

Chapter NR 58

ENDANGERED RESOURCES GRANT PROGRAMS

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Subchapter I — General Provisions

NR 58.01 Purpose. The purpose of this chapter is to establish rules for the implementation and administration of grant programs to fund research, protection, management and educational activities pertaining to Wisconsin's natural communities and rare flora and fauna.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: am. Register February 2006 No. 602, eff. 3-1-06.

NR 58.02 Applicability. This chapter applies to all endangered resources grant programs under this chapter.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: r. and recr. Register February 2006 No. 602, eff. 3-1-06.

NR 58.03 Definitions. In this chapter:

c1d XApplicantY means an individual or organization that submits an application for funding under this chapter.

c2d XBureauY means bureau of endangered resources.

c3d XDepartmentY means the department of natural resources.

c4d XGrant agreementY means a written cooperative agreement between the grantee and department which sets forth mutual obligations with regard to a portion or all of a specific project.

c5d XGrant periodY means the period of time specified in the agreement during which all work funded by the grant shall be accomplished.

c6d XIndirect costsY means costs not directly assignable to a grant, program or project but administrative in nature, incurred for a common or joint purpose including, but not limited to, utilities, administrative salaries, secretarial services and postage.

c7d XNatural communityY means a complex of flora, fauna and physical elements which is in, or close to being in, its pre-settlement condition.

c8d XNatural heritage inventory databaseY has the meaning specified in s. NR 51.002 c20d.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: am. c8d Register February 2006 No. 602, eff. 3-1-06.

NR 58.05 Eligible and ineligible costs. c1d ELIGIBLE COSTS. Those project costs which are consistent with the approved project scope, reasonable and necessary, and incurred dur-

ing the grant period are eligible for grant funding. Eligible costs may include, but are not limited to any of the following:

- cad Wages of personnel engaged in the project.
- cbd The purchase of supplies and equipment.
- ccd The costs of leased equipment and facilities.
- cdd Travel expenses - mileage, per diem and lodging.
- ced Computer time and data processing.
- cfg Printing costs.

cgd Costs of contracts or subcontracts to qualified vendors to perform project activities.

c2d INELIGIBLE COSTS. Costs not directly associated with or not necessary for the implementation of the project are ineligible for grant funding. Ineligible costs include, but are not limited to any of the following:

- cad Fines and penalties due to violations of, or failure to comply with, federal, state or local laws or regulations;
- cbd Ordinary operating expenses of agencies that are not directly related to the project;
- ccd Costs for which payment has been or will be received from any other funding source;
- cdd Program costs incurred beyond the grant period;
- ced Donated labor, materials, land or other activities which do not result in actual expenditure by the grantee; and
- cfg Indirect costs.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: cr. c1d cgd Register February 2006 No. 602, eff. 3-1-06.

NR 58.06 Grant conditions. c1d DURATION. The grantee may not begin work described under the grant agreement until the grant agreement has been signed by the department and the grantee.

c2d PERMISSION FROM PROPERTY OWNERS AND MANAGERS. The grant agreement shall contain provisions regarding access to private and government property by department employees and the grantee.

c3d PERMITS. Applicants shall verify that all applicable federal and state permits, approvals, licenses or waivers necessary to implement the project have been obtained or applied for. Work on the proposed project may not commence until all applicable permits have been obtained.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: am. c1d, r. c4d to c7d Register February 2006 No. 602, eff. 3-1-06.

NR 58.07 Grant application. c1d APPLICATION AVAILABILITY. Applicants shall obtain application forms and instructions from the Bureau of Endangered Resources, Department of Natural Resources, P.O. Box 7921, Madison, WI 53707.

c2d CONTENTS. The application shall include:

cad A project narrative, objectives, methods, timetable and budget, in the format provided in the instructions; and

cbd For state employees only, a completed and approved outside employment form.

c3d ADDITIONAL INFORMATION. The department may request additional information from the applicant upon receipt of the application.

c4d DEADLINE. Applications are due by the date provided in the application instructions.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: am. c2d cad, cr. c3d and c4d Register February 2006 No. 602, eff. 3-1-06.

NR 58.08 Grant selection criteria. Factors considered in awarding grants shall include but are not limited to the following:

c1d The applicant[s] ability to carry out the project using sound scientific, management or educational practices as evidenced by credentials, experience and the level of detail provided in the application;

c2d The reasonableness of the budget for the project;

c3d The extent to which the proposed methods would achieve the project objectives.

c4d The history and capacity of the grantee to achieve the project objectives.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: r. c3d and c5d, r. and recr. c4d, renum. c6d to be c3d Register February 2006 No. 602, eff. 3-1-06.

NR 58.09 Grant payment. c1d INITIAL PAYMENTS. Upon acceptance of the grant offer, the grantee may request up to 50% of the total amount of the grant by submitting an advance payment request.

c2d INTERIM PAYMENTS. Interim payments shall be paid to the grantee based on the payment schedule in the grant agreement.

c3d FINAL PAYMENT. The grantee shall submit the final payment request within 60 days after project completion or after the grant expiration date, whichever occurs first. The department shall pay the remainder of the grant to the grantee upon approval of the final report as required by s. NR 58.11 c2d and the final accounting of project expenditures.

c4d UNEXPENDED MONIES RETURNED. The grantee shall return any unexpended grant monies to the department within 60 days after expiration of the grant period.

c5d PAYMENTS FOR PROJECT MODIFICATIONS. Payments may not be paid for project modifications unless approved by the department.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: r. c1d, renum. c2d cad to cdd to be c1d to c4d, am. c1d, cr. c5d Register February 2006 No. 602, eff. 3-1-06.

NR 58.10 Grant agreements. c1d The grantee and the department shall develop and approve a grant agreement which shall specify terms for all conditions listed under s. NR 58.06 and all of the following:

cad Cancellation of agreement;

cbd Project objectives, methods and budget;

ccd Schedule and procedures for payment of grant;

cdd Ownership of equipment purchased with grant monies; and

ced Schedule and procedures for interim and final reports.

c2d The grantee shall execute and deliver a release, as part of the grant agreement, discharging the state of Wisconsin, its officers, agents and employees from all liabilities, obligations and

claims arising out of the project work or under the grant, subject only to any exceptions specified in the release.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: renum. c1d to c5d to be c1d cintro.d and cad to ced, am. c1d cintro.d, cr. c2d Register February 2006 No. 602, eff. 3-1-06.

NR 58.11 Reports. c1d INTERIM REPORTS. The department may require one or more interim reports. As requested by the department, each grant recipient shall submit to the department one or more interim reports which contain details of progress, findings, problems and other information regarding the status of the project as stated in the grant agreement.

c2d FINAL REPORT. Each grant recipient shall submit a final report to the department within 60 days after the grant expiration date. The final report shall include the following:

cad A project summary, methods, results and discussion where applicable;

cbd Documentation of all project modifications that may have occurred, including an explanation of why modifications were necessary;

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: am. c1d cintro.d, r. c2d ccd to ced Register February 2006 No. 602, eff. 3-1-06.

NR 58.12 Grantee accountability. c1d RECORDS MANAGEMENT. The grantee shall maintain an accounting system that accurately reflects all fiscal transactions, incorporates appropriate controls and safeguards, and provides clear references, particularly to source or original documents. Records shall meet the following minimum requirements:

cad Project accounts shall separate grant receipts and eligible expenditures from those allocable to other programs and activities.

cbd Receipts and expenditures shall be listed and identified in sufficient detail to reflect their source and purpose. Proof of payment, such as canceled checks or receipts from vendors, shall be maintained.

ccd Records that reflect actual project hours worked by day by each individual as well as gross wages paid shall be maintained. Records shall also include work performed by day.

c2d RECORDS RETENTION AND AUDITING. The grantee shall retain all records pertaining to the project and make them available to the department on request until the department issues final payment.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

NR 58.13 Grant variances. The department may approve in writing variances from non-statutory requirements of this chapter upon request of the grantee when it is determined that variances are essential to effect necessary actions or department objectives, and where special circumstances make variances in the best interest of the state, taking into account factors such as good cause, circumstances beyond the control of the grantee and financial hardship.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

NR 58.14 Grant termination. c1d GENERAL. The department and a grantee may enter into an agreement to terminate the award at any time.

c2d JUSTIFICATION. The department may terminate the grant in whole or in part and the grantee shall repay the department any grant money that was not spent or that was inappropriately spent plus interest at 5% annually accrued within 3 years of the date the grant agreement was executed if the department determines any of the following:

cad There has been no substantial progress made on the project by the grantee, without good cause.

cbd There is substantial evidence that the grant was obtained by fraud.

ccd There is substantial evidence of gross abuse or corrupt practices in the administration of the project.

cdd The grantee has failed to comply with the provisions of this chapter or of the grant agreement.

ced The grantee has not completed the grant project within the grant period and failed to amend or extend the grant period through an agreement between the department and the grantee.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: am. c2d cintrd and cad to ccd, cr. ced Register February 2006 No. 602, eff. 3-1-06.

NR 58.15 Enforcement. The following sanctions may be imposed for noncompliance with any of the provisions of this chapter or the grant agreement:

c1d The grant may be terminated under s. NR 58.14.

c2d Program costs directly related to the noncompliance may be declared ineligible.

c3d Other administrative and judicial remedies may be instituted as legally available and appropriate.

c4d The department may seek recovery of some or all payments.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 05-071: am. c1d Register February 2006 No. 602, eff. 3-1-06.

Subchapter II — Endangered Resources Small Grants Program

NR 58.20 Purpose. The purpose of this subchapter is to establish rules for the implementation and administration of the small grants program to fund research, management and educational activities pertaining to Wisconsin's natural communities and rare flora and fauna.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06.

NR 58.21 Applicability. This subchapter applies to all applicants for, and recipients of, grant awards made pursuant to s. 20.370 c1d cfd, Stats.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06.

NR 58.22 Eligibility for grant assistance. c1d ELIGIBLE APPLICANTS. All of the following applicants are eligible for a grant:

cad County, city, village, town and tribal governmental agencies.

cbd Individuals.

ccd Nonprofit organizations.

cdd Educational institutions.

c2d ELIGIBLE PROJECTS. Projects which have as their objective one or more of the following shall be eligible for a grant under this chapter:

cad Identification, protection and management of native plant and animal species and natural communities.

cbd Enhancement and restoration of populations and habitats of rare and endangered species.

ccd Promotion of knowledge, appreciation and stewardship of Wisconsin's native species and ecosystems.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06.

NR 58.23 Grant conditions. In addition to the conditions listed in s. NR 58.06, all of the following grant conditions apply to the small grants program:

c1d DURATION. The grant period may not exceed 3 years.

c2d PUBLICATIONS. The grantee shall:

cad Provide the department with one copy of all publications and news releases which result from the project grant; and

cbd Include in all publications and news releases which result from the project grant acknowledgement of the endangered resources fund as a source of funding for the project.

c3d DATA AVAILABILITY. The grantee shall make data collected under this program available for incorporation into the natural heritage inventory database.

c4d SITE VISIT. The grantee shall allow department personnel to visit the project site at reasonable times with notice.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06.

NR 58.24 Grant awards. No award may exceed \$10,000.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06.

NR 58.25 Grant selection criteria. In addition to the factors listed in s. NR 58.08, factors considered in awarding grants shall include but are not limited to the following:

c1d The extent the project will lead to increased useful, scientific knowledge based upon existing and anticipated research, management or educational activities.

c2d The extent to which the proposed project corresponds to the objectives stated in s. NR 58.22 c2d.

c3d The extent to which the proposed project avoids negative impact on existing resources.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06.

NR 58.26 Final report. In addition to the items listed in s. NR 58.11 c2d, the final report shall include all of the following:

c1d Documentation of all public information and educational activities which were conducted throughout the project.

c2d Conclusions reached or products developed as a result of the project.

c3d An appendix that includes all references and supporting documents appropriate to the final report.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06.

Subchapter III — Federal Grant Programs

NR 58.30 Purpose. The purpose of this subchapter is to establish rules for the implementation and administration of grant programs to fund management, restoration and protection activities pertaining to Wisconsin's natural communities and rare flora and fauna on private land, or Wisconsin's species of greatest conservation need as identified in the Wisconsin wildlife action plan, or both.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06; CR 08-014: am. Register September 2008 No. 633, eff. 10-1-08.

NR 58.31 Applicability. c1d This subchapter applies to all applicants for, and recipients of, grant awards made under the landowner incentive program and the state wildlife grants program. These programs were established through the Department of the Interior and Related Agencies Appropriations Act of 2002, Public Law 107-63; Title I; Land and Water Conservation Fund Act of 1965, USC ss. 460{-4 through 460/-11.

c2d Funds from the following sources may be distributed by grant programs covered under this subchapter:

cad Funding allocated from programs established under Section 387 of the Federal Agricultural Improvement and Reform Act of 1996 and reauthorized in the Farm Security and Rural Investment Act of 2002, Title II; Subtitle F, Sec. 2502: ZZSec. 1240N. *Wildlife Habitat Incentive ProgramY.*

cbd Department budget appropriation 116, s. 20.370 c1d cfd, Stats., general purpose revenue match.

ccd Department budget appropriation 163, s. 20.370 c1d cfsd, Stats., checkoff, license plate, and miscellaneous revenue.

cdd Department budget appropriation 161, s. 20.370 c1d cmud, Stats., fish and wildlife account.

ced Department budget appropriation 137, s. 20.370 c1d cLkd, Stats., gaming revenue.

cfid Department gift money under s. 20.370 c1d cfud, Stats., expressly designated for the purpose of grant awards.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06; CR 08-014: renum. to be c1d and am., cr. c2d Register September 2008 No. 633, eff. 10-1-08; correction in c2d cfd made under s. 13.92 c4d cbd 7., Stats., Register November 2018 No. 755.

NR 58.32 Definitions. In addition to the definitions in s. NR 58.03, the following definitions apply to this subchapter:

c1d XAdvisory teamY refers to the state wildlife grant program advisory team created in s. NR 58.33 c3d.

c2d XAt-risk speciesY means any flora or fauna species listed as endangered or threatened at the state or federal level, special concern species, or species of greatest conservation need.

c3d XEndangered species at the federal levelY means species listed in 50 CFR 17.11 to 50 CFR 17.12.

c4d XEndangered species at the state levelY means species listed in s. NR 27.03 c2d.

c5d XGuidance teamY refers to the landowner incentive program guidance team created in s. NR 58.33.

c6d XLIPY means the landowner incentive program.

c7d XNatural communitiesY include the following:

cad Aquatic habitat.

cbd Barrens.

ccd Grasslands.

cdd Northern forests.

ced Savannas.

cfcd Southern forests.

cgd Wetlands.

chd Other rare natural communities including: algific talus slope, alvar, bedrock glade, bedrock shore, clay seepage bluff, dry cliff, felsenmeer, forested ridge and swale, great lakes alkaline rockshore, great lakes beach, great lakes dune, inland beach, moist cliff, talus forest.

c8d XPrivate landY means any land not owned by a governmental entity.

c9d XSpecial concern speciesY are those species for which there appears to be some problem of abundance or distribution. These species are listed on the Wisconsin natural heritage working list.

c10d XSpecies of greatest conservation needY refers to the list of species in the comprehensive wildlife conservation plan.

c11d XSWG Y means the state wildlife grants program.

c12d XThreatened species at the federal levelY means species listed in 50 CFR 17.11 to 50 CFR 17.12.

c13d XThreatened species at the state levelY means species listed in s. NR 27.03 c3d.

c14d XWisconsin wildlife action planY means the statewide plan prepared by the department to identify which native Wisconsin species are of greatest conservation need. The plan presents priority conservation actions to protect the species and their habitats.

Note: Copies of the Wisconsin wildlife action plan also known as the comprehensive wildlife conservation plan and the Wisconsin Natural Heritage Inventory cNHId Working List are available from the Bureau of Endangered Resources, Department of Natural Resources, P.O. Box 7921, Madison, WI 53707. The NHI working list contains species known or suspected to be rare in the state and natural communities native to Wisconsin. It includes species legally designated as endangered or threatened and special concern species. The NHI program in the Bureau of Endangered Resources maintains and updates the list.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06; CR 08-014: renum. c1d, c2d, c6d to c8d, c11d, c12d to be c2d, c14d, c7d, c8d, c6d, c12d, c13d, am. c2d, c6d, c14d, cr. c1d, c11d Register September 2008 No 633, eff. 10-1-08; corrections in c3d, c12d made under s. 13.92 c4d cbd 7., Stats., Register November 2018 No. 755.

NR 58.33 Program guidance{advisory team. c1d CREATION; COMPOSITION. For each grant program, department staff shall assemble a guidance or advisory team which may include representatives of the following groups:

cad Department of Natural Resources.

cbd Natural Resources Conservation Service.

ccd United States Fish and Wildlife Service.

cdd National and statewide non-governmental conservation organizations.

ced Any other individual or groups determined appropriate by program staff.

c2d ROLE OF THE LIP GUIDANCE TEAM. The team shall make recommendations to department program staff to help guide the program, designate the species or communities of special emphasis and fund proposals.

c3d ROLE OF THE SWG ADVISORY TEAM. The team shall make recommendations to department program staff to fund proposals.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06; CR 08-014: am. c1d, c1d cintro.d and c2d c1d, cr. c3d Register September 2008 No. 633, eff. 10-1-08.

NR 58.34 Eligibility for grant assistance; preference. c1d LIP ELIGIBLE APPLICANTS. Private landowners and organizations interested in managing and restoring habitat on private land for at-risk species are eligible to apply for a LIP grant under this subchapter. Proposals that enhance, protect or restore habitat on private land that benefits at-risk species will be considered for funding.

c2d SWG ELIGIBLE APPLICANTS. Private landowners and organizations proposing projects to benefit species of greatest conservation need, as defined in the Wisconsin wildlife action plan, are eligible to apply for a SWG grant.

c3d GRANT PROGRAM SPECIAL EMPHASIS. Special emphasis may be placed, on an annual basis, on one or more geographic areas, species, or natural communities targeted by the grant program if designated in the application. The grant program guidance or advisory team and department program staff may develop special emphasis based on gaps in existing funding for species work and the need for protection of habitat of species based on threats to their habitat.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06; CR 08-014: am. c1d, renum. c2d to be c3d and am., cr. c2d Register September 2008 No. 633, eff. 10-1-08.

NR 58.35 Grant selection process. c1d The grant program guidance team, or a subcommittee of the grant program guidance team, shall rank the grants according to criteria specified in the grant application materials.

c2d In addition to the grant selection criteria in s. NR 58.08, factors considered in ranking LIP grant proposals include any of the following:

cad Proposals that enhance, protect or restore habitat benefiting at-risk species.

cbd Proposals for private land with existing at-risk species populations.

ccd Proposals that provide private landowner cost-share greater than 25%.

c3d In addition to the grant selection criteria in s. NR 58.08, factors considered in ranking SWG grant proposals include any of the following:

cad The extent to which the proposal furthers the objectives as stated in the application materials.

cbd The degree to which the project complements other efforts and makes efficient use of all other available funding sources.

ccd The degree to which the project assists local or regional decision making or formation of a strategy to protect the species and natural communities identified in the Wisconsin wildlife action plan.

ced The degree to which the project will provide a long term or permanent benefit for one or more species or natural communities identified within the Wisconsin wildlife action plan.

cfcd The level of community support and commitment, including past efforts to benefit one or more species or natural communities identified in the Wisconsin wildlife action plan.

cgd Proposals that provide cost sharing.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06; CR 08-

014: am. c1d and c2d cintro.d, cr. c3d Register September 2008 No. 633, eff. 10-1-08.

NR 58.36 Grant calculation. The LIP grant under this subchapter shall be 75% or less of the actual eligible costs as provided in s. NR 58.05.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06; CR 08-014: am. Register September 2008 No. 633, eff. 10-1-08.

NR 58.37 Grant awards. No LIP award may exceed \$25,000.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06; CR 08-014: am. Register September 2008 No. 633, eff. 10-1-08.

NR 58.38 Grant conditions. In addition to the conditions listed in s. NR 58.06, all of the following grant conditions apply to program grants:

c1d DURATION. The grant period may not exceed 3 years.

c2d PUBLICATIONS. The grantee shall do all of the following:

cad Provide the department with one copy of all publications and news releases which result from the project grant.

cbd Include in all publications and news releases which result from the project grant acknowledgement of the grant program administered by the department as a source of funding for the project.

c3d DATA AVAILABILITY. The grantee shall make all data requested by the grant program available for incorporation into the natural heritage inventory and the Wisconsin EcoAtlas.

c4d SITE VISIT. The grantee shall allow department personnel to visit the project site at reasonable times with prior notice.

History: CR 05-071: cr. Register February 2006 No. 602, eff. 3-1-06; CR 08-014: renum. to cintro.d and am., cr. c1d to c4d Register September 2008 No. 633, eff. 10-1-08.