

CR 90-412



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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RECEIVED

AUG 10 1990
4:00 pm
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. WR-21-89 was duly approved and adopted by this Department on May 24, 1990. 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 hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 2nd day of August, 1990.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

11-1-90



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER of creating ch. NR 119 .
of the Wisconsin Administrative Code .
pertaining to lake management planning . WR-21-90
grants .
.....

Analysis Prepared by Department of Natural Resources

Statutory Authority: ss. 144.253 and 227.11(2)(a), Stats.
Statutes interpreted: s. 144.253, Stats.

Chapter NR 119 will establish procedures for implementing the newly created lake management planning grants program. Cities, villages, town, counties, lake management districts and qualified lake associations will be eligible to receive 75% of the cost of a lake management planning project, up to a total of \$10,000 per grant. Eligible activities include data collection, water quality assessment and nonpoint source pollution evaluation.

Chapter NR 119

LAKE MANAGEMENT PLANNING GRANTS

NR 119.01	Purpose
NR 119.02	Applicability
NR 119.03	Definitions
NR 119.04	Eligible activities
NR 119.05	General provisions
NR 119.06	Applications
NR 119.07	Determination of project eligibility
NR 119.08	Priorities
NR 119.09	Grant awards

NR 119.01 PURPOSE. The purpose of this chapter is to establish procedures for implementing a lake management planning grant program as provided for in s. 144.253, Stats. Grants made under this program will assist lake planning projects. They will assist local organizations by helping to provide information on the quality of water in lakes, by improving water quality assessment and planning, by increasing local understanding of the causes of lake problems, and by aiding in the selection of activities to abate pollution of lakes. This grant program is intended to provide support and guidance to local organizations who are interested in helping to manage and protect lakes and who will often have limited resources and organization capabilities to do so.

NR 119.02 APPLICABILITY. This chapter applies to all counties, cities, townships, villages, qualified lake associations, and public inland lake protection and rehabilitation districts applying for financial assistance under s. 144.253, Stats. for a planning project for a public inland lake.

NR 119.03 DEFINITIONS. The following definitions are applicable to terms used in this chapter:

(1) "Department" means the Wisconsin department of natural resources.

(2) "Grant period" means the time period stated in the grant agreement during which the grant recipient is eligible to expend program grant funds for a project.

(3) "Local share" means that portion of the cost of the project borne by the grant recipient. Federal and state funds are not considered local share.

(4) "Management unit" means a county, township, village, city, public inland lake protection and rehabilitation district

or qualified lake association, as defined in s. 30.92 (1)(br), Stats.

(5) "Planning project" means a specific lake data acquisition, assessment or evaluation activity to provide information on the existing or expected future quality of water in public inland lakes or watershed conditions or activities that may affect the quality of water in public inland lakes.

(6) "Planning project priority list" means a ranking by the department of lake planning projects in the order of their scheduled receipt of funds.

(7) "Public inland lake" means a lake, reservoir or flowage, or millpond, or portion thereof, within the boundaries of the state that is presently accessible to the public by contiguous public lands or easements giving public access or which has been listed by the department as a public inland lake in Wisconsin Lakes, Pub. 7-3600(81).

NR 119.04 ELIGIBLE ACTIVITIES. Activities eligible for funding under this section include:

(1) Acquisition of new or updated, physical, chemical and biological information within a lake or surface water or groundwater which may be tributary to a lake.

(2) Definition of a lake's watershed boundaries and sub-boundaries.

(3) Descriptions and mapping of existing and potential land conditions, activities and uses within a lake watershed that may affect the water quality of the lake.

(4) Definition of existing governmental jurisdictional boundaries and zoning ordinances, or development of new governmental jurisdictional boundaries and zoning ordinances related to the control of pollution sources and evaluations of the effectiveness of land use pollution control ordinances.

(5) Acquisition of sociological information such as census data and lake use information that is necessary to the development of a long-term lake use plan.

(6) The analysis, evaluation, reporting and dissemination of information.

(7) The development of alternative management strategies, plans, and specific project designs necessary to identify appropriate lake protection or improvement projects.

NR 119.05 GENERAL PROVISIONS. (1) Accounting for all planning project funds shall be in conformance with generally accepted accounting principles and practices, and shall be recorded by the grantee in a separate account. Supporting records of grant expenditures shall be maintained in sufficient detail to show that grant funds were used for the purpose for which the grant was made. All financial records, including invoices and cancelled checks, that support all planning project costs claimed by the grant recipient shall be kept and made available for inspection for 3 years after final payment.

(2) The grant recipient shall submit to the department a claim for payment on forms provided by the department within 3 months after the planning project ending date. All costs claimed for payment shall be documented and shall be consistent with the grant agreement relative to expenditures being made within the grant period, within the scope of work, and within estimated costs. The grant recipient may request, for good cause, a grant agreement amendment for expenditures in excess of those identified as estimated costs in the grant agreement.

(3) All of the grant recipient's records pertaining to the planning project are subject to audit. Claims made for payment may be adjusted by audit.

(4) Except for planning projects conducted by the U.S. geological survey, all water tests which require laboratory analyses and which are part of the planning project shall be analyzed by a laboratory which has been selected by the department.

(5) Data and information acquired as part of the planning project shall be reported to the department in a format specified by the department in the grant agreement.

NR 119.06 APPLICATIONS. (1) Applications from management units for funding of planning projects shall be made on forms provided by the department and shall be submitted to the district director for the district in which the planning project is located.

Note: The DNR district headquarters are located at:

1. Southeast -- 2300 N. Dr. Martin Luther King Jr. Dr., Box 12436, Milwaukee 53212
2. Southern -- 3911 Fish Hatchery Road, Fitchburg 53711
3. Lake Michigan -- 1125 N. Military Ave., Box 10448, Green Bay 54307

4. North Central -- 107 Sutliff Ave., Box 818, Rhinelander 54501

5. Western -- 1300 W. Clairemont Ave., Call Box 4001, Eau Claire 54702

6. Northwest -- Hwy 70 West, Box 309, Spooner 54801

(2) The application shall include the following information:

(a) A description of the planning project including a description of how the results of the planning project will be disseminated and made available for public use.

(b) A detailed, categorical estimate of the cost of the planning project and the length of the project period.

(c) A listing of other management units presently organized around the lake and identification of the existing and proposed accessibility of the lake to the general public.

(d) The name of the representative of the applying management unit authorized to sign forms or claims and, if different, the name of the person who will be the contact person for this planning project.

(e) An attached resolution officially adopted by the management unit requesting the planning project grant.

(3) The department shall review the application for completeness and may return the application with a request for more detailed information. The application is not considered complete until such additional information requested by the department has been received.

(4) Planning project applications shall be received by the department by February 1 of each year to be eligible for grant awards made by April 1 under s. NR 119.09 and by August 1 of each year to be eligible for grant awards made by October 1 of each year under s. NR 119.09.

NR 119.07 DETERMINATION OF PLANNING PROJECT ELIGIBILITY.

(1) Following receipt of the application, the department shall make a determination of planning project eligibility. The department may accept the application and include the project in the priority list developed under s. NR 119.08, or deny the request for funding based on consideration of the factors identified in s. 144.253 (1) or (3), Stats.

(2) The total state share of the cost of planning projects for one lake may not exceed \$10,000 in any one state biennial budget period.

(3) The total state share of the cost of planning projects for one lake may not exceed \$10,000 over multiple state budget periods unless:

(a) The proposed project is consistent with the results and recommendations arising from previous project activities on the same lake,

(b) The lake has adequate public access as determined by the department or the applicant can demonstrate to the department that progress is being made towards providing adequate public access to the lake, and

(c) The proposed project is consistent with recommendations identified in areawide water quality management plans developed under ch. NR 121.

(4) The cumulative state share of the cost of planning projects for one lake may not exceed \$30,000.

(5) The department shall state the basis for determination of ineligibility in writing to the affected management unit.

NR 119.08 PRIORITIES. (1) A planning project priority list shall be prepared or updated by the department by March 1 and September 1 of each year. Planning projects to be included in the planning project priority list will be those planning projects previously accepted under s. NR 119.07 but which were not funded because of lack of funds and new applications which have been received and accepted by the department under s. NR 119.07.

(2) Priorities shall be set on a statewide basis.

(3) The department shall consider, and apply equal weight, to the following factors, when developing a planning project priority list:

(a) The degree to which the project provides a holistic set of alternatives to assist local decision making or formation of a strategy to enhance or maintain a lake's quality.

(b) The degree to which the planning project will enhance knowledge and understanding of a lake's water quality.

(c) The degree to which the planning project will enhance knowledge and understanding of a lake's watershed conditions that affect or have potential to affect a lake's water quality.

(d) The degree to which the proposed planning project enhances local understanding of the lake's water quality, potential uses and factors which affect a lake's water quality.

(e) The availability of public access to, and public use of, the lake.

(f) The degree to which the proposed planning project complements other lake management efforts or other local community funds for the project.

(g) The level of support for the planning project from other affected management units.

(h) The importance of the information obtained from a planning project to the state as identified in areawide water quality management plans developed under ch. NR 121.

NR 119.09 GRANT AWARDS. (1) The department shall issue grant awards based upon the planning project priority list developed under s. NR 119.08. Initial grant awards may be made one month following the effective date of this rule... [revisor insert date] for accepted projects. Subsequent grant awards shall be made by April 1 and October 1 of each year.

(2) The grant award may not exceed the state share of the estimated costs of the planning project as set out in the grant application.

(3) The state share of the planning project cost may not be greater than 75% of the eligible planning project costs.

(4) The local share of the planning project cost may not be less than 25% of the eligible planning project costs.

(5) Non-monetary contributions may not be used as part of the local share.

(6) No grant award may be made to an applicant for a planning project on a lake determined by the department as not having adequate public access unless the applicant provides an assessment of opportunities for future public access site(s).

(7) All planning projects shall have as an element a final report that is suitable for use by the general public.

(8) A grant awarded under this section may be terminated by the department for violation of any term or condition of the grant agreement.

(9) No grant award may be made to an applicant for a capital improvement project.

(10) Any grant provided for funding of a planning project which includes acquisition of physical or chemical data may be conditioned upon the grant recipient being required to implement a quality control and quality assurance plan approved by the department.

(11) The department may distribute up to 75% of the state share of the planning project cost based upon the estimated cost to the grant recipient following acceptance of the grant agreement by the applicant.

(12) The department shall withhold 25% of the state share for a final payment and may withhold final payment until it has made a determination that the planning project and any required audits have been satisfactorily completed.

(13) If the department finds that the planning project has not been satisfactorily completed by the end of the grant period, the department may seek reimbursement of the state share previously distributed to the grant recipient.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 24, 1990.

The rules 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 August 2, 1990.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
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August 2, 1990

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AUG 10 1990

Mr. Gary L. Poulson
Assistant Revisor of Statutes
Suite 702
30 W. Mifflin Street

Revisor of Statutes
Bureau

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WR-21-89. These rules were reviewed by the Assembly Committee on Environmental Resources and Utilities and the Senate Committee on Urban Affairs, Environmental Resources, Utilities and Elections pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.

