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Chapter NR 51

ADMINISTRATION OF STEWARDSHIP GRANTS

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NR 51.001 Purpose. The purpose of this chapter is to implement and administer the stewardship program.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90.

NR 51.002 Definitions. In this chapter:

(1) "Acquisition cost" means the fair market value of the property as determined by department valuation guidelines and reasonable costs related to the purchase of the property limited to the cost of appraisals, land surveys, relocation payments, title evidence costs, recording fees, interest on installment payments with prior written approval of the department, and the cost of environmental inspections and audits. It does not include attorneys fees, environmental clean up costs, brokerage fees paid by the buyer, real estate transfer taxes, or any other cost not identified in this subsection.

(2) "Department" means the department of natural resources.

(3) "Fiscal year" means the period from July 1 to June 30.

(4) "Grant contract" means a recorded contract between the sponsor and the department setting forth the obligations of each.

(5) "IRS" means the United States internal revenue service.

(6) "Land management plan" means a plan approved by the department detailing how lands acquired with grants under this chapter shall be managed and maintained.

(7) "Natural heritage inventory database" means a database containing the location and biological status of each natural community and rare species that has been inventoried and evaluated by the natural heritage inventory program.

(8) "Nonprofit conservation organization" has the meaning in s. 23.0955 (1), Stats., and whose bylaws, charter or incorporation papers reflect as a purpose of the organization the acquisition of property for conservation purposes.

(9) "Parcel" means a tract of land which is being conveyed by one deed.

(10) "Project" means one or more parcels that are contiguous or in close proximity which include features which are eligible for grants in this chapter.

(11) "Property" means land or an interest in land.

(12) "Sponsor" means the nonprofit conservation organization that is applying for and receiving a grant under s. 23.096, Stats., and this chapter.

(13) "Sponsor match" means the portion of the acquisition cost which is not funded by the state. Eligible sources of sponsor match may include cash from the sponsor; funds generated by local or federal government; grants or contributions from foundations, businesses, private individuals or nonprofit organizations; property contributions from a third party if the contribution is made within 3 years of the acquisition; property acquired by the sponsor within 3 years of the acquisition if the property was not purchased with state funds; and property value donated by the property owner.

(14) "Stewardship" or "stewardship program" means the conservation and acquisition programs specified in ss. 23.09 (2dm), (2p), (2q), (19) and (20) (d), 23.0915, 23.092, 23.094, 23.096, 23.175, 23.27 (4), (5) and (6), 23.293 (4), and 30.277, Stats.

(15) "Stewardship grant" means a grant of stewardship funds awarded to a nonprofit conservation organization.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.003 Variances. The department may approve in writing a variance from a requirement of this chapter if the department determines that a variance is essential to effect necessary grant actions or program objectives and where special circumstances make a variance in the best interest of the program. Before approving a variance, the department shall take into account factors such as good cause, circumstances beyond the control of the sponsor, financial hardship and landowner

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demands. The department shall seek the advice of the stewardship advisory council before issuing variances to s. NR 51.03 (1). The department may not grant variances from statutory requirements.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

Subchapter I — Nonprofit Conservation Organizations

NR 51.01 Purpose. The purpose of this subchapter is to establish procedures and standards for the administration of grants to nonprofit conservation organizations for conservation purposes as set forth in s. 23.096, Stats.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.02 Applicability. This subchapter is applicable to nonprofit conservation organizations that wish to apply for grants as specified in s. 23.096, Stats., for any one of the following stewardship grant programs: s. 23.092, Stats., habitat areas; s. 23.094, Stats., stream bank protection; s. 23.17, Stats., ice age trail; s. 23.175, Stats., state trails; s. 23.27, Stats., natural areas; s. 23.29, Stats., natural area heritage program; s. 23.293, Stats., ice age trail dedications; s. 23.09 (19), Stats., urban green space; s. 23.09 (20) (d), Stats., aids for the acquisition and development of local parks; and s. 30.277, Stats., urban rivers.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. Register, June, 1994, No. 462, eff. 7−1−94; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.03 General provisions. (1) Grants shall be issued for 50% of the acquisition cost of the property. The remainder of the acquisition cost shall come from sponsor match with the following limitations:

(a) Up to 50% of the fair market value of a contribution of property may be used as sponsor match with the approval of the department, but only to the extent that stewardship grant assistance is needed to acquire the subject parcel. The amount of the property donation that can be used for the match equals the value of the donation or the amount of cash needed by the sponsor for the purchase, whichever is less, so there will be no cash back in excess of the monies actually needed for the purchase.

(b) If approved by the department, any residual value of a property donation which is not utilized as sponsor match in an application may be used for sponsor match in subsequent applications, but only in the fiscal year in which the first application is submitted and the following fiscal year.

Note: For example, land valued at $20,000 is donated to the project sponsor who then purchases another property within the project boundaries for $8,000. The appraised value of the purchased property is $12,000. The total project value is $32,000 and the matching share would normally be $16,000. But because only $8,000 was actually spent to purchase the land, and since a grant in excess of that would constitute a profit to the sponsor, the state share is reduced to $8,000. The remaining $8,000 in donor value may be used by the sponsor in subsequent applications in that fiscal year and the following fiscal year.

(c) Contributions of property are eligible as sponsor match only if the donated property lies within the boundaries of a project which has been approved under the same component of the stewardship program as the property being acquired.

(d) The fair market value of property used as sponsor match shall be determined by department valuation guidelines.

(e) All sources of sponsor match shall be included in the application for a stewardship grant.

(2) One half of all receipts from the sale of any structures, improvements or personal property that were included in the appraisal and subsequent acquisition cost shall be reimbursed to the department.

(3) Income accruing to property receiving a stewardship grant shall be used to further the objectives of the project as stated in the grant contract.

(4) Reasonable entrance, service or user's fees may be charged to defray operation and maintenance costs subject to department review and approval.

(5) Sponsors shall agree to abide by all applicable state, local and federal statutes and regulations including but not limited to general and special zoning, land use permit requirements, disabled access, environmental quality and historical and archaeological preservation.

(6) Property transactions shall be subject to ss. 32.19 to 32.27, Stats., and relocation assistance shall be subject to ch. Comm 202.

Note: The following information is from ch. Comm 202.

Under s. Comm 202.01 (14), "an owner occupant who voluntarily sells a property to a displacing agency not vested with eminent domain power" is not a displaced person and is not entitled to relocation assistance. Tenants who occupy a property are entitled to relocation assistance even if the owner is voluntarily selling the property.

Under s. Comm 202.01 (14) (b) 4., a "tenant−occupant of a dwelling who has been promptly notified that he or she will not be displaced by the project" but who can remain permanently on the property subject to normal rental conditions and provisions may not be a displaced person who qualifies for relocation assistance so long as they are not required by the sponsor to move.

Under s. Comm 202.01 (33), relocation assistance shall apply to all stewardship grants where the total of stewardship grants and all other public financial assistance or direct government acquisition costs in a project are at least $5,000 for a project with total costs of less than $50,000; or at least 10% in a project having total costs of $50,000 or more.

(7) Sponsors shall treat landowners fairly and negotiations between the sponsor and landowner shall be conducted on a willing seller − willing buyer basis. The sponsor shall inform the landowner in writing that it may apply for a stewardship grant and that if it receives a grant the amount of the grant shall be determined by department approved valuation guidelines.

(8) Sponsors may not discriminate against any person in the use and enjoyment of the property on the basis of age, race, creed, color, handicap, marital status, conviction record, arrest record, sex, national origin, ancestry, sexual orientation or membership in the national guard, state defense force, or any other reserve component of the military forces of the United States or this state.

(9) Sponsors shall acknowledge the state's assistance in acquiring fee title ownership of a property by placement of signs or in any other manner approved by the department.

(10) The department shall have access to land acquired with a stewardship grant in order to monitor compliance with the grant contract or carry out any management activity necessary to ensure the public's rights and safety.

(11) The department shall have access to property on which an easement is acquired with a stewardship grant, in a reasonable manner upon prior notice to the nonprofit conservation organization and the landowner, to monitor compliance with the conditions of the grant contract. The conditions of that access shall be contained in the easement agreed to by the landowner. The department may grant exceptions to this access requirement in extraordinary situations according to the procedure in s. NR 51.003.

(12) The sponsor may sell or transfer the property to a third party other than a creditor of the organization with the prior written approval of the department. All stewardship restrictions imposed by the grant contract and land management plan shall remain with the property and any subsequent owners shall execute a grant contract assignment which states that they have received and reviewed the grant contract and land management plan and shall abide by their provisions. Department approval of the transfer is not valid until the contract assignment is signed by and recorded in the appropriate register of deeds office.

(13) The sponsor shall notify the department of any change in the status or purpose of the nonprofit conservation organization as it relates to the acquisition and management of lands for conservation purposes.

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(14) If the nonprofit conservation organization dissolves, all title, right and interest held by the sponsor in and to the property shall vest in the state, without the necessity of reentry, unless a transfer under sub. (12) is approved.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (3) (intro.) and (10), Register, June, 1994, No. 462, eff. 7−1−94; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96; correction in (6) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1996, No. 489; **correction in (6) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1997, No. 504.**

NR 51.04 Application procedures and eligibility for grant assistance. (1) APPLICATION PROCEDURES. (a) Applications for stewardship grant assistance shall be submitted to the appropriate district office on forms provided by the department. Applications may not be considered until information requested by the department has been received.

Note: Copies of application forms and instructions are available from the DNR, Bureau of Community Assistance, Box 7921, Madison, WI 53707.

(b) The department may approve applications as they come in, year−round to the extent that funds are available or the department may establish application deadlines for individual components of the stewardship programs in order to rate and rank competing applications.

(c) The department shall send written notification to sponsors of department decisions regarding their applications after all application materials have been received and acted upon by the department.

(2) ORGANIZATION ELIGIBILITY. (a) An organization shall be eligible for the stewardship program once it has provided evidence satisfactory to the department that it is a nonprofit conservation organization.

(b) The department may award a stewardship grant to a sponsor after the sponsor has provided evidence satisfactory to the department that it has the financial capacity and the ability to acquire property and provide for its long−term management and maintenance.

(3) PROPERTY ELIGIBILITY. (a) The department may award stewardship grants only for property or a portion of property that is consistent with the goals of the stewardship program.

(b) Property shall be evaluated and grants awarded according to the specific criteria for each component of the stewardship program. The evaluation shall be based on the information submitted in the application as well as site visits and technical review comments. In addition, eligible property shall meet applicable provisions of this subchapter.

(c) Additional factors which may be considered by the department when awarding grants include:

1. Projects which have regional or statewide significance may receive priority over projects which have only local significance.

2. A higher priority may be placed on existing projects or large projects, which may be pursued in collaboration with others, where the multiple acquisition of adjacent parcels will provide greater benefit for natural resource conservation than single parcel projects.

3. The degree to which the site is threatened by development or other conversion of land use.

(d) Any property that is subject to a reversionary right or has restrictions or covenants that limit the ability of the property to be managed for the conservation or public recreational purposes of the stewardship program is not eligible for a grant.

(e) Any property which was acquired more than one year before a grant application is submitted for that property is not eligible for a grant. Eligible parcels which are not awarded grants in the fiscal year they are submitted due to insufficient funds, shall also be considered for funding in the following fiscal year.

(f) Property is not eligible unless the sponsor has developed a sound land management plan for the property which ensures the long−term viability of the project.

(4) The department may make a conditional decision to approve a project or award a grant, but withhold a final decision or grant payment until identified contingencies are satisfied.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (2), (6) (a) 2., 4. b., (b) 2. and (c) 1., cr. (6) (a) 4. c., r. (6) (a) 7., 10., 11., (b) 8. and (c) 10., renum. (6) (a) 8., 9., 12., (b) 9., 10., (c) 11. to 13. to be (6) (a) 7., 8., 9., (b) 8., 9., (c) 10. to 12. and am. (6) (a) 7., Register, June, 1994, No. 462, eff. 7−1−94; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.05 Grant contracts. (1) Stewardship grants shall be subject to the execution of a grant contract between the department and sponsor. The grant contract shall recognize the state's interest in the property acquired and ensure that sponsors shall provide adequate land management and maintenance, or in the case of easements shall monitor and enforce the conditions of the easement, in accordance with provisions contained in the grant contract and in a land management plan approved by the department. The grant contract shall be recorded in the office of the register of deeds in the appropriate county.

(2) All obligations, terms, conditions and restrictions imposed by the grant contract shall be deemed to be covenants and restrictions running with the property and shall be effective limitations on the use of the property from the date of recording of the grant contract and shall bind the sponsor and all successors and assigns in perpetuity.

(3) If the sponsor violates any condition of the grant contract identified as essential pursuant to s. 23.096 (5), Stats., and fails to correct it within 6 months after written notification from the department, it shall be a violation of the grant contract, and all title, right and interest held by the sponsor in and to the property shall vest in the state without the necessity of reentry. The following conditions of the grant contract are essential:

(a) Conversion of the property to any use other than that specified in the grant contract without the prior written approval of the department is prohibited.

(b) The sponsor may not convey any interest in the property to a third party nor allow any leases, permits or encumbrances without the prior written approval of the department. The department may take actions necessary to avoid the placement of liens, judgments or encumbrances against the property.

(c) Property tax payments shall be made on time and kept current unless property taxes are not required.

(d) The sponsor shall at all times maintain its tax exempt status as granted by the IRS. The sponsor shall keep the department informed of any changes in, or challenges to, its exempt status.

(e) Property acquired with a stewardship grant may not be closed to the public unless the department determines that it is necessary to protect species of plants, wild animals or other natural features or if the right of public access is not acquired as part of the rights purchased with an easement.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (1) (b) and (2), r. (4), renum. (5) to (7) to be (4) to (6), cr. (7), Register, June, 1994, No. 462, eff. 7−1−94; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.06 Grant payments. The department may not approve grant payments until the following conditions have been satisfied:

(1) The sponsor has submitted a claim supported by appropriate evidence of cost. Financial records including documentation to support accounting records shall be available for review by state officials for a period of 3 years after final payment.

(2) The value of the property has been approved by the department according to department valuation guidelines.

Note: The department's valuation guidelines are available from the DNR, Bureau of Community Assistance, Box 7921, Madison, WI 53707.

(3) The sponsor has submitted an environmental inspection report showing the property contains no undesirable environmental conditions, potential liabilities or hazards that are unacceptable to the department. Inspection and audit reports are subject to department review and approval. If a report shows the property contains or may contain unacceptable environmental

conditions or liabilities, the department may reject the grant application or require an environmental audit to determine the full extent of the problem.

Note: The department's environmental inspection report form is available from the DNR, Bureau of Community Assistance, Box 7921, Madison, WI 53707.

(4) (a) Except as provided in par. (b), title insurance or other evidence of marketable title has been approved by the department and the interests of the state under the grant contract have been declared in a recorded instrument of conveyance.

(b) Upon the request of the sponsor, the department may elect to pay out up to 100% of the grant award to a non−interest bearing escrow account before conveyance of the property to the sponsor if the department has approved the title commitment or an attorney's opinion of title merchantability and if the escrow holder has agreed to release the funds only under the following conditions:

1. The escrow holder has all necessary additional funds for the purchase and sale of the subject property;

2. The escrow holder insures title to or receives title insurance for the property subject only to exceptions contained in the title commitment which has been approved by the department; or the escrow holder receives a department approved title opinion.

3. The escrow holder insures that a legal instrument is recorded which vests title or a property interest in the sponsor and references the interest of the state in the property under the terms of the grant contract.

4. Funds shall be returned to the department within 30 days of the closing date if the closing does not occur as scheduled unless the department approves an extension.

(5) All statutory requirements, requirements of this chapter and contingencies contained in the grant contract have been satisfied.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (1), r. (3) and (5), renum. (4) and (6) to be (3) and (5) and am. (5) (intro.), (i) 2. and (j), cr. (4), Register, June, 1994, No. 462, eff. 7−1−94; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

Subchapter II —Natural Areas Grants

NR 51.20 Purpose. The purpose of this subchapter is to establish procedures and standards for the administration of grants to nonprofit conservation organizations for natural area protection purposes as set forth in s. 23.096, Stats., under the natural areas or natural area heritage program.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90.

NR 51.21 Applicability. This subchapter applies to nonprofit conservation organizations that wish to apply for grants for natural areas or natural area heritage program areas as specified in s. 23.096, Stats.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90.

NR 51.22 Definitions. In addition to the definitions in s. NR 51.002, the following definitions apply to this subchapter:

(1) "Dedicated state natural area" has the meaning specified in s. 23.27 (1) (b), Stats.

(2) "Dedication" has the meaning specified in s. 23.27 (1) (c), Stats.

(3) "Designated state natural area" has the meaning specified in s. 23.27 (1) (d), Stats.

(4) "Natural area" has the meaning specified in s. 23.27 (1) (e), Stats.

(5) "Natural values" has the meaning specified in s. 23.27 (1) (f), Stats.

(6) "Priority site list" means a list of sites generated and revised periodically by the department based on the natural heritage inventory database, if appropriate, and on the department review of proposed sites for natural area projects.

(7) "State natural area" has the meaning specified in s. 23.27 (1) (h), Stats.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. (5), renum. (6) to (8) to be (5) to (7), Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.23 Eligible applicants. Nonprofit conservation organizations are eligible to apply for natural area grants.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.24 Allocation of funds. (1) The department shall allocate $250,000 annually to nonprofit conservation organizations for grants to acquire lands on the current priority site list.

(2) The department may provide up to an additional $1,250,000 to nonprofit conservation organizations depending on the department's natural area acquisition needs and available funds.

(3) Beginning January 1 of each year, the department may use any funds not committed under subs. (1) and (2) for department acquisition of natural areas.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (1), Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.25 Grant conditions. Grant awards shall be made with the following conditions:

(1) The property shall qualify for dedication and be dedicated as a state natural area under ss. 23.27 and 23.29, Stats., except for those sites that the department may, with good cause, exempt from the dedication requirement. Good cause includes, but is not limited to, sites that have deed restrictions or ephemeral natural values such as rookeries and bird concentration areas.

(2) A management plan shall be approved in writing by the department prior to grant approval.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (1), Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.26 Application procedure. (1) APPLICATION DEADLINES. Deadlines are as stated in subch. I.

(2) ACCEPTANCE OF APPLICATIONS FOR PROJECTS NOT ON PRIORITY SITE LIST. A maximum of 25 applications for projects not on the current priority site list shall be accepted each fiscal year.

(3) PROJECT APPLICATIONS. Applications shall include:

(a) A list of the goals of the project in terms of natural area protection: What natural values will be protected by the project?

(b) The boundary of the project mapped on a U.S.G.S. 7.5−minute quadrangle map;

(c) A history of the land use within the project boundary;

(d) A history of the land use surrounding the project;

(e) A history of the past disturbances;

(f) A discussion of the present threats to the natural values of the project;

(g) A proposed land management plan including detailed plans for restoration of those areas not of natural area quality within the project boundary;

(h) Recent air photos;

(i) A justification of the long−term viability of the site: Is the natural area protection goal realistic given the natural values to be protected, the size of the project, the surrounding land use, and the proposed land management plan?

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (2), (3) (intro.), (g) and (i), r. (3) (j), Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.27 Approval of projects. The department shall evaluate each project as follows:

(1) If the project is listed on the current priority site list, it shall be approved.

(2) If the project is not on the current priority site list, the department shall review proposed projects that are eligible for natural area designation pursuant to s. 23.27 (1) (e) and (f), Stats.

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The criteria used to evaluate natural values of proposed projects are as follows:

(a) The quality of the natural value to be protected.

(b) The condition of the natural value to be protected, including an analysis of the degree to which the natural value has been damaged or altered from its optimal condition and character.

(c) The long−term viability of the natural value to be protected, including the extent to which the project meets the minimum area required by area−dependent species of concern; the adequacy of the project to maintain community function and dynamics; the impacts that fragmentation, isolation and size of community may have on its longevity; and the ability of the project to support minimum viable populations of species to be protected.

(d) The defensibility of the natural value and the project from adverse effects that threaten it.

(3) The criteria used to evaluate and rank proposed projects are as follows:

(a) The rarity of the natural value to be protected.

(b) The number of natural values to be protected.

(c) The degree to which the natural value and the project are threatened and the degree to which they are already protected.

(d) The value of the area for research and education.

(e) The degree to which acquisition, as opposed to other protection tools, will protect the natural value.

(f) The degree to which this type of natural value is already protected in the state.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; renum. (1), r. (2), Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.28 Approval of parcels. In a given fiscal year, parcels within the boundaries of an approved project or projects on the current priority site list shall be funded unless there are more parcels than money available.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (1) (intro.), r. (1) (a) to (c) and (2), Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.29 Unfunded parcels. Parcels within projects on the current priority site list that are not funded due to insufficient funds may be resubmitted the following fiscal year and shall receive first priority within the appropriate priority groups listed in s. NR 51.28.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; correction made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1996, No. 482, eff. 3−1−96.

Subchapter III —Habitat Areas

NR 51.40 Purpose. The purpose of this chapter is to establish the administrative framework for the implementation of the habitat areas program to protect, enhance and restore wildlife habitat in Wisconsin. The goals of the program will be achieved through use of easements, fee title ownership, cost share agreements and establishment of habitat restoration areas.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.41 Applicability. This subchapter applies to the department's habitat areas program under s. 23.092, Stats., and grants to nonprofit conservation organizations pursuant to ss. 23.092 and 23.096, Stats.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.42 Definitions. In addition to the definitions in s. NR 51.002, the following definitions apply to this subchapter:

(1) "Cost share agreement" means a recorded agreement between the department and nonprofit conservation organization or landowner which identifies land management practices and their cost, installation schedule and maintenance requirements.

(2) "Cost share grant" means a grant to a nonprofit conservation organization or landowner for the installation of land management practices approved by the department.

(3) "Habitat restoration area" or "HRA" means a landscape scale area of manageable size, delineated by the department and selected according to the criteria and procedures specified in s. NR 51.43.

(4) "Land management practice" means a practice, technique or measure approved by the department which is determined to be an effective, practicable means of protecting, restoring or enhancing wildlife or fish habitat.

(5) "Landowner" means any individual, partnership, corporation, municipality, town, county, nonprofit organization or other person holding title to the land by fee title.

(6) "Project costs" means direct documented costs approved by the department in the cost share agreement. The amount the department agrees to reimburse for any land management practice may be based on an average cost determined as reasonable by the department. The department may request that the sponsor obtain bids for land management practices.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.43 Habitat restoration areas. (1) The goal of establishing habitat restoration areas is to increase the populations of specified wildlife and fish populations primarily through landscape scale habitat management.

(2) Habitat restoration areas shall be selected by the department using the following criteria:

(a) The practicability of achieving significant improvements in the quality and quantity of wildlife or fish habitat in the HRA.

(b) Likelihood of owners of critical habitat management sites to participate in the project.

(c) The probability of wildlife or fish populations for which habitat has been severely degraded to increase in abundance and establish a self−sustaining wild population.

(d) The level of public ownership of critical habitat types in the HRA.

(e) The level of interest on the behalf of nonprofit conservation organizations to assist in implementation.

(f) The level of opportunities to cooperate with existing federal, state and county administered land management programs.

(g) The presence of unique or endangered environmental resources.

(h) The usefulness of the area as an education demonstration area.

(3) The department shall give priority in selecting habitat restoration areas to the following sites and species in the following order:

(a) Southern, eastern and western Wisconsin sites suitable for restoring grasslands and wetlands to benefit gamebirds such as pheasants and dabbling ducks, and grassland songbirds in the following counties: Barron, Columbia, Dane, Dodge, Dunn, Fond du Lac, Green, Green Lake, Jefferson, Polk, Rock, St. Croix, Walworth and Winnebago.

(b) Central Wisconsin sites suitable for restoring grasslands for rare species such as prairie chickens in the following counties: Adams, Clark, Juneau, Marathon, Portage, Taylor and Wood.

(c) Southwestern Wisconsin sites suitable for restoring smallmouth bass fisheries in the following counties: Grant, Iowa and Lafayette.

(d) Other sites where the habitat restoration projects will significantly benefit grassland, wetland and rare wildlife species.

(4) The department shall select habitat restoration areas for designation based on the criteria listed in subs. (2) and (3), avail-

ability of funding and the availability of department staff to accept new workloads associated with the project.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.44 Allocation of grant funds. The department shall allocate $500,000 in each fiscal year to nonprofit conservation organizations for grants to undertake projects which meet the criteria of the habitat areas program. The department may provide additional funds for grants to nonprofit conservation organizations depending on the availability of funds.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.45 Grants for property acquisition. (1) Nonprofit conservation organizations may apply for stewardship grants to acquire property to protect, enhance or restore wildlife habitat.

(2) Projects which are not eligible to receive grants include:

(a) Property containing or planned to contain buildings or other facilities designed for intensive recreational use such as playgrounds, roads, picnic areas, boating and camping facilities, playing fields or shelters, unless the facility occupies only a small portion of the property and the department determines it does not diminish the property's wildlife habitat value.

(b) Timber plantations.

(c) Property which is intended for agricultural use.

(d) Licensed game farms, fur farms, deer farms or shooting preserves.

(3) Projects which have one or more of the following characteristics, not listed in priority order, shall receive preference for funding:

(a) Projects which protect, enhance or restore ecologically significant plant and wildlife communities, biological diversity, unique or outstanding ecosystems or rare wildlife and plant species.

(b) Sites which have been identified as regionally important for wildlife and plants in a comprehensive land use plan or the natural heritage inventory database.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.46 Cost share grants. (1) Nonprofit conservation organizations may apply for cost share grants to install land management practices which restore or enhance wildlife habitat.

(2) The following are not eligible for cost share assistance:

(a) Land management practices begun prior to the signing of the cost share agreement.

(b) Land management practices installed on licensed game farms, fur farms, deer farms or shooting preserves.

(c) Other practices, activities or sites which the department determines do not to meet the objectives of the habitat areas program.

(d) Indirect costs and ordinary operating expenses of the organization that are not directly related to the project.

(3) The department shall select applicants to receive cost share grants based on:

(a) The likelihood that the project will restore and enhance wildlife or fish habitat.

(b) The quality and value of the habitat that will be restored.

(4) Sponsors shall install and maintain land management practices in accordance with provisions contained in a cost share agreement which shall be recorded in the office of the register of deeds and with a land management plan for the property referenced in the cost share agreement.

(5) The cost share agreement shall bind each party's heirs, successors and assigns during the effective period of the agreement. If a change in ownership occurs during the effective period of the agreement, the new landowner or landowners shall be responsible for fulfilling all conditions of the cost share agreement.

(6) The period of the cost share agreement shall include the installation period plus the operation and maintenance period. The operation and maintenance period shall be at least 10 years beginning when the last practice has been installed unless otherwise provided in the cost share agreement.

(7) A request for a project extension to the cost share agreement shall be submitted prior to the project termination date.

(8) Sponsors shall apply for federal and state permits, approvals, licenses or waivers necessary to implement the project. Work may not begin until all applicable permits have been obtained.

(9) Land management practices allowed by a cost share agreement may be installed on property not owned by the sponsor if the landowner is a party to the cost share agreement.

(10) If the sponsor fails to fulfill any terms of the cost share agreement, including failing to install or properly maintain the practices of the agreement, the department may seek reimbursement of all or a portion of the state's share. If a practice is rendered ineffective during the period of the agreement due to circumstances beyond the control of the sponsor, the department may waive repayment of cost share expenses. The department may authorize the replacement or modification of the practice.

(11) The department may suspend or terminate a cost share agreement if there has been substantial nonperformance without good cause.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, February, 1996, No. 482, eff. 3−1−96.

Subchapter IV —Stream Bank Protection

NR 51.60 Purpose. The purpose of this subchapter is to establish the administrative framework for the implementation of the state's stream bank protection program to protect water quality and fish habitat of streams.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. Register, June, 1994, No. 462, eff. 7−1−94.

NR 51.61 Applicability. This subchapter applies to the department program to acquire stream bank easements under s. 23.094, Stats., and to stream bank protection grants to nonprofit conservation organizations pursuant to s. 23.096, Stats.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. Register, June, 1994, No. 462, eff. 7−1−94.

NR 51.62 Definitions. In addition to the definitions in s. NR 51.002, the following definitions apply to this subchapter:

(1) "Management plan" means a written plan prepared in accordance with the department's master planning process describing conditions and activities which shall be enforced and allowed on lands and easements acquired under s. 23.094, Stats.

(2) "Landowner" means any individual, partnership, corporation, municipality, town, county or person holding title to or having an interest in land who grants the department a stream bank easement.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. (1), r. (3) and (4), Register, June, 1994, No. 462, eff. 7−1−94.

NR 51.63 Priority stream identification. Streams shall be identified by the department as priority streams for department projects, using the following criteria, not listed in order of priority:

(1) The extent to which the water quality and fish habitat of the stream are threatened by urban or agricultural runoff. Streams shall satisfy this criterion to a reasonable extent to be considered further.

(2) The extent to which the threat to water quality and fish habitat of the stream can be protected through the acquisition of

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land rights. Streams shall satisfy this criterion to a reasonable extent to be considered further.

(3) Streams satisfying subs. (1) and (2) shall be further prioritized based on the following:

(a) The extent to which the stream project provides protection of endangered or threatened resources including natural communities and habitat for rare species.

(b) The inclusion of the stream in or adjacent to other department projects.

(c) A determination by the department that the stream's riparian lands are enrolled in the federal or state programs specified in s. 23.094 (2) (c), Stats., or other federal or state programs that protect or enhance water quality or fish habitat.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, June, 1994, No. 462, eff. 7−1−94.

NR 51.64 Management plans. The department shall prepare a management plan for each stream or stream segment on which it intends to acquire land or stream bank easements.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, June, 1994, No. 462, eff. 7−1−94.

NR 51.65 Land management conditions. (1) The following activities are prohibited on land and easements acquired unless specifically approved by the department in the management plan:

(a) Alteration of vegetative cover or other natural features.

(b) Planting or production of agricultural crops.

(c) Mowing, grazing or spraying the land with chemicals except to comply with noxious weed control laws in ss. 23.235 and 66.0407, Stats., or to control pests on an emergency basis when such control is necessary to protect public health.

(2) Whenever possible, the area included in acquisitions and easements shall include land within at least 66 feet from either side of the stream. Riparian wetlands and lands at least 66 feet from the edge of the wetland shall be included in acquisition and easement areas whenever possible.

(3) The department shall purchase and install or pay the cost of purchasing and installing fencing the department determines necessary to protect a stream for which an easement has been acquired.

(4) A landowner subject to an easement may be required to seed native grass or a grass−legume mixture on the land at rates determined by the department to establish and maintain perennial cover for the term of the easement, or to plant trees on the land subject to the easement.

(5) The department may allow installation and maintenance of management practices meeting USDA soil conservation service standards, such as cattle stream crossings, riprap and cattle watering areas, if the management practice does not conflict with the purpose of the easement.

(6) Public access to the eased area may be a condition of the easement if the public use does not conflict with the purpose of the easement.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, June, 1994, No. 462, eff. 7−1−94**; corrections in (1) (c) were made under s. 13.93 (2m) (b) 7., Stats.**

NR 51.66 Grants to nonprofit conservation organizations. Grants may be made to nonprofit conservation organizations to acquire land or easements on stream corridors which meet the criteria established in s. NR 51.63.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; r. and recr. Register, June, 1994, No. 462, eff. 7−1−94.

NR 51.67 Grants to local units of government. Grants totalling up to $300,000 per year may be made to local units of government to acquire land or easements on stream corridors which meet the criteria established in s. NR 51.63. These grants shall comply with the provisions of subch. IV and s. NR 50.05.

History: Cr. Register, February, 1996, No. 482, eff. 3−1−96.

Subchapter V —State Trails

NR 51.70 Purpose. (1) The purpose of this subchapter is to encourage and provide for the establishment of a balanced system of state trails, for use by equestrians, bicyclists, cross−country skiers or hikers as provided in s. 23.175, Stats. Increasing demand for trail−based recreation, and promoting the preservation of public access to, travel within, and enjoyment and appreciation of the outdoor resources, will be provided by establishing state trails which are:

(a) Near urban areas or near or within scenic, historic and culturally significant areas,

(b) Likely to receive significant use, and

(c) Of more than local significance.

(2) The department may designate state trails which meet the purposes of s. 23.175, Stats., as a part of the state trail system. The department may provide for or assist in the acquisition of state trails by nonprofit conservation organizations, and enter into agreements with nonprofit conservation organizations or local units of government for their development, administration and management.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; correction in (1) (intro.) made under s. 13.93 (2m) (b) 12., Stats., Register, June, 1994, No. 462.

NR 51.71 Applicability. The provisions of this section are applicable to all state trails established under s. 23.175, Stats., and the Ice Age trail as established under ss. 23.17 and 23.293, Stats.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90.

NR 51.72 Definitions. In addition to the definitions in s. NR 51.002, the following definitions apply to this subchapter:

(1) "Ice age trail" means the trail established under s. 23.17, Stats.

(2) "Local unit of government" means a city, village, town or county.

(3) "Certified" means the recognition and signing by the national park service of completed segments of the Ice Age trail as provided for in the Ice Age national scenic trail comprehensive plan for management and use, national park service, 1983.

(4) "North Country trail" means the national scenic trail established under public law 96−199.16, USC 1244 (2) (8).

(5) "State trail system" means the recreational trails designated by the legislature or the department pursuant to s. NR 51.73.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90.

NR 51.73 Designation. (1) The Ahnapee, "400", Bearskin, Buffalo River, Chippewa Falls/Ambridge, Chippewa River, Elroy−Sparta, Glacial Drumlin, Great River, Green Bay/Greenleaf, Green Bay/Wausau, La Crosse River, Military Ridge, Pecatonica, Red Cedar, Sugar River, Gandy Dancer, Tuscobia, Old Abe, Hillsboro, Saunders, Green Circle, Wiouwash and Wild Goose state park trails are designated as state trails.

(2) The Ice Age trail as established in s. 23.293, Stats., is a state trail.

(3) Nonprofit conservation organizations and local units of government may nominate, in writing, additional trails for state trail designation. Nominations shall document that nominated trails meet the purposes of this subchapter, and provide recreational opportunities for equestrians, bicyclists, cross country skiers or hikers, and that the trail is:

(a) Reasonably accessible to urban areas, or

(b) Within or in close proximity to areas of significant natural beauty, historical or cultural significance, state or national parks,

forests or recreational areas, or provides connections to existing state trails, and

(c) Of a width sufficient to provide the purposes for which acquired, generally not less than 33 feet wide in rural areas and not less than 10 feet wide in urban areas, nor have more than 25 acres per mile averaged over a 5 mile distance.

(d) Likely to receive significant use as determined by the state comprehensive outdoor recreation plan, or similar study, and

(e) There is a reasonable expectation of completing the necessary land acquisition and development, and of successful management and operation.

(4) Upon finding that the conditions in sub. (3) are met, the department may designate the trail as a state trail.

(5) The department may designate state trails on its own properties if they meet the criteria in sub. (3).

(6) The department may remove a state trail, except the Ice Age trail, from state trail designation upon finding that it is not being reasonably operated and maintained by the owner or operator, or is not reasonably likely to meet the purpose of the state trail system.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (1), Register, June, 1994, No. 462, eff. 7−1−94; am. (1), Register, February, 1996, No. 482, eff. 3−1−96.

NR 51.74 Grants for state trails. (1) The department may make grants to nonprofit conservation organizations to acquire lands for a state trail if the proposed state trail is first designated by the legislature or the department under s. NR 51.73.

(2) If all conditions of s. NR 51.73 are met, the department shall give higher priority to granting applications for funding to those trails that:

(a) Provide connections between other state trails,

(b) Are of a length sufficient to provide at least one day's recreational experience,

(c) Provide connections to resource areas of statewide significance or areas of outstanding natural scenery,

(d) Provide for more than one use, or

(e) Contribute to a geographically balanced system of trails.

(3) The department may allocate 50% annually of the funding under s. 23.175, Stats., to nonprofit conservation organizations. Beginning on January 1 of each year, the department may use any uncommitted balance for development of department−owned state trails.

(4) The department may grant funds under s. 23.175, Stats., to nonprofit conservation organizations for the acquisition of scenic easements on lands within state trail acquisition areas.

(5) In addition to the provisions in sub. (1), the department may acquire lands for the Ice Age trail out of monies appropriated under s. 20.866 (2), Stats., and dedicate them under the provisions of s. 23.293, Stats. The department may acquire lands for the Ice Age trail as provided for in s. 23.293, Stats., only in project areas approved by the natural resources board.

(6) (a) The department may expend funds received under the provisions of s. 20.370 (7) (fa), Stats., for the purchase of equipment and materials for the maintenance of the Ice Age trail. Purchase may include leasing under the provisions of s. 16.754 (1) (d), Stats.

(b) Portions of the Ice Age trail eligible for funding under this subsection are those under the ownership and management of the department, or those dedicated to the department under the provisions of s. 23.293, Stats., and managed by another party under the provisions of a management contract with the department, or recognized by the department and certified by the national park service.

(c) Labor is not a qualifying maintenance expense.

(d) The department may expend the funds as grants. Nonprofit conservation organizations or local units of government managing portions of the Ice Age trail under the provisions of par. (b) may nominate maintenance projects on the appropriate department form, and include a check for one−half the cost along with a cost estimate and at least 2 quotes to support cost estimates above $500.00. If the grant proposal is approved, the department shall cash the applicant's check, and write a check to the applicant for the full amount of the grant. If the project is not approved, or if funds are no longer available, the applicant's check shall be returned.

Note: The appropriate department form may be obtained from the Bureau of Parks and Recreation, Department of Natural Resources, P.O. Box 7921, Madison, WI 53707.

(e) If the provisions of pars. (b) to (d) are met, the department shall give priority to those portions of the Ice Age trail providing significant public use, or where the maintenance expenditure will protect the resource or public safety or comfort, or those portions under the ownership of a local unit of government or a nonprofit conservation organization meeting the requirements of s. NR 51.03 and managed by a local unit of government or a nonprofit conservation organization and where the nonprofit conservation organization has a recorded interest in the land.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (6) (d), Register, February, 1996, No. 482, eff. 3−1−96**; correction in (6) (a) was made under s. 13.93 (2m) (b) 7., Stats.**

NR 51.75 Management contracts under s. 23.096, Stats. Contracts between the department and nonprofit conservation organizations for state trail acquisition and management shall, in addition to the requirements in subch. I, require the nonprofit conservation organization to:

(1) Acquire the lands for a trail, where applicable.

(2) Specify which uses shall be permitted and managed for,

(3) Construct, maintain, operate and repair as necessary a recreational trail for the purpose of horseback riding, bicycling, cross−country skiing, hiking or other compatible uses as authorized by the department.

(4) Prohibit hunting on the state trail unless specifically authorized by the department.

(5) Keep the state trail open for public use after completion of the land acquisition and development that would allow the state trail to be used. If the state trail ever ceases to be used for state trail purposes, then all rights shall revert to the department without necessity of reentry. The department has no obligation to develop and operate the trail and all permanent improvements made to the trail by the nonprofit conservation organization or its agent shall become the property of the department.

(6) Open the state trail to the general public, subject to reasonable rules and regulations, as the managing cooperator deems necessary for the management and operation of the state trail and as approved in writing by the department.

(7) Develop the state trail to conform with department state trail standards (department Manual Code 2540.5) or other reasonable standards as approved by the department.

(8) Assume the responsibility for all fencing, signing and similar activities which are related to the development, maintenance and operation of the state trail.

(9) Prepare all necessary plans, specifications and environmental reports, including citizen participation, for the state trail, and submit them to the department for written approval prior to the commencement of any development or improvement. Any changes of use or development of the state trail shall be performed in accordance with general plans submitted to and approved by the department.

(10) Provide the necessary maintenance including but not limited to, grading, landscaping and controlling vegetative

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growth on the state trail and any parking areas or use areas to keep the property in a good state of useability and sightliness.

(11) Provide or arrange for the necessary enforcement and security of the state trail to ensure efficient, safe use, and to preserve and protect public health, safety and welfare.

(12) Provide liability insurance if requested by the department.

(13) If the trail is also a part of the Ice Age trail or the North Country trail, the managing cooperator shall, upon completion of the trail development, apply to the national park service for certification as a component of the Ice Age national scenic trail, or North Country national scenic trail and sign the trail accordingly.

(14) Permit the department to inspect the trail to ensure compliance with the provisions of the contract.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90.

Subchapter VI — Friends Group Grants for State Property Development Under s. 23.098, Stats.

NR 51.80 Purpose. The purpose of this subchapter is to establish criteria and procedures for the implementation of grants to friends groups for property development under s. 23.098, Stats.

History: Cr. Register, June, 1994, No. 462, eff. 7−1−94.

NR 51.81 Applicability and definitions. This subchapter is applicable to friends groups organized for, and under formal agreement with the department for properties or programs under s. 23.098 (1), Stats., and s. NR 1.71.

History: Cr. Register, June, 1994, No. 462, eff. 7−1−94.

NR 51.82 Eligible projects. All projects shall be consistent with property master plans, or be from a comprehensive list of potential projects which shall be prepared by the department annually, or be from the department's 6 year development plan.

History: Cr. Register, June, 1994, No. 462, eff. 7−1−94.

NR 51.83 Priorities. Priority shall be given to those projects, not listed in order of priority, that:

(1) Implement a department approved interpretive program.

(2) Provide for increased accessibility for people with disabilities.

(3) Complete a major restoration or rehabilitation project on the property using native flora or fauna or both.

(4) Improve the department's or friends group's ability to provide special events, programs, public information, or marketing strategies consistent with the goals of the department for that property.

(5) Add user amenities which are in addition to basic facilities already provided for at the property.

(6) Include ways to fund or assist in funding any new associated operational costs related to completing the proposed project.

History: Cr. Register, June, 1994, No. 462, eff. 7−1−94.

NR 51.84 Application and grant award procedures. (1) Applications shall include a description of the proposed project, a cost estimate, timetable and other information required by the department. This information shall be

Note: A copy of these forms may be obtained from the property manager.

(2) Any environmental assessment, permits and miscellaneous approvals required to implement the project shall be the responsibility of the department.

(3) Applications shall be developed cooperatively with the property manager.

(4) Applications for each proposed project shall be submitted to the property manager by April 1 prior to the state fiscal year for which funding is requested. Applications for grants received after April 1 shall be considered on a case−by−case basis to the extent that funds are available.

(5) Grant awards may be given for up to 50% of the actual cost of the project and are restricted by all other conditions of s. 23.098, Stats. Grant funds shall be deposited in a separate project account established by the friends group and may be used only for the project described in the approved grant application.

(6) The department shall evaluate all completed applications to determine which applicants shall receive grants according to the priorities in this subchapter. Up to 100% of the grant monies may be advanced to the successful friends group applicant once the applicant can show they have 100% of their share of project monies in the separate project account described in sub. (5).

(7) Each friends group which receives a grant award shall maintain accurate and complete financial records of project expenses in accordance with department reporting requirements. A final accounting of project expenditures shall be submitted to the property manager within 60 days of the completion of the project or by the date indicated in the grant agreement, whichever is sooner. If actual expenses for the project are less than estimated, the friends group shall return unused grant funds with the final report.

Note: Copies of the department's financial reporting requirements and forms are available from the property manager.

History: Cr. Register, June, 1994, No. 462, eff. 7−1−94; am. (3), Register, February, 1996, No. 482, eff. 3−1−96.

Subchapter VII — Heritage State Park and Forest Trust Grants

NR 51.90 Purpose. The purpose of this subchapter is to establish criteria and procedures for the implementation of heritage state park and forest trust grants to friends groups for property maintenance and operations under s. 27.016, Stats.

History: Cr. Register, September, 1996, No. 489, eff. 10−1−96.

NR 51.91 Applicability. This subchapter is applicable to friends groups organized for, and under formal written agreements with the department for properties or programs under s. 23.098 (1), Stats., and s. NR 1.71.

History: Cr. Register, September, 1996, No. 489, eff. 10−1−96; **am. Register, December, 1997, No. 504, eff. 1−1−98.**

NR 51.92 Eligible projects. All projects shall be consistent with property master plans, or from a comprehensive list of potential projects, available through park and forest superintendent, which shall be prepared by the department annually.

History: Cr. Register, September, 1996, No. 489, eff. 10−1−96.

NR 51.93 Priorities. Priority shall be given to those projects, not listed in order of priority, that do any of the following:

(1) Provide, maintain or operate department approved interpretive programs.

(2) Provide or maintain accessibility for people with disabilities.

(3) Assist in the restoration or rehabilitation of property using native flora or fauna or both.

(4) Provide special events, programs, public information or marketing strategies consistent with the goals of the department for that property.

(5) Maintain or operate basic facilities already provided at the property.

History: Cr. Register, September, 1996, No. 489, eff. 10−1−96.

NR 51.94 Application and grant award procedures. (1) Applications shall include a description of the proposed project, a cost estimate, timetable and other information required by the department. This information shall be provided on forms provided by the department.

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(2) The department shall establish an annual application deadline, which shall be stated on the application form. Applications for grants received after that deadline shall be considered on a case−by−case basis to the extent that funds are available.

(3) To qualify for a grant under this program, a friends group shall have established an endowment fund for the benefit of a state park, a southern forest or a state recreation area and shall have entered into a written agreement with the department for operation or maintenance of state property.

(4) Grant awards may be given for 50% of the amount of matching funds provided by the friends group and are restricted by all other conditions of s. 27.016, Stats. The department may not expend more than $30,000 for each friends group or state property in a given year. Grant funds shall be deposited in a separate project account established by the friends group and may be used only for the project described in the approved grant application.

(5) The department shall evaluate all completed applications to determine which applications shall receive grants according to the priorities in this subchapter. All awarded grant monies may be advanced to the successful friends group applicant once the applicant can show it has 100% of its share of the project monies in a separate project account.

(6) Each friends group which receives a grant award shall maintain accurate and complete financial records of project expenses in accordance with department reporting requirements. A final accounting of project expenditures shall be submitted to the property manager within 60 days of the completion of the project or by the date indicated in the grant agreement, whichever is sooner. If actual expenses for the project are less than estimated, the friends group shall return any unused grant funds it has received with the final report.

Note: Copies of the department's financial reporting requirements and forms are available from the property manager.

History: Cr. Register, September, 1996, No. 489, eff. 10−1−96.