

CR 93-72



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN)
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DEPARTMENT OF NATURAL RESOURCES) ss

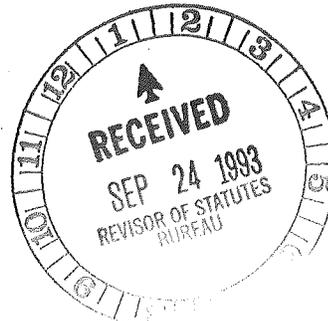
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. CA-16-93 was duly approved and adopted by this Department on June 24, 1993. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 21st
day of September, 1993.

George E. Meyer
George E. Meyer, Secretary

(SEAL)



12-1-93



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

IN THE MATTER of creating s. NR 50.22 of the
Wisconsin Administrative Code pertaining to
the Urban Rivers Grant Program.

CA-16-93

Analysis Prepared by Department of Natural Resources

Authorizing Statutes: ss. 20.002(13), 23.0915 (lg) and (lr), and ss. 30.277,
.277.10 and .277.11, Stats.

Statutes Interpreted: ss. 30.275 and 30.277, Stats.

Chapter NR 50 provides rules for the administration of a number of recreational grant programs. Section NR 50.22 will provide provisions that allow the implementation of the Urban Rivers Grant Program, funded under the Stewardship program.

The proposed rule provides for up to 50% matching grants to municipalities for the purpose of acquiring lands on or adjacent to urban rivers. Eligible sponsors are towns, villages, cities, counties, and tribal governments. Funding of \$1,900,000 per fiscal year begins in fiscal year 1992-93 and ends in fiscal year 1999-2000. The legislation sets aside \$1,000,000 for the Frank Lloyd Wright Monona Terrace project in fiscal years 1993-94, 1994-95 and 1995-96. Funds not expended for the Monona Terrace project by July 1, 1996 revert back to the Urban Rivers Grant Program. No sponsor may receive more than 20% of the funds available in any given fiscal year. Funds are provided from within the existing Stewardship bonding authority. The rule proposes a May 1 application deadline date. The rule proposal also lists eligible projects and specifies the criteria and priorities upon which project selection will be made.

SECTION 1. NR 50.22 is created to read:

NR 50.22 URBAN RIVERS GRANT PROGRAM. (1) PURPOSE. The purpose of this section is to establish standards and procedures for implementation of a grant program for local units of government to acquire land for the purposes in s. 30.277(2), Stats.

(2) APPLICABILITY. This section is applicable to local units of government applying for grants for the acquisition of land or rights in land under s. 30.277, Stats.

(3) DEFINITIONS. As used in this section:

(a) "In kind contributions" means lands that are donated within an approved urban rivers project area and meet department appraisal requirements described in the department's land acquisition and sales handbook.

Note: The department's land acquisition and sales handbooks are available from department district offices.

(b) "Local units of government" means towns, cities, villages, counties, and tribal governments.

(c) "Rights in land" means rights acquired by fee title acquisition or easements.

(d) "Urban area" means any area that is within or is characteristic of a city or village.

(e) "Urban rivers grant program" means the program created under s. 30.277, Stats., with funds appropriated under s. 20.866(2)(tz), Stats.

(4) APPLICATION AND GRANT AWARD PROCEDURES. (a) Applicants for grants from the urban rivers grants program shall submit applications on the prescribed department form to the appropriate district office by May 1 of each year.

Note: Application forms and instructions are available from department district offices.

(b) Grants for the acquisition of land or rights in land shall be distributed on a statewide basis according to the standards and priorities in this section.

(c) No local unit of government may receive in any fiscal year more than 20% of the funds that are available for grants under this section.

(d) To be eligible for a grant under this section, at least 50% of the cost of the project shall be funded by private, local or federal funding, by in-kind contributions or by state funding. For purposes of this subsection, state funding may not include grants under this section, moneys appropriated to the department under s. 20.370, Stats., or money appropriated under s. 20.866(2)(tp) to (tw), (ty) or (tz), Stats.

(e) Successful applicants shall be notified by the department and sent a project agreement. Acquisition of land or the rights in land may not proceed until the project agreement is signed by the department and the applicant.

(5) GENERAL PROVISIONS. (a) The department may award a grant to an applicant for up to 50% of the cost of acquiring land or rights in land in an urban area for the public purposes in s. 30.277, Stats.

(b) Projects shall, either alone or in conjunction with other supporting plans, reasonably provide restoration, enhancement or preservation of an urban river or riverfront's environmental and natural resource values.

(c) Projects shall enhance or preserve diverse outdoor natural resource related recreation opportunities for all segments of the populations.

(d) Projects shall be supported by a town, village, city, county or tribal government comprehensive outdoor recreation plan approved by the local unit of government.

(e) The application shall include a copy of the local comprehensive outdoor recreation plan, local greenspace plan, integrated resource management plan, riverfront restoration plan and other appropriate plans that the proposed project is a part of or supports.

(f) The application shall include a comprehensive description of the proposal for urban rivers acquisition, plans and responsibilities for development, management and maintenance and any other information required by the department.

(g) Costs associated with development, operation and maintenance of land acquired through the urban rivers grant program and administrative costs such as appraisals, legal fees, surveying or environmental investigations are not eligible for grant assistance.

(h) Land acquired under s. 30.277, Stats., may not be converted to uses inconsistent with other programs funded under s. 20.866(2)(tz), Stats., without prior written department approval.

~~(i) Title to land or to rights in land acquired through the urban rivers grant program shall vest in the local governmental unit.~~

(j) Riparian flowage lands may be eligible for an urban rivers grant, if the proposed project is overall more riverine in character than lake in character, or if the acquisition is for the purpose of the removal of the flowage and restoration to a natural river condition.

(k) Non-urban riverfront lands lying adjacent to an urban area may be eligible for an urban rivers grant if the department determines acquisition of the land would contribute significantly to the overall success of an urban river project of which it is a part.

(6) PRIORITIES. The department shall prioritize grant requests based on the extent or degree to which the project, or the project in conjunction with supporting plans, satisfies each of the following criteria. Highest priority for funding shall be given to grant requests which satisfy the most criteria to the greatest degree, each criterion being weighted equally. The criteria are:

NOTE: For example, a grant request that satisfies 5 criteria to a substantially greater degree would receive higher priority for funding than a request that satisfies 6 criteria to a much lesser degree.

(a) The project satisfies a relevant statewide or department district priority need identified in the statewide comprehensive outdoor recreation plan needs analysis.

(b) The project preserves land listed on the natural heritage inventory or restores or preserves an area with significant historical or cultural value.

(c) The project supports other federal, state or local natural resource management or pollution control plans or projects.

(d) The project implements elements of approved water quality plans.

(e) The project continues land acquisitions in an urban rivers project that was previously approved by the department.

(f) The project is within a designated scenic urban waterway under s. 30.275, Stats.

(g) The project restores, enhances or preserves natural resource values and environmental quality within the river corridor.

(h) The project provides and enhances diverse outdoor, natural resource related recreation opportunities for all segments of the population. Appropriate outdoor recreation opportunities include, but are not limited to fishing, wildlife observation, enjoyment of scenic beauty, canoeing, boating, hiking and bicycling.

(i) The project improves public access to the riverfront for all segments of the populations.

(j) The project has substantial community support, including financial support.

(k) The project involves a joint effort by 2 or more local units of government.

(l) The project has significant potential for increasing tourism.

(m) The project has significant potential benefits to the overall economy of the local unit of government.

(n) The project has significant aesthetic value.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 24, 1993.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

September 21, 1993

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

George E Meyer

George E. Meyer, Secretary

(SEAL)

