

MUNICIPAL DAM GRANT PROGRAM

(Ch. NR 335, Wis. Adm.
Code)

INSTRUCTIONS FOR COMPLETING APPLICATION FORM 3500-088

BASIC ELIGIBILITY REQUIREMENTS:

- **Ownership:** A grant may only be awarded for the repair or removal of a dam that is owned by a county, city, village, town, tribe, public inland lake protection and rehabilitation district (lake district) as define per statute, or other municipal entity. Note: Dams that are inspected, approved, and licensed by a federal agency under 18 CFR Part 12 will not be eligible to receive funding. (NR 335.02(2)(b)). The applicant must own or have permanent legal access to the entire dam, including all embankments.
- **Directive:** The dam must have deficiencies identified in a DNR inspection report (under directives), DNR concurrence letter to a consultant report, or a DNR administrative order to be grant eligible

GENERAL INFORMATION:

All applicants must complete Form 3500-088 to be considered for a grant under ch. NR 335, Wis. Adm. Code.

The DNR must receive a complete application along with all required attachments and required additional information on or before the grant application deadline for the application to be complete and considered for funding.

Applications received after the application deadline will not be eligible for consideration.

The instructions below are intended to provide supplemental information for completing the grant application. If you have questions, please contact one or more of the staff contacts listed below.

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Chapters [NR 333](#) and [NR 335](#), Wis. Adm. Codes apply to Dam Design and Construction and the Municipal Dam Grant Program. Links to these codes are also listed on the DNR Municipal Dam grant web page: <https://dnr.wi.gov/aid/dammunicipal.html>

SECTION 1 – APPLICANT/OWNER INFORMATION:

“Applicant”:

The county, city, village, town, tribe, public inland lake protection or rehabilitation district that **owns**

the dam structure.

“Owner’s Authorized Representative”:

The individual authorized by a resolution of the governing body of the municipality to apply for the grant on behalf of the municipality. This representative must be designated by resolution to be able to sign the grant agreement, change orders, extension requests, variance requests, and the payment reimbursement request. Contractors and consultants cannot be designated.

***Include your resolution with the application package.**

“Owner’s consultant”:

The engineering consultant should be identified as the Owner’s Consultant. The DNR Water Management Engineer will rely on the consultant to answer technical questions. **Note: Plans, specifications, and studies required for the grant project must be prepared, stamped, and signed by a professional engineer licensed to practice in the State of Wisconsin.**

SECTION 2 – DAM INFORMATION:

“Name of the dam”:

Include both the common name and/or any other popular name. Information about your dam can be found by going to this website: <https://dnr.wi.gov/topic/dams/damsearch.html> and following these instructions:

Select *Individual dam*; type in information for your dam in one or more of the search fields then press the *Search* button. Once you find your dam click on *View Dam* button then click on the *Report* button.

“Waterway impounded”:

List the river or stream that the dam spans or the name of the lake formed by the dam.

“Location”:

Indicate the Township, Range, Section and County in which the dam is located. This can be determined from a USGS quadrangle map, plat map, property description of the dam site or by doing an [Individual dam search](#).

***Include a detailed map indicating the PLSS with your application.**

SECTION 3 – DATE OF ORDER AND REQUIRED ATTACHMENTS:

“Date of Inspection Report or Order to repair”:

This should be the date of the most recent DNR directive associated with the dam that indicates the safety concerns to be addressed by this project. **Note:** The dam must have deficiencies identified in a DNR inspection report (under directives), DNR concurrence letter to a consultant report, or a DNR administrative order to be grant eligible.

***Include copy of directive with your application.**

A. Required Attachments:

The DNR must receive **all required** information (complete application and all attachments) on or before the grant application deadline for the application to be complete and considered for funding.

- **Resolution #1 & Resolution #2:**

An applicant must adopt a resolution which **1)** designates an authorized representative to apply for the grant and act on behalf of the applicant and **2)** indicates a municipality's/lake district's commitment to the "local share" and agrees to pay a share of the eligible costs which are equal to the total project cost minus the state share. **It is not acceptable to have a cap on the local share of the project in the resolution.**

A sample "authorizing" resolution (which covers Resolution #1 & Resolution #2) is available from the following DNR web page: <https://dnr.wi.gov/Aid/DamMunicipal.html>, under the "How to Apply" tab. (If you are using language other than the sample resolution it is strongly recommended that you submit the resolution to the DNR Grant Manager for review prior to adoption.)

- **Map:** Submit a map that clearly show property lines and owners adjacent to dam.
- **Downstream Community Notification Letter:** **If applicable**, the applicant must provide proof of receipt of a letter sent by certified mail to all municipalities that are affected by the dam failure profile, informing the municipality that a change in the land use controls may be necessary to secure the hazard rating for the dam.

The letters to downstream communities, with certified mail receipts, must be attached to the application. It is acceptable to attach one copy of the letter and certified mail receipt with a list of all recipients. The letters must be sent to all communities (counties, cities, villages) in the inundation area identified by the dam failure analysis.

This letter is NOT necessary if:

- appropriate zoning controls have already been adopted by all affected municipalities to secure the hazard rating, or
- The application is for a dam removal project.
- **Property Deed:** To show proof of property ownership you must include a copy of the property deed for the dam site. In order to qualify for a grant under s. [NR 335.02\(2\)\(a\)](#), the applicant must own or have permanent legal access to the entire dam, including all embankments.
- **Cost Estimate:** see Section 4 instructions for more detail.
- **Project Description:** see Section 4 instructions for more detail.

B. **Project Type** – Choose Either – "Dams to be Repaired or Modified" OR "Dams to be Abandoned and Removed":

Dams to be Repaired or Modified

- A **dam failure analysis is required** to be submitted with your application. Your project will not be considered complete until this analysis is reviewed by the department and deemed adequate to identify the hazard the dam poses to existing development downstream of the dam. This is **required of both large and small dams.**

If a dam failure analysis has previously been submitted to or approved by the Department the

submittal or approval date must be provided.

Dams to be Abandoned and Removed

- A permit to abandon **or** an application for a permit to abandon, **and** a hydraulic & hydrologic analysis of the floodplain with the dam non-existent is required in order for the project to be eligible for consideration. A full DFA is not required for Dam Removals.

Applications for a permit to abandon a dam are available online at:

[Dam abandonment and removal | Wisconsin DNR](#)

C. Required Attachments for Ranking:

The application packet should include all documentation as indicated in Section 6. If you are taking points, documentation is needed to justify those points.

SECTION 4 – ESTIMATED ELIGIBLE PROJECT COSTS:

This section provides the DNR a preliminary estimate of eligible and ineligible project costs as defined by s. [NR 335.08](#), Wis. Admin. Code. List the itemized costs **and** attach a detailed narrative description for each of the costs.

- Costs for engineering services should be based on signed contracts or engineer's estimates.
- Construction estimates should be based on completed plans and specifications or on a conceptual design or project description.
- Construction estimates should not include general contingencies.

Dam owners should be aware that dam project costs often change between initial estimates, final design and bidding. Costs can even change during construction due to unforeseen conditions. Budgeting for the local share of project costs should take that into consideration. **Note: Grant awards are based on estimated costs.**

SECTION 5 – AMOUNT OF GRANT REQUEST

After you have entered the line-item budget amounts in Section 4 the State Share and Sponsor Share of costs will auto-calculate and fill in the appropriate fields.

The State share is calculated as prescribed in [NR 335.05](#), as follows:

Dam to be Repaired or Modified

- 50% of the first \$1,000,000.00
- 25% of the next \$2,000,000.00
- Maximum Award Amount \$1,000,000.00

Dam to be Abandoned and Removed

- 100% up to a maximum of \$1,000,000.00

Note: The Department is allowed to include a 10% contingency amount at the time a grant award is issued as long as the total award amount does not exceed \$1,000,000.00. This is to reduce the risk of State share funding deficiencies due to unforeseen costs and to limit the need for grant award amendments.

SECTION 6 - CRITERIA FOR PRIORITY RANKING:

The DNR will assess each criterion and will make final decision on points awarded. If information is missing or not complete enough to assess the points claimed, the DNR may contact the applicant for additional information or clarification. To ensure that you receive all points available, it is important to supply documentation where indicated.

- Enter all answers as a 'Y' for yes or an 'N' for no.
- Points will auto-fill in the Generated Points column depending on where you enter a 'Y'.
- For Question V. enter a 'Y' where applicable.
- **Supporting documentation must be submitted where indicated in order to receive points.**

I. Hazard Potential -- Based on the Dam Failure Analysis and criteria in [NR 333.06](#).

A. **The Dam Hazard Potential** used in the priority rankings is reflective of the current land use downstream of the dam (consequence of dam failure on current development).

High hazard potential = Dams that have existing development in the hydraulic shadow that will be inundated to a depth greater than 2 feet. Loss of human life during failure or mis-operation of the dam is probable.

Significant hazard potential = Dams that have no existing development in the hydraulic shadow that would be inundated to a depth greater than 2 feet. Failure or mis-operation of the dam would result in no probable loss of human life but could cause economic loss, environmental damage, or disruption of lifeline facilities.

B. Is this a large dam as defined by NR 333?

Large dam = Structural height of more than 6 feet and a maximum storage capacity of 50 acre-feet or more of water. OR has a structural height of 25 feet or more and impounds more than 15 acre-feet of water. This document can help you visualize the terms used in the size definition: [Large Dam Design.pdf](#)

You can find the dam size using the report from an [Individual dam search](#).

C. Land use controls currently in effect downstream of the dam ([NR 333.03\(9\)](#)).

You may only select 'Y' (yes) for only one of these statements, even if both apply. **Note: If you indicate Y to either, supporting documentation should be provided.**

Land Use Controls = Floodplain zoning ordinance adopted and approved per s. 87.30, Stats. or restrictive covenants, easements or other appropriate legal arrangements between the owner of the dam and owners of all land within the dam's hydraulic shadow.

Current land use controls for the area downstream of the dam must be determined. The effect of the 100-year floodplain or hydraulic shadow may cross municipal boundaries, so all affected municipalities must be contacted (see land use Zoning letter under Attachments) and land use control must be adopted in all impacted communities in order to receive the priority ranking points.

Compliant Dams = Per [NR 116.08\(3\)](#)

(a) A dam is considered compliant if all the following requirements are met:

1. The dam is structurally adequate to meet the conditions in ss. [NR 333.05 \(2\) \(k\)](#) and [333.07 \(3\) \(b\)](#).
2. The dam is hydraulically adequate to meet the standards in s. [NR 333.07 \(1\)](#).
3. The dam has been certified by a professional engineer, registered in Wisconsin, to meet the requirements of subds. 1. and 2.
4. Written assurance of the dam owner's ability to operate and maintain the dam in good condition is obtained from the dam owner.
5. An emergency action plan to minimize loss of human life has been developed for the area downstream of the dam based on the assumption that the dam fails during the regional flood.
6. The department reviews and approves the material submitted under subds. 1. to 5.

(b) Developed areas downstream of compliant dams shall be zoned and regulated as follows:

1. For high hazard dams, assuming the dam is nonexistent during the regional flood.
2. For significant or low hazard dams, assuming the dam fails during the regional flood.

(c) Undeveloped areas downstream of a compliant dam shall be zoned and regulated assuming the dam fails during the regional flood.

If you do not know whether your dam is considered a complaint dam or what zoning, if any, has been adopted downstream of your dam, please work with the DNR [Water Management Engineer](#) for your county early in the application process.

II. Purpose of the project

Enter 'Y' (yes) or 'N' (no) for A or B as applicable. "Y" cannot be entered for both questions.

A. A removal project is a proposal to eliminate the dam permanently and abandon the permit to operate a dam per Ch. 31.185, Stats. Extents of structural removal that constitute permanent abandonment shall be determined by the Department as part of the permit application process."

o Under Purpose of Project, revise the existing language to follow outline format with letter "B.", thus: "B. Spillway capacity is defined in NR 333.03(26) as "Total spillway capacity" means the sum of the auxiliary spillway and principal spillway capacities of the dam."

Note: for question B Spillway capacity is defined per NR 333.03(26) as "Total spillway capacity" meaning the sum of the auxiliary spillway and principal spillway capacities of the dam.

III. Proactive Safety Measures

If you answer yes to questions A and B you must **attach approval letter or cover letter** to your application.

The intent of question B, "Has the EAP been updated or tested within the past 24 months", is to award points to dam owners who have had EAPs on record with the DNR for some time and

have kept it current with recent updates or tests. It is not intended to award points to owners that have recently adopted an EAP for the first time

If you answer yes to question D you must **attach copies of completed IOM check lists, water level readings, or self-inspections** to your application.

IV. Financial Considerations

A. Enter ‘Y’ or ‘N’.

If answer is “Y”, you are required to include attachment/s indicating the municipality’s/lake district’s commitment to the operation and maintenance of the dam. Examples of such attachments include but are not limited to annual municipal or utility budget documenting a line item for dam maintenance, a special assessment district naming dam maintenance as an eligible levy, documentation that a specific bank account is dedicated to the purpose of dam maintenance, a copy of meeting minutes showing approval of funds for dam maintenance purposes, and the like.

V. Public Interest – Navigability of the stream, stream classification, and the type of project.

Refer to the [Individual dam search](#) for navigability rating and to Administrative Codes [NR 102](#) and [NR 104](#) for stream classifications downstream of the dam, if not listed, it is a warm water fishery.

Here is a link to the Water Condition Viewer data for your reference.

https://dnrmapping.wi.gov/H5/?viewer=Water_Condition_Viewer

If navigability has not been identified for the impounded waterway, contact the Water Management Engineer for the County in which the dam is located. [Water Management Engineer](#).

[Surface Water Data Viewer \(SWDV\)](#) provides interactive web-mapping tools for water quality, sediment, biological data, and aquatic invasive species. [Here are detailed instructions](#) on how to navigate through the Surface Water Data Viewer (SWDV), the navigability of the stream, and stream classification for this section.

Enter ‘Y’ (yes) or ‘N’ (no)

A. For Repair/Reconstruction

You may only select ‘Y’ (yes) for only one of the “on a…” questions.

B. For Dams to be Abandoned and Removed

You may only select ‘Y’ (yes) for only one of these questions.

*If you are having difficulty with this section, contact the [Water Management Engineer \(WME\)](#) for your county.

VI. Inspections and Orders

To obtain information from DNR records regarding VI.A and VI.B, go to

<https://dnr.wi.gov/damsafety/damSearch.aspx>, then use the search fields to find the dam by name, key sequence number, or other criteria. This will generate a list of dams matching the search criteria in a ‘Results’ section below the search fields. Press the ‘View Dam’ button on the right-hand end of the line corresponding to the dam you own. A page will appear in your browser that gives very basic information about the dam.

Along the top of the page, several buttons will appear, including one that says “View Report”. Click this, and a PDF will be generated that gives more detailed information about the dam that can be used to answer Questions VI.A and VI.B.

- A. Since 2011 have you maintained the owner required inspections by a professional engineer according to the specifications in ss. 31.19?

At the end of the PDF report generated by following the instructions above there will be a section titled "Inspection Schedule". This will be a list of inspections that are due in order for the dam to comply with s. 31.19, Stats. If this schedule is blank or only lists future years, mark "Y", and find the latest inspection date in the PDF report under the section titled "Inspection History". If the schedule lists past years, it is an indication that the Department does not have a record of this inspection. If you have a report from a consultant that documents an inspection shown as missed, please forward a copy of the report to the regional WME, mark "Y", and fill in the date of the report you are sending. Otherwise, mark "N".

- B. Have you complied with the due dates given for the directives listed in a WDNR dam inspection report a concurrence letter in response to a consulting engineer's inspection, or WDNR issued order?

At the end of the PDF report generated by following the instructions above there will be a section titled "Follow-ups". This will be a list of directives that have been issued to the dam owner throughout the dam's history. Each directive will have a short description, a due date, a spot for an extension date (which is a revised due date), and a spot for a completion date. Incomplete directives lack a completion date. The application question pertains to "past-due" directives, which are defined as incomplete directives having a due date (and extension date if applicable) PRIOR to the date this grant application is due. If you believe ALL past-due directives have actually been completed, please email photos of the completed work and/or other proof of completion to the regional WME, and mark "Y". If there are any remaining past-due directives for which you do not have proof of completion, mark "N".

VII. Ability to Proceed

- A. Have you submitted approvable plans and specifications to the DNR for your dam project?
Enter 'Y' (yes) or 'N' (no).

Note: to be considered eligible for the points in this category, approximately 60% level plans and specifications must be submitted through the e-Permitting portal at least one month prior to the application deadline. The WME may supply review comments; if supplied, the applicant must satisfactorily address comments by no later than 30 calendar days after the application deadline.

VIII. Other Considerations

Enter 'Y' (yes) or 'N' (no) to each question.

- If the total eligible project cost is estimated to be greater than \$500,000 **attach estimated project costs or project construction bids.**

Grand Total Points Score: This will auto fill. This represents the sum of the points for the eight criteria topics is the score we will use for priority ranking purposes. The points for financial need will be calculated by DNR staff and added to the application's total points.

CERTIFICATION:

The application (Form 3500-088) must be signed and dated by the authorized representative listed in the “Owner Information” section of the application and identified in the authorizing resolution.

APPLICATION SUBMITTAL:

To be considered for grant funding, the COMPLETED APPLICATION and ALL REQUIRED ATTACHMENTS must be RECEIVED by the Department by close of business (4:30 p.m.) on the application due date.

Mailed applications: Please allow ample time for documents to reach the DNR by the deadline date.

Mail applications to: WI Department of Natural Resources
Attention: Wendy Soleska, Grant Manager
Municipal Dam Grant Program – CF/2
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921

Email applications: Applications may also be emailed to wendy.soleska@wisconsin.gov, however please note that due to the size of the attachments, a share file or multiple emails may be necessary.

Hand delivered applications: If the application is hand-carried to the Department, please deliver prior to 4:30 p.m. and be sure the application gets stamped with the date of delivery.

Drop application at: DNR Customer Service Center
1st floor, State Natural Resources Building
101 S. Webster Street, Madison, WI