WISCONSIN COASTAL NONPOINT PROGRAM
NOAA/EPA DECISIONS ON CONDITIONS OF APPROVAL

FOREWORD

This document contains the basis for NOAA and EPA's decision to fully approve Wisconsin's Coastal Nonpoint Pollution Control Program (coastal nonpoint program). It discusses how the State has met each of the conditions of approval placed on the coastal nonpoint program submitted by Wisconsin pursuant to Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA).

The Findings for Wisconsin's coastal nonpoint program were issued on September 24, 1997. Since that time, Wisconsin has undertaken a number of actions to address conditions of approval on its coastal nonpoint program. Based on those actions and on materials the State has provided to document how the conditions have been met, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) find that Wisconsin has satisfied all conditions of approval.

This document is organized in the same fashion as the Findings for Wisconsin's coastal nonpoint program. Where the original Findings included a condition, this document repeats the condition, and discusses how the condition has been satisfied. For further understanding of terms in this document and the basis for these decisions, the reader is referred to the following: *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (EPA, January 1993); *Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance* (NOAA and EPA, January 1993); *Flexibility for State Coastal Nonpoint Programs* (NOAA and EPA, March 1995); and *Final Administrative Changes to the Coastal Nonpoint Pollution Control Program Guidance for Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)* (NOAA and EPA, October, 1998).

FINAL APPROVAL DECISION

NOAA and EPA find that State of Wisconsin has satisfied all conditions placed on approval of the Wisconsin coastal nonpoint pollution control program submitted to NOAA and EPA pursuant to Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990. Therefore, Wisconsin's coastal nonpoint program meets all program requirements and is hereby fully approved, constituting a final approval decision for the program.

Please note that the approval decision made for the Wisconsin coastal nonpoint program does not relieve the State of any requirements under the Endangered Species Act.

AGRICULTURE

CONDITION: Within three years, Wisconsin will (1) modify the design storm for animal lot runoff management to be in conformity with the two management measures for confined animal

facilities and include storage of wastewater and runoff for large units, and (2) include management measures in conformity with the (g) guidance for nutrient management. Within one year, Wisconsin will develop a strategy (in accordance with Section XIV, page 15) to implement the agricultural management measures throughout the 6217 management area.

DECISION: Wisconsin has met this condition.

RATIONALE:

Confined Animal Facility Management (Large and Small)

In the original program submittal, Wisconsin proposed an alternative management measure for confined animal facilities that relied on the 10-year, 24-hour frequency storm for system design, which NOAA and EPA found to be less effective than the section 6217(g) management measures. As stated in the original findings, "[t]he condition is intended to provide Wisconsin a reasonable schedule to implement the change to the 25-year storm for both the B1 and B2 (large and small units) management measures.

Under rule changes adopted in June 2002, Wisconsin modified the design storm for animal feeding operations to be equivalent to the volume of a 25-year, 24-hour storm. Chapter NR 151, Runoff Management, establishes runoff pollution performance standards and prohibitions for agricultural practices and meets both the large and small confined animal facility management measures. All livestock producers building new manure storage facilities, or choosing to substantially alter their existing manure storage facilities must design, construct, and maintain them to comply with groundwater standards and maintain one foot of freeboard storage or adequate freeboard storage to the equivalent of a 25-year, 24-hour storm (whichever is greater). When a confined animal facility operation ceases to operate (or manure has not been added or removed from the facility for a period of 24 months), the facility must be closed in a manner that will prevent future contamination of groundwater and surface waters. Failing and leaking existing manure storage facilities in existence on the effective date of the rule that pose an imminent threat to public health or fish and aquatic life or are causing a violation of groundwater standards, are required to be upgraded, replaced, or abandoned in accordance with the new rules.

In addition, the new rules require all livestock producers within a water quality management area to divert runoff away from contacting feedlot, manure storage areas, and barnyard areas, except to protect a private well (if the aforementioned features are located upslope from the well). Water quality management areas are defined as areas within 1,000 feet from the ordinary high-water marks of navigable waters that consist of a lake, pond or flowage; the area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater. Additional manure management prohibitions state that all livestock operations shall not have any the following: 1) overflow of manure storage facilities; 2) unconfined manure piles in water quality management areas; and 3) direct runoff from a feedlot or stored manure into the waters of the state.

Nutrient Management Measure

In its original program submittal, Wisconsin proposed an alternative management measure for the nutrient measure; i.e., to change elements (5) and (6) from "use of the limiting nutrient concept" and "avoid applications...to frozen soil," to "limit nitrogen," and "manage applications...to frozen soil," respectively. The State has withdrawn its proposed alternative management measure. In June 2002 the State adopted the Agriculture, Trade and Consumer Protection (ATCP) Rule 50 which includes creation of a nutrient management program, as required by 1997 Wis. Act 27. The program is designed to reduce excessive nutrient applications and nutrient runoff that may pollute surface water and groundwater. Under the program, farmers applying commercial fertilizer or manure must have an annual nutrient management plan, and must follow that plan. According to ATCP 50, the nutrient management plan must comply with NRCS technical standard 590. The technical standard calls for development of field-by-field nutrient budgets for all major nutrients, as well as avoiding applications of nutrients as much as possible to frozen soil and during period of leaching or runoff. When commercial fertilizer, manure, or organic byproducts are applied to frozen or snow covered ground, application is restricted by area and/or time of year (e.g., not allowed on slopes of greater than 9%, except for manure on slopes up to 12% with well grassed waterways, that are either contour stripcropped with alternate strips in sod; not allowed on slopes of six percent or less north of Wisconsin Highway 29 and on winter grains throughout the state, etc.). These provisions address NOAA and EPA's original issues that Wisconsin's program 1) would not achieve efficient use of all nutrients (N, P, and K), i.e., the limiting nutrient concept, by focusing solely on nitrogen; and 2) would be less effective than the 6217(g) management measure because it only sought to manage, rather than avoid as much as possible, applications of nutrients to frozen soil and during periods of leaching and runoff.

Enforceable Policy

With respect to meeting the enforceable policy element of the condition, Wisconsin provided a legal opinion demonstrating that the Wisconsin Department of Natural Resources (DNR) possesses the authority to prevent agricultural sources of nonpoint pollution and require management measure implementation as necessary. Under Wisconsin Statute §281 and §283, the DNR has the ability to
1) issue an order to cause the abatement of significant sources of animal waste or agricultural nonpoint source pollution when the source is designated as a critical site in a priority watershed or priority lake plan, or a modification to such a plan; 2) issue an order to require the implementation of best management practices for a source designated as a critical site in a priority watershed or priority lake plan, except if the pollution is caused primarily by animal waste; 3) issue a notice of discharge for an animal waste source that has been determined to discharge a significant amount of pollutants to waters of the state; and 4) promulgate agricultural nonpoint source performance standards and prohibitions designed to achieve water quality standards. If an animal waste problem is identified, the landowner or operator receives a notice of discharge that identifies the corrective action needed, which if not acted on within a reasonable time frame, results in the issuance of a point source discharge permit.

Under Wisconsin Statute. § 281.20, if the nonpoint source that is the subject of a notice is agricultural, the DNR sends a notice to the land conservation committee created under s. 92.06 of any county in which the source is located or the Department of Agriculture, Trade and Consumer Protection (DATCP). DATCP then provides the person who the DNR has determined to be responsible for the nonpoint source a list of management practices which, if followed, would reduce pollution to an amount determined to be acceptable by the department, in consultation with either the DATCP or the land conservation committee. The list sets forth all of the options available to the person to reduce pollution to that agreed-upon level of pollution. The DATCP also provides each person with an explanation of financial aid and technical assistance that may be available to them for the abatement of pollution and the implementation of best management practices.

A report is issued within one year after the date of the notice describing the actions taken by the person receiving the notice and a recommendation as to whether the department should issue an order to abate the pollution or implement the best management practices. The DNR may not issue an order until it receives that report unless the department determines that the pollution is causing or will cause severe water quality degradation which could be mitigated or prevented by abatement action taken in less than one year, and unless the DATCP files a concurring determination in writing with the department within 30 days after receiving notice of the department's determination. In this case, the DNR may issue a temporary emergency order prior to issuing a notice if 1) it determines that the pollution is causing or will cause severe water quality degradation; or 2) the abatement action required by the order does not involve a capital expenditure.

References in the law make it clear that even the potential for nonpoint source pollution enables the DNR to require implementation of management measures. This includes references to prevention and action once the DNR has become aware of potential damage caused by pollution. In addition, Wisconsin has adopted rules (ATCP 50) that will provide 70% (standard) and 90% (hardship) financing to farmers to implement farm conservation practices. Farmers who receive these funds will be required to implement conservation practices that achieve compliance with DNR performance standards to prevent nonpoint source pollution.

FORESTRY

CONDITION: Within one year, Wisconsin will develop a strategy (in accordance with Section XIV, page 16) to implement the forestry management measures on lands other than state and county lands throughout the 6217 management area.

DECISION: Wisconsin has met this condition.

RATIONALE: Wisconsin provided a legal opinion demonstrating that the Wisconsin Department of Natural Resources (DNR) possesses the authority necessary to require installation of best management practices or to stop unacceptable forestry activities to implement the forestry management measures contained in the State's Coastal Nonpoint Pollution Control Program.

Under Wisconsin Statute §281 and §283, the DNR has the ability to issue an order or cause the abatement of pollution that it has determined to be significant and caused by a nonpoint sources, under any of the following circumstances: if it is 1) causing the violation of a water quality standard; 2) significantly impairing aquatic habitat or organisms; 3) restricting navigation due to sedimentation; 4) deleterious to human health; or 5) otherwise significantly impairing water quality. The State can further issue an order to require the implementation of best management practices for a source designated as a critical site in a priority watershed or priority lake plan. Each priority watershed and priority lake plan has established water quality objectives and identified best management practices for achieving the objectives.

If the department determines that an owner or operator is required to implement best management practices in a priority watershed or priority lake area, the department can send a written notice of intent to issue an order to implement the designated best management practices to the owner or operator. The notice of intent to issue an order describes the department's findings and intent, and includes a date by which that person is required to abate the pollution or implement the best management practices. That date is at least one year after the date of the notice unless the department determines that the pollution is causing or will cause severe water quality degradation that could be mitigated or prevented
by abatement action taken in less than one year. In its determination under this subsection, the department considers the nature of the actual or potential damage caused by the pollution and the feasibility of measures to abate that pollution.

Between 1995 and 1997, Wisconsin conducted an extensive forestry best management practices (BMP) monitoring program on timber sales to determine 1) the effectiveness of the BMPs in protecting water quality; 2) the extent to which they are being applied throughout Wisconsin; and 3) the effects of not applying the BMPs where needed. As a result of the study, it was suggested that extensive monitoring for the effectiveness and extensiveness of use of forestry BMPs continue, along with education for individual forestry landowners.

URBAN

CONDITIONS:

NEW DEVELOPMENT: Within three years, Wisconsin will include in its program management measures in conformity with the 6217(g) guidance for new development activities less than five acres. Within one year, Wisconsin will develop a strategy (in accordance with Section XIV, page 16) to implement the new development management measure throughout the 6217 management area.

SITE DEVELOPMENT: Within three years, Wisconsin will include in its program management measures in conformity with the 6217(g) guidance for site development and enforceable policies and mechanisms to ensure implementation of the site development management measure throughout the 6217 management area.

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL: Within two years, Wisconsin will provide in its program for implementation of the management measure on

construction sites less than five acres that do not involve construction of one-family and two-family dwellings within the 6217 management area.

CONSTRUCTION SITE CHEMICAL CONTROL: Within two years Wisconsin will include in its program management measures that are in conformity with the 6217(g) guidance. Within one year Wisconsin will develop a strategy (in accordance with Section XIV, page 16) to implement this management measure throughout the 6217 management area.

DECISION: Wisconsin has met these conditions.

RATIONALE: Wisconsin has included management measures in its program that are consistent with the New Development and Site Development Management Measures. In June 2002, Wisconsin adopted new rules (NR 151, subchapter III) that establish performance standards for non-agricultural facilities and practices that cause or may cause nonpoint runoff pollution. These rules apply to all new development and redevelopment activities that disturb a minimum of five acres, until March 10, 2003. After March 10, 2003, the standards will apply to land disturbance activities that disturb one or more acres of land. These requirements apply statewide under Wisconsin's Pollution Discharge Elimination System (WPDES) permits. As a result, all development and redevelopment activities within the Section 6217 management area that are greater or equal to one acre will be covered by the new rule requirements. Areas of disturbance that are less than one acre, but that are part of a larger development plan (i.e., a subdivision), will fall under the provisions of NR 151.

The New Development and Site Development Management Measures are met by implementation of NR 151. Section 151.12 sets post-construction performance standards for new development that require reduction of total suspended solids (TSS) loadings by 80 percent, based on an average annual rainfall, as compared to the absence of runoff management controls. For in-fill development under 5 acres that occurs within 10 years after the effective date of the rule (June 2002), the TSS load is set at 40 percent, but increases to 80 percent after 10 years, or in 2012. If a design cannot achieve the applicable TSS reductions as specified in NR 151, the storm water management plan that is developed and implemented as a requirement for each construction site must include a written and site-specific explanation why that level of reduction is not attained, and the TSS load must be reduced to the maximum extent practicable.

In addition to setting TSS load reduction requirements, entities conducting development and redevelopment activities must, as part of site plan design and implementation, keep impervious surfaces out of "protective areas" to the maximum extent practicable. Protective areas are defined as areas of land that commence at the top of lake channels, streams and rivers, or at the delineated boundary of wetlands, at the greatest of widths from the top of the channel or delineated wetland boundary to the closest existing impervious surface. The width determination is defined in the rules. For example, impervious surfaces cannot be built within 75 feet of outstanding resource waters, exceptional resource waters, and wetlands in areas of special natural resource interest. Lakes, highly susceptible wetlands, and perennial and intermittent streams must have a 50-foot minimum buffer. Where land disturbing construction activity occurs within a protective area and no impervious surface is present, sod or self-sustaining vegetative cover of 70 percent or greater must be established and maintained to provide for bank stability,

maintenance of fish habitat and filtration of pollutants from upland overland flow areas where sheet flow conditions exist. Non-vegetative materials such as rock riprap, can be used on the bank to prevent erosion on step slopes. In addition, best management practices such as filter strips, swales or wet detention basins may be located in the protective areas. The rules also establish infiltration runoff volume levels and pretreatment options.

Implementation of the NPDES Phase II Storm Water requirements will result in the implementation of management measures that are consistent with the 6217(g) guidance for the following two management measures:

- Construction Site Erosion and Sediment Control; and
- Construction Site Chemical Control Management Measures.

Because these activities will be subject to NPDES or SPDES requirements, EPA and NOAA will no longer independently review these two management measures for consistency with the Coastal Nonpoint Program requirements.

In addition to meeting the management measures through application of the Storm Water Phase II Rule to all new development and redevelopment over one acre, statewide (starting on March 10, 2003), the State has adopted Chapter NR 155, the Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Grant Program. The purpose of this grant program is to promote management of urban runoff from existing urban areas, developing urban areas, and areas of urban redevelopment. Its goal is to achieve water quality standards, minimize flooding, protect groundwater, and implement the non-agricultural nonpoint source performance standards discussed above. Runoff management grants can be awarded for controlling pollution from a single source on a property to controlling multiple pollution sources within a specified drainage area. The projects will include designing and installing urban best management practices, including stream bank or shoreline stabilization projects. Awards are available for local assistance grants for urban runoff projects in areas that are expected to become urban within 20 years, as well as in areas that are already considered urban. The award may also help cover the cost of abating urban runoff from areas geographically surrounded by urban areas.

ROADS, HIGHWAYS AND BRIDGES: Within three years, Wisconsin will include in its program a management measure that is in conformity with the 6217(g) guidance for runoff systems.

DECISION: Wisconsin has met this condition.

RATIONALE: In June 2002, Wisconsin adopted revisions to its rules that resulted in the redesign of its Nonpoint Source Water Pollution Abatement Grant Program (Chapter NR 120). The revisions focus on three areas: 1) statewide performance standards, including transportation performance standards; 2) local implementation and enforcement; and 3) expanded financial assistance. In order to meet the runoff systems management measure for existing roads, highways, and bridges, the State had to demonstrate that it had in place a program to identify priority and watershed pollutant reduction opportunities (e.g., improvements to existing urban runoff control structures), and establish a schedule for implementing appropriate controls. Under

Chapter NR 120, while the State will be phasing out its priority watershed and priority lake projects activities, it will be implementing Chapter NR 151, Runoff Management; Chapter NR 153, Targeted Runoff Management Grant Program; and Chapter NR 155, Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Grant Program. Under these new grant programs, the Department of Natural Resources (DNR) will select projects for funding on an annual basis, with advice from the Wisconsin Land and Water Conservation Board. The competitive scoring system will take into account water quality, extent of pollutant control, and projects that are consistent with county land and water resources management plans and DNR's priorities established on a geographic basis.

Under Chapter NR 155, the Urban Nonpoint Source Grant Program, grants will be awarded for controlling nonpoint sources of storm water runoff from existing urban areas, developing urban areas, and areas of urban redevelopment. Goals of the Urban grant program include achieving water quality standards, and implementing the non-agricultural nonpoint source performance standards under Chapter NR 151. Specific to addressing runoff management systems from roads, highways and bridges, eligible activities include reducing runoff from "transportation...land uses where the land uses contain source areas that generate above average urban runoff volumes, peak flows or pollutant loadings." In order to meet the runoff systems condition, Wisconsin will provide grants for existing roads, highways and bridges in both urban and non-urban areas where poorly designed or maintained roads and bridges are generating significant erosion and pollution loads to local waters. The State will apply the statewide performance standards in Chapter NR 151 (cross-referencing Chapter Trans 401), which are in compliance with the Section 6217 (g) measures and suggested practices.

Furthermore, under Chapter NR 155, Wisconsin has established a "developed urban area performance standard," which applies to highways under the sole and exclusive jurisdiction of the Department of Transportation (DOT) that are located within municipalities that are subject to storm water permit requirements. For these highways, by March 10, 2008 the DOT must 1) design and implement a storm water management plan that attains a 20 percent reduction in total suspended solids (TSS) in runoff that enters waters of the state as compared to no storm water management controls; and 2) by March 20, 2013 they must achieve a 40 percent reduction in TSS. Transportation facilities not under the exclusive jurisdiction of the DOT are required to meet the same levels of TSS reduction through the performance standards listed for municipalities that are subject to the municipal storm water permit requirements. All of these activities demonstrate that Wisconsin has in place both short and long term opportunities and schedules to identify and address priority and watershed pollutant reduction opportunities for existing roads, highways and bridges.

MARINAS AND RECREATIONAL BOATING

CONDITION: Within one year, Wisconsin will develop a strategy (in accordance with Section XIV, page 16) to implement the solid waste, fish waste, liquid material, petroleum control, and boat cleaning management measure throughout the 6217 management area. Within three years, Wisconsin will include in its program management measures for solid waste, fish waste, liquid material, petroleum control, and boat cleaning in conformity with the 6217 guidance.

DECISION: Wisconsin has met this condition.

RATIONALE: Wisconsin has published state official Best Management Practices (BMP) guidance for marinas that addresses all of the marina and recreational boating management measures in the condition. This guidance is currently available in three forms: 1) as a supplement to the Wisconsin Natural Resource Magazine Publication # CE-4002-2002, which was sent to 130,000 subscribers;
2) as a separate, stand-alone guidance document, 11,000 copies of which is being distributed, initially to every marina in the 6217 management area, and ultimately to marinas and at boating events statewide; and 3) on the DNR's website. The stand-alone guidance document will be accompanied by a joint cover letter from WI DNR's Directors of the Bureaus of Intergovernmental Relations and Watershed Management stating that the article represents Wisconsin's official BMP guidance to reduce pollution for marinas and boat operators. The Governor of Wisconsin has also issued a Press Release announcing Wisconsin's BMP Guidance for Marinas and Boat Operators. In order to implement the BMPs, the Wisconsin Coastal Management Program has issued a Request for Proposals for Coastal Management Grant Program funds to conduct marina BMP activities, as identified in the State's official BMP guidance. The State generally enforces the prohibition of the disposal of solid waste in waters of the state through Section 29.29 of the Wisconsin Statutes.

HYDROMODIFICATION

CONDITIONS: Within three years, Wisconsin will include in its program management measures for chemical and pollutant control at dams in conformity with the 6217(g) guidance and dams that are constructed on non-navigable waters. Within three years, Wisconsin will develop a process to identify and develop strategies to solve nonpoint source problems caused by streambank and shoreline erosion that do not come up for review under existing permit authorities.

DECISION: Wisconsin has met this condition.

RATIONALE: In June 2002, Wisconsin adopted new non-point pollution rules that included construction site performance standards for new development and redevelopment (NR 151.11). These new rules apply to construction sites with five or more acres of land disturbing activity until March 10, 2003, at which point any construction site that has at least one acre of land disturbing construction activity after that date are covered by these new rules. The rules require that a written plan be developed for each construction site that specifies that: "the use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period to prevent their transport by runoff into waters of the state." This rule applies to all dam construction sites, whether new or maintenance activities (except for routine maintenance for projects of less than five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility), as well as whether on navigable or non-navigable waters of the state. Since for the purposes of Section 6217 the applicability of these rules is to dams defined as either 25 feet or more in height and greater than 15 acre-feet in capacity or 6 feet or more in height and greater than 50 acre-feet in capacity, it is likely that Wisconsin's rules requiring construction site

chemical control plans will apply in almost, if not all, cases of dam construction where construction site chemical runoff is an issue.

Wisconsin has demonstrated through both its previous and newly revised versions of its Nonpoint Source Water Pollution Abatement Program, and its current targeted runoff management grant and urban nonpoint source and storm water management grant program, that it has a process to identify and develop strategies to solve nonpoint source problems caused by streambank and shoreline erosion that do not come up for review under existing authorities.

Under its previous priority watershed and priority lakes projects, the state systematically assessed eroding stream banks and took action to stabilize those significantly eroding banks by providing grants for priority projects. Wisconsin provided NOAA and EPA with a copy of the Lake Mendota Priority Watershed Project Summary as an example. The Project included a streambank erosion inventory and calculated that an estimated 728 tons of sediment erodes from streambanks annually, or about eight percent of the watershed's total sediment load. The state's priority watershed plans are used by the state to guide implementation of best management practices.

While the priority watersheds and priority lakes program will be phased out over the next few years, the state will continue to use other resources such as the County Land and Water Resource Management Plans to develop strategies and establish priorities for addressing nonpoint source pollution, including streambank and shoreline erosion. In Wisconsin, every county must prepare a land and water resource management plan. The DATCP must approve the county plan, for up to five years, in consultation with the state land and water conservation board. A plan includes water quality and soil erosion conditions throughout a county; water quality objectives for each basin; priority watersheds and priority lakes; key problem water quality and soil erosion areas; and conservation practices needed to address these water quality and soil erosion areas. The DATCP is required to consult with the DNR when determining key water quality problem areas and water quality objectives. When determining annual grant allocation plans, the DATCP's grant priorities specifically include the relative severity and priority of the water quality and soil erosion problems addressed and the likelihood that funded activities will address and resolve high priority problems identified in approved county land and water resource management plans.

As described above under the roads, highways and bridges management measure, the grants will be provided under Chapter NR 151, Runoff Management; Chapter NR 153, Targeted Runoff Management Grant Program; and Chapter NR 155, Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Grant Program. Under these new grant programs, the Department of Natural Resources (DNR) will select projects for funding on an annual basis, with advice from the Wisconsin Land and Water Conservation Board. The competitive scoring system will take into account water quality, extent of pollutant control, and projects that are consistent with county land and water resources management plans and DNR's priorities established on a geographic basis. Streambank stabilization is listed as an eligible project at NR 155.14(2): "[t]he department may provide a runoff management grant under s. NR 155.21 for a project to design and install urban best management practices, stream bank stabilization projects or shoreline stabilization projects necessary to control pollution." Based on these activities,

NOAA and EPA find that the state has in place a strategy that addresses priority streambank and shoreline nonpoint source pollution problems.

ADDITIONAL MANAGEMENT MEASURES

CONDITION: Within one year, Wisconsin will identify a process for determining whether additional measures are necessary to attain or maintain water quality standards in threatened or impaired waters. This process will include the identification of coastal waters that are not attaining or maintaining water quality standards, the identification of land uses causing or threatening water quality impairments, and identification of critical coastal areas.

DECISION: Wisconsin has met this condition.

RATIONALE: Wisconsin has developed the following process for identifying additional management measures, which NOAA and EPA find meets the programmatic requirements for implementing additional management measures. First, the State will identify coastal waters not meeting water quality standards where the section 6217(g) measures have been implemented. Coastal waters not meeting water quality standards are generally identified as Great Lakes Areas of Concern or impaired waters on the 303(d) list. Once it has been determined that implementation of the (g) management measures is insufficient to control pollutants to the extent allocated for nonpoint sources and subsequent to implementation of Remedial Action Plans for Areas of Particular Concern and Total Maximum Daily Load implementation Plans, the State's Coastal Nonpoint Source Inter-agency Task Force, made up of DNR, DOA, DATCP, DOT and Commerce, will coordinate activities among state agencies and programs to identify the significant geographic locations, land uses, and the type of additional management measure(s) needed. For example, the need for riparian buffers has already been identified as a management practice needed to supplement control of animal lot runoff management and cropland pollutant loss. Individual programs will develop additional management measures with the assistance of the Inter-agency Task Force. For example, where there is a need for additional forestry BMPs, the Department of Natural Resources Bureau of Forestry would provide the leadership for the development of the additional management measures.

The final step in the process will be evaluation of the effectiveness of the additional management measures. The State will provide further monitoring of water quality and evaluation of the additional management measure implementation. If the evaluation shows that the measures are meeting water quality standards, the process will end. However, if the implementation is not successful, the process will be repeated.

MONITORING

CONDITION: Within one year, Wisconsin will include a plan that enables the State to assess over time the extent to which implementation of management measures is reducing pollution loads and improving water quality.

DECISION: Wisconsin has met this condition.

RATIONALE: The Wisconsin DNR has developed a monitoring strategy that will establish a "baseline" of water quality information for lakes and streams in the 6217 management area. The monitoring strategy requires each of the seven Geographic Management Units in the State's 6217 management area to establish the baseline information using a standard set of scientifically-based metrics emphasizing biological, fishery and physical habitat methods. The baseline information will be built on previous monitoring work, and its intent is to determine the condition of the water and whether or not the lake or stream is meeting its designated use. Eventually, the state's goal is to establish a baseline for all streams and lakes over a period of years, with monitoring focusing on representative streams within watersheds at the first stages.

The monitoring strategy will require revisiting the lakes and streams periodically every five to six years, to assess the changes. In addition to the baseline monitoring, the state has tracked participation and calculation of pollutant load reductions for every special priority watershed project as a measure of progress. Wisconsin will continue special project monitoring to evaluate water quality improvements associated with implementation projects funded through priority watershed projects, the targeted runoff management grant program, and the urban nonpoint source and storm water management grant program.

In addition to the DNR's monitoring strategy, over the past eight years the DNR has been working in conjunction with the U. S. Geological Survey to monitor small watersheds statewide where nonpoint source best management practices have been installed. The intent of this program has been to assess the effectiveness of best management practices and determine whether the designated uses are being met. The 11 sites chosen for this project (nine rural and two urban) represented the major stream categories and types of NPS occurring in Wisconsin. Also, since 1992, the Lake Michigan side of Wisconsin has been involved in the USGS National Water Quality Assessment Program, which has involved water quality monitoring. Under this project, the DNR and county staff have selected sites in a new watershed project, analyzed water quality and stream habitat at the site during the initial stage of the project, and noted improvements in the months after a landowner adopts needed conservation practices. This program focuses on management activities such as barnyard runoff controls, manure management, stream bank fencing and other agricultural practices.