

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

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<b>IN THE MATTER OF</b>	)	
<b>2016 JOINT ANNUAL ALLOCATION</b>	)	<b>DATCP DOCKET NO. 16-M-08</b>
<b>(Section ATCP 50.28 (5),</b>	)	<b>REALLOCATION OF SEG</b>
<b>Wisconsin Administrative Code)</b>	)	<b>GRANT FUNDS FROM A</b>
	)	<b>RESERVE</b>
	)	

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**INTRODUCTION**

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection ("department"), having followed the procedures in s. ATCP 50.28 (5), Wisconsin Administrative Code, ("Wis. Admin. Code"), for a revision of the annual allocation plan through a reallocation of grant funds from a reserve established, makes the following findings of fact, conclusions of law and grants approval of the reallocation.

**FINDINGS OF FACT**

(1) The department and the State of Wisconsin Land and Water Conservation Board ("LWCB") are jointly responsible for administering Wisconsin's soil and water conservation program under ch. 92, Wis. Stats. The program is designed to preserve the state's soil and water resources and halt and reverse the depletion of the state's soil resources and pollution of its surface waters.

(2) On October 21, 2015, the department and the Department of Natural Resources ("DNR") completed the 2016 joint final allocation plan ("2016 plan"). The department's portion of the allocation awarded 56 counties \$1,653,005 in SEG funds primarily for nutrient management plan cost-sharing. The department used a specific funding formula to score county applications and rank counties for purposes of determining their award amounts. The 56 counties had applied to the department for about \$2.6 million in SEG cost-share grants.

(3) In the 2016 plan, the department created a SEG reserve for future reallocation by inserting the following language: "DATCP is holding back and not allocating \$218,800 until it determines whether these funds are needed to meet any lapse responsibilities. DATCP's final SEG cost-share or cooperator allocations may be adjusted based on DATCP's determination."

(4) On or about May 2, 2016, the department was advised that the \$218,800 held in reserve would not be needed to meet any required lapse.

(5) On or about May 2, 2016, the department elected to reallocate \$215,394 of the \$218,800 held in reserve to counties for landowner cost-sharing primarily for nutrient management plans, and further determined the reserve should be allocated based on the funding formula originally applied to award grants in this funding category. Table A attached hereto reflects the increases in county allocations based on application of the funding formula to the amount allocated from the reserve.

(6) On May 6, 2016, the land and water conservation board (“LWCB”) recommended approval of this reallocation of through its delegated representative, John Petty.

(7) On May 6, 2016, the department provided notice reallocation and consequent revision of the 2016 plan to the LWCB, DNR and counties.

### CONCLUSIONS OF LAW

(1) Under s. ATCP 50.28(5)(a)5., Wis. Admin. Code, the department may revise an annual allocation plan, once adopted, by a reallocation of funds from a reserve established in the annual allocation plan.

(2) Under s. ATCP 50.28(5)(a)2., Wis. Admin. Code, the department may increase total grants to any county through a reallocation without providing all counties an equal opportunity to compete for the funds.

(3) Under s. ATCP 50.28(5)(b), Wis. Admin. Code, must provide notice of the revised allocation plan to the LWCB, DNR and counties, and must obtain a recommendation from the LWCB regarding any revision to the allocation plan.

(3) Pursuant to s. ATCP 50.28(5)(b), Wis. Adm. Code, and Findings of Fact (1) through (7), the department has satisfied the requirements for revision of the 2016 plan through a reallocation of grant funds from a reserve, and \$218,800 should be reallocated to counties for landowner cost-sharing as specified in Table A.

### ORDER

**NOW, THEREFORE, it is ordered** pursuant to s. ATCP 50.28(5)(b), Wis. Adm. Code, that:

(1) The department approves the revision of the department’s portion of the 2016 annual allocation plan through a reallocation of \$218,800 held in a reserve established in the plan, and these funds shall reallocated for purposes of landowner cost-sharing to the counties as specified in Table A.

Dated this 31st of May, 2016.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By:   
Ben Brancel, Secretary

**TABLE A  
2016 REALLOCATION OF SEG FUNDS**

<b>COUNTY</b>	<b>2016 JOINT ALLOCATION AWARD</b>	<b>INCREASE IN AWARD</b>	<b>FINAL TOTAL AFTER REALLOCATION</b>
Calumet	\$50,000.00	\$19,150.00	\$69,150.00
Chippewa	\$38,423.00	\$7,056.00	\$45,479.00
Clark	\$50,000.00	\$19,150.00	\$69,150.00
Columbia	\$45,000.00	\$10,000.00	\$55,000.00
Eau Claire	\$45,000.00	\$5,000.00	\$50,000.00
Green	\$45,000.00	\$10,000.00	\$55,000.00
Iowa	\$45,000.00	\$10,000.00	\$55,000.00
La Crosse	\$50,000.00	\$19,150.00	\$69,150.00
Lafayette	\$45,000.00	\$10,000.00	\$55,000.00
Manitowoc	\$50,000.00	\$14,400.00	\$64,400.00
Marathon	\$50,000.00	\$19,150.00	\$69,150.00
Marinette	\$45,000.00	\$10,000.00	\$55,000.00
Marquette	\$38,422.00	\$1,338.00	\$39,760.00
Ozaukee	\$42,000.00	\$5,000.00	\$47,000.00
Racine	\$42,000.00	\$5,000.00	\$47,000.00
Rock	\$45,000.00	\$10,000.00	\$55,000.00
Sauk	\$42,000.00	\$5,000.00	\$47,000.00
Trempealeau	\$45,000.00	\$10,000.00	\$55,000.00
Vernon	\$45,000.00	\$10,000.00	\$55,000.00
Waupaca	\$45,000.00	\$10,000.00	\$55,000.00
Winnebago	\$50,000.00	\$6,000.00	\$56,000.00
		<b>\$215,394.00</b>	

