

## SECTION 1

### 1.3 ATCP 50 RULE UPDATE

CORRESPONDENCE/MEMORANDUM \_\_\_\_\_ STATE OF WISCONSIN

**DATE:** January 17, 2014

**TO:** County Conservationists

**FROM:** Richard Castelnuovo, Section Chief  
Resource Management and Engineering, Land and Water Resources Bureau

**SUBJECT:** Implications of ATCP 50 changes for county grant recipients

On September 10, 2013, ATCP Board approved the revisions to ATCP 50 of the Wis. Admin. Code, and the revised rule (Clearinghouse Rule 13-016) has completed legislative review without any changes. DATCP anticipates that the revised rule will become law in May 2014.

This memorandum identifies the key rule changes affecting county and other grant recipients under the soil and water resource management (SWRM) program. This memorandum organizes the rule changes under the following categories: contracting and recordkeeping, annual allocation and reporting, county staff and support and cooperator grants, landowner cost-share grants, and practice certification. After a description of each rule change, this memorandum provides an implementation process.

#### **I. Changes in contracting and recordkeeping requirements**

1. Require that counties and other applicants retain the originals of the documents submitted to DATCP, or referenced in submissions to DATCP, for a minimum of three years. [Revised ATCP 50.22 (5)]

*Implementation:* In an increasing number of instances, counties are expected to scan documents for submission to DATCP. These documents should be electronically submitted as scans: grant applications, cost-share contracts and change orders, reimbursement requests, and extension requests. In the case of electronically submitted documents, counties should retain the originals of documents and forms submitted to DATCP for a minimum of 3 years after the end of the year of the grant award. Longer retention periods may apply if the documents are covered by the requirements related to annual staffing grants [s. ATCP 50.32 (9)], or related to cost-share grants [s. ATCP 50.34 (7)]

2. Require LCC approval of the terms of a grant contract or amendment before a county representative signs the contract or amendment on behalf of the county. [Revised ATCP 50.36 (1)]

*Implementation:* Each county is required to obtain LCC approval of the terms of a DATCP grant contract or amendment before the document is signed by a county representative. DATCP will revise its county grant contract and other forms to require that counties obtain required LCC approval. DATCP may request that a county provide proof that the person signing the document is properly authorized.

## II. Changes in fund allocation and reporting

1. Redefine DATCP focus for establishing grant priorities by adding factors that give greater weight to farm and other state priorities, reducing the weight given non-farm conservation, and enabling DATCP to reward performance including efforts to implement LWRM plans. [Revised ATCP 50.30]

*Implementation:* DATCP may revise its grant priorities and change the manner in which it awards grants to meet these priorities. If DATCP makes these changes, it will use the annual grant application to notify counties and other potential grant recipients. The 2015 grant application is the earliest point at which DATCP could make criteria changes using the new rule.

## III. Changes in staffing and support grants

1. Impose a 10 percent cap on the amount of staffing grant awards a county may use to pay for support costs such as training. [Revised ATCP 50.32 (5) (b)]

*Implementation:* Beginning with the first staff and support reimbursement request for 2014, DATCP will make changes in the form to ensure counties comply with this restriction.

2. Define eligible training costs for county employees and land conservation committee members. [Revised ATCP 50.32 (3m)]

*Implementation:* Subject to the 10 percent cap noted above, DATCP will reimburse registration fees, travel and materials related to the following: (a) training in conservation planning and management, technical standards implementation, clerical assistance, computer usage, and communications; (b) courses building skills to perform current responsibilities or develop professionally in the field of soil and water management, and (c) other training costs identified in the grant application for the grant year in which the funds are to be expended.

3. Eliminate the requirement that the Chief Financial Officer (CFO) sign the staffing grant reimbursement request form. [Revised ATCP 50.32 (7) (b)]

*Implementation:* Beginning with the first staff and support reimbursement request for 2014, DATCP will change the form to allow an authorized county representative to sign the form on behalf the county without the need for the CFO to also sign the form.

4. Clarify that counties can use various funding sources to meet their match requirement, including county levy, permit fees, private grants, federal grants, state funds other than those under chs. 92, 281 and 283, Stats. [Revised ATCP 50.32 (7) (c) 4]

*Implementation:* In completing their staff and support reimbursement requests, counties are responsible for ensuring that they have met the match requirement for all positions where a match is required. Currently no match is required for a county's first position which DATCP funds at 100 percent.

5. Define the procedures that apply to cooperator grants under s. 92.14(10) Stats., for services and activities including information, education and training. [New ATCP 50.35]

*Implementation:* The newly-defined procedures to solicit and award grants in this category do not require that DATCP make fundamental changes in program administration; they can accommodate

application procedures currently in use. For example, DATCP can continue to require that applicants for cooperator funding submit a project description and proposed budget. In the case of funding for nutrient management implementation support, applicants will be expected to complete a DATCP-approved application form that includes performance benchmarks. Nutrient management farmer education grants also will require that applicants submit an approved application form. Currently, grant recipients in this category may obtain a one-year extension for projects; the new rules only formalize these provisions. If any changes are needed to implement the rule, DATCP will announce those changes in its 2015 grant application and forms. DATCP also may modify cooperator grant contracts to reflect new rule requirements such as those related to recordkeeping responsibilities.

6. Allow counties to apply for and receive cooperator grants under s. 92.14(10), Stats., if counties separate these grants from their SWRM staffing and support grants. [New ATCP 50.35]

*Implementation:* For 2014, DATCP will revise the cooperator grant contracts, as well as related forms, to ensure that county recipients (a) use cooperator grant funds only for work related to the project, and not for any work the county is authorized to perform under the basic staffing grant awarded as part of SWRM grant program, and (b) adopt internal procedures to prevent them from seeking reimbursement for SWRM work under a cooperator grant.

#### **IV. Changes in cost-share grants**

For 2013 funds, DATCP is following ATCP 50 requirements in place before the rule revision. For 2014 funds, DATCP plans to use the revised ATCP 50 rule requirements for funds allocated in 2014, as well as 2013 funds extended into 2014. DATCP will apply the new rule provisions through the 2014 grant contracts signed with the counties.

1. Require farmers to certify compliance with the new requirements for pastures as a condition for cost-sharing a nutrient management plan on pastures. [Revised ATCP 50.04(2) & (3)]

*Implementation:* The current nutrient management checklist does not address soil erosion on pastures, a requirement for nutrient management cost-sharing. The checklist needs to establish that the landowner has implemented erosion controls so that pastures do not exceed “T” on land receiving nutrients. The current checklist does not account for farmers who prepare plans for pastures without soil testing. The checklist may be modified similar to the livestock siting NM checklist, which asks the planner to select one of the listed methods used to determine field soil nutrient levels.

2. Provide no direct cost-sharing for tillage setbacks but allow landowners to be eligible for the 70 percent rate in regard to stream bank protection if they agree to maintain a tillage setback of five feet. [New ATCP 50.04(4)]

*Implementation:* In seeking reimbursement from DATCP for stream bank protection, counties may obtain the higher rate of 70 percent for the practice if they document the cost-shared practice implements the tillage setback performance standard. [Revised ATCP 50.042(1)(dg)]

3. Provide DATCP the following as a condition of reimbursement: a cost-share contract and supporting documentation specified by the applicable DATCP forms. [Revised ATCP 50.34 (3) (a)]

*Implementation:* DATCP forms will specify the documentation a county must provide with its reimbursement request, or in lieu of documentation, the information the county must certify. When a county is allowed to provide certification, it must keep the original supporting documentation on file as a record, consistent with recordkeeping requirements in the rule.

4. Allow counties to submit reimbursement requests, required cost-share contracts and supporting documentation through February 15 of the year following the grant year. [Revised ATCP 50.34 (3) (a)]

*Implementation:* The new rule does not include a requirement that counties submit cost-share contracts within 30 days of execution as a condition for DATCP reimbursement. However, SWRM staff may contact counties before the February 15<sup>th</sup> deadline to request an early submission of reimbursement requests and supporting materials.

5. Codify the simplified process used to approve cost-share transfers by no longer requiring the following: the submission of cost-share contracts by the receiving county, the signature of the county's chief financial officer on the transfer form, and notice of proposed transfers to all counties. [Revised ATCP 50.28 (5) (a) 2.] [ATCP 50.34 (5m)]

*Implementation:* In anticipation of revised ATCP 50, DATCP modified the transfer form in 2013 to reflect these new procedures. The re-allocation form has also been changed to eliminate the signature of the CFO. No additional changes are expected to implement this rule change.

6. Allow the department to accept a late extension request filed after December 31<sup>st</sup> of the grant year as long the county demonstrates good cause and submits its request before February 15<sup>th</sup> of the subsequent grant year. [Revised ATCP 50.34 (6) (a)]

*Implementation:* DATCP will apply this provision starting with requests to extend 2014 projects to 2015. Counties that file a late request must demonstrate good cause by showing that the failure to meet the deadline was based on the long-term absence or loss of critical staff, or the damage or destruction of records.

7. Prohibit the use of DATCP cost-share funds to (a) pay for the installation of a practice on land owned by the state of Wisconsin, (b) bring a landowner into compliance with standards required under the landowner's WPDES permit under ch. 281 and ch. 283, Stats., and (c) pay for any state or local administrative permit fees. [Revised ATCP 50.40 (3) (b)]

*Implementation:* DATCP will develop additional guidance if needed to clarify these provisions, particularly in regard to prohibition on cost-sharing CAFOs. This prohibition is limited to practices required to comply with the landowner's CAFO permit. For example, if a landowner's permit requires manure storage, DATCP funds cannot be used for cost-sharing a storage facility required by the landowner to comply with a CAFO permit. However, DATCP funds could be used for a stream-bank protection project if the practice is not required by the landowner's CAFO permit. A NM plan is required as part of a CAFO permit, and a grassed waterway, which is used to prevent gully erosion, may be required as part of the NM plan. However, a person who rents land to a CAFO operator may receive cost-sharing for a grassed waterway because the CAFO permit is held by a different person.

8. Require the recording of contracts for bondable practices involving cost-sharing over \$14,000, specify that cost-share contracts must be recorded before a county makes any reimbursement payments to landowners or cost-share recipients, end the recording requirement for nutrient management and other

soft practices, and authorize reimbursement for the cost of recording cost-share contracts even when the county voluntarily records the contract. [Revised ATCP 50.40 (4), ATCP 50.40 (14)]

*Implementation:* For 2014, DATCP will revise its forms, where appropriate, to account for these changes. Counties are not required to record a contract which exceeds \$14,000 in cost-sharing if the contract is only for conservation practices listed in s. ATCP 50.08 (5) (b). Counties may voluntarily record nutrient management cost-share contracts, no matter the dollar amount of the payment. Whenever a county records a cost-share contract, it may obtain reimbursement of such cost by including the recording cost in the cost-share contract or change order.

9. Clarify that “economic hardship” cost-sharing is available only for owners or operators of farmland. [Revised ATCP 50.42 (1) (bm)]

*Implementation:* Counties are responsible for making this determination before they enter into a contract for cost-sharing at 90 percent.

10. Cap the cost-share rate of 50 percent for access roads (ATCP 50.65), roof runoff systems (ATCP 50.85), stream-bank or shoreline protection (ATCP 50.88), stream crossing (ATCP 50.885), or wetland development or restoration (ATCP 50.98), if the practice is not required to implement a performance standard on a farm. [Revised ATCP 50.42 (1) (dg)]

*Implementation:* In 2014, DATCP will not provide more than 50% reimbursement for cost-sharing these practices unless the practice is installed to implement a performance standard. DATCP will revise its reimbursement form to allow a county to identify whether the cost-shared practice implements a performance standard. If a county associates the cost-shared practice with one of the performance standards in the pull-down menu, DATCP will reimburse counties up to 70% (90% if there is economic hardship). DATCP will defer to the county’s decision to associate a particular performance standard with a cost-shared practice as long as the documentation shows that the cost-shared practice was installed on a farm. In the event that a county requests an extension of a 2013 cost-shared project involving the specific practices identified above, DATCP will not process the request unless the county provides a change order reducing the cost-share rate to 50 percent or less if the practice will not implement a NR 151 performance standard. An October 14<sup>th</sup> memorandum (included as Appendix A) entitled *ATCP 50 Changes and Cost-Share Project Extensions* provides more detail regarding extensions.

11. Cap the cost-share rate of 50 percent for any conservation practice installed on land owned by local governments. [Revised ATCP 50.42 (1) (dr)]

*Implementation:* DATCP will revise its cost-share contract and reimbursement form to require that a county identify whether the landowner/grant recipient is a local governmental unit. Counties will use these new forms in 2014, and will need to determine whether the project involves land owned by an entity that meets the definition of a “local governmental unit.” Under ATCP 50.01 (17) a “local governmental unit” has the meaning in s. 92.15(1)(b), Stats., and includes a county, town, city, village, lake district and county drainage board. [Under 92.15 (1) (b), Stats., “local governmental unit” means a political subdivision of this state, a special purpose district in this state (e.g. school districts, sewage districts), an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.] Counties should contact DATCP if they are not sure about the classification of the landowner or cost-share recipient as a local governmental unit. In the event that a county requests an extension of a 2013 cost-shared project involving the installation of practices on

land owned by local governmental unit, DATCP will not process the extension request unless the county submits a change order reducing the rate of cost-sharing to 50 percent or less. An October 14<sup>th</sup> memorandum (included as Appendix A) entitled *ATCP 50 Changes and Cost-Share Project Extensions* provides more detail regarding extensions.

12. Allow counties to design and install cost-shared practices using NRCS and other technical standards newer than those listed in the revised ATCP 50. [Revised ATCP 50.61 (3)]

*Implementation:* This change enables landowners and counties to install cost-shared practices using technical standards adopted after the revised ATCP 50 goes into effect. Landowners must voluntarily agree to use these newer standards, and their agreement to do so must be captured in the cost-share contract signed with the counties. For contracts signed in 2014, counties will use Section 3 of the cost-share contract to document updated technical standards that will apply to the project. For projects extended from 2013 to 2014, counties may establish landowner consent to using the newer standards by developing and maintaining a written record of a communication where the landowner provided the consent.

13. Require DATCP's advance approval of any practice, designated by DATCP, before a county can seek DATCP cost-share payments. [Revised ATCP 50.61 (4)]

*Implementation:* DATCP will provide notice and opportunity to provide comments before it imposes a pre-approval requirement for a practice. If pre-approval is required, DATCP will use a process similar to the one used to approve cost-shared projects that exceed \$50,000 in cost-sharing.

14. Clarify the responsibility of a landowner to maintain the storage capacity of the original storage facility built with DATCP cost-share funds, if animal units are added during the maintenance period of the cost-share contract. [Revised ATCP 50.62 (5) (em)]

*Implementation:* As part of a 2014 cost-share contract involving a manure storage system project, counties should include a provision in the Operation and Maintenance documentation that defines the landowner's responsibility to adequately manage and spread manure if the operation adds more animals during the 10-year maintenance period. The landowner can meet this requirement by either constructing additional storage without receiving cost-sharing in order to maintain the same number of days of storage capacity, or by modifying the farm's nutrient management plan to properly land spread the additional manure from the expanded livestock operation. This requirement also applies to manure storage cost-shared projects extended from 2013 to 2014.

15. Establish a cost-share standard for feed storage runoff control. [New ATCP 50.705]

*Implementation:* For 2014, this new standard will replace the interim standard adopted by DATCP for the cost-sharing of this practice. No DATCP pre-approval is required for cost-sharing of this practice; however, designs must be approved by engineers or technicians with adequate certification or job approval authority. This may require that county staff work with qualified staff from DATCP or NRCS to design this practice. With the adoption of a feed storage runoff control standard and the elimination of heavy use area protection as a stand-alone standard, counties may not use the heavy use area protection technical standard (NRCS 561) as an alternative approach to the cost-sharing of feed storage structures or runoff controls systems.

16. Establish conditions for requiring nutrient management plans as part of a cost-shared project involving barnyard or feed storage runoff control. [Revised ATCP 50.64 (5) (c) & ATCP 50.705]

*Implementation:* The revised rule identifies the specific conditions under which a county can require a farmer to develop and implement a nutrient management plan as part of a cost-share contract involving barnyard or feed storage runoff control. For a barnyard project, a nutrient management plan can be required if the landowner receives more than \$25,000 in DATCP cost-share payments for the runoff control system. For a feed storage project, a plan can be required if runoff is collected from a feed storage area over 1 acre in size and the runoff is not transferred to a manure storage system. In those cases where a NM plan is required without receiving cost-sharing, the cost-share contract should include the nutrient management plan among the practices itemized in Section 3, listed at “no cost.” For barnyard projects extended from 2013 to 2014, counties cannot require a nutrient management plan without providing cost-sharing unless the project exceeds \$25,000 in cost-share payments.

17. Modify the following practices to allow cost-sharing in non-farm settings: access roads (Revised ATCP 50.65) to cover a road or pathway to direct movement of vehicular traffic; trails and walkways (Revised ATCP 50.66) to cover a travel lane to facilitate movement of people; and stream crossing (New ATCP 50.885) to cover a road or pathway which confines or directs the movement of vehicular traffic over a stream.

*Implementation:* DATCP does not anticipate making changes to its forms or procedures to implement these modifications. No changes in subchapter VIII were needed to allow the cost-sharing of the following practices in non-farm settings: roof runoff systems under s. ATCP 50.85, stream bank or shoreline protection under s. ATCP 50.88.

18. Eliminate heavy use area protection (Formerly ATCP 50.74) as a separate cost-shared practice and allow cost-sharing of this practice only as a component of these other practices: manure storage systems (ATCP 50.62), barnyard runoff control systems (ATCP 50.64), livestock watering facilities (ATCP 50.76), prescribed grazing (ATCP 50.80), sediment basins (ATCP 50.86), and stream bank or shoreline protection (ATCP 50.88).

*Implementation:* For 2014 cost-sharing, counties can only provide cost-sharing for “heavy use area protection” if the county can use “heavy use area protection” as a component of one of the practices listed above. In the event that a county requests an extension of a 2013 cost-shared project involving heavy use area protection, DATCP will not approve the extension request unless the county submits a change order removing heavy use area protection as a primary practice and identifying a related practice in its place. An October 14<sup>th</sup> memorandum (included as Appendix A) entitled *ATCP 50 Changes and Cost-Share Project Extensions* provides more detail regarding extensions.

19. Establish the following as ineligible costs for cost-shared practices that apply in non-farm settings: costs for road surfacing and other road construction activities beyond the area necessary to address the soil and water resource problem for which the practice “access road” was installed [Revised ATCP 50.65 (2m)], and costs for bridges as stream crossings (but this does not exclude payment for culverts or fords). [Revised ATCP 50.88]

*Implementation:* Counties are responsible for ensuring that DATCP funds are not used to pay for ineligible costs.

20. Separate cattle crossings from access roads (Revised ATCP 50.65) as a cost-shared practice and create a new practice for “stream crossing” that covers cattle and other crossings (New ATCP 50.885).

*Implementation:* Counties are responsible for ensuring that 2014 DATCP funds are used for the purposes listed in the new standards. In the event that a county requests an extension of a 2013 cost-shared project involving cattle crossings, DATCP will not approve the extension request unless the county submits a change order substituting “stream crossing” for “cattle crossing” as the cost-shared practice and reducing the cost-share rate to 50% or less if the stream crossing does not implement a performance standard. An October 14<sup>th</sup> memorandum (included as Appendix A) entitled *ATCP 50 Changes and Cost-Share Project Extensions* provides more detail regarding extensions.

21. Allow more flexibility to provide cost-share funds for pesticide spill control structures without developing a pesticide management plan as a prerequisite. [Revised ATCP 50.79]

*Implementation:* Counties are responsible for ensuring that DATCP funds are used according to the standards.

22. Better define the scope of streambank or shoreline protection practices, expand cost-share eligibility beyond riprap, to include structural and bioengineering treatments, and explain the relationship of this practice to other practices intended to address stream-bank or shoreline concerns. [Revised ATCP 50.88]

*Implementation:* Counties are responsible for ensuring that DATCP funds are used according to the standards.

## **V. Changes in practice certification requirements**

1. Clarify requirements for project design documentation for engineered practices. [Revised ATCP 50.46 (11) (b)]

*Implementation:* Any engineered practice designed by a person certified under this section shall include project documentation establishing that the practice was designed according to applicable standards, and that the design was reviewed and approved for compliance with those standards. Any person approving a design shall have job approval authority at the level required by the engineered practice. For practices requiring a job class authority of III or higher, at least one person other than the practice designer shall review and approve the design. For practices requiring job class authority of I or II, the person preparing the design may also review and approve the design.

2. Strengthen the framework for requiring training as a condition for certification of conservation engineering practitioners. [Revised ATCP 50.46 (10) & ATCP 50.52 (1) (g)]

*Implementation:* Under existing rules, DATCP field engineers must consider training in evaluating applications for certification. Changes made in ATCP 50 have increased the emphasis on training as a basis for certification. As part of DATCP’s responsibilities to ensure adequate training for county staff, the revised rule enables DATCP to establish training requirements, in addition to preparing training guidelines. In connection with conservation engineering certification, the revised rule specifically authorizes DATCP to identify the training required for certification.

DATCP started implementing training requirements for certification in January 2013. Certified engineering practitioners will be expected to attend 30 hours of training during a three-year period starting in January 2013. They will track their attendance at training sessions, and may be asked to provide evidence of training to field engineers who are rating them for certification.



*Appendix A*

CORRESPONDENCE/MEMORANDUM \_\_\_\_\_ STATE OF WISCONSIN

**DATE:**       **October 14, 2013**

**TO:**           **County Conservationists and other interested parties**

**FROM:**       **Richard Castelnuovo, Section Chief**  
                  **Resource Management and Engineering, Land and Water Resources Bureau**

**SUBJECT:**   **ATCP 50 Changes and Cost-Share Project Extensions**

DATCP will apply the revised ATCP 50 requirements to cost-share projects extended from 2013 to 2014, in addition to applying the new rules to cost-share funds allocated in 2014. Here are key points to consider regarding the impact of new rules on project extensions.

1. Avoid extension of projects that may be impacted by the 2014 rule changes.
  - a. Heavy use area protection (ATCP 50.74) is no longer cost-shareable (see 2.c. below).
  - b. Practices affected by the 50 percent cost-share cap (see 2.a. below).
  - c. Wetland development and restoration (ATCP 50.98) may not be easily linked to a NR 151 performance standard, a requirement for cost-sharing at the 70% rate.
  
2. Before filing an extension request, use a change order to make the following modifications to the cost-share contract if the conditions (*in italics*) apply:
  - a. Reduce the cost-share rate to 50% or less if the extended project *involves one of the following practices and the practice is not required to implement a performance standard on a farm:*
    - i. Access roads (ATCP 50.65),
    - ii. Roof runoff systems (ATCP 50.85),
    - iii. Stream bank or shoreline protection (ATCP 50.88),
    - iv. Stream crossing (ATCP 50.885), or
    - v. Wetland development or restoration (ATCP 50.98).

*Implementation:* For extended projects, no change order is required if a county can associate the cost-shared practice with a performance standard. For example, the practices of stream crossing and stream bank protection may implement the prohibition against overgrazing a stream bank. If a change order is needed, the county should complete the “other adjustments” table on page 2 of the change order form to reduce the “cost per unit” to reflect a cost-sharing rate of 50% or less.

- b. Reduce the cost-share rate to 50 percent if the extended project involves *a conservation practice installed on land owned by local governments.*

*Implementation:* To secure an extension, a county will need to use a change order if the project cost-shares a practice on land owned by an entity that meets the definition of a “local governmental unit.” Under ATCP 50.01 (17) a “local governmental unit,” includes a county, town, city, village, lake district and county drainage board. Under 92.15 (1) (b), Stats., “local governmental unit” means a political subdivision of this state, a special purpose district in this state (e.g. school districts, sewage districts), an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing. If a change

order is needed, the county should complete the “other adjustments” table on page 2 of the change order form to reduce the cost per unit to reflect a reduced cost-sharing rate of 50% or less.

- c. Delete *heavy use area protection* (ATCP 50.74) as a cost-shareable practice for extended projects and substitute a practice where heavy use area protection is an allowable component

*Implementation:* If heavy use area protection is listed in the original cost-share contract as a separate practice, a county may extend the project only if the county can fit “heavy use area protection” as a component into one of the following practices: manure storage systems (ATCP 50.62), barnyard runoff control systems (ATCP 50.64), livestock watering facilities (ATCP 50.76), prescribed grazing (ATCP 50.80), sediment basins (ATCP 50.86), and stream bank and or shoreline protection (ATCP 50.88). If a county can make the appropriate substitution, the county should use the “add practice” and “delete practice” tables on page 2 of the change order form to delete heavy use area protection as a cost-shared practice and add an allowable practice in its place. Since no change in project costs or cost-share rate are involved, the landowners or cost-recipients do not need to sign the change order documentation.

- d. Delete *nutrient management plans as a required practice in connection with a barnyard runoff control* system if the extended project involves less than \$25,000 in DATCP cost-share payments

*Implementation:* For extended barnyard projects involving less than \$25,000 in cost-share payments, counties should use the “delete practice” table on page 2 of the change order form to remove a nutrient management plan if it was included as an itemized practice implemented without cost-sharing. For all extended projects that exceed \$25,000 in cost-sharing, counties do not need to make any changes to require a nutrient management plan at no charge as a part of a barnyard runoff control system.

- e. Replace “*cattle crossing*”(ATCP 50.65) with “*stream crossing*” (ATCP 50.885) as the cost-shared practice and reduce the cost-share rate to 50% or less if the *stream crossing does not implement a performance standard*.

*Implementation:* For extended projects where “cattle crossing” is the original cost-shared practice, the county should use the “add practice” and “delete practice” tables on page 2 of the change order form to remove “cattle crossing” and add “stream crossing.” If the stream crossing does not implement a performance standard, counties should reduce the cost-share rate to 50 percent or less, and adjust the amount accordingly. Conversely, if the stream crossing implements a performance standard, the practice can be cost-shared at 70%.

3. Obtain landowner consent for all changes listed in the change order. Landowners may give their consent to a change without signing the form when the change in project costs is less than \$500. In the case where the project cost increases \$500 or more, the landowner must sign the change order. Completing a change order will provide counties a record that landowners have agreed to the reduced rate before the county seeks an extension and will ensure that a county does not request an extension of more funds than it needs to complete the project. For example, a landowner would need to sign the change order form if the landowner agrees to accept the 50 percent rate for stream bank protection practice and this change in rate would add \$500 or more to the total project costs.
4. Submit all change orders with the original cost-share contract when filing extension requests. DATCP staff will contact counties if their submissions do not include the necessary change orders or do not meet other requirements described in this memorandum.
5. File all extension requests on or before December 31st of the grant year.