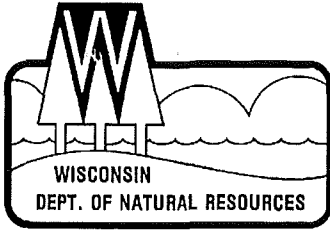


CR 92-78



George E. Meyer  
Secretary

**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

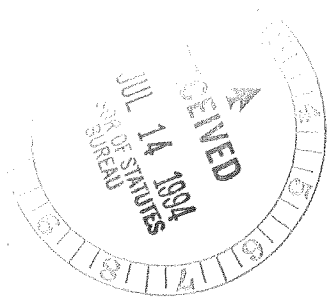
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STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )      SS

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. ER-17-92 was duly approved and adopted by this Department on May 26, 1994. 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 7th day of July, 1994.



*George E Meyer*  
George E. Meyer, Secretary

(SEAL)

10-1-94



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ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
CREATING RULES

IN THE MATTER of creating ch. NR 58  
of the Wisconsin Administrative Code  
pertaining to endangered resources  
small grants program

ER-17-92

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 20.370 (1) (fe), 71.10 (5) (a) 2 and 227.11 (2) (a),  
Stats.

Statutes interpreted: ss. 20.370 (1) (fe) and 71.10 (5) (a) 2, Stats.

Section 20.370 (1) (fe), Stats., establishes a fund to be used for the purposes of the endangered resources program as defined in s. 71.10 (5) (a) 2, Stats. The Endangered Resources Small Grants Program, administered by the bureau of endangered resources, will provide grants to individuals, nonprofit organizations, educational institutions and tribal and local government agencies in order to fund research, management and educational activities pertaining to Wisconsin's natural communities and rare flora and fauna.

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SECTION 1. Chapter NR 58 is created to read:

CHAPTER NR 58

Endangered Resources Small Grants Program

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

NR 58.02 APPLICABILITY. This chapter applies to all applicants for, and recipients of, grant awards made pursuant to s. 20.370 (1) (fe), Stats.

NR 58.03 DEFINITIONS. In this chapter:

- (1) "Applicant" means an individual or organization that submits an application for funding under this chapter.
- (2) "Bureau" means bureau of endangered resources.
- (3) "Department" means the department of natural resources.

(4) "Grant agreement" 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.

(5) "Grant period" means the period of time specified in the agreement during which all work funded by the grant shall be accomplished.

(6) "Indirect costs" 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.

(7) "Natural community" means a complex of flora, fauna and physical elements which is in, or close to being in, its pre-settlement condition.

(8) "Natural heritage inventory database" has the meaning specified in s. NR 51.22 (5).

NR 58.04 ELIGIBILITY FOR GRANT ASSISTANCE. (1) ELIGIBLE APPLICANTS.

The following applicants are eligible for a grant:

- (a) County, city, village, town and tribal governmental agencies;
- (b) Individuals;
- (c) Nonprofit organizations; and
- (d) Educational institutions.

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

(a) Identification, protection and management of native plant and animal species and natural communities.

(b) Enhancement and restoration of populations and habitats of rare and endangered species.

(c) Promotion of knowledge, appreciation and stewardship of Wisconsin's native species and ecosystems.

NR 58.05 ELIGIBLE AND INELIGIBLE COSTS. (1) ELIGIBLE COSTS. Those project costs which are consistent with the approved project scope, reasonable and necessary, and incurred during the grant period are eligible for grant funding. Eligible costs may include, but are not limited to any of the following:

- (a) Wages of personnel engaged in the project.
- (b) The purchase of supplies and equipment.
- (c) The costs of leased equipment and facilities.
- (d) Travel expenses - mileage, per diem and lodging.
- (e) Computer time and data processing.
- (f) Printing costs.

(2) 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:

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

NR 58.06 GRANT CONDITIONS. (1) DURATION. The grant period shall be determined by the following:

- (a) The grantee may not begin work described under the grant agreement until the grant agreement has been signed by the department and the grantee.
- (b) The grant period may not exceed 3 years.

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

(3) 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.

(4) PUBLICATIONS. The grantee shall:

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

(b) 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.

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

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

(7) LIABILITY OF STATE. The grantee shall execute and deliver a release discharging the state of Wisconsin, its officers, agents and employes 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.

NR 58.07 GRANT APPLICATION. (1) 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.

(2) CONTENTS. The application shall include:

(a) A project narrative, budget and appendices, in the format provided in the instructions; and

(b) For state employes only, a completed and approved outside employment form.

NR 58.08 GRANT SELECTION CRITERIA. Factors considered in awarding grants shall include but are not limited to the following:

(1) 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;

(2) The reasonableness of the budget for the project;

(3) The extent of the project will lead to increased useful, scientific knowledge based upon existing and anticipated research, management or educational activities;

(4) The extent to which the proposed project corresponds to the objectives stated in s. NR 58.04 (2);

(5) The extent to which the proposed project avoids negative impact on existing resources; and

(6) The extent to which the proposed methods would achieve the project objectives.

NR 58.09 GRANT AWARDS. (1) AWARD AMOUNT. No award may exceed \$10,000.

(2) GRANT PAYMENT. (a) 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. If desired, the grantee may receive 100% of the grant in accordance with par. (c).

(b) Interim payments. Interim payments shall be paid to the grantee based on the payment schedule in the grant agreement.

(c) 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 (2) and the final accounting of project expenditures.

(d) The grantee shall return any unexpended grant monies to the department within 60 days after expiration of the grant period.

NR 58.10 GRANT AGREEMENTS. 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 the following:

- (1) Cancellation of agreement;
- (2) Project objectives, methods and budget;
- (3) Schedule and procedures for payment of grant;
- (4) Ownership of equipment purchased with grant monies; and
- (5) Schedule and procedures for interim and final reports.

NR 58.11 REPORTS. (1) INTERIM REPORTS. 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.

(2) 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:

- (a) A project summary, methods, results and discussion where applicable;
- (b) Documentation of all project modifications that may have occurred, including an explanation of why modifications were necessary;
- (c) Documentation of all public information and educational activities which were conducted throughout the project;
- (d) Conclusions reached or products developed as a result of the project; and
- (e) An appendix that includes all references and supporting documents appropriate to the final report.

NR 58.12 GRANTEE ACCOUNTABILITY. (1) 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:

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

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

(c) 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.

(2) 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.

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.

NR 58.14 GRANT TERMINATION. (1) GENERAL. The department and a grantee may enter into an agreement to terminate the award at any time.

(2) JUSTIFICATION. The department may terminate the grant in whole or in part and the grant recipient shall return the grant amount received by the grantee if the department determines that:

(a) There has been no substantial progress made on the project by the grantee, without good cause;

(b) There is substantial evidence that the grant was obtained by fraud;

(c) There is substantial evidence of gross abuse or corrupt practices in the administration of the project; or



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

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

- (1) The award may be terminated under s. NR 58.14.
- (2) Program costs directly related to the noncompliance may be declared ineligible.
- (3) Other administrative and judicial remedies may be instituted as legally available and appropriate.
- (4) The department may seek recovery of some or all payments.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 26, 1994.

The rules 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 7/7/94

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E Meyer  
George E. Meyer, Secretary

(SEAL)

