



BUREAU OF WATERSHED MANAGEMENT

Nonpoint Source Program

Proposed Changes to Targeted Runoff Management Grant Program Applications (Forms 8700-300 and 8700-333) and Instructions

Proposed Effective Date: January 15, 2015

Notice: This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

The Department of Natural Resources (DNR) Nonpoint Source Program is seeking public input on this proposal to revise the Targeted Runoff Management (TRM) Grant Program's Small-Scale Agricultural Application form (8700-300) and instructions and the TRM Large-Scale Agricultural Application form (8700-333) and instructions to promote development and implementation of watershed-based plans that meet EPA's "Nine Key Elements". The DNR is being proactive in notifying potential 2015 grant applicants now about this anticipated change in order to allow applicants time to plan appropriately for the upcoming grant cycle.

A. Why Are We Making This Change?

Proposed revisions to the TRM Grant Program applications and instructions for scoring will promote projects meeting EPA criteria and enable DNR to award federal grant funds for agricultural nonpoint source control practices.

B. Background

EPA provides DNR with a Nonpoint Source Grant under Section 319 of the Clean Water Act. A recent stipulation of the EPA grant to DNR requires that the federal funds be used for projects in areas of the state that implement the goals and recommendations of an EPA-approved watershed-based nine key element plan. The projects must also address a waterbody on the most current, EPA-approved, Clean Water Act Section 303(d) list of impaired waters or address a nonpoint source threatened Outstanding Resource Water or Exceptional Resource Water (ORW/ERW). The nine key elements provide a framework for watershed-based plan content to address waters impacted by nonpoint source pollution.

The federal Section 319 Nonpoint Source grant funds supplement the State's Nonpoint Source Program funding for the TRM Grant Program. Approximately \$1,000,000 of federal funds are available to support TRM projects each year. The TRM grant application and scoring process is the framework for the selection of projects for which DNR awards both the federal and state funds.

Due to the EPA requirement that the federal funds must support projects only in nine key element plan areas of the state, DNR is recommending that the grant application and scoring process be revised to promote nine key element plan development and implementation. DNR proposes to modify the TRM grant application forms to include questions that will first, determine if the proposed project will implement the goals and recommendations of an EPA-approved watershed-based nine key element plan, and second, award bonus points to project applications that meet the required criteria. The goal of the bonus points is to encourage the development and implementation of EPA-approved watershed-based nine key element plans.

C. Summary of Proposed Changes to the TRM Applications and Instructions

Insert the following on the Targeted Runoff Management (TRM) Grant Program Small-Scale Agricultural Application (Form 8700-300):

Bonus Points: Federal NPS Program Watershed Project Funding Eligibility

Check this box if the project addresses a nonpoint source impaired waterbody listed on the most current EPA-approved Section 303(d) list of impaired waters or a nonpoint source threatened ORW/ERW and the project implements the goals and recommendations of an EPA-approved watershed-based nine key element plan. The project must be located upstream of and in the same 12-digit hydrologic unit (sub-watershed) as the 303(d) listed water or the ORW/ERW. The project must control the same NPS pollutants which are impairing the 303(d) listed waterbody or threatening the ORW/ERW. The project may be eligible for Federal NPS Program (Clean Water Act Section 319) Watershed Project Funding. (Refer to Attachment C of the application instructions for a list of eligible plans. Link to map and plans at: [http://dnr.wi.gov/water/9kemp/.](http://dnr.wi.gov/water/9kemp/))

Provide the title of the EPA-approved nine key element plan this project implements.

Insert the following on the Targeted Runoff Management (TRM) Grant Program Large-Scale Agricultural Application (Form 8700-333):

Bonus Points: Federal NPS Program Watershed Project Funding Eligibility

Check this box if the project addresses a nonpoint source impaired waterbody listed on the most current EPA-approved Section 303(d) list of impaired waters or a nonpoint source threatened ORW/ERW and the project implements the goals and recommendations of an EPA-approved watershed-based “9 key element” plan. The project must be located upstream of and in the same 12-digit hydrologic unit (sub-watershed) as the 303(d) listed water or the ORW/ERW. The project must control the same NPS pollutants which are impairing the 303(d) listed waterbody or threatening the ORW/ERW. The project may be eligible for Federal NPS Program (Clean Water Act Section 319) Watershed Project Funding. (Refer to Attachment B of the application instructions for a list of eligible plans. Link to map and plans at: [http://dnr.wi.gov/water/9kemp/.](http://dnr.wi.gov/water/9kemp/))

Provide the name of the NPS-impaired waterbody or NPS-threatened ORW/ERW.

Provide the title of the EPA-approved nine key element plan this project implements.

Insert the following in the TRM Grant Application Instructions for both Small-Scale and Large-Scale Agricultural Projects:

Projects that meet all of the following requirements earn 10 bonus points and will be eligible for federal Nonpoint Source Program (Section 319) Watershed Project Funds.

1. The project addresses a nonpoint source impaired waterbody listed on the most current EPA-approved, Section 303(d) list of impaired waters or a nonpoint source threatened ORW/ERW.
2. The project is located upstream of and in the same 12-digit hydrologic unit (sub-watershed) as the 303(d) listed water or the ORW/ERW.
3. The project controls the same NPS pollutants which are impairing the 303(d) listed waterbody or threatening the ORW/ERW.
4. The project implements the goals and recommendations of an EPA-approved watershed-based nine key element plan.

D. Remaining Steps

Comments related to the draft changes to the Targeted Runoff Management grant application forms and instructions should be sent to DNREGUIDANCEDOCUMENTS@Wisconsin.gov. Once the 21-day comment period is complete, all comments will be considered, revisions will be made to this draft language for the application forms and instructions as warranted and *A Response Summary* will be prepared. Both the *Response Summary* and final language for the application forms and instructions will be made available using the existing DNR Program Guidance web page (<http://dnr.wi.gov/news/input/guidance.html>).