

Lake Classification and Local Ordinance Development Grants *NR 191.30, Wis. Admin. Code*

Overview:

Lake Classification projects will be conducted by counties to study the characteristics of lakes and assign them into different management classifications for the purpose of implementing lakes-based protection activities. Protection activities may be regulatory (such as improved Shoreland), land or lake use ordinances, or other best management practices or protection activities for protecting and improving water quality or aquatic habitats. Lake classification projects can be used to implement the prescribed management activities.

Development of local regulations or ordinance projects will be conducted by any unit of local government to protect or improve a lake's water quality or its natural ecosystem. Lake Classification and Local Ordinance Development projects can be funded separately or jointly. Because of their similar nature, these two grant project types are combined into one grant subprogram. Although technically "management" grants by statute, the activities associated with each are fundamentally planning and, therefore, the DNR has grouped them in with other planning grants with application deadline of Dec. 10 each year.

Lake Classification

Purpose:

Lake Classification grants provide financial opportunities for Wisconsin counties to assist in lake protection efforts. Using existing and collected lake data, county lakes with similarities can be grouped to assist in the administration of shoreland zoning or land and water conservation programs.

Eligible Projects

Classification:

- Data collection, analysis using GIS, and mapping to place waters in classes. Types of data may include lake size, depth, shape, and water quality, watershed size, potential nonpoint pollution sources, land uses and development patterns, recreational uses, fish and wildlife habitat, etc.
- Objective setting for the classification system.
- Investigation and selection of appropriate classification criteria.
- Investigation and assignment of appropriate protection and management tools. All projects must propose lake protection activities for each classification.
- Assist the DNR in setting lake water quality standards.

Note: Projects may not result in lowering existing state minimum standards designed to protect lakes.

Protection and Implementation:

- Development of educational materials and training programs to improve the understanding and compliance with the lake classification.
- Compliance monitoring and enforcement.
- Technical assistance to landowners to comply and implement protection activities.
- Developing or improving administrative procedures and processes.
- Ordinance development: zoning, watercraft regulation, construction site erosion control, public water access, piers and moorings, etc.
- Adoption of policies which encourage management of waters based on the specific needs of each waterbody.
- Implementation of alternative management tools: purchase of land or development rights, conservation easements, development of individual lake and watershed plans, etc.

NOTE: A county must have adopted a lake classification system prior to the date of application to be eligible for an implementation grant.

Ineligible Projects:

Projects not eligible for funding under this subchapter include water safety patrols.

Note: Lake Classification projects may be conducted to assist the department in setting lake water quality standards. However, any proposal for the classification of lakes to be used in setting lake water quality standards or for enacting requirements for the implementation of water quality standards based on new or existing classifications only become effective when adopted by the department as rules under s. [281.15](#), Wis. Stats.

Local Ordinance Development

Purpose:

Lake Ordinance development grants are intended for local governments and lake districts to create or improve regulations that will protect or improve a lake's water quality or its natural ecosystem.

Eligible Projects:

To be eligible for funding consideration, all projects must include the development of an ordinance to be presented for adoption by the local governing board with an assessment of the administration and enforcement capacity and cost to implement the ordinance. Land use planning alone is not an eligible activity.

Types of ordinances may include: boating or lake use, conservancy, wetland, shoreland, floodplain, construction erosion control, stormwater control or other ordinances with water quality or lake protection benefit. Boating ordinances that assist in managing the recreational use of surface waters should be focused on addressing the environmental impacts of lake use rather than just safety concerns.

Typical activities and eligible project costs include:

- Review and evaluation of an existing regulation or ordinance effectiveness, including necessary surveys.
- Mapping of environmental features, land use planning, and related activities as needed limited to what is necessary to the development of the proposed regulation. These activities should not be the main focus of the projects.
- Legal fees to develop regulation or ordinance language.
- Public meetings and materials, printing, postage, surveys, mailing, and similar costs related to community education on the need for and implementation of an ordinance or regulation.
- Training of officials and citizens for compliance and enforcement of an existing or new regulation or ordinance.
- Labor costs required to carry out activities identified in the grant agreement provided they require additional staff or increased hours of existing staff. Costs of additional staff positions or increased staff hours shall be based on management unit rates for the position including salary, fringe benefits and other items determined to be appropriate by the DNR.
- Other costs determined by the DNR to be necessary to carry out the development of a regulation or ordinance.

Legal fees incurred in appealing DNR decisions are not reimbursable costs. Lake associations and nonprofit conservation organizations do not have regulatory authority and therefore are not eligible for ordinance development projects unless there are clear commitments from the regulatory authority to the project. The management unit that is adopting the ordinance should be the sponsor.

If the project is an ordinance update or upgrade project specific to [s. NR 115](#) Wisconsin's Shoreland Protection Program, [s. NR 117](#) Wisconsin's City and Village Shoreland-Wetland Protection Program or [s. NR 118](#) Standards for Lower St. Croix Scenic Waterway, it will need to be reviewed and certified by DNR staff. You can search the DNR staff directory under contacts on the [DNR home page](#) using "Shoreland Zoning" in the subject box to find the appropriate person to conduct the review and certification. It's recommended that you make this contact before you begin your application. Appropriate DNR staff should be advised of the process from the start of any shoreland ordinance project. For all other ordinance development projects local adoption or DNR approval is not required. However, the proposed regulation must be presented to the county or town board for adoption.

Routine ordinance enforcement is not an eligible cost for any grant in this subsection. However, site inspections and enforcement can be eligible for local ordinance development projects or lake classification if it is proposed as developing or enhancing the enforcement process. The project might create and test new forms or procedures such as compliance audits, automated record keeping or explore new information management technologies. A report on the "findings" of this element is a deliverable.

Funding Possibilities:

Maximum amount of grant is 75% of the total project costs, not to exceed \$50,000.