

NR 50

Filed January 29, 1976
3:15 pm C.L. Fullam



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 450
MADISON, WISCONSIN 53701

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. M-44-75 was duly approved and adopted by this Department on September 18, 1975. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 28TH day of January, 1976.

Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

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IN THE MATTER of repealing NR 50.04(4)(e);
renumbering NR 50.04(4)(f); amending NR 50.01(8),
50.03(3), 50.05(4)(a)4. & 6., (7)(b)7., 13.,
14. & 17., (7)(c)1., (7)(e) & (9), 50.06(2),
50.07(2)(e), 50.09(1)(d), (2) & (3), 50.10(3)
and 50.11 and creating NR 50.06(6)(e) of the
Wisconsin Administrative Code pertaining to
administration of outdoor recreation program
grants.
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M-44-75

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING, RENUMBERING, AMENDING AND CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by Chapter 350, Section 23.09 (26) and Chapter 227, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby repeals, renumbers, amends and creates rules as follows:

SECTION 1 - NR 50.01 (8) is amended to read:

(8) "Contingency fund" means that part of the LAWCON apportionment that is not immediately apportioned to counties or state agencies but held by the department to meet high priority, unforeseen or emergency need and which is granted by the secretary or his deputy upon the recommendation of the outdoor recreation advisory council.

SECTION 2 - NR 50.03 (3) is amended to read:

(3) Aids to counties for the development of snowmobile trails and areas. Applicants shall provide either a separate county snowmobile plan or a snowmobile section of a comprehensive county outdoor recreation plan. The county plan must be approved by the county board.

SECTION 3 - NR 50.04 (4) (e) is repealed.

SECTION 4 - NR 50.04 (4) (f) is renumbered to be NR 50.04 (4) (e).

SECTION 5 - NR 50.05 (4) 4. is amended to read:

4. Natural areas and preserves and outstanding scenic areas where the objective is to preserve the scenic or natural values, including areas of physical or biological importance and wildlife areas. These areas must be open to the general public for outdoor recreation use to the extent that the natural attributes of the areas will not be seriously impaired or lost.

SECTION 6 - NR 50.05 (4) 6. is amended to read:

6. Land for recreational trails.

SECTION 7 - NR 50.05 (7) (b) 7. is amended to read:

7. Winter sports facilities, such as slopes and trails for sledding and tobogganing, cross-country ski trails, facilities for skating, snowmobiling. Ice rinks may have sun shade or wind screens but not both. Skating rinks with both are not eligible.

SECTION 8 - NR 50.05 (7) (b) 13. is amended to read:

13. Shelter buildings that are completely open on at least three sides. Up to 10% of the enclosed portion of a shelter may be used for concessions, storage and kitchen areas. Offices are not eligible.

SECTION 9 - NR 50.05 (7) (b) 14. is amended to read:

14. Fences for the protection of park users, tennis court fences and baseball backstops with baseline fencing.

SECTION 10 - NR 50.05 (7) (b) 17. is created to read:

17. Lighting for tennis courts, hockey rinks, games courts, multipurpose courts and safety lighting.

SECTION 11 - NR 50.05 (7) (c) 1. is amended to read:

1. Time. The time remaining on the lease will be a term sufficient, in the department's judgment, to insure a period of public use and enjoyment commensurate with the expenditure of money. The lease cannot be revocable at will by the lessor. The original lease must have been for 25 years if federal land is to be leased.

SECTION 12 - NR 50.05 (7) (c) 12. is amended to read:

12. Poles, lights and fixtures for sport fields.

SECTION 13 - NR 50.05 (7) (e) is amended to read:

(e) Swimming and wading pools. Outdoor pools are eligible for LAWCON or ORAP local park aids. Indoor pools are not eligible. Convertible outdoor-indoor pools are not eligible. Cost sharing is up to 50% of costs, but not to exceed 50 cents per gallon of pool capacity. For wading pools, cost sharing is up to 50% of costs, but not to exceed 75 cents per gallon of pool capacity.

SECTION 14 - NR 50.05 (9) is amended to read:

(9) Provisions of the federal office of management and budget, circular A-102 as published on October 19, 1971 and September 8, 1972, and circular A-87 as published May 9, 1968 shall apply to all federal grants.

SECTION 15 - NR 50.06 (2) is amended to read:

(2) Procedure for application for grants: (a) Meet planning requirement.
(b) Submit application on prescribed department form including a resolution officially adopted by the governing unit.

(c) Agree to comply with the terms and interests of title IV of the civil rights act of 1964, PL 88.354 (1964) and to the regulations promulgated to such act by the secretary of the interior and contained in 43 CFR 17.

(d) Submit a letter to the metropolitan and state clearinghouse stating intention to apply for a federal grant as required under the bureau of management and budget circular A-95.

(e) Furnish land appraisals, options, relocation plans and specifications for development proposals and other information as may be required.

(f) Construction contract compliance with presidential executive order 11246 requiring contractors and subcontractors to provide equal employment opportunities in each of the trades on federally assisted projects. Local governments shall inform contractor and subcontractors of federal grants and send copies of the bid announcements to the federal government. The general provisions on form 8700-65A and form 8700-67A must be strictly adhered to.

SECTION 16 - NR 50.06 (6) (e) is created to read:

(e) Claims for payment must be submitted within one year of the project termination date.

SECTION 17 - NR 50.07 (2) (e) is amended to read:

(e) The location of dams will take into consideration the least possible adverse environmental effect. Areas of significant wildlife habitat, esthetic quality, geologic or archaeologic features and natural plant and animal communities valuable for scientific research or educational purposes shall be avoided.

1. Impoundments intended for "multi-recreation activities" shall offer reasonable assurance of achieving and maintaining adequate water quantity and quality in accordance with the standards and goals prescribed in Wis. Adm.

Code NR 102.02 for (3) fish and aquatic and (4) recreation. When the department so requires dams shall provide for a full bottom drain and a cold water draw (variable when possible) to carry full base flow.

2. Impoundments intended for "wildlife purposes" shall have a depth and flow sufficient to meet the wildlife management objective. Associated recreational development shall be limited to public access, day-use activities and supporting facilities thereto. Dams shall provide for a full bottom drain.

SECTION 18 - NR 50.09 (1) (d) is amended to read:

(d) Purchase liability insurance for snowmobile trails developed or maintained under the snowmobile program.

SECTION 19 - NR 50.09 (2) (a) 2. b. is amended to read:

b. A minimum term of 4 months between December 1 and the following March 31 is required and the easement, lease or permit must be irrevocable.

SECTION 20 - NR 50.09 (2) (a) 2. c. is amended to read:

c. An annual fee of 10 cents per rod may be paid if the assessed valuation procedure is not used. The minimum payment for any one landowner may be \$5.00.

SECTION 21 - NR 50.09 (2) (b) is amended to read:

(b) Development of snowmobile trails: 1. Snowmobile trail design and construction specifications:

a. Required specifications:

1) Permanent trails:

a) Minimum graded width for one-way trails is 6 feet and maximum about 8 feet.

b) Minimum graded width for two-way trails is 10 feet and maximum about 12 feet.

c) Minimum turning radius is 25 feet.

- d) A height of 10 feet above the trail will be cleared.
- e) Sustained grades and slopes will be a maximum of 25%.
- f) Brush will be cleared from an area 2 feet outside the trail edge.
- g) Approved reflectorized signs or nonreflectorized signs.

h) Snowmobile trails shall not be routed over bodies of water. If stream crossings make bridging necessary, provide bridging at least 6 feet wide. The district shall determine the need for bridging or if ice crossings may be used.

2) Trails constructed with short term easements:

- a) Minimum graded width of one-way trails is 4 feet and maximum width about 8 feet.
- b) Minimum graded width of 2-way trails is 8 feet and maximum about 12 feet.
- c) Approved reflectorized or nonreflectorized signs.
- d) Trail blazers, directional arrows, stop, regulatory, warning signs and highway guide signs may be used.

e) Snowmobile trails will not be routed over bodies of water. If stream crossings are necessary, provide bridging at least 6 feet wide. The district shall determine the need for bridging or if ice crossings may be used.

b. Desirable specifications:

- 1) Minimum trail length should be about 5-10 miles, desirable length about 15-30 miles.
- 2) Toilet facilities should be provided at about 15-mile intervals on heavily used trails and recreation areas.
- 3) Trail vertical and horizontal sight distance should be a minimum of 50 feet. Snowbanks at road crossings should be cut back to provide adequate visibility in both directions on both sides. Snowbanks should be kept low at trail crossing points to permit easy exit from an entrance back on to the trail. Warning signs should be installed on trails at both trail and road crossings.

4) Approaches and exits to grades and slopes should be straight, at least as long as the slope grades and hill crossings should be wider than the normal trails.

5) Access to trails should be controlled where possible. Caution signs should be used to indicate trail intersections. Trails should be routed away from areas that will attract undesirable traffic or uses. Emergency exits should be provided and shown by trail signing.

6) Topography and land characteristics should be varied to maintain user interest, and to take advantage of interesting features.

7) Occasional open areas should be provided for frolic and rest.

8) Trails should cross contours at right angles where possible. Routing trails along side slopes should be avoided.

9) Route trails away from areas designated in department wilderness policy, game preserves, winter browse areas, experimental stations, nurseries, plantations, residences and other areas of anticipated conflict, particularly areas which may be damaged by trail development or snowmobile use.

10) Trash barrels and picnic facilities should be provided at all rest and other use areas.

2. Snowmobile trail sign standards:

a. Snowmobile trails, regulatory, warning, guide and informational signs.

b. Snowmobile trail and highway signs shall conform with sign legend and colors listed in Wisconsin manual of traffic control devices. Signs used on highways shall be reflectorized and constructed to the minimum specifications of the standard intersection signing listed in the Wisconsin manual of traffic control devices. The reflective material shall meet the specifications of paragraph 637.2.2.1 on reflective sheeting of Wisconsin division of highways standard specifications for road and bridge construction, edition of 1969.

Federal forest service sign specifications may be used on federal forest service land.

(c) Maintenance of snowmobile trails. 1. Counties shall be required to maintain snowmobile trails developed on lands receiving acquisition aids and be required to maintain trails developed with snowmobile aids.

2. Trail maintenance is extremely important to improve trail usability and enjoyment. Constant dragging of the heavily used trails is needed to eliminate moguls (humps). Ideally, heavily used trails should be dragged immediately after each new snowfall. Once-a-week maintenance is recommended for lightly used trails.

3. Minimum widths to be groomed shall be 4 feet for one-way and 8 feet for 2-way trails. Maximum widths to be groomed shall be 12 feet for 2-way trails.

(d) Allowable costs - billings - audits. 1. County acquisition of rights-of-way may be up to 100% of eligible acquisition expenses.

2. County development of snowmobile trails shall be on a 100% grant basis, 75% at the time of approval, but no later than April 1, and 25% upon completion of the project.

3. County maintenance of snowmobile trails shall be 100% of the actual cost of maintaining the trail up to \$100 per mile per year maximum.

4. County liability insurance for approved trails shall be 100% of eligible costs.

5. Aids for development of trail shelters or sanitary facilities shall not exceed \$5,000. Aids for a combination building including shelter and sanitary facilities shall not exceed \$10,000.

6. Application shall be submitted on department snowmobile aid program forms.

7. Recreation facilities developed under the assistance of this act shall not be converted to uses which are inconsistent with the purposes of this act without the approval of the department. The department shall not issue such approval unless there is evidence that such other uses are essential to and in accordance with an official comprehensive plan for the area. The department shall require that the proceeds from disposal of facilities developed under this act shall be used to further the objectives of this act.

8. Claims for payment will be on a reimbursement basis, except for development projects. A project agreement must be approved before project costs may be incurred. The normal financial records of the county will be used to determine reimbursable costs and county records will be audited before final claims are paid.

Claims for payment must be within the scope of work, project period and encumbered amount as shown on the project agreement.

Claims for payment must be submitted within one year of the project termination date to be eligible.

9. The project period will not exceed one year. All maintenance agreements will terminate on May 1 of each year.

10. Equipment use rates shall be same as department of transportation schedules or be agreed upon prior to approval of agreement.

(3) Procedure for applying for grant. (a) Submit snowmobile plan to regional planning commission for review and comments and to the department for approval. The plan must be compatible with state plans.

(b) Submit resolution adopted by the county board.

(c) Submit application including forms, maps, permits and/or approvals, environmental impact assessment and other required information to the proper DNR district office. The environmental impact assessment may be prepared by the district.

SECTION 22 - NR 50.10 (3) is amended to read:

(3) Procedure for application. (a) Submit department application form including snowmobile ordinance in accordance with 350.04(2), Wis. Stats., and a map of municipality showing routes and trails.

(b) Submit application by February 1 of each year to the proper DNR district office.

(c) Snowmobile crossing warning signs, route signs, posts and hardware are eligible for aid.

(d) Labor costs are not eligible.

SECTION 23 - NR 50.11 is amended to read:

NR 50.11 Aids to snowmobile clubs (ch. 350, Wis. Stats.). (1) Eligible items. (a) Free cardboard or paper signs and reflectorized material.

(b) Aids up to 50% for plastic, metal or wood or reflectorized signs.

(c) Posts, backing material and fasteners for signs will be eligible for 50% aids.

(d) Labor costs are not eligible.

(2) General provisions. (a) Trails signed must meet construction standards for short term easement trails.

(b) Must be open to the public.

(c) Signs and aids will be limited to directional arrows, trail blazers, stop and warning signs conforming with NR 50.09, Wis. Adm. Code.

(3) Procedures for applications. (a) Submit department application form including:

1. Certification that the trail meets short term easement specifications as shown in NR 50.09, Wis. Adm. Code.

2. A map of the trail with location of stop and warning signs to the proper DNR district offices.

(b) Applications and certifications shall be signed by the club president.

(4) Billing procedures. (a) Submit billings in accordance with department instruction after signs have been installed.

(b) Reimbursement will be made after department inspection and approval.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 18, 1975.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin

28 January 1976

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Anthony S. Earl

Anthony S. Earl, Secretary

(SEAL)