Guidance, Training, and Support Needs for Implementing Wisconsin’s Agricultural Performance Standards and Prohibitions

Results from a Survey of Local Staff

Prepared by UW-Extension, Environmental Resources Center for the Agricultural Performance Standards Information & Education Committee

Ken Genskow
Janice Kepka

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Introduction

This report presents the results of a survey regarding needs for training and guidance related to implementing Wisconsin's Agricultural Performance Standards and Prohibitions. The performance standards and prohibitions went into effect in October 2002, and as expressed in the agency rules defining them (NR 151 and ATCP 50), implementation relies on cooperation and coordination among county land conservation programs and state agencies. The survey sought to document what has worked well for implementing various elements of NR 151 so far and what specific training and guidance would help local staff with additional implementation needs.

The survey was conducted in August and September 2006 by University of Wisconsin-Extension’s Environmental Resources Center for the Wisconsin Agricultural Performance Standards and Prohibitions Information & Education Committee. The committee includes representation from Wisconsin Department of Agriculture and Consumer Protection (DATCP), Wisconsin Department of Natural Resources (DNR), USDA Natural Resources Conservation Service (NRCS), University of Wisconsin Extension (UWEX), and Wisconsin Association of Land Conservation Employees (WALCE). The web-based survey was developed with the committee delivered using University of Wisconsin-Madison WebSurvey@UW software and included county conservationists representing all 72 Wisconsin land conservation programs and local DNR Non-point source coordinators. All participants received advance notices from either the president of the WALCE or DNR staff describing the survey and inviting participation. Each respondent received up to three additional email invitations with unique links to the survey site. In total, 51 people responded by at least linking to the survey site. Thirty-one (31) people provided substantive responses to the questions (26 from county offices; 5 from DNR offices). Nineteen people left the survey without providing useful responses.

The survey was based on the “Implementation Strategy for NR 151,” which was developed under leadership from WALCE in 2003 and identified 10 components to local implementation (see appendix B).

Component 1: Plan the Implementation Approach
Component 2: Define Level of Agencies’ Commitment to NR151 Workload
Component 3: Conduct Information and Education Activities
Component 4: Determine Current Compliance
Component 5: Prepare Report and Notify Landowners of Compliance Status
Component 6: Secure Funding and Technical Assistance / Issue NR 151 Notice
Component 7: Administer Funding and Technical Assistance / Re-evaluate Parcel
Component 8: Enforcement
Component 9: Ongoing Compliance Monitoring
Component 10: Annual Reporting

For each component, survey participants were asked to identify

1) needs related to training and guidance, including specific technical or procedural guidance or sample templates and models; and

2) existing resources that may be helpful for implementing the component. Respondents also had the opportunity to comment on additional needs and resources for implementation.

Following a brief overview of general responses and response summarizes for each of the ten components, this report identifies several recommendations for addressing local training needs. Appendices include detailed survey responses and a copy of the Implementation Strategy for additional reference.
Survey Findings

General Overview

Respondents identified both a variety of training and guidance needs associated with implementing the agricultural performance standards and prohibitions and several helpful existing resources. Survey responses illustrated a common interest in understanding appropriate roles and coordinating actions among potential partners, such as county agencies, DNR, UWEX, NRCS, DATCP, and others. Responses also reinforced a desire at the local level to see clear and consistent messages from state-level partners regarding the nuts-and-bolts implementation issues such as determining compliance, communicating with landowners, and pursuing enforcement. The survey highlighted interest in clear instructions for:

- Working with agencies to develop partnerships and MOUs
- Planning a prioritized implementation strategy for a county
- Working with landowners on implementation, including landowners who are not interested in voluntary participation
- Gathering and analyzing existing land-management information
- Conducting inspections and how to recognize, document, and communicate compliance/non-compliance consistently
- Leveraging multiple cost-share funding sources

Respondents identified a number of existing resources that help meet some of these needs, including the “What Farmers Need to Know” publication, agency fact sheets, websites, and materials already in use by other counties. They also had several suggestions for additional materials and guidance, including:

- Templates for partner agreements (e.g., MOUs) and landowner communication
- Worksheets, checklists, and/or a process manual for determining compliance
- Tracking systems for monitoring land management and compliance, both GIS-based and non-GIS
- A planned approach for responding to complaints
- Consistent guidance on long-term reporting, including an understanding of state-agency expectations and information use.

Some of these items have already been developed and used by some counties, and respondents expressed interest in opportunities to share resources and learn from each others’ experiences. There is also interest in maintaining an ability to train new employees in the future.

The responses for each component below provide additional details that will help in developing an overall approach to supporting local training and development needs.

Response Summaries for each Implementation Component

The following summaries highlight responses for each of the ten components defined in the Implementation Strategy (included in Appendix B). Responses are grouped by guidance and training needs, helpful existing resources, and other resource needs. Some of the component summaries also include additional comments from respondents.
Component 1 – Plan the Implementation Approach

This component addresses the development of a local strategy to implement agricultural nonpoint source pollution control standards and prohibitions laid out by NR 151.

Guidance and Training Needs:

› Training
  ○ How to develop MOUs
  ○ New Land & Water Resource Management plan guidelines
  ○ How to work with landowners who reject cost-sharing
  ○ How to work with agencies and establish working relationships
  ○ How the whole process works
  ○ How to work with voluntary and “other” participation
  ○ How to quantify and organize a realistic plan

› Guidance
  ○ How to share work load with DNR Animal Waste Investigators

Helpful Existing Resources:

› MOUs from other counties (Chippewa, St. Croix, Washington, Rock, Winnebago)
› Agency publications
› LWRM plan
› NRCS Toolkit
› State I&E Committee
› DATCP and DNR staff
› WALCE implementation document (Note: See Appendix B)

Other Resource Needs:

› Examples of successful implementation models in other counties
› Opportunity to share experiences
› Training on use of GIS for implementation and tracking
Component 2 – Define Level of Agencies’ Commitment to NR151 Workload

This component documents and communicates the level of agency (county, state and federal) commitment towards the NR151 workload.

Guidance and Training Needs

- Examples of successful models
- Training
  - All aspects of NR151
  - How to write an MOU
  - How to develop a team approach to implementation
  - How to translate the plan into action
  - What assistance can LWCDs seek from agencies?
- Clarification of agency expectations of LWCD’s/ well-defined agency goals
- Clarification of the roles/levels of commitment of agencies (county, DNR, UWEX, NRCS, FSA, DATCP, lending institutions)
- Guidance on how to work with a situation when one or more groups (see above list) are not able to participate in the local implementation of NR151
- Use of cost-sharing options

Helpful Existing Resources

- NRCS and DATCP engineering oversight, with some education help from UWEX and RC&D grants
- LWRM Plans

Other Resource Needs

- Models of successes and lessons learned
- Present case histories of DNR and county staff working together
- Opportunities for communication with other counties to share experiences.
- A process to engage all conservation partners
**Component 3 – Conduct Information and Education Activities**

This component outlines the materials and delivery methods to be used to inform and educate landowners about NR151.

**Guidance and Training Needs:**

- Statewide media exposure/coordinated outreach campaign
  - Materials for landowners to explain process and its value
  - Templates for press releases
  - Delivery through UWEX or FSA
- Standardized training to improve staff confidence about the details of the process
- Clarified role of partners (i.e. Basin Educators)
- Cooperation FROM and coordination WITH partners (i.e. LCD, UWEX, DNR, NRCS, FB, PDPW, DBA, etc.)

**Helpful Existing Resources:**

- PowerPoint presentation from John Pfender, DNR
- Educational materials from DATCP, DNR, UWEX
- Statewide I/E implementation framework developed by E. Moore and submitted to DNR and UWEX in 2004.
- DNR Pub No. WT 756-2004 - “Wisconsin Runoff Rules: What farmers need to know”
- I&E Workplan
- County and/or state web sites
- An NR151 information specialist to help counties develop educational materials
- Fact sheets produced by DATCP and DNR

**Other Resource Needs:**

- Experience in farm planning and manure handling procedures
- Regional or state media campaign coordinated by state agencies
- Opportunities to share experiences—success stories and lessons learned
- Model/template materials
- Canned newsletter articles/fliers/Power Point presentations provided by the state to be used in local newspapers, newsletters, etc.
- Notice attached to property taxes describing landowner responsibilities related to NR151
- Checklist to insure necessary permits are secured or checked on
- More I&E materials—one on each component
- Flowchart of process for landowners
- Staff

**Quotes:**

- Need guidance on notification of producers during federal EQIP sign-up that link the federal components to the performance standards, allowing the applicant to recognize the practice that will bring him into compliance. This may need a self-evaluation tool that will allow a producer that has not been evaluated to identify that his barnyard, waterway, etc. is not in compliance.
- The annual WALCE conference could be an opportunity for providing individualized county assistance and follow-up annual refreshers.
  - Information packets for landowners on performance standards. Often times the procedures appear confusing to landowners. Staff have some discomfort as well as may perceive subjectivity when doing inventories. Perhaps regional training on each standard may benefit all.
- I&E Organizational Structure and Membership – Modify draft to identify the relationship between this committee and staff/financial resources available to the county through Basin Educators, etc.
Component 4a – Determine Current Compliance, Records Inventory

This component addresses the methodology to be used for determining current compliance by examining existing records.

Guidance and Training Needs:

› Training
  ◦ How to evaluate records objectively and consistently
  ◦ How to use historical data
  ◦ How to use a GIS-based system for inventory
  ◦ How to conduct a records review
  ◦ How to use a variety of records to document compliance

› Computer tracking system
› Alternative approaches, such as focus on a specific watershed
› Templates/checklists

Helpful Existing Resources:

› Access to landowner records
› County, state, federal program participants
› GIS records of resources and program participants

Other Resource Needs:

› Sharing of processes or forms developed by other counties
› Standardized forms, templates, checklists
› Sharing examples of successes and lessons learned
› Staff
› Time
› Funding

Quotes:

› Records review tasks have significant workload implications for many counties and is certainly affected by the level of electronic recordkeeping that a county does. Review of paper-based records can be very time consuming. Any examples of processes developed by other counties for both technologically advanced and paper-only offices could be very helpful.

› Clarification of what information can be obtained from participation in federal programs that does not violate privacy rules and regulations.

› Rock County’s Land and Water Plan prioritizes watersheds where compliance efforts will be carried out.

› Any documentation of records review processes developed by other counties. Portage County has developed a simple but seemingly effective form to capture this type of data. Perhaps, again, we can learn from them.
Component 4b – Determine Current Compliance, Onsite Evaluations

This component addresses the methodology to be used for determining current compliance by conducting onsite evaluations.

Guidance and Training Needs:

› Training
  ◦ How to recognize and document compliance/non-compliance to ensure consistent evaluations
  ◦ CAFO/federal regulations
  ◦ How to interpret definitions and standards as defined in NR151 (i.e. waters of the state, no direct discharge, etc.)
  ◦ On-site inspection procedure
  ◦ Review of four prohibitions and manure handling process

› Field exercises

Helpful Existing Resources:

› GIS records of sensitive areas
› Checklists/worksheets/templates
› Electronic data collection system
› Forms/worksheets/checklists
› County land conservation staff
› Chippewa County compliance status report format

Other Resource Needs:

› Examples of successful models and lessons learned
› Examples of write-ups
› A procedural manual
› List of land not under other programs
› Status review sheet/checklist

Quotes:

› That should be well defined in LWRM plans. New staff may need training on dealing with landowners or use of the runoff models. Counties must evaluate each farm uniformly so we provide consistency across county lines. This is especially critical if some of these go to litigation.
› We are currently working to set up forms to be used with notebook computers or data collectors for onsites. Data from the onsites can be downloaded to a database to enable report generation, letter generation based on compliance issues, etc. (Outagamie County)
› Existing checklists for site visits are good. Training and educational materials to support the checklist are missing. Need to calibrate staff within offices to be fair and consistent with determinations.
› DNR has some draft documents and e-mails that can be used to develop guidance materials. The more compliance determination problems the counties and DNR field staff can identify, the better this guidance will be.
Component 5 – Prepare Report and Notify Landowners of Compliance Status

This component lays out the minimum content required in a NR151 Status Report.

Guidance and Training Needs:

- Training
  - How to write a legally binding letter
  - How to deal with difficult people
  - How to conduct an inspection
  - How to communicate non-compliance

Helpful Existing Resources:

- LWRM plan
- State staff and boards
- Sample letters, form letters, standardized communication tools in circulation
- Examples of GIS and non-GIS based systems currently in use
- Formats and procedures developed and applied to conduct the evaluations and prepare the reports
- Examples from other counties

Other Resource Needs:

- A model letter that is less formal, legalistic
- Money to cover mailing costs
- Develop communication tools.

Quotes

- It would be valuable to share information on how counties have conveyed the written compliance status reports, and how one-to-one contact with landowners is most successfully handled. Both components are important.
- Our feeling is that the current communication approaches are legalistic and poorly communicate the findings and consequences. Although we understand the challenges of communicating findings, there must be a better way.
- The letters put out by the multi-agency workgroup seem to work fine.
- A number of counties have prepared evaluation form formats and procedures for conducting evaluations. These should be compiled and shared with others who may choose to do this.
- Chippewa County has developed a compliance status report format, and has experience in presenting the report information to the landowner. Langlade, Lincoln and Marathon counties are brainstorming on this issue and their product may serve as a template for state application.
- State meetings showcasing how counties are completing this step and how the process has been working.
- Need to develop a uniform inspection form
- Guidance on how to convey to subsequent owners the NR151 determinations made on the property.
Component 6a – Secure Funding and Technical Assistance/Issue NR151 Notice, Voluntary Component

This component outlines the process for obtaining funding and technical assistance in the event that the landowner voluntarily applies for assistance.

Guidance and Training Needs:

- Training
  - Annual updates and training on funding sources
  - Training on program changes and new programs as they become available
  - How to solicit funds for implementation
  - How to properly notify landowners
  - How to talk to landowners when an application for funding is rejected
  - How to promote interest in compliance when funds are limited
  - How to identify priorities of compliance when approving cost share contracts (for LCC supervisors)
- Communication among counties and UWEX, DNR and DATCP
- Guidance on how cost-share programs at state and federal levels can be coordinated

Helpful Existing Resources:

- Partners: NRCS, DATCP, DNR, UWEX, counties, local groups (lake districts, Trout Unlimited, etc)
- Examples of successful cost sharing models
- WALCE delivery
- Examples of DNR notifications
- Application materials for various programs

Other Resource Needs:

- More/better funding
- Need to include discussion of cost sharing options

Quotes:

- The limited availability of state funding compared to the need affects what can realistically be implemented through cost sharing. County technical or financial assistance has been effectively linked to voluntary compliance status evaluations in Chippewa County and this could be shared. Any examples of leveraging multiple cost share funding sources would be helpful.
- DNR-DATCP process for evaluating cost-share offers in NON’s when source of funding is not from DNR.
- Lots of training for technicians and planners—especially the part of “prompting voluntary landowner applications”
- Because of the reality that there is not enough money to address all resource priorities, even if landowners are out of compliance, there needs to be a better way of processing communication and notification of status. Even without adequate funding to resolve every issue, staff needs to better understand ways of continuing education outreach. Might also need to target landowners who will self-certify.
- Need training for LCC supervisors to identify priorities of compliance when approving cost share contracts.
Component 6b – Secure Funding and Technical Assistance/Issue NR151 Notice, Non-voluntary Component

This component outlines the process for obtaining funding and technical assistance in the event that the landowner does not voluntarily apply for assistance.

Guidance and Training Needs:

- **Training**
  - Consequences of non-compliance
  - Policy
  - Implementation procedure
  - Proper notification language
- Standardized forms and procedures and their use
- Guidance on roles/responsibilities of all partners (Who will enforce? What do DNR and DATCP require in the notice?)
- Policy guidance on the circumstances and process that the state would pursue in issuing an NOD for a smaller scale operation (<1000 animal units) after a voluntary approach to secure funding failed
- Train local DNR and conservation staff on how to prioritize and process non-compliance issues.

Helpful Existing Resources:

- LWRM plan
- County ordinance (Shawano County?)
- DNR legal assistance
- Templates and examples of actual letters

Other Resource Needs:

- More time
- More funds
- More staff

Quotes:

- Animal waste and runoff management staff needs to develop a process that all understand for working together with counties on site documentation and writing notices. Training sessions for county and AW and RM staff on the regional level would be helpful. In addition, counties and staff need to be able to identify where funding is or is not likely to be available to support enforcement before taking this step.
- Some enforcement assistance from DNR (even a signature line on the letter) would be appreciated for this notification.
Component 7 - Administer Funding and Technical Assistance/Re-evaluate Parcel

This component outlines the process for administering funding or technical assistance and conducting a follow-up evaluation to determine compliance.

Guidance and Training Needs:

- **Training**
  - New employees
  - Proper procedure
  - How to access state cost share funds
- **Guidance**
  - DNR guidance on determining compliance
  - DATCP/DNR expectations of county staff

Helpful Existing Resources:

- LWRM plan
- County/NRCS staff
- Technical handbooks
- NR151 Administrative rule
- Templates for status reports
- List of technical service providers

Other Resource Needs:

- Better models for communicating with landowners
- More funds
- More staff

Quotes:

- Emphasis on this area regarding a formal notification of compliance as a result of the receipt of cost sharing. DATCP should require a notice as part of a cost share reimbursement process to the counties.
- County staff needs to be able to take lead on this section. They need to be very technically versed and be able to make recommendations and offer ideas to resolve problems. They also need to be verse in cost estimating and available appropriate BMP application.
- Need refresher course on using state cost share dollars and the forms/procedures that must be utilized. Simplify the process whenever possible.
- Need additional technical assistance not more training.
Component 8 – Enforcement

This component establishes a process for situations in which the landowner refuses to respond appropriately to a Notice or is in breach of a cost share contract.

Guidance and Training Needs:

- Training
  - Proper procedure
  - Related to the legal aspects of this component
  - Implications for staff involved in enforcement actions
- Guidance
  - How will DNR enforce
  - County District Attorney involvement
- Standardized policy, then training on that policy.
- Case studies of actual enforcement proceedings and outcomes

Helpful Resources:

- County Animal Waste Management Ordinance
- Examples of successes/failures of other counties
- DNR
- Financial sanctions
- Form letters

Other Resource Needs:

- More staff within enforcement division

Quotes:

- How county ordinances can allow enforcement rather than the combined state process.
- Policy guidance on circumstances and outcomes of DNR or county based enforcement actions. What was the process, what statutory authorities were used? What was the outcome?
- Training for animal waste and runoff management staff would be helpful to facilitate working together with counties on writing notices. Training should cover the stepped enforcement process; how to gather credible enforcement evidence; how to talk to violators without threatening them; how to write and document a violation; how to conduct an interview to bring out meaningful information.
- Enforcement outside of local ordinances is fuzzy and not quite mature. Need to appreciate limitations and interest of DNR staff to enforce. Many counties have been avoiding the enforcement of standards because they do not understand the whole process or distinctions between the DNR and county roles.
- The expected roles of DNR and local staff during a potential enforcement action has implications for how staff are involved in previous steps such as on-site surveys, compliance determination, communications with landowners, etc. Present this issue from the perspective of both DNR and county.
Component 9 – Ongoing Compliance Monitoring

This component discusses the process for long-term compliance monitoring.

Guidance and Training Needs:

- Training
  - Practical training exercises on performing compliance inspections and follow-up
  - Case studies
  - Workshop on practical ways to implement ongoing compliance monitoring in light of limited resources, including alternative ways such as farmer self-certification, spot checks, etc.
  - Appropriate BMP application

- Guidance
  - What data is really needed to evaluate compliance statewide
  - How to convey to new owners the status of property upon purchase and what their NR151 responsibilities are
  - Procedures used in responding to public complaints
  - On questions of legality of recording compliance status

- Options for meeting NR151 obligations with current staffing

Helpful Existing Resources:

- LWRM plans, ordinances
- System for tracking compliance
- Public complaints
- FSA annual aerial photography
- Examples of successes and lessons learned
- Experienced staff and wardens
- Examples of practical follow-up techniques

Other Resource Needs:

- Establish statewide standardized procedures
- Establish statewide standardized tracking system and provide training
- Need to develop templates/checklist
- Need materials/workshops to support development of on-going compliance monitoring program at the local level

Quotes

- Discussion on this issue. Bring in people to describe various methods such as spot checks by staff, farmer annual self-certification, state-run statistical filed survey, etc.
- At this time, we view this as being a large part of staff time in years to come. Nutrient Management follow-up alone currently consumes a good portion of one person’s time. I see no easy way around this. A federal statewide “green payment” program that mirrors NR151 requirement would help considerably, not only with compliance, but annual reporting for monitoring.
- In preparing people, we can pull together examples of what is being done around the state and give to them to study prior to training.
Component 10 – Annual Reporting

This component establishes the records to be kept for the purposes of long-term compliance monitoring.

Guidance and Training Needs:
- Comprehensive training
- Dialog between agencies and counties regarding progress and evaluation.

Helpful Existing Resources:
- Current DATCP reporting system
- Current annual reports requirements under SWRM contract.
- Examples of what other counties are doing
- GIS tools

Other Resource Needs:
- Development of a specific, uniform, consistent, long-term reporting system
- Access to records of annual site evaluations, parcels receiving cost share
- Reporting guidelines
- Need a computer program to track compliance—something compatible with ARC GIS
- Staff to get the job done
- GIS-linked database to generate reports will help.

Quotes:
- Current DATCP reporting system is okay but needs some refining
- Should be bare minimum required for county to receive state staffing grant or cost share funds
- State agencies must step up a bit with this. Do they need reports? Will they use them? How? To date, the message from the agencies is ambiguous and not compelling. The LWCB may also need to lead this discussion of need.
- The state should provide guidance on what they want and let the county provide that info. We all have our own type of tracking and ways to generate reports. Make this simple and easy!
- Guidance regarding agency expectations for annual reports if different than current annual reports and reimbursement forms that are sent to DATCP.
Other Guidance and Training Needs

- UWEX-driven educational events
- Forum for sharing experiences of successes and failures
- Need to work with area DNR on procedures
- Incorporate NR151 compliance into daily outreach activities of FSA, NRCS, UWEX, farm cooperatives, etc.
- Unified vision of implementation of performance standards
- Method for ensuring some level of statewide consistency in the implementation
- Procedural manual

Other Helpful Resources

- DNR Pub. No. Wt756-2004
- Field experience
- Funding
- Training for farmers
- St. Croix County’s MOU

Quotes:

- It would be most helpful if UWEX would sign on and have educational events locally. In Waupaca County, Extension agents are best trained and most respected for any type of educational issues. If they handled all the local education concerning 50 and 151 it would be well received and understood.
- A training session for our staff on the NR151 rule would be nice prior to us holding an informational meeting for farmers.
- We utilize DNR Pub. No. WT756-2004 extensively, but until technicians are actually on the farm doing evaluations we are not going to realize what the issues actually are.
- WCA could field awareness at the County Management or Policy level.
- We hope to learn how to best write a practical plan and still work towards the 151 requirements considering limited staff and financial resources.
- The State Land and Water Board should conduct an evaluation of the progress that has been made in implementing the ag non-point performance standards.
- In general it would be helpful if a procedural manual could be developed which would serve as a template or model for counties to follow involving the entire process from compliance status to enforcement. Examples of all the various forms would be helpful. It is important that there be some statewide consistency in the implementation and enforcement of NR151. There also is a lot of value in having training or round table sessions for ideas to be shared. Many county departments are taking on many additional responsibilities and the more guidance the state can provide the better.
Summary and Recommendations

In general, the input from this survey suggests that many counties and local partners are finding creative approaches to implementing the agricultural performance standards and prohibitions. Others have made limited progress in coordinating with local partners and addressing specific implementation needs. Offering training and guidance and facilitating opportunities to share experiences among local staff would help the array of partner organizations move past perceived constraints to implementation. The statewide Information and Education Committee can pursue several options to help address local training and guidance needs for implementing the agricultural performance standards and prohibitions.

The committee should support and facilitate additional opportunities for counties and associated local partners to learn from each other’s implementation experiences. Several counties have crafted partnership agreements, developed protocols for compliance inspections, and created tools for data tracking and long-term monitoring. It could benefit staff in all partner organizations to participate in these peer-learning opportunities. Workshops could be conducted at statewide gatherings and in person in multiple locations across the state, as well as via distance learning technology such as UW-Extension’s Wisline Web.

Many respondents expressed an interest in practical, hands-on, nuts-and-bolts training. The range of issues identified supports the development of focused training modules that could be delivered individually or in combination. Topics for these trainings could include organizing a local implementation team, inspecting for compliance, communicating inspection results to landowners, tracking compliance over time, and reporting implementation progress. Delivery options include in-person and via distance technology.

Along with the modules, the committee could oversee development of guidance materials and compilations of new and existing tools such as sample templates, worksheets, checklists, and tracking systems. These materials could be made available to counties at training sessions and via the Internet. The committee could build upon the results of this assessment to identify and prioritize key topical needs and coordinate the development of appropriate materials.
Appendix A: All responses, grouped by county/agency

Appendix A includes responses from counties and agency staff as they were submitted. Responses are grouped by component and by whether they came from a county or DNR. The comments do not identify specific counties or individuals.

Component 1 – Plan the Implementation Approach: Guidance and Training Needs

Please identify specific priority guidance or training needs related to implementing this component. Guidance and training needs could include examples or templates as well as specific training related to technical, procedural, or other aspects of this component:

County Responses

This should be well defined in each individual LWRM plan.

Guidance needed - How to share work load with DNR Animal Waste Investigators. Agreement with UWEX on state level to assist with education. Develop common State-wide forms and procedures guidance to be implemented by counties as practical determined by the particular county’s needs and man power resources.

I would like to see how other counties are identifying who’s already in compliance. The only records we have are hardcopy landowner files. Do other counties have electronic data bases for landowner files? We are on the federal computer system so, the only electronic files we have are for those lansowners who have been entered in Toolkit.

Guidance needed for how to handle situations where landowners reject cost sharing and will not sign cost share offer, guidance with soil erosion problems that have migrated off site yet not reaching waters of the state

Recognize the failure of the agencies to deliver a NPS program as envisioned by AWAC. Work to fix ATCP 50 and NR 151. Anything short of that is a waste of time.

Examples of other counties efforts

It would be interesting to see what how other Counties are approaching the systematic inventorying of parcels. In my County, we are basing it off of resource related factors, the biggest being proximity to water. Farms will be id’d using GIS layers. A 100% inventory will not be done immediately. Inventory will proceed based on available funding to cost-share needed BMP’s.

It would be helpful if staff from DATCP and DNR attend informational meetings to explain the perf standards, answer questions and let individuals know who will be held responsible for enforcement of compliance. General training, templates of forms, etc., informational articles, etc. would help us get the word out.

Training on new Land & Water Resource Management plan guidelines

Enforcement has been conducted through county ordiances. More guidance on enforcement procedures or formatted material for noticing landowners would be valuable. Ideas for monitoring compliance.

WALCE implementation doccument which has been included by reference as part of the state Land And Water Planning guidance issued by DATCP. This doccument outlines the major components of an implementation approach for consideration by the counties.

Standardized tracking system that all partners can utilize. 2. Education activities that involve farm associations and conservation partners. 3. Training on documenting and reporting compliance. 4. better water quality data to assess needs and improvements

We are currently in the process of finalizing our MOU with the DNR and are hoping to sign this agreement by October.

Training Need- Develop a template or checklist of the Ag performance standards that need to be reviewed to ensure statewide consistency. State should take lead and have round table meetings for county staff to share ideas and thoughts as to what works well and does not work well. Provide training on entire process. Implementation approach is already established per the Land & Water Resource Management Plan.
clear understanding of performance standard compliance. calibration of performance standard protocol

Examples and training to educate staff as to blending voluntary and "other" participation.

None needed

We have a system in place which focuses on complaints first. Tracking and reporting compliance is of concern.

Information and education materials to distribute to farmers would be helpful. The material should be concise and direct.

flow charts, template documents, basic training on how the process will work and how it should be set up

Answer was erased the first time, so this is a quick answer. Just took over County Conservationist duties. Have not been much progress in our office on NR151 implementation to date. Plan to really get going this winter on NR151 work. Plan to tie to GIS and FSA's CLU layer. I'll answer these questions as best I can, but relatively new to NR151.

Guidance on how to increase staff dollars from the state so we can maintain land and water cons. dept staff for the purpose of implementing nr151.

Issuing required notices and conducting enforcement activities. Specific forms and documentation needs to notices and enforcement.

A damn good explanation of who is supposed to enforce the clean water laws of this state. I know it is not Price County and our 2 LCD staff. Why is it not being done? Who is causing it not to get done? The TRUTH now!

DNR Responses

Examples of alternative approached would be nice. Much of the guidance and templates are way too detailed.

Example alternative approaches to implementation would be helpful, as well as an explanation of how an approach can be tailored to address the resource need in the county. Given the large scope of NR151 standards & prohibitions, there are a wide range of options to a county for prioritizing implementation? by geographic area & resource priorities, by specific standard or prohibition, etc. As counties take up this work, clear examples of what is working elsewhere need to be made available. Building a specific timeline and measures of progress into the implementation approach, and including these in the LWRM Plan is important to assuring that progress will be made. Are there any funding incentives that can be offered to get this done?

IF EACH COUNTY IS TO DEVELOP ITS OWN PLAN, THEN WE WILL NEED TO BE MADE AWARE OF THEIR PLAN DIFFERENCES. A GOOD OVERALL TRAINING SESSION WOULD BE HELPFUL IN UNDERSTANDING THE REQUIREMENTS OF NR 151. ALSO, THE REASONING WHY THIS IS IN PLACE AND WHAT NEEDS TO BE DONE TO FULLY AND FAIRLY IMPLEMENT.

Present guidance for developing MOUs (Defining the need for an MOU, Who’s involved, development process & relationship to LWRMP, Signing, Implementing, Evaluating). DNR and County staffs experienced with this should lead the session. Alternatives to MOUs that have been used by counties. We have some of our most extensive programs in counties that do not have MOUs with DNR. Addressing NR 151 in LWRMP Methods to identify DNR & County water quality based NR 151 Implementation Priorities (How do we come to joint agreement on which pollution sources to target with our cost sharing, staffing and enforcement?)

Component 1 – Plan the Implementation Approach: Helpful Resources

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

County Responses:

This should be well spelled out in our current Land and Water Resource Management Plans. LWCD’s will need to use the procedures identified in their individual plans.
State prohibitions. TRM EQIP soil & water funds for implementing LWRM plans

Other than USDA-NRCS Toolkit, I am unaware of any database to track landowner compliance

none

Experience planning projects

GIS

LWRM Plan State (DATCP & DNR) provided guidance

DATCP and DNR staff assistance and informational publications, also examples of forms we can use.

Other counties

I am not aware of additional resources that are available to us.

DATCP planning staff, Other counties that have incorporated a detailed planning approach or mngt strategy to implement the nonpoint standards into their LW plans.

The state I&E Committee can be a great resource for counties to assess information, training opportunities and resource tools. - The checklist to be utilized by county staff during LWRM Plan development is not enough to help staff. - Staff need help in quantifying and organizing a realistic 5 year plan with available resources.

unknown

Existing LWRM plans

Approved LWRM County Plans.

N/A

none

Other county offices that have already implemented NR151 using GIS -- would be helpful to visit and go through some typical scenarios and how they handle them.

County experiences.

DNR Responses:

Examples of how other counties have implemented NR 151

Documentation of approaches developed from counties that have already done this.

COUNTY LCD PLANS NR 151

Chippewa County - DNR MOU St. Croix County - DNR MOU Other MOUs in Progress (Washington, Rock, Winnebago County) Chart (prepared for Lincoln, Langlade, Marathon Counties) of DNR’s expectation for both DNR and Counties in implementing NR 151 (agricultural parts) Statewide NR 151 Implementation Strategy for Agricultural Performance Standards & Prohibitions (10 Component Strategy)
Component 2 – Define Agency Commitment: Guidance and Training Needs

Please identify specific priority guidance or training needs related to implementing this component:

**County Responses**

LWCD’s must have a well defined procedure from DATCP and especially DNR on how they are going to handle enforcement. LWCD commitment is well documented in our LWRM plans. We cannot be left hanging if a landowner refuses to comply and DNR does not support us.

cooperation and commitment by county, DNR, UWEX, NRCS, FSA, DATCP and lending institutions.

I'd like to hear how other agencies are going to help us administer these rules. Our partner agencies don’t have the staff to administer their own programs let alone help us with these new rules.

Need for continued guidance from other agency partners

none

We are assuming that DNR is relatively incapable of assisting with much of the NR151 implementation at this time due to budget cuts and staff loss. We are assuming most of the responsibility.

DNR and DATCP need to provide training on all aspects of NR151

Knowing DATCP/DNR’s specific needs regarding their expectations of the county’s implementation of the performance standards would help to better define how much time we need to spend on them. It doesn’t mean we’ll be able to meet the state’s expectations, but at least we’ll have some goals to work toward.

Need more information from DNR on what they can do.

More guidance on the use of Federal cost share programs as an offer of Costsharing. DATCP staff revenues need to recognize workload as component of their allocation plan. NRCS needs to incorporate State performance Standards implementation recognition in their State allocation plan as a local work group priority.

I would like to know what the state and federal role is in enforcing NR151. The local animal waste personnel and conservation wardens do not seem that interested in enforcement in Marinette County.

DNR state nonpoint runoff staff has provided guidance on seeking DNR commitments through use of local memorandum of understanding (MOUs) between DNR district staff and counties that have an interest in seeking more clarification of what DNR staff will do to support county efforts. The state agencies (DATCP, DNR and UWEX ) at the state level have shown a very limited commitment to implementing the state standards, as measured by the existence of written working agreements, a functioning program framework, a detailed funding strategy, a spatial tracking system to document where standards are being met and a statewide outreach program. The federal agencies have not incorporated the standards into federal program delivery, and no longer provide access to site specific land owner decisions regarding land management choices or to federal conservation program information. Priority guidance should be provided by the LW board and state agency secretaries as to whether there is truly a commitment to implement these standards, and if so what the state agencies intend to do to develop and administer a program to that end. Policy guidance should be sought from the federal agency secretaries regarding how state nonpoint standards can be explicitly acknowledged and advanced or supported through federal programs. Policy guidance should be sought through UWEX to determine what role, if any UWEX intends to serve in designing and implementing an outreach program to introduce the ag nonpoint standards and to support their local implementation.

I am not aware of developed training opportunities to help identify and develop the agency commitments. In fact, I suspect that other agencies have little insight into what their roles are or might be. Everyone is doing their own thing to a large degree.

This is spelled out in our MOU

County, state and federal staff need to meet as needed to firm up commitments and strategies. Team approach is really important.

better training in writing memorandum of understanding. All agencies need to be on same page as to understanding roles ad responsibilities. Current MOU’s are at best poorly written.
training regarding exacting what level of committment state agencies have towards nr151 would be helpful.

Examples of how “other” counties are allocating staff and working with state and federal conservation “partners”.

None needed

I am not aware of any participation in this effort by federal partners. Workload is definately an issue. DNR regional staff seems to be supportive but their workload may prevent assistance to counties.

DNR responses

none

As one of the partner agencies, the State needs to make clear the extent to which financial resources can be made available to assist counties with implementation, particularly with cost-sharing and assistance with enforcement issues. Realistically, to increase the commitment of counties, more staff support is needed, and counties need some assurance of cost-share funding for implementation, to make their time and effort worthwhile.

NEED FOR A TRAINING SESSION TO EXPLAIN THE DIFFERENT ROLES OF EACH GROUP. ALSO, EXPLAIN IF A GROUP IS NOT PARTICIPATING, HOW DOES THAT IMPACT DNR? EXPLAIN CLEARLY WHAT THE EXPECTATIONS OF THE PROGRAM ARE AND HOW DO THEY IMPACT EACH AGENCY’S PRIORITY AND WORK PLAN.

Translating what we agree to do into action. Counties seem to be concerned that DNR will drop the ball. Let’s discuss how this process can work.

Component 2 – Define Agency Commitment: Helpful Resources

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

County Responses

I am not aware of anything except individual letters of support from our DNR area water quality staff.

State office cooperation in Madison? (fairy tale?)

The only resource I can see is EQIP.

NRCS and DATCP engineering oversite, some education help from UWEX, RC&D grants

A good working relationship with agency reps is necessary

More DNR enforcement staff, and a willingness on DNR’s behalf to carry an enforcement case all the way through rather than coming out strong and in the end dropping the case.

LWRM Plan Work plan MOU (Co & DNR)

County and federal (NRCS) staff resources are available in our office to work on the implementation of the perf standards through county, state and federal (EQIP) cost sharing dollars and contracts.

None
DNR model MOU

There needs to be a process developed that is employed during LWRM Plan writing that organizes all the conservation partners to discuss this implementation need. All participants must understand their roles and expectations as well as resource limitations.

unknown
none
Communicating with other counties.
N/A
none unless DNR has done all of this already

How long does it take for staff to accomplish components of NR151? County LCD experience from select county LCD’s may help answer and be a helpful resource.

DNR Responses

time
N/A

Present case histories of where DNR and County staff worked together to identify priority problem, obtain cost share, either fix problem or refer for enforcement. We have examples of all of these. Present case histories of where best intentions fell apart and how we can try to limit this.

Component 3 – Conduct Training Activities: Guidance and Training Needs

Please identify specific priority guidance or training needs related to implementing this component:

County Responses

Round table discussions with all the agencies involved would be helpful to begin with. Then a training strategy could be developed. Some counties are well into the process---they could share their experiences.

State wide articles in media.
Increased education through UWEX or possibly FSA
none

Staff need to be trained thoroughly in all aspects of the perf standards before we can disseminate information we know very little about. The informational materials we’ve received through the state have been fairly decent, but we are at a loss when it comes to certain questions about compliance, cost sharing requirement, etc.

Need more I & E materials on practices to meet performance standards. Maybe a pamphlet on each performance standard with more details.

Need guidance on notification of producers during federal EQUIP sign ups that link the federal components to the performance standards, allowing the applicant to recognize the practice that will bring him into compliance. This may need a self evaluation tool that will allow a producer that has not received and evalution to identify that his barnyard or waterway etc. in not in compliance.

Knowledge of NR151 is not the limiting factor for installation of BMP’s. For 2007 Marinette County applied for nine TRM grants on behalf of willing landowners that were not funded.

UWEX basin educators, DNR and DATCP program staff should create the state program framework for a coordinated outreach effort including state and regional activities and educational materials, a joint implementation schedule and budget to raise the public awareness and to support local implementation efforts. This survey may serve to help inventory what has been developed through local initiatives. A policy decision needs to be made by UWEX as to the role of the basin educators. To what extent are they to serve in implementing the nonpoint performance standards and to what extent should their time be spent on other resource mgnt. issues?
The farm groups such as FB, PDPW and DBA must be fully involved to help get message out to producers. Then we must get complete buy-in and commitments from state and federal agencies of their roles. Need to get clear on processes that partners will use to implement educational and implementation activities within counties. Subsequently, there must be outreach to producers to share the process and needs. Performance Standards must be integrated with other agencies activities too. They need not lead the standards implementation but must be willing and able to inform producers and landowners about how performance standards impact participation in all programming.

I am assuming this Component is for clients or landowners, then we would like to see more press (newsletter articles, fliers, etc...) about the laws/requirements.

Develop a good informational handout which describes the entire process so that landowners have a better understanding.

How LCD’s can transform from purely helping agencies to regulatory agencies.

Most county staff have the ability to conduct I&E activities, so I do not feel we would need training on this.

Staff training thru regional meetings hosted by DNR and DATCP might be an option. Active educational efforts by UW-EX coordinated with county LCDs.

Workshops and/or materials that explain to landowners why it is their best interest to comply with the requirements of NR151.

Information packets for landowners on performance standards. Often times the procedures appear confusing to landowners. Staff have some discomfort as well as may perceive subjectivity when doing inventories. Perhaps regional training on each standard may benefit all.

I feel that it is the responsibility of DNR and DATCP to inform the farmers of Wisconsin of their statutory responsibilities in meeting the ag performance standards. I do not believe that wi. farmers have seriously considered the obligations they face under NR 151. They need to be made aware of them. The LCD’s role is to help the farmers meet those obligations, not ensure that they are in compliance. That is the farmers responsibility.

templates for press releases, outlines for information activities, hadouts for landowners,NR 151 info specialist to assist counties w/ info activities

The DNR fact sheet has proved helpful thus far in educating landowners. Informational meeting is planned for this winter and it may be helpful to have a staff person from DATCP and/or DNR available. Press releases are being planned as well.

Guidance on how to increase staff dollars from the state so we can maintain land and water cons. dept staff for the purpose of implementing nr151.

a flow chart might be a good training tool that shows landowners what the process of implementing a NR151 BMP from start to finish.

Have the State do its job! Maybe train those at the DATCP and DNR? I can tell you it is broken now but I have no ability to force those responsible into meaningful change.

DNR Responses

none

Counties seem to have very specific, highly variable and individual needs for information management. This is especially true because information management varies so much from paper records only, to GIS and electronic databases. Assistance would be valuable for identifying the processes they can most effectively use to document compliance through records review, conduct field verifications, and track implementation.

FOLKS NEED TO KNOW HOW THIS WILL IMPACT THEM AND THEIR FINANCES. THERE NEEDS TO BE ONE-ON-ONE MEETINGS WITH LANDOWNERS TO INFORM THEM OF THEIR RESPONSIBILITIES AS STEWARDS OF THE LAND. IF A PROPERTY OWNER ELECTS TO NOT IMPLEMENT AN IMPORTANT PROJECT BECAUSE OF NO COST SHARING OR DOES NOT WANT TO SPEND ANY FUNDS, AGENCIES NEED A WAY TO FORCE SUCH WORK BE DONE IN THE INTEREST OF PUBLIC GOOD.

Discuss roles and responsibilities of the State I&E Committee Identify available educational resources and discuss improvements needed
**Component 3 – Conduct Training Activities: Helpful Resources**

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

**County Responses**

- We are utilizing a power point presentation available from DNR, specifically John Pfender.
- State wide media blitz.
- Educational materials from DATCP, DNR and UWEX were used initially to educate landowners through meetings on the NR 151 standards and prohibitions.
- Experience in farm planning and manure handling procedures
- Get us the info, and we’ll get it out. Would be nice to see state agencies take a bigger role in regional I&E through things such as TV and Radio spots.
- County staff resources would be available along with a little money for printing, etc. Also we have done news articles on the performance standards when they first came into effect. Have not done an article for quite some time. The performance standards are discussed when we cost share on practices.
- Not aware of any.
- Canned newsletter articles/fliers/Powerpoint presentations provided by the state to be used in local newspapers, newsletters, etc.
- DNR Pub No. WT 756-2004, “Wisconsin’s Runoff Rules: What Farmers Need to Know” has been useful.
- Numerous fact sheets produced by DATCP & DNR are very helpful.

**Publications from DATCP**

- N/A
- none unless done by DNR already
- WEB sites at county/state level. Attach a notice to property taxes explaining NR151 responsibilities of the landowner.
- An over throw of the Legislative gridlock created by the anti environmental representatives? UWEX-Just do it! Gitter’ done!

**DNR Responses**

- The annual WALCE conference could be an opportunity for providing individualized county assistance and follow up annual refreshers.

**ONE-ON-ONE MEETING(S) PRINTED INFORMATIONAL BROCHURES POSSIBLE HELP IN DESIGNING AND PLANNING PROJECTS CHECKSHEET TO INSURE NECESSARY PERMITS ARE SECURED OR CHECKED ON**

**I&E Workplan (Draft) I&E Organizational Structure and Membership (Modify draft to identify the relationship between this committee and staff/financial resources available to the county through Basin Educators, etc.)**

UW-EX Portal Page DNR and DATCP Internet resources
Component 4a – Records Review: Guidance and Training Needs

Please identify specific priority guidance or training needs related to implementing this component:

County Responses

Again uniformity between counties is critical so providing examples of how and what information is valuable and accurate would be helpful.

This could only be accomplished in that part of a county that has completed or is near completion of a priority watershed project. Whoever thought of this was fortunate enough to come from a county where the majority of the ag area has been covered by priority watershed projects.

Implementation of this component is being achieved as we proceed on our county-wide priority driven inventory

none

How are County’s dealing with this issue? How far back are counties looking. Alot could happen at an operation since a practice was installed 5 years ago.

What do the state agencies need in regard to our documentation of practices installed through c/s and as proof that we’ve at least informed the landowner of the standards.

Need examples of computer programs to track results.

Doubts have been cast as to who may be considered in complianc or not. More guidance on conducting these evaluations of records.

We will begin this process shortly. I would like to hear from other counties what works or does not work, learn about the most efficient methods, what federal data will be available, etc.

This step makes sense in theory, but in practice has been difficult to implement, do to the site specific nature of the standards, and the farm mnfg. changes which may have occurred since other contracts were signed. Inventories are a snap shot in time and quickly become out of date. In all cases we followed up with specific evaluations to verify the accuracy of our information.

Need training to calibrate and evaluate the value of historical data relative to compliance. Need help to determine how to utilize past participation records to make a decision about current compliance. How far back can staff go and use records confidently?

In our MOU we decided not to pursue the records review from the amount of time that has past since the adoption of the rule till now, Oct 1, 2002 (4 years). We are intending on using past plans and O&M’s as part of our cost share requirement determination.

Develop template for guidance. Roundtable discussions to share ideas on methods that work well.

training to use GIS system

no training needed, just staff time to complete.

It would be great to see how over 3300 landowner files (with possibly 2-3 “tracts) could be evaluated within 90 days.

Clarification of what information can be obtained from participation in federal programs that does not violate privacy rules and regulations.

Still some confusion on federal participants and what can be conducted. Concern over FPP requirements and whether landowners understand that signing indicates compliance on their part. Examples provided by other counties may prove helpful.

none needed. Federal privacy requirements are making this process impossible to implement.

compliance check list templates, staff time

This would determine a lot of landowners that are in compliance and recording that for future enforcement... As suggested, this may be one of our first steps.

Guidance on how to increase staff dollars from the state so we can maintain land and water cons. dept staff for the purpose of implementing nr151.
Lots of work required, related to NR151.07 Nutrient Management. We have received 20 phone complaints in the last month regarding Land Application of waste.

DNR Responses

Again, alternative approaches such as focus on a specific watershed.

Records review tasks have significant workload implications for many counties, and is certainly affected by the level of electronic record-keeping that a county does. Review of paper-based records can be very time consuming. Any examples of processes developed by other counties for both technologically advanced and ?paper only? offices could be very helpful.

THIS REQUIREMENT NEEDS TO BE CLEARLY EXPLAINED TO OWNERS. AGAIN, ONE ON ONE MEETING NEEDS TO STRESS THIS REQUIREMENT AND THE NEED TO UNDERSTAND BEFORE COST SHARE MONEY IS ACCEPTED.

Identify how different records (cost-share agreements, farmland preservation self-certifications, livestock siting documents, farm plans, etc.) can be used to identify continuing compliance requirements for landowners.

Component 4a – Records Review: Helpful Resources

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

County Responses

Our LWRM plans have the general procedures outlined.

Bring back the priority watershed program.

Our office files contain information relevant to existing compliance with NR 151.

ACCESS TO LANDOWNER FILES THAT REALLY BELONG TO THE COUNTIES, AND HAVE BELONGED TO THE COUNTIES SINCE THE DAYS OF COOPERATOR AGREEMENTS WITH SWCD’S.

County, State, & Federal program participants Maps of area’s subject to different standards GIS records of resources and program participants

County staff could be available to carry out this component, however it would depend on what other programs are going on. We have a form that the staff should be filling out when they make landowner visits which verifies what’s out there, however, not sure how often the staff remember to take/do the form and additionally, don’t know if it meets DATCP/DNR’s expectations or not.

Not of aware of any.

a robust GIS

None

none

Is there any kind of status review sheet that we can use to certify compliance?

I bet you haven’t heard this one before- Adequate funding and staffing provided and a commitment from the state to actually make bad actors stop acting that way under fear of severe penalty.

DNR Responses

Rock County’s Land and Water plan prioritizes watersheds where compliance efforts will be carried out.

Any documentation of records review processes developed by other counties. Portage County has developed a simple but seemingly effective form to capture this type of data. Perhaps, again, we can learn from them.

WATER QUALITY GRANTS STAFF STRESS THIS POINT IN THEIR NEGOTIATIONS WITH OWNERS AND COUNTIES.
Component 4b – Onsite Evaluation: Guidance and Training Needs

Please identify specific priority guidance or training needs related to implementing this component:

**County Responses**

That should be well defined in LWRM plans. New staff may need training on dealing with landowners or use of the runoff models. Counties must evaluate each farm uniformly so we provide consistency across county lines. This is especially critical if some of these go to litigation.

A form containing a simple check list should be developed for state wide use.

guidance for specific on-site inspection procedure for NR151 compliance and worksheets to complete inspections

Review of 4 prohibitions and manure handling procedures

What to do when access for evaluation is denied

We need a form or forms from the state which specifically tells us what the state wants when we do the evaluations.

None

More command emphasis on this need. Compliance reports could be made part of a cost share contract to insure that cost share was applied to bring an applicant for cshare into compliance. However some elements such as ground water are not State performance practices.

See 4a

Policy guidance and training on the interpretation of definitions and standards as defined in NR151. ie waters of the state, no direct discharge, compliance. etc.

Training for staff to conduct on-site inventories. Inventories must be consistent and fair among different staff. Education about the visit and communication of findings must proceed the visit. When and if to use picture records?

A process or method template might be useful. Develop a procedural manual to provide some consistency throughout the state.

I disagree that onsite evaluations should occur only after a county wide inventory. This merely stalls for time.

none

Provide examples from other counties....

Development of consistent inventory forms/procedures for conducting on-site evaluations.

As stated previously, these evaluations are currently complaint driven due to workload issues.

None needed

need letter templates, evaluation sheets, training on how to identify problems areas, computer model training

As stated before, we will begin with farmland preservation participants since we have access to those files for enforcement purposes and will be completing status reviews on those already for that program. Also be completing evaluations on-site on a complaint basis.

Guidance on how to increase staff dollars from the state so we can maintain land and water cons. dept staff for the purpose of implementing nr151.

**DNR Responses**

Facilitated discussions among county staff, DNR, DATCP and UWEX

Training on how to do an on-site evaluation, and how to recognize and document NR151 compliance and non-compliance would be helpful. Field exercises may be useful.

**NEED TRAINING OF STAFF AND COUNTY FOLKS TO DO INSPECTIONS AND SHARE WRITE-UPS**

DNR will go through each standard and identify compliance issues, providing answers where possible.
We will discuss status determinations (new vs existing) for routine and complicated situations, and making determinations whether p/s is being met. Interfacing with NRCS programs in making compliance determinations. Using available tools and information to assist with compliance determinations. In-field training on compliance determinations. Evaluating a site under NR 243 and NR 151, and describing how these two approaches can be used. Documentation needs.

**Component 4b – Onsite Evaluation: Helpful Resources**

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

**County Responses**

Area DATCP or NRCS has provided training in the past.

County land conservation staff.

there are some county derived worksheets to use when inspecting operations for compliance

Experience...new employees would struggle, I think

We are currently working to setup forms to be used with notebook computers or data collectors for on-sites. Data from the onsites can then be downloaded to a database to enable report generation, letter generation based on compliance issues, etc.

List of land not under other programs are priority Livestock inventory Public complaints GIS records of sensitive areas

County folks will again be available depending on other program needs. The form we’ve developed should help with this component, however not sure if it meets state’s needs.

It would be helpful for DNR to begin to develop a policy manual to help clarify its interpretation of NR151.

Existing checklists for site visits are good. Training and educational materials to support the checklist are missing. Need to calibrate staff within offices and state to be fair and consistent with determinations.

None.

Several counties have developed their own on-site evaluation forms. Perhaps the best elements of each could be incorporated into a standard form.

none unless already developed by DNR

A status review sheet/checklist would be helpful for completing this task for each landowner.

Have the law formulated to make the producer have to deal in his own best interest. Money talks and BS walks. Make it less costly to comply than not. Until this is done, we are wasting our time talking about it.

**DNR Responses**

Unaware of any..

Chippewa County compliance status report format should be used as an example and could save other counties from the time involved to ?reinvent the wheel?

NOT KNOWN

DNR has some draft documents and e-mails that can be used to develop guidance materials. The more compliance determinations problems the counties and DNR field staff can identify, the better this guidance will be. Training modules on federal/CAFO regulations.
Component 5 – Notification of Compliance Status: Guidance and Training Needs

Please identify specific priority guidance or training needs related to implementing this component:

County Responses

Defined in LWRM plan.

Again, a state wide report form needs to be developed.

guidance on how to convey to subsequent owners the NR 151 determinations made on the property

Review of how to word a legally binding letter

Again, provide us the forms/sample letters, templates and give us some training on how to handle all the trouble we’ll be encountering.

Need examples of letters sent out. Also need a way to pay to send out

Sharing of sample documents that meet NR 151 requirements.

I would like to see templates for contact materials.

Formats and procedures which have been developed and applied to conduct the evals and to prepare the reports.

Our feeling is that the current communication approaches are legalistic and poorly communicate the findings and consequences. Although we understand the challenges of communicating findings, there must be a better way.

The letters previous put out by the multi-agency workgroup seem to work fine.

Provide some good examples of methods and examples that are working well. Include in a procedural manual.

Need to develop form letters that are less heavily legalistic. Perhaps a series of letters and meetings to deal with non compliance

sample letters

Examples from other counties would be helpful for all staff and LCC.

Need to have standardized forms.

We have currently issued two non-compliance letters. Local ordinance has been the vehicle for such. We are currently revisiting this policy decision at this time and will review needs in the near future.

none needed

direct on proper wording of report or templates. letter templates

Follow-up letter following status review will be sent along with the fact sheet on NR151, if not already provided. This cover letter will state the compliance or non-compliance status of the landowner.

Guidance on how to increase staff dollars from the state so we can maintain land and water cons. dept staff for the purpose of implementing nr151.

DNR Responses

This component needs to be simplified.

It would be valuable to share information on how counties have conveyed the written compliance status reports, and how one-to-one contact with landowners are most successfully handled. Both components are important.

NEED TO DEVELOP A UNIFORM INSPECTION FORM TRAINING ON HOW TO CONDUCT AN INSPECTION TRAINING ON HOW TO WORK TOGETHER

How to prepare a compliance status report. Alternatives to GIS-based systems. Communicating with landowners about results of records reviews, on-site investigations, compliance requirements and compliance maintenance requirements.
Component 5 – Notification of Compliance Status: Helpful Resources

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

County Responses

LWRM plan.
State staffs and boards.
Use of computer spread sheets to maintain evaluation and compliance records
Sample letters from DATCP or DNR
See previous response regarding data collectors and automated letter generation.
DNR form letters
County folks, depending on other program needs.
A number of counties have prepared evaluation form formats and procedures for conducting evaluations. These should be compiled and shared with others who may choose to do this.
Develop communication tools.
State meetings showcasing how counties are completing this step and how the process has been working.
None.
Various counties have examples of such.
none
Provide adequate funding to address the well known need for Pete’s sake. I get $55K in C/S per year. How many farms can you fix with that?

DNR Responses

Chippewa County has developed a compliance status report format, and has experience in presenting the report information to the landowner. Langlade, Lincoln and Marathon counties are brainstorming on this issue and their product may serve as a template for state application

NOT KNOWN
Examples of GIS-based and non-GIS based data systems. There are several counties with GIS-based systems. I am not sure about the other group. Document “Working with Landowners”, including letter templates and examples of letters that have actually been sent to landowners.
Component 6a – Funding and Technical Assistance: Guidance and Training Needs

Please identify specific priority guidance or training needs related to implementing this component:

County Responses

Yearly updates and training regarding funding sources. Area roundtable discussions are always helpful. training on program changes and new programs which may become available.
more guidance and training needed on how to solicit more funds for implementation
none
This component has been established through training, forms, contracts.
Once forms are developed, a training session on how to use and notify landowners propperly
Training for LCC supervisors to identify priorities of compliance when approving cost share contracts.
By direct mailings to LCC and at Conference settings.
It has been our experience that upon closeout of a priority watershed, state cost share funding available through SWRM or TRM programs wholly inadequate or nearly impossible to secure. DATCP funding allocations per county range from $20,000 to $ 55,000 /county. This will fund 1-5 full farm based compliance projects per year. DNR funding through TRM is largely limited to 303d waters and is highly competitive. Federal EQIP funds can be applied if the landowner has an interst inpersuing that source. This requires a high degree of commitment on behalf of the LCC and federal agencies to securing the funds and directing the technical services toward the targeted projects.
Because of the reality that there is not enough money to address all resource priorities, even if landowners are out of compliance, there needs to be a better way of processing communication and notification of status. Even without adequate funding to resolve every issue, staff need to better understand ways of continuing education outreach. Might also need to target landowners who which to self-certify.
 Unsure, we will know more as we do more.
Success depends on level of funds. Include funding discussion in a procedural or guidance manual.
none noted
No training needed on cost share contracts unless dnr requires a contract different from existing LWRM contracts from DATCP
Lots of staff training for technicians and planners- esp the part of “prompting voluntary landowner applications”.....Examples of DNR notifications.
Guidance on how cost-share programs at state and federal levels can be coordinated to better implement the requirements of NR151.
None at this time.
none needed
training for when voluntary vs non-voluntary should be used, information on process after a component(vol vs non-vol) is chosen
Guidance on how to increase staff dollars from the state so we can maintain land and water cons. dept staff for the purpose of implementing nr151.

DNR Responses

Again, communication among the counties and with UWEX, DNR and DATCP
The limited availability of state funding compared to the need affects what can realistically be implemented through cost sharing. County technical or financial assistance has been effectively linked to voluntary compliance status evaluations in Chippewa County, and this could be shared. Any examples of leveraging multiple cost share funding sources would be helpful.
ONE ON ONE MEETING TO STRESS THE IMPORTANCE OF THE PROJECT AND THE IMPROVEMENTS TO THE ENVIRONMENT MEETING TO STRESS THE OFFER OF COST SHARING AND WHAT IT MEANS IF IT IS DECLINED

How to determine required cost sharing when funding is coming from DNR. How to determine required cost sharing when funding is from a source other than DNR. How to get the most mileage out of state & federal funding opportunities for NR 151 compliance. TRM, Soil & Water, Priority Watersheds, federal programs (EQIP, CREP, CSP) etc.

Component 6a – Funding and Technical Assistance: Helpful Resources

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

County Responses

NRCS provides technical assistance training in our area. DNR provides TRM Grant I & E each year.

DATCP, DNR, NRCS,UWEX

more funding

none

More $$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$ to enable required cost-sharing of practices.

County cost share program DATCP & DNR funds NRCS funds and assistance where applicable Local groups (lake districts, friends of ****, Trout Unlimited, etc.)

County/NRCS staff depending on other program needs. Cost sharing money from DATCP, county and NRCS (EQIP), possibly TRM.

Other counties

WALCA delivery.

The limited commitment by the state to provide a meaningful level of funding to implement the state nonpoint performance standards speaks for itself.

Need to develop materials.

More cost sharing dollars.

existing cost share program rules and requirements

None.

N/A

none

Funds.

DNR Responses

none

Chippewa County has a statement of policy for technical and financial assistance, which links this assistance to compliance status evaluations on the farm.

NOT KNOWN

DNR-DATCP process for evaluating cost-share offers in NON’s when source of funding is not from DNR. Application materials for various programs.
Component 6b – Issue NR151 Notice: Guidance and Training Needs

Please identify specific priority guidance or training needs related to implementing this component:

County Responses

Should be defined in LWRM plan.
Development of a state-wide form and procedure.
need guidance on what the possible consequences are if the operator fails to comply same as component 5
Training, training, training in this aspect of the performance standards. Who’s going to enforce compliance? We certainly aren’t willing to do that.
Once form is developed, training on how to use
More staff and LCC training regarding this process
I would like to see templates for contact materials that we could modify.
Policy guidance which describes the circumstance and process that the state would pursue in issuing an NOD for a smaller scale operation (not meeting 1000 AU thresholds) after a voluntary approach to secure funding through the SWRM, TRM or EQIP grant funding failed. Has this ever occurred? Is there a separate pool of funds which have been reserved to assure that the most critical sites are addressed?
Need to train DNR local staff and conservation staff on how to prioritize and process non-compliance issues.
Unsure, we will know more as we do more.
Include examples in procedural manual. Provide proper notification language.
training on exactly what DNR and DATCP requires in the notice.
Lots of training to technicians and planners with examples of Notifications.
Standardized forms.
As previously stated, we are choosing to issue such under authority of our local ordinance.
one needed
see answers to 6a
Some enforcement assistance from DNR (even a signature line on the letter) would be appreciated for this notification.
Guidance on how to increase staff dollars from the state so we can maintain land and water cons. dept staff for the purpose of implementing nr151.

DNR Responses

Need time and money
Animal waste and runoff management staff need to develop a process that all understand for working together with counties on site documentation and writing notices. Training sessions for county and AW & RM staff on the regional level would be helpful. In addition, counties and staff need to be able to identify where funding is or is not likely to be available to support enforcement before taking this step.
NEED TO STRESS THE IMPORTANCE OF WHY THIS NEEDS TO BE DONE NEED FOR A STEPPED ENFORCEMENT ALTERNATIVES, I.E. CITATIONS AND/OR SECONDARY ENFORCEMENT NEED TO BE CONSIDERED.
Who issues, how to issue, and what to issue
Component 6b - Issue NR151 Notice: Helpful Resources

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

County Responses

LWRM plan.
County ordinance.
same as component 5
DNR... sure. We will be issuing the letters.
DNR legal assistance
County staff, but we will not be available for compliance issues. We aren’t prepared for that type of responsibility.
To my knowledge there are none
Since cost sharing is required at this point, we need to be more flexible with our cost share dollars (both swrm & trm). Both programs require monies to be committed and used in a two year window, much less having the grant application window of TRM. If we have a critical site that requires a boat load of money we currently have no easy way to secure that money. Yes we can add a couple years together but that requires a signed CSA in order to do that. If this is an enforcement case I am not going to be the person going to the farm and having him sign a CSA stating that all the funds are not available at this time and we will see you next year with the rest, maybe!
Existing sample letters
None.
N/A
none

DNR Responses

Time and money
VERY DIFFICULT FOR DNR TO TAKE ENFORCEMENT ACTION, NEED TO MAKE NEW TOOLS AVAILABLE AND METHOLODLOGY AS TO HOW TO APPLY THEM
Templates and examples of actual letters that we can walk through.

Component 7 - Administer Support & Re-evaluate: Guidance and Training Needs

Please identify specific priority guidance or training needs related to implementing this component:

County Responses

Should be defined in LWRM plan.
Train new employees.
none
Training in this aspect would be most helpful. What are DATCP/DNR’s expectations of our staff?
Training on proper procedure.
Impphasis on this area regarding a formal notification of compliance as a result of the receipt of cost sharing. DATCP should require a notice as part of a cost share reimbursement process to the counties.
I think that the installation evaluation relative to performance standard compliance is straight forward. However, the communication piece to landowners is rough and legalistic. Dnr staff may need training
to better understand their roles and skills. Also need to improve communication of project status after completion of projects.

None, this step seems fairly clear

Provide example letter of compliance as well as guidance on determining compliance which provides some statewide consistency. Training on exact documentation required for DNR to determine compliance.

High priority for education on this component for staff and LCC.

Refresher course on using state cost share dollars and the forms/procedures that must be utilized. Simplify the process whenever possible.

We have initiated talks with DNR on such an action. No action on this item at this time.

none needed

listing of tech service providers, need additional tech assistance not more training, templates for status reports

Not sure how available DNR will be to get their signature on the letter as well... may be impractical. Information on what the local ordinance would entail may be helpful in our case. Again, DNR enforcement assistance, if necessary, would be helpful.

Guidance on how to increase staff dollars from the state so we can maintain land and water conservation department staff for the purpose of implementing NR151.

DNR Responses

Too much procedural activity

COUNTY STAFF NEED TO BE ABLE TO TAKE LEAD ON THIS SECTION THEY NEED TO VERY TECHNICALLY VERSED AND BALE TO MAKE RECOMMENDATIONS AND OFFER IDEAS TO RESOLVE THE PROBLEMS. ALSO, NEED TO BE VERSED IN COSTS ESTIMATING AND AVAILABLE 7 APPROPRIATE BMP APPLICATION

Component 7 - Administer Support & Re-evaluate: Helpful Resources

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

County Responses

LWRM plan

Area DATCP / NRCS training. County Animal Waster Management Ordinance for compliance.

more funding to administer

none

See previous answer

County/NRCS staff should be available depending on other program needs again. Would like to steer clear of any compliance issues.

There have we have initiated and have completed that have resulted in full compliance. As part of those projects we have used or altered the standard letters as provided by DNR. Complications have arisen in making findings of full compliance in circumstances where no funding is available for 590 compliance.

None

NR151 administrative rule

None

N/A

none
Component 8 - Enforcement: Guidance and Training Needs

Please identify specific priority guidance or training needs related to implementing this component:

County Responses

In Waupaca County this component will be handled by DNR unless the issue relates to our manure storage ordinance. This is where we need help so everyone is on the same page when we are talking to landowners. DNR needs to develop a uniform policy. A meeting with DNR and LWCD field technicians to develop and train on that policy would be very helpful.

Guidance on how DNR will enforce.

How County ordinances can allow enforcement rather than the combined State process.

I would like to hear about case studies of actual enforcement proceedings and their outcomes.

Policy guidance on circumstances and outcomes of DNR or county based enforcement actions. What was the process, what statutory authorities were used? what was the outcome?

Enforcement outside of local ordinances is fuzzy and not quite mature. need to appreciate limitations and interest of DNR staff to enforce. many counties have been avoiding the enforcement of standards because they do not understand the whole process nor distinctions between the DNR and County roles.

In our MOU, this step relies entirely on the DNR.

Provide training on the enforcement procedure.

No training needed, County will not be involved in enforcement actions.

Open to full scope of training related to these legal items- most likely from DNR and DATCP....as, determined/stated in the "original" DNR survey- this County will "not" follow thru "independently" with DA.

Assuming most counties will let DNR handle enforcement, information about how the process will work would be helpful.

N/A

Form letters that cover all correspondence situations would be appropriate

how will DNR work w/ counties on this component, template for notice of violation letter

Same as before. Would be nice for our office to complete the status review and work with landowner on cost sharing alternatives. It would be nice for our office to be able to forward on our compliance/non-compliance information, based on our status review, for DNR to send the appropriate notifications to the landowners and take care of the process thenceforth.

Guidance on how to increase staff dollars from the state so we can maintain land and water cons. dept staff for the purpose of implementing nr151.

DNR Responses

Education targeted at LCCs so they understand the requirements, and allow them to set policy for staff.

Training for animal waste and runoff management staff would be helpful to facilitate working together.
with counties on writing notices. Training should cover the stepped enforcement process; how to write credible enforcement evidence; how to talk to violators without threatening them; how to write and document a violation; and how to conduct an interview to bring out meaningful information. In addition, Counties and staff need to be able to identify where funding is or is not likely to be available to support enforcement before taking this step.

**DNR SECONDARY ENFORCEMENT PROCESS AND OTHER TOOLS CITATIONS WITHHOLD COST SHARE MONEY IF NOT WILLING TO MOVE FORWARD**

The expected roles of DNR and local staff during a potential enforcement action has implications for how staff are involved in previous steps such as on-site surveys, compliance determination, communications with landowners, etc. Present this issue from perspective of both DNR and County.

**Component 8 - Enforcement: Helpful Resources**

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

**County Responses**

- County Animal Waste Management Ordinance
- DNR needs to do this
- We’ve incorporated the enforcement component into our ordinance.
- Cost share offer notice of violation enforcement conference County ordinance financial sanctions through State programs local DA DNR referral to DOJ
- Other county examples, successes/failures.
  - None
  - N/A
  - None

**DNR Responses**

- STAFF WITHIN ENFORCEMENT DIVISION

**Component 9 – Ongoing Compliance Monitoring: Guidance and Training Needs**

Please identify specific priority guidance or training needs related to implementing this component:

**County Responses**

- Should be defined in LWRM plan.
- Procedures to be followed state-wide.
- guidance on how to convey to new owners the status of their property upon purchase
  - none
- What are others doing?
  - none
- Training would be helpful here.
  - None
- Sharing of ideas regarding this process.
- Policy guidance and procedures used in monitoring compliance and procedures used in responding to public complaints. Training exercises uses case studies.
  - Need to work with state agencies and WALCE to develop a standardized tracking system. The challenge will be that the technology within counties to track compliance varies. Also the state LWCB must lead the discussion on what data is needed in report to truly evaluate compliance status statewide.
Unsure, we will know more as we do more.

Develop template/checklist.

training regarding County’s long term required committment to monitor compliance

Need to see example of “practical” followup techniques.

Development of materials or workshops designed to offer suggestions on how to develop an on-going compliance monitoring program at local levels.

No needs identified at this time.

I think that further monitoring will require some sort of self certification on the farmers part as staff time will be limited to working with new evaluations and cost share recipients.

templates for compliance ck sheets

Right now NRCS is required to do a 10% compliance check on their landowners involved in USDA programs. It would be impractical to complete checks on all landowners once every four years as required for FPP -- I believe that workload is too large for any county office to handle. The problem we will be running into in our county is that there are landowners with no file in place through USDA since they are not involved with government programs (amish, organic produce farmers, grazers). These landowner definitely need to be checked. We will have to rely on aerial photos to complete the reviews on these landowners. We do not have tax parcels to date, so there will end up being an NR151 compliance GIS layer of it’s own when all is said and done. This layer will be continuously changing. Color coding will show which farms have been checked in which years for compliance purposes. It will not be as easy as using the tract and field numbers from FSAs CLU layer to ensure compliance with NR151 in Vernon County. The CLU will provide us with a starting point however.

Guidance on how to increase staff dollars from the state so we can maintain land and water cons. dept staff for the purpose of implementing nr151.

DNR Responses

NEED TRAINING IN PERFORMING COMPLAINECE INSPECTIONS AND KNOWLEDGE OF APPRORIATE BMP APPLCATION AND INVESTIGATION TECHNIQUES

Discussion on this issue. Bring in people to describe various methods such as spot checks by staff, farmer annual self-certification, state-run statistical filed survey, etc.

Component 9 - Ongoing Compliance Monitoring: Helpful Resources

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

County Responses

LWRM plans. ordinances
possibility of recording compliance status, questions with legality and cost
none
periodic evaluations public complaints ensure new owners are aware of NR 151 compliance status

County/NRCS staff.

Letters of concern issued to a landowner that was in compliance (using state and federal funds) who came out of compliance, and who was subject to public complaint and followup enforcement action by the County. A schedule of compliance and fines were used.

The joint DNR/DATCp reporting form is a good start. Must be supportd by LWCB and acknowledged by counties. Everyone must contribute.

At this time, we view this as being a large part of staff time in year to come. Nutrient Management follow-up alone currently consumes a good portion of one persons time. I see no easy way around this. A federal statewide “green payment” program that mirrors NR 151 requirement would help considerably,
not only with compliance, but annual reporting for monitoring.
Not aware of any
None
N/A
none

DNR Responses
FSA annual photography would be a good resource to use in lieu of inspections.

EXPERIENCES STAFF AND WARDENS
In preparing people, we can pull together examples of what is being done around state and give to them to study prior to the training.

Component 10 – Annual Reporting: Guidance and Training Needs
Please identify specific priority guidance or training needs related to implementing this component:

County Resources
We need specific, uniform, consistent, long-term reporting systems with training for implementation.
Again, development of a state-wide form which can easily be used by each county to report.
none
Would like to see DATCP develop a standardized, easy to apply form for reporting
Provide forms for reporting, templates, whatever. Training in the proper completion of the forms or a sample completed form would be helpful.
Need a computer program to track compliance. Something that would be compatible with ARCGis would be great.
Dialog between DATCP, DNR, and counties regarding progress and evaluation. Remaining watershed projects have not developed this integration of standards with non-point programming.
Policy guidance as to why the state agencies do not require this information as a condition for any county to receive a state staffing grant or soil and water conservation cost share funds.
State agencies must step up a bit with this. Do they need reports? Will they use them? How? To date, the message from the agencies is ambiguous and not compelling. The LWCB may also need to lead this discussion of need.
The state should provide guidance on what they want and let the county provide that info. We all have our own type of tracking and ways to generate reports. Make this simple and easy!
Provide procedure and format.
Training regarding the agencies expectations for annual reports if different than current annual reports and reimbursements forms that are sent to DATCP
Examples of uniform, practical and easy to read and produce reports.
Standardized forms/formats for reporting annual progress.
N/A
none needed
electronic templates for annual reports, needed requirements of annual report
GIS will streamline this. Anticipating the cost associated with the program is high... will be estimating the percent of our employee’s time associated with implementation of NR151. This list will help in development of the GIS tables associated with the NR151 layer.
Guidance on how to increase staff dollars from the state so we can maintain land and water cons. dept staff for the purpose of implementing nr151.

**DNR Responses**

This needs to be reduced to a bare minimum considering the resources available to LCD staff.

The NR151 implementation strategy notes that, ?Program partners will jointly develop reporting forms. State agencies will provide reporting forms and guidance to counties on how these forms should be filled out.? Has this been done?

**NEED TO DEVELOP AN EASY TO USE REPORTING FORMATE**

Training on DNR/DATCP reporting requirements and plans for future

**Component 10 – Annual Reporting: Helpful Resources**

In the space below, please describe resources you are aware of that may be helpful for implementing this component.

**County Responses**

The current DATCP reporting system is ok but could probably use some refining and training for consistancy.

State agency staff.

none

GIS linked database will help to generate reports.

record of annual site evaluations evaluate staff and resources needed to complete evaluations records of costs involved in bringing parcels into compliance, parcels receiving cost share (amount, source, land owner share) records of locations of lands receiving status reports notice of violations compile local reports into regional and state wide NR 151 progress reports

County staff.

Several counties are doing this. Examples should be compiled.

Unsure, we will know more as we do more.

Current annual reports requirements under SWRM contract.

None

N/A

none

**DNR Responses**

None

NOT KNOWN

Reporting guidelines for annual report.
Other Needs and Resources

If there are other guidance or training needs related to implementation of the Agricultural Performance Standards and Prohibitions not already listed, please identify them here.

County Responses

It would be most helpful if UWEX would sign on and have educational events locally. In Waupaca County, Extension agents are best trained and most respected for any type educational issues. If they handled all the local education concerning 50 and 151 it would be well received and understood.

none

A general meeting between counties to discuss implementation. What has worked and what hasn’t. Where and how best continue this process.

Need to work with area DNR on procedures

Sharing and networking of county strategies regarding the program, and improved communication to County Administrator, Executives and County Boards regarding the priorities and knowledge of performance Standards.

The state Land and Water Board should conduct an evaluation of the progress that has been made in implementing the ag nonpoint performance standards. Where have farms been evaluated. What is their current compliance status.

Must be a state vision that says that implementation of performance standards is our collective goal. All units of gov’t, legislators and production groups must unite in that vision for the health of the industry and communities.

 Unsure, we will know more as we do more.

In general, it would be helpful if a procedural manual could be developed which would serve as a template or model for counties to follow involving the entire process from compliance status to enforcement. Examples of all the various forms would be helpful. It is important that there be some statewide consistency in the implementation and enforcement of NR 151. There also is a lot of value in having training or round table sessions for ideas to be shared. Many county departments are taking on many additional responsibilities and the more guidance the state can provide the better.

We are just starting to write our LWRM Plan - so more questions or comments may rise as we get into the process.

none

overall 151 suggested implementation process

A training session for our staff on the NR151 rule would be nice prior to us holding an informational meeting for farmers.

we do not need people showing us how to do it, we need people in the field doing the job!

DNR Responses

It would be helpful if NR 151 compliance were incorporated into the various daily outreach directed to farmers that is done by FSA, NRCS, UWEX, farm coops etc.

It would be very helpful to establish some readily accessible forum for sharing of information on NR151 implementation activities between agencies and counties. It does not seem that we have ready access to specific information about what various counties have been doing, problems encountered, solutions that have worked, etc. There is a great deal of variability from county to county in NR151 related activities, and each county will have unique approaches. Information shared can prevent unnecessary duplication of efforts, and promote the ability to benefit from others’ experiences.

UP TO DATE TRAINING MANUALS AND FAIR RULES
Other Needs and Resources

If you are aware of any other resources or examples not already listed that would be helpful for implementing aspects of NR 151, please identify them here.

County Responses

We utilize DNR Pub. No. Wt 756-2004 extensively but until technicians are actually on the farm, doing evaluations we are not going to realize what the issues actually are.

none

$$$$$$$$$$

Most counties are in need of staff funding to implement NR 151, as well as the cost share funds. Evaluations aren’t very effective if you have no means to rectify the situation.

Wisconsin Counties Association could field the awareness at the County Management or Policy level.

none

During the “plan” writing process we will be working with DATCP and hope to learn how to best write a practical plan and still work toward the 151 requirements considering limited staff and financial resources- ie: the ‘07 LCD budget will be cut 5% with future projections very “bleak”.

none

DNR Responses

I am new to the Agricultural Wastewater Specialist position. In general, there are two areas that I will need training: 1) Myself 2) Local training for farmers on NR 151 compliance

FAIR RULES
Implementation Strategy for NR 151 -
Agricultural Nonpoint Performance Standards and
Prohibitions

OVERVIEW

This document sets forth a comprehensive strategy for the implementation of Wisconsin's agricultural
performance standards and prohibitions, as defined in NR 151. If implemented consistently on a statewide
basis, it will ensure that all landowners and other responsible parties comply with these standards and
prohibitions. It will also bring accountability and organization to an otherwise complex and obscure redesigned
nonpoint program. This document will evolve as needed as program partners gain more experience with
implementing the performance standards and prohibitions.

While a successful agricultural nonpoint program will take the cooperative effort of multiple agencies, the
framers of the redesign intended that Land Conservation Committees and Departments would play the lead
role in the implementation of agricultural standards and prohibitions, using authorities and funding grants under
Chapter 92, Wisconsin State Statutes. Thus, consistent with § 92.10(6)(a)5 and ATCP 50.12(2)(i) Wis. Admin.
Code, the first component of this framework establishes that in their Land and Water Resource Management
Plans, counties identify the strategy they will use locally to implement and ensure compliance with the State’s
agricultural performance standards and prohibitions.

Preferably, these local strategies will be developed with input from local, state and federal cooperating
agencies. Likewise, the resource management and/or work plans of other agencies should be developed with
input from the county. This will help ensure everyone’s plan are somewhat consistent and complimentary
when it comes to implementing the state nonpoint standards. While resource and work plans communicate the
activities of their respective agency, they do not always communicate the roles of other participating agencies
or how we’ll all work together, however. Since clearly defined roles and responsibilities are critical for
achieving a successful program, the second component of this framework provides that each participating
agency clearly communicate and document their level of commitment towards each of the activities required to
implement NR 151.

Components three through eight of the strategy outline the procedural and logistical steps and activities
necessary to administer the program. These components are modeled after existing program protocols,
including critical sites, animal waste (NR 243) and the Farmland Preservation Program. Components nine and
ten represent the final requirements of a well-organized program, and include ongoing monitoring and
reporting.

As a precursory step to blanket implementation of this strategy, the DNR will conduct surveys of counties and
other partner agencies to determine what each will commit to the NR 151 workload. The survey will list the
components of the strategy in a format that allows each agency to indicate which of the activities they will help
accomplished by way of staff time and financial resources. The DNR will use information gathered from the
surveys to subsequently develop internal workload plans and partnership arrangements.

It should be noted that this strategy is not a mandate nor does it mandate any specific county responsibilities.
While it is necessary that each component must be accomplished in order for the program to be complete,
counties may choose the degree and extent to which it intends to implement some, all or none of them.
Consequently, the DNR will assume (to the extent it is able) or assign lead responsibilities in implementing
those activities for which a county is unable or unwilling to carry out. Where there are insufficient resources
and or willingness by either the county, state or federal agency to carry out one or more activities, the overall
program will likely be compromised both at the local as well as the state level.
Implementation Strategy for NR 151 - Agricultural Nonpoint Performance Standards

Component 1: Plan the Implementation Approach
A. Develop and adopt a systematic and comprehensive strategy to implement agricultural nonpoint source pollution control standards and prohibitions under NR 151. To be consistent with this statewide program, the local strategy should describe the methodology to be used for carrying out activities under components three through ten (below) including:

- Conducting information and education activities;
- Systematically selecting and evaluating parcels for compliance with standards and prohibitions;
- Documenting and reporting compliance status;
- Providing or arranging for the provision of technical assistance;
- Making cost sharing available as needed to install or implement BMP’s;
- Issuing required notices and conducting enforcement activities;
- Tracking and reporting program activities and progress; and
- Monitoring compliance

Notes:
1 For counties choosing to implement this component, the strategy must a) be defined in the county Land and Water Plan per ATCP 50.12(2)(I), Wis. Administrative Code, and b) ensure that compliance with the standards and prohibitions is achieved, per § 92.10(6)(a)5 Wis. Stats. and ATCP 50.12(2)(i) Wis. Admin. Code.

2 The systematic selection of parcels will ensure that a prescribed amount of evaluations will regularly occur (e.g. annually). This will, in turn, ensure that realistic projections concerning timeframes and needed financial resources can be made and routinely updated on a statewide basis. In order to be systematic, a strategy for selecting and evaluating parcels and subsequently implementing standards does not rely only on voluntary participation.

Component 2: Define Level of Agencies’ Commitment to NR151 Workload
Consider communicate and document the level of agency (county, state and federal) commitment (staff participation, financial resources, etc) towards NR 151 workload, including but not limited to carrying out the activities under components 3 through 10.

Component 3: Conduct Information and Education Activities
A. Develop information and education materials designed to achieve the following objectives:

- Educate landowners about Wisconsin’s agricultural performance standards and prohibitions, applicable conservation practices, and cost share grant opportunities;
- Promote implementation of conservation practices necessary to meet performance standards and prohibitions;
- Inform landowners about procedures and agency roles to be used statewide and locally for ensuring compliance with the performance standards and prohibitions; and
- Establish expectations for compliance and consequences for non-compliance.
Note: The DNR and DATCP have agreed that they will take the “lead” role in developing I&E materials for statewide use, and will look to the counties to take the lead role in providing that information to landowners.

B. Deliver information and education materials (via news media, newsletters, public information meetings and one-on-one contacts) as outlined in the County LWRM Plan

**Component 4: Determine Current Compliance**

A. Records Inventory

(Note: The records inventory is a review of existing records of landowners throughout the county who may already be in compliance based upon past and/or present program participation. This step is intended to take less than 90 days and would be conducted before the onset of systematic onsite evaluations. Onsite evaluations for these operations are optional, except for those where O & M periods may have expired.)

1. Compile records of existing State and/or Federal program participants who have previously signed contracts to install conservation practices to control soil erosion and nonpoint sources of pollution.

2. From records, evaluate which parcels are subject to which standards and prohibitions.

(Note: For the purposes of this document, the term “parcel” may be defined as a cropped field, an agricultural or livestock facility or a group of fields (e.g. tax parcel or FSA tract) and is defined by the county based on how they organize and manage geographic data.)

3. Based on above evaluations, determine which landowners are currently already meeting standards and prohibitions as a result of:

   a) Having installed or implemented BMP’s under an existing state or federal cost share agreement;

   b) Maintaining compliance with Wisconsin Farmland Preservation Program and federal farm program conservation provisions; and/or

   c) Maintaining compliance with state animal waste regulations (e.g. NR 243, WPDES, etc.)

B. Onsite Evaluations

(Note: Onsite evaluations would occur after the countywide records inventory has been completed, beginning with targeted sites and/or in high-priority areas, as defined in the county’s LWRM Plan. Also, it is not necessary to complete on-site evaluations of the entire before proceeding with the components that follow.)

1. Compile list of parcels for which on-site evaluations will be conducted, according to systematic methodology outlined in the county Land & Water Plan.

2. Contact owners of selected parcels and schedule site evaluations.

3. Conduct onsite evaluations:

   a) Determine and document the extent of current compliance with each of the performance standards and prohibitions.

   b) Where non-compliant, determine costs and eligibility for cost sharing.

   Note: Cost share requirements are based upon whether or not the evaluated cropland or livestock facility is new or existing and whether or not corrective measures entail eligible costs. See NR 151.09(4)(b-c) and 151.095(5)(b-c).
Component 5: Prepare Report and Notify Landowners of Compliance Status

A) Following completion of records review and or on-site evaluation, prepare and Issue NR 151 Status Report to owners of the evaluated parcels. This Report will convey, at a minimum, the following information:

- Current status of compliance of individual parcels with each of the performance standards and prohibitions.
- Identify corrective measure options and rough cost estimates to comply with each of the performance standards and prohibitions for which a parcel is not in compliance.
- Status of eligibility for public cost sharing.
- Grant funding sources and technical assistance available from Federal, State, and local sources, and third party service providers.
- An explanation of conditions that apply if public cost share funds are used. *(If public funds are used, applicable technical standards must be met.)*
- Signature lines indicating landowner agreement or disagreement with report findings.
- Process and procedures to contest evaluation results to county and or state.
- *(Optional) A copy of performance standards and prohibitions and technical design standards.*

*Note: A cover letter (signed jointly by the DNR and LCD) which describes the ramifications and assumptions related to the Status Report would be attached.*

B) Keep and maintain evaluation and compliance information as public record.

*Note: The primary objective of this step is to ensure subsequent owners are made aware of (and have access to) NR 151 information pertinent to their property. Local authority may determine the method that will work best for maintaining these records and for ensuring relevant information is conveyed to subsequent owners.*

Component 6 Secure Funding and Technical Assistance / Issue NR 151 Notice

A) Voluntary Component

1. Receive request for cost-share and/or technical assistance from landowner.
   *(Note: Landowners will be prompted to voluntarily apply for cost sharing based on information provided in a NR 151 Compliance Status Report.)*

2. Confirm cost-share grant eligibility and determine availability of cost share & technical assistance.

3. Develop and issue cost-share contract (including BMP’s to be installed or implemented, estimated costs and project schedule and notification requirements under NR 151.09(5-6) and/or 151.095(6-7).

4. The DNR will assist in developing proper notification language…

B) Non-voluntary Component

In the event that a landowner chooses not to voluntarily apply for public funding to install or implement corrective measures that entail eligible costs, or to voluntarily install or implement corrective measures that do not entail eligible cost, issue Landowner Notification per NR 151.09(5-6) and/or 151.095(6-7).

- If eligible costs are involved, this notification shall include an offer of cost sharing.
- If no eligible costs are involved, or if cost sharing is or was already made available, the notification will not include an offer of cost sharing.

*Note: The Notification referenced above will be designed by the DNR and contain: a) A description of the performance standard or prohibition being addressed; b) The compliance status
Component 7: Administer Funding and Technical Assistance / Re-evaluate Parcel

A) If cost sharing is involved, finalize and execute cost-share agreement including schedule for installing or implementing BMP(s).

B) Provide technical services and oversight:
   - Provide conservation plan assistance.
   - Review conservation plans prepared by other parties.
   - Provide engineering design assistance.
   - Review engineering designs provided by other parties.
   - Provide construction oversight.
   - Evaluate and certify installation of conservation practices.

C) After corrective measures are applied, conduct evaluation to determine if parcel is now in compliance with relevant performance(s) standard or prohibition(s).
   - If site is compliant, update “NR 151 Status Report” (see per component 5.A.) and issue “Letter of NR151 Compliance”.
     Note: A Letter of NR 151 Compliance serves as official notification that the site have been determined to now be in compliance with applicable performance standards and prohibitions. This letter would also include an appeals process if a landowner wishes to contest the findings. When and where counties are not operating under a local ordinance, the issuance of a Letter of NR 151 Compliance would likely be a joint effort with the DNR in order to give it the significance and standing that it merits.
   - If not compliant, seek non-regulatory remedies or initiate enforcement action.
     Note: Follow-up measures at this stage will differ depending on the circumstances, including whether or not failure to comply is the fault of the landowner. If this is the case, then non-regulatory remedies will likely be sufficient. If not (e.g. there is an intentional breach of contract) then enforcement action may be necessary.

Component 8: Enforcement

A. If a landowner refuses to respond appropriately to a Notice under 6.B., or is in breach of a cost share contract under component 7.A., then prepare and issue “Notice of NR 151 Violation” letter, or other appropriate notice per local ordinance, pursuant to NR 151.09(5) or (6), or 151.095(6) or (7).
   Note: Enforcement, which really first begins with this letter, will be pursued in circumstances where: (a) there is a breach of contractual agreement including failing to install, implement or maintain BMP’s according to the provisions of the agreement OR the landowner has failed to comply with a notice issued under component 6.B.; AND (b) non-regulatory attempts to resolve the situation have failed.

B. Schedule enforcement conference.
C. Participate in enforcement conference.
D. Initiate enforcement action:
   - Refer cases to DNR for enforcement
• Enforce through separate county ordinance, which incorporates standards.
• Enforce through financial sanctions available through State program (e.g. FPP).
• Enforcement through the local District Attorney

**Component 9: Ongoing Compliance Monitoring**

• Conduct periodic evaluations to verify ongoing compliance (similar to FPP monitoring).
• Respond to public complaints alleging noncompliance.
• Ensure new owners are made aware of (and have access to) NR 151 compliance information that may pertain to the property they have just acquired.

**Component 10: Annual Reporting**

A) Maintain and convey a record of annual site evaluations which shows their location and compliance status.

B) Report estimated timeframe and staff resources needed to complete remaining site evaluations in the County.

C) Maintain a record of estimated costs of corrective measures for each parcel that has been evaluated and for which corrective measures have been estimated.

D) Maintain and convey a record showing parcels where public cost sharing has been applied to implement standards and prohibitions, the amount and source of those funds, and the landowner share.

E) Maintain and convey a record and location of parcels receiving notifications under component 5.B. and violation letters under Component 8.A.

F) Maintain and convey a record of the annual cost of technical and administrative assistance needed to administer agricultural performance standards and prohibitions, as established in NR151.

G) Other reports as may be required in ATCP50.

H) Compile locally-developed reports into regional and statewide NR 151 Progress Reports.

*Note: Program partners will jointly develop reporting forms. State agencies will provide reporting forms and guidance to counties on how these forms should be filled out. State agencies will assume responsibility for compiling county reports into statewide reports.*
Flow Chart: NR 151 Performance Standards Implementation Strategy

Establishing the Framework for Implementation...

Component 1: Plan the Implementation Approach
Describe how standards will be implemented in LWRM, Basin and other Plans as appropriate.

Component 2: Communicate and Document Level of Agency's Commitment to NR151 Workload
Coordinating agencies clarify and document their respective NR 151 roles and responsibilities.

Component 3: Information and Education
Develop education materials and distribute education materials.

Component 4: Determine Current Compliance
a) Conduct "records inventory" for landowners who may be determined to be in compliance with standards based on past program participation.
b) Conduct on-site evaluations where records are not available or adequate to determine compliance.

d) Conduct "records inventory" for landowners who may be determined to be in compliance with standards based on past program participation.

Component 5: Prepare NR 151 Status Report
a) Prepare and issue status report for each evaluation; OR
b) Keep compliance information as public record for reporting and future access.

Component 6: Secure Funding and/or Technical Assistance
a) Receive and process voluntary requests for cost sharing and/or technical assistance. OR
b) Issue a notification letter to landowner (accompanied by an offer of cost sharing, if required) explaining what compliance actions are required.

Component 7: Administer Funding and/or Technical Assistance
As needed / Re-evaluate Site
a) If cost sharing is involved, process and record agreements as required;
b) Prepare or review plans; inspect and certify construction or practice implementation.
c) Re-evaluate parcel for compliance.

Component 8: Enforcement
a) Issue a Notice of NR 151 violation or other appropriate notice per local ordinance.
b) Pursue enforcement measures as needed until compliance is achieved, according to protocol prescribed in applicable local ordinance or state code, whichever applies.
c) Update NR 151 Status Report.
d) Issue Letter of Compliance.

Component 9: Ongoing Compliance Monitoring
Perform ongoing monitoring to ensure practices and compliance are being maintained.
Respond to questions or complaints alleging non-compliance.
Ensure new owners are provided information pertaining to compliance determinations and activities on parcels they purchase.

Component 10: Annual Reporting
Keep, maintain and report progress and compliance data as required.

Implementation Strategy