

(c) Improvement of surface water quality and surface water flow.

(4) **APPLICATION PROCEDURE.** Applications for project grants shall be submitted to the department no later than November 1 of each state fiscal year for which funding is requested. The department shall review applications for completeness. An application shall contain the following items:

(a) A completed application form.

**Note:** Application forms may be obtained, at no charge, from the Bureau of Aid Programs, Department of Natural Resources, Box 7921, Madison, Wisconsin 53707.

(b) A resolution adopted by the governing body of the municipality, Indian tribe or the department designating an authorized representative to apply for grants under s. 30.275, Stats., and this section on behalf of the municipality, Indian tribe or the department. The authorized representative shall be an official or employe of the municipality, Indian tribe or the department.

(c) Description of project; including proximity to urban areas, types of water-based recreational activities the project would promote, a detailed estimate of project costs, and an estimate of the number of people who would be expected to enjoy the benefits of the project.

(d) Plans and specifications for the project.

(e) Other information as requested by the department.

(5) **ALLOCATION OF FUNDS.** Annual appropriations will be allocated equally among all designated scenic urban waterways as soon as possible after July 1 of each year. Funds allocated to a designated scenic urban waterway that are not needed to fund applications received by November 1, may be reallocated equally among designated scenic urban waterways which have requested funds in excess of their allocations. The reallocation shall be completed by February 1 of the following year.

(6) **WATERSHED COMMITTEES.** The selection of projects within a designated scenic urban waterway shall be made by a watershed committee for that scenic urban waterway appointed by the department. The committee shall have members from each county within the designated scenic urban waterway; some cities, villages, towns and inland lake protection and rehabilitation districts within the designated scenic urban waterway; the department and independent citizens within the designated scenic urban waterway. Existing watershed committees may be used to select projects. Regional planning commissions may and the department shall be coordinators and advisors to the committee.

(7) **SELECTION OF PROJECTS.** The watershed committee shall give priority to local government projects. Department projects may be selected only if sufficient funds remain after local government projects within the designated scenic urban waterway are selected. Priority shall be given to applications based on the degree to which the potential benefits of each project correspond to the program's purpose pursuant to s. 30.275 (1), Stats.

(8) **GRANT AWARDS.** The department shall issue grant awards by February 28 of each year. The state share of the project cost shall be no greater than 80% of the eligible project costs. The department may not issue grants to applicants whose application is not complete.

(9) **GRANT CONDITIONS.** (a) Grant awards are subject to the conditions of this section and s. 30.275, Stats.

(b) Projects funded under this section shall be consistent with any approved areawide water quality management plan encompassing the project.

(c) Nonpoint source projects to improve surface water quality and surface water flow are subject to the requirements of ss. NR 120.14 and 120.15.

(d) The general provisions of s. NR 50.05 apply to awards made under this section.

History: Cr. Register, November, 1986, No. 371, eff. 12-1-86.

**NR 50.20 Fish rearing pond grants.** (1) **PURPOSE.** The purpose of this section is to establish standards and priorities for the implementation of a grant-in-aid program for restoration of unused or underutilized fish rearing ponds, under s. 20.370 (4) (bb), Stats., and s. 3040 (11j), 1989 Wis. Act 31.

(2) **ELIGIBLE PROJECTS.** Grants may be made available only to restore unused or underutilized fish rearing ponds that may be restored at reasonable cost, that in were existence on August 9, 1989 and that are located in an off-reservation area where American Indian tribes or bands have federal treaty rights to fish.

(3) **ELIGIBLE RECIPIENTS.** Grants may be given only to applicants who are owners of fish rearing ponds or groups that have entered into agreements with such owners to use their ponds for fish rearing.

(4) **ELIGIBLE ACTIVITIES.** Grant recipients may use the grant moneys only for repair or construction of dams, dikes, levies or other water retaining structures, for replacement or repair of pumps or other related equipment and for associated costs necessary to restore ponds for fish rearing. Grant recipients may not use grant moneys for the operation or routine maintenance of rearing ponds, for new pond construction or for expansion of ponds existing on August 9, 1989.

(5) **RESTRICTION ON USE OF PONDS.** A fish rearing pond restored with a grant under this section may be used only for the rearing of walleye or muskellunge or both.

(6) **PRIORITIES.** The department shall select projects for financial assistance by reviewing each project according to the following project criteria, which are not listed in order of priority:

(a) Projects which are geographically located to provide the most efficient distribution of fish to waters managed for walleye and muskellunge receive higher priority.

(b) Projects which have a high level of volunteer labor associated with renovation and operation receive higher priority.

(c) Projects where the applicant has shown by prior record the ability to complete renovations and successfully operate the ponds to produce muskellunge or walleye receive higher priority.

(d) Projects to renovate existing ponds in greatest danger of being lost for fish rearing purposes receive higher priority.

(e) Projects where the applicant is financially able to adequately maintain and operate the pond receive higher priority.

(7) **ALLOWABLE COSTS.** (a) One hundred percent of the reasonable, actual net costs which are attributed to activities considered eligible under sub. (2) will be funded, but not more than \$30,000 for any one grant.

(b) The department shall determine whether projected costs to renovate ponds are reasonable.

(c) Cost overruns beyond the original grant award are not allowable.

(d) Donated labor, materials, land, or other activities which do not result in an actual expenditure by the applicant are not allowable.

(e) Indirect costs are not allowable.

(8) **APPLICATION AND GRANT AWARD PROCEDURES.** (a) A person who wishes to apply for a grant under this section shall apply on forms available from the department. Applications shall be submitted to the department no later than May 1 in order to be considered.

Note: Grant application forms are available from the department's district offices and from the Bureau of Fisheries Management, Department of Natural Resources, 101 S. Webster Street, P.O. Box 7921, Madison, WI 53707.

(b) The department shall evaluate completed applications by June 30 to determine which applicants will receive grants under this section.

(c) Applicants shall be notified by the department of its determination. Successful applicants shall be sent a grant agreement which indicates the date the project is approved and the project termination date and includes an agreement to rear walleyes or muskellunge or both for distribution consistent with department procedures for a period of not less than 5 years from the expected date of completion of pond renovation.

(d) No grant may be awarded and development work under the grant may not proceed until the grant agreement under par. (c) has been signed by the applicant and department.

(e) Grant expenditures shall be within the grant period, grant scope and grant amount shown in the grant agreement.

(f) Billings may be submitted to the department for partial payment or upon completion of the project.

(g) A request for grant extension shall be submitted prior to the project termination date.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90.

**NR 50.21 National recreational trails program.** (1) **PURPOSE.** The purpose of this section is to establish standards for the administration of the Symms national recreational trails fund act of 1991, 16 USC ss. 1261, 1262 and 26 USC ss. 9503 (6), 9511.

(2) **APPLICABILITY.** The provisions of this section are applicable to all towns, villages, cities, counties, tribal governing bodies, school districts, state agencies, federal agencies and incorporated organizations participating in the national recreational trails program.

Register, January, 1994, No. 457

(3) DEFINITIONS. As used in this section:

(a) "Applicant" means a town, village, city, county, tribal governing body as defined in s. 580.86 (9), Stats., school district, state agency, federal agency or incorporated organization applying for a grant.

(b) "Incorporated organization" means an organization incorporated pursuant to s. 181.32, Stats., whose primary purpose is promoting, encouraging or engaging in outdoor recreational trail activities.

(c) "National recreational trails program" means the program created under 16 USC ss. 1261, 1262 and 26 USC ss. 9503 (6) and 9511 with funds appropriated under ss. 20.370 (1) (ky), 20.370 (4) (bx) and 20.370 (4) (im), Stats.

(d) "Recreational trail" means a thoroughfare or track across land or snow used for recreational purposes such as bicycling, cross country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long distance backpacking, snowmobiling, aquatic or water activity, and vehicular travel by motorcycle, 4-wheel drive or all-terrain off-road vehicles.

(e) "Sponsor" means a town, village, city, county, tribal government, school district, state agency, federal agency or incorporated organization receiving assistance.

(f) "State trails council" means the 9 member council created under s. 15.347 (16), Stats.

(4) ALLOCATION OF FUNDS. (a) National recreational trails program funds allocated to Wisconsin each fiscal year shall be divided as follows:

1. An amount not exceeding 7% of the amount received by the state to the department for the costs of administering the national recreational trails program.

2. An amount not to exceed 5% of the amount received by the state to the department for the operation of environmental protection and education programs relating to the use of recreational trails.

3. After the reductions of subs. 1. and 2., the amount received by the state shall be allocated by the department in the following manner:

a. At least 30% shall be reserved for uses relating to motorized trail recreation. Of this amount, 80% shall be used for grants to applicants under sub. (3) (c) and 20% shall be used by the department for trail purposes. Funds not encumbered before the first day of the 4th quarter of the state fiscal year may be used for either grants or used by the department for motorized trail purposes.

b. At least 30% shall be reserved for uses relating to non-motorized trail recreation. Of this amount, 80% shall be used for grants to applicants under sub. (3) (c) and 20% shall be used by the department for trail purposes. Funds not encumbered before the first day of the 4th quarter of the state fiscal year may be used for either grants or used by the department for non-motorized trail purposes.

c. Not less than 40% for uses that provide for the greatest number of compatible recreational trail uses or that provide for innovative recreational trail corridor sharing to accommodate motorized and non-motor-

Register, January, 1994, No. 457