area, the size of the subwatershed is limited to between 8 and 39 square miles. Large-Scale projects receive more funding and have access to a broader array of funding sources that can help meet cropping practice and staffing needs.

- If a Large-Scale project grant is awarded, the applicant will not be eligible for any future TRM grant within that area until the Large-Scale project is completed.

- Grant funds may reimburse structural best management practices, cropping practices, and local assistance. Funding (including structural BMPs, cropping practices, and local assistance) is limited to $600,000 per Large-Scale project.

- It is anticipated that funding allocations for cropping practices will be very limited. Projects requiring substantial funding for cropping practices to be successful should locate alternative funding sources for that portion of the project.

- It is anticipated that funding allocations for local assistance staffing will be very limited. The portion of the grant that can be used for local assistance activity may not exceed 40% of the grant amount allocated for best management practices. Local assistance reimbursement covers time spent by existing or added staff.

- Projects exceeding $400,000 may be funded in two installments: the first installment at the beginning of Year 1 and the remaining portion at the beginning of Year 3. The second installment may be reduced if the project is not proceeding as planned or if the state budget allocation is inadequate. DNR will work with grantees to assure that all commitments on cost-share agreements are met.

- The maximum cost-share is 70% for best management practices (90% for economic hardship) and 70% for staffing. Funds from the Department of Agriculture, Trade and Consumer Protection (DATCP) may ***not*** be used to fulfill the local-share requirement of BMP installation. Local assistance reimbursement may not be made for staff hours being reimbursed by DATCP under its staffing grant to the county.

- The project should be completed in 3 years with a possible extension to a fourth year if warranted. State statute limits projects to a maximum of 4 years.

Additional reminders are:

- Applicants are required to submit completed Governmental Responsibility Resolutions, citing which Responsible Government Official(s) is responsible for submitting the application and subsequent required forms (See **Attachment G**), as well as assuring that the local unit of government has budgeted a sum to complete the project. For joint project applications (among multiple units of government), a draft Inter-governmental Agreement (IGA) must be submitted with the application (See **Attachment F**).

- The applicant must apply separately for any DNR permits (*e. g*., Chapter 30 or 31). DNR approvals issued under this grant program do not automatically meet the permit approval requirements of other DNR programs, such as chs. 30 or 31, Wis. Stats.

- Grantees are required to submit a Final Report with the final reimbursement request summarizing the results of the project (find DNR Final Report Form 3400-189 under resources at: http://dnr.wi.gov/Aid/TargetedRunoff.html). Further details will be provided in the grant agreement. Before and after pictures are required.

- Consult the local DNR Nonpoint Source (NPS) Coordinator about the proposed project early. The Coordinators may be able to provide assistance in planning the project. **C**ontact information is available at: http://dnr.wi.gov/topic/nonpoint/NPScontacts.html.

Special Information about DNR Funding for Nutrient Management Plans (NMPs)

With recent approval of the Bond Counsel (Dec 2017), the DNR will now be able to reimburse grantees for NMPs using bond revenue **if** those NMPs are prepared in conjunction with manure storage or barnyard runoff control projects also funded with a DNR grant. Such NMPs will be used to demonstrate that acreage for manure spreading is insufficient and so manure storage is needed. Manure storage or barnyard runoff control projects are the only two best management practices where use of bond revenue for NMP reimbursement is possible. Amount of bond revenue that can be used for NMP reimbursement cannot exceed 20% of the total grant amount awarded by the DNR for structural practices. The DNR is required to reimburse all other NMPs using other, non-bond revenue, funding sources.

Special Information for Grantees Seeking Reimbursement from the DNR

With recent approval of the Bond Counsel (Dec 2017), grantees may now request reimbursement of bond-eligible practices from the DNR even if the grantee has not first reimbursed the landowner. It had been a long-established practice of this program that grantees must first reimburse a landowner the appropriate cost-share percentage before requesting reimbursement from the DNR. With this change in grant administration, the DNR will reimburse grantees so long as the grantee can show that the landowner has paid 100% of its costs for practice installation AND the grantee can confirm that funds received from the DNR have been issued to the landowner in under 60 days. The DNR understands that grantees have processes in place that often require Committee approval before payment to a landowner can be made by the grantee AND some local governments only issue payment checks two times per month. As a result, it is understood that grantees will likely deposit funds received from the DNR before payment is issued to the landowner. Funds received from the DNR must be placed in a separate account; grantees may not co-mingle funds received from the DNR with other grantee funds. Further, funds received from the DNR must be kept in a separate account that does not earn interest. Failure to comply with these requirements will harm the relationship the State of WI has with the Internal Revenue Service related to the use of bond revenue and may result in this funding flexibility being withdrawn by the Bond Counsel.

General Instructions: Provide all applicable information required by this application. Under the authority granted by Wisconsin Administrative Code, DNR may deny consideration of submittals that are incomplete. This includes applications missing required information and projects that may be significantly delayed by DNR review to determine compliance of the project with other state laws, such as Chapter 30, Wis. Stats. *Unless otherwise noted, all citations refer to Wisconsin Administrative Code.*

Completing the Form: Save the form onto your hard drive. ("Save as" your chosen file name.) When filling in the form electronically, use the TAB key to exit a field so that it will automatically update. Otherwise, "Enter" to update a field. Information will appear in the "Applicant Certification" section after saving the file or doing print preview. Saving and reopening it will also cause the fields to update.

Application Content Summary

Applicant Information
These parts of the application provide important background information.

Part I. Project Information
This information is used to determine if the project meets basic eligibility criteria for funding under ch. NR 153. If the project passes this step, it will be reviewed and scored as outlined in the following sections. Otherwise, the project is not eligible for funding and will not be scored.

Part II. Competitive Elements. The answers in this section of the application are used to develop the initial project score. Scoring is summarized in Figure 1.

Part III. Eligibility for Local Enforcement Multiplier
This section is optional. However, an applicant can significantly increase the initial project score if the County has local ordinances that enforce the state agricultural standards and prohibitions. Figure 1 will show how the multiplier is used in calculating the final project score. Claiming the multiplier establishes that existing local ordinances will be enforced as needed to assure that compliance with standards and prohibitions is achieved.

Applicant Certification
The grant application form must include the signature of the Responsible Government Official identified on the resolution accompanying the application as authorized to sign contracts on behalf of the governmental unit which is sponsoring the project.

Application submittals must conform to the following:

- All submittals must be postmarked by April 15 of the calendar year in which the application was posted;
- Applicants must provide the following for each application submitted:
  - ✓ One printed copy of the completed application form (DNR Form 8700-333, the most current version posted in January of each calendar year) with ***original signature in blue ink*** and all attachments;
  - ✓ Three additional printed copies of the completed, signed application form and all attachments;
  - ✓ One electronic copy of the completed application form in the fillable pdf format and all the application attachments on CD;
- All pages in the application, ***including maps***, must be 8.5 x 11 inches in size;
- All application pages containing text must be printed **double-sided**; print colored maps and photos single-sided;
- Each page must be ***numbered*** and contain an identifying project name that matches the name listed in the required "Project Name" field on the first page of the application;
- If you attach application responses on a separate sheet(s), each page must be numbered, include the project name, be labeled with the respective question description and number.

All application materials must be postmarked by midnight of the **April 15** following the January posting of the application on the DNR website.

Send to: Department of Natural Resources
Runoff Management Grant Coordinator - WT/3
101 South Webster Street
Madison, WI 53703

or

P.O. Box 7921
Madison, WI 53707-7921

Figure 1. Scoring System for Large-Scale TRM Projects

Part I. Project Information

A. – G. Answered?
D. Maps and Photographs Included?
F. Filters Passed? *Each question 1 – 10 must be answered "Yes" and 11 and 12 answered "Yes" or "N/A" in order to continue.*
G. Best Management Practices Identified?

No → **Stop!**

Yes ↓

Part II. Competitive Elements (197 points max.)

1. Budget & Grant Needs (15 points)
2. Water Quality Need (30 points)
   Bonus Points – 319 eligibility (10 points)
3. Public Drinking Water Supply Protection Bonus (7 points)
4. Inventory & Targeting (30 points)
5. Project Implementation and Management Strategy (15 points)
6. Enforcement (10 points)
7. Expected Pollutant Reduction & Water Resource Response (30 points)
8. BMP Cost-Benefit Analysis (30 points)
9. Project Evaluation (10 points)
10. Local Support for Project (8 points)
11. Local Plan Consistency (2 points) points)

↓

Part II. Subtotal = Initial Project Score (IPS)
(Maximum of 197 pts.)

↓

Part III. Enforcement Multiplier (optional)

- None earned = 1.0
- Maximum earned = 1.15

→ **Part II. IPS x Part III Multiplier = Total Project Score**
(197 x 1.15 = 226.55 max. pts.)

Instructions for Completing Form 8700-333

Contact the local DNR Nonpoint Source Coordinator (find at: http://dnr.wi.gov/topic/nonpoint/NPScontacts.html) to discuss the proposed project.

Save the form onto your hard drive. ("Save as" your chosen file name.) Fill the form in electronically. Use the TAB key to exit a field so that it will automatically update. Otherwise, "Enter" to update a field and click in the next fillable field.

Applicant Information

The grant award year is the calendar year following this application year.

The project name should be a unique identifier for this particular project.

The applicant must be a governmental unit. "Governmental unit" means any unit of government including, but not limited to, a county, city, village, town, tribe, metropolitan sewerage district created under ss. 200.01 to 200.15 or 200.21 to 200.65, Wis. Stats., town sanitary district, public inland lake protection and rehabilitation district, regional planning commission or drainage district operating under ch. 89, Wis. Stats., or ch. 88, Wis. Stats. Governmental units also include school districts.

The Governmental Unit's Authorized Signatory is the Government Official that is authorized to sign the grant application on behalf of the governmental unit. It must be consistent with the Governmental Responsibility Resolution form submitted to the DNR (See Attachment G). The Grant Contact Person is the Government Official most directly involved in the implementation of this project. A consultant cannot be the Authorized Signatory or the Grant Contact Person. If the Grant Contact Person is the same as the applying Governmental Unit's Authorized Signatory, write in "same."

Part I. Project Information

A. Project Category: Total Maximum Daily Load (TMDL) or Non-TMDL (EPA's s. 319 or NR 151 Priorities)

TMDL
Check the TMDL box if the proposed sub-watershed-size project addresses significant nonpoint pollution from location(s) covered by an EPA-approved TMDL. Provide the title of the TMDL report this project implements, the significant pollution sources the project will control and specifically cite where (page number(s)) in the TMDL report it discusses the water body(ies) and its water quality issue or impairment. A list of Wisconsin's approved TMDL(s) is available on the DNR's website at: http://dnr.wi.gov/topic/impairedwaters/approved_tmdls.html.

Section 303(d) of the federal Clean Water Act requires states to conduct water quality improvement analyses, called "Total Maximum Daily Loads" or TMDLs, for impaired water bodies that are not meeting water quality standards. The goal of a TMDL is to set limits on pollutant levels to correct water quality impairments and achieve designated uses of water bodies through attainment of water quality standards. The U.S. Environmental Protection Agency (EPA) must approve each TMDL. The State is charged with ensuring the necessary actions are taken so that the loading of the pollutant of concern does not exceed the TMDL and associated load allocations. To ensure the reduction goals in the TMDLs are attained, BMPs must be implemented and maintained.

Non-TMDL
Check the Non-TMDL box if the proposed project is designed to achieve attainment of agricultural performance standards and prohibitions established in Subchapter II, NR 151, and the water resource management goals are included in a watershed plan or strategy acceptable to the DNR. See Attachment B for recommended watershed plan components. The ideal plan is a watershed plan that is consistent with EPA's nine key elements (https://dnr.wi.gov/topic/nonpoint/9keyelement/). However, County Land and Water Resource Management Plans are also acceptable. The designated subwatershed area must be between 8 and 39 square miles. The project must be designed to control the most critical nonpoint source pollution sources that are determined to be significant based on their relative contribution to the water quality impairment and that can be cost-effectively controlled. The project must

be limited to managing agricultural sources of nonpoint pollution and focus on attainment of the agricultural performance standards and prohibitions established in Subchapter II, NR 151.

B. Location of Project Area

Use the Surface Water Data Viewer (SWDV) found at: http://dnrmaps.wi.gov/sl/?Viewer=SWDV as needed, for assistance in completing the project location information.

Identify the county or counties containing the project area and list the legislative district numbers. Also, list the names of the civil townships containing the project area.

Find the approximate center point in the proposed project area. For this point, provide the standard survey information required. For the center point, also provide latitude and longitude and the method used for determination. Latitude must be reported to 4 decimal places. Longitude must be reported as a negative number to 4 decimal places (West of the Prime Meridian in Greenwich, England). Indicate the method used for determining this data point.

C. Waterbody and Watershed Information

A watershed is the geographic area draining to a specific portion of a surface water or groundwater resource.

Non-TMDL Projects:
For Large-Scale Non-TMDL surface water projects, the hydrologic drainage area in and tributary to the project area must be not less than 8 square miles and not more than 39 square miles. This is a typically a sub-watershed or HUC-12 area. Watersheds that meet these size criteria are those depicted with ranking numbers on the Wisconsin Buffer Initiative (WBI) Statewide Watershed Ranking Map which is available at http://faculty.nelson.wisc.edu/nowak/reports/nrbFinalReport.pdf and on the DNR Surface Water Data Viewer (see Attachment A).

Surface Water Projects: Complete all boxes in sections 1 through 10. Use Attachment A for directions on obtaining information for boxes 1 through 6 and 10. Use county data to provide estimates for boxes 7 and 9. DNR can provide you with the number of CAFOs for box 8.

For box 10, select one of the two choices. The WBI information in box 10 (items A-I) is displayed in its own section of the Data Viewer results. Simply copy each of the information elements into items A-I of the application. If there is no information displayed on the Data Viewer, check the item “No WBI Information Available for This Area”. This may mean the project is either less than 8 square miles or more than 39 square miles. If this is the case the project is not eligible for funding as a Non-TMDL project, although it may still be considered as a TMDL project.

The intent is for the applicant and the DNR application reviewer is to use this WBI information, in the context of the entire application, to get a general idea of how the watershed area ranks in several key areas when compared to other watersheds. The following explains what items A-I stand for.

- WBI Items A through C are simply to assure the area is properly identified.
- WBI Item D is the WBI watershed area in square miles.
- WBI Item E is the watershed’s highest group ranking. This is also the alpha-numeric identifier you see in the mapping tool when you activate the WBI layer on the DNR Data Viewer.

O Note: All 1,598 WBI watersheds are ranked in four ways creating four ranked lists. Rankings are based on: 1. stream water quality (looks at sediment and nutrient loading potential), 2. fish habitat (looks at the responsiveness of the fish community to changes in pollutant loading), 3. lake water quality (looks at the impact of loading on lakes), and 4. composite ranking (looks at both the water quality and fish habitat). The highest group ranking is an alpha-numeric code that reflects the highest of the four rankings assigned to a watershed and which list it was ranked highest on. So, a code of “9-F” would mean that it was ranked number 9 on the fish habitat ranking list. The other alpha codes that appear are W (water quality), C (combined water quality and fish habitat) and L (lake water quality). Since there are four lists, there will be four #1 watersheds (assuming a lake is involved; otherwise there

are three): 1W, 1F, 1C and 1L. On the statewide map of the WBI Watershed layer, the groups are shaded by watershed rank. There are a total of 452 groups and are arranged as follows for shading: 1-10; 11-30; 31-100; 101-200; 201-452. The lower the group number and the darker the shade, the greater is the likelihood that a project will lead to significant water surface water resource improvement if the work is properly targeted and adequately financed.)

- WBI Items F through I are the component rankings for the watershed as explained above.

Applicants using the WBI information in answering this question should familiarize themselves with the WBI Report, particularly pages 16 through 25. The report is available on the web at: http://faculty.nelson.wisc.edu/nowak/reports/nrbFinalReport.pdf .

Groundwater Projects: Leave box 1 blank. In box 2, enter "Groundwater Project". Complete boxes 3-9 (see above). In box 10 check the item "This is a groundwater project." and leave items A-I blank.

TMDL Projects
Only surface water projects can apply in this category. The comments above also apply, except that Large-Scale TMDL surface water projects are not restricted in size. It is highly recommended that the size be restricted to a subwatershed, however, so that efforts can be focused for greater impact on water quality.

D. Maps and Photographs

Using an aerial photo map or topographic map (8.5" X 11" copy) obtained from DNR's Surface Water Data Viewer : http://dnrmaps.wi.gov/sl/?Viewer=SWDV), show the perimeter of the project drainage area and the boundaries of the 12-digit hydrologic unit(s) within which the project resides. Include a North arrow on the map. Also, show major roads, including road names, in the project area. Be sure to label the map with the project name. Failure to submit a map may result in removal of the application from further consideration. See Attachment A for more information about the DNR's map viewer.

Provide aerial and ground photographs of the proposed project locations. This information will also supplement the application narratives describing the need for water quality improvement or protection. Label and describe photos.

E. Endangered and Threatened Resources, Historic Properties and Wetlands

Check the "Yes" boxes if you already know that these conditions are present. DNR will evaluate applications selected for funding to assess whether there might be compliance issues with the related state laws and whether or not potential issues could significantly delay the project.

See Attachment A and http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland for assistance in determining if wetlands may be present in the project area. Use both the Wisconsin Wetland Inventory and Wetland Indicators layers. If wetlands are potentially present in the project area, the project must be reviewed by a DNR Water Management Specialist, as a wetland permit may be needed.

F. Filter Questions

For project eligibility, questions 1 through 10 must be answered "yes" and questions 11 and 12 must be either "yes" or "N/A". All additional documentation as required for questions 2, 3, 5, 6, 10, 11 and 12 must be provided.

Filters 2 and 3
To be eligible for BMP cost-sharing, a facility or operation must have **been in existence** on the effective date of the Performance Standard or Prohibition (PSorP) **and** the facility/operation **was out of compliance** with the PSorP on the effective PSorP date and **has been out of compliance with the PSorP since** the effective PSorP date.

A livestock operation 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 an expansion that results in noncompliance with the livestock performance standard or prohibition is not eligible for cost-sharing.

Best management practices for livestock facilities classified as "new" are ineligible for cost-sharing. Multiple situations fall under the definition of **"new"** (and therefore, not ***existing***). The following situations are classified as **"new"**. *(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.

- 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" 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:
  (a) replacement of a liner in a manure storage structure; (b) an increase in the volumetric capacity or area of a structure or facility by greater than 20%; or (c) 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))*

  (However, if the department or a municipality directs an owner or operator of an existing livestock facility to construct a facility as a corrective measure to comply with a performance standard or prohibition on or after the effective date of the livestock performance standard or prohibition, or directs the owner or operator to reconstruct the existing facility as a corrective measure on or after the effective date of the livestock performance standard or prohibition, the constructed facilities are not considered new for purposes of installing or implementing the corrective measure.)

- 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.

  (This includes manure storage facilities that fail to meet the requirements of s. NR 151.05 (3) Manure System Closure, and were either: constructed on or after October 1, 2002; or were constructed prior to October 1, 2002, and subject through October 1, 2002, to the operation and maintenance provisions of a cost share agreement.)

Note: *The department or a municipality may use conservation plans, cost share agreements, deed restrictions, personal observations, landowner records, current and historical aerial photos,* ***or other information*** *to determine whether a change has occurred.*

Filters 5 and 6
The county, in which the project resides, must have a strategy in an approved LWRMP, an updated LWRMP work plan, or an Inter-Governmental Agreement with the DNR to implement agricultural performance standards and prohibitions contained in ch. NR 151. To answer "Yes" in the application, the strategy must include all of the following key activities. List the document and page number where the activity is addressed.

NR 151 Implementation Activity

- Inform and educate landowners/operators required to comply with performance standards and prohibitions.
- Conduct compliance status inventories based on records reviews and on-site visits.
- Document inventory results and maintain compliance status records.
- Report inventory results and continuing compliance requirements to landowners/operators.
- Identify best management practices to achieve compliance.

- Apply for grants from the Department of Natural Resources or work to secure grants from other state, federal, or local sources to provide cost sharing to landowners/operators to achieve compliance with performance standards and prohibitions.
- Develop cost-share agreements and provide for technical assistance to landowners/operators to achieve compliance with performance standards and prohibitions.
- Assist the Department of Natural Resources as its request in drafting NR 151 notices to landowners/operators.
- Fulfill annual program reporting requirements.

G. Best Management Practices (BMPs) for Which DNR Funding is Requested

Check all of the BMPs for which DNR funding is requested. If a specific BMP is not listed, check the "Other" box and enter the BMP name in the space provided. This includes any of the cropping practices from Chapter NR 154, such as contour cropping, green manure crop, nutrient & pest management, residue management and strip cropping. Funding for cropping practices is very limited, so projects that rely heavily on these practices should have alternative funding sources identified.

Enter the numeric codes for the Performance Standard(s) and/or Prohibition(s) that the BMP will address, if applicable. See the table below. Cost-sharing is not available on BMPs for croplands classified as "new" or BMPs for livestock facilities classified as "new", that is, created after the effective date of the standard or prohibition.

For Large-Scale Non-TMDL projects, only BMPs that lead to compliance with a state standard or prohibition are eligible for reimbursement.

For Large-Scale TMDL projects, BMPs that address the pollutants or conditions for which the impaired water is listed are eligible for reimbursement. This should include state standards and prohibitions where warranted, but may also include BMPs needed to address other nonpoint sources identified in the TMDL report or implementation plan.

Code #	Agricultural Performance Standard & Prohibition	Effective Date
1	Sheet, rill, and wind erosion. (NR 151.02)	10-1-02
2	Tillage setback. (NR 151.03)	11-1-11
3	Phosphorus index. (NR 151.04)	11-1-11
4	Manure storage facilities-new/significant alterations. (NR 151.05(2))	10-1-02
5	Manure storage facilities-closure. (NR 151.05(3))	10-1-02
6	Manure storage facilities-existing failing/leaking. (NR 151.05(4))	10-1-02
7	Process wastewater handling. (NR 151.055)	11-1-11
8	Clean water diversions. (NR 151.06)	10-1-02
9	Nutrient management. (NR 151.07)	*
10	Prohibition: Prevention of overflow from manure storage facilities. (NR 151.08(2))	10-1-02
11	Prohibition: Prevention of unconfined manure piles in water quality management areas (within 300 feet of a stream, 1000 feet. Of a lake, or areas where the groundwater is susceptible to contamination). (NR 151.08(3))	10-1-02
12	Prohibition: Prevention of direct runoff from a feedlot or stored manure into waters of the state. (NR 151.08(4))	10-1-02
13	Prohibition: Prevention of unlimited livestock access to waters of the state where high concentrations of animals prevent the maintenance of adequate sod cover or self-sustaining vegetation. (NR 151.08(5))	10-1-02
14	Silurian bedrock performance standards (NR 151.075)	7-1-18
15	TMDL Implementation: No other performance standard or prohibition applies.	N/A

*Crop producers and livestock producers that apply manure or other nutrients directly or through contract to agricultural fields shall be in compliance with a nutrient management plan with the following effective dates:

- 1-1-05 for existing croplands within watersheds containing ORW/ERW, impaired waters, or source water protection areas (defined in s. NR 243.03(61)).
- 1-1-08 for all other existing croplands.
- 10-1-2003 for all new croplands.

Part II. Competitive Elements

The questions in this section will help to determine the needs and quality of this project compared to other projects. The maximum number of points attainable in Part II for the initial project score is 197.

1. Budget and Grant Needs — 15 points maximum

A. and B. Activities Timeline, Staffing and Budget

This question looks at time and funding budgets for local assistance activities and for best management practice construction/installation.

Complete tables in question 1.A *(5 points available)* and 1.B *(5 points available)* to provide budget information for local assistance and BMP activities.

Use the table in question 1.A to identify the timing of project activities, identify the source(s) of funding to support key local assistance activities and identify source(s) of staff. Local assistance funds under the project may be used to cover work performed by existing staff as well as staff hired specifically for the project.

The following activities are eligible for local assistance funding when conducted in the project area:

1. Identifying high priority nonpoint pollution sources for control.
2. Contacting and informing landowners and land operators of conservation program opportunities and requirements, including those relating to state performance standards and prohibitions.
3. Determining and documenting compliance of cropland practices and livestock facilities with performance standards and prohibitions.
4. Identifying site−specific best management practices needed to achieve compliance with performance standards and prohibitions or to otherwise control nonpoint pollution sources.
5. Developing and reviewing cost−share agreements with the cost−share recipient.
6. Providing assistance to the department in developing and issuing notices under ss. NR 151.09 and 151.095 and developing and issuing comparable notices under local ordinances.
7. Best management practice construction services, including construction management and verification of best management practices installation.
8. Reviewing best management practice operation and maintenance during the grant period.
9. Developing and transmitting to the department information that identifies landowners and operators that do not comply with performance standards or prohibitions.
10. Administration of property acquisition in accordance with s. NR 153.25.
11. Fiscal management.
12. Development of informational materials, including videos or brochures.
13. Project evaluation activities identified in the project application and required by the runoff management grant agreement, including monitoring.
14. Other activities approved by the department as being necessary to implement the project.
15. The following staff support costs are eligible for cost sharing:
    a. The cost of testing materials for use in best management practice design and installation.
    b. Travel expenses, including personal vehicle mileage charges, meals, lodging, and other reasonable travel expenses necessary to the project.
    c. The cost of recording the cost−share agreement with the county register of deeds.
    d. Field equipment necessary to conduct or evaluate the project.

e. Other direct costs necessary for the project and approved by the department

The following costs are not eligible for local assistance funding under this section:

1. Direct costs for other items not listed above.
2. Activities for which WPDES permit coverage is required.
3. Best management practice design.
4. Staff training.
5. Ordinance development and administration.
6. Promotional items except when used for educational purposes.
7. Purchase or lease of motor vehicles.
8. Indirect project costs that are not directly related to the output of a product or service or cannot be identified specifically with a single cost objective in an economically feasible manner.

Note that: The cost−share rate for local assistance activities may not exceed 70 percent of the eligible costs identified in this section and the grant amount that may be requested for local assistance activities may be up to 40% of the grant amount allocated for best management practices, whichever is less.

Complete the table in question 1.B. to develop budgets for the BMPs checked in Part I G. of the application and the project activities listed in Table 1.A.

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- Identify the estimated **total** eligible project costs for all best management practice (BMP) construction and installation. Enter BMP costs into column A, row 1 (cell A1) and cell A2, as applicable.

- If BMP Flat Rates will be used, calculate the amount to enter into Column A. The calculation is: $ Flat Rate/0.7 = Column A $ entry. Explain in Question 1.C. which BMPs and unit quantities that will be cost-shared under NR 154.03(1)(j) Flat Rates.

- If requesting local assistance, identify the **total** eligible costs associated with local assistance activities. Enter total local assistance costs into cell A4.

- Column B calculates 70% cost-share on BMP and local assistance totals.

- Enter the state share amount(s) being requested for BMPs under the grant into cells C1 and C2, as applicable. The maximum state cost share rate is 70% for best management practices. (Contact DNR if economic hardship consideration is necessary.)

- Enter the state share amount being requested for local assistance under the grant into cell C4. The amount that can be requested for local assistance may be up to 40% of the grant amount allocated for best management practices or up to 70% of the total eligible local assistance costs, whichever is less. See local assistance calculation examples in the instructions.

- Column C is a summary of the grant request. Keep in mind that the total of the amounts in cells C1 + C2 + C4 must be less than or equal to $600,000. The total of the requested grant amounts you enter must not exceed the grant cap of $600,000.

- Column D Local Share amounts are calculated by subtracting Column C from Column A.

  *ENSURE THAT THE GRANT REQUESTS IN COLUMN C DO NOT EXCEED $600,000.

Local Assistance (LA) Example Calculations:
*Example 1: If LA is requested, the maximum amount of LA state share dollars within a total grant request of $600,000 (total grant cap) may be up to $171,428, leaving $428,570 to allocate to BMPs (state share). The total requested state share amount (BMPs + LA) for this application will be $599,998 ($171,428 + $428,570). To ultimately be reimbursed the maximum amount for LA ($171,428) for this grant, the applicant's actual expenses for LA work (total cost in cell A4) will have to amount to $244,897 or more, as the cost-share rate on LA is 70%. (70% * $244,897 = $171,428)*

*Example 2: If the BMP state share request totals $400,000 (total in cell C3), the maximum LA state share request in cell C4 may be up to $160,000 (40% of C3). The total requested state share amount (BMPs + LA) for this application will be $560,000. To ultimately be reimbursed the full $160,000 in requested LA funding, the grantee needs to document actual expenses for LA work that total $228,571 or more because LA is reimbursed at a 70% cost-share rate (70% * $228,571 = $160,000).*
Two criteria must be met: up to 70% of the Total LA actual cost and up to 40% of the BMP state share amount. The requested state share for LA must be less than or equal to the lesser of the 2 calculations

Note: DNR approvals issued under this grant program do not automatically meet the approval requirements of other DNR programs, such as chs. 30 or 31, Wis. Stats. permits. Applicants must apply separately for any DNR permits.

C. Cost-estimate accuracy and cost-containment measures *(5 points available)*

Governmental units as providers of cost−share agreements with landowners shall identify and agree to use one or more of the following cost containment procedures for each best management practice identified in the runoff management grant agreement award.

NR 153.23 Cost containment. (1) Governmental units as providers of cost−share agreements shall identify and agree to use one or more of the following cost containment procedures for each best management practice identified in the runoff management grant agreement

(a) *Average cost.* Based on past cost information, a governmental unit determines an average cost per unit of materials and labor for the installation of a best management practice which may not be exceeded. A governmental unit may use its own experience, or information obtained from the department or other sources, to estimate typical costs.

(b) *Range of costs.* Based on past cost information, a governmental unit establishes a cost range for the installation of a best management practice. Eligible costs may not exceed the maximum cost of the range. A governmental unit may use its own experience, or information obtained from the department or other sources, to estimate typical costs.

(c) *Competitive bidding.* A governmental unit requires the landowner or land operator to request bids from contractors for the installation of a best management practice. The cost−share payment shall be calculated based on the lowest bid meeting acceptable qualifications. The governmental unit shall identify criteria for determining acceptable qualifications. The landowner or land operator may select a qualified contractor other than the low qualified bidder, but shall contribute 100% of the difference between the bids.

(d) *Maximum cost−share limit.* A governmental unit or the department establishes a maximum cost−share rate limit not to exceed the rates specified in ch. NR 154 for installation of a best management practice.

(e) *Force account.* A governmental unit hires or assigns its employees to install a best management practice for landowners and land operators if the employees are able to perform the work at a cost lower than the private sector.

(g) *Other cost containment procedures.* If a governmental unit determines another cost containment procedure would be at least as or more effective than the cost containment procedures described in this subsection, it shall include the alternative in the project application and the department shall include the alternative in the runoff management grant agreement.

(2) The cost−containment procedures in this section shall be used to control the cost of in−kind contributions, including the

substantiated value of donated materials, equipment, services and labor by landowners or land operators installing best management practices:
(a) All sources of local share donation shall be indicated in the project application submitted under s. NR 153.17.
(b) The maximum value of donated labor may not exceed the prevailing local market wage for equivalent work.
(c) The value of donated equipment may not exceed the equipment rates for highways established by the Wisconsin department of transportation.
Note: The county highway rates for equipment are formulated under s. 84.07, Stats., and can be found in chapter 5 of the State Highway Maintenance Manual published by the Wisconsin Department of Transportation, 4802 Sheboygan Avenue, Madison, WI 53705.
(d) The value of donated materials and services may not exceed market rates and shall be established by invoice.
.

(a) Average cost. Based on past cost information, a governmental unit determines an average cost per unit of materials and labor for the installation of a best management practice which may not be exceeded. A governmental unit may use its own experience, or information obtained from the department or other sources, to estimate typical costs.

(b) Range of costs. Based on past cost information, a governmental unit establishes a cost range for the installation of a best management practice. Eligible costs may not exceed the maximum cost of the range. A governmental unit may use its own experience, or information obtained from the department or other sources, to estimate typical costs.

(c) Competitive bidding. A governmental unit requires the landowner or land operator to request bids from contractors for the installation of a best management practice. The cost−share payment shall be calculated based on the lowest bid meeting acceptable qualifications. The governmental unit shall identify criteria for determining acceptable qualifications. The landowner or land operator may select a qualified contractor other than the low qualified bidder, but shall contribute 100% of the difference between the bids.

(d) Maximum cost−share limit. A governmental unit or the department establishes a maximum cost−share rate limit not to exceed the rates specified in ch. NR 154 for installation of a best management practice.

(g) Other cost containment procedures. If a governmental unit determines another cost containment procedure would be at least as or more effective than the cost containment procedures described in this subsection, it shall include the alternative in the project application and the department shall include the alternative in the runoff management grant agreement award.

The cost−containment procedures in this section shall be used to control the cost of in−kind contributions, including the substantiated value of donated materials, equipment, services and labor by landowners or land operators installing best management practices: All sources of local share donation shall be indicated in the project application submitted.

2. Water Quality Need	**40 points maximum**

This section of the question is worth up to **30 points** and deals with the water quality needs of the waterbody and/or waterbodies of the subwatershed (HUC 12) area affected by the proposed project. Address the designated uses of the water resources in the project area and whether designated uses are unmet or threatened due to nonpoint source pollutants and whether the waters are listed on the Clean Water Act Section 303(d) EPA-approved list of impaired waters. Mention the pollutants of concern, the water quality and habitat problems or threats. Describe the condition of the water resources, both surface waters and groundwater (e.g. physical, chemical, biological, bacteriological) in the project area.

Address the observable or measurable nonpoint pollution sources in the project area. Consider the following:

- soil erosion rates (T);
- tillage setbacks and streambank damage;
- phosphorus index;
- conformance of existing manure storage facilities;
- discharges of process wastewater to waters of the state;

- clean water diversions;
- conformance with a nutrient management plan; and
- manure management prohibitions, including:
    - overflows of manure storage facilities,
    - unconfined manure piles in water quality management areas (WQMAs),
    - direct runoff from feedlots or stored manure into waters of the state, and
    - livestock access to waters of the state.

Address the observable or measurable nonpoint pollution impacts on waters of the state in the project area. Consider the following:

- volume and frequency of discharges;
- locations of each of the sources relative to receiving waters (include sources and waters on aerial photo/map and refer to the figure page number in your narrative);
- direct and/or indirect conveyances of pollutants from sources to waters of the state, including slopes, vegetation, rainfall, and other factors affecting likelihood and frequency of discharges to waters of the state;
- evidence of discharges; and
- susceptibility of groundwater to contamination, if applicable.

Identify whether some of the impacted areas are site specific with a clear cause and effect relationship between the sources to be funded and the impacts. Otherwise, indicate if the impacts are more of a general nature where the cause and effect relationships between the impairments and specific sites to be funded are difficult to establish. You will probably have a mixture of these relationships in your project area. Include photos of pollution sources.

For assistance in completing this question, information about surface water quality need and pollutants of concern will be included in the TMDL report. Surface water and groundwater information for areas without TMDL reports can be taken from other required planning documents. Summarize key report findings as they relate to your proposed project. Do not submit large sections of reports.

Also describe how the project addresses the goals, objectives, or activities from the LWRMP, plan amendment or workplan related to the resources(s) of concern.

If this is a protection project (no serious nonpoint source impacts are currently observed or measured in the receiving waters), explain why the nonpoint sources in the project area are perceived as a threat.

Designated Uses include:

> Fish and Aquatic Life: All surface waters are considered appropriate for the protection of fish and other aquatic life. Surface waters vary naturally with respect to factors like temperature, flow, habitat, and water chemistry. This variation allows different types of Fish and Aquatic Life communities to be supported. Five subcategories for fish and aquatic life uses are outlined in s. NR 102.04, Wis. Adm. Code.
>
> Recreational Use: All surface waters are considered appropriate for recreational use unless a sanitary survey has been completed to show that humans are unlikely to participate in activities requiring full body immersion.
>
> Public Health and Welfare: All surface waters are considered appropriate to protect for incidental contact and ingestion by humans. All waters of the Great Lakes as well as a small number of inland waterbodies are also identified as public water supplies and have associated water quality criteria to account for human consumption. Fish Consumption Use also falls under this category.
>
> Wildlife: All surface waters are considered appropriate for the protection of wildlife that relies directly on the water to exist, or relies on it to provide food for existence.

For surface water projects, information from the WBI that you have reported in the Project Information section may also be discussed in your answer. The WBI Stream Water Quality Component Ranking (W) for the watershed is a relative statewide ranking of the potential sediment and phosphorus pollutant load reductions in the watershed area.

Applicants using the WBI information in answering this question should familiarize themselves with the WBI Report, particularly Pages 16-25. The report is available on the web at: http://faculty.nelson.wisc.edu/nowak/reports/nrbFinalReport.pdf .

Applications that score highest on this question will demonstrate a high level of need (either protection or rehabilitation) and knowledge of contributing factors affecting the resource that must be addressed. Conclusions based on quantitative data taken from the proposed project area, or quantitative data from a valid reference site, will score better than conclusions based on subjective, qualitative assessments. Photographs may be submitted to support the answers provided for this and the following questions; however, they must be referred to in the narrative. (Use a Figure # in the narrative and label the photograph with the Figure #.)

Consider incorporating the following *EXAMPLE language* into narratives describing the problem and water quality need. Also address observed, measured or reports of impacts to waters of the state (such as, fish kills – an extreme impact, waters not meeting designated uses, etc.).

Runoff from the buildings and adjacent feedlot of a property with ___ animal units drained into a ditch leading into _____Creek. Significant discharges were also traced to _name_ , a navigable water, via overland flow and to non-navigable surface waters.

There are signs (what are the signs?) of potentially significant discharges occurring during large rain events.

On a property with ____ animal units, discharge was traced leaving the barnyard, going through a culvert, traveling over an embankment and discharging into ____Creek about ___ feet from the edge of the barnyard The discharge off the lot was primarily via overland flow during spring or other wet times of the year. (Include travel distances, so we have an idea of the imminent threats. Include frequency and possibly duration of discharges, if applicable.)

The concrete feed lane drained directly into the _____ Creek, where communities of the state-listed endangered species _____ have been recorded within a mile of the discharge site.

A lot with ___ animal units in the _____ Watershed periodically (what periodicity, frequency, duration?) discharged offsite and flowed into the _____River. Discharge from the lot drained to a ditch and continued ____ feet to discharge into the river. The ____ acre earthen lot had no cover and was extremely susceptible to runoff from rain events.

Significant (define/describe significant) discharge coming from the lot with ____ animal units and a leaking parlor waste collection tank. Manure runoff was traced to a full settling basin which could cause significant discharge through overland flow during a large rain event.

A lot with ____ animal units was a primary contributor of groundwater contamination in private wells north of the farm. Though the farm had a nutrient management plan in place, they did not have a long term waste storage facility and needed to spread manure during the winter. (What is the problem with spreading manure during the winter at this site?)

Bonus Points: Federal Nonpoint Source Program Funding Eligibility	**10 points**

Some TMDL and Non-TMDL projects may access Section 319 funds. Projects that meet all of the following requirements may be eligible for the federal funds:

- The project addresses a nonpoint source impaired waterbody listed on the most current EPA-approved Section 303(d) list of impaired waters or a nonpoint source threatened unimpaired/high quality water.
- The project is located upstream of and in the same 12-digit hydrologic unit (sub-watershed) as the 303(d) listed water or the unimpaired/high quality water. (Refer to Attachment A and http://dnrmaps.wi.gov/SL/?Viewer=SWDV for assistance.)
- The project implements the goals and recommendations of an EPA-approved watershed-based “9 key element” plan.
- The project controls the same NPS pollutants which are impairing the 303(d) listed waterbody or threatening the unimpaired/high quality water.

Refer to the DNR website for a map and list of DNR plans (https://dnr.wi.gov/topic/nonpoint/9keyelement/)

Provide the documentation requested.

3. Public Drinking Water Supply Protection Bonus Points	7 points maximum

The Public Drinking Water Supply Protection Bonus question is worth a maximum of 7 points**.**

Surface water projects may earn bonus points based on the specific surface water drainage area where the project is located. Attachment D contains a map that shows drainage areas for which bonus points can be awarded and the number of bonus points corresponding to each area. Surface water bonus points may be earned by any Large-Scale Project.

Groundwater bonus points may only be awarded for Large-Scale Non-TMDL Projects. Groundwater projects may earn bonus points in this area based on the type of water supply wells in the project area. Applicants should contact the DNR Region NPS Coordinator or Water Supply Specialist to determine the type and location of wells affected. The geographic location of the project will have to be provided to the DNR staff so they can make the determination based on maps which may not be available to the public. If the applicant checks box a (Municipal, Other-Than-Municipal (OTM) or Non-Transient water supply), then seven bonus points will be awarded. If the applicant checks box b (Transient water supply) then three bonus points will be awarded. If the applicant checks box c, then no bonus points will be awarded.

4. Inventory and Targeting	30 points maximum

Part A of this question looks at the rationale behind selecting the project area. The project area should be consistent with the project goals. It should consider the current pollution control needs in the project area, the amount of work needed to effectively reduce the pollution loading and the staff and financial resources available. For Large-Scale, Non-TMDL projects the total upstream drainage area must be between 8 and 39 square miles. This is roughly the size of a single WBI watershed. There is no size limit for the TMDL projects, since the TMDL report will identify where pollution sources must be addressed. Even though there is more latitude in selecting the size of a proposed TMDL project, it is probably best to start working in the headwaters areas and move downstream.

Regardless of project type, an inventory and targeting process is required to assure the available funds are directed to those sites which will provide cost-effective attainment of the project's pollution reduction goals. **Part B** of this question looks at how much targeting work has already been completed and what methods were used. Applications for projects where targeting work has already been completed will be given higher scores.

Completion of targeting work is not a pre-requisite for submitting an application. Local assistance funds can be used to complete the inventory process and identify the most critical pollution sources after a grant award is made. **Part C** is used to identify additional targeting work that is needed. The assessment of additional inventory and targeting needs can be part of the basis for the local assistance funding request.

5. Project Implementation and Management Strategy	15 points maximum

In order to qualify for a grant, you were required to pass Filter question 5 in Part I.F. By passing this question, you certified that you have a local NR 151 implementation program. Part A of question 5 asks for additional details on how you intend to apply that strategy in the project area. Projects that have already targeted specific farms and can be very specific about the implementation strategy will score highest. Even if your project is more loosely realized, you should be able to present a basic strategy you intend to follow. Any applicant awarded a grant for a Large-Scale Project will be required to conduct NR 151 implementation activities in the project area.

The Large-Scale Project funded under this grant program will require an intensive, well-planned effort that is coordinated with other funding sources and technical services. The relatively short project period (3-4 years) will require focused project management so that progress can be tracked, problems identified, and adjustments made. This question explores how you intend to keep track of project progress and to identify and make needed adjustments.

Include progress reporting and contacts with your local DNR Nonpoint Source Coordinator.

6. Enforcement	10 points maximum

This question evaluates how local ordinances will be used when necessary to facilitate compliance with standards and prohibitions or other land management needs. The applicant is not required to enforce NR 151 at the local level, but two items are important to emphasize. First, most counties have ordinances that cover one or more of the performance standards and prohibitions. It is expected that these local ordinances will be enforced using the same prioritization and procedures the county is using elsewhere. Second, if the applicant is claiming the enforcement multiplier in Part III of this application, the grant award will require that the sponsor use that authority if needed to require that compliance be achieved.

7. Expected Pollutant Reduction and Water Resource Response	30 points maximum

A. In answering this question, provide what you know about the current pollutant loads and the amount of pollution control needed. **Provide the expected reduction in pollutant(s) loading.** Describe how this project can help meet that need. Describe the critical areas (nonpoint pollutions sources) that will be addressed and what practices will be implemented in each area. Part A. is worth 20 points.

The final project report requires the results of a comparison of the pre-and post-project changes in modeled pollutant loading to water resources using STEPL (EPA's Spreadsheet Tool for Estimating Pollutant Load at: http://it.tetratech-ffx.com/steplweb/) or other applicable model and report the quantity of units managed.

B. Address the water quality response(s) that is(are) expected with the land management changes the project will bring about (e.g. physical, chemical, biological, bacteriological, designated uses, etc.). Discuss the sensitivity of the water resources and refer to the WBI for assistance in answering this question. Part B. is worth 10 points.

Information about surface waters will be included in the TMDL report. Surface and ground water information for areas without TMDL reports can be taken from other required planning documents. Fish surveys or surface water inventories conducted by DNR or county staff may also be used.

For surface water projects, information from the WBI that you have reported in Part I. Project Information should also be discussed in your answer to Part B. For all surface water projects, the WBI Highest Group Rank (also used as the Statewide Watershed Rank) and the individual component rankings for stream water quality (W), Fish Habitat (F), lake water quality (L) and composite rank (C) will help identify geographic areas where control is most feasible and aquatic response most likely. The watershed's Fish Habitat Ranking (F) is based on the proximity and accessibility of the project area to intact populations of sensitive aquatic species (fish and macro-invertebrates). It indicates the likelihood that pollution sensitive species will be able to re-colonize the project area after water quality improves. The watershed's Lake Response Potential (L) is the likelihood that reductions in phosphorus loading from the project watershed will prevent or mitigate eutrophication in a downstream lake. The project watershed must represent the majority of the area that drains to the target lake. Areas with low numeric WBI are good places on the landscape to focus.

Applicants using the WBI information in answering this question should familiarize themselves with the WBI Report, particularly pages 16-25, "Assessing Watershed Responsiveness to Buffers." The report is available on the web at: http://www.nelson.wisc.edu/people/nowak/wbi/reports/nrbFinalReport.pdf.

8. BMP Cost-Benefit Analysis	30 points maximum

This question looks at the applicant's quantitative and qualitative analyses and assessments of the cost-effectiveness of the proposed project activities toward meeting the priority water quality goals of the plans covered under Part I. of this application. This answer will be scored on the detail of the information provided.

If applicable, the answer to this question should include data, such as appropriate sizing of BMPs, such as manure storage facilities, roofs, storage pads, etc., to meet water quality goals. Cost-share will be provided to BMP(s) sized to meet water quality standards (NR 151 agricultural performance standards and prohibitions) for current and insignificant growth in 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, heavy use area protection, etc.) in order to assure proper utilization of state cost-share funds to achieve water quality goals.

Significant Expansions of Livestock Operations are Ineligible

Significant expansions of livestock operations are ineligible for cost-share funds through the TRM program. Calculate animal units according to the worksheet available at: 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.

If a landowner wishes to construct a BMP beyond what is needed to meet water quality goals in addressing the current AUs or current plus insignificant growth in AUs, that portion of the construction beyond the eligible portion to meet water quality goals would be at the landowner's expense.

Funding to install non-structural cropping practices is in shortest supply. This shortage is particularly severe in non-TMDL project areas. Since federal funding is available for the TMDL projects, and since the federal funding can be used for either structural or non-structural practices, there will be more flexibility to fund non-structural cropping practices in TMDL areas. Attempts to coordinate with other funding programs, such as those administered by DATCP and NRCS, are encouraged. Coordinating this project with other funding sources is also be addressed in Question 8.

9. Project Evaluation	10 points maximum

A. Modeling and Measures of Change
Grantees are required to prepare and submit a final project report with modeled pollutant loading reduction results in order to close out the grant and receive final payment. Pre- and post-project photographs are also required with the final report.

Evaluation is an important part of a nonpoint source control project. The project evaluation strategy will be based on comparing pre- and post-project changes in modeled pollutant loading to water resources. This question requires the applicant to submit a strategy for evaluating and tracking changes in pollution potential, pollutant loading, and receiving water response after implementation of the project.

The strategy must be designed to provide in the final project report the results of a comparison of the pre-and post-project changes in modeled pollutant loading to water resources using STEPL (EPA's Spreadsheet Tool for Estimating Pollutant Load at: http://it.tetratech-ffx.com/steplweb/) or other applicable model and report the quantity of units managed. Other project elements may be included for evaluation and reporting.

B. Field Evaluation Monitoring Bonus
Although funding for monitoring under 7.B. is not available at this time, additional points may be earned by monitoring the effectiveness of this project's BMP(s) and/or the pre- and post-project condition of the surface or ground water resource. In order to earn these additional points, you must submit a summary of this project-specific supplemental monitoring strategy with this application. For projects that propose to do monitoring, a requirement will be included in the grant agreement stating so.

Scoring

7.A.is worth up to 4 points for completeness of the evaluation strategy relative to the proposed project.

Under 7.B, up to 6 points can be earned for projects that will monitor BMP effectiveness, such as through inlet/outlet monitoring (3 pts.), and/or the physical habitat, fisheries, biological, or chemical conditions of the nearest water resource (3 pts.). The project-specific monitoring strategy must be included to earn points in this part of the application. Any proposal to do monitoring will be included as a requirement in the grant agreement. Funding is not available for monitoring at this time.

10. Local Support for Project	**8 points maximum**

This question looks at support that is either known to be available, or that can be sought, for work to be done within the project area under this grant. This section provides the applicant with an opportunity to explain in more detail the sources of technical and financial assistance that are identified in question 8 as coming from sources other than this grant. Landowner support is assessed based on willingness to become involved in the project. The involvement of partners, in addition to the applicant and landowner, is assessed based on their commitment to provide resources (materials, equipment, staff, or financial resources) to the project and letters of support indicating those resources being provided for the project.

11. Local Plan Consistency	**2 points maximum**

This question explores whether there are existing local plans that have recommendations being implemented by this proposed project. Consistency with other local planning efforts should increase the degree to which water quality goals can be achieved over the long term.
Evaluation is an important part of a nonpoint source control project. The applicant is required to submit a strategy for evaluating changes in pollution potential, pollutant loading, and receiving water response after implementation of the project.

Acceptable examples include Smart Growth, Water Star and Legacy Community plans, local storm water management plans, regional water quality plans, or other local watershed-based nonpoint source control plans not used to answer questions in Part I. of this application. The plan documented may not be the plan documented in Part I C.2 (Project Type Filter) of this application, or the County Land and Water Resource Management Plan since consistency with these plans is already required by this application.

To receive credit for this question, provide a summary of the water quality recommendation, briefly describe how this proposed project implements the recommendation, and cite the name and date(s) of publication of the document.

Part III. Eligibility for Local Enforcement Multiplier

Completion of this part of the application is optional. However, an applicant can increase the final project score by qualifying for a project multiplier. The initial project score is increased by the project multiplier to arrive at a final project score.

The applicant agrees to use its local enforcement authority to require that the livestock facility or cropland practice being funded by this TRM grant come into compliance with the standard or prohibition in the event the farmer does not fix the problem for which funds are offered. The state performance standards and prohibitions are listed in these instructions in the table at Part I. E. The applicable ordinance citation must be provided in order to get credit.

The application score compiled from the competitive section of this grant application will be multiplied by the factor associated with the level of enforcement authority the local governmental unit can implement to bring about compliance with state performance standards and prohibitions.

Scoring
Multiply the initial project score by a factor of 1.15 if the applicant has local authority to enforce all 13 state agricultural performance standards and prohibitions at all sites within the local jurisdiction where such state agricultural performance standards and prohibitions apply.

Multiply the initial project score by a factor of 1.10, if the applicant has local regulations that give local authority to enforce some, but not all, of the state agricultural performance standards and prohibitions at all sites within the local jurisdiction where such state agricultural performance standards apply; and this project addresses an enforceable performance standard or prohibition.

Multiply the initial project score by a factor of 1.05, if the applicant has local regulations that give local authority to partially enforce some of the state agricultural performance standards and prohibitions at some, but not all, of the sites within the local jurisdiction; and, this project addresses an enforceable performance standard or prohibition on a site under local jurisdiction.

No multiplier is earned in situations where the applicant has no local authority to enforce state agricultural performance standards and prohibitions within the local jurisdiction for this proposed project; that is, the applying unit of government does not have ordinances to enforce state performance standards or prohibitions, or the local ordinance does not apply to the work proposed under the application or the local authority does not have jurisdiction over the site of the project proposed in this application.

Additional Information

There may be aspects of the project that do not fit neatly into the categories covered by this application, but will lead to a better understanding of the project by the grant application reviewers. Enter this information in the space provided.

Applicant Certification

A Government Official with Signatory Authority must sign and date the application form prior to submittal to the DNR.

The Government Official with Signatory Authority (who is authorized to sign contracts on behalf of the local unit of government) must sign as shown on the Governmental Responsibility Resolution (see Attachment G), and date the application form prior to submittal to the DNR. All four copies must be dated and include the Governmental Representative's signature and the matching Governmental Responsibility Resolution (see Attachment G). In addition, an electronic version of the form must be submitted on CD.

Attachment A: Geographic and Water Resources Information for Watersheds

You can look up the necessary geographic and water resources information on the DNR's website on the Surface Water Data Viewer (SWDV). The SWDV provides information about water resources; *i.e.*, watershed name, watershed code, impaired waters, areas of special natural resource interest (ASNRI), and NPS rankings. The following instructions will help you get the basic map layers set up so you can also find things, such as the township, range, section, or the name of your receiving water. If you need additional help, please contact your District NPS Coordinator listed at http://dnr.wi.gov/topic/nonpoint/NPScontacts.html .

Go to: http://dnrmaps.wi.gov/sl/?Viewer=SWDV

1. Use either the Find Location tab followed by the Find Location tool, or the Zoom In tool to go to the project area.

2. Once in the project area, click on the Show Layers tool to select the:

   - ***Impaired Waters 303(d) layers***
   - ***Assessment Data for NPS ranking and Wisconsin Buffer Initiative Watersheds***
   - ***Designated Waters*** http://apwmad0d1600/SL/Viewer.html?Viewer=SWDV&runWorkflow=DesignatedWaters ***(also find O/ERW at the CWA Standards & Uses layer)***
   - ***Permits & Ordinances for completed navigability determinations (not all streams have been assessed)***
   - ***Wetlands & Soils for the Wetland Inventory and Wetland Indicators layers (use both)*** http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland
   - ***Water Resources for Watersheds***
   - ***Federal Hydrologic Units for Subwatersheds and Watersheds***
   - ***Map Indexes for USGS Quads***
   - ***Base Maps for cities, roads & waterway, air photos and topo maps***

3. Click boxes within the above layers to get to greater detailed information about the location. For example, in ***Assessment Data***, click the boxes for Nonpoint Source (NPS) Waterbody Rankings and Wisconsin Buffer Initiative Watersheds.

4. Use the Point Identify tool to get a list of information related to the site for each map layer open. Click on the Identify button and then on the map location you are interested in to view information about that point.

5. The results will appear on the left side. You can scroll to see all of the data or choose to print it. If you do not see the necessary information on the left of the screen, you probably need to zoom in more.

6. If you do not see Wisconsin Buffer Initiative Watersheds information, it is because you are not zoomed in or because your project is not located in a WBI watershed and consequently there is no information available. WBI watersheds are shaded and contain an alpha-numeric code, (*e. g.*, 34-L). Areas outside WBI watersheds are white (not shaded) and carry no alpha-numeric code.

7. To find the associated latitude and longitude of a point, click on the map; to the far right on the tools bar the coordinates of the clicked location appear.

Attachment B: Recommended Components of a Watershed Plan or Strategy Recognized by DNR

Non-TMDL Large-Scale TRM projects must be consistent with the water resource management goals included in a watershed plan or strategy recognized by DNR. For example, a watershed plan that includes each of the components listed below would be recognized by DNR as meeting this requirement.

1. The watershed plan identifies the causes and sources of pollution that need to be controlled to achieve the load reductions estimated in the watershed plan (#6), and to achieve any other watershed goals identified in the plan. Sources of pollution that need to be controlled must be identified at the significant subcategory level (e.g., number of feedlots needing upgrades, number streambank erosion sites and/or linear feet of eroded streambank needing bank stabilization, acres of row crops needing improved nutrient management or sediment control using one or more soil health practices; number or lineal feet/gullies needing stabilization).
2. The watershed plan estimates the extent (e.g., acreage and locations) that each pollution source subcategory identified in #1 is present in the watershed. If the plan does not include an estimate of the extent of every pollution source subcategory, at a minimum the plan must estimate the extent of those pollution source subcategories that the applicant proposes to address in the large-scale TRM project.
3. The watershed plan includes an **estimate** of the existing pollutant load (e.g., tons of sediment or lbs/P or N /yr).
4. The watershed plan describes management measures that will be implemented to achieve load reductions.
5. The watershed plan identifies - using a map or a description - the critical areas where management measures are needed to implement the plan.
6. The watershed plan includes an estimate of anticipated load reductions that will be achieved by the management measures described in #4 at the critical areas identified in #5.
7. The watershed plan estimates the amounts of technical and financial assistance needed to implement the plan.
8. The watershed plan identifies the relevant authorities needed to implement the plan.
9. The watershed plan includes an information and education component related to controlling nonpoint sources of the pollutant(s) addressed by the project.
10. The plan includes either a project schedule OR prioritizes the order and importance of management measures at critical areas needed to implement the plan.

Attachment C: Additional Best Management Practice Information

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

Reimbursement of Engineering Services Performed by Governmental Unit Staff (Force Account)
Engineering services provided by governmental unit staff - such as project planning, design, construction management, 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 be only 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 70%, and funds provided for these activities count toward the $600,000 project cap. Because these activities are 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:

- **Provision of Services by Governmental Unit Staff on *Private* Land:**
  1. 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.
  2. 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.
  3. The governmental unit and technician must have local authority to perform the work.
  4. 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.
  5. 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.
  6. 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.
  7. 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.
  8. 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.

- **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 navigable water, that may result in drainage to 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, 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 water 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 permit and plan review requirements under chs. 30 and 31, Wis. Stats., can be found on the DNR's web site at: http://dnr.wi.gov/waterways/.

The contacts for local DNR water management specialists are on the DNR web site at: http://dnr.wi.gov/waterways/about_us/county_contacts.html.

Water management contact names are also available from the DNR local NPS Coordinators (find your local NPSC at http://dnr.wi.gov/topic/nonpoint/NPScontacts.html).

Sizing BMPs for TRM Grants

In order to ensure proper utilization of state cost-share funds, DNR needs to verify projects meet certain criteria for cost effectiveness. Cost-share will be provided to BMP(s) sized to meet water quality standards (NR 151 agricultural performance standards and prohibitions) for current and insignificant growth in 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, heavy use area protection, etc.) in order to assure proper utilization of state cost-share funds to achieve water quality goals.

For example, 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. 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. 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. For example, after reviewing the animal units, waste generation and nutrient management needs of a farm, the applicant determines the landowner needs 7 months of storage to properly manage the manure and process wastewater. The landowner wants to construct 12 months of storage to provide even greater flexibility for land application practices. The TRM grant can cover 70% of the manure storage costs for the proposed 7 month storage up to the $150,000 cap. All expenses to go from 7 months to 12 months of storage would be 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. Calculate animal units according to the worksheet available at: 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.

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.

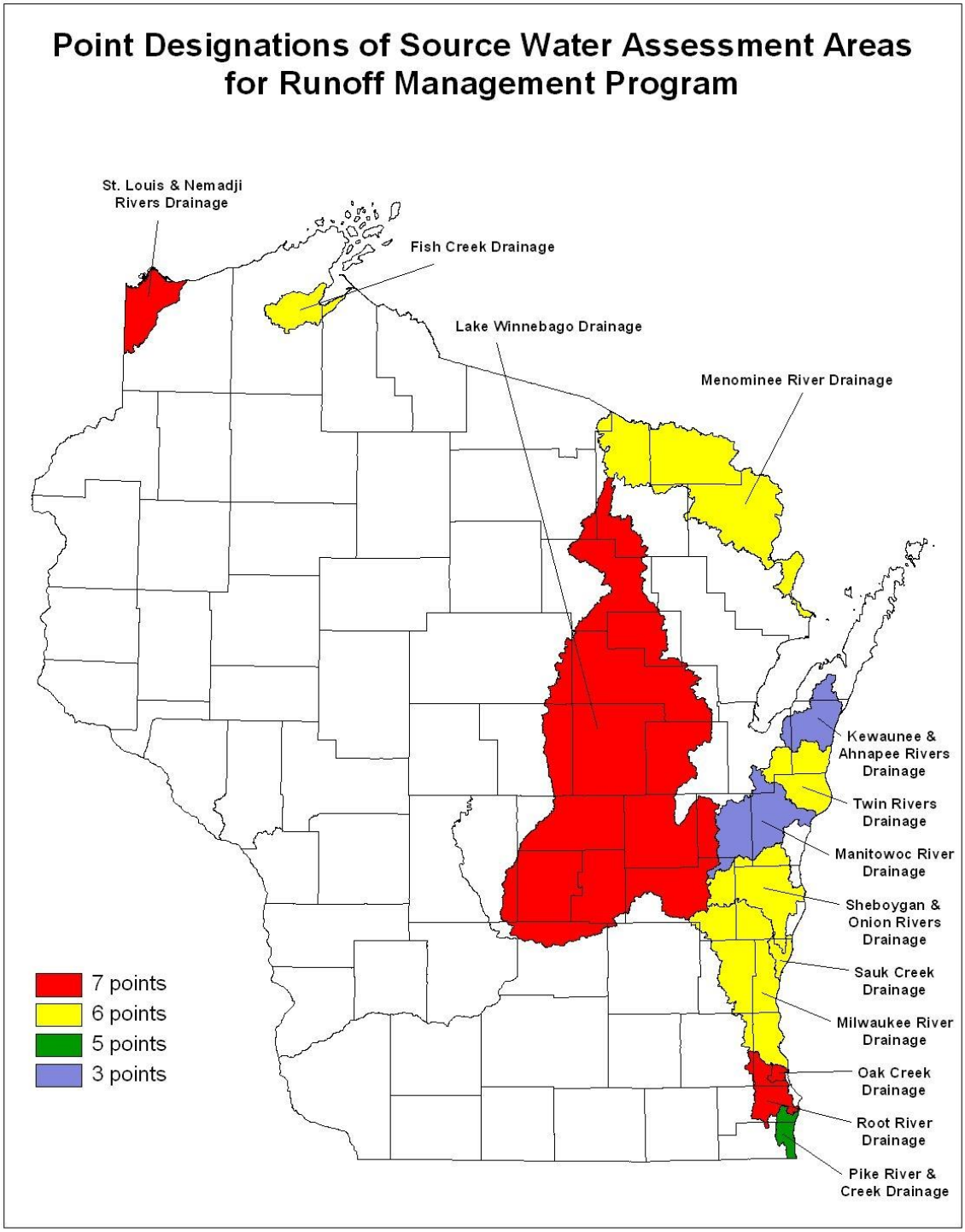
WPDES Permits and TRM Grants

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.

Attachment D: Part II. 11. Public Water Supply Protection Bonus Points



Attachment E: Groundwater Susceptibility

Groundwater protection projects are those that reduce pollution to groundwater coming from storm water runoff. This includes projects designed to attenuate storm water flows into karst features or to reduce or eliminate storm water infiltration in areas with a high public health risk or in areas that contain inadequate soil profiles to properly attenuate pollutants.

According to s. NR 151.015(18), an agricultural "site that is susceptible to groundwater contamination" under s. 281.16(1)(g), Wis. Stats., means any one of the following:

a) An area within 250 feet of a private well;
b) An area within 1,000 feet of a municipal well;
c) An area within 300 feet upslope or 100 feet downslope of karst features;
d) A channel with a cross-sectional area equal to or greater than three square feet that flows to a karst feature;
e) An area where the soil depth to groundwater or bedrock is less than two feet;
f) An area where the soil does not exhibit one of the following soil characteristics:

    1. At least a two-foot soil layer with 40% fines or greater above groundwater and bedrock;
    2. At least a three-foot soil layer with 20% fines or greater above groundwater and bedrock;
    3. At least a five-foot soil layer with 10% fines, or greater above groundwater and bedrock.

Urban areas the DNR has identified where storm water infiltration poses an environmental threat to groundwater are listed in s. NR 151.12(5)(c)5. These include:

a) Direct runoff to karst features;
b) Storm water infiltration of runoff from tier 1 and tier 2 industrial facilities;
c) Storm water infiltration of runoff from runoff from fueling and vehicle maintenance areas;
d) Storm water infiltration in areas within 1,000 feet up-gradient of karst features or within 100 feet down-gradient from karst features;
e) Storm water infiltration of general urban runoff into soils less than three feet deep to bedrock or seasonally high groundwater;
f) Storm water infiltration of runoff from industrial, commercial and institutional parking lots and roads, and from residential arterial roads, into soils less than five feet deep over seasonally high ground water or bedrock;
g) Storm water infiltration in areas within 100 feet of a private well or within 400 feet of a community well;
h) Storm water Infiltration through soils that are laden with contaminants of concern as defined in s. NR 720.03(2);
i) Storm water infiltration into soil that does not meet the following criteria:

    1. At least three feet in depth with 20% fines or greater;
    2. At least five feet in depth with 10% fines or greater.

Karst feature: an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets, rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

Sinkhole: a topographic depression (unless filled) in which bedrock is dissolved or collapsed. Sinkholes may be open, covered, buried, or partially filled with soil, field stones, vegetation, weathered bedrock, water or other miscellaneous debris. Sinkholes are usually circular, funnel-shaped or elongated. Sinkhole dimensions vary by region. Wisconsin sinkholes generally range between 20 to 30 feet in diameter and four to ten feet deep, although some can be wider and/or deeper.

Enlarged Fracture: a solution-enlarged or -widened bedrock fracture that usually narrows with depth.

Pavement: extensive bare areas of exposed bedrock surfaces with many enlarged fractures or sinkhole features.

Fracture Trace: a linear feature, including stream segment, vegetative trend and soil tonal alignment.

Spring/Seep: an intermittent or permanent seepage of water from ground surface or bedrock outcrop or karst area.

Cave: a natural cavity, large enough to be entered, which is connected to subsurface passages in bedrock.

Swallet: a place where surface or stormwater drainage disappears underground.

Karst Fen: a marsh formed by plants overgrowing a karst lake or seepage area.

Mine Feature: a man-made shaft, tunnel, cave, hole, or other feature created for mining purposes.

Attachment F: Inter-Governmental (Inter-Municipal) Agreement Template

INTERGOVERNMENTAL AGREEMENT REQUIREMENTS FOR JOINT PROJECTS

Background: Chapters NR 153 and 155, Wis. Adm. Code, allow local units of government to jointly apply for grant funding through the DNR's Runoff Management Section's Targeted Runoff Management (TRM) and Urban Nonpoint Source & Storm Water Management Grant Programs. A joint application will not be considered unless the application includes a **draft** cooperative agreement amongst the participating local units of government. The purpose of the cooperative agreement is to clearly identify authorities, roles and responsibilities of each member for important things such as: entering into the grant agreement with DNR; fulfilling obligations under the grant for product development and product delivery; financial processing, including provision of local share requirements; record keeping; and reporting.

If the project is selected for funding, the draft agreement must be finalized, signed, dated, by an authorized representative of each participating governmental unit, and submitted to the DNR, before DNR will issue the grant award. If there is no end date to the agreement, then only a starting date needs to be mentioned. If there is an end date, the end date cannot conclude before the end of the grant agreement. Be sure that the printed name, signature, and title of representatives authorized under s. 66.0301, Wis. Stats., are included. Also show the date on which each signature was affixed. All signatures and dates must be on the same page to ensure a legally binding agreement. You do **not** have a legally valid cooperative agreement if only one party's authorized representative has signed the document.

REQUIRED CONTENT OF A COOPERATIVE AGREEMENT

At a minimum, the agreement must address the elements listed below. Your city, town, village, or county may require you to include other provisions or terms in your cooperative agreement.

1. ***Agreement Title***
2. ***Agreement Purpose*** *(Must include reference to the project name and grant application).*
3. ***Names of Participating Local Units of Government (LUG)***
4. ***Assignment of the Following Responsibilities*** *(This list may be expanded as appropriate)*:
    a. Sign the Runoff Management Grant Agreement with DNR *(Only one LUG may be selected to enter into the grant agreement with DNR);*
    b. Establish the grant account *(Only one LUG may be selected to establish the grant account to which DNR will issue reimbursements);*
    c. Negotiate, sign, and oversee any professional services contracts;
    d. Local development, approval and submittal to DNR of grant products, and Final report;
    e. Manage grant account including invoices, payments, and reimbursements. (*Must include responsibility for local share contribution by each partner, generation of funds for paying bills, bill payment procedures, procedures for submitting DNR reimbursement requests and for handling DNR reimbursement);*
    f. Project records retention as required by sec. NR 153.29, Wis. Adm. Code.

Attachment G: Governmental Responsibility Resolution

SAMPLE
GOVERNMENTAL RESPONSIBILITY RESOLUTION
FOR RUNOFF MANAGEMENT GRANTS

WHEREAS, _____ is interested in acquiring a
(governmental unit applicant)
Grant from the Wisconsin Department of Natural Resources for the purpose of implementing measures to control agricultural or urban storm water runoff pollution sources (as described in the application and pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 153 and 155); and

WHEREAS, a cost-sharing grant is required to carry out the project:

THEREFORE, BE IT RESOLVED, that _____
(applicant)

HEREBY AUTHORIZES _____, _____ to act on
(position title) *(department)*

behalf of _____ to:
(applicant)

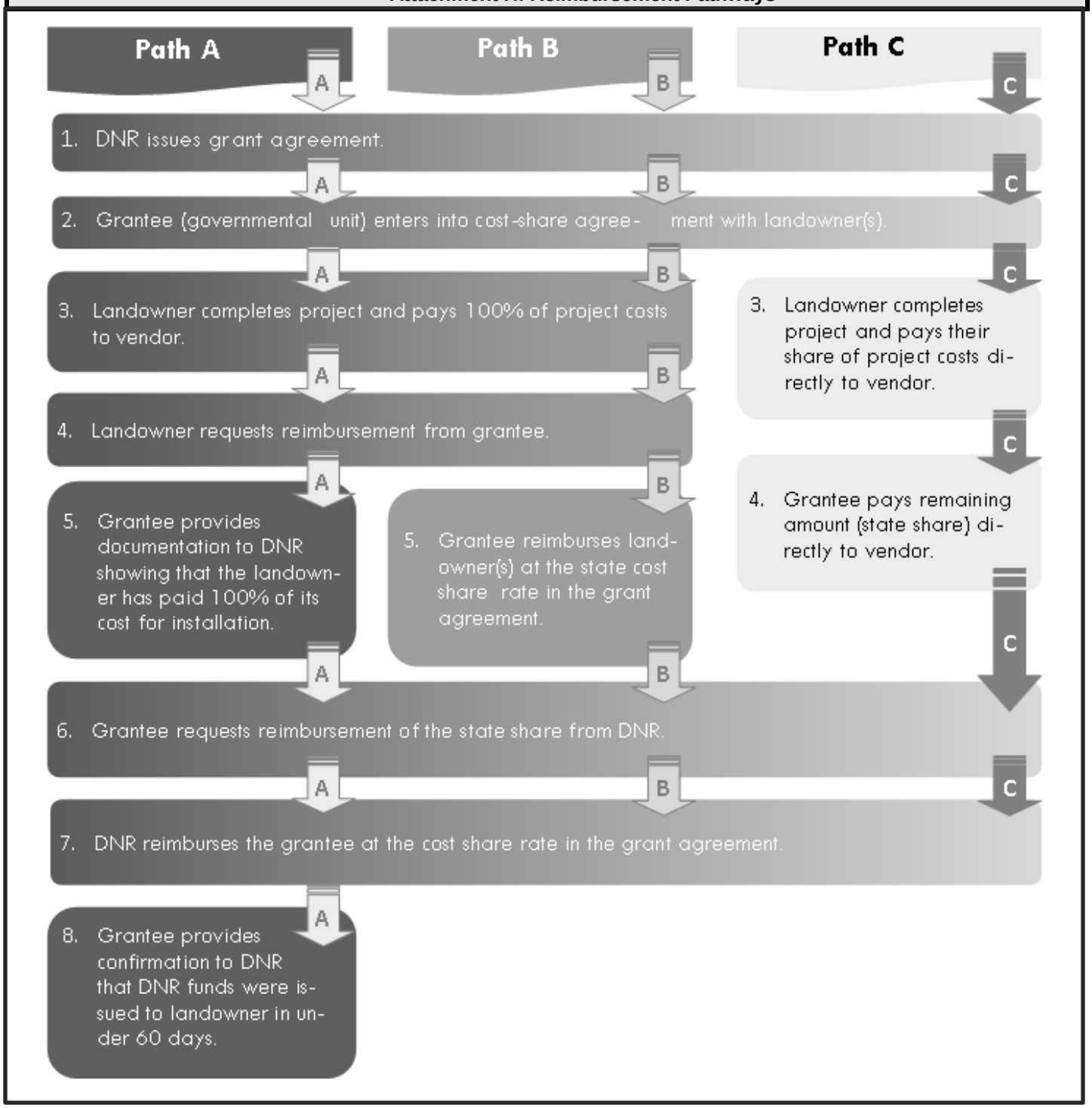
Sign and submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
Sign a grant agreement between the local government (applicant) and the Department of Natural Resources;
Enter into cost-share agreements with landowner/operator to install best management practices;
Make cost-share payment to landowner/operator after payment is requested, evidence of contractor payment by landowner/operator has been received, and grantee has verified proper BMP installation;
Sign and submit reimbursement claims along with necessary supporting documentation;
Sign and submit interim and final reports and other documentation as required by the grant agreement;
Sign and submit an Environment Hazards Assessment Form, if required; and
Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that _____ shall comply with all state
(applicant)
and federal laws, regulations and permit requirements pertaining to implementation of this project and to fulfillment of the grant document provisions.

Adopted this _____ day of _____, 20_____.

I hereby certify that the foregoing resolution was duly adopted by _____ at a legal meeting on ___ day of _, 20 _____.

Authorized Signature: _____ **Title:** _____
(Signature of the governmental unit's executive officer, for example, Village President, City Mayor, County Board Chair, etc.)

IMPORTANT NOTE: *The DNR expects the individual in the position authorized by this resolution to become familiar with the applicable grant program's procedures for the purpose of taking the necessary actions to undertake, direct, and complete the approved project. This includes acting as the primary contact for the project, submitting required materials for a complete grant application, fulfilling the requirements of the grant agreement , carrying out acquisition or development project (e.g., obtaining required permits, noticing, bidding, following acquisition guidelines, etc.), and closing the grant project (e.g., submitting final report, grant reimbursement forms and documentation, and organization of project files for future monitoring of compliance).*

Attachment H: Reimbursement Pathways