

WI DEPARTMENT OF NATURAL RESOURCES MUNICIPAL FLOOD CONTROL GRANT PROGRAM ADMINISTRATION and APPLICATION INFORMATION

Updated for the 2024 Application Cycle



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For grant related forms and attachments: <https://dnr.wi.gov> and search: "Municipal Flood Control"

Reference for this guide is from Wisconsin Administrative Code chapter NR 199 and Wisconsin State Statutes 281.665. Please note: This guide is not the complete rule that governs this grant program. For the complete rule, reference Wisconsin Administrative Code chapter NR 199 and all referenced Wisconsin State Statutes within Wis. Admin. Code ch. NR 199.

DNR MUNICIPAL FLOOD CONTROL GRANT PROGRAM CONTACTS

DNR Grant Manager - questions regarding grant applications, administration, or payments:

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MFC Grant Program Manager

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DNR Floodplain Mgmt. Policy Coordinator – Any floodplain or technical questions:

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INTRODUCTION

Recognizing the responsibility to protect life, health, and property from flood damages, the Wisconsin Department of Natural Resources offers this grant assistance package to all cities, villages, towns, tribal governments, and metropolitan sewerage districts concerned with municipal flood control management. This grant program is not intended to be an emergency relief program and instead a way to proactively mitigate the impacts of a changing climate; reduce flood hazard vulnerabilities; and improve the resilience and preparedness of Wisconsin municipalities.

Assistance is provided through the availability of two types of grants: *acquisition and development grants* aid in the acquisition of property or vacant land, structure removal, flood control construction or development, riparian restoration and/or mapping activities; and supported with *local assistance grants* to aid in administrative support activities.

PART 1: ADMINISTRATION

PURPOSE: 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 will 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. (Wis. Admin. Code § NR 199.01)

ELIGIBLE APPLICANTS: Cities, villages, towns, tribal governments, and metropolitan sewerage districts in the State of Wisconsin. (Wis. Admin. Code § NR 199.02(1))

FUNDING: Municipal Flood Control grants offer up to a 50% cost share of total eligible project costs. Project applicants are required to provide matching funds equal to or greater than the amount of the grant award (i.e. 50% match). Eligible sources of matching funds vary but other state funds are not eligible as a match. All sources of match must be identified in the grant application.

Application periods open every other year on even years only if funding is available to administer this grant program. Grant awards are capped at 20% of the total available funding for the specific grant application cycle. (Wis. Admin. Code § NR 199.09(1))

2024 APPLICATION PACKAGE DEADLINE: The application deadline for the 2024 Application Period is **March 15, 2024**. Complete application packages not received by the MFC Grant Program Manager

through email by 4:00 pm on March 15, 2024 will not be considered. Please be aware that several application components such as local resolutions and appraisals can take time to complete. It is important to start the application process early to help assure a complete application package by the deadline. Only one eligible project type per application package is allowed.

Applicants must provide electronic copies of all application documents. Send all completed application packages through electronic mail to: Elisabeth.Kuisis@wisconsin.gov

NOTE: The time between submitting a complete application and receiving a grant contract ranges from 6 to 12 months depending on the details of the project priority type and the review process. While we strive to make grant awards as quickly as possible, applicants should keep this timeframe in mind when applying for Municipal Flood Control grants.

APPLICATION MATERIALS SUMMARY: See Part 5 in this document for specific requirements based on eligible project type.

- Application Form 8700-291
- Application Project Evaluation Sheet
- Authorizing Resolution
- Detailed Project Description/Property Management Plan
- Property Management Plan
- Map Showing Property Lines, Municipal Boundaries and Existing Conditions
- Environmental Hazards Assessment 1800-001 (one per property)
- Flood Insurance Rate Map (FIRM) showing structure location(s) and Floodplain District Boundaries
- Property Appraisal – one per property (two appraisals per property are required only if property is valued over \$350,000)
- Detailed Budget Breakdown (applicable only if acquisition project includes multiple properties)

PROJECT TYPE RANKING AND FUNDING PRIORITY LIST: The following eligible project types are listed in the priority order in which they will be ranked according to Wis. Admin. Code § NR 199.05(1). Project types 1 through 4 are determined by structure location within floodplain district boundaries on a Flood Insurance Rate Map (FIRM). Please reference this map when determining your acquisition project type.

PROJECT TYPE	DESCRIPTION
1	Property acquisition and removal of structures which due to zoning restrictions cannot be rebuilt (structure located directly in floodway, dam shadow or Zone A)
2	Property acquisition and removal of structures in the 100-year floodplain (structure located in flood fringe)
3	Property acquisition and removal of repetitive loss or substantially damaged structure (outside the floodplain but meets the definition of “Repetitive Loss Structure” in NR 199.03(17) and/or “Substantial Damage” in NR 199.03(20))
4	Property acquisition and removal of flood damaged structures (any flood damaged structure outside floodplain)
5	Floodproofing and flood elevation project in the 100-year floodplain that will remain in the 100-year floodplain

6	Riparian Restoration project on a watercourse: (1) dam or artificial obstruction removal; (2) fish & native plant habitat restoration; (3) erosion control and streambank restoration
7	Acquisition of vacant land for flood water control/storage or flood water flowage easement
8	Flood control detention pond
9	Flood studies and flood mapping projects

GRANT PERIOD: The grant period is for two years. The DNR may grant a one-year time extension through the amendment process with justification in writing. (Wis. Admin. code § NR 199.09(1)(e))

PROJECT GRANT AWARDS: If your project is selected, you will receive a signed agreement from the DNR outlining the approved project scope, deadlines, eligible project costs and budget. Read the agreement carefully and if applicable, share it with your consultant. The grant agreement contains important conditions that govern your project. Make sure that your consultant understands the project scope and conditions described in the grant agreement, if applicable. The grant expires on the expiration date listed in the grant agreement. Return the signed grant agreement with all authorized representative signatures to the MFC Grant Program Manager. This is important because the grant award funds will not be officially secured until the Department receives the signed grant agreement.

The DNR may terminate any grant awarded 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. (Wis. Admin. Code § NR 199.09(6)(a))

ELIGIBLE COSTS: Refer to Part 2 of this document for a list of eligible and ineligible costs. To be eligible for reimbursement, all eligible costs must be incurred within the grant period shown in the grant agreement apart from the cost for appraisal reports of funded acquisition project properties, engineering or planning fees for development projects, 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. There is a maximum 50% state cost share of all eligible costs. (Wis. Admin. Code § NR 199.08)

CHANGES TO THE GRANT AGREEMENT: The grant recipient may request, for good cause, a grant agreement amendment for expenditures greater than 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.

Additionally, 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 DNR may amend the grant agreement or extend the grant period based on a grant recipient's request.

All amendments to the grant agreement must be submitted to the MFC Grant Program Manager in writing and indicate the specific changes requested to the grant agreement. Amendments to the grant award are not an official document until the amended agreement is signed and received by the MFC Grant Program Manager. (Wis. Admin. Code § NR 199.09(3))

APPLICANT SHARE/GRANTEE MATCH: Project applicants are required to provide matching funds equal to or greater than the amount of the grant award (i.e. 50% match). All sources of local share match must be identified in the grant application at the time of submittal. Common sources of matching funds come from applicant funds, financial donations from individuals, or federal grant programs.

The substantiated value of donated materials, equipment, services, and labor may be used as all or part of the local share match subject to each of the following:

1. The maximum value of donated, non-professional labor shall be equal to the prevailing federal minimum wage requirements.
2. The value of donated equipment may not exceed the Wisconsin Department of Transportation highway rates for equipment.
3. The value of donated materials and professional services shall conform to market rates and be established by invoice.

A note about wage requirements for grant-funded development projects: "Prevailing wage" is the rate paid for any trade or occupation engaged in a public works project, including the hourly basic rate of pay, plus the hourly contribution for benefits. Refer to the *Prevailing wage handout* on the MFC web page for more information. Visit <https://dnr.wi.gov> and search "Municipal Flood Control Grant Program".

For land acquisition projects, the substantiated value of donated contributions of real property may be used as part of the local share match subject to 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 more than the moneys actually needed for the purchase.
3. The contribution is made within three years of the land acquisition and is considered by the DNR to be part of the project or eligible for the project.

GRANTEE FINANCIAL RESPONSIBILITY SUBJECT TO DNR AUDIT: The DNR may audit grant recipient records pertaining to the project. Audits may result in the adjustment of the grant amount. The grant recipient must account for all project funds in conformance with generally accepted accounting principles and practices and must retain the funds in a separate account. The grant recipient will maintain detailed records of grant expenditures to demonstrate that grant funds were used for the purposes for which the grant was issued. 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 DNR for four years after final payment.
(Wis. Admin. Code § NR 199.09(4))

CLAIMS FOR REIMBURSEMENT: The grant recipient must submit claims for payment of actual and eligible expenses on the forms provided by the DNR. All costs claimed for payment must be documented and consistent with the eligibility provisions of Wis. Admin. Code ch. NR 199 and with the grant agreement. See Part 2 for eligible costs for reimbursement. **NOTE: The DNR withholds 25% of grant award funds for final payment.** (Wis. Admin. Code § NR 199.09(6)(c))

All costs must be incurred within the grant period except for the costs for appraisal reports, engineering or planning fees for development projects or unless otherwise agreed as part of the grant agreement.

To be eligible for grant award payment reimbursement, the applicant must obtain all necessary permits and approvals for the project. (Wis. Admin. Code § NR 199.09(1)(d))

The following documentation is required for submittal to the MFC Grant Program Manager for processing a payment reimbursement request:

- DNR form 8700-292 – MFC Grant Program Reimbursement Summary Request
- DNR form 8700-292A – Local Assistance Grant Reimbursement Claim Worksheet (if applicable)
- DNR form 8700-292B – Acquisition & Development Grant Reimbursement Claim Worksheet
- Invoice copies
- Canceled check copies

Additional documentation is required for property acquisition projects:

- Displaced person relocation payments: Provide copy of relocation plan.
- Copy of title with proof of stamped deed restriction recorded in the County Register of Deeds.
- Copy of closing statement
- Copy of the Warranty Deed registered with the County Register of Deeds

FINAL PAYMENT CLAIM: The grant recipient must submit the final claim for payment within three months following the grant ending date. The grant recipient can request an extension in writing of the final claim period but must do so within three months after the grant ending date, showing good cause for the extension. If the grant recipient fails to submit the final claim prior to three 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.

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

In addition to the standard required documentation for payment requests, the following documentation is also required for submittal to the MFC Grant Program Manager when processing the final payment reimbursement request:

- Final Project Report and Long-Term Property Management Plan (use format provided)
- DNR form 8700-292C “Certification & Verification” (one for each acquisition property)
- Pictures throughout the project, showing completion of the FINAL goal of the project

PART 2: AVAILABLE GRANT TYPES, ELIGIBLE and INELIGIBLE COSTS

There are two types of available Municipal Flood Control grants: Acquisition and Development and Local Assistance Grants. The Acquisition and Development Grants are the main grant type and provide funding for purchase of land or easements, structure removal, and construction or other development costs. All project priority types apply for an Acquisition and Development Grant. In addition, the Local Assistance Grants provide supplemental funding for administrative costs, but funding is extremely limited and in very high demand.

1. ACQUISITION AND DEVELOPMENT GRANT

For property acquisition, construction, and development related activities.

Eligible project activities in priority order for funding as determined by law (1 high through 9 low):

1. Property acquisition and removal of structures which due to zoning restrictions cannot be rebuilt (structure located directly in floodway, dam shadow or Zone A)
2. Property acquisition and removal of structures in the 100-year floodplain (structure located in flood fringe)
3. Property acquisition and removal of repetitive loss or substantially damaged structure (outside the floodplain but meets the definition of “Repetitive Loss Structure” in NR 199.03(17) and/or “Substantial Damage” in NR199.03(20))
4. Property acquisition and removal of flood damaged structures (any flood damaged structure outside floodplain)
5. Floodproofing and flood elevation project in the 100-year floodplain that will remain in the 100-year floodplain
6. Riparian Restoration project on a watercourse: (1) dam or artificial obstruction removal; (2) fish & native plant habitat restoration; (3) erosion control and streambank restoration
7. Acquisition of vacant land for flood water control/storage or flood water flowage easement
8. Flood control detention pond
9. Flood studies and flood mapping projects

Ineligible project activities:

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.

PROPERTY ACQUISITION AND REMOVAL PROJECT ELIGIBLE COSTS:

(Wis. Admin. Code § NR 199.08(1)(b))

1. Fair market value of the property as determined by DNR appraisal review and approval
2. Costs related to the purchase of property are limited Wis. Admin. Code § NR 199.03(1) to:
 - Cost of appraisals (one per property as listed in the grant agreement)
 - Land surveys
 - Relocation payments for tenants of rental property
 - Title evidence and insurance
 - Recording fees
 - Historical and cultural assessments
 - Environmental inspections
3. Structure removal costs

PROPERTY ACQUISITION PROJECT INELIGIBLE COSTS:

(Wis. Admin. Code § NR 199.03(1))

1. Attorney fees
2. Environmental cleanup costs
3. Brokerage fees paid by the buyer
4. Real estate transfer taxes, fees or closing costs
5. Utility bills
6. Taxes
7. Other costs not already identified as eligible

CONSTRUCTION AND DEVELOPMENT PROJECT ELIGIBLE COSTS:

(Wis. Admin. Code § NR 199.08(1)(b))

1. Engineering or planning fees to complete the construction project, including previously incurred costs.
2. Structural flood proofing and elevation cost.
3. 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.

CONSTRUCTION AND DEVELOPMENT INELIGIBLE COSTS:

(Wis. Admin. Code § NR 199.08(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.

2. LOCAL ASSISTANCE GRANT

For Administrative Support Activities

NOTE: Local Assistance Grants provide supplemental funding for administrative costs, but funding is limited and in high demand.

LOCAL ASSISTANCE ELIGIBLE COSTS:

(Wis. Admin. Code § 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

INTRODUCTION: MFC grant applicants applying for project priority types that involve property acquisition must follow specific appraisal procedures to be eligible to receive grant awards. These procedures are designed to ensure fairness, meet federal and state government requirements, and 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 MFC Grant Program Manager can answer any questions you have regarding these guidelines. It is important to also reference the [DNR Land Acquisition Guidelines](#) for more details about DNR grant-funded real estate acquisitions which is found on the MFC web page. Go to <https://dnr.wi.gov> and search “Municipal Flood Control Grant Program”.

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

Structure must meet the definition of Wis. Admin. Code § NR 199.03(19), 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 lakebed, including, but not limited to, buildings, storage tanks, bridges, dams, channels, and culverts.

ACQUISITION AND EASEMENT REQUIREMENTS: Municipal Flood Control Acquisition and Development Grants require the removal of all structures on the property to be acquired for the development of permanent open space for flood storage or flood water flowage to a watercourse. The grant recipient must record permanent deed restrictions at the time of the property acquisition identifying the interest of the State and registered in the office of the register of deeds of each county in which the property is located. Wis. Admin. Code §§ NR 199.04(7), NR 199.10(2) (h)

Eligible flood control acquisition and development projects must meet one of the following criteria:

1. Flood damaged structures to be removed on the property to be acquired cannot be rebuilt or repaired due to zoning restrictions.
2. Structures to be removed on the property to be acquired are in the 100-year floodplain.
3. Structures to be removed on the property to be acquired have repetitive loss or substantially damaged structures due to flooding.
4. 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)
5. Acquisition of vacant land to provide additional flood storage or to facilitate natural or more efficient flood flows to a watercourse.
6. 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 will be reviewed and approved by the DNR Grant Program Manager to assure that the requirements of Wis. Admin Code ch. NR 199 and §.700.40, Uniform Conservation Easement Act are met.
7. 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 (Wis. Admin. Code § NR 199.03(7)) to facilitate natural or more efficient flood flows to a watercourse. Conditions of the easement will be reviewed and approved by the DNR Grant Program Manager to assure that the requirements of Wis. Admin. Code ch. NR 199 are met.

General property acquisition requirements: (Wis. Admin. Code § 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. (See [Environmental Hazards Assessment DNR form 1800-001](#))
5. No grant may be awarded to acquire property through the power of eminent domain.
6. Grantee will provide a long-term management plan of the property to the DNR as a final payment stipulation.

7. Grantee will prohibit using the property as security for any debt unless the DNR previously approves the incurring of the debt.
8. Grantee will prohibit closing the purchased property to the public except where the DNR has determined that closure is necessary to protect wild animals, plants, or other natural features.
9. Grantee will provide the DNR access to land acquired with a 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 DNR access to the 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 DNR to sell or transfer the property to another grant eligible municipality or land conservation organization. Land cannot be transferred to individuals.
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:

(Wis. Admin. Code § 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 if 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.

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. It is important to provide reasonable timeline expectations for the property owner as it can take about three years from the time of application to the time the home is purchased. Sometimes it can be less time, but this grant program is not intended to be an emergency relief program. 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 Wisconsin DNR's Municipal Flood Control Grant Program. This offer is contingent upon receipt of a Municipal Flood Control Program grant award."

REQUIRED: A WILLING BUYER – WILLING SELLER TRANSACTION: Municipal Flood Control Program grants for land acquisition must fund *arms-length sales*, meaning land or easements purchased from willing sellers, by willing buyers, where neither party is obligated to or has disproportionate control over the transaction. If the land has been condemned, dedicated as open space by zoning, purchased to satisfy compensatory mitigation, or if either party is otherwise legally obligated to the transaction, the project may not be eligible for grant cost share.

DNR'S INTEREST IN GRANT-FUNDED PERPETUAL CONSERVATION AND FLOWAGE EASEMENTS: If you are acquiring an easement with a Municipal Flood Control Program grant, you will need to explain the state's interests in the easement to the landowner. In addition, the interests of the State must be referenced in the easement document itself.

DISPLACED PERSON RELOCATION PAYMENTS: Relocation costs are only eligible for displaced rental tenants and not property owners under this grant program. The municipality applying for payment reimbursement using Municipal Flood Control Grant funds will provide a copy of the relocation plan and original rental agreement to the MFC Grant Program Manager for proof of reimbursement claim for displaced person relocation payments cost. For additional information, visit DOA's Relocation Assistance web page, <https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>, to start to get help on this subject.

Relevant rules:

- Wis. Admin. Code § NR 199.10(1)(a)
- Wis. Stat. ch. 32

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 as it may help avoid disputes later. If you receive a grant award, the DNR will cover 50% of the cost of a survey.

APPRAISAL GUIDELINES: The DNR's Municipal Flood Control Program provides some flexibility with the appraisal process. Applicants may appraise property in its pre-flood condition under certain circumstances and the DNR will UR/AR form appraisals written to conform to the Uniform Standards for Professional Appraisal Practices. In all cases it is strongly advised that the grant applicant contact the DNR Review Appraiser and the Municipal Flood Control Grant Manager prior to obtaining an appraisal. Appraisals will be reviewed by the DNR Appraisal Reviewer and grant awards will be based on an approved appraisal.

PROJECTS USING FEMA FUNDS AS MATCH: Often, when a property is damaged by floodwater, the landowner is also eligible for assistance from the Federal Emergency Management Agency (FEMA). In Wisconsin, these federal funds are administered by the Department of Military Affairs. Grant funding

provided through the DNR's Municipal Flood Control Program can be matched to FEMA funds. The Department of Military Affairs also requires an appraisal to determine the fair-market value of properties under consideration. When both FEMA and DNR grants are provided for the same property, the DNR will accept the fair-market value of the property as determined by the FEMA Appraisal Reviewer. The DNR will not require a separate appraisal from the project sponsor. Until Wis Admin. Code ch. NR 199 is revised, the DNR will issue a variance to these project sponsors if the appropriate box is checked at the end of the MFC grant application form. This allows grant applicants the ability to receive DNR grant funds even though an appraisal went through the FEMA review process. Applicants will be asked to provide a copy of the appraisal and any technical review completed for that appraisal.

IMPORTANT APPRAISAL CONSIDERATIONS: Before any appraisal reports get started, discuss the property with the DNR Appraisal Reviewer and the MFC Program Grant Manager. All appraisals for applications selected for grant awards are subject to DNR review and approval by the DNR Appraisal Reviewer unless FEMA funds are involved in the purchase. The FEMA appraisal reviewer approval will be accepted only if FEMA funds are used as match funding for the purchase. The DNR will not accept an appraisal that fails to conform to the guidelines established for the Municipal Flood Control Program.

1. After discussing your project with the DNR Appraisal Reviewer choose a qualified appraiser. The DNR recommends using a licensed residential appraiser or a Wisconsin Certified General Appraiser. Choose an appraiser who 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.
2. Any appraisal commissioned by the owner (seller) of the property will be rejected.
3. It is highly recommended that your selected appraiser contacts the DNR Appraisal Reviewer to discuss the appraisal assignment BEFORE starting the appraisal. The DNR Appraisal Reviewer will work with your appraiser to ensure compliance with the guidelines. Your DNR MFC Grant Program Manager can provide you with the name of the DNR Appraisal Reviewer for your appraiser to contact.
4. Be sure your appraiser understands the appraisal requirements for the Municipal Flood Control Program before you hire them. Indicate 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 Appraisal Reviewer and the DNR MFC Grant Manager regarding additional information that may be requested because of the DNR appraisal reviews.
5. Obtain quotes from several different appraisers as the cost can vary significantly, although only one appraisal for properties under \$350,000 is eligible for reimbursement if awarded a grant.
6. 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 they need to do an accurate appraisal of the property:
 - Identify if the appraisal is for a fee simple acquisition or an easement
 - Location of the property including county and township
 - Maps: ortho photo, plat, CSM, soils
 - Correct legal description, tax key number, and survey

- Correct acreage and land cover
- Description of any improvements that should be included in the appraisal
- For easement appraisals: copy of easement and summary of major conditions, including the size and location of any building envelopes
- Existing liens or encumbrances on the property
- Any special rights being retained by the owner
- Potential or prior property contamination

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 contamination be appraised for a grant application. Information on case closure with prior contaminated properties may be made within your grant application on the Environmental Hazards Assessment DNR form 1800-001. This information may affect the selection of your application for a grant award. See additional guidance regarding contaminated property provided on the website at dnr.wi.gov and search “Municipal Flood Control.”

DEED RESTRICTIONS: Any property acquired through either fee simple title or purchase of an easement in perpetuity must be maintained as a permanent open-space use. The grant recipient must record this condition as a permanent deed restriction when the property acquisition occurs. It is required that the instrument conveying the property to the recipient identify the interest of the State 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. (Wis. Admin. Code §§ NR 199.04(7), NR 199.10(2)(h))

PART 4: ELEVATION & FLOOD MAPPING PROJECTS and ELEVATION 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. Flood-proofing the structures will ensure 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 (100-year) 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 following copies of permits are needed prior to construction:
 - a. Building permit.
 - b. Land use permit that meets floodplain standards.
 - c. Elevation verification for pre-construction and an elevation certificate provided post construction.
4. The following copies of permits are needed after construction:
 - a. Occupancy permit.

- b. Floodproofing certification as stated.
- c. All eligible activities undertaken pursuant to this grant must be following the minimum state floodplain management requirements, as enumerated in Wis. Admin. Code ch. NR 116, 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 Wis. Admin Code ch. NR 116 and 44 CFR parts 65 and 70, including development of base flood elevations and floodway boundaries.

Flood mapping project priorities 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 without 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 four criteria in descending order shall be used:

1. Number of flood damage claims &/or flood insurance policies in area to be studied or restudied.
2. Number of principal structures in area to be studied or restudied.
3. Number of LOMC's in area to be studied or restudied.
4. 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: DETAILED APPLICATION INSTRUCTIONS AND MATERIALS

Follow the step-by-step instructions for completing your Municipal Flood Control Grant application. For access to all application materials referenced in these instructions, click on the “Apply” tab at <https://dnr.wi.gov> and search “Municipal Flood Control.”

IMPORTANT NOTE: YOUR APPLICATION WILL NOT PROCEED TO THE SELECTION PROCESS UNLESS COMPLETE SUBMITTAL BY THE REQUIRED DEADLINE. LATE SUBMISSIONS AND PARTIAL APPLICATIONS WITH MISSING INFORMATION OR DOCUMENTATION WILL NOT BE CONSIDERED FOR FUNDING.

STEP 1: Determine your eligibility. See page 1 of the Municipal Flood Control application, DNR form 8700-291 and complete Section 1: Project Screening. If you answer yes to questions 1, 2, and 3, your project is not eligible for this grant. STOP – do not continue.

STEP 2: IF eligible, **read the application instructions very carefully** and complete the rest of the application. ***Applications with missing information will not be considered for funding.***

Provide the applicable, required attachment materials listed on page 4 of the Municipal Flood Control application, DNR form 8700-291. Refer to the table below for attachment requirements for the different project types:

Application Materials Checklist	Project Types
MFC Application Form 8700-291	All project types 1-9
Applicant Project Evaluation Sheet	All project types 1-9
Authorizing Resolution	All project types 1-9
Detailed Project Description/Property Mgmt. Plan	All project types 1-9
Map Showing Property Lines, Municipal Boundaries and Existing Conditions	All project types 1-9
DNR Environmental Hazards Assessment Form 1800-001 (one per property)	Project types 1-4 & 7 involving land acquisition
Flood Insurance Rate Map (FIRM) showing structure location(s) and Floodplain District Boundaries	Project types 1-4 involving land acquisition
Property Appraisal – one per property	Project types 1-4 & 7 involving land acquisition
Detailed Budget Breakdown if project involves multiple properties	Project types 1-4 & 7 involving land acquisition

ALL FORMS ON THE APPLICATION CHECK-LIST MUST BE INCLUDED WITH THE APPLICATION SUBMITTAL FOR PROPERTY ACQUISITION (PROJECT TYPES 1-4).

You may apply for just the Acquisition and Development Grant or for both the Acquisition and Development and Local Assistance Grants with one application. **NOTE:** Only ONE eligible project type per application. Applications with multiple project types will not be considered.

How to determine acquisition project type: Project types 1 through 4 are determined by structure location within the floodplain district boundaries on a Flood Insurance Rate Map found at <https://msc.fema.gov/portal/home>. Reference this map when determining your acquisition project type and provide a copy with the application.

- *Project Type 1* structures are located directly in the floodway, dam shadow or Zone A.
- *Project Type 2* structures are in the flood fringe.
- *Project Type 3* structures are outside the floodplain but meet the definition of “Repetitive Loss Structure” in NR 199.03(17) and/or “Substantial Damage” in NR 199.03(20).
- *Project Type 4* structures are any flood damaged structures outside the floodplain.

For ALL project types:

- *Section 5:* Match Detail – any information marked with an asterisk is required. Match must be secured at the time of application submittal.
- *Section 6:* Provide detailed property/location information for the project location regardless of project priority type.

Additional information for applications with **multiple** property acquisitions within the same priority type:

- *Section 3:* Include a detailed budget breakdown for each property as an attachment to the application.
- *Section 5:* List all Senate and Assembly districts involved in the project. It is not necessary to identify the specific property with each district if multiple districts are involved.
- *Section 6:* Provide detailed property/location information for each property.

STEP 3: Complete and attach the Project Evaluation Sheet and indicate “not applicable” if the required information does not apply to your project.

STEP 4: Complete and attach the Resolution statement or use the sample format provided on the [MFC web page](#).

STEP 5: Provide a detailed proposed Project Description and Property Management Plan *and* detailed map clearly showing property locations and boundaries, municipal boundaries, and existing conditions. This map may also be used to identify any hazardous conditions for the requirement of DNR form 1800-001 Environmental Hazards Assessment. Use the template document provided on the [MFC web page](#) to assure complete application submittal. If any questions do not apply to your project type, answer as Not Applicable.

STEP 6: Complete both pages 1 and 2 of the Environmental Hazards Assessment, DNR form 1800-001. Applicable only to projects involving property acquisition. Provide one form for each property. Use the map from Step 5 to also identify any hazardous conditions.

STEP 7 - FOR PROPERTY ACQUISITION PROJECTS ONLY: An appraisal is required with the application for all property acquisitions. Two appraisal reports are required for properties over

\$350,000. The Appraisal Report must be talked over with the DNR Appraisal Reviewer first and then ordered by the grant applicant. See Part 3 of this document for specific requirements and conditions.

STEP 8 - Applicants must provide electronic copies of all application documents. Send all completed application packages electronically to: Elisabeth.Kuisis@wisconsin.gov

IMPORTANT DEADLINE INFORMATION

All applications must be received by the MFC Grant Program Manager on or before 4:00 pm on March 15, 2024. Incomplete/partial or ineligible submittals and submittals received after the receipt deadline will be pulled from the project selection process.

Upon receipt of your application by the MFC Grant Program Manager: Applications will be reviewed for completeness, screened for eligibility, and ranked according to project priority type as required by Wis. Admin Code § NR 199.05 and information in the Applicant Project Evaluation Sheet by the MFC Grant Program Manager. Incomplete or ineligible submittals and submittals received after the receipt deadline will be pulled from the project selection process.

Once the application is deemed complete, screened for grant eligibility requirements, ranked, and scored by the MFC Grant Program Manager, the eligible project applications will be reviewed by DNR Floodplain staff for zoning issues, permits, and regulatory requirements. The selected property acquisition projects will require DNR Real Estate Review Specialist approval to DNR guidelines prior to grant award issuance.

NOTE: The time between submitting a complete application and receiving a grant contract ranges from 6 to 12 months depending on the details of the project priority type and the review process.

CAUTION: Cost incurred prior to the signing of a grant agreement will NOT be eligible for reimbursement unless the prior incurred costs are engineering or planning fees necessary for completion of development/construction projects or necessary appraisal costs for acquisition projects. Applicants should not start project activities until receipt of a signed grant agreement from the DNR.