

Chapter NR 50

ADMINISTRATION OF OUTDOOR RECREATION
PROGRAM GRANTS AND STATE AIDS

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Note: The following recreational aids programs are found elsewhere: Motorcycle Recreation Program, ch. NR 65 and Recreational Boating Facilities Program, ch. NR 7

History: Chapter NR 50 as it existed on March 31, 1975 was repealed and a new chapter NR 50 was created, effective April 1, 1975.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 Purpose. The purpose of this chapter is to establish procedures for implementation of various recreational aids programs under ss. 23.09 (11), (12), (17m), (20) and (26), 66.36 and 350.12(4), Stats., and 16 U.S.C. ss. 460d, 460L-4, et seq.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.02 Applicability. The provisions of this chapter are applicable to all sponsors of recreational aid programs under ss. 23.09 (11), (12), (17m), (20) and (26), 66.36 and 350.12 (4), Stats., and 16 U.S.C. ss. 460d, 460L-4, et seq.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; cr. (6), Register, March, 1977, No. 255, eff. 4-1-77; cr. (7) and (8), Register, June, 1980, No. 294, eff. 7-1-80; cr. (9), Register, September, 1980, No. 297, eff. 10-1-80; r. and recr. Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.03 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 act of 1965.

(5) (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 designee 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 needs.

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

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

(11) "Snowmobile trail" means a marked corridor 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.

(16) "Enforcement" means the detection and prevention of crimes and civil violations, and the arrest of those persons who violate such laws. To qualify for state aids under ss. 30.79 and 350.12, Stats., and ss. NR 50.12 and 50.13, officers involved in the "enforcement" of ss. 30.50 to 30.80 or ch. 350, Stats., must have the authority to make arrests for the violations of the laws they are employed to enforce.

(17) "Force account" means the performance of a development or maintenance project with the forces and resources of the sponsor, including personal services, equipment and materials.

(18) "Conservancy zone" is the designation a unit of government may give to a natural area held for the preservation of open space and supporting environmental education, nature interpretation and research activities.

(19) "Qualified naturalist" means a person who has had academic training and/or experience in ecology and outdoor education.

(20) "Fringe benefits" are employers' contributions or expenses for social security, employee's life and health insurance plans, unemployment insurance coverage, worker's compensation insurance, pension retirement plans, and employee benefits in the form of regular compensation during authorized absences from the job (i.e. annual, sick, court or mili-

tary leave). These contributions and expenses must be equitably distributed to all employe labor activities.

(21) "Indirect costs" are those costs not directly assignable to a grant, program or project. Such costs are generally administrative in nature, are incurred for a common or joint purpose, or are not readily assignable to a project or program.

Note: Examples of indirect costs include central office heat, light, utilities, administrative salaries, secretarial services, postage, etc., which are not supported by time reports or other documentation which identifies the expenditure to a particular project or program.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (8), Register, March, 1976, No. 243, eff. 4-1-76; am. (8), Register, October, 1978, No. 274, eff. 11-1-78; cr. (16), Register, May, 1979, No. 281, eff. 6-1-79; cr. (17), Register, June, 1980, No. 294, eff. 7-1-80; cr. (18) and (19), Register, September, 1980, No. 297, eff. 10-1-80; renum. from NR 50.01 and am. (4), (6), (9), (10), (11) and (17), cr. (20) and (21), Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.03 Planning requirements. History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (3), Register, March, 1976, No. 243, eff. 4-1-76; am. (1), Register, October, 1978, No. 274, eff. 11-1-78; r. Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.04 Severability. Should any section, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected.

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; am. (4) (e), Register, October, 1978, No. 274, eff. 11-1-78; am. (4) (e), Register, June, 1980, No. 294, eff. 7-1-80; r. and recr. Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.05 General provisions. (1) This section applies to all grant programs governed by this chapter.

(2) Environmental quality is essential and shall be preserved and enhanced.

(3) Local governments shall agree to operate and provide adequate maintenance of recreational areas or facilities purchased or developed with state or federal aids.

(4) Recreational lands purchased or facilities developed under this chapter 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.

(5) Income accruing to an area receiving assistance during the project period from a source other than the intended recreational use shall be used to reduce the total costs of the project.

(6) Income from the sale of structures must be reimbursed to the appropriate aid program.

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

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

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

(10) Sponsors shall comply 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.

(11) Sponsors shall comply with Title VI of the civil rights act of 1964, 42 U.S.C. s. 2000d, et seq. and with the regulations promulgated under such act by the secretary of the interior.

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

(13) Project expenditures must be within the project period, project scope and project amount as shown on the project agreement.

(14) Billings may be submitted for partial payment or upon completion of the project.

(15) Donated labor, materials, land, or other activities which do not result in an actual expenditure by the sponsor and indirect costs are not allowable in the claim.

(16) Direct costs which are supported by time sheets, vouchers or similar documentation reflecting specific assignment to a project are eligible project costs.

(17) Actual cost of force account labor and equipment is allowable. Equipment rental rates may not exceed the county machinery rates established annually by the department of transportation.

(18) Actual fringe benefits not exceeding 20% of the direct labor costs claimed are eligible project costs.

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

(20) A request for a project extension must be submitted prior to the project termination date.

(21) 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 review by state or federal officials for a period of 3 years after final payment.

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; r. and recr. Register, October, 1978, No. 274, eff. 11-1-78; am. (11) and (14) (m), Register, June, 1980, No. 294, eff. 7-1-80; r. and recr. Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.06 Lawcon and orap programs. (1) **PURPOSE.** The purpose of this section is to establish standards for the administration of the land and water conservation fund act of 1965 (LAWCON), and the outdoor recreation action program - local park aids (ORAP-LPA), under ss. 23.09 (20) and 66.36, Stats.

(2) **APPLICABILITY.** The provisions of this section are applicable to all towns, counties, villages, cities, Indian tribes, school districts, soil and water conservation districts and state agencies participating in either the LAWCON or ORAP-LPA aids programs.

Note: School districts are not eligible for ORAP-LPA aids.
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(3) ALLOCATION OF FUNDS. (a) LAWCON funds apportioned to Wisconsin each fiscal year shall be allocated as follows:

1. 40% to local governments;
2. 40% to state agencies;
3. 20% to a contingency fund for use by local governments and state agencies.

(b) Both LAWCON and ORAP-LPA 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.

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

1. State aids may not exceed local contributions.
2. 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.
3. Exceptions to the above require approval of the natural resources board.
4. Local government's share of LAWCON and ORAP-LPA funds are allocated to counties for local government use as soon after July 1 of each year as they become available. Unencumbered funds from the counties shall revert to 6 district funds on October 1 of each year for ORAP-LPA and February 1 of each year for LAWCON. These district funds are available to local units of government within district boundaries. Unencumbered funds from the 6 districts shall revert to a statewide fund on May 1 of each year for ORAP-LPA and July 1 for LAWCON.

(4) GENERAL PROVISIONS. (a) Applicants are required to submit a comprehensive outdoor recreation plan that has been formally approved by resolution of the local governing body; or applicants may qualify for eligibility if proposed projects are identified in approved plans of other 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.

(b) 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.

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

(d) Land acquisition - eligible types of projects. Eligible types of projects for land acquisition are:

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 or 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, play areas for small children, areas adjacent to school playgrounds, and competitive nonprofessional sports facilities.
6. Land for recreation trails.
7. Land for golf courses.

(e) Land development - eligible types of projects. Eligible types of projects for land development are:

1. Observation and sightseeing 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 tobogganing, cross-country ski trails, facilities for skating and snowmobiling.
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 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 is required.

13. Open shelters and multi-purpose shelter buildings which support an outdoor recreation activity. Buildings devoted primarily to operation, maintenance, concession or control activities are not eligible.

14. Fences for the protection of park users, tennis court fences and ballfield fencing.

15. Dams where the entire shoreline is public and there is sufficient public backup land to insure a good recreation facility.

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

17. Outdoor swimming and wading pools.

(f) Development projects which will generally not be assisted are:

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, exhibit type developments, 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 are 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.

(5) In addition to conditions listed in sub. (4), the general provisions of s. NR 50.05 also apply.

(6) **APPLICATION PROCEDURE.** Applicants shall submit an application on the prescribed department form to the appropriate district office. A resolution officially adopted by the unit of government must also accompany the application form.

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; r. and recr. Register, October, 1978, No. 274, eff. 11-1-78; r. and recr. Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.07 Administration of the artificial lake creation grants. (s. 92.18, Stats.) History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (2)(e), Register, March, 1976, No. 243, eff. 4-1-76; r. Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.08 Administration of public access to waters. (s. 23.09 (9), Stats.) History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; r. Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.09 County snowmobile aids. (1) **PURPOSE.** The purpose of this section is to establish standards for the implementation of the snowmobile aids program under ss. 23.09 (11) and (26) and 350.12 (4), Stats.

(2) **APPLICABILITY.** The provisions of this section are applicable to all counties participating in the snowmobile aids program.

(3) **DISTRIBUTION OF FUNDS.** The distribution of funds according to priority ranked purposes is specified in s. 23.09 (26) (c), Stats. Should funds not be sufficient to satisfy the total request for either maintenance, acquisition, or insurance, the funds remaining to satisfy that priority ranked purpose shall be distributed on a proportional basis.

(4) **GENERAL PROVISIONS.** (a) *Planning requirements.* 1. Counties not previously participating in the snowmobile aids program and desiring to sponsor public snowmobile trails are required to have a comprehensive snowmobile plan approved by the county board of supervisors and the department.

(5) Counties that have previously met the comprehensive snowmobile plan requirement are required to maintain a current trail system map that describes trail locations, trail classifications and existing trail mileage by classification.

(b) *Acquisition of snowmobile trail rights-of-way.* 1. 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.

2. 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 during the term of the easement, lease or permit.

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

4. 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 and grooming equipment only. Cost sharing is limited to the minimum land area necessary for the snowmobile trail.

5. The county shall submit a certification that all easements, leases or permits secured grant public access and use of the land for snowmobiling. The county shall maintain a current file of all easements, leases or permits. Register, May, 1983, No. 329