



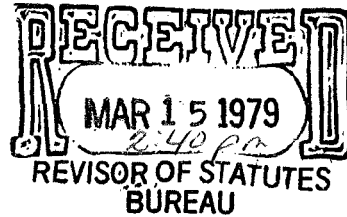
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 7921
MADISON, WISCONSIN 53707

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. FA-37-78 was duly approved and adopted by this Department on January 25, 1979. 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 9th day of March, 1979.



Anthony S. Earl, Secretary

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of the creation of .
chapter NR 7 of the Wisconsin .
Administrative Code pertaining . FA-37-78
to the recreational boating .
facilities program. .
.....

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 23.09, 23.11, 30.92(5) and 227.014, Wisconsin Statutes, the Natural Resources Board hereby creates rules as follows:

CHAPTER NR 7

Recreational Boating Facilities Program

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| NR 7.01 Purpose | NR 7.08 Applications for funding safe recreational boating facility development projects |
| NR 7.02 Applicability | NR 7.09 Commission to approve or deny requests for funding and establish priority lists |
| NR 7.03 Definitions | NR 7.10 Agency liaison |
| NR 7.04 Severability | |
| NR 7.05 Eligible projects | |
| NR 7.06 Type and content of studies | |
| NR 7.07 Applications for funding feasibility studies | |

NR 7.01 Purpose. The purpose of this chapter is to establish directions for the implementation of the safe recreational boating facilities program in order to provide easy access to all waters of the state giving due regard to the need for environmental quality and the needs of all the population for water based recreation.

NR 7.02 Applicability. The provisions of this chapter are applicable to all municipalities applying for financial assistance for safe recreational boating facilities under s. 30.92, Stats.

NR 7.03 Definitions. The following definitions are applicable to terms used in this chapter.

- (1) "Department" means the Wisconsin department of natural resources.
- (2) "Feasibility study" means an investigation of the environmental, economic and engineering aspects of a safe recreational boating facility project to determine if the project may be successfully carried out.
- (3) "Municipality" means any town, village, city or county eligible to receive funds under s. 30.92, Stats.
- (4) "Project" means a specific safe recreational boating facility development.
- (5) "Project priority list" means a ranking by the commission of various safe recreational boating facility projects in the order of their scheduled receipt of funds.
- (6) "Safe recreational boating facilities" means places where the public has access to the water by means of breakwaters and other similar physical structures, either naturally or artificially constructed, which provide safety and convenience for operators of recreational watercraft. Safe recreational boating facilities on the Great Lakes are commonly referred to as harbors of refuge. Safe recreational boating facilities on inland waters are commonly referred to as public accesses or launching ramps.
- (7) "Commission" means the Wisconsin waterways commission appointed by the governor under s. 15.345, Stats.
- NR 7.04 Severability. Should any part of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected.
- NR 7.05 Eligible projects. Projects eligible for funding under this section consist of: .
- (a) Facilities such as ramps and service docks required to gain access to the water,

(b) Structures such as bulkheads and breakwaters necessary to provide safe water conditions for boaters, and

(c) Activities such as dredging to provide safe water depths for recreational boating. Dredging is an eligible project only when it is associated with project development at the project site. Maintenance dredging of projects or channels is not an eligible item for funding.

NR 7.06 Type and content of studies. (1) Feasibility studies, including a resolution from the affected municipality supporting the project, shall be the basis for determining the feasibility of a safe recreational boating facility project and the rank of the project on the project priority list.

(2) All feasibility studies shall be site specific and completed in sufficient detail with appropriate maps, plans and text to allow the commission to determine the feasibility of the project. Where the commission finds a project is feasible and the project is supported by resolutions of the affected municipality, it shall be placed on the project priority list using the factors in s. 30.92(3)(b), Stats.

(3) Detailed feasibility reports and environmental impact statements prepared by the U.S. army corps of engineers for small craft harbor projects are sufficient for the purpose of this section, provided that such reports or statements have been found to be acceptable to the department.

(4) Feasibility studies shall contain at a minimum the following items:

(a) General information.

1. Name of project

2. Location, including:

a. County

b. Township _____ North, Range _____ East
West

c. Section(s)

d. Political town (where applicable)

e. Supporting municipality.

3. Purpose of the project

4. Work to be done

5. A detailed estimate of the cost of the project indicating the local share, the requested amount of state funding, and the extent of all other sources of funds.

6. Anticipated time schedule for project development.

7. Ownership of lands associated with the project.

8. Distance to nearest comparable safe recreational boating facility on same body of water.

(b) Economic analysis. The purpose of this analysis is to describe the anticipated level of use of the facility and associated benefits derived from such use for consideration by the commission when it evaluates the merits of various projects and establishes priorities for financial assistance. At a minimum, the analysis shall address:

1. An assessment of the demand for the project including an estimate of the number of users on an annual and peak period basis.

2. An estimate of annual revenues to be derived from any launch fees or associated costs.

3. An estimate of the current number of users of other comparable safe recreational boating facilities within the general area of the proposed project.

4. Past operation and maintenance costs where the project involves the improvement of an existing facility.

5. Estimated annual operation and maintenance costs for a new project.

(c) Environmental analysis. An environmental analysis shall be prepared for each safe recreational boating facility project. Because each proposed safe recreational boating facility site has certain unique physical characteristics, site specific environmental information must be collected. The scope and detail of this information shall be determined on a site-by-site basis after consultation with the department. This is intended to avoid any later problems regarding the environmental acceptability of the site.

(d) Engineering analysis. The engineering analysis shall include general plans and specifications of all physical improvements including, but not limited to, dredging, construction of ramps, piers and breakwaters and land alterations. The commission may require that the engineering analysis be certified by a registered professional engineer.

NR 7.07 Applications for funding for feasibility studies. (1)
Applications from municipalities for funding of feasibility studies are to be made to the department for presentation to the commission.

(2) The application shall be made on forms provided by the department and at a minimum contain the following information:

(a) A resolution officially adopted by the municipality containing:

1. A formal request for assistance.

2. The name of the representative(s) of the applying municipality authorized to sign forms or claims and who will be the contact person for this project.

(b) A detailed estimate of the cost of the feasibility study.

(3) After the review of an application, the department may request the applicant to submit more detailed information. The applicant may

appeal any such request by written notice to the commission at least 10 days prior to the convening of the next regular commission meeting. The written notice to the commission shall specify the basis for the applicant's objection to the department's request for more detailed information.

(4) The department will fund a portion of those studies approved by the commission at a rate determined by the commission which is based upon the factors contained in s. 30.92(2)(d), Stats., and the principles expressed in section NR 7.09(1), Wis. Adm. Code, and may vary from project to project.

NR 7.08 Application for funding to develop a safe recreational boating facility. (1) Applications from municipalities for funding of safe recreational boating facility development projects are to be made to the department for presentation to the commission.

(2) The application shall be made on forms provided by the department and at a minimum contain the following information:

(a) A resolution officially adopted by the municipality containing:

1. A formal request for assistance.

2. The name of the representative(s) of the applying municipality authorized to sign forms or claims and who will be the contact person for this project.

(b) A statement, supported by appropriate documents, that the project is feasible from economic, environmental and engineering viewpoints.

(c) A detailed estimate of the cost of the project indicating the local share, the requested amount of state funding, and the extent of all other sources of funds.

(3) After review of an application, the department may request the applicant to submit more detailed information. An applicant may appeal any such request by written notice to the commission at least 10 days

prior to the convening of the next regular commission meeting. The written notice to the commission shall specify the basis for the applicant's objection to the department's request for more detailed information.

(4) The department shall fund at a rate determined by the commission, a portion of each project subject to the limitations of s. 30.92(4), Stats.

(5) Where the applicant conducts a department approved boating enforcement and education program which conforms to the requirements of s. 30.74, Stats., and s. 30.79, Stats., the department may pay an additional 10% of the cost of a safe recreational boating facility project. The actual additional percentage to be funded shall be determined by the commission on a case-by-case basis. To be eligible for such additional funding the applicant shall certify and demonstrate that it sponsors regularly scheduled boating safety courses and employs personnel certified by the department assigned to carry out the course requirements.

(6) The actual rates of funding in subs. (4) and (5) may vary from project to project and will be based upon consideration of the factors contained in s. 30.92(3)(b), Stats., and the principles expressed in section NR 7.09(1), Wis. Adm. Code.

NR. 7.09 Commission to approve or deny requests for funding and establish priority lists. (1) To accomplish the purposes of this chapter, the commission will give consideration to projects located where a scarcity of safe recreational boating facilities exists, to basic facilities over elaborate facilities, to activities of the general boating public over those for a limited group, to those which meet urban needs and to such other factors which, in the opinion of the commission, will allow the enhancement of recreational boating in the state of Wisconsin.

(2) The commission may provide funding for feasibility studies.

The priorities for such funding shall be based upon consideration of the points in section NR 7.09(1), Wis. Adm. Code, and s. 30.92(2)(d), Stats.

(3) Only those recreational boating facility projects found to be feasible by the commission will be placed on the priority list for funding. In addition to a finding of feasibility the commission shall consider the factors in s. 30.92(3)(b), Stats., in establishing the priority list.

(4) The commission may deny funding for a feasibility study or a safe recreational boating facility project where:

(a) There is no expression of support for the project or study by the affected municipality, or

(b) Consideration of the factors in s. 30.92(2)(d) or s. 30.92(3)(b), Stats., indicate it would not be appropriate to fund such a study or project.

(5) The commission shall state the basis for denial of funding in writing to the affected municipality within 20 days of its decision.

(6) The affected municipality may ask the commission to reconsider its decision by giving written notice to the commission at least 10 days in advance of its next regularly scheduled meeting. The commission may reconsider its decision and authorize funding for the study or project.

NR 7.10 Agency liaison. (1) The department will assist municipalities in preparing requests for funding.

(2) The department will review all requests for funding of studies and projects for completeness and present properly completed requests to the commission for their action.

(3) The department will maintain close working relationships with public agencies with interests in safe recreational boating facility development.

(4) The department, through staff assigned to the commission, will periodically report to the commission on pertinent activities of public agencies and other bodies in the safe recreational boating facility field.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 25, 1979.

The rules contained herein will take effect upon publication.

Dated at Madison, Wisconsin 8 March 1979

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)