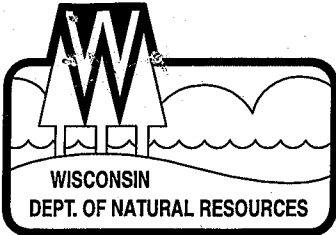


Clearinghouse Rule 97-153

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Tommy G. Thompson, Governor
George E. Meyer, Secretary

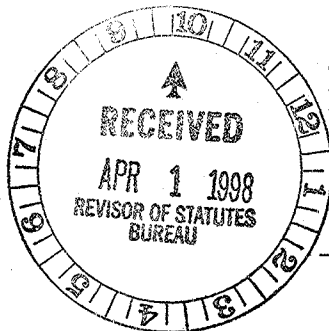
Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FR-5-98 was duly approved and adopted by this Department on January 28, 1998 and February 25, 1998. 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 30 day of March, 1998.



George E. Meyer
George E. Meyer, Secretary

(SEAL)

97-153

6-1-98



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

The State of Wisconsin Natural Resources Board proposed an order to create ch. NR 47, subch. VIII relating to the forest fire protection grant program

FR-5-98

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 26.145, 23.11, 28.07 and 227.11(2)(a), Stats.
Statutes interpreted: s. 26.145, Stats.

1997 Wisconsin Act 27 created the Forest Fire Protection Grant Program. These rules amend this chapter to include rules pertaining to the administration of the forest fire protection grants.

SECTION 1. Chapter NR 47, subch. VIII is created to read:

SUBCHAPTER VIII

FOREST FIRE PROTECTION GRANT PROGRAM

NR 47.900 PURPOSE. The purpose of this subchapter is to implement and administer forest fire protection grants to municipal fire departments and other fire suppression organizations, as authorized under s. 26.145, Stats.. The purpose of the grant funding is to expand the use of local fire departments to augment and strengthen the department's overall initial attack fire suppression capabilities on forest fires.

NR 47.901 APPLICABILITY. The provisions of this subchapter are applicable to certain municipalities and not-for-profit organizations of the state who apply for forest fire protection grants under this subchapter.

NR 47.902 DEFINITIONS. In this subchapter:

- (1) "Applicant" means the Wisconsin municipality, fire department or fire suppression organization that submits an application for grants under this subchapter.
- (2) "Fire department" has the meaning contained in s. 213.08, Stats.
- (3) "Fire suppression organization" means a not-for-profit organization whose primary purpose and activities support fire protection or suppression and that represents a majority of fire departments in a county or region that serve forest fire control areas established in ss. NR 30.01 and 30.02.
- (4) "Grantee" means the recipient of a grant under this subchapter.
- (5) "Municipality" means a Wisconsin city, village, town or county.
- (6) "Project" means the practice or activity for which funds are applied under this subchapter.

NR 47.903 APPLICATION PROCEDURES. (1) Applicants shall submit applications on the prescribed department forms to the address shown on the application form. An applicant may not submit more than one application for grant funding in any single funding period as provided in subs. (2) and (3). The department shall send notice of the availability of application forms and instructions to all eligible fire departments in the state.

Note: Application forms are available from the Bureau of Forestry, 101 S. Webster St., P.O. Box 7921, Madison WI 53707.

(2) Applicants for grant funding for the period which ends on June 30, 1998 shall submit their applications no later than April 15, 1998.

(3) For funding available following July 1, 1998, applications shall be submitted by October 1 of each year.

(4) No application from a fire suppression organization may be for more than \$25,000 or less than \$5,000 in grant funding.

(5) No application from a fire department may be for more than \$10,000 or less than \$750 in grant funding.

(6) Applicants who have been selected to receive grants shall be notified by the department and sent a grant agreement for signature and return. No project work may be done or cost incurred until the grant agreement has been signed by the department and the applicant.

(7) The department may require a fire suppression organization to file with the department a charter, constitution, bylaws or similar documents which describe the organization's objectives and activities in forest fire protection.

(8) Applications submitted after the deadline date or containing incorrect or inaccurate information will not be considered.

NR 47.904 GRANT CALCULATION. (1) A grant under this subchapter shall be 50% of actual eligible cost. The estimated value of "in-kind" or donated labor, materials or equipment may not be considered actual eligible cost.

(2) Grant applications will be funded in priority rank order. The last application for which funds are available may be offered less funding than the full amount requested. Copies of the standards are available for inspection at the offices of the revisor of statutes and the secretary of state. Individual copies may be obtained from the bureau of forestry, DNR, P.O. Box 7921, Madison WI 53707.

NR 47.905 ELIGIBILITY. (1) ELIGIBLE APPLICANT. An eligible applicant is:

(a) A fire department that provides service to a municipality that has executed a forest fire suppression agreement to assist the department in suppression of forest fires.

(b) A Wisconsin fire suppression organization that agrees to assist the department in the suppression of forest fires.

(2) ELIGIBLE USES OF GRANT FUNDS. Requests for grant assistance are limited to materials, supplies and equipment which are primarily and directly associated with forest fire protection and suppression. Examples of eligible projects include:

(a) Forest fire protective clothing that meets NFPA Standard 1977.

(b) Tools and small diameter hose used for forest fire suppression, foam and portable foam delivery equipment, dry hydrants, vehicle slip-on pumping units.

(c) Communication equipment that is used for forest fire protection and suppression activities, such as radios, pagers, base station and repeater towers.

(d) Rural fire mapping and numbering and materials, supplies and equipment and direction or location devices such as global positioning system devices.

(e) Off-road vehicles such as all-wheel drive trucks of 1 to 5 ton capacity which are used primarily for forest fire suppression. Grant assistance for vehicles is limited to applications from individual fire departments.

NR 47.906 ELIGIBLE AND INELIGIBLE COSTS. (1) ELIGIBLE COSTS. (a) Reasonable project costs which are necessary for and directly related to accomplishment of the approved project objectives and incurred during the project period are eligible for grant reimbursement.

(b) Eligible costs are limited to actual costs incurred and paid by the grantee and do not include "in-kind" costs or the estimated value of donated labor, materials or equipment.

(2) INELIGIBLE COSTS. (a) Costs not directly associated with and necessary for accomplishment of the approved project objectives are not eligible for grant reimbursement.

(b) Costs incurred before or after the project period are not reimbursable under the grant.

(c) Costs for which payment has been or will be received under another federal or state financial assistance program are not reimbursable under the grant.

(d) Costs incurred in a contract which creates a real or apparent conflict of interest. An apparent conflict of interest arises when an official or employee of a grantee participates in the selection, awarding or administration of a contract supported by this project and:

1. The official or employee, or her or his spouse or partner, has an ownership interest in the firm selected for the contract; or

2. An official or employee of a grantee receives a contract, gratuity or favor from the award of the contract.

NR 47.907 GRANT SELECTION PROCESS. In selecting grant application projects, the department shall give priority to the following factors which are listed in no particular order:

(1) Eligible fire departments serving areas within organized forest fire control areas established under ss. NR 30.01 and 30.02.

(2) Fire departments that provide initial attack response to wildfires within their jurisdictions at no cost to the department.

(3) Fire departments with the majority of their members meeting NFPA 1051 standards for wildland fire fighter training.

(4) Other applications or projects.

NR 47.908 GRANT AWARDS; PAYMENT. (1) GRANT AWARDS. Grants shall be awarded subject to execution of the department's grant agreement by both the department and the grant applicant.

(2) PAYMENT. Final payment shall be made upon approval of the completed project by the department's regional fire management officer and approval of the completed claim for reimbursement from the grantee. Interim payment may be requested by the grantee and approved by the department where a financial hardship would be imposed by waiting until the project had been completed.

Note: It is expected that interim payments would more often be made to fire suppression organizations who have large grants and limited capacity to pay vendor bills before they receive reimbursement from the department.

(3) FINAL AUDIT. All payments are contingent upon final audit. Financial records including all documentation to support entries in the accounting records shall be kept for review by department auditors for a period of 3 years after final payment.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on January 28, 1998 and February 25, 1998.

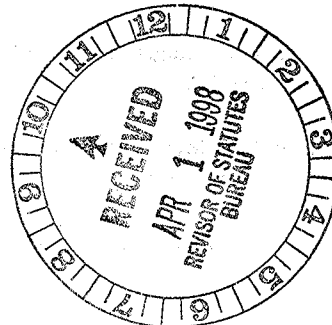
The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

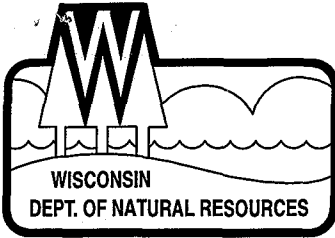
Dated at Madison, Wisconsin March 30, 1998

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
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March 27, 1998

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FR-5-98. These rules were reviewed by the Assembly Committee on Rural Affairs and the Senate Committee on Agriculture and Environmental Resources 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,

George E. Meyer
George E. Meyer
Secretary

Enc.

