

**SUBJECT:** Request Adoption of Board Order ER-39-07, the Endangered Resources Grants Programs Rule

**FOR:** MAY 2008 **BOARD MEETING**

**TO BE PRESENTED BY:** Heidi Nelson

**SUMMARY:**

The Department is amending the Endangered Resources Grant Programs administrative rule, ch. NR 58, Wis. Adm. Code, to add provisions establishing a grant program to provide financial assistance to the public, nongovernmental organizations, and public agencies to protect Species of Greatest Conservation Need and their habitat.

The State Wildlife Grants Program, funded through a grant from the U.S. Fish and Wildlife Service, will provide funding for projects that protect Species of Greatest Conservation Need and their habitat and implement the Wildlife Action Plan. The ultimate goal of the program is to prevent the decline of wildlife species to a point where they become endangered. Projects funded by this grant program will also help protect and restore important land and water resources, allow for the collection and evaluation of information necessary to be able to determine which wildlife species are in trouble, and support efforts to establish and maintain partnerships. By emphasizing a proactive approach, the State Wildlife Grants Program supports efforts to take action to protect declining wildlife species before they become too rare and costly to protect. Ch. NR 58, Wis. Adm. Code, "Endangered Resources Grants Programs," currently contains three subchapters: General Provisions, Endangered Resources Small Grants Program, and Landowner Incentive Program. Subchapter three, Landowner Incentive Program, will be renamed "Federal Grant Programs," and revised to include the State Wildlife Grants Program in addition to the current Landowner Incentive Program.

A public hearing was held on March 19, 2008 at the DNR's central office in Madison. The Department analyzed the comments made at the hearing and during the public comment period and amended the rule accordingly. The Department is requesting adoption of the Endangered Resources Grant Program rule, ER-39-07.

**RECOMMENDATION:** Adoption of the Endangered Resources Grants Program Rule, ER-39-07

**LIST OF ATTACHED MATERIALS:**

- |    |                                     |   |     |                                     |          |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/>            | Fiscal Estimate Required                              | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/>            | Attached |
| No | <input type="checkbox"/>            | Background Memo                                       | Yes | <input checked="" type="checkbox"/> | Attached |

**APPROVED:**

/s/	4/17/08
_____	_____
Bureau Director, Endangered Resources	Date
/s/	4/18/08
_____	_____
Administrator, Division of Land	Date
/s/	5/07/08
_____	_____
Secretary, Matt Frank	Date

- |                           |                    |                           |
|---------------------------|--------------------|---------------------------|
| cc: Laurie J. Ross - AD/5 | Erin Crain ER/6    | Jim Pardee OE/7           |
| Tim Andryk LS/5           | Tara Bergeson ER/6 | Conservation Congress (4) |
| Carol Turner LS/5         | Heidi Nelson ER/6  |                           |
| Randy Jurewicz ER/6       | Gail Fry MB/5      |                           |
| Rebecca Schroeder ER/6    | Eric Thompson MB/5 |                           |

DATE: April 14, 2008

TO: Natural Resources Board Members

FROM: Matthew J. Frank, Secretary

SUBJECT: Endangered Resources Grant Programs

The Department requests final board approval of the proposed amendments to ch. NR 58, The Endangered Resources Grants Program, to establish and implement a grant program to distribute a portion of the federal funds from the State Wildlife Grants Program to conservation partners. The State Wildlife Grants Program, funded through annual Congressional appropriations and administered by the U.S. Fish and Wildlife Service, provides federal money to Wisconsin for cost-effective conservation aimed at preventing wildlife from becoming endangered. The Department is amending the Endangered Resources Grants Program administrative rule, ch. NR 58, Wis. Adm. Code, to establish a grant program that will provide financial assistance to the public and non-governmental organizations as well as public agencies for projects that protect Species of Greatest Conservation Need (SGCN) and their habitats and implement the Wildlife Action Plan.

#### **Rule Summary**

The Department receives federal State Wildlife Grant funds through the U.S. Fish and Wildlife Service to develop and implement Wisconsin's Wildlife Action Plan. One of the important components of the program is the development of partnerships. One way to help establish and encourage partnerships is to provide funds to those who are working on projects and actions identified in the plan. This amendment will enable the Department to give grants to our conservation partners.

The current administrative rules for Endangered Resources Grants Program, ch. NR 58, Wis. Adm. Code, are intended for grants to fund research, management and educational activities pertaining to Wisconsin's rare flora and fauna and natural communities and to fund grants under the Landowner Incentive Program. The purpose of ch. NR 58, as currently written, is too broad to apply to the distribution of State Wildlife Grant funds. For the proposed grant program to be in accordance with U.S. Fish and Wildlife Service's goals for the program, the Department proposes to amend ch. NR 58 by revising subchapter III to include this new program. Subchapter III, currently "Landowner Incentive Program," will be renamed "Federal Grant Programs," and revised so that it includes both the grant program funded by federal State Wildlife Grant funds and the current Landowner Incentive Program.

The proposed subchapter amendment is intended to establish this new program and help implement Wisconsin's Wildlife Action Plan. The plan identifies Species of Greatest Conservation Need (SGCN), their habitats, and priority conservation actions that are needed to keep these species from becoming endangered or improve their condition to a point where they are not considered endangered anymore. Wisconsin's Wildlife Action Plan was approved by the Natural Resources Board in August 2005 and by the U.S. Fish and Wildlife Service in September 2005. The new grant program will provide a 50- to 100-percent cost share to landowners, nonprofit conservation organizations, individuals, and other agencies that meet the criteria of the program and are implementing conservation actions in the plan.

## **Background**

United States laws and policies place the primary responsibility for wildlife management in the hands of the states. State fish and wildlife agencies have a long history of success in conserving game species, thanks to dedicated funding from hunter and angler license fees and federal excise taxes; regulations that protect species; and partnerships with private conservation-minded organizations and citizens and conservation agencies at all levels of government. Conservation efforts funded by these programs have traditionally focused on the protection of and restoration of habitats used by species that are hunted, trapped, or fished. At the same time many nongame species, including many rare species, have benefited tremendously from the forests, savanna, grasslands, and wetlands that have been protected and restored by conservation organizations and agencies over the years.

In addition to these traditional conservation funding sources, there has been some funding from the federal and state governments to protect and restore Endangered and Threatened species and their habitats. Wisconsin also relies on donations to fund a considerable amount of work on endangered resources. Many game species and other nongame species also benefit from efforts to protect various rare species and their habitats.

Despite the ongoing efforts to maintain wildlife populations and biological diversity, the Endangered and Threatened species list continues to grow and the number of species not yet listed but with seriously declining populations has grown significantly over the last thirty years. Once species decline to the point where they are classified as Endangered or Threatened, significant funding is generally required to protect remaining populations and their habitats and to work to restore both to a healthy, viable state. Recognizing the need to take action to prevent wildlife decline, more than 3,000 groups across the country came together as the Teaming With Wildlife coalition. This coalition includes wildlife managers, conservationists, hunter, trappers, anglers, businesses, and many others who support the goal of restoring and conserving our nation's wildlife. The coalition encouraged Congress to develop a program to address this funding gap and continues to work with Congress to maintain its commitment to conservation of all wildlife.

To initiate a proactive approach and protect species before serious declines occur, Congress authorized the U.S. Fish and Wildlife Service to implement a new program to fill the funding gap. The State Wildlife Grant program provides federal funding to every state and territory to conserve its wildlife species of greatest conservation need. It is the only federal program that provides substantial funding to address this issue in every state. Congress directed that priority for the use of these funds should be placed on those species of greatest conservation need, taking into consider the relative level of funding available for the conservation of those species.

In order to make the best use of the SWG program, Congress charged each state and territory with developing a statewide wildlife action plan. These proactive plans identify Species of Greatest Conservation Need and their habitats and outline the steps needed to conserve all wildlife and vital natural areas for future generations. The Natural Resources Board approved Wisconsin's Wildlife Action Plan in August 2005. The proposed SWG program administrative rule will help implement the Plan by providing grants for projects that protect Species of Greatest Conservation Need and their habitats. The new grant program will enable the Department to provide direct financial assistance to conservation organizations, governmental agencies, universities and colleges and private individuals to aid them in managing and restoring habitat for SGCN.

## **Results of Hearing and Public Comment Period**

The Natural Resources Board approved the Department's request to go to hearing on the proposed rule at its January 2008 meeting. A public hearing on the proposed rule was held on March 12, 2008. One written comment was received prior to the hearing, and one testimony was recorded at the hearing. The deadline for written comments was March 19, 2008. No written comments were received following the hearing. Both comments received relate to SWG grant selection process and criteria, and SWG priority setting. This relates primarily to two sections of the proposed rule, ch. NR 58.35 (1) Grant Selection Process and ch. NR 58.34 (3) Grant Program Special Emphasis.

In response to the comments received, the Department proposes to change the original language in ch. NR 58.34 (3). The original rule language allowed special emphasis to be placed, on an annual basis, on one or more species or natural communities if designated in the application materials. This section will now be expanded to also include potential special emphasis on specific geographic areas. The current language of ch. NR 58.35 (1) was considered sufficient to address the comments submitted.

## **Environmental Analysis**

The Office of Energy has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

## **Initial Flexibility Analysis**

The revision to ch. NR 58, Wis. Adm. Code, pertains to rules for providing grants to public agencies, non-governmental organizations, educational institutions, and private individuals for projects that protect Species of Greatest Conservation Need and their habitats. These rules are applicable to owners of public or private property and impose no compliance or reporting requirements for small businesses. There are no design or operation standards contained in the rule. Therefore, under s.227.19(3m), Stats., a final regulatory flexibility analysis is not required.

### Fiscal Estimate — 2007 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated  <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number  Bill Number	Amendment Number if Applicable  Administrative Rule Number NR 58
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**Subject**  
 Proposed State Wildlife Grant Program administrative rule

**Fiscal Effect**

State:  No State Fiscal Effect  
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

Increase Costs — May be possible to absorb within agency's budget.

Yes     No

Decrease Costs

Local:  No Local Government Costs  
 Indeterminate

1.  Increase Costs  
 Permissive     Mandatory  
 2.  Decrease Costs  
 Permissive     Mandatory

3.  Increase Revenues  
 Permissive     Mandatory  
 4.  Decrease Revenues  
 Permissive     Mandatory

5. Types of Local Governmental Units Affected:  
 Towns     Villages     Cities  
 Counties     Others  
 School Districts     WTCS Districts

**Fund Sources Affected**

GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Chapter 20 Appropriations**

20.370(1)(my) and 5 (cy)

**Assumptions Used in Arriving at Fiscal Estimate**

The U.S. Fish and Wildlife Service (USFWS) is providing funding for states through the State Wildlife Grants Program. The program requires the Department to provide a 25% match for planning projects and a 50% match for implementation projects.

The Department currently has a grant agreement with USFWS for federal funding of \$1,806,196 over a two year period. Of this amount, an estimated \$1,079,924, or \$539,962 annually will be used for administrative, development and implementation costs of the program (\$434,962 salary and fringe benefit costs, and \$105,000 in other state operations costs annually). With the proposed rule amendment, the Department will establish and implement Wisconsin's State Wildlife Grants Program to provide funding through a grant process to governmental agencies, educational institutions, nonprofit organizations and individuals. Funding will be used to protect Species of Greatest Conservation Need and their habitats and help implement the Wildlife Action Plan. Total funding for grants is estimated to be \$726,272 over the 2-year period, or \$363,136 annually.

The grants may include a match of up to 50% by grantees which is expected to cover much of the state match for the federal grant. The remaining state match will be provided through: 1) existing staff time spent on administration of the State Wildlife Grants Program, including outreach and assistance to grant applicants, 2) existing staff time spent on projects to protect Species of Greatest Conservation Need and their habitats, and 3) a land bank that was established specifically for the purpose of helping match the federal State Wildlife Grant. State matching costs are indeterminate and not identified here, but are within existing budgets that may be re-directed to support grant activities.

**Long-Range Fiscal Implications**

None

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	

## Fiscal Estimate — 2007 Session

### Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 58

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Assumptions Used in Arriving at Fiscal Estimate – Continued

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**Fiscal Estimate Worksheet — 2007 Session**  
 Detailed Estimate of Annual Fiscal Effect

Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 58

Subject  
 Proposed State Wildlife Grant Program administrative rule

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):  
 None

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations — Salaries and Fringes		\$ 434,962	\$ -
(FTE Position Changes)		( FTE )	(- FTE )
State Operations — Other Costs		105,000	-
Local Assistance			-
Aids to Individuals or Organizations		363,136	-
<b>Total State Costs by Category</b>		\$ 903,098	\$ - 0
<b>B. State Costs by Source of Funds</b>		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED		903,098	-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED		903,098	-
PRO/PRS			-
SEG/SEG-S			-
<b>Total State Revenues</b>		\$ 0	\$ - 0

**Net Annualized Fiscal Impact**

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ 903,098	\$ 0
Net Change in Revenues	\$ 903,098	\$ 0

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature	Telephone No. 266-2794	Date (mm/dd/ccyy)

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
RENUMBERING, AMENDING, REPEALING AND RECREATING, AND CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to renumber NR 58.32 (6), (7), (11), and (12); to renumber and amend NR 58.31, 58.32 (1), (2), and (8), and 58.34 (2); to amend NR 58.30, 58.32 (note), 58.33 (title), (1) (intro.), and (2) (title), 58.34 (1), 58.35 (1) and (2) (intro.), 58.36, 58.37, and 58.38; to repeal and recreate subchapter III (title) of chapter NR 58; and to create NR 58.31 (2), 58.32 (1) and (11), 58.33 (3), 58.34 (2), 58.35 (3), and 58.38 (1) to (4), relating to the implementation and administration of grants for endangered resources.

ER-39-07

Analysis Prepared by Department of Natural Resources

**Statutes Interpreted:** In promulgating this rule, s. 227.11, Stats., has been interpreted as allowing the Department of Natural Resources (DNR) the authority to develop rules to establish and implement grant programs. Section 23.09 (2), Stats. has been interpreted to allow the DNR to preserve rare species.

The purpose of the federal statutes authorizing the State Wildlife Grants Program (SWG) is to provide federal money to states for cost-effective conservation aimed at preventing wildlife from becoming endangered. Projects supported by this program protect and restore important lands and waters, collect information on what kinds of wildlife are in trouble, and develop partnerships to protect declining species and habitats on public and private lands. By emphasizing a proactive approach, the SWG helps us take action to protect wildlife and habitats before they become too rare and costly to protect.

**Statutory Authority:** The federal statutes that authorize the promulgation of the rule for the SWG include 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; 16 U.S.C. Sections 4601-4 to 4601-11. The state statutes that authorize the promulgation of this rule include ss. 23.09 (2) and 227.11, Stats.. These sections grant rule-making authority to the DNR to establish and implement endangered species grant programs.

**Explanation of Agency Authority:** The DNR receives annual funding from the U.S. Fish and Wildlife Service to develop the SWG. SWG was authorized by Congress to provide technical and financial assistance to individuals and organizations that are willing to partner with their states to maintain and enhance habitat for Species of Greatest Conservation Need (SGCN). These animal species (birds, fish, mammals, insects, and crustaceans), which are identified by each state, include state and federally-listed species and other species with small and/or declining numbers in the state.

**Related Statute or Rule:** ch. 50, Wis. Admin. Code, Administration Of Outdoor Recreation Program Grants And State Aids, is similar to this proposed rule in that it establishes procedures for implementation of various aids programs administered by the DNR.

**Plain Language Rule Analysis:** The current administrative rules for Endangered Resources Grant Programs, ch.NR 58, Wis. Adm. Code, are intended for grants to fund research, management and educational activities pertaining to Wisconsin's rare flora and fauna and natural communities, and to fund grants under the Landowner Incentive Program. The purpose of ch.NR 58, as currently written, is too broad to apply to SWG. For SWG to be in accordance U.S. Fish and Wildlife Service's goals for the program, the DNR proposes to amend ch.NR 58 by revising subchapter III to include this new program.

The proposed SWG subchapter amendment is intended to establish this new program, which is funded by the U.S. Fish and Wildlife Service. The SWG is intended for management, restoration, protection of land, and other activities to benefit SGCN and their habitat. SGCN are identified by Wisconsin's Wildlife Action Plan (WAP) and include species listed as endangered, threatened, and candidate or special

concern at the state or federal level. The new program will provide a 50% to 100% cost share to agencies, landowners, and organizations who meet the criteria of the program.

The biggest threat facing most SGCN is loss or degradation of habitat. Habitat supporting rare species has been and continues to be converted to other land uses such as crop production, pasture, or development. Invasion by shrubs and trees due to lack of fire in the prairie and savanna habitats and the spread of other invasive species in both proposed program areas has degraded habitat for rare species. Fragmentation has also made rare species populations more susceptible to disturbance and reduced the ability of those populations to rebound after natural disturbances. Without addressing this habitat loss and degradation, populations of SGCN are expected to decline.

SGCN are defined in Wisconsin's WAP, which has been approved by the U.S. Fish and Wildlife Service. The WAP is a statewide effort to identify the animal species (including invertebrates) that are of greatest conservation need. The SGCN list includes all of the animal species currently listed as threatened or endangered in Wisconsin or at the federal level, and it also includes many more species that often "fall between the cracks" for funding and conservation attention. The resulting WAP presents priority conservation actions to protect the species and their habitats and will play the fundamental role in guiding the SWG.

Although Wisconsin has a number of programs for land managers, few of these specifically target SGCN. For instance, the DNR turkey and pheasant stamp cost-share programs may tangentially benefit SGCN, but this is not their primary goal. The DNR forest stewardship program includes endangered and threatened species as a component of their program, but this component is not currently funded. In addition, many Natural Resources Conservation Service (NRCS) programs are based on set distances from a stream rather than the habitat needs of SGCN. NRCS's Wildlife Habitat Incentive Program and the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife do focus directly on rare species, but are limited by funding. Wisconsin's WAP has developed works to complement these programs without duplicating their efforts.

The proposed change to ch.NR 58 will establish the SWG and will enable the DNR to provide direct financial assistance to environmental organizations, governmental agencies, universities and colleges and private individuals to aid them in managing and restoring habitat for SGCN.

**Summary of, and Comparison with, Existing or Proposed Federal Regulations:** The federal rule establishes the federal SWG, but there are no federal rules because the grants are administered by the states. The proposed state rules do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations.

**Comparison with Rules in Adjacent States:** The proposed rule changes are non-controversial in nature and do not represent policy or significant changes that differ from surrounding states. Other states in the Midwest that have SWG grants from U.S. Fish and Wildlife include Illinois, Iowa, Michigan, Minnesota, Missouri, and Ohio. These states do not have administrative rules pertaining specifically to SWG. Michigan, however, was considering developing rules.

**Summary of Factual Data and Analytical Methodologies:** The proposed rule changes are based solely on the need to establish SWG and to create the mechanism to enable the DNR to provide funds to partners through a grant process.

**Analysis and Supporting Documents Used to Determine Effect on Small business or In Preparation of Economic Impact Report:** No information included

**Agency Contact Person:** Randle Jurewicz, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921. (608) 267-7507, randle.jurewicz@wisconsin.gov

**Place where comments are to be submitted and deadline for submission:** The deadline for written comments was March 19, 2008. Comments were submitted to Heidi Nelson heidi.nelson@wisconsin.gov, or at the following internet site: <http://adminrules.wisconsin.gov>

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**Section 1.** NR 58, subch. III (title) is repealed and recreated to read:

**Subchapter III – Federal Grant Programs**

**Section 2.** NR 58.30 is amended to read:

**NR 58.30 Purpose.** The purpose of this subchapter is to establish rules for the implementation and administration of a grant ~~program~~ 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.

**Section 3.** NR 58.31 is renumbered NR 58.31(1) and, as renumbered, is amended to read:

**NR 58.31 Applicability.** (1) This subchapter applies to all applicants for, and recipients of, grant awards made under the landowner incentive program and the state wildlife grants program. ~~The landowner incentive program was~~ 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. 4601-4 to 4601-11.

**Section 4.** NR 58.31(2) is created to read:

**NR 58.31(2)** Funds from the following sources may be distributed by grant programs covered under this subchapter:

(a) 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: "*Sec. 1240N. Wildlife Habitat Incentive Program*"

(b) Department budget appropriation 116, s. 20.370(1)(fe), Stats., general purpose revenue match.

(c) Department budget appropriation 163, s. 20.370(1)(fs), Stats., checkoff, license plate, and miscellaneous revenue.

(d) Department budget appropriation 161, s. 20.370(1)(mu), Stats., fish and wildlife account.

(e) Department budget appropriation 137, s. 20.370(1)(lk), Stats., gaming revenue

(f) Department gift money under s. 20.370(1)(gr), Stats., expressly designated for the purpose of grant awards

**Section 5.** NR 58.32(1), (2), (6) to (8), (11) and (12) are renumbered NR 58.32(2), (14), (7), (8), (6), (12) and (13), respectively, and subs. (2), (6) and (14), as renumbered, are amended to read:

**NR 58.32(2)** "At-risk species" 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.

**(6)** "~~Program~~" "LIP" means the landowner incentive program.

**(14)** "~~Comprehensive wildlife conservation plan~~" "Wisconsin wildlife action plan" 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.

**Section 6.** NR 58.32(1) and (11) are created to read:

**NR 58.32(1)** "Advisory team" refers to the state wildlife grant program advisory team created in s. NR 58.33 (3).

**(11)** "SWG" means the state wildlife grants program.

**Section 7.** NR 58.32 (Note) is amended to read:

**Note:** Copies of the ~~Comprehensive Wildlife Conservation Plan~~ Wisconsin wildlife action plan (also known as the comprehensive wildlife conservation plan) and the Wisconsin Natural Heritage inventory (NHI) Working List are available from the Bureau of Endangered Resources, Department of Natural Resources, P.O. Box 7921, Madison, WI 53707. ~~Wisconsin natural heritage~~ 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.

**Section 8.** NR 58.33(title), (1)(intro.) and (2)(title) are amended to read:

**NR 58.33(title) ~~Landowner incentive program~~ Program guidance / Advisory team.** (1) CREATION; COMPOSITION. (intro.) ~~Department landowner incentive program staff~~ For each grant program, department staff shall assemble a guidance or advisory team which may include representatives of the following groups:

(2) (title) ROLE OF THE LIP GUIDANCE TEAM.

**Section 9.** NR 58.33(3) is created to read:

**NR 58.33(3)** ROLE OF THE SWG ADVISORY TEAM. The team shall make recommendations to department program staff to fund proposals.

**Section 10.** NR 58.34(1) is amended to read:

**NR 58.34 (1)(title) 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.

**Section 11.** NR 58.34(2) is renumbered NR 59.34(3) and, as renumbered, is amended to read:

**NR 58.34(3) (title) GRANT PROGRAM SPECIAL EMPHASIS.** Special emphasis may be placed, on an annual basis, on one or more geographic areas, species, at-risk or natural communities targeted by the grant program if designated in the application. The grant program guidance or advisory team and department program staff ~~shall~~ may develop special emphasis based on gaps in existing funding for at-risk species work on private land and the need for protection of habitat of at-risk species based on threats to their habitat.

**Section 12.** NR 58.34(2) is created to read:

**NR 58.34(2)** 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.

**Section 13.** NR 58.35(1) and (2)(intro.) are amended to read:

**NR 58.35 Grant selection process. (1)** ~~A subcommittee of the~~ 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.

**(2)(intro.)** In addition to the grant selection criteria in s. NR 58.08, factors considered in ranking LIP grant proposals include ~~but are not limited to~~ any of the following:

**Section 14.** NR 58.35(3) is created to read:

**NR 58.35(3)** In addition to the grant selection criteria in s. NR 58.08, factors considered in ranking SWG grant proposals include any of the following:

- (a) The extent to which the proposal furthers the objectives as stated in the application materials.
- (b) The degree to which the project complements other efforts and makes efficient use of all other available funding sources.
- (c) 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.
- (e) 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.
- (f) 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.
- (g) Proposals that provide cost sharing.

**Section 15.** NR 58.36 is amended to read:

**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.

**Section 16.** NR 58.37 is amended to read:

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

**Section 17.** NR 58.38 is amended to read:

**NR 58.38 Grant conditions.** In addition to the conditions listed in s. NR 58.06, ~~the grant period may not exceed 3 years.~~ all of the following grant conditions apply to program grants:

**Section 18.** NR 58.38 (1) to (4) are created to read:

**NR 58.38(1) DURATION.** The grant period may not exceed 3 years.

**(2) PUBLICATIONS.** The grantee shall do all of the following:

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

(b) 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.

**(3) 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.

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

**Section 19.** EFFECTIVE DATE. This 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.

**Section 20.** BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on \_\_\_\_\_.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Matthew J. Frank, Secretary

(SEAL)