Chapter NR 50

ADMINISTRATION OF OUTDOOR RECREATION PROGRAM GRANTS

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History: Chapter NR 50 as it existed on March 31, 1975 was repealed and a new chapter NR 50 was created, effective April 1, 1975

NR 50.01 Definitions. (1) "Department" means department of natural resources.

(2) "Secretary" means secretary, department of natural resources.

(3) "Applicant" means unit of government applying for a grant.

(4) "LAWCON" means land and water conservation fund program.

(5) "Project" (a) "Acquisition project" means the acquisition of land or rights thereto for a well defined outdoor recreation area or purpose.

(b) "Development project" means the development of structures, utilities, facilities or landscaping necessary for outdoor recreation use of an area.

(6) "Approval" means the signing by the secretary or his deputy of a project agreement resulting in encumbering a specified amount of federal or state aid funds for a specific purpose.

(7) "Assistance" means funds made available by the department to a sponsor in support of a public outdoor recreation project.

(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 deputy upon the recommendation of the outdoor recreation advisory council.

(9) "Project agreement" means a contract between the sponsor and department setting forth the mutual obligations with regard to a portion or all of specific project.

(10) "Sponsor" means local unit of government, state agency or snowmobile club receiving assistance.

(11) "Snowmobile trail" means a marked route on public property or on private lands subject to public easement or lease, designated for use by snowmobile operators by the governmental agency having jurisdiction, but excluding highways except those highways on which

the roadway is not normally maintained for other vehicular traffic by the removal of snow.

(12) "District" means one of the 6 field administrative offices of the department of natural resources.

(13) "Project period" means the period of time specified in the agreement during which all work must be accomplished.

(14) "Basic facilities" means the minimum improvements necessary to enable people to make use of recreation sites with minimum maintenance.

(15) "State outdoor recreation plan" means the comprehensive statewide outdoor recreation plan required by the land and water conservation fund act.

History: Cr. Register. March, 1975, No. 231, eff. 4-1-75; am. (8), Register, March, 1976, No. 243, eff. 4-1-76.

NR 50.02 Grant programs. The provisions of this chapter apply to the following grant programs: (1) The land and water conservation act of 1965, (PL-88-578) as amended by PL-91-485 (LAWCON) which was established to assist the state and federal agencies in meeting present and future recreation demands and needs of the American people and for other purposes.

(2) ORAP local park aids sections 23.09 (20) and 66.36, Wis. Stats., which provides for not more than 50% of the cost of acquiring and developing recreation lands and other outdoor recreation facilities.

(3) Creation of new lakes sections 23.09 (21) and 92.18, Wis. Stats., to provide for the creation of new lakes and assist in providing a continuing, comprehensive outdoor recreation program.

(4) Public access to water section 23.09 (9), Wis. Stats., which provides aids for purchase and development of lands for public access to water.

(5) Aids for counties for the development of snowmobile trails and areas, chapter 350, sections 23.09 (11) and (26), Wis. Stats.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75

NR 50.03 Planning requirements. (1) LAWCON AND LOCAL PARK AID PROGRAMS. Applicants are required to submit a comprehensive outdoor recreation plan for their area to the department which conforms to the state outdoor recreation plan; or applicants may qualify for eligibility if proposed projects are identified in approved plans of higher units of government.

(2) STATE AIDS FOR LAKE CREATION. Soil and water conservation district applications for grants shall be in conformance with department recommendations in an approved watershed work plan. Applications for aids for watershed development programs under other grant programs administered by the department shall be based on planning requirements of those programs.

(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.

(4) PUBLIC ACCESS TO WATERS. Projects for which applications are submitted must conform to the state outdoor recreation plan.

History: Cr. Register. March, 1975, No. 231, eff. 4-1-75; am. (3), Register, March, 1976, No. 243, eff. 4-1-76.

NR 50.04 Allocation of grant funds. (1) LAWCON funds apportioned to Wisconsin each fiscal year shall be allocated as follows:

(a) 40% to local governments;

(b) 40% to state agencies;

(c) 20% to a contingency fund for use by local governments and state agencies.

(2) Both LAWCON and ORAP local park aids funds available to local governments shall be apportioned to counties with 70% of the funds distributed on the basis of each county's proportionate share of the state population and 30% distributed equally to each county.

(3) Two-thirds of the artificial lake creation funds shall be available to soil and water conservation districts and one-third available to the department.

(4) Cost sharing rates shall be as follows unless otherwise specified by statute:

(a) State aids shall not exceed local contributions.

(b) A combination of federal and state aids may not exceed 75% of the total cost of land acquisition projects. Cost sharing for development projects may be up to 50% state or federal aids and not less than 50% local funds unless otherwise specified by law.

(c) Exceptions to the above require approval of the natural resources board.

(d) Allocation of funds to a sponsor is made at the time the project agreement is approved by the secretary or deputy secretary.

(e) Local government's share of LAWCON and ORAP funds will be allocated for countywide use as soon after July 1 of each year as they become available. Unused county funds revert to a district fund on January 1 and unused district funds to a statewide fund on April 1 of each year. Swimming and wading pool applications will only be considered for funding after April 1 of each year.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; r. (4) (e), renum. (4) (f) to be (4) (e), Register, March, 1976, No. 243, eff. 4-1-76.

NR 50.05 General provisions. (1) Environmental quality is essential and shall be preserved and enhanced. Local governments shall agree to operate and provide adequate maintenance of areas or developments where state and federal aids are granted.

(2) Recreational lands purchased or facilities developed under aid provrams may not be converted to other uses or to other outdoor recreation uses without approval of the department for all programs and the secretary of the interior for LAWCON projects. Approval

shall not be granted unless there is evidence that the new uses are essential to and in accordance with an approved comprehensive outdoor recreation plan for the area. Approval shall not be granted unless there is substitution of other public recreation properties of at least equal fair market value and of reasonably equivalent usefullness, quality and location. Income accruing to an area receiving assistance during the project period from source other than the intended recreational use will be used to reduce the total cost of the project. With the exception of income derived from the sale of structures acquired with fund assistance, all income accruing after the project period including that from recreational use and that from land management may be disposed of at the participants' discretion. Such management practices must be compatible with and complementary to the outdoor recreational use of the area. Income from the sale of structures must be reimbursed to the appropriate aid program.

(3) Reasonable entrance, service or user fees may be charged to pay for operation and maintenance costs and are subject to department review.

(4) Land acquisition—types of projects. (a) Acquisition of lands for public outdoor recreation, including new areas or additions to existing parks, forests, wildlife areas, beaches and other similar areas dedicated to outdoor recreation may be eligible for assistance. Acquisition can be by fee simple title or by whatever lesser rights will insure the desired public use. The following types of acquisition that are eligible for assistance:

1. Areas with frontage on rivers, streams, lakes, estuaries and reservoirs that will provide water-based public recreation opportunities.

2. Land for creating water impoundments to provide water-based public outdoor recreation.

3. Areas that provide special recreation opportunities, such as floodplains, wetlands and areas adjacent to scenic highways.

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.

5. Land within urban areas for day-use picnic areas, neighborhood playgrounds and tot lots, areas adjacent to school playgrounds, competitive nonprofessional sports facilities, as well as more generalized park lands.

6. Land for recreation trails.

7. Park land purchased adjacent to school sites above the following minimums for school purposes: elementary schools 10 acres, middle schools 20 acres, high schools 30 acres, or justified by school-park plan approved by the department.

8. Land for golf courses.

9. Sanitary landfill projects: Areas purchased for future use for recreation but to be used during an interim period for sanitary landfill, the interim use would be three years or less and the value of interim use would be credited towards the purchase of the lands.

(5) To assure fair and consistent treatment of owners under federal aid land acquisition programs, project sponsor shall be guided by the following:

(a) The head of a sponsoring agency shall make every reasonable effort to acquire real property by negotiation.

(b) Real property shall be appraised and appraisal report shall be approved by the department before the initiation of negotiations and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(c) Before the initiation of negotiations for real property, the head of the sponsoring agency shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such offer be less than the approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The sponsor shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated. The seller may accept less than appraised value, but shall furnish a written statement explaining the circumstances.

(d) No owner shall be required to surrender possession of real property before the sponsor pays the agreed purchase price or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

(e) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least 90 days' written notice from the sponsor of the date by which such move is required.

(f) If the sponsor permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the sponsor on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short term occupier.

(g) In no event shall the sponsor either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(h) If any interest in real property is to be acquired by exercise of the power of eminent domain, the sponsor concerned shall institute formal condemnation proceedings. No sponsor shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(i) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the sponsor shall offer to acquire the entire property.

(6) (a) For acquisitions with total cost of $25,000 or more, a narrative appraisal report shall include appraiser qualifications; statement of limiting conditions; purpose of the appraisal; identification of the property; city and area data; property data; analyses of highest and district use; land value; value estimate by cost approach; value estimate by comparative approach; interpretation and correlation of estimates; history of conveyances; certification of appraiser and exhibits and addenda.

(b) For acquisitions of up to $25,000 total cost, the appraisal report shall include property description; date of value; supporting data; statement of highest and best use; appraiser's qualifications; appraiser's certification and history of conveyance.

(7) Development projects—general. (a) Development may be on lands and water owned by or leased to the sponsoring agency.

1. Plans for the development of land and/or facilities should be based on the needs of the public, the expected use, and the type and character of the project area. Facilities should be attractive for public use and generally consistent with the natural setting and the topographic limitations. Improvements and structures should be so designed that they harmonize as much as possible with the natural environment. Emphasis should be given to public health and safety of users and to protection of the recreational value of the area. Development projects may consist of an improvement or group of related improvements designated to provide basic facilities required for the use of the area. A project may consist of the complete or partial development of one area such as a state park or forest or a city playground. The project must be a logical unit of work to be accomplished in a specified time.

2. Development project proposals may include, in addition to construction and renovation, site planning, demolition, site preparation, architectural services, and similar activities essential for the proper conduct of the project.

3. Only developments which have a well defined objective will be acceptable. Developments which do not contribute directly to outdoor recreation are not acceptable, such as supporting facilities not directly related to outdoor recreation activities, or facilities which contribute primarily to indoor recreation.

(b) Eligible types of developments. 1. Observation and sight-seeing facilities such as overlooks, turnouts and trails.

2. Boating facilities, such as launching ramps and docks.

3. Picnic facilities, including tables, fireplaces, shelters and paths.

4. Camping facilities, including tent and trailer sites, tables and fireplaces.

5. Swimming, bathing and water sports facilities, including beaches, swimming areas and swimming pools, guard towers and bathhouses.

6. Fishing and hunting facilities, such as trails and fishing piers.

7. Winter sports facilities, such as slopes and trails for sledding and tobagganing, 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.

8. Urban recreation areas, such as neighborhood playgrounds, bicycling paths, walking or riding trails and participant sports facilities, including playing fields and tennis courts.

9. Supporting facilities, including entrance and circulation roads, utility and sanitation systems, erosion control work, parking areas, toilet buildings and interpretive facilities where there is a permanent professional naturalist staff and the facilities are on the land being used for nature interpretation.

10. Renovation or redevelopment of an existing facility. When a facility or area has received adequate and regular maintenance attention, yet has deteriorated to the point where its usefulness is impaired, or has become outmoded, renovation may be undertaken to bring the facilities up to standards of quality and attractiveness suitable for public use or redevelopment to a more useful form may be undertaken.

11. Beautification of an area, such as landscaping to provide a more attractive environment, the cleaning and restoration of areas which have been exploited, polluted, littered, etc., and the screening, removal, relocation or burial of overhead wires.

12. Playgrounds and recreation areas on public school grounds, provided that such recreation grounds and facilities being developed are in excess of those recommended by local or state education agencies to meet minimum education requirements. In determining the eligibility of a project, a statement or schedule of the time the facility will be available to the public will be required.

13. Shelter buildings that are completely open on at least 3 sides. Up to 10% of the enclosed portion of a shelter may be used for concessions, storage and kitchen areas. Offices are not eligible.

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

15. Dams where the entire shoreline is public and there is sufficient public backup land to insure a good recreation facility. The standards for the artificial lakes program will apply to ORAP and LAWCON.

Dam repair and maintenance projects are not eligible items for cost sharing.

16. Fixed equipment for campgrounds, playground, picnic area and beach. Garbage cans are not eligible. Fixed garbage stations are eligible. Picnic tables as a part of an overall development project are eligible. Replacement picnic tables are not eligible.

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

(c) Limitations on the development of leased property. Assistance may be given to develop real property that is leased to the participant provided that control and tenure of such property is commensurate with the proposed development. This control must be adequate in 2 regards:

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.

2. Control. The sponsor must provide evidence that the proposed development and its intended uses are consistent with and legally permissible under the conditions of the lease.

(d) Development projects which will not be assisted. Generally, assistance will not be made available for the following items:

1. Restoration or preservation of historic structures.

2. Development of areas and facilities to be used primarily for semiprofessional and professional arts and athletics.

3. Development of amusement facilities (such as merry-go-rounds, ferris wheels, children's railroads, "pioneer towns" and allied exhibit type developments, etc.), convention facilities and commemorative exhibits, or the construction of facilities, including their furnishings, that are only marginally related to outdoor recreation (such as professional type outdoor theaters).

4. Construction of, and furnishings for, employe residences.

5. Development of areas and facilities to be used solely for game refuges or fish production purposes. However, such developments are eligible if they will open to the public for general compatible recreation use, or if they directly serve priority public outdoor recreation needs identified in the state plan.

6. Construction of lodges, motels, luxury cabins, or similar elaborate facilities.

7. Development projects in new or previously undeveloped recreation areas which consist solely of support facilities, unless it is clearly indicated that such facilities are required for proper and safe recreation use of the area.

8. Buildings primarily devoted to operation and maintenance.

9. Buildings primarily devoted to concessions, storage, kitchen facilities or indoor recreation.

10. Buildings which lend support to facilities not eligible for cost sharing, such as chalets for ski hills, clubhouses for golf courses.

11. Golf courses, marinas, downhill ski development and similar facilities.

12. Poles, lights and fixtures for sport fields.

13. Dredging, except for swimming beaches and boat launching ramps where it is necessary to dredge the first time to make the area usable. Eligible dredging will in such cases be restricted to the immediate area of the beach and boat launch facility.

(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.

(f) Acknowledgement of aids. Sponsors shall erect sign acknowledging state or federal assistance of land and water and state ORAP local park aid projects with symbols approved by the bureau of outdoor recreation and the department.

(8) Provisions for consideration of handicapped shall conform with the American National Standard Institute specifications (ANSI A117.1-1961 (R 1971)) (copies are available for inspection at the office of the department of natural resources, secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018) for making buildings and facilities accessible to, and desirable by, the physically handicapped shall be considered by project sponsors.

Note: The approval of the revisor of statutes and the attorney general does not extend to the secondary standards contained in sections 5.1.2, 5.4, 5.13.5 and 5.13.6 of ANSI 117-1-1961 (R 1971) and without approval, said secondary standards are unenforceable.

(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.

(10) The sponsor shall agree to comply with the terms and intent of the flood disaster protection act of 1973 (PL 93-234) and all applicable regulations and procedures implementing the act.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (4) (a) 4. and 6., (7) (b) 7, 13, 14 and 17, (7) (c) 1 and 12, (7) (e) and (9), Register, March, 1976, No. 243, eff. 4-1-76.

NR 50.06 Administration of land and water conservation fund (LAWCON) and ORAP local park aid programs. (1) ELIGIBLE UNITS OF GOVERNMENT. Towns, counties, incorporated villages, cities, school districts, soil and water conservation districts and state agencies, except that school districts are not eligible for local park aids.

(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 subconstructors 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.

(3) CONTINGENCY FUND GRANTS: Land acquisition projects have highest priority. Local government projects should have area of 100 acres or more with water access; state projects should have 500 acres or more with water access and be recommended by the outdoor recreation advisory council.

(4) PRIORITIES. Priorities are given to projects which meet urban needs, to activities of the general public over those for a limited group, to basic over elaborate facilities, to participant over spectator type facilities, to projects not having other public or private funds available to them, where a scarcity of recreation land exists and to acquisition over development. Projects which may enhance or preserve natural beauty are encouraged.

(5) OTHER GOVERNMENT REGULATORY REQUIREMENTS. Before construction or development of certain public facilities may be undertaken, formal approval may be required from other state agencies concerning health, safety or sanitation requirements.

(6) ALLOWABLE COSTS—BILLINGS—AUDITS. (a) Project costs will be matched project by project. To be eligible for matching assistance, costs must have been incurred within the project period or the period covered by the agreement, with specific exceptions described in the BOR grant in aid manual. Basis for assistance in part 670 of the BOR grant in aid manual shall be used to determine allowable costs except that fringe benefits and donated labor materials and equipment shall not be allowable costs in force account projects.

(b) Billings may be submitted when deeds have been received for land acquisition and upon completion of a development project or a usable portion of a large development project.

(c) All payments are contingent upon final audit. Financial records including all documentation to support entries in the accounting records to substantiate charges for each project must be kept available for representatives of the state, bureau of outdoor recreation, the

department of the interior and the general accounting office. Such records shall be retained and available for inspection for a period of 3 years after final payment.

(d) The rental rate charged by project sponsors for use of their equipment will be determined in accordance with bureau of the budget circular no. A-87.

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

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (2), cr. (6) (e), Register, March, 1976, No. 243, eff. 4-1-76.

NR 50.07 Administration of the artificial lake creation grants. (section 92.18, Wis. Stats.) (1) ELIGIBLE UNIT OF GOVERNMENT. Soil and water conservation districts.

(2) SPECIAL PROVISIONS. (a) Aids will not be approved where impoundments will flow trout streams or adversely effect trout streams.

(b) Aids for land acquisition are limited to the same acreage eligible for full cost sharing assistance under the federal PL-566 program.

(c) Priorities for approval of grants shall be based on the watershed work plan, demonstrated needs, and the environmental report.

(d) Land appraisals shall be based on standards used by the department and land appraisal reports shall be approved by the department.

(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. Admin. 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 where 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.

(f) In addition to the 300 foot publicly owned horizontal buffer zone required around the multi-purpose impoundment, an additional 700 foot strip of land shall be owned or zoned in accordance with section 59.971 Wis. Stats., chapter NR 115, county or local ordinances as conservancy district or recreational conservancy district. Any proposed change in land use which would be covered by granting a zoning variance in the 700 foot conservancy strip will be subject to department approval.

(g) Public hunting and fishing shall be permitted except where safety may require designated areas to be closed.

(h) Recreational development plans and forestry, game and open space management practices on all public lands surrounding impoundments shall be approved by the department.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (2) (e), Register, March, 1976, No. 243, eff. 4-1-76.

NR 50.08 Administration of public access to waters. (section 23.09 (9), Wis. Stats.) (1) ELIGIBLE UNITS OF GOVERNMENT. Towns, counties, cities and villages.

(2) LEVEL OF ASSISTANCE. State support equal to one-half of the approved cost estimate of such project or an amount not greater than one-half of the actual cost of such project, whichever is the lesser.

(3) PROCEDURE FOR APPLICATION FOR AID. (a) Meet department of natural resources guidelines for public access.

(b) Submit a resolution officially adopted by the governing unit containing the following:

1. Formal request for aid.

2. Name the sponsor of local government requesting aid and the representative authorized to sign forms and claims.

3. Statement that the sponsor will maintain the area or facility.

4. Furnish land appraisals, options, relocation plans, description, estimated cost, and other information as may be required for the project for which funds are budgeted.

(4) TYPES OF PROJECTS. (a) Land acquisition: Acquisition of lands which provide public access to navigable waters by means of water, road, trail or otherwise through the privilege of crossing public or private lands without involving trespass. Acquisition can be by fee simple title or by whatever lesser rights will insure the desired public use for long periods of time.

(b) Development projects: Site development project proposals will generally include parking areas, boat launching ramps and may include safety, health and protection of the area as well as the facilities required for the use of the area. Development project proposals may include construction or renovation, site planning, site preparation and engineering services.

(5) PRIORITIES. Priorities are given on large lakes having more than 1,000 acres of surface water and to important stream systems. Department of natural resources assistance to acquire and develop access to other bodies of water will be based on need and public interest.

(a) Justification for the proposed project is to be supported by information developed through an inspection conducted by authorized agents of the department of natural resources which will include the following:

1. Characteristics of water body

2. Use and levels of use

3. Present use of facilities

4. Adequacy of proposed site

(6) OTHER GOVERNMENT REGULATORY REQUIREMENTS. Before construction or development of certain public facilities may be undertaken, formal approval may be required from other state agencies concerning health, safety or sanitation requirements.

(7) ALLOWABLE COSTS—BILLINGS—AUDITS. (a) Project costs will be honored from the date the project receives department approval. Project approval is consummated with notification to the applicant and encumbrance of funds.

(b) Billings may be submitted for partial payment or upon completion of the project. Donated labor, materials, land, etc., which do not result in an actual expenditure by the sponsor are not allowable in the claim.

(c) All payments are contingent upon final audit. Financial records including all documentation to support entries in the accounting records to substantiate charges for each project must be kept available for 3 years for representatives of the department or until final audit is made and the project is closed.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75.

NR 50.09 Administration of aids for counties for snowmobile trails and areas. (sections 23.09 (11) and (26) and chapter 350, Wis. Stats.) (1) Counties may receive aids to:

(a) Purchase lands or secure easements, leases, permits or other appropriate agreements, written or oral, permitting use of private property for snowmobile trails, facilities and areas, if such easements, leases, permits or other agreements provide public access to the trail, facility or area. No lands purchased or leases, easements, permits or agreements secured under authority of this section may be acquired by the county through condemnation. Counties shall certify to the department that such lands, easements, leases, permits or other appropriate agreements have been secured. However, when bridges, culverts, toilet facilities, parking lots or shelters are to be constructed under this section and the improvements are estimated to cost in excess of $3,000, the land underlying such improvements must be purchased by the county or secured by the county by written easements or leases having a term of not less than 3 yrs.

(b) Enter into agreements with the department to use for snowmobile trails, facilities or areas on lands owned or leased by the department. No lands will be condemned for this purpose.

(c) Develop and maintain snowmobile trails, facilities and areas on public lands designated by the county board or trails or areas under paragraphs (a) and (b). The amount of aids to be granted to develop leased lands will be commensurate with the duration of lease.

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

(2) GENERAL PROVISIONS: (a) Acquisition of snowmobile trail right-of-ways:

1. Appraisals are required whenever lands are to be purchased or when property rights of less than fee estate are to be acquired. Appraisals shall follow NR 50.05 (6) (a) (b).

2. Requirements of leases or permits

a. Value of short term easement lease or permit may be based on a rental rate of land. The fee value may be one percent per month of equalized or assessed valuation.

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.

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.

d. The width of snowmobile rights-of-way shall not exceed one rod unless approved by the department. The easement or lease should contain as a minimum the right to sign; right of limited construction; right to maintain; and right of use by snowmobiles only. Cost sharing is limited to the minimum land area necessary for the snowmobile trail.

e. Oral easements, leases or permits require notarized certification that the county has obtained public access and use of the land for snowmobiling. Certification shall include the name of owner, description of property, duration of lease, easement or permit, date owner was contacted, amount to be paid for permit, and name of county representative who obtained the lease, easement or permit.

f. Development shall be commenced the same year the land is acquired.

(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.

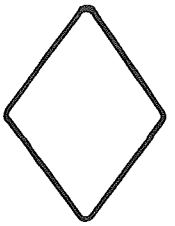
10) Trash barrels and picnic facilities should be provided at all rest and other use areas.

2. Snowmobile trail sign standards:

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

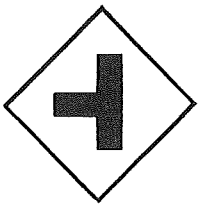
b. Snowmobile trail and highway signs shall conform with sign legend and colors listed in Wisconsin manual of traffic control devices. Signs used on highways shall be reflectorized and constructed to the minimum specifications of the standard intersection signing listed in the Wisconsin manual of traffic 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.

Signs for use on snowmobile trails to regulate snowmobile traffic, warn snowmobile drivers or assist the snowmobile driver to reach his destination.



TRAIL BLAZER

Purpose: to delineate the trail and to reassure the user that he is on the trail.
Size: 5″ x 7″ or 6″ x 6″
Color: Reflective orange with black border. A limited number of 9" x 9" blazers may be used where needed.

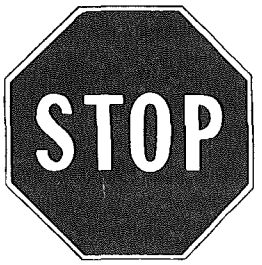


WARNING SIGNS

Purpose: To warn snowmobile driver of hazard.

Size: 12″ x 12″

Color: Reflective yellow background and black letters or legend.



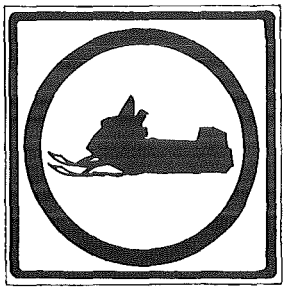
STOP SIGN

Purpose: Use on trail prior to road crossing.

Size: 12″ x 12″ or 18″ x 18″

Color: Reflective red background and reflective white letters and border.

Legend: 12″ x 12″ size—4″ upper case letters, 18″ x 18″ size—6″ upper case letters.



PERMISSIVE

Purpose: To indicate snowmobile trails and other areas where snowmobiling is permitted.

Size: 12″ x 12″

Background Color: Reflective white.

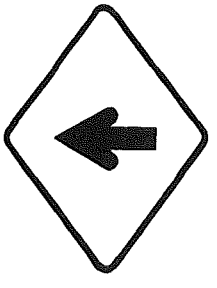
Legend: Reflective green circle. Black snowmobile symbol.

REGULATORY SIGN

Purpose: To inform snowmobile driver of regulations.

Size: 12″ x 18″

Color: Reflective white background and black letters and border.



DIRECTIONAL ARROW SIGN

Purpose: Indicates trail direction or changes in trail direction.

Size: 9″ x 12″, 9″ x 9″ or 12″ x 12″

Color: Reflective orange background with black arrow and border.

Legend: 5″ directional arrow.

DO NOT ENTER SIGN

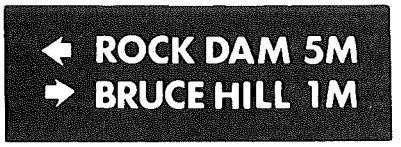
Purpose: To indicate one way trail or restricted area.

Size: 12″ x 12″ with 2″ letters.

Color: Reflective red background with white letters, border and legend.

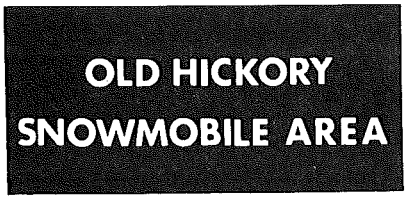
RESTRICTIVE

Purpose: To indicate areas where snowmobiling is not permitted.
Size: 12″ x 12″
Background Color: Reflective white.
Legend: Reflective red circle. Black snowmobile symbol.



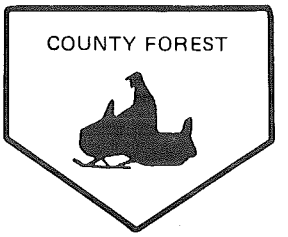
GUIDE SIGN

Purpose: Directs snowmobile driver to his destination.
Color: Brown background with reflective white letters and legend.
Legend: 2″ upper case letters.



INFORMATIONAL SIGN

Purpose: Furnish information about trails or facilities.
Color: Painted or stained brown background with painted or routed white letter.
Legend: Maps.

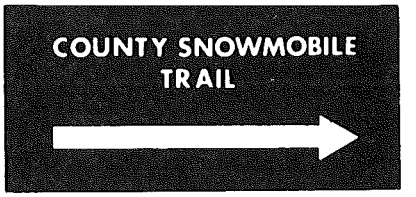


SNOWMOBILE TRAIL SYMBOL

Purpose: Indicates snowmobile trail where trail intersects highways.

Size: 13″ x 10″

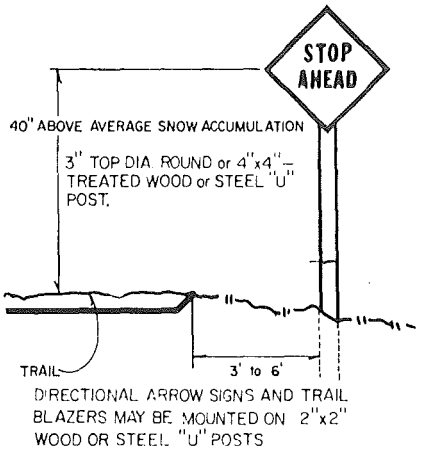
Color: Reflective orange with black letters and symbol.



HIGHWAY GUIDE SIGN

Purpose: Inform auto driver of location of snowmobile trail or route.

Color: Brown background with painted reflective white letters and legend.



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.

(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 must 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.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (1) (d), (2) (a) 2 b and c, (2) (b), (c) and (d), and (3), Register, March, 1976, No. 243, eff. 4-1-76.

NR 50.10 Aids to cities, villages or towns for route signs. (Chapter 350.) (1) ELIGIBLE ITEMS: Aids to cities, villages or towns of up to 100% of the cost of initial signing of snowmobile routes which connect authorized trails or which offer entrance to or exit from trails leading to such municipalities.

(2) GENERAL PROVISIONS: (a) Snowmobile route sign standards:

1. Snowmobile route signs. Signs for use on highways and sidewalks designated for use by snowmobile operators by the governmental agency having jurisdiction or authorized by chapter 350.04, Wis. Stats., are as follows:

a. The snowmobile route (D11-6) sign shall have a reflectorized white symbol, margin and message on a reflectorized green background. The standard and minimum size of this sign is 24" x 18". The design of the stylized snowmobile symbol and the word message "SNOWMOBILE ROUTE" shall essentially conform to the standard design on file in the division of highways, department of transportation. A cardinal direction marker (north, south, east or west) and the END marker with reflectorized white letters and margin on reflectorized green background may be used with the snowmobile route sign if appropriate. The standard and minimum size of such markers is 24" x 12". When a snowmobile route has a name and it is desirable to use that name on the signs to distinguish one snowmobile route from another, not more than 2 additional lines of message may be added to the snowmobile route sign above the symbol. The standard and minimum size of such route signs is 24" x 24".

b. A directional arrow marker having a reflectorized white arrow and margin on a reflectorized green background shall be used with the snowmobile route marker except when it is used just beyond a turn or a reassurance marker. The standard and minimum size of a directional arrow marker is 24" x 6", and the arrow shall have a length of 15½" and a stem 1½" wide. When required by special conditions, a supplemental panel of the same width as the snowmobile route sign may be mounted below that sign to post supplementary guidance or regulatory information. This sign shall have white letters and border on a green background if it is a guide sign, and shall have the same background and a message color combination as for the appropriate regulatory sign if of that type. The message and color combination shall have the approval of the authority in charge of the maintenance of the highway.

c. A snowmobile route sign with appropriate directional arrow shall be placed at the beginning of a snowmobile route and at such locations and intervals as are necessary to enable snowmobile operators to follow the route. Excessive signing should be avoided.

d. At intersections where a snowmobile route turns a snowmobile route sign with a directional arrow marker pointing in the appropriate direction shall be placed, at or just in advance of the point of turn. It may be desirable in some cases to place a snowmobile route sign without directional arrow 100 feet more or less beyond the intersection or point of turn to reassure snowmobile operators that they are on the snowmobile route.

e. White on brown guide signs, as specified under snowmobile trail signing, may be used to designate the junction of a snowmobile route with a snowmobile trail.

f. Separate STOP signs and other regulatory and warning signs for snowmobile operators are not considered normally to be necessary on a snowmobile route since those provided for highway traffic should suffice. However, where such special signing is done for snowmobile operators, the sign specified for snowmobile trails shall be used, and they shall be so placed and positioned as not to confuse drivers of vehicles on the highway.

g. All snowmobile route signing shall be done by or under the direction of and is the responsibility of the unit of government which designates the snowmobile routes. The department of transportation

does not participate in snowmobile route signing but reserves the right to require such changes in the signing of snowmobile routes marked over the state trunk highway system as it deems necessary in the safety of highway traffic and the efficient and effective operation of the highway.

h. All snowmobile route signing shall insofar as practicable be placed between the path intended for snowmobile use and the edge of the highway right-of-way. In no case shall snowmobile route signing be closer than 2 feet to the outer edge of the highway shoulder. Snowmobile route signs should be placed on wood or light weight metal supports which will readily break or bend without injuring the occupants if hit by a vehicle or snowmobile.

i. Snowmobile route signs shall not be erected on highway right-of-way until permission therefor has been received from the authority in charge of the maintenance of the highway.

2. Reflectorization. The reflective material for all reflectorized signs shall meet the specifications of paragraph 637.2.2.1 on reflective sheeting in the state of Wisconsin division of highways standard specifications for road and bridge construction, edition of 1969.

(3) PROCEDURE FOR APPLICATION: (a) Submit department application form including snowmobile ordinance in accordance with 350.04(2), Wis. Stats. and 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.

(4) BILLING PROCEDURES: (a) Submit billing upon placement of signs.

(b) Procedure shall follow 23.09 (11) (d) (e) (f) except that reimbursement shall be 100% of cost.

GREEN-REFLECTORIZED BACKGROUND WITH WHITE-REFLECTORIZED LETTERS AND SYMBOLS

SNOWMOBILE ROUTE SIGN

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (3), Register, March, 1976, No. 243, eff. 4-1-76.

NR 50.11 Aids to snowmobile clubs (chapter 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 fastners 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 APPLICATION: (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.

3. 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.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. Register, March, 1976, No. 243, eff. 4-1-76.