

Notice of Intent/Discharge Grant Instructions

To be used with Form 8700-334

Revised 05/2019

Overview:

Each calendar year, the Department of Natural Resources (DNR) and the Department of Agriculture, Trade and Consumer Protection (DATCP) allocate funding for cost-share grants for certain recipients of Notice of Discharge/Notice of Intent (NOD/NOI) letters. These grants are provided to governmental units working with owners and operators of livestock operations to cost-share on best management practices necessary for meeting pollution control requirements.

The Notice of Discharge Grant Program is a reimbursement grant program. Once DNR issues a grant agreement to a governmental unit, the governmental unit grantee may enter into cost-share agreement(s) with landowner(s). The landowner completes the project and pays 100% of the project costs*. The landowner then requests reimbursement from the governmental unit, which pays landowners at the cost-share rate in the grant agreement. After the governmental unit grantee has paid the landowner(s), the governmental unit requests reimbursement from DNR. DNR reimburses the governmental unit.

* One acceptable deviation from this sequence would be the governmental unit grantee paying the cost-share rate of eligible costs directly to vendor(s) so that landowner(s) would only have to pay the local share of the total costs.

Depending on the availability of funds in the state budget, DNR attempts to allocate \$1,000,000 annually and DATCP attempts to allocate approximately \$200,000 annually for NOI/NOD grants. Applications not funded will be carried over for up to one year.

To be eligible for DNR funding, the DNR must have issued a NR 243 NOI or NOD to the operator prior to the grant award. Specific funding policies for DNR are under chapters NR 153 and NR 154. Livestock operations/facilities and croplands defined as *existing*, and *not* defined as *new*, are eligible for NOD grants. To be eligible for a NOD grant, the operation or facility must have been in existence on or before the effective date of the NR 151 standard or prohibition and the operation or facility was then noncompliant and has since remained noncompliant with the performance standard or prohibition being addressed by the proposed project. The NR 151 performance standards and prohibitions which the TRM agricultural grant program addresses have been in existence since 2002, 2003 or 2011. See table at the end of these instructions for the effective dates of NR 151 performance standards and prohibitions.

To be eligible for DATCP funding, the DNR must have issued a NR 243 NOI to the operator prior to the grant award. Specific funding policies for DATCP are under ATCP 50.

- Note: DATCP funding may not be used to pay for force account work.

Funding will be restricted to those practices needed to address the requirements of the NOD or NOI.

Other projects on the farm may be required to be completed, to comply with other requirements or programs (i.e. NR 151 performance standards/prohibitions, Farmland Preservation, etc.); however, NOD grant funds are used to prioritize practices which will address discharges to waters of the state. Other grant programs are available to address compliance issues related to implementation programs.

Application Process:

Applicants are advised to submit projects that are mutual priorities for both DNR and the applicant. DNR Regional Nonpoint Source Coordinators and applicants should consider developing a regional site priority list from which projects can be drawn. It is expected that the potential applicant will contact the DNR Regional Nonpoint Source Coordinator to discuss the potential project prior to submitting the application. DATCP engineering assistance may be available to design and install practices. If DATCP assistance is needed, the applicant should contact the DATCP engineer about the project as soon as possible.

The applicant (e.g. county) will complete Parts 1 through 8 of the application form 8700-334 and e-mail it to the [DNR Regional Nonpoint Source Coordinator](#) for the county the project is located in. The e-mail should also include the required maps, site photographs and other supporting documentation. Please ensure the subject line of the e-mail includes "NOD Funding Application."

The DNR Regional Nonpoint Source Coordinator will complete Part 9 of the application and forward it and all application attachments via e-mail to the DNR and DATCP NOI/NOD grant administrators.

DNR and DATCP will accept applications continuously when funding is available. Completed applications will be periodically bundled for review and selection. The following bundling deadlines are typically available each calendar year. If the 15th falls on a weekend, the following Monday's date is the application submission deadline. Reminders of the application deadline dates are sent to all County Conservationists.

- April 15
- June 15
- August 15

Additional review rounds may be scheduled depending on the amount of funding available. If funding is available for a fourth application round, an announcement will be sent to all County Conservationists.

The funding source may influence project selection. DNR uses some Federal Clean Water Act s. 319 funds for NOD projects, but these funds can only be used in 319-eligible areas of the state. Eligible areas are identified on the DNR's website at: <http://dnr.wi.gov/topic/Nonpoint/9keyElementPlans.html>.

Neither DNR nor DATCP are obligated to commit all available funds to applications received by a deadline if it is determined that the proposed projects do not meet funding criteria. Unfunded applications may be considered during the subsequent bundling period along with any new applications received. After one-year, unfunded applications will be removed from consideration but may be resubmitted for future funding cycles.

During each bundling period, DNR and DATCP staffs will discuss the application and may arrange conference calls with the applicant to discuss issuance of the NOD or NOI and prospects for project funding. Once substantial agreement is reached between DNR, DATCP and the applicant on a project, the state agencies will commit to funding the project using the most suitable funding source.

DNR may issue NODs with reduced cost-share funding or no funding for certain situations including: discharges to navigable waters from small (less than 300 animal units) or medium size operations (300 to 999 animal units) or discharges from livestock operations of any size that are causing a well contamination, or a fish kill.

If you have any questions, please contact:

- DNR Regional Nonpoint Source Coordinator, <http://dnr.wi.gov/topic/nonpoint/NPScontacts.html>
- DNR NOD Grant Manager, Mike Gilbertson, (608) 267-7628, Mike.Gilbertson@Wisconsin.gov
- DATCP Grant Administrator, Coreen Fallat, (608) 224-4625, Coreen.Fallat@Wisconsin.gov

Application Instructions:

The application is divided into nine parts. The applicant completes Parts 1 through 8 in addition to supplying the applicable attachments, while DNR/DATCP completes Part 9. The application is set up as a fillable/savable pdf document. To move between sections, use the TAB key or click in the entry box.

Part 1: Applicant Information

The applicant must be a governmental unit. The project name should be a unique identifier of this project. The Governmental Unit's Responsible Municipal Representative must be the applying governmental unit's official with authority to sign contracts and the grant application on behalf of the governmental unit. A Governmental Responsibility Resolution shall also be included with the NOD application sample resolution available under Resources Tab at: <https://dnr.wi.gov/Aid/NOD.html>. The Governmental Contact Person is the Government Official most directly involved in the implementation of this project. A consultant cannot be the Authorized Signatory or the Grant Contact Person. If the Grant Contact Person is the same as the applying Governmental Unit's Authorized Signatory, write in "same."

Part 2: Project Location

- A. Maps depicting the flow path of the discharge and proximity to receiving waters or sensitive features are important to the grant review process. The [DNR's Surface Water Data Viewer](#) can be used to create maps and identify watersheds, impaired waters, and other important features. Photographs highlighting the key problem areas are also necessary to show the severity of the issues of concern. Be sure to label the photographs and provide a brief description of what the photograph is depicting.
- B. Complete the applicable locational information. The DNR's Surface Water Data Viewer can be used to determine TRS-Q-QQ and lat./long. in decimal form.
- C. Include information regarding the watershed and waterbody impacted by the discharge. If the waterbody in question is unnamed, provide that along with the next named waterbody.
- D. Check all receiving water information that applies in this section. The DNR's Surface Water Data Viewer can be used to determine the special designations and other important water resource area information. Remember to include any additional descriptions needed to understand the water resource being impacted.
- E. To be eligible for s. 319 federal nonpoint funds, the project must be in an EPA-approved "9 key element" planning area and must address the pollutants and practices identified in the plan. The plans may have been developed to address impaired waterbodies or for protection purposes. The map of eligible areas is updated frequently and is available at: <http://dnr.wi.gov/topic/Nonpoint/9keyElementPlans.html>.
- F. If the project is addressing practices identified as part of an approved TMDL, include additional information in this section.
- G. Check the appropriate boxes if endangered/threatened resources or cultural/historical resources may be present at the site and within the proposed project area for construction. Consult the [Natural Heritage Inventory \(NHI\) Public Portal](#) for endangered resources information and review the "[Wetlands & Wetland Indicators](#)" theme layer on the surface water data viewer to determine if there are potential wetland indicators within the proposed project area for construction. County Historical Societies may have information on archaeological and historical sites. Additional reviews may need to be completed depending on the responses to these questions.

Part 3: Livestock Facility and Discharge Information

- A. Complete Form 3400-25A found at <http://dnr.wi.gov/topic/AgBusiness/CAFO/PermitForms.html> to calculate animal units for the operation. The instructions for completing the form are available there, as well. A completed form 3400-25A for current and proposed animals should be included as an attachment to the application.
- B. This section categorizes the type of discharge to be addressed by the project. In some cases, it may impact certain funding eligibility (such as s. 319 funds).

- C. Prior to a NOI or NOD being issued, DNR staff should document the discharge through an on-site visit. In certain cases, the DNR may rely on other agencies to document the discharge. Be sure to thoroughly document the issues when on-site as part of a site inspection report that includes photographs. If the information is part of a WPDES permit application, it may impact funding eligibility.

Part 4: Receiving Water Impacts

This section helps describe the impact the discharge is having on receiving waters. Be sure to check all that apply to the site and the discharge problems described in the application.

Part 5: Discharge Summary & Site History

- A. Use this section to summarize the current site conditions and the discharge. Include information regarding management, animal numbers, housekeeping practices, the frequency and timing of the discharge, any modeling results that have been completed as part of the site assessment, and any other details that may be of relevance to thoroughly describe the issue.
- B. Use this section to summarize any relevant site history information that may be considered during the application review to determine the extent of the problem, past offers of cost-share funds, level of cooperation of the landowner, past compliance issues as well as any solutions that have been attempted.
- C. Use this section to describe the farm's current nutrient management practices and whether the farm follows an approved nutrient management plan. In certain situations, nutrient management planning may be an eligible practice for cost-sharing depending on funding availability.

Part 6: Proposed Project

- A. Use this section to fully describe the proposed solution to address the discharge. If manure storage is being proposed, include the proposed months of storage. Note that DNR and DATCP review months of storage based on the cost-effectiveness of the solution; however, landowners can increase the size of the storage for individual management purposes beyond the minimum at their own cost as part of the solution. If this is the case, be sure to include what portion of the storage is proposed to cover under the grant application and what portion is to be covered by the landowner. For feedlot and barnyard practices, DNR and DATCP expect a NRCS 590 Nutrient Management Plan to ensure the manure collected from these areas will be managed properly. In certain cases, nutrient management plans may be eligible for cost-share funds. If other funds will be used to address portions of the project, be sure to clearly outline what funds will be used for which practices.
- B. Check all practices that will be used for the project. The NOD grant program typically funds structural practices but occasionally has funds available for cropping practices or nutrient management plans. Work with the regional nonpoint source coordinator on which practices are best to select for the NOD grant work. If soft practices are proposed, list them under the "other" section.
- C. List the practices separately on the budget table and estimated costs associated with each practice. This aids in decisions on funding between DNR and DATCP. Note that the economic hardship process for NOD grants funded by DNR varies depending on the notice type. Work with the regional NPS Coordinator on determining economic hardship eligibility. Fully outline the current level of planning associated with the proposed project as well as additional details on other funding options being proposed for the project.

Part 7: Landowner & Applicant Commitment

- A. Check all that apply. For the last option, note that if the applicant will require assistance with the design work, note who assistance is being requested from (i.e. DATCP, NRCS, private engineer, etc.) and what activities need assistance (i.e. planning, design, specific practices, etc.).
- B. To issue the NOI or NOD, the DNR will need the mailing address of the landowner/operator. This may be different from the location of the discharge. Include both addresses when necessary.
- C. The level of planning and design work that has been completed at the time of application will likely

determine when the project is proposed to be completed. If the project is proposed to be completed in phases, check the box associated with the approximate ending timeframe and be sure to include information on the phases in Part 7: D.

- D. Outline the timeframe for the project including planning, design, survey work, bidding, hiring contractors, construction, etc. If the project is proposed to be completed in phases, include information on the phases and which practices will be completed during each phase.

Part 8: Request for Cost-share Grant

The application needs to be signed and dated by the governmental unit's authorized representative. Electronic signatures are acceptable.

Part 9: Department Review

For Department use only

Table: NR 151 Agricultural Performance Standards & Prohibitions with Effective Dates

Agricultural Performance Standards & Prohibitions	Effective Date
Sheet, rill, and wind erosion. (NR 151.02)	10-1-02
Tillage setback. (NR 151.03)	1-1-11
Phosphorus index. (NR 151.04)	1-1-11
Manure storage facilities-new/significant alterations. (NR 151.05(2))	10-1-02
Manure storage facilities-closure. (NR 151.05(3))	10-1-02
Manure storage facilities-existing failing/leaking. (NR 151.05(4))	10-1-02
Process wastewater handling. (NR 151.055)	1-1-11
Clean water diversions. (NR 151.06)	10-1-02
Nutrient management. (NR 151.07) *	1-1-05, 1-1-08, or 10-1-03 *
Prohibition: Prevention of overflow from manure storage facilities. (NR 151.08(2))	10-1-02
Prohibition: Prevention of unconfined manure piles in water quality management areas (within 300 feet of a stream, 1000 feet. of a lake, or areas where the groundwater is susceptible to contamination). (NR 151.08(3))	10-1-02
Prohibition: Prevention of direct runoff from a feedlot or stored manure into waters of the state. (NR 151.08(4))	10-1-02
Prohibition: Prevention of unlimited livestock access to waters of the state where high concentrations of animals prevent the maintenance of adequate sod cover or self-sustaining vegetation. (NR 151.08(5))	10-1-02

* 1-1-05 for existing croplands within watersheds containing ORW/ERW, impaired waters, or source water protection areas (defined in s. NR 243.03(61)); 1-1-08 for all other existing croplands; 10-1-2003 for all new croplands.