

NR 50



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

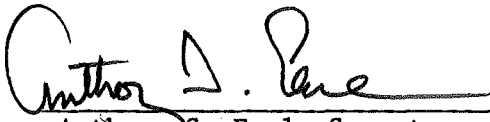
STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FA-20-78 was duly approved and adopted by this Department on June 29, 1978. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 29th day of August, 1978.


Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

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IN THE MATTER of amending sections NR 50.01(8), .
NR 50.03(1) & NR 50.05(4)(e); and repealing and .
recreating sections NR 50.05 & NR 50.06 of the .
Wisconsin Administrative Code pertaining to the . FA-20-78
administration of outdoor recreation program .
grants .
.....

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

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 23.09, 23.11 and 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby amends, and repeals and recreates rules as follows:

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

(8) "Contingency fund" means that part of the LAWCON apportionment that is not immediately apportioned to counties or state agencies but held by the department to meet high priority, unforeseen, or emergency needs.

SECTION 2 - Section NR 50.03 (1) is amended to read:

(1) Lawcon and local park aid programs. Applicants are required to submit a comprehensive outdoor recreation plan and has been formally approved by the local governing body; or applicants may qualify for eligibility if proposed projects are identified in approved plans of higher units of government. Applications received from the university of Wisconsin system must be supported by department approved plans of the communities in which the schools are located. The system and the communities are required to coordinate their respective programs through the comprehensive planning process and the plans must be approved by the local governing bodies.

SECTION 3 - Section NR 50.04 (4) (e) is amended to read:

(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 February 1 and unused district funds to a statewide fund on May 1 of each year.

SECTION 4 - Section NR 50.05 is repealed and recreated to read:

NR 50.05 General provisions. (1) 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.

(2) 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.

(3) Recreational lands purchased or facilities developed under aid programs 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. 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. Income from the sale of structures must be reimbursed to the appropriate aid program.

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

(5) Acquisition of real property shall be in accordance with state and federal guidelines for preparation of appraisals and relocation assistance.

(6) Before development of certain public facilities begins, formal approval may be required from state or federal agencies concerning health, safety or sanitation requirements.

(7) Compliance with applicable state or federal regulations concerning bidding and awarding contracts, wage and labor rates, access for the physically handicapped, flood disaster protection, environmental quality, and historical preservation shall be required.

(8) Compliance to title IV of the civil rights act of 1964, P. 88-354 (1964) and to the regulations promulgated to such act by the secretary of the interior.

(9) Assistance may be given to develop leased real property provided control and tenure of such property is commensurate with the proposed development.

(10) Sponsors shall be required to acknowledge federal (LAWCON) assistance by placement of signs approved by the department and the department of the interior.

(11) All payments are contingent upon final audit. Financial records to substantiate charges for each project must be kept available for review by state and federal officials for a period of 3 years after final payment.

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

(13) Land acquisition - eligible types of projects. (a) Areas with frontage on rivers, streams, lakes, estuaries and reservoirs that will provide water-based public recreation opportunities.

(b) Land for creating water impoundments to provide water-based public outdoor recreation.

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

(d) 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.

(e) 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.

(f) Land for recreation trails.

(g) Land for golf courses.

(14) Land development - eligible types of projects. (a) Observation and sightseeing facilities such as overlooks, turnouts and trails.

(b) Boating facilities, such as launching ramps and docks.

(c) Picnic facilities, including tables, fireplaces, shelters and paths.

(d) Camping facilities, including tent and trailer sites, tables and fireplaces.

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

(f) Fishing and hunting facilities, such as trails and fishing piers.

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

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

(i) 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.

(j) 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.

(k) 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.

(l) Playgrounds and recreation areas on public school grounds, provided that such recreation grounds and facilities being developed are in excess of those normally provided 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.

(m) Shelter buildings that are completely open on at least 3 sides. Generally, no more than 20% of the enclosed portion of a shelter building shall be used for concession, storage or control purposes.

(n) Fences for the protection of park users, tennis court fences and ball-field fencing.

(o) 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.

(p) Lighting for tennis courts, hockey rinks, games courts, ballfields, sports fields, multipurpose courts and safety lighting.

(q) Outdoor swimming and wading pools. Cost sharing for swimming pools is up to 50% of costs but not to exceed 75 cents per gallon of pool capacity. For wading pools, cost sharing is up to 50% of costs, but not to exceed \$1.00 per gallon of pool capacity.

(15) Development projects which will generally not be assisted. (a) Restoration or preservation of historic structures.

(b) Development of areas and facilities to be used primarily for semiprofessional and professional arts and athletics.

(c) 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).

(d) Construction of, and furnishings for, employe residences.

(e) 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.

(f) Construction of lodges, motels, luxury cabins, or similar elaborate facilities.

(g) 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.

(h) Buildings primarily devoted to operation and maintenance.

(i) Buildings primarily devoted to concessions, storage, kitchen facilities or indoor recreation.

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

(k) Golf courses, marinas, downhill ski development campgrounds and similar facilities, which are normally provided with private assistance.

(l) 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.

(m) Dam repair or maintenance.

(n) Indoor swimming pools.

(o) Tracks, football fields, stadiums and those facilities used primarily for athletic events.

SECTION 5 - Section NR 50.06 is repealed and recreated to read:

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, Indian tribes, school districts, soil and water conservation districts and state agencies, except that school districts are not eligible for local park aids, are eligible units of government.

(2) Procedure for application for grants. (a) Meet planning requirement.

(b) Submit application on prescribed department forms including a resolution officially adopted by the governing unit.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 29, 1978.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin 29th August 1978

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Anthony S. Earl
Anthony S. Earl, Secretary

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