

**Wisconsin Department of Agriculture, Trade and Consumer Protection**

**Regulatory Flexibility Analysis**

***Rule Subject:*** Producer-Led Watershed Protection Grant Program

***Adm. Code Reference:*** ATCP 52

***Rules Clearinghouse No.:***

***DATCP Docket No.:*** 24-R-04

***Rule Summary***

This rule implements the Commercial Nitrogen Optimization Pilot Program created under s. 92.14 (16), Stats. Under s. 92.14 (16), Stats., the Department is authorized to award grants for commercial nitrogen optimization pilot projects conducted in collaboration with a University of Wisconsin System institution.

This rule implements the Crop Insurance Premium Rebates for Planting Cover Crops program created under s. 92.14 (17), Stats. Under s. 92.14 (17) Stats., the Department is authorized to provide rebates in the amount of \$5 for each acre of a cover crop planted for crop insurance premiums paid on those acres.

This rule will modify the Producer-Led Watershed Protection Grants Program created by s. 93.59, Stats. Under s. 93.59, Stats., the Department is authorized to provide grants for nonpoint source pollution abatement activities conducted with the assistance of producer-led groups.

This rule does all of the following:

- Updates language to simplify, fix errors, and reflect current practice.
- Updates definitions to specify legal entities include certain nonprofit conservation organizations.
- Clarifies eligibility for and eligible use of grant funds which includes removal of the \$25 per hour maximum cap for consulting services from rule.
- Updates the title and structure of ATCP 52 to create subchapters which incorporate the two new programs mentioned below.

***Small Businesses Affected***

The Commercial Nitrogen Optimization Pilot Program is voluntary and thus imposes no costs on businesses. By providing grant funding up to \$50,000 to agricultural producers and collaborating University of Wisconsin System (UWS) institutions, the Commercial Nitrogen Optimization Pilot Program will benefit farms, other agriculture businesses and agriculture communities. Grant recipients will directly benefit, while others will benefit indirectly from the increased knowledge producers gain regarding commercial nitrogen optimization for crop production.

The Crop Insurance Premium Rebates for Planting Cover Crops program is voluntary and thus imposes no costs on businesses. By providing a \$5 rebate to acres planted with a cover crop on eligible acres, this program will benefit farms, agriculture communities, and other agricultural businesses.

The Producer-Led Watershed Protection Grants program is voluntary and thus imposes no costs on businesses. By providing grant funding up to \$40,000 per producer-led group, the program will benefit farms, program collaborators, and local businesses and communities from increased outreach, education, and cost share for conservation practices. Changes to this rule will not affect costs on small businesses.

### ***Reporting, Bookkeeping and other Procedures***

The proposed rule contains reporting requirements for grant recipients, some of which may be small businesses, to demonstrate progress towards project goals and overall success of their proposed projects. Beyond that, the proposed rule does not create any new reporting, bookkeeping or other procedures for small businesses.

### ***Professional Skills Required***

The proposed rule does not require any new professional skills from small businesses.

### ***Accommodation for Small Business***

No accommodation for small business will be necessary for the proposed rule. The Department expects the proposed rule to have minimal to no economic impact. The proposed rule would amend ch. ATCP 52 to align with ss. 92.14 (16) and 94.14 (17), Stats. The proposed rule codifies grant and incentive procedures that have been implemented by emergency rule since FY22-23. Proposed revisions to existing ch. ATCP 52 language that implements s. 93.59, Stats. are primarily intended to provide clarification and are also expected to have little to no economic impact.

### ***Conclusion***

The Department expects the proposed rule to have minimal to no economic impact due to the voluntary nature of participation in each applicable program.

Dated this 30<sup>th</sup> day of June, 2025.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

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