

CR 90-7



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary  
Box 7921  
Madison, Wisconsin 53707  
TELEFAX NO. 608-267-3579  
TDD NO. 608-267-6897

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. FM-71-89 was duly approved and adopted by this Department on March 1, 1990. 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 here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 19<sup>th</sup>  
day of April, 1990.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

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6-1-90

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
CREATING RULES

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IN THE MATTER OF creating s. NR 50.20 of the :  
of the Wisconsin Administrative Code pertain- :  
ing to standards for implementation of a :  
rearing pond renovation grant program :  
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Revisor of Statutes  
Bureau  
FM-71-89

ANALYSIS PREPARED BY THE DEPARTMENT OF NATURAL RESOURCES

Statutory authority: s. 227.11(2)(a), Stats.

Statutes interpreted: s. 20.370(4)(bb), Stats., and s.  
3040(11j), 1989 Wisconsin Act 31.

The rule implements the grant program established under s.  
3040(11j), 1989 Wisconsin Act 31 for the restoration of certain  
underutilized fish rearing ponds. The rule requires that  
applicants for a grant enter into a fish rearing agreement with  
the department for a period of no less than five years from the  
date of expected completion of pond renovation. Grant  
applications must be received by the Department no later than May  
1 of each year. The maximum grant amount for any project is  
limited to 100 percent of the approved eligible costs, but not to  
exceed \$30,000. The rule establishes priorities for use in  
selecting projects for financial assistance.

SECTION 1. NR 50.20 is created to read:

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 Wisconsin 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 were in 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.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on March 1, 1990.

The rule shall take effect on the date of publication of the

Wisconsin administrative register as provided in s.  
227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin April 18, 1990

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

BY Carroll D. Besadny  
Carroll D. Besadny, Secretary

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State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary  
Box 7921  
Madison, Wisconsin 53707  
TELEFAX NO. 608-267-3579  
TDD NO. 608-267-6897

April 18, 1990

In reply refer to 1020

Mr. Gary L. Poulson  
Assistant Revisor of Statutes  
Suite 702  
30 W. Mifflin Street

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Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-71-89. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Urban Affairs, Environmental Resources, Utilities and Elections 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,

  
C. D. Besadny  
Secretary

Enc.