

00-112

December 6, 2001

TO: Members of the Senate Environmental Resources
Committee

Senator Robert Wirch Senator Robert Cowles
Senator Dave Hansen Senator Dale Schultz

FROM: Senator Jim Baumgart, Chair

Re: Modifications to Clearinghouse Rules received
today, December 6, 2001.

.....
**Clearinghouse Rule 00-112 - Relating to the recreation
boating facilities program.**

Submitted by the Department of Natural Resources.

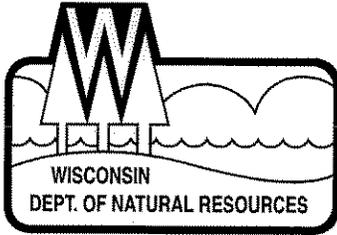
On March 15, 2001, the committee requested modifications to the above rule. I enclose a copy of the modifications that came from the DNR today and a copy of the letter requesting the modifications (dated March 15, 2001). Please look this over carefully as we have 10 days working days for the review.

Clearinghouse Rule 01-011 - Relating to public use of department lands.

Submitted by the Department of Natural Resources.

The committee took no action on this rule; however, the Assembly Committee on Natural Resources requested modification. Attached is the letter containing the requested modification. We have 10 days to review this modification also.

Cc: John Stolzenberg



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897

December 6, 2001

Honorable James Baumgart, Chair
Senate Environmental Resources Committee
306 South
State Capitol

Honorable Du Wayne Johnsrud, Chair
Assembly Natural Resources Committee
Room 323 North
State Capitol

Re: Modification of Clearinghouse Rule No. 00-112

Jim & Du Wayne

Dear Committee Chairs:

On March 15, 2001, the Senate Committee on Environmental Resources requested the Department of Natural Resources to modify that portion of Clearinghouse Rule No. 00-112 that created s. NR 7.088, Wis. Adm. Code, relating to recreational boating aids. At its December 5, 2001 meeting, the Natural Resources Board adopted the attached modification.

Under s. 227.19(4)(b)2., Stats., the Department of Natural Resources refers this action to your Committees for an additional 10 working day review. If the Department does not hear from you within 10 working days of the receipt of this notification, the Department will continue processing this rule.

Sincerely,

Darrell Bazzell

Darrell Bazzell
Secretary

Cc: Carol Turner – LS/5
Marcia Penner – LS/5
Larry Freidig – CF/8

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create NR 7.088 relating to the recreational boating facilities program.

CF-33-00B

Statutory authority: ss. 30.92(5)(b) and 227.11(2)(a), Stats.
Statutes interpreted: s. 30.92(4)(b)2.b., Stats.

This order creates the criteria for a project to be considered as a project of regional or statewide significance and places limits on the amount of funds that can be utilized for any one significant project in a fiscal year and all significant projects in a fiscal year.

SECTION 1 NR 7.088 is created to read:

NR 7.088 Projects of statewide or regional significance (1)The department, with the approval of the commission, may increase the maximum cost-share rate of 50% under s. 30.92(4)(b)2.a., Stats., to 80% if the commission determines that the project is of statewide or regional significance and the project meets all of the criteria under par. (a) or (b) as follows:

(a) For projects located on lakes or flowages:

1. The project is located on an inland lake that is at least 1,000 surface acres in size or is located on Lake Superior or Lake Michigan.
2. The project site has, or will have as a result of the project, a boat launching facility protected by a breakwater structure.
3. The project is located on a lake or flowage that has the minimum number of car-trailer unit parking spaces required under s. NR 1.91 or the project will bring the number of car-trailer unit parking spaces on a lake or flowage into compliance with the standards in s. NR 1.91.

(b) For projects located on rivers:

1. The project is located on the Mississippi river.
2. The project provides motorized boating access to a river at a site that is more than 10 miles from another motorized boating access site.
3. The project provides or will provide a minimum of 30 car-trailer unit parking spaces at the site.

(2) No more than 30% of the state funds available for recreational boating project aids, not including funds for projects enumerated by the legislature, may be expended under this section per year for any one project. No more than 50% of the state funds available for recreational boating project aids, not including funds for projects enumerated by the legislature, may be expended per year for all projects approved under this section.

Note: Projects enumerated by the legislature are specific legislative instructions for use of recreational boating project funds. These projects are typically described in s. 20.370(5)(cq) or 30.92, Stats., or in non-statutory provisions of the budget bill.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 6, 2000 and December 5, 2001..

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Date at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)

March 15, 2001

Darrell Bazzell, Secretary
WI Department of Natural Resources
101 South Webster St. - GEF 2
Madison, WI 53702

Dear Secretary Bazzell:

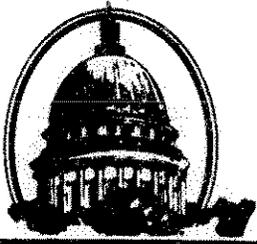
The Senate Environmental Resources Committee took executive action on CR Rule 00-112, relating to the recreation boating facilities. By a vote of 5 Ayes, 0 Noes & 0 Absent, the committee passed the following motion to request the Department of Natural Resources to consider modification of the rule"

Moved by Senator Hansen, seconded by Senator Cowles that:

1. The Committee recommends that the Department of Natural Resources agree to consider modifying Clearinghouse Rule 00-112 (Natural Resources Order No. CF-33-00), under s. 227.19 (4) (b) 2., Stats., to: (a) establish a cap on the amount of state funds available for recreational boating aids that may be awarded using the increased cost-share rate specified in s. NR 7.088 or on the amount of state funds for recreational boating aids that may be awarded using the increased cost-share rate specified in s. NR 7.088 that a governmental unit or a qualified lake association may receive in one year; and (b) limit the projects eligible to receive the increased cost-share rate under s. NR 7.088 (1) or (2) to more significant projects; and
2. If the department does not agree to consider the modifications identified in item 1. in writing by **March 16, 2001**, objects under s. 227.19 (4) (d) 6., Stats., to proposed s. NR 7.088 on the grounds that this subparagraph imposes an undue hardship on governmental units and qualified lake associations that may receive reduced or no recreational boating aids as a result of the increased cost-share rate for recreational boating aids specified in s. NR 7.088.

Sincerely,

Jim Baumgart, Chair
Senate Environmental Resources Committee



State Senator
James R. Baumgart

State Capitol: P. O. Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2056
Toll-free: 1-888-295-8750 • E-Mail: sen.baumgart@legis.state.wi.us

October 24, 2001

Larry Freidig
Bureau of Community Financial Assistance
Department of Natural Resources
101 S. Webster Street
Madison, WI 53707

Dear Mr. Freidig:

Thank you for sending me the tentative list of modifications for NR 7.088 regarding recreational boating projects.

I have had the opportunity to review these modifications and agree that they are consistent with what the Senate Environmental Resources Committee recommended. I will be looking forward to receiving the rules back from the DNR Board in the near future.

Thank you for your attention this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jim Baumgart".

JIM BAUMGART
State Senator
9th Senate District

JB/ph

Eskeitz, Anne

From: Freidig, Larry F
Sent: Friday, October 05, 2001 1:53 PM
To: Eskeitz, Anne
Cc: Penner, Marcia J; Stolzenberg, John
Subject: Rule Modifications to NR 7.088, CR Rule 00-112

Ann, I have attached the modification to NR 7.088 regarding recreational boating projects of regional or statewide significance. These modifications are in response to the letter from the Senate Environmental Resources Committee, dated March 15, 2001, regarding further modifications to the rule. The Department replied on the same day that it would gladly agree to consider additional modification to the rule in consultation with members of the Wisconsin Waterways Commission. The Commission undertook the opportunity and at its September 25, 2001 meeting recommended modifications, particularly (2), to the proposed rule. I believe that the changes are consistent with the recommendations of the committee.

Please forward this proposed rule as modified to Senator Baumgart for his review.

Thank you



NR7.088.doc

Larry Freidig
Bureau of Community Financial Assistance
Department of Natural Resources
101 S. Webster Street
Madison, WI 53707
Telephone - 608.266.5897
E-mail - freidl@dnr.state.wi.us

Modification of NR 7.088

NR 7.088 Projects of statewide or regional significance (1)The department, with the approval of the commission, may increase the maximum cost-share rate of 50% under s. 30.92(4)(b)2.a., Stats., to 80% if the commission determines that the project is of statewide or regional significance and the project meets all of the criteria under sub. (a) or (b) as follows:

(a) For projects located on lakes or flowages:

1. The project is located on an inland lake that is at least 1,000 surface acres in size or is located on Lake Superior or Lake Michigan.

2. The project site has, or will have as a result of the project, a boat launching facility protected by a breakwater structure.

3. The project is located on a lake or flowage that has the minimum number of car-trailer unit parking spaces required under s. NR 1.91 or the project will bring the number of car-trailer unit parking spaces on a lake or flowage into compliance with the standards in s. NR 1.91.

(b) For projects located on rivers:

1. The project is located on the Mississippi river.

2. The project provides motorized boating access to a river at a site that is more than 10 miles from another motorized boating access site.

3. The project provides or will provide a minimum of 30 car-trailer unit parking spaces at the site.

(2) Not more than 30% of the state funds available for recreational boating aids, not including funds for projects enumerated by the legislature, may be expended under this section per year for any one project. Not more than 50% of the state funds available for recreational boating aids, not including funds for projects enumerated by the legislature, may be expended per year for all projects approved under this section.

Note: Projects enumerated by the legislature are specific legislative instructions for use of recreational boating project funds. These projects are typically described in ss. 20.370(5)(cq) or s. 30.92, Stats., or in non-statutory provisions of the budget bill.

October 9, 2001

TO: Members of the Senate Environmental Resources
Committee

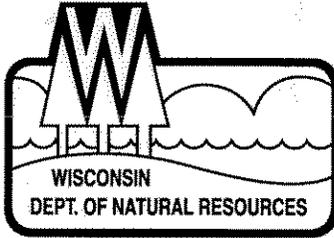
Senator Robert Wirch Senator Robert Cowles
Senator Dave Hansen Senator Dale Schultz

FROM: **Senator Jim Baumgart, Chair**

Re: Re: Clearinghouse Rule 00-112, relating to the
recreation boating facilities.

.....
On March 15, 2001, the committee requested modifications
of the above rule (see attached letter) and the DNR agreed
to consider modifications.

On October 5, 2001, the DNR submitted modifications (see
attachment). John Stolzenburg is looking over the
modifications. Please look over carefully and contact if
you have any comments or contact John if you have any
questions.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897

March 15, 2001

Senator James Baumgart, Chair
Senate Committee on Environmental Resources
State Capitol, P.O. Box 788
Madison, WI 53707-7882

Dear Senator *Jim* Baumgart:

Pursuant to the action taken by the Committee in executive session on Clearinghouse Rule 00-112 (Natural Resources Order CF-33-00) on March 15, 2001, the Department gladly agrees to consider further modifying the provisions of NR. 7.088. The Department will confer with the members of the Wisconsin Waterways Commission regarding any proposed modifications.

Sincerely,

Darrell
Darrell Bazzell
Secretary

Cc: Marcia Penner LS/5
Carol Turner LS/5
Paul Heinen AD/5
Larry Freidig CF/8

Vote Record

Senate - Committee on Environmental Resources

Date: 3-15-01
Moved by: Sen. Hansen Seconded by: Sen. Cowles
Clearinghouse Rule: CD-112
Appointment: _____
Other: DNR considers modification
see attached

A/S Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____
A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |
| | <input type="checkbox"/> Confirmation |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Jim Baumgart, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. David Hansen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Wirch (Polling)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Cowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Dale Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>

Motion Carried

Motion Failed

February 15, 2001

Darrell Bazzell, Secretary
WI Department of Natural Resources
101 South Webster St. - GEF 2
Madison, WI 53702

Dear Secretary Bazzell:

Pursuant to section 227.19(4)(b)1. a. of the Wisconsin Statutes, the Senate Environmental Resources Committee hereby requests a meeting with the agency to review and discuss possible modifications to Clearinghouse Rule Senate 00-112, relating to the recreation boating facilities program. The rule was referred to the Senate Environmental Resources Committee on January 17, 2001.

This request for a meeting automatically extends the committee's review period for an additional thirty days.

Please contact my committee clerk, Anne Eskeitz at your earliest convenience to discuss a date for a meeting.

Sincerely,

Jim Baumgart, Chair
Senate Environmental Resources Committee

WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946



Terry C. Anderson, Director
Legislative Council Staff
(608) 266-1304

Richard Sweet
Assistant Director
(608) 266-2982

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-112

AN ORDER to amend NR 7.04 (6); to repeal and recreate NR 7.04 (9); and to create NR 7.03 (3a) and (8a), 7.05 (10) and (11), 7.084, 7.086 and 7.088, relating to the recreation boating facilities program.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

07-05-00 RECEIVED BY LEGISLATIVE COUNCIL.
07-28-00 REPORT SENT TO AGENCY.

RNS:REL:jal;tlu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

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Assistant Director
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CLEARINGHOUSE RULE 00-112

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

Introductory material should end with a colon and lead into the subunits that follow. [See s. 1.03 (8), Manual.] In s. NR 7.05 (10) (intro.), ", as follows" should replace the period. A similar change is needed in s. NR 7.088 (intro.).

5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. NR 7.03 (8a), "In kind" should be hyphenated. A similar change should be made in s. NR 7.04 (9) (intro.) and (b). Also, "cost share" should be hyphenated in s. NR 7.088 (intro.).

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING, REPEALING AND RECREATING, AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 7.04(6); to repeal and recreate NR 7.04(9); and to create NR 7.03(3a) and (8a), 7.05(10) and (11), 7.084, 7.086 and 7.088 relating to the recreation boating facilities program.

CF-33- 00

Statutory authority: ss. 30.92(5)(a) and (b) and 227.11(2)(a), Stats.
Statutes interpreted: s. 30.92(4)(b)2.b., 2m., 8am and 8.bn., Stats.

In this order section 1 establishes a definition for donations and in-kind contributions. Section 2 adds the requirement of obtaining a chemical application permit for chemical treatment projects prior to the review of the project by the Wisconsin Waterways Commission. Section 3 ties the provision of s. 30.92(4)(b)2m., Stats. regarding in-kind contributions to the existing policy on donations serving as all or a portion of the local cost share match for a project. Section 4 creates new project eligibility for chemical removal of Eurasian water milfoil under s. 30.92(4)(b)8.am., Stats. Section 5 creates new project eligibility for capital equipment necessary for the removal of floating trash and debris from a waterway under s. 30.92(4)(b)8.bn., Stats. Section 6 describes the application materials necessary for a project request for capital equipment to collect and remove floating trash and debris from a waterway. Section 7 describes the application materials necessary for a project request for chemical removal of Eurasian water milfoil. Section 8 sets out the criteria for a project to be considered as a project of regional or statewide significance as provided under s. 30.92(5)(b), Stats.

SECTION 1. NR 7.03(3a) and (8a) are created to read:

NR 7.03(3a) "Donations" means the cash or non-cash contributions of materials, equipment, services or labor provided by a third party to the sponsor that are reasonable and necessary for carrying out the project and meet the same test of eligibility as any other cost item.

(8a) "In-kind contributions" means the non-cash contributions of materials, equipment, services or labor provided by the sponsor that are reasonable and necessary for carrying out the project and meet the same test of eligibility as any other cost item.

SECTION 2. NR 7.04(6) is amended to read:

NR 7.04(6) Prior to project review by the commission, the sponsor shall have obtained all permits required under ch. 30, Stats., and s. 281.17(2), Stats.

SECTION 3. NR 7.04(9) is repealed and recreated to read:

NR 7.04(9) Pursuant to s. 30.92(4)(b)2m, Stats., the substantiated value of in-kind contributions or donated money, materials, equipment, services or labor may be used as all or part of the sponsor's share of the project cost subject to all of the following:

(a) All sources of sponsor match shall be indicated when the application for a grant is submitted.

(b) The value of in-kind contributions is what the sponsor would have to pay for similar services, materials, equipment or labor based on existing contracts, schedules or on the open market.

(c) The maximum value of donated labor shall be \$6.00 per hour.

(d) The value of donated equipment shall conform to the Wisconsin department of transportation county highway rates for equipment.

Note: The county highway rates for equipment are formulated under s. 84.07, Stats., and can be found in chapter 5 of the State Highway Maintenance Manual published by the Wisconsin Department of Transportation, 4802 Sheboygan Avenue, Madison, WI 53705.

(e) The value of donated materials and services shall conform to market rates and be established by invoice.

SECTION 4. NR 7.05(10) is created to read:

NR 7.05(10) Use of chemicals to remove Eurasian water milfoil as follows:

(a) Eligible costs are the cost of chemicals, chemical application and necessary permits.

(b) Ineligible costs are costs of pre- and post-treatment monitoring, information and education materials, preparation of aquatic plant management plans, spraying equipment or protective equipment.

SECTION 5 NR 7.05(11) is created to read:

NR 7.05(11) Acquisition of capital equipment that is necessary to collect and remove floating trash and debris from a waterway. Eligible costs are the costs of the following capital equipment: collecting devices, barges with propelling motors, conveyors and trailering devices.

SECTION 6. NR 7.084 is created to read:

NR 7.084 Applications for the acquisition of capital equipment to collect floating trash and debris from a waterway. (1) Applications from governmental units and qualified lake associations for funding the acquisition of capital equipment to collect and remove floating trash and debris shall be made to the department for presentation to the commission.

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

(a) A resolution officially adopted by the governmental unit or qualified lake association authorizing a representative to act as agent for the governmental unit or lake

association to sign forms or claims and verifying that sufficient funds are available to acquire the equipment.

(b) A statement supported by appropriate documents that the project is feasible from economic and environmental 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) The department may fund acquisition of capital equipment for collecting and removing floating trash and debris at a rate determined by the commission subject to the limitations of s. 30.92(4), Stats. The actual rates of funding may vary from project to project and will be based on consideration of the factors contained in s. 30.92(3)(b), Stats., and the principles expressed in s. NR 7.09(1). In the case of an equipment trade-in, the amount eligible for reimbursement will be up to 50% of the difference between the price of a new unit and the trade-in value of the equipment being traded.

SECTION 7. NR 7.086 is created to read:

NR 7.086 Applications for the chemical removal of Eurasian water milfoil.

(1) Applications from governmental units and qualified lake associations for funding the chemical removal of Eurasian water milfoil shall be made to the department for presentation to the commission.

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

(a) A resolution officially adopted by the governmental unit or qualified lake association authorizing a representative to act as agent for the governmental unit or lake association to sign forms or claims and verifying that sufficient funds are available to complete the project.

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

(d) A copy of the chemical treatment permit issued under s. 281.17(2), Stats., including a map of the areas to be treated.

(3) In addition to the factors in s. 30.92(3)(b), Stats., and the principles expressed in s. NR 7.09(1) to establish project priorities, the commission shall give a higher priority to projects that provide public boating benefits than to projects primarily benefiting riparian landowners and projects that prevent expansion of or substantially eradicate Eurasian water milfoil than to projects that provide for annual nuisance relief.

(4) The department may fund chemical treatment at a rate determined by the commission subject to the limitations of s. 30.92(4), Stats. The actual rates of funding may vary from project to project.

SECTION 8. NR 7.088 is created to read:

NR 7.088 Projects of statewide or regional significance The department, with the approval of the commission, may increase the maximum cost-share rate of 50% under s. 30.92(4)(b)2.a., Stats., to 80% if the commission determines that the project is of statewide or regional significance and the project meets all of the criteria under sub. (1) or (2) as follows:

(1) For projects located on lakes or flowages:

(a) The project is located on an inland lake that is at least 1,000 surface acres in size or is located on Lake Superior or Lake Michigan.

(b) The project site has, or will have as a result of the project, a boat launching facility protected by a breakwater structure.

(c) The project is located on a lake or flowage that has the minimum number of car-trailer unit parking spaces required under s. NR 1.91 or the project will bring the number of car-trailer unit parking spaces on a lake or flowage into compliance with the standards in s. NR 1.91.

(2) For projects located on rivers:

(a) The project is located on the Mississippi river.

(b) The project provides motorized boating access to a river at a site that is more than 10 miles from another motorized boating access site.

(c) The project provides or will provide a minimum of 15 car-trailer unit parking spaces at the site.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 6, 2000.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

REPORT TO LEGISLATURE

NR 7, Wis. Adm. Code
Recreation boating facilities program

Board Order No. CF-33-00
Clearinghouse Rule No. 00-112

Statement of Need

The recreational boating facilities program provides cost sharing assistance to eligible sponsors for improvements for motor boat access for items such as launch ramps, parking facilities, harbors of refuge, equipment for the mechanical removal of aquatic vegetation, etc. 1997 Wisconsin Act 27 also allowed "in-kind contributions" as an eligible part of the local cost share. The existing rules for the program allow the value of donated materials, equipment, services or labor to be used as part of the project costs borne by the project sponsor. Because of the confusion that sometimes exists with the concept of in-kind contributions, the Wisconsin Waterways Commission expressed its desire to clarify in the rule that "in-kind contributions" has the same meaning as "donations" in the existing rule.

The 1997 budget bill also created program eligibility of equipment necessary to remove floating trash and debris from a waterway. Specifically, the proposed rule changes include the following:

Ties the statutory eligibility of "in-kind contributions" as local match to the donation policy outlined in the current rule language.

Further outlines project eligibility and application materials necessary for capital equipment necessary for the removal of floating trash and debris from a waterway.

Further outlines project eligibility and application materials necessary for projects for the chemical removal (spraying) of Eurasian water milfoil.

Add the requirement that a chemical application permit be obtained prior to Commission review of a chemical spraying project.

Criteria for determining when a project can be considered as of statewide or regional significance that may result in a higher cost sharing rate.

Modifications as a Result of Public Hearing

The reimbursement rate for volunteer labor was modified from \$5 to \$6 to be consistent with other programs.

Appearances at the Public Hearing and Their Position

In support:

Kathy Rydquist, Fox Lake Inland Lake Protection and Rehabilitation District, N10676 Chief Kung Trail,
Fox Lake, WI 53933

Mary J. Danaski, Fox Lake Inland Lake District, W10919 Blackhawk Trail, Fox Lake, WI 53933

Barbara M. Dutkiewicz, Fox Lake Inland Lake District, W10311 Shorecrest Drive, Fox Lake, WI 53933

In opposition – none

As interest may appear:

Larry Francis, Wood County Park and Forestry Dept., P.O. Box 8095, Wisconsin Rapids, WI

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed rule does not regulate small business; therefore a final regulatory flexibility analysis is not required.

FISCAL F
 Detailed
 DDA-

1999 Session

LRB or Bill No./Adm. Rule No.
 NR 7
 Amendment No. if Applicable

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
 -2048 N(R10/94)

Subject:
 Administration of Recreational Boating Facilities Program

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriation		

Local: No local government costs

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> WTCS Districts <input type="checkbox"/> School Districts <input type="checkbox"/> Others _____
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
 20.370(5)(cq)

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF BILL/RULE - NR 7, Wis. Adm. Code, is the set of rules that implements the recreational boating facilities program. This is a grant program available to governmental units and qualified lake associations for cost sharing assistance in providing public boating facilities, e.g. launch ramps, harbors of refuge, dredging of navigation channels in inland waters, acquisition of weed harvesting equipment and the purchase of aids to navigation and regulatory markers. The recreational boating facilities program is administered by the Department of Natural Resources and is supervised by the the Wisconsin Waterways Commission. The Commission consists of 5 members appointed by the Governor to represent different geographical water areas of the state. NR 7 was last revised in 1996. Since that time there have been several legislative changes that impact the rule.

Specifically the proposed rules changes include the following:

- § Ties the statutory eligibility of in-kind costs as local match to the donation policy outlined in the current rule language.
- § Further outlines project eligibility and application materials necessary for capital equipment necessary for the removal of floating trash and debris from a waterway.
- § Further outlines project eligibility and application materials necessary for projects for the chemical removal (spraying) of Eurasian water milfoil.
- § Add the requirement of a chemical application permit to be obtained prior to Commission review of a chemical spraying project.
- § Establishes criteria for determining when a project can be considered as statewide or regionally important which may result in a higher cost sharing rate.

FISCAL IMPACT - None of the proposed changes will increase costs to the state. The statutory additions of capital equipment to collect trash and debris and chemical removal of Eurasian water milfoil as eligible items for cost sharing assistance only increases the range of program components available to sponsors. The proposed rules regarding projects that may be judged as statewide or regionally significant only impact the amount of state funds going to individual sponsors; there is no impact to the overall amount of funds appropriated through the legislature for the program.

Long-Range Fiscal Implications

4

Agency	Prepared By	Phone No.	Authorized Signature	Phone No.	Date
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