

## Chapter NR 198

### AQUATIC INVASIVE SPECIES PREVENTION AND CONTROL GRANTS

#### Subchapter I — General Provisions

- NR 198.10 Purpose.
- NR 198.11 Applicability and eligible sponsors.
- NR 198.12 Definitions.
- NR 198.13 Sponsor accountability.
- NR 198.14 Grant payments.
- NR 198.15 Priorities and funding considerations.
- NR 198.16 Variances.

#### Subchapter II — Education, Prevention and Planning Projects

- NR 198.20 Purpose.
- NR 198.21 Applicability.
- NR 198.22 Eligible projects.
- NR 198.23 Applications and grant awards.

#### Subchapter III — Early Detection and Response Projects

- NR 198.30 Purpose.
- NR 198.31 Applicability.
- NR 198.32 Eligible projects.

- NR 198.33 Applications and grant awards.

#### Subchapter IV — Established Population Control Projects.

- NR 198.40 Purpose.
- NR 198.41 Applicability.
- NR 198.42 Eligible and ineligible projects.
- NR 198.43 Plan submittal and approval.
- NR 198.44 Applications and grant awards.

#### Subchapter V — Maintenance and Containment Projects

- NR 198.50 Purpose.
- NR 198.51 Applicability.
- NR 198.52 Eligible activities.
- NR 198.53 Applications and grant awards.

#### Subchapter VI — Research and Demonstration Projects

- NR 198.60 Purpose.
- NR 198.61 Applicability.
- NR 198.62 Applications and grant awards.

#### Subchapter I — General Provisions

**NR 198.10 Purpose.** The purpose of this chapter is to establish procedures for awarding cost-sharing grants to public and private entities for the prevention and control of aquatic invasive species as provided for in s. 23.22 (2) (c), Stats. Grants made under this chapter help eligible sponsors prevent and control the spread of aquatic invasive species in the waters of the state. These grants will assist efforts to provide information and education on the types of existing and potential aquatic invasive species in Wisconsin, the threats they pose for the state's aquatic resources and the techniques available for their control. These grants will also assist in planning and conducting projects that will prevent the introduction of aquatic invasive species into waters where they currently are not present, controlling and reducing the risk of spread from waters where they are present and restoring native aquatic communities.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.11 Applicability and eligible sponsors.** This chapter applies to all counties, cities, towns, villages, tribes, public inland lake protection and rehabilitation districts, and town sanitary districts and other local governmental units as defined in s. 66.0131 (1) (a), Stats., qualified lake associations as defined in s. 281.68 (1) (b), Stats., that charge an annual membership fee of not less than \$5 and not more than \$50, qualified school districts as defined in s. 281.68 (3m) (c), Stats., private and public colleges, universities and technical schools, qualified nonprofit organizations, river management organizations, as defined in s. NR 195.02 (2), state and federal natural resource agencies and hydroelectric corporations licensed by the federal energy regulatory commission, applying for financial assistance under s. 23.22 (2) (c), Stats., for an aquatic invasive species prevention or control project for any surface waters of the state including lakes, rivers, streams, wetlands and the Great Lakes.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.12 Definitions.** The following definitions apply to terms used in this chapter:

(1) "Aquatic invasive species" means non-indigenous water or wetland-dwelling organisms or their hybrids whose introduction into aquatic ecosystems causes or is likely to cause adverse economic, recreational or environmental impacts or harm to human health.

(2) "Control" means to cut and remove, otherwise remove, destroy, suppress or prevent the introduction or spread of aquatic invasive species.

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

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

(5) "Littoral area" has the meaning given in s. NR 191.22 (5).

(6) "Local share" means that portion of the cost of the project other than state funds administered by the department.

(7) "Natural resource agency" means a government agency that manages lakes, rivers, streams, wetlands, forests, plants, soils or agricultural lands.

(8) "Pioneer population," means a small community of aquatic invasive species in the early stages of colonization, or re-colonization, in a particular waterbody or portion thereof. For rooted aquatic plants, a pioneer population has been present less than 5 years, or is a re-colonization following the completion of an established population control project under subch. IV, and is less than 5 acres in size or less than 5% of the littoral area which ever is greater.

(9) "Project" means an activity to prevent or control aquatic invasive species, including education that is approved for grant funding.

(10) "Project priority list" means a ranking by the department of completed grant project applications in the order of their scheduled receipt of funds.

(11) "Qualified nonprofit organization" means a nonprofit corporation, a charitable trust or other nonprofit association whose purposes include the prevention and control of aquatic invasive species and that is described in section 501(c)(3) of the internal revenue code and is exempt from federal income tax under section 501(a) of the internal revenue code. Qualified nonprofit organizations include qualified nonprofit conservation organizations as defined in s. 23.0955 (1), Stats.

(12) "Sponsor" means the public or private entity including the local unit of government that is applying for and receiving a grant under s. 23.22 (2) (c), Stats., and this chapter.

(13) "Waterbody" means any lake, pond, stream, spring or wetland or portion thereof that is a water of the state.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: renum. (5) to (10) to be (6), (8) to (10), (12) and (13) and am. (8) and (9), cr. (5), (7) and (11) Register June 2009 No. 642, eff. 7-1-09.

**NR 198.13 Sponsor accountability.** (1) Accounting for all project funds shall conform to generally accepted accounting principles and practices, and shall be tracked by the sponsor in a separate account. Documents to support grant expenditures shall be maintained in sufficient detail to show that grant funds are used for the purpose for which the grant was made. All financial records, including bid summaries, invoices and canceled checks or bank statements, that support all project costs claimed by the sponsor shall be maintained and available for inspection for 3 years after the date the department makes the final payment. Sponsors shall comply with all applicable state and federal regulations regarding bidding and awarding contracts, wage and labor rates.

(2) The sponsor shall submit to the department a claim for reimbursement on forms provided by the department at any time but not more than once every 3 months and not later than 6 months after the end of the grant period. The sponsor is eligible for reimbursement only for project costs incurred during the grant period stated in the grant award. All costs claimed for reimbursement shall be documented and shall be consistent with the grant agreement relative to expenditures made within the grant period, within the scope of work, and within estimated costs. Progress reports shall be submitted with each reimbursement request.

(3) The sponsor may request, for good cause, a grant agreement amendment for expenditures in excess of those identified as estimated costs in the grant agreement. The sponsor shall submit a request before the end of the grant period.

(4) The department may conduct an audit of all of the sponsor's records relating to the project after the department has made the final payment. The department may request that the sponsor repay any adjustment that is the result of a post audit.

(5) All water tests that require laboratory analyses and that are part of the project shall be analyzed by a laboratory selected by the department.

(6) Any grant awarded for funding of a project that includes collection of physical or chemical data may be conditioned upon the sponsor being required to implement a quality assurance and quality control plan approved by the department.

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

(8) All projects shall have as an element a final report that is in an electronic format specified by the department and suitable for use by the general public. For some projects the department may allow the use of standardized forms as a substitute for a final report.

(9) The department may terminate a grant awarded under this chapter for nonperformance of any term or condition of the grant agreement, including conditions in any department permits issued as a part of the project, and the department may seek reimbursement of the state share previously distributed to the sponsor.

(10) If the department finds that the 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 sponsor.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. (1) and (3) Register June 2009 No. 642, eff. 7-1-09.

**NR 198.14 Grant payments.** (1) **ELIGIBLE COSTS.** Reasonable and necessary project costs, which are consistent with the approved project, as determined by the department, and incurred during the grant period are eligible for reimbursement. Eligible costs include:

(a) Labor costs required for carrying out activities identified in the grant agreement. Costs shall be based on the sponsor's established rates for the position including salary, fringe benefits and other items determined to be appropriate by the department.

(b) Direct cost for professional service contracts, laboratory analysis, leased equipment and facilities printing, postage and similar items.

(c) The cost of necessary supplies and equipment used exclusively for project-related purposes. The costs of necessary equipment shall be pro-rated based on its useful life expectancy relative to the length of the project.

(d) Fees paid for any federal, state or local permits required to conduct the project.

(e) Reasonable costs necessary to complete an application and comply with a permit required to implement a project. Costs incurred up to 12 months prior to the application deadline are eligible for reimbursement.

(f) The substantiated value of donated materials, equipment, services and labor as all or part of the local share of the project costs subject to all of the following:

1. All sources of local share donation shall be indicated when the grant application is submitted.

2. The maximum value of donated non-professional labor shall be \$12 per hour.

3. The value of donated equipment shall conform to the Wisconsin department of transportation highway rates for equipment.

**Note:** The county highway rates for equipment are formulated under s. 84.07, Stats., and can be found in chapter 5 of the State Highway Maintenance Manual published by the Wisconsin Department of Transportation, 4802 Sheboygan Avenue, Madison, WI 53705.

4. The value of donated materials and professional services shall conform to market rates and be established by invoice.

(g) Other costs determined by the department to be necessary to carry out a successful project.

(h) Watershed pollution control, native vegetation restoration and protection and other complimentary activities that help control aquatic invasive species or resist future colonization.

**Note:** A bid summary may be considered by the department as a demonstration by the sponsor of what are reasonable project costs.

(2) **INELIGIBLE COSTS.** Costs not directly associated with or necessary for the implementation of the project as determined by the department are ineligible for reimbursement. Ineligible costs include:

(a) Fines and penalties due to violation of, or failure to comply with, federal, state or local laws and regulations.

(b) Ordinary operating expenses of local government sponsors, such as salaries and expenses of public officials that are not directly related to the project.

(c) Purchase of aquatic plant harvesters, boats, autos or office furniture.

(d) Aquatic plant management activities that provide temporary or single season relief from nuisance conditions including plant harvesting operations, herbicide treatments and other control methods unless they are approved under an early response project in subch. III or recommended in a department approved plan under subch. IV.

(3) **FINAL PAYMENT.** The department shall withhold 10% of the state share for a final payment and may withhold final payment until final costs have been reviewed under s. NR 198.13 and the department has made a determination that the project has been satisfactorily completed. Sponsors may not make final payment to consultants until the department has approved a final report.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. (1) (intro.), (e), (f) 2. and (2) (d), cr. (1) (h) Register June 2009 No. 642, eff. 7-1-09.

**NR 198.15 Priorities and funding considerations.**

(1) The order of priority for funding projects is:

(a) Control pioneer populations of aquatic invasive species

(b) Prevent the spread of aquatic invasive species to unpopulated waters.

(c) Control established populations of aquatic invasive species and restore native aquatic species communities.

(d) Provide research and demonstration that advances the state's knowledge and understanding of aquatic invasive species control.

(e) Ongoing maintenance to contain aquatic invasive populations within a waterbody.

(2) The department shall consider the following factors when considering a project for grant funding:

(a) The degree to which the project includes a prevention and control strategy.

(b) The degree to which the project will prevent the spread of aquatic invasive species.

(c) The degree to which the project protects or improves the aquatic ecosystem's diversity, function, ecological stability or recreational uses.

(d) The extent of the population in the waterbody.

(e) The degree to which the project will be likely to result in successful long-term control.

(f) The availability of public access to, and public use of, the waterbody.

(g) The degree to which the proposed project includes or is complemented by other management efforts including watershed pollution prevention and control, native vegetation protection and restoration and other actions that help control aquatic invasive species or resist future colonization.

(h) Community support and commitment, including past efforts to prevent or control aquatic invasive species.

(i) Whether the sponsor has previously received a grant for a similar project for the same water body.

(j) The degree to which the project will advance the knowledge and understanding of the prevention and control of aquatic invasive species.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. (1) (intro.), r. and recr. (1) (a) to (d), r. (2), cr. (1) (e) and (2) (j), renum. (3) to be (2) and am. (2) (c), (d), (g) and (h) Register June 2009 No. 642, eff. 7-1-09.

**NR 198.16 Variances.** The department may approve in writing a variance from a requirement of this chapter upon the written request of a sponsor 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 and circumstances beyond the control of the sponsor. The department may not grant variances from statutory requirements.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05.

## Subchapter II — Education, Prevention and Planning Projects

**NR 198.20 Purpose.** Education projects are intended to broaden the public's awareness and understanding of, and ability to identify, aquatic invasive species, the threats they pose to the health of aquatic ecosystems, the measures to prevent their spread and the management practices used for their control. Prevention projects are intended to prevent the introduction of new aquatic invasive species into a waterbody or prevent the spread of aquatic invasive species from an infested waterbody to an uninfested waterbody. Planning projects are intended to assist in the development of plans for the prevention and control of aquatic invasive species.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05.

**NR 198.21 Applicability.** This subchapter applies to all sponsors of aquatic invasive species education, prevention and planning grants. Combined total grant awards to state, federal and hydroelectric corporation sponsors, including universities, col-

leges and schools, may not exceed \$200,000 in any one state fiscal year.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.22 Eligible projects.** (1) Projects eligible for funding under this subchapter include:

(a) The dissemination of information about aquatic invasive species consistent with the department's statewide education strategy for preventing and controlling invasive species including, but not limited to, attending or conducting workshops, training or coordinating volunteer monitors and other education programs.

(b) Monitoring, mapping and reporting of data about presence or absence of aquatic invasive species to provide baseline information and monitor trends in a waterbody or waterbodies.

(c) Development of plans for the prevention and control of aquatic invasive species.

(d) Watercraft inspection programs that include all of the following:

1. Inspectors that have attended a training workshop and received program materials provided or approved by the department prior to project initiation. Training may be part of the grant project.

2. Trained inspectors deployed at a boat launch site to conduct inspections, collect and report data, provide boater education and report suspect specimens.

3. Inspectors that staff boat launch facilities a minimum of 200 hours annually during weekends, holidays, fishing tournaments and other special events between May 1 and October 30 when public boating activity on lakes is the highest.

4. Data collected through an inspection that is reported through the statewide watercraft inspection database. These reports shall serve as the final report as required in s. NR 198.13 (8).

**Note:** Guidance for conducting watercraft inspection programs, *Clean Boats, Clean Waters Program, Volunteer Monitoring Guidance for Aquatic Invasive Species*, publication #WT-780 can be obtained from the DNR, Bureau of Watershed Management, PO Box 7921, Madison, WI 53707.

(e) Studies and assessments as needed to aid in the prevention or control of aquatic invasive species.

**Note:** The department and university extension have developed educational materials and publications that are suitable for aquatic invasive species education, planning and prevention projects. To avoid unnecessary costs, duplication of effort and assure that consistent and accurate information is provided statewide, sponsors should first consider ordering copies of existing publications or adapting them before creating new publications.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. (1) (a) Register June 2009 No. 642, eff. 7-1-09.

## NR 198.23 Applications and grant awards.

(1) Applications shall be made on forms provided by the department. Applications shall be submitted to the region director for the region in which the project is located by August 1 or February 1 of each year for a project to be eligible for a grant award in the subsequent 6 month period.

**Note:** Forms may be obtained free of charge from the department at (608) 266-7555, or at the following DNR region headquarters located at:

1. Southeast — 2300 N. Dr. Martin Luther King Jr. Dr., Box 12436, Milwaukee 53212
2. South Central — 3911 Fish Hatchery Road, Fitchburg 53711
3. Northeast — 2984 Shawano Ave., Green Bay, WI 54313
4. Northern/Rhineland — 107 Sutliff Ave., Rhineland 54501
5. Northern/Spooner — 810 West Maple St., Spooner 54801
6. West Central — 1300 W. Clairemont Ave., Call Box 4001, Eau Claire 54702

(2) A complete application shall contain the following information:

(a) A brief description of the project's goals and objectives including a description of the waters on which the project will take place and how the results of the project will lead to the prevention or control of aquatic invasive species.

(b) A complete description of the project methods.



(c) An itemized budget for the full costs of the project including a calculation of the department's share of the project that will ultimately be reimbursed and a statement of the sponsor's capacity for financing its completion.

(d) A time line for project completion.

(e) A signed and dated resolution from the sponsor authorizing the application and identifying a representative to act on its behalf.

(f) A description of the existing and proposed availability of public access to, and public use of, the waterbody including a map of the project waterbody identifying boat landings, public parks, platted access sites and road ends or rights of way providing public access to the water.

(g) A description of how the project is consistent with existing plans or management efforts for the water body.

(h) Other information as may be required by the department to evaluate the project.

(3) All required application material in sub. (2) that is not included on a department-provided form shall be submitted in an electronic format specified by the department.

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

(5) The department shall issue grant awards based upon the priorities and considerations established in s. NR 198.15.

(6) Except as limited in sub. (7), the total state share of the cost of an education, prevention and planning project may not exceed 75% of the total project cost.

(7) The maximum amount of a grant award shall be \$150,000. Applications shall be separated into 2 classes. The 2 classes consist of those requesting less than \$50,000 in state share and those requesting \$50,000 or more in state share. Each class of projects shall be evaluated separately and have equal priority for funding.

**Note:** For example, \$200,000 is allocated to the Education, Prevention and Planning projects. The \$200,000 would be distributed evenly between applications for less than \$50,000 and applications for \$50,000 or more. The applications would compete against other application in each class for the \$100,000 distributed to that class.

(8) State share of the costs of a watercraft inspection program is limited to \$4,000 annually for each public boat launch facility not to exceed 75% of the total project cost up to the maximum grant amount. Remote image recording devices may be installed at landings to aid an existing watercraft inspection program. Only the first year costs of purchase or lease and installation are eligible for reimbursement. The costs for remote image recording devices will not be considered part of the annual \$4,000 limit.

(9) Notwithstanding s. NR 198.13 (2), the department may distribute up to 25% of the state share of the project costs to the sponsor following acceptance of the grant agreement by the sponsor.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. (2) (a) and (f), renum. (3) to (8) to be (4) to (9) and am. (6), (7) and (8), cr. (3) Register June 2009 No. 642, eff. 7-1-09.

### Subchapter III — Early Detection and Response Projects

**NR 198.30 Purpose.** Grants awarded under this subsection are intended to provide for the early identification and control of pioneer populations of aquatic invasive species before they become established. These projects are intended for waters where the presence of aquatic invasive species is relatively new and the area of coverage is limited such that there is a high likelihood that they can be removed or significantly reduced and managed at low densities.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.31 Applicability.** This subchapter applies to all sponsors applying for a grant for an early detection and response project.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.32 Eligible projects.** Early detection and response projects provide a means for sponsors to effectively control recently discovered aquatic invasive species populations and later receive reimbursement from the department for a portion of the cost of the project by following the procedure described in this section. The procedure is as follows:

(1) The sponsor shall immediately notify the department when a pioneer population is suspected in a waterbody. The sponsor shall collect a specimen and submit it to the department using the following procedures:

(a) Collect an entire intact adult specimen. For plants include the roots, stems, and flowers and fruits if available.

(b) Ice or refrigerate the specimen immediately.

(c) Make a label that includes: the date collected, the person who collected the specimen, the township, range and section, county, and waterbody name of where the specimen was collected. Include topographic map or plat map if possible.

(d) Submit the specimen to the department within 3 days.

(2) The department shall verify the species and may authorize control if it is determined to be a controllable pioneer population. For authorized projects, the department shall specify the conditions and procedures under which the project may take place and issue any required permits.

(3) The sponsor shall implement control of the aquatic invasive species through means authorized by the department.

(4) For authorized projects, the department shall specify pre- and post-control monitoring, follow-up control and reporting requirements that the sponsor shall implement including:

(a) A contingency plan for effective monitoring and a response strategy for controlling the reappearance of the aquatic invasive species.

(b) A prevention plan to reasonably assure that re-introduction of the aquatic invasive species will not occur.

(5) Following authorization, the sponsor shall complete a grant application for the project and may request an advance partial payment.

(6) The sponsor shall report to the department the results of the completed project and request reimbursement for the remainder of the state's share of the project.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. (intro.), (1) (intro.), (a), (2), (5) and (6) Register June 2009 No. 642, eff. 7-1-09.

### NR 198.33 Applications and grant awards.

(1) Applications shall be made on forms provided by the department. Applications may be submitted at any time following the authorization of the project in s. NR 198.32 (2) to the region headquarters in which the project is located.

**Note:** Forms may be obtained free of charge by contacting the department at (608) 266-7555, or at the following DNR region headquarters located at:

1. Southeast — 2300 N. Dr. Martin Luther King Jr. Dr., Box 12436, Milwaukee 53212
2. South Central — 3911 Fish Hatchery Road, Fitchburg 53711
3. Northeast — 2984 Shawano Ave., Green Bay, WI 54313
4. Northern/Rhineland — 107 Sutliff Ave., Rhineland 54501
5. Northern/Spooner — 810 West Maple St., Spooner 54801
6. West Central — 1300 W. Clairemont Ave., Call Box 4001, Eau Claire 54702

(2) A complete application shall contain the following information:

(a) The name of the waterbody on which the project will take place, the targeted aquatic invasive species and a map showing the location proposed for control.

(b) An estimated budget for the full costs of the project including a calculation of the department's share of the project that will ultimately be reimbursed.

(c) A signed and dated resolution from the sponsor authorizing the application and identifying a representative to act on its behalf.

(d) Copies of any required permit applications.

(3) The department shall review the application and may approve it for a grant award.

(4) The department shall issue grant awards for authorized projects in the order they are received until all the annual funding allotted for early detection and response projects is awarded. The grant period for early detection and response projects shall begin on the date control is authorized under s. NR 198.32 (2).

(5) The total state share of the cost of an early detection and response project may not exceed 75% of the total project costs up to maximum of \$20,000.

(6) Notwithstanding s. NR 198.13 (2), the department may distribute up to 25% of the state share of the project costs to the sponsor following acceptance of the grant agreement by the sponsor.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: r. and recr. (2) (c), am. (4) and (5), cr. (6) Register June 2009 No. 642, eff. 7-1-09.

#### Subchapter IV — Established Population Control Projects.

**NR 198.40 Purpose.** The purpose of this subchapter is to establish the procedures for the administration of grants to sponsors for implementing projects to control established infestations of aquatic invasive species. Established infestations are substantial reproducing populations of aquatic invasive species that are not pioneer infestations.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05.

**NR 198.41 Applicability.** This subchapter applies to all sponsors applying for grants for implementing a project to control an established population of aquatic invasive species. State, federal and hydroelectric corporation sponsors, including universities, colleges and schools may only sponsor projects under this subchapter where they are the majority owner of the shorelands adjacent to the public water with an established population or owner of a wetland with an established population or where all other potential sponsors have declined sponsorship of the project.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.42 Eligible and ineligible projects. (1)** Projects eligible for funding under this subchapter include any of the following:

(a) A department-approved project recommendation included in a management plan adopted by the sponsor for the control of aquatic invasive species and the protection and improvement of aquatic resources.

(b) Purple loosestrife biocontrol projects.

(c) Other projects that are recommended in or authorized under a statewide or federal management plan for control of aquatic invasive species.

(2) For projects on lakes, adequate public boating access, as defined in s. NR 1.91 (4) or (6), is required.

(3) Activities not eligible for funding under this subchapter include: dredging; routine chemical treatments or mechanical harvesting of aquatic plants to provide seasonal nuisance relief, and maintenance and operation of aeration systems and mechanical structures used to suppress aquatic plant growth. Structural facilities for providing boat washing stations are not eligible.

**Note:** Equipment associated with boat washing facilities is eligible as provided for in s. NR 198.14 (1) (c).

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. (1) (a) and (c), r. (1) (d) Register June 2009 No. 642, eff. 7-1-09.

**NR 198.43 Plan submittal and approval.** Sponsors shall prepare a management plan and submit it to the department

for approval before applying for a control project under s. NR 198.42 (1) (a).

(1) A management plan shall include all of the following:

(a) An identification of the problems or threat to the aquatic ecosystem presented by the aquatic invasive species including recreational uses and other beneficial functions up to the time of application, and how these uses and functions may have changed because of the presence of aquatic invasive species.

(b) A description of the historical control actions taken or those that are in progress.

(c) A thorough characterization of the waterbody's aquatic ecosystem's historical and current condition, including at least one year of current base line survey data quantifying the extent of the population.

(d) An assessment of the sources of watershed pollution and a strategy for their prevention and control.

(e) An assessment of the fishery, wildlife and aquatic plant community.

(f) An identification of the need for the protection and enhancement of fish and wildlife habitat, endangered resources, and other local natural resource concerns.

(g) Identification of the management objectives needed to maintain or restore the beneficial uses of the aquatic ecosystem including shoreland and shallow area protection and restoration.

(h) Identification of target levels of control needed to meet the objectives.

(i) Identification and discussion of the alternative management actions considered and proposed for aquatic invasive species control including expected results.

(j) An analysis of the need for and a list of the proposed control actions that will be implemented to achieve the target level of control.

(k) A discussion of the potential adverse impacts the project may have on non-targeted species, drinking water or other beneficial waterbody uses.

(L) A strategy for effectively monitoring and preventing the re-introduction of the aquatic invasive species after the initial control and to reasonably assure that new introductions of aquatic invasive species will not populate the waterbody.

(m) A contingency strategy for effectively responding to the re-introduction of the aquatic invasive species after the initial control.

(n) Sufficient information for determining the feasibility of alternative control measures, including: costs; the relative permanence of the control; the potential for long-term control of the causes of infestation; and the baseline data required to measure subsequent change.

(2) Plans shall be submitted to the appropriate department regional office a minimum of 60 days prior to the application deadline for approval of recommendations and a determination of eligibility. When submitting a plan for approval, the following conditions apply:

(a) Plans shall be submitted in an electronic format along with one printed copy.

(b) The request for plan approval shall specify which plan recommendations the sponsor intends to implement with a grant application.

(c) The sponsor shall describe the process used to provide the public the opportunity to comment on the plan, provide a summary of the comments received and document the action by the sponsor in adopting the plan.

(d) Lake management plans approved for payment under ch. NR 190 do not constitute approval for project funding under this section. A sponsor may submit a plan completed under ch. NR 190 for approval under this section.

(3) The department shall complete its review within 45 days of receipt of the plan and may approve all, part or none of the plan recommendations or request additional information. The depart-

ment shall state the basis for denying the approval of plan recommendations in writing to the sponsor.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. (1) (c), renum. (1) (d) to (m) to be (1) (e) to (n) and am. (1) (g), (L) and (m), cr. (1) (d) Register June 2009 No. 642, eff. 7-1-09.

**NR 198.44 Applications and grant awards.** A sponsor may propose a project for a grant based on recommended activities in a management plan approved by the department under s. NR 198.43 or for other activities identified in s. NR 198.42.

(1) Applications shall be made on forms provided by the department. Applications shall be submitted to the region director for the region in which the project is located by August 1 or February 1 of each year for a project to be eligible for a grant award in the subsequent 6-month period.

**Note:** Forms may be obtained free of charge by contacting the department at (608) 266-7555, or at the following DNR region headquarters located at:

1. Southeast — 2300 N. Dr. Martin Luther King Jr. Dr., Box 12436, Milwaukee 53212
2. South Central — 3911 Fish Hatchery Road, Fitchburg 53711
3. Northeast — 2984 Shawano Ave., Green Bay, WI 54313
4. Northern/Rhineland — 107 Sutliff Ave., Rhineland 54501
5. Northern/Spooner — 810 West Maple St., Spooner 54801
6. West Central — 1300 W. Clairemont Ave., Call Box 4001, Eau Claire 54702

(2) A complete application shall contain the following information:

(a) A clear description of the project's goals and objectives including a description of the waters on which the project will take place, the targeted aquatic invasive species, the problems or threats the species pose to the waterbody and how the results of the project will lead to its control. If the targeted species is a plant or plants, a site map clearly depicting the locations of all existing vegetation types and the area proposed for control.

(b) Complete descriptions of the project methods including follow up activities necessary to maximize and extend the effectiveness of the project. Activities shall be conducted when it is most effective in controlling the target aquatic invasive species and protecting native species.

(c) Identification of the threat the infestation poses to adjacent waters.

(d) An itemized budget for the full costs of the project including a calculation of the department's share of the project that will ultimately be reimbursed and a statement of the sponsor's capacity for financing its completion.

(e) A general time line for project completion.

(f) A signed and dated resolution from the sponsor authorizing the application and identifying a representative to act on its behalf.

(g) Copies of all permits or pending permit applications necessary to complete the project. No grant may be awarded until all the necessary permits and approvals for the project have been obtained. For multiple year projects, the provisions of this section only apply to the first year of permitted activity.

(h) A description of the existing and proposed availability of public access to and public use of, the waterbody including a map of the project waterbody identifying boat landings, public parks, platted access sites and road ends or rights of way providing public access to the water.

(i) A description of how the project is consistent with existing plans or management efforts for the waterbody.

(j) Other information as may be required by the department to evaluate the project.

(k) If the sponsor is a state, federal, hydroelectric corporation sponsor, university, college or school sufficient information to determine that they are a majority owner of shorelands adjacent to the public water with an established population, an owner of a wetland with an established population or that all other potential sponsors have declined sponsorship of the project.

(3) All required application material in sub. (2) that is not included on a department-provided form shall be submitted in an electronic format specified by the department.

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

(5) The department shall issue grant awards based upon the priority list established in s. NR 198.15.

(6) The state share of the cost of the project may not exceed 75% of the total project costs up to a maximum state share of \$200,000.

**History:** CR 04-060: cr. Register April 2005 No. 592, eff. 5-1-05; CR 08-063: am. (2) (g) and (h), cr. (2) (k) and (3), renum. (3) to (5) to be (4) to (6) and am. (6) Register June 2009 No. 642, eff. 7-1-09.

## Subchapter V — Maintenance and Containment Projects

**NR 198.50 Purpose.** Grants awarded under this subchapter are intended to provide sponsors limited financial assistance for the ongoing control of a suppressed established aquatic invasive species population. These projects are intended only for waters where management activity has achieved the target level of control identified in an approved plan that meets the criteria of s. NR 198.43. Ongoing maintenance is needed to contain these populations so they do not re-establish throughout the waterbody, spread to other waters, or impair navigation and other beneficial uses of the waterbody.

**History:** CR 08-063: cr. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.51 Applicability.** This subchapter applies to all sponsors applying for a grant for a maintenance and containment project that is in compliance with an approved plan under subch. IV.

**History:** CR 08-063: cr. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.52 Eligible activities.** Activities eligible for funding under this subchapter may include any of the following:

(1) Application fees for aquatic plant management permits issued by the department.

(2) Surveying, monitoring, reporting and record-keeping required by the department.

(3) Other activities determined necessary by the department.

**History:** CR 08-063: cr. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.53 Applications and grant awards.**

(1) Claims for reimbursement may be submitted any time after the permitted activities are completed and the necessary compliance reports are submitted to the department.

(2) A complete claim shall contain the following information:

(a) The name of the waterbody on which the project took place and a statement by the sponsor that to the best of its knowledge the project was completed in compliance with permit conditions and according to its department approved plan.

(b) The amount of the claim for reimbursement or the actual cost incurred if the request is greater than the standard reimbursement.

(c) The signature of a representative authorized by resolution to act on behalf of the sponsor.

(d) A completed compliance check list to be signed by region staff.

(3) The department shall review the claim and may approve it for a grant award.

(4) The standard state reimbursement of the cost for a maintenance and control project will be determined by the department based on the application fee and specified monitoring and reporting in the permit or the department approved plan. The maximum

state share of a grant awarded under this subchapter shall not exceed the cost of the permit application fee.

**History:** CR 08-063: cr. Register June 2009 No. 642, eff. 7-1-09.

### **Subchapter VI — Research and Demonstration Projects**

**NR 198.60 Purpose.** Research and demonstration projects are intended as a cooperative activity between sponsors and the department. Such projects shall be designed to increase scientific understanding of the ecological and economic implications of aquatic invasive species and their management and to assess experimental and innovative techniques for their prevention, containment and control.

**History:** CR 08-063: cr. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.61 Applicability.** This subchapter applies to all sponsors applying for grants for a research and demonstration

project.

**History:** CR 08-063: cr. Register June 2009 No. 642, eff. 7-1-09.

**NR 198.62 Applications and grant awards. (1)** Proposals for research projects may be submitted to the department at anytime and shall include the goals and objectives of the project, a brief description of the methods, estimated costs and a time line for completion.

**(2)** The department may solicit research proposals through a request for proposal process.

**(3)** Prior to each biennium the department will consult with the invasive species council on needed aquatic invasive species research.

**(4)** The department has sole discretion to choose to support the project and will work with the sponsor to develop a study design and complete a grant application.

**(5)** No more than \$500,000 shall be awarded annually for projects under this subchapter.

**History:** CR 08-063: cr. Register June 2009 No. 642, eff. 7-1-09.