

SUBJECT: Authorization to hold a hearing on the Endangered Resources Grants Programs, ER-39-07

FOR: JANUARY 2008 **BOARD MEETING**

TO BE PRESENTED BY: Tara Bergeson, Wildlife Action Plan Implementation Coordinator

SUMMARY:

The Department is amending the Endangered Resources Small Grants 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 that implement the Wildlife Action Plan. The ultimate goal of the program is to prevent the decline of wildlife species to a point where they are 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.

RECOMMENDATION: Authorization to hold a hearing on the Endangered Resources Grants Program, 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/	12/4/07
_____	_____
Bureau Director,	Date
/s/	12/6/07
_____	_____
Administrator,	Date
/s/	12/18/07
_____	_____
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: November 26, 2007

TO: Natural Resources Board Members

FROM: Matthew J. Frank, Secretary

SUBJECT: Endangered Resources Grant Programs

The Department requests authorization for a public hearing to amend ch. NR 58, The Endangered Resources Grants Program, to include administrative rules to establish and implement the State Wildlife Grants Program. 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 Small 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 and their habitats and implement the Wildlife Action Plan. The amendments to ch. NR 58 are being proposed to enable the Bureau of Endangered Resources to distribute State Wildlife Grant funds to individuals and organizations

The overall goal of the State Wildlife Grants Program is to help implement the Wildlife Action Plan by providing cost sharing grants for projects that prevent wildlife from declining to the point of being endangered. Additionally, 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. By emphasizing a proactive approach, the State Wildlife Grants Program helps us take action to protect wildlife and habitats before they become too rare and costly to protect.

Rule Summary

The Bureau of Endangered Resources received funding from the U.S. Fish and Wildlife Service to develop the foundation of the State Wildlife Grants Program (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.

The current administrative rules for Endangered Resources Small 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 SWG. For the SWG program to be in accordance 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 State Wildlife Grants Program and the current Landowner Incentive 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 program 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), which was approved by the U.S. Fish and Wildlife Service in September 2005. The Species of Greatest Conservation Need (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 WAP presents priority conservation actions to protect the species and their habitats and will play the fundamental role in guiding the SWG program. The new program will provide a 50% to 100% cost share to agencies, landowners, and organizations who meet the criteria of the program.

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 the support of hunter and angler license fees and federal excise taxes. But 90 percent of our Nation's wildlife is not hunted or fished. As a result, there is a serious gap in wildlife conservation funding, and thousands of species are falling through the cracks.

State Wildlife Grants help fill that gap by supporting projects that prevent *all wildlife* from declining to the point of being 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 with landowners to protect declining species and habitats on public and private lands. By emphasizing a proactive approach, the SWG program helps us take action to protect wildlife and habitats before they become too rare and costly to protect.

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 many habitats has degraded habitat for SGCN. Fragmentation has also made SGCN 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.

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 September 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 SWG program saves taxpayer dollars. Taking action to conserve wildlife before it becomes endangered is environmentally sound and fiscally responsible. Once a species declines to the point of potential extinction, recovery efforts become risky and expensive. A non-federal match requirement assures local ownership and leverages state and private funds to support conservation. In an era of tight budgets, the SWG program represents how limited federal funds can be invested to get the most results for taxpayers.

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 complements these programs without duplicating their efforts.

The proposed change to ch.NR 58 will establish the SWG program, and will enable the Department 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.

This program will be of interest to public agencies, non-governmental organizations, educational institutions and private individuals throughout the state who may receive grants through this program to protect Species of Greatest Conservation need and their habitats.

Rule Development

These rules were developed with the assistance of the Bureau of Endangered Resources, Legal Services and with input from the SWG technical review team and additional partner organizations. The SWG technical review team was comprised of representatives from U.S. Fish and Wildlife, Natural Resources Conservation Service, Wisconsin Society for Ornithology, We Energies, Trout Unlimited, UW-Stevens Point, Madison Audubon Society, The Nature Conservancy, and the following Department Programs: Forestry, Wildlife Management, Science Services and West Central Region. Input was also received from WI Association of Lakes, Milwaukee Public Museum, U.S. Forest Service, Gathering Waters Conservancy, Ruffed Grouse Society and UW-Madison Department of Wildlife Ecology.

The rule e-mail address is Tara.Bergeson@wisconsin.gov.

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 not any 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
---	-------------------------------	---

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

Assumptions Used in Arriving at Fiscal Estimate – Continued

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
A. State Costs by Category			
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	-
Total State Costs by Category		\$ 903,098	\$ - 0
B. State Costs by Source of Funds		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			-
Total State Revenues		\$ 0	\$ - 0

Net Annualized Fiscal Impact

	State	Local
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); 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 ch. NR 58, subch. III (title); and to create NR 58.31(2), 58.32(1) and (11), 58.33(3), 58.34(2), 58.35(3) and 58.38(2) to (4) relating to the implementation and administration of grants for Endangered Resources.

ER-39-07

Analysis Prepared by Department of Natural Resources

Statutory Authority: The federal statutes that authorize the promulgation of the rule for the State Wildlife Grants Program 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 through 11. The state statutes that authorize the promulgation of this rule include Section 23.09 (2), Stats., and Section 227.11, Stats.. These sections grant rule-making authority to the department to establish and implement endangered species grant programs.

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

The purpose of the federal statutes authorizing the State Wildlife Grants Program 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 State Wildlife Grants Program helps us take action to protect wildlife and habitats before they become too rare and costly to protect.

Plain Language Rule Analysis: The Bureau of Endangered Resources received funding from the U.S. Fish and Wildlife Service to develop the foundation of the State Wildlife Grants Program (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 rare animals (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.

The current administrative rules for Endangered Resources Small 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 SWG. For SWG to be in accordance 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.

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 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 SGCN are expected to decline.

SGCN are defined in Wisconsin's Wildlife Action Plan (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 Species of Greatest Conservation Need (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 program.

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 Department 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.

Federal Regulatory Analysis: The federal rule establishes the federal State Wildlife Grants Program 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.

State Regulatory Analysis: 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 mid-west 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: The proposed rule changes are based solely on the need to establish SWG and to create the mechanism to enable the department to provide funds to private landowners through a grant process.

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 is to be determined. Comments may be submitted to Mr. Jurewicz or they may also be electronically submitted at the following internet site: <http://adminrules.wisconsin.gov>

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 Sections 4601-4 through 11.

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

NR 58.31(2) In addition, 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), 97), (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~~ Wisconsin's 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 natural heritage inventory 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 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 but are not limited to 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:

(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 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)