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# Wisconsin Legislative Council

## ACT MEMO

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**2023 Wisconsin Act 265**  
[2023 Senate Bill 222]

**Pre-Disaster Flood Resilience  
Grant Program**

## 2023 WISCONSIN ACT 265

2023 Wisconsin Act 265 directs the Division of Emergency Management (DEM) in the Department of Military Affairs to create and administer a pre-disaster flood resilience grant program. The grants must be awarded on an annual grant cycle and may be used for identifying flood vulnerabilities, identifying options to improve flood resiliency, and restoring hydrology in order to reduce flood risk and damages in flood-prone communities.

### Grant Applicants

A local governmental unit, or multiple units, may apply for a grant.<sup>1</sup> A nonprofit organization or a private consulting organization may also apply, if the organization is applying on behalf of one or more local governmental units. DEM may consider an application only if the application's project area includes an area that has been the site of a presidentially declared disaster for flooding or a Governor-issued state of emergency for flooding at any time in the 10 years preceding the applicable grant cycle, or the application is for a local governmental unit that has a DEM-approved mitigation plan that identifies localized exposure to flood risk.

### Grant Types

DEM may award either an assessment grant or an implementation grant. In each fiscal biennium, DEM may award implementation grants in an amount that is no more than 67 percent of the amount awarded for assessment grants.

An assessment grant may be up to \$300,000 and an implementation grant may be up to \$250,000. For both grants, the maximum award is 75 percent of the total anticipated project cost and the grant recipient must secure the remaining funding, which may include the value of in-kind contributions. Also, for both grants, the grant application must include written documentation that shows the local governmental unit's authorization to participate in the grant project, the unit's commitment or intention to expend funds or provide in-kind contributions, and information detailing all sources of funding for the project not covered by the grant.

An assessment grant supports the generation and gathering of information on vulnerabilities and identification of flood resilience priorities on a watershed, catchment, or stream reach-scale through the following activities:

- Assessments aimed at understanding flood flows and erosion hazards and vulnerabilities and identifying opportunities to increase flood resilience, including opportunities to restore wetland, stream, and floodplain hydrology.

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<sup>1</sup> The act defines local governmental unit as "any city, village, town, county, regional planning commission, or federally recognized American Indian tribe or band in this state."

- Development of culvert inventories using the Great Lakes Stream Crossing Inventory, or using another road-stream crossing inventory method that considers structural risk factors, aquatic organism passage, and upstream hydrologic conditions, and that is at least as effective as the Great Lakes Stream Crossing Inventory.
- Conducting hydrologic and hydraulic studies that help develop hydrologic models.

The data generated from these activities may not be deemed proprietary and must be provided to entities that develop local hazard mitigation plans.

An implementation grant must be used to implement a properly identified or designed hydrologic restoration project through supporting the regulatory coordination, engineering, and design, construction, or post-construction monitoring of a project.

## **DEM Powers and Duties**

DEM must establish grant application requirements by policy and develop methods for evaluating grant applications, which must include consideration of all of the following:

- The extent to which the project area has been subject to, or is upstream from areas that have been subject to, repetitive flooding and erosion damage.
- The extent to which the project demonstrates a cost-effective basis for the proposed actions.
- The extent to which the project has a clear plan for demonstrating measurable results.
- For assessment grant applications, the extent to which the project will generate data useful for updates to hazard mitigation plans, land and water resource management plans, or other local watershed plans or priorities.
- Other criteria that help prioritize projects with the most beneficial impacts.

DEM may consult with other state agencies on the administration of the program and review of grant applications.

Annually, beginning no later than July 1, 2024, DEM must submit a report to the Governor and the appropriate standing committees of the Legislature. The report must include program activities and accomplishments of the preceding fiscal year, list the grant recipients and grants awarded, and make recommendations on program continuation and funding levels. DEM is not required to submit this report if no moneys were appropriated or expended in the previous fiscal year. Also, DEM is required to make publicly available the reports grant recipients are required to submit.

## **Grant Recipient Responsibilities**

Grant money must be spent within two years of receipt, except that DEM may extend the time to match a timeline requirement of a federal grant. Grant recipients must provide DEM with a summary report within 90 days of completing the grant project or two years after receiving the grant money, whichever occurs first.

**Effective date:** April 5, 2024

For a full history of the bill, visit the Legislature's [bill history page](#).

PW:jal