



WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

CF-19-0008-C

DOCUMENT TITLE

Municipal Flood Control Program Guidance

STATUTORY AUTHORITY OR LEGAL CITATION

s. 281.665, Wis. Stats., and ch. NR 199, Wis. Admin. Code

PROGRAM/BUREAU

Bureau of Community Financial Assistance

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

August 26, 2019

DATE FINALIZED

September 23, 2019

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with ss. 227.10 and 227.11, Wis. Stats. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted under Wis. Stats. or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Signature

Date

**MUNICIPAL FLOOD CONTROL GRANTS
PROGRAM GUIDE and APPLICATION GUIDE
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Web site: <http://dnr.wi.gov/Aid/MunFloodControl.html>

Reference for this guide is from Wisconsin Administrative Code ch. NR 199 and Wisconsin State Statutes 281.665.

Disclaimer: This guide is not the complete rule that governs this grant program. For the complete rule, reference Wisconsin Administrative Code NR 199 and all referenced Wisconsin State Statutes within ch. NR 199.

Wisconsin Department of Natural Resources

Who to Contact:

Grant Program Manager- questions regarding this grant application or payments

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MUNICIPAL FLOOD CONTROL GRANTS PROGRAM GUIDE and APPLICATION GUIDE

Recognizing that we have a responsibility to protect life, health, and property from flood damages, the Wisconsin Department of Natural Resources, Bureau of Community Financial Assistance and Bureau of Watershed Management, offers this grant assistance package to all cities, villages, towns, tribal governments, and metropolitan sewerage districts concerned with municipal flood control management. Assistance is provided with the availability of Acquisition and Development grants for property or vacant land, structure removal, construction or other development costs and with Local Assistance Grants for providing administrative support activities.

PART 1: ADMINISTRATION

Purpose (*reference ch. NR 199.01*): To help local governments minimize flooding and flood-related damages by acquiring property, floodproofing structures, creating open-space flood storage areas, constructing flood control structures and restoring the flood-carrying capacity and natural and beneficial functions of watercourses. Projects eligible under this program shall minimize harm to existing beneficial functions of water bodies and wetlands, maintain natural aquatic and riparian environments, use stormwater detention and retention structures and natural storage to the greatest extent possible and provide opportunities for public access to water bodies and to the floodplain.

Eligible applicants (*reference ch. NR 199.02(1)*): Cities, villages, towns, tribal governments, and metropolitan sewerage districts in the State of Wisconsin.

Funding (*reference ch. NR 199.09(1)*): The state share of the project cost may not be greater than 50% of the eligible project costs. Applications will be made available and accepted by the department **only if funding is available to administer this grant program**. The department may not provide to any applicant more than 20% of the funding available.

Deadlines, ranking, and priority list: The availability of grant application is dependent on funding. E-mail notice was sent to all self-appointed GovDelivery folks. This notice will indicate who to contact for assistance, where to mail applications, deadlines for applications, deadline for ranking and selection of projects, and grant award issuance date. Watch updates on the following web site for update on next round of grant applications: <http://dnr.wi.gov/Aid/MunFloodControl.html> under the deadline tab. This year the grant application must be post marked by **March 15th, 2018**.

Grant period (*reference ch. NR 199.09(1)(e)*): The grant period shall be for 2 years. The department may grant a one-year extension through the amendment process with justification in writing and if the funding is available for this request.

Project grant awards: If your project is selected, you will receive a signed agreement from the Department outlining the approved project scope, time period, and budget. Read your agreement carefully and share it with your consultant. It contains conditions that govern your project. Make sure that your consultant agrees with the project scope and conditions described in the grant agreement. The grant expires on the expiration date listed in the signed grant agreement. Return the signed grant agreement with all signatures to the "DNR Grant Program Manager," the grant award is not official until the department has received the signed grant agreement.

(*reference ch. NR 199.09(6)(a)*) The department may terminate any grant awarded under ch. NR 199 for violation of any term or condition of the grant agreement and the department may seek reimbursement of the state share previously distributed to the grant recipient.

Changes to the grant agreement (*reference ch. NR 199.09(3) Amendments*): (a) The grant recipient may request, for good cause, a grant agreement amendment for expenditures in excess of those identified as estimated costs in the grant agreement prior to the end of the grant period. If funds are available, the department may issue a grant amendment.

(reference ch. NR 199.09(3)(b)) The grant recipient may request, for good cause, a grant agreement amendment for changes to the project scope or an extension of the grant period prior to the end of the grant period. The department may amend the grant agreement or extend the grant period based on a grant recipient's request.

All amendments to the grant agreement shall be submitted to the "DNR Grant Program Manager" in writing indicating the specific changes requested to the grant agreement. Amendments to the grant award are not an official document until the signed agreement is received by the "DNR Grant Program Manager."

Grantee local match requirements: (reference ch. NR 199.03 (12)): Definition for "Local Share" means that portion of the project costs that is not funded by the department. (reference ch. NR 199.09(2)): The local share of the project cost may not be less than 50% of the eligible project costs. The substantiated value of donated materials, equipment, services and labor may be used as all or part of the local share of the project cost subject to all of the following:

1. All sources of local share donation shall be indicated when the grant application is submitted.
2. The maximum value of donated, non-professional labor shall be equal to the prevailing federal minimum wage requirements.
3. The value of donated equipment may not exceed the Wisconsin department of transportation highway rates for equipment.
4. The value of donated materials and professional services shall conform to market rates and be established by invoice.

For land acquisition projects, the substantiated value of donated contributions of real property may be used as part of the local share of the project cost subject to all of the following:

1. Contributions of property are eligible as grant recipient match only if the donated property lies within the boundaries of a project which has been approved under the same component of the municipal flood control program as the property being acquired.
2. The fair market value of a contribution of property may be used as local share. The amount of the property donation that can be used for match equals the value or the donation of the amount of cash needed by the applicant for the purchase, whichever is less, so there will be no cash back in excess of the moneys actually needed for the purchase.
3. The contribution is made within 3 years of the land acquisition and is considered by the department to be part of the project or eligible for the project.

Grantee financial responsibility subject to department audit (reference ch. NR 199.09(4) (a)): The grant recipient shall account for all project funds in conformance with generally accepted accounting principles and practices and shall retain the funds in a separate account. The grant recipient shall maintain detailed records of grant expenditures to show that grant funds were used for the purposes for which the grant was made. The grant recipient shall keep all financial records, including invoices and canceled checks or bank statements that support all project costs claimed by the grant recipient, and the records shall be available for inspection by the department for 4 years after final payment.

(b) The department may audit all of the grant recipient's records pertaining to the project. The department audit may result in an adjustment in the grant amount.

Claims for reimbursement (reference ch. NR 199.09(5) Payment): (a) The grant recipient shall submit to the department claims for payment of actual and eligible expenses on forms provided by the department. All costs claimed for payment shall be documented and shall be consistent with the eligibility provisions of ch. NR 199 and with the grant agreement.

To be eligible for reimbursement, all costs must be incurred within the grant time period shown in the grant agreement with the exception of planning cost for appraisal reports, engineering or planning fees for the project, or unless otherwise agreed as part of the grant agreement, the scope of activity defined in the grant agreement, and state share funding amount indicated in the grant agreement. To be eligible for grant award payment reimbursement, (reference ch. NR 199.09(1)(d)) the applicant shall obtain all necessary permits and approvals for the project.

Final payment claim (*reference ch. NR 199.09(5) (b)Payment*): The grant recipient shall submit the final claim for payment no later than 3 months following the grant ending date. The grant recipient may submit a written request for an extension of the final claim period no later than 3 months after the grant ending date, showing good cause for the extension. If the grant recipient fails to submit the final claim prior to 3 months following the project ending date and does not receive department approval to extend the final claim period, the final claim payment may be denied. Include pictures throughout the project, showing that FINAL goal of the project was completed.

(*ch. NR 199.09(6)*) The department may withhold final payment of the grant amount until all project, legal and program requirements have been complied with.

Final payment will not be made until requested status reports, proof of ownership with required deed restriction with proof or recording in the register of deeds office, long term management/final project report, warranty deed, and all required eligible cost proof of expenditures are submitted to the DNR Grant Program Manager. A certification form signed by the grant recipient authorized representative and grant recipient project engineer will need to be submitted with the final reimbursement claim for each project.

The following documentation is required to be submitted to the “DNR Grant Program Manager” for processing an acquisition and development payment request: (*purchase of property or vacant land, structure removal, and construction or other development costs.*)

All required application materials:

- Application Form 8700-291 (4 pages)
- Project Evaluation
- Resolution
- Environmental Hazards Assessment 1800-001 (completed pages 1 & 2)
- Project Description/Property Management Plan (use format provided)
- (include with project description) Map showing property locations, boundaries, and existing conditions
- Applicant Project Scoring Sheet
- Property Appraisal completed according to Uniform Standards of Professional Appraisal Practice (USPAP) by a Wisconsin Certified General Appraiser. A form type appraisal report is preferred.
- Second Property Appraisal Report completed according to Uniform Standards of Professional Appraisal Practice (USPAP) by a Wisconsin Certified General Appraiser only if property is *over* \$350,000. A form type appraisal report is also preferred.

Final Payment Stipulation:

- Final Project Report and Long Term Property Management Plan (use format provided)
- Annual status reports as requested by the DNR Grant Program Manager.
- DNR form 8700-292C “Certification & Verification” for each acquisition property.
- Acquired property: Proof of ownership with required deed restriction with proof of recording in the register of deeds office.
- Copy of Warranty Deed
- Copy of Closing Statement Sheet indicating itemized closing cost.
- Eligible cost proof of expenditures (cancelled check and invoice if applicable)
- Payment claim submittal within three months of grant expiration date.
- Include pictures throughout the project, showing that FINAL goal of the project was completed.

Note: See following page for additional required support documents for payment reimbursement claims:

- Payment Reimbursement Request (*Support Documents*):**
 - DNR form 8700-292 – Summary for all grants
 - DNR form 8700-292A –itemized for Local Assistance Gants
 - DNR form 8700-292B – itemized for all Acquisition & Development Grants
 - Invoice copies
 - Canceled check copies
 - ADDITIONAL FOR PROPERTY ACQUISTION PROJECTS:**
 - Displaced person relocation payments: Provide copy of relocation plan.
 - Copy of title with proof of stamped deed restriction recorded in the “Register of Deeds.”
 - Copy of **closing statement and Warranty Deed**
 - Property acquisition: **(Maximum 50% state cost share of the following eligible cost)**
 - Fair market value of the property as determined by department appraisal guidelines.
 - Reasonable costs related to the purchase of the property:
 - Cost of appraisals
 - Land surveys
 - Relocation payments for tenants of rental property
 - Title evidence
 - Recording fees
 - Historical and cultural assessments
 - Environmental inspections

PROPERTY ACQUISTION INELIGILBE COST:

1. Attorney fees
2. Environmental clean up costs
3. Brokerage fees paid by the buyer
4. Real estate transfer taxes
5. Other cost not identified in property acquisition eligible cost above.

CONSTRUCTION and DEVELOPMENT ELIGIBLE COST:

1. Removal cost
2. Engineering or planning fees to complete the project including previously incurred costs.
3. Structural flood proofing and elevation cost.
4. Cost to build facilities and structures for the collection, detention, retention, storage and transmission of floodwater and groundwater for flood control and riparian restoration projects.

The following documentation is required to be submitted to the “DNR Grant Program Manager” for processing a local assistance grant payment request: (*funding for administrative cost*)

- All required application materials.
- DNR form 8700-292
- DNR form 8700-292A
- Invoice copies
- Canceled check copies

PART 2: AVAILABLE GRANTS

ACQUISITION AND DEVELOPMENT GRANT: *(property acquisition, construction, and development)*

Eligible project activities *(reference ch. NR 199.05(1))*: The following activities, **in priority order (1 high through 9 low)**:

1. Acquisition and removal of structures which, due to zoning restrictions, cannot be rebuilt or repaired.
2. Acquisition and removal of structures in the 100-year floodplain.
3. Acquisition and removal of repetitive loss or substantially damaged structures.
4. Acquisition and removal of other flood damaged structures.
5. Floodproofing and elevation of structures.
6. Riparian restoration projects, including removal of dams and other artificial obstructions, restoration of fish and native plant habitat, erosion control and streambank restoration projects.
7. Acquisition of vacant land, or perpetual conservation or flowage easements to provide additional flood storage or to facilitate natural or more efficient flood flows.
8. Construction of structures for the collection, detention, retention, storage and transmission of stormwater and groundwater for flood control and riparian restoration projects.
9. Preparation of flood insurance studies and other flood mapping projects.

Ineligible activities *(reference ch. NR 199.05(2))*:

1. Dam repair and operation.
2. Design, installation, operation or maintenance of sanitary sewers, treatment plants or onsite sewerage systems.
3. Projects which would adversely affect a watercourse by causing increases in flood heights, velocities, sedimentation or erosion, reducing the amount of complexity of fish and wildlife habitat, reducing natural shore cover, or restricting navigation, or any other negative impact, except temporary impacts caused by dam removal or other approved restoration activities.
4. Projects which would dredge or channelize a stream or line a natural stream bed with impervious materials.
5. Projects which conflict with land use, watershed or other resource management plans.
6. Projects or applicants which are not compliant with minimum state floodplain management requirements or with minimum national flood insurance program requirements.
7. Creation or enhancement of stormwater management plans.
8. Projects for the purchase, installation or operation of mechanical pumping systems.

Eligible property acquisition cost *(reference ch. NR 199.03 definition)*:

1. Fair market value of the property, as determined by department appraisal guidelines.
2. Reasonable costs related to the purchase of the property that are limited to:
 - a. cost of appraisals
 - b. land surveys
 - c. displaced person relocation payments (with approval letter and approved plan from Dept. of Commerce)
 - d. title evidence
 - e. recording fees
 - f. historical and cultural assessments required by the department.
 - g. environmental inspections

Ineligible property acquisition cost *(reference ch. NR 199.03 definition)*:

1. Attorneys fees
2. Environmental clean up costs
3. Brokerage fees paid by the buyer
4. Real estate transfer taxes
5. Any other cost not identified under eligible acquisition cost.

Eligible construction and development cost *(reference ch. NR 199.08(1)(b))*:

1. Removal costs

2. Costs to build facilities and structures for the collection, detention, retention, storage and transmission of stormwater and groundwater for flood control and riparian restoration projects.
3. Structural floodproofing and elevation costs.
4. Engineering or planning fees to complete the project.

Ineligible construction and development cost (*reference ch. NR199.08(2)*):

1. Fines and penalties due to violations of federal, state or local laws and regulations.
2. Ordinary operating expenses of local government applicants, such as salaries and expenses of public officials, that are not directly related to the project.
3. Indirect costs including administrative costs and costs to purchase vehicles or other property not directly related to the project.
4. Costs for which payment has been, or will be, received from any other funding source.
5. Costs which the department determines are not directly associated with or necessary to implement the project.

LOCAL ASSISTANCE GRANT (*Administrative Support Activities*)

Eligible cost (*reference ch. NR 199.08(1)(a)*):

1. Labor costs, including force account labor, required for carrying out activities identified in the grant agreement. Costs shall be based on grant recipient rates for the position including salary, fringe benefits and other items determined to be appropriated by the department.
2. Direct costs for laboratory analysis, surveys, publications, mailings, professional service contracts, development activities and similar items.
3. Engineering or planning fees necessary to complete the project may be eligible, including costs incurred on or after October 28, 1999.
4. The cost of necessary materials, supplies and equipment used exclusively for project-related purposes over its useful life or the cost of the portion of supplies or equipment used for the project.
5. The costs of leased equipment and facilities used for project related purposes for the length of the project. The cost of the use of the equipment owned by the grant recipient may not exceed the county highway rates established annually by the Wisconsin Department of Transportation.

PART 3: PROPERTY ACQUISITION REQUIREMENTS AND CONDITIONS

Applicants applying to the Department of Natural Resources for a “property acquisition” grant must follow specific appraisal procedures in order to be eligible to receive grant awards. These procedures are designed to ensure fairness, meet federal and state government requirements, and also protect the interests of the property owner (seller) and the state. Failure to comply with these procedures may disqualify a grant applicant from the grant award selection. The DNR Grant Program Manager can answer any questions you have regarding these guidelines.

Municipal Flood Control Grant Program “Property Acquisition” means fee title ownership or an easement in perpetuity in the land as defined in s. NR 199.03(16), Wis. Adm. Code.

NOTE: Structure must meet the definition of s. NR 199.03(19), Wis. Adm. Code, as follows:

“Structure” means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, buildings, storage tanks, bridges, dams, channels and culverts.

Municipal Flood Control acquisition and development will ***require removal of the structure*** on the property to be acquired for the development of permanent open space for flood storage or flood water flowage to a watercourse.

Eligible flood control acquisition and development projects must meet one of the following criteria: (*see reference NR 199.05*)

- Flood damaged structures to be removed on the property to be acquired cannot be rebuilt or repaired due to zoning restrictions.
- Structures to be removed on the property to be acquired are in the 100 year floodplain.
- Structures to be removed on the property to be acquired have repetitive loss or substantially damaged structures due to flooding.
- Flood damaged structures to be removed are other than buildings on the property to be acquired. *(see above definition of structure: ex. bridges, dams, channels, culverts)*
- Acquisition of vacant land to provide additional flood storage or to facilitate natural or more efficient flood flows to a watercourse.
- Acquisition of a perpetual conservation easement for permanent open space use and protecting natural resources to facilitate natural or more efficient flood flows to a watercourse. *(Conditions of easement to be reviewed and approved by the DNR Grant Program Manager to assure that the requirements of ch. NR 199 and s.700.40 Uniform conservation easement act are met.)*
- Acquisition of a flowage easement allowing the holder nonpossessory interest in real property granting the holder the right to flow the grantor's lands for flood storage or natural riverine hydrologic cycles *(see reference NR 199.03(7))* to facilitate natural or more efficient flood flows to a watercourse. *(Conditions of easement to be reviewed & approved by the DNR Grant Program Manager to assure that the requirements of ch. NR 199 are met.)*

Notification to property owner (seller)

The DNR recommends that the property owner (seller) be notified that your municipality may be receiving grant assistance from the state. Because your municipality cannot purchase the property with flood damaged structures, vacant land, or easement unless assured of receiving a grant award, you may wish to include the following clause in the Offer to Purchase:

"Name of Municipality is applying for a grant under the Municipal Flood Control Grant Program. This offer is contingent upon receipt of a Municipal Flood Control Program grant award."

If you are acquiring a perpetual conservation easement or flowage easement with a Municipal Flood Control Program grant, the DNR requires disclosure of the grant conditions to the owner (seller) so the owner (seller) understands the extent of the DNR's involvement in the project. You must include the conditions of the easement with your application for a grant award for review by the DNR Grant Program Manager.

All negotiations must be conducted on a "willing seller - willing buyer" basis without any threat of condemnation. **NO FUNDS** will be issued for property acquired through the "Power of Eminent Domain." *(see reference s. NR 199.10(1)(m))*

Displaced Person Relocation Payments

<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>

The DNR advises the grant applicant to seek guidance from Relocation Assistance Program on a case by case basis to determine if an owner-occupant in a Municipal Flood Control Grant project qualifies as a displaced person. The municipality applying for payment reimbursement using Municipal Flood Control Grant funds will provide a copy of the relocation plan to the DNR Grant Program Manager for proof of reimbursement claim for displaced person relocation payments cost. Look at the link above for a place to start to get help on this subject.

Links to Relevant Rules

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Property Boundaries

It is important to verify all property boundaries early in the property acquisition process. At the least, you will need to walk the boundaries to see if they and the corners are accurately marked. The best way to verify boundaries is with a survey. If there are any questions about the boundaries or potential encroachments, a survey should be obtained. It may help avoid disputes later. If you receive a grant award, the Department will cover 50% of the cost of a survey.

Appraisals

One appraisal is required for property valued below \$350,000; two are required for property valued over \$350,000. This will be allowed with a variance request built into the application signing. The Department may also request or order additional appraisals if the appraisals submitted by the grant applicant are inadequate. (*see reference s. NR 199.10(1)(e)*)

All appraisals must follow DNR appraisal guidelines as required by s. NR 199.10(1)(c), Wis. Adm. Code. These guidelines are explained in detail in a technical bulletin called the *Real Estate Appraisal Guidelines*, which is available on the web site [Contaminated Property Acquisition Guidance](#) or contact the DNR Grant Program Manager for a hard copy to be mailed to you. All appraisal reports must be completed according to “Yellow Book Standards” by a Wisconsin Certified and Licensed General Appraiser. The Appraisal Report must be ordered by the grant applicant with the appraisal report effective date indicating current as is conditions, no pre-flood or hypothetical conditions.

All appraisals for applications selected for grant awards are subject to DNR review and approval by the appropriate DNR Region Real Estate Review Specialist. Because the DNR cannot accept an appraisal that fails to conform to the guidelines, we encourage you to follow the procedures and recommendations listed below. Failure to do so may result in an appraisal that cannot be accepted. This will waste time and money and be discouraging for you. The Department cannot provide 50% payment reimbursement on appraisals that do not meet DNR standards. (***Please note: Only appraisals that meet the selection criteria and the DNR Real Estate Standards are eligible for payment reimbursement allowable cost.***)

1. Choose a qualified appraiser preferably from the list provided to you of qualified appraisers that have worked with the department. A Wisconsin Certified and Licensed General Appraiser with “Yellow Book Standards” training must do all appraisals. Choose an appraiser who is familiar with the Department guidelines; has previously completed acceptable work in public acquisition; is familiar with the real estate market in your area; and, if the appraisal is for a perpetual conservation easement or flowage easement, has experience completing these types of easement appraisals. An *Appraiser List* is provided on the web site: [Appraiser List](#) or contact the DNR Grant Program Manager for a hard copy to be mailed to you.
2. **Any appraisal commissioned by the owner (seller) of the property will be rejected.**
3. Your selected appraiser may contact the DNR Region Real Estate Review Specialist and discuss the appraisal assignment BEFORE commissioning an appraisal. *The DNR Region Real Estate Review Specialist will work with your appraiser to ensure compliance with the guidelines.* Your DNR Grant Program Manager can provide you with the name of the DNR Region Real Estate Review Specialist for your appraiser to contact. *We request that the grant applicant **does not** contact the DNR Region Real Estate Review Specialist so that the fair market value is based on a value not influenced by the buyer of the property.*
4. Provide your appraiser with a copy of the most current *Real Estate Appraisal Guidelines* and insist that he/she call the DNR Region Real Estate Review Specialist before beginning the assignment. DNR Region Real Estate Review Specialists would rather spend 10 minutes talking with your appraiser beforehand than

many hours reviewing a poor appraisal.

5. Indicate to the appraiser that the appraisal must be approved by the DNR, as well as your municipality, before a grant award may be issued. The appraiser should also agree to fully cooperate with the DNR Region Real Estate Review Specialist and the DNR Grant Manager regarding additional information as required through the DNR Grant Manager.
6. Obtain quotes from several different appraisers as the cost can vary significantly.
7. When contracting with an appraiser, it is important to provide good instructions regarding the project assignment. (Changing the project assignment later may result in an additional charge.) Give the appraiser all the information she/he needs to do an accurate appraisal of the property:
 - a. Whether the appraisal is for a fee simple acquisition or an easement
 - b. Location of the property including county and township
 - c. Maps: orthophoto, plat, CSM, soils
 - d. Correct legal description, tax key number, survey or CSM # if one is available
 - e. Correct acreage and land cover
 - f. Description of any improvements that should be included in the appraisal
 - g. For easement appraisals: copy of easement and summary of major conditions, including the size and location of any building envelopes
 - h. Existing liens or encumbrances on the property
 - i. Any special rights being retained by the owner
 - j. Potential or prior property contamination (see Environmental Hazards Assessment below)

Contaminated Property

The fair market value of property can be significantly impacted by contamination on the property itself or on adjacent property. Under no circumstances should a property that is suspected of being contaminated be appraised for a grant application. Information on “Clean Closure” with prior contaminated properties may be made within your grant application on the Environmental Hazards Assessment DNR form 1800-001. This information may effect the selection of your application for a grant award. See additional guidance regarding contaminated property provided on the web site [Contaminated Property Acquisition Guidance](#)

General property acquisition requirements (*reference ch. NR 199.10*):

1. Grant recipients and subsequent owners shall acquire and manage property acquired with this grant in accordance with all applicable state, local, and federal laws, rules and regulations.
2. Property acquired with this grant shall be maintained and managed in accordance with the provisions, conditions and descriptions in the grant agreement.
3. Any property that is subject to a reversionary right or has restrictions or covenants which would prevent the property from being managed for purposes consistent with this grant program is not eligible for a grant.
4. No grant may be awarded prior to receipt of an environmental inspection report showing that the property contains no undesirable environmental conditions, liabilities, potential liabilities of hazards that are unacceptable to the department. (part of application DNR form 1800-001 “Environmental Hazards Assessment.”)
5. No grant may be awarded to acquire property through the power of eminent domain. (See Wisconsin Statutes, Chapter 32.08, Eminent Domain for the status of property under condemnation.)
6. Grantee will provide a long-term management plan of the property to the department as a final payment stipulation.
7. Grantee will prohibit using the property as security for any debt unless the department previously approves the incurring of the debt.
8. Grantee will prohibit closing the purchased property to the public except where the department has determined that closure is necessary to protect wild animals, plants or other natural features.
9. Grantee will provide the department access to land acquired with grant to monitor compliance with the grant agreement or carry out any management activity necessary to ensure the public’s rights and safety.

10. Grantee will provide the department access to property on which an easement is acquired with this grant in a reasonable manner upon prior notice to the easement holder and the landowner, to monitor compliance with the grant conditions.
11. Grantee will obtain prior written approval from the department to sell or transfer the property.
12. Interest in or title of the acquired property shall vest in the state, without necessity of reentry, if the grantee violates any essential provision of the grant or grant agreement.

Acquisition of conservation and flowage easements are subject to the following conditions

(reference ch. NR 199.08(1)6.):

1. Property encumbered by an easement may not be converted to uses inconsistent with the easement. All structural development, including residential, industrial or commercial development, is prohibited on those areas of easement property that are encumbered by this grant.
2. Agricultural, forestry, recreation and related open space uses may be permitted on property encumbered by an easement as long as those activities are compatible with the purposes of this grant and the project.
3. Any agricultural use within the area encumbered by an easement shall be carried out in accordance with the conditions, standards and specifications of a soil and water conservation plan approved by the natural resources conservation service office located in each county.
4. Harvesting of timber within the area encumbered by an easement shall be carried out in accordance with the conditions of a forest management plan approved by the department.
5. Vegetative buffers shall be established and maintained along lakes, ponds, wetlands, marshes, rivers, streams and ditches. Department best management practices shall be employed to the greatest extent possible for the project. Whenever possible, the area of the vegetative buffer shall extend at least 75 feet from each edge of the surface water or wetland. There may be no activity that adversely affects the natural flow of surface or underground waters within the area of the easement.

Deed Restriction *(reference ch. NR 199.04(7) and ch. NR 199.10(2)(h)):* Any property acquired through either fee simple title or purchase of an easement in perpetuity shall be maintained as a permanent open-space use. The grant recipient shall record this condition as a permanent deed restriction when the property acquisition occurs. Require that the instrument conveying the property to the recipient identify the interest of the state under ch. NR199.10(2)(f) and be recorded together with the grant agreement in the office of the register of deeds of each county in which the property is located.

PART 4: ELEVATION & FLOOD MAPPING PROJECTS

ELEVATION PROJECTS

The goal of an elevation project is to floodproof individual residences or businesses by removing the utilities from the basement, fill in basements and filling yards to the safe level. Floodproofing the structures will insure the safety of the structures and their contents in addition to preserving the tax base.

Special needs for floodproofing projects;

1. Community should have a natural disaster plan or provide written assurance that rescue and relief by wheeled vehicle is available up to the depth and velocity anticipated during regional (100year) flood.
2. Project as proposed needs to meet minimum Flood Protection Elevation (FPE) standard with additional freeboard as determined by the project sponsor.
3. The follow copies of permits are needed prior to construction;
 - a) Building Permit
 - b) Land Use permit –that meets Floodplain Standards
 With the Land use permit there should be elevation verification for pre construction and an elevation certificate provided post construction.

4. The follow copies of permits are needed after construction;
 - a) Occupancy Permit
 - b) Floodproofing Certification as stated in ch. NR116.16(2)

All eligible activities undertaken pursuant to this grant must be in compliance with the minimum state floodplain management requirements, as enumerated in ch. NR 116, Wis. Adm. Code, and with the minimum national flood insurance program requirements in 44 CFR Parts 59-78.

Preparation of Flood Insurance Studies and Other Flood Mapping Projects

(All studies must meet requirements of NR 116, Wis. Admin. Code and 44 CFR parts 65 and 70, including development of base flood elevations and floodway boundaries)

Priority (in descending order)

1. Detailed study for an A zone where there is no hydraulic study to support the current map
2. Detailed study for an A zone where there is a hydraulic study to support the current map
3. Study to delineate a floodway for AE zone w/o floodway
4. Study to determine risk in un-mapped area of increasing flood frequency or known flood damages
5. Study to determine risk in un-mapped area of increasing development pressure
6. Study to re-determine risk in AE zone of increasing flood frequency
7. Study to re-determine risk in AE zone of increasing development pressure
8. Study to complete/link series of previous LOMAs/LOMRs
9. Study to incorporate new hydrology or LIDAR data
10. Prepare a dam failure analysis for a large dam
11. Develop new mapping based on existing study
12. Develop new engineered Zone A in un-mapped area

To establish a priority list for multiple applications within the same category above, the following 4 criteria in descending order shall be used:

Number of flood damage claims &/or flood insurance policies in area to be studied or restudied

Number of principal structures in area to be studied or restudied

Number of LOMC's in area to be studied or restudied

Certified 2-ft or less contour elevations derived from LIDAR data are available

When ranking eligible applications for this grant, restudies based on fill, grading or a structural flood control project shall receive the lowest priority ranking in any of the above categories
NOTE: Current map is referring to the effective floodplain map (NFIP or local)

PART 5: APPLICATION INSTRUCTIONS AND MATERIAL: STEP BY STEP INSTRUCTIONS FOR COMPLETING YOUR APPLICATION, SEE STEPS 1 THROUGH 9 BELOW:

*Application material for 1 through 7 below may be found in the appendix or on the web site:
<http://dnr.wi.gov/Aid/MunFloodControl.html>*

IMPORTANT NOTICE: ALL FORMS ON THE APPLICATION CHECK-LIST LOCATED ON PAGE 4 OF THE APPLICATION FORM 8700-291 MUST BE INCLUDED WITH THE APPLICATION SUBMITTAL FOR PROPERTY ACQUISITION PROJECTS. YOUR APPLICATION WILL NOT PROCEED TO THE SELECTION PROCESS UNLESS COMPLETE SUBMITTAL BY THE REQUIRED DEAD-LINE.

1. Determine your eligibility: See page 1 of the application for 8700-291, if you answer YES to questions 1,2, and 3 in section 1 “Project Screening,” your project is ineligible for this grant, STOP – do not continue. [Municipal Flood Control Grant Application \(Form 8700-291\)](#)
2. IF eligible: Continue with completing the rest of the application and provide the attached materials as indicated on page 4 of 4 of the application form 8700-291. You may apply for just the “Acquisition and Development” or both the “Acquisition and Development” and “Local Assistance Grant” with one application.
3. Complete and attach the “Project Evaluation,” indicate not applicable if the required information does not apply to your project. [Project Evaluation Summary](#)
4. Complete and attach the “Resolution” statement or use as a sample format. [Sample Resolution](#)
5. Complete and attach pages 1 and 2 of the “Environmental Hazards Assessment” [Environmental Hazard Assessment Form \(Form 1800-001\)](#)
6. Provide a detailed proposed project description, property management plan, and detailed map. (Use the format provided to assure complete application submittal.) [Project Description/Property Management Plan Format](#)
7. Complete and attach the “Applicant Project Scoring Sheet.” [Project Evaluation Summary](#)
8. **For “Property Acquisition” projects only:** An appraisal is needed with the application for all property acquisitions. Two appraisal reports are required for property over \$350,000 and are needed with the application. All appraisal reports must be completed according to DNR Standards by a Wisconsin Certified and Licensed General Appraiser. The Appraisal Report must be talked over with the DNR regional appraisal reviewer first and then must be ordered by the grant applicant with the appraisal report effective date indicating current conditions. See “Part 3” of the program guide for specific requirements and conditions. The department’s “[Real Estate Appraisal Guidelines](#)” and “[Appraiser List](#)” and additional property acquisition guidance may be downloaded from the web site or requested from the DNR Grant Program Manager for reference by your appraiser. [Real Estate Appraisal Guidelines](#) & [Appraiser List](#)
9. **Send original and two copies of completed application form and all required attachments to the “DNR Grant Program Manager” listed on page 2 of this guide. The complete application must be mailed by March 15, 2018.**

Upon receipt of your application by the “DNR Grant Program Manager”: Applications will be reviewed for completeness, screened for eligibility, project ranked as required in section NR 199.05, Wis. Adm. Code, and “Applicant Project Scoring Sheet” reviewed for accuracy by the DNR Grant Program Manager. Incomplete or ineligible submittals and submittals received after the receipt deadline will be pulled from the project selection process. After the application is deemed complete, screened for grant eligibility requirements, ranked, and scored by the DNR Grant Program Manager: Eligible project applications will be reviewed by DNR Region Floodplain staff for zoning issues, permits, and regulatory requirements. The selected property acquisition projects will require DNR Region Real Estate Review Specialist approval to DNR guidelines prior to grant award issuance.

CAUTION: Cost incurred prior to the signing of a grant agreement will not be eligible for reimbursement unless the prior incurred cost are engineering or planning fees necessary to complete the project or necessary appraisal cost for acquisition projects. **Applicants should not start project activities until receipt of a signed grant agreement from the Department.**

APPENDIX: (application material)

- [Program Guide and Application Guide](#) [PDF]
- [Municipal Flood Control Grant Application \(Form 8700-291](#) [PDF])
- [Environmental Hazard Assessment Form \(Form 1800-001\)](#) [PDF]
- [Project Evaluation Summary](#) [PDF]
- [Sample Resolution](#) [PDF]
- [Project Description/Property Management Plan Format](#) [Word]
- [Applicant Project Scoring Sheet](#) [PDF]
- [Prevailing wage handout](#) [PDF]