

The Department of Natural Resources (DNR) is seeking public input on our proposal to revise program guidance originally created for the Motorized Stewardship grant program.

**Why Are We Making This Change?** DNR grant managers recently noticed that the original program guidance is silent about the requirements for fee simple land acquisition. Since fee simple land acquisition is an eligible component of a snowmobile, ATV, or UTV project, it is likewise an eligible component under the Motorized Stewardship grant program. We have updated the Motorized Stewardship Program Guidance to reflect this.

**Background.** The *2013-2015 Biennial Budget* (effective July 2, 2013) made it possible for the Department of Natural Resources (DNR) to award Stewardship Program funds as grants for snowmobile, all-terrain vehicle (ATV), and utility terrain vehicle (UTV) trail projects. We collectively refer to this new funding source as “Motorized Stewardship”.

To provide consistency and transparency, the DNR developed program guidance for the Motorized Stewardship grant program. Public comments on the draft program guidance were collected between July 24 and August 14, 2013. Soon thereafter, the DNR posted the final Motorized Stewardship program guidance on a web page created specifically for this program: <http://dnr.wi.gov/Aid/MotorStew.html>

**Summary of Proposed Changes.** New text regarding land acquisition projects –

- Prohibition on use of eminent domain (condemnation)
- Project Start Dates
- Use of Appraisals
- Use of DNR appraisal procedures
- When is second appraisal required
- Role of DNR Appraisal Reviewers
- Notice to governing body of the municipality where the subject property is located
- Nature-based outdoor activities (NBOAs)
- DNR staff analysis of NBOAs
- Natural Resources Board approval of NBOA prohibitions
- Signage requirements
- Project approval by Joint Committee on Finance
- Additional requirements the DNR must undertake

**Remaining Steps.** Once the 21-day comment period is complete, all comments will be considered, revisions will be made to the guidance documents as needed, then both the Response Summary and Final Guidance will be made available using the existing DNR Program Guidance web page <http://dnr.wi.gov/news/input/guidance.html>.

<b>Please forward comments about proposed revisions to the Motorized Stewardship program guidance by March 20, 2015, to:</b>	<b>Name</b> Diane Conklin	<b>Phone</b> (715) 822-8583
	<b>E-mail address:</b> <a href="mailto:DNRCFAGrants@wisconsin.gov">DNRCFAGrants@wisconsin.gov</a>	

## Revised Program Guidance: Motorized Stewardship Grant Program

1. The Motorized Stewardship Program is implemented under the following laws:
  - Section NR 50.09, Wis. Adm. Code - Snowmobile grant projects
  - Ch. NR 64, Wis. Adm. Code - All-terrain vehicle (ATV) and utility terrain vehicle (UTV) grant projects
  - Sections 23.33(9)(bd), 23.0917, 23.0916, 23.09165, and 350.12(4), Wis. Stats.
  - Ch. NR 52, Wis. Adm. Code – Land Access for Stewardship assisted acquisitions
2. The maximum cost-share percentage allowed under the Motorized Stewardship program is 80% of eligible project costs. Project sponsors are responsible for a 20% match. The match must come from non-state and non-federal sources. Volunteer labor, equipment, and donations of same are not eligible as match. If project sponsor is a local government, then local expenditures related to the project (labor, equipment, and materials – also called “force account”) are eligible to be used as match.
3. The Snowmobile Recreational Council will continue in its advisory role to the Department on policies related to the awarding of Motorized Stewardship grants for snowmobile projects.
4. The Off-Road Vehicle Council will continue in its advisory role to the Department on policies related to the awarding of Motorized Stewardship grants for ATV and UTV projects.
5. To be considered for Motorized Stewardship grant funding, snowmobile and ATV/UTV grant applications have postmark submission deadline of April 15<sup>th</sup> each year.
6. All traditional Snowmobile and ATV/UTV grants (up to 100% grant funding) will be awarded each year before Motorized Stewardship funding (up to 80% grant funding) is considered.
7. Grantee must obtain written agreement(s) from private landowner that allows snowmobile and/or ATV/UTV trails on private lands for minimum 5 years duration. Section NR 64.14 (5)(c)1., Wis. Adm. Code, reads as follows: *All local units of government, state and federal agencies shall certify to the department that easements, leases, permits or other appropriate agreements secured grant public access and use of the land for all-terrain vehicles. The local units, state or federal agencies shall maintain a current file of all easements, leases or permits which include the name of the property owner, description of the property, duration of the lease, easement or permit, and amount to be paid for the lease, easement or permit.*
8. Project components have an established useful life as follows:
  - a. Trail rehabilitation – 5 years
  - b. Bridges -10 years
  - c. Capital improvements (support facilities, trailhead) – 20 years
  - d. Land acquisition – perpetual
9. Land Acquisition Projects –
  - a. If eminent domain (condemnation) was used to secure project property, Motorized Stewardship grant funds cannot be used to reimburse any land acquisition or development costs.
  - b. Property acquisition and development projects may not begin prior to the project period start date except as provided in s. NR 51.907 (1)(b) for retroactivity of land acquisition costs and s. NR 51.907 (2)(a)4. for retroactivity of engineering and planning fees.
  - c. Preliminary current market value of the property to be purchased with grant funding is determined by private appraisal. The appraisal must be ordered by the project sponsor; appraisals provided by the seller cannot be considered. Before ordering an appraisal, project sponsor should contact the appropriate DNR grant specialist for guidance. Project sponsors must submit appraisals to the DNR along with grant application and by the April 15<sup>th</sup> application submission deadline. Appraisals prepared more than one year before

the date submitted to the DNR cannot be considered until amended to reflect current conditions. Cost of appraisals or appraisal amendments is eligible for reimbursement under the grant (up to 80% share).

- d. Land acquisition projects must be completed in accordance with land acquisition and appraisal procedures defined in Wisconsin Statutes as well as other related state and federal requirements.
- e. Any land acquisition that will use grant funds in excess of \$350,000 per property will require a second appraisal that is ordered by the DNR. For any project where grant request is expected to be in excess of \$350,000, the sponsor needs to contact the DNR Grant Specialist as soon as possible so that the second appraisal can be ordered as quickly as possible after the award decision is made.
- f. DNR Appraisal Reviewers evaluate the methodology that private appraisers use to determine value for subject properties. The final grant award amount is based on property value as certified by DNR Appraisal Reviewer, allowable associated costs, available funds, and recommendation of the appropriate Advisory Council.
- g. Project sponsors proposing acquisition that lies outside the sponsor's municipal boundary must receive approval, by resolution, from the governing body of the municipality where the subject property is located and must submit that resolution to the DNR along with the Motorized Stewardship grant application by the April 15<sup>th</sup> deadline.
- h. All property acquired with Motorized Stewardship funds must allow public access for nature-based outdoor activities. Nature-based outdoor activities (NBOAs) are defined as hunting, fishing, trapping, hiking, and cross-country skiing. Sponsors must submit completed Form 8700-322 *Public Access and Use* and copies of any ordinances or policies that restrict or prohibit any of the five NBOAs at the same time that a Motorized Stewardship grant application is submitted.



8700-322 Access  
8-2014 (Appendix I).i

- i. The Department will evaluate public access and allowed NBOAs on every parcel proposed for acquisition using Motorized Stewardship funds, using the attached *Staff Analysis Form*. If a prohibition or restriction is proposed, the Public Safety Team, consisting of DNR conservation wardens and grants staff, will review the proposed prohibition or restriction for consistency with Wisconsin Statutes.



nboa staff analysis  
8-12.docx



Public Safety Team  
Analysis.doc

- j. Per Wis. Stats., any prohibition or restriction to the five NBOAs must be necessary to protect public safety or unique plant and animal communities. If the prohibition or restriction meets these requirements when reviewed by the Public Safety Team and Department, the land acquisition project will need final approval by the Natural Resources Board prior to a grant being offered. See the attached flowchart and approximate length of time for each step.



Stew grant  
Acquisition Flowchart

- k. All property acquired with Motorized Stewardship funds must be signed according to s. 23.09165, Wis. Stats. The cost of developing and installing signs are grant eligible. These signs must convey information about what activities are allowed on the land and must:
- Give notice that Stewardship funds were used in acquisition of the property.
  - Be posted at major access points on the property.
  - List either the primary activities restricted or prohibited or the primary activities allowed on the land.
  - Be of durable material and at least 108 square inches in size.
  - Include contact information or a website address of the property manager on the sign if property is larger than 10 acres.
- l. Projects receiving \$250,000 or more of Stewardship Program funds must be approved by the Joint Committee on Finance (JCF) using the 14-business day passive review process identified in s. 23.0917(6m), Wis. Stats. Using application and other materials provided by the project sponsor, the DNR will develop and submit project requests to JCF.
- m. Additional Requirements related to land acquisition that the DNR must undertake --
- The DNR is required to provide written notification of a proposed land acquisition to each city, village, town, or county in which the land is located. A city, town, village, or county may adopt a non-binding resolution that supports or opposes the proposed acquisition using Stewardship funding. A copy of the resolution must be sent to the Department within 30 days of notification. The Department shall take the resolution into consideration before approving or denying a grant request.
  - The DNR is required to submit copies of all appraisals used in determining the current market value of a parcel to be acquired using Stewardship Program funds to the clerk in the jurisdiction in which the property is located within 30 days of a grant offer.
  - The DNR must identify all parcels purchased with Stewardship Program grant funds on the Department's interactive mapping tool. Access to the mapping tool is through the DNR website.
  - The DNR must identified all property purchased with Stewardship Program funds on the printed Stewardship Directory.