

Summary of Authorized Local Program (ALP) Proposal to Implement the Agricultural Nonpoint Pollution Performance Standards Statewide

By: WI Land + Water (5/2019)

This ALP proposal is a recommended framework for ramping up the implementation of agricultural nonpoint pollution performance standards and prohibitions (“performance standards”) in a systematic manner statewide. The concept is to offer long-term financial incentives, in both staffing grants and landowner cost-sharing funds, to counties that commit to an accelerated and accountable implementation process, as described below. Similar models exist in other state programs such as well, septic, building and restaurant inspections, stormwater management, nonmetallic mine reclamation, etc. Long-term financial support is needed for county staff to establish relationships with local farmers and landowners to plan, design, implement and maintain best management practices (BMPs) and other measures needed to meet the performance standards. To be eligible for ALP grants, counties would need to commit all of the following:

1. Plan. Submit to the State annual and long-range plans on how the county will implement the performance standards. *(Note: There are already processes in place for this under ATCP 50).*
2. Farm evaluations. Work with individual landowners in a systematic manner to evaluate farms, document the status of compliance with the performance standards, determine which BMPs or other measures are needed to bring the farm into compliance, and notify the landowners of their compliance status while offering the following standard services:
 - a. *Information/education*. Implement an I/E program designed to familiarize local landowners with the performance standards, the BMPS that may be needed to comply, and the steps involved in getting into and maintaining compliance.
 - b. *Technical assistance*. Provide free conservation planning assistance and engineering technical services in the planning, design and implementation of BMPs or other measures as needed to comply with the standards.
 - c. *Cost-sharing*. Offer public cost-sharing, as required by state law (ATCP 50 and NR 151), for the implementation of BMPs needed to comply with the performance standards.
3. Tracking system. Track the status of compliance with the performance standards in a spatial based system (i.e. GIS) following minimum state standards. *(Note: Ideally, a State GIS database would tie into each County system to illustrate progress statewide.)*
4. Reporting. Submit annual reports to the State summarizing the results of local efforts to implement the standards. *(Note: There is already a process in place for this under ATCP 50).*
5. Maintenance. Implement an on-going verification process to ensure that all cost-shared BMPs in the county are maintained by the owner or designee for the designated time period (by rule).
6. Enforcement. Adopt and enforce an ordinance to “ensure compliance with the standards” if the county determines that all reasonable voluntary efforts have failed [per s. 92.10(6)(a)5. Wis. Stats.]. The ordinance must meet minimum state requirements such as performance standards, landowner notice, time to cure, cost-sharing, technical assistance, appeals process, etc.

Notes: ALP is not intended to be a new program. Existing grant programs such as Targeted Runoff Management grants (NR 153)¹ and the Soil & Water Resource Management Program (ATCP 50)² could be modified to meet ALP objectives. However, to be effective, significantly increased state funding is required, which could be phased in over several years.

¹ NR 153 currently has many of the ALP components as score enhancements in the criteria for short-term grants.

² ALP grants would be offered over and above the base allocations currently available through the SWRM grant program under s. 92.14(6) Wis. Stats. (average of three staff per county at a cost share rate of 100/70/50%) to support state-mandated Land & Water Resource Management Plans.