

WAPAC Annual Legislative Update - Jordan Lamb

WAPAC Annual Meeting – February 28, 2018

After more than 12 months of legislative action, the Wisconsin State Legislature is heading into the home stretch of the 2017-18 legislative session. This session began in January 2017 and it will conclude in March 2018. WAPAC's state advocacy program has been busy this session with several legislative proposals and the development of multiple administrative rules related to environmental standards.

LEGISLATION

Wetland Reform Legislation. **Assembly Bill 547** and **Senate Bill 600** were introduced in late 2017 by Assembly Majority Leader Jim Steineke (R-Kaukauna) and Senate President Roger Roth (R-Appleton). These companion bills provide permitting relief for certain nonfederal (state) wetlands, make various changes to Wisconsin's wetland mitigation program and exempt artificial wetlands from DNR permitting requirements. This is significant legislation for those looking to develop land but have faced roadblocks from small impacts to isolated (state) wetlands or to artificial wetlands. This legislation is also helpful for farmers looking to protect tillable acreage from being classified as state wetlands.

Increased Funding for Producer-led Watershed Protection Grants. Representative Joel Kitchens (R-Sturgeon Bay) and Senator Rob Cowles (R-Green Bay) have authored **Assembly Bill 946** and **Senate Bill 796**, which would increase the amount of funding in DATCP's soil and water resource management program that may be allocated for producer led watershed protection grants in each fiscal year of the 2017-19 biennium from \$250,000 to \$750,000.

Producer-Led Watershed Protection Grants are awarded by DATCP for projects *developed by farmers* that focus on ways to prevent and reduce runoff from farm fields and that work to increase farm participation in these voluntary efforts. Each application must come from a group of at least 5 farmers in the same watershed, collaborating with conservation agencies, institutions or nonprofit organizations. The maximum grant award per group is \$40,000. Fourteen producer-led groups received funding in 2016 for a total of \$242,550, eleven producer-led groups were awarded \$197,065 for 2017 funding and seventeen groups were awarded 2018 funding for a total of \$250,000.

Proposed Move CAFO Permitting Program from DNR to DATCP. Gov. Scott Walker recently made an announcement as a part of the roll-out of his [Rural Agenda](#) that he would be looking at transferring regulatory authority of CAFOs to the Department of Agriculture, Trade and Consumer Protection from Department of Natural Resources. A similar provision that called for a study of transferring that authority from DNR to DATCP was removed from the budget earlier this year as a non-fiscal policy item. This proposal is of keen interest to WAPAC and our farmer members who support having adequate and skilled staff members review WPDES applications for livestock farms. WAPAC will be following the development of this proposal closely as it moves ahead.

ADMINISTRATIVE RULES

NR 151 Revision: Targeted Performance Standard for Application of Manure over Karst. The DNR has proposed revisions to Wis. Admin. Code s. NR 151, Wisconsin's nonpoint source pollution performance standards and prohibitions as a mechanism to address pathogens in groundwater in certain areas of the state. The draft rule establishes an area for implementation of a new targeted performance standard for the application of manure over "Silurian bedrock," which is found in a 15 county area in the northeast and eastern part of the state. In this area, the rule creates new performance standards where there is 20 feet or less of soils over Silurian bedrock but defers development of the methodology that will be used to verify soil depth to the DATCP corresponding rule – ATCP 50, which will have to be developed if this revision to NR 151 is adopted. Hearings were held on the draft rule in September 2017 and **the final rule was presented to the Natural Resources Board for approval on January 24, 2018.** The Natural Resources approved the rule and it will be sent to the Legislature for review in time for the rule to move ahead during this legislative session. WAPAC has participated in the development of this rule at every opportunity for public input and will continue to do so as it moves through the administrative rule process. We support the rule as it is currently drafted. Link to DNR's NR 151 webpage: <http://dnr.wi.gov/topic/nonpoint/nr151strategy.html>.

ATCP 50 Update: Incorporates New 590 Standard. ATCP 50 is the administrative rule used by DATCP to implement state and federal laws related to agricultural resource management. This rule covers soil and water resource management grants to counties, county resource management planning, conservation compliance for farmland preservation tax credits, local ordinances, nutrient management and other conservation practices. DATCP cooperates with the Wisconsin DNR, county land conservation committees and other agencies to administer conservation programs. *Effective February 1, 2018, ATCP 50 has been revised to incorporate the 2015 NRCS 590 Standard for nutrient management.* Link to DATCP's ATCP 50 webpage: https://datcp.wi.gov/Pages/Programs_Services/ATCP50.aspx.

ATCP 51 Revision: Livestock Facility Siting Rule. At their July 20, 2017 meeting, the DATCP Board reviewed proposed revisions to ATCP 51 in the form of a draft rule change. However, the Board has not yet taken action on the draft rule. The Board directed DATCP to conduct several stakeholder meetings to get feedback on the proposed changes and report back to the Board with additional information. Accordingly, no hearings have been set for this rule draft. The revised Livestock Facility Siting Rule (ATCP 51) revises several aspects of the siting rule including incorporating revised ATCP 50 (the new "590"), creating new setbacks from property lines and roads, and creating a new system for evaluating odor from livestock structures, which is based on setback distances, as opposed to the current "odor scoring" method. WAPAC is closely evaluating these proposed changes for effects that the revisions could have on new or expanding hog farms in Wisconsin. **Link to draft – ATCP 51:** <https://datcp.wi.gov/Documents/07202017.10.ATCP51HearingDraft.pdf>.