



CR 86-9

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) SS

RECEIVED

MAY 20 1986
3:00 pm
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. AA-51-85 was duly approved and adopted by this Department on March 27, 1986. 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 General Executive Facility #2 in the City of Madison, this *19th* day of May, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

<SEAL>

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8-1-86

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER of creating s. NR 50.18 .
of the Wisconsin Administrative Code .
pertaining to a local park aids program .
.....

AA-51-85

Analysis Prepared by Department of Natural Resources

Chapter NR 50 of the Wisconsin Administrative Code provides rules for administration of Outdoor Recreation Aid Programs.

Chapter NR 50 includes various outdoor recreation grant programs which provide funds to local units of government for the development and acquisition of outdoor recreation facilities, aids for snowmobile trails and aids for wildlife habitat improvement.

Section 23.09(25)(e), Stats., established a local park aid program as an amendment to the motorcycle recreation program (MORP). The legislature appropriated \$1,800,000 of MORP funds to provide 50% cost sharing for the development of local parks.

This proposed amendment to NR 50 will provide administrative procedures for the Local Park Aid Program. These procedures include program definitions, general provisions, priorities, eligible and ineligible types of projects and application procedures.

Eligible local units of government include towns, villages, cities, counties and Indian tribes. Applications must be submitted to the Department by March 15th of each year. The maximum grant is 30% of the biennial appropriation of \$1,800,000. The cost sharing rate is up to 50% of eligible costs for development projects only.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 23.09(25)(b) and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting s. 23.09(25)(b), Stats., as follows:

SECTION 1. NR 50.18 is created to read:

NR 50.18 LOCAL PARK AID PROGRAM. (1) PURPOSE. The purpose of this section is to establish standards for the implementation of a grant program to develop public outdoor recreational facilities under s. 23.09(25)(e), Stats.

(2) APPLICABILITY. This section is applicable to towns, villages, cities, counties and Indian tribes applying for local park aid grants under s. 23.09(25)(e), Stats.

(3) DEFINITIONS. (a) "Department" means department of natural resources.

(b) "Local park aid program" means the program created under s. 23.09(25)(e), Stats., with funds appropriated under s. 20.370(4)(bw), Stats.

(c) "Water based public recreation" means public outdoor recreational facilities or support facilities for activities such as swimming, fishing and boating.

(4) GENERAL PROVISIONS. (a) Eligible sponsors (Towns, Villages, Cities, Counties and Indian Tribes) may receive a state grant of up to 50% of the total project costs for the development of a local park. Projects involving the acquisition of land are not eligible.

(b) The maximum grant amount under this program for any project is limited to 30% of the s. 20.370(4)(bw), Stats., biennial appropriation amount.

(c) Grants shall be awarded on a statewide priority basis.

(d) An approved local comprehensive outdoor recreation plan is required to be eligible to submit applications to the local park aid program.

(e) Only one application will be accepted per eligible sponsor.

(f) Cost overruns beyond the original grant award may not be allowed.

(5) PRIORITIES. Priorities in ranking are given to projects based on the following project criteria. The department shall determine the eligibility for each project by reviewing each project according to the following criteria (criteria not in order of priority):

(a) Highest priority shall be given to projects to develop a local park that provides water-based public recreation opportunities.

(b) Projects which meet urban park needs.

(c) Activities for the general public have higher priority than those for a limited group.

(d) Basic facilities have priority over elaborate facilities such as covered ice rinks and indoor swimming pools.

(e) Participant facilities have priority over spectator facilities.

(f) Projects not having other public or private funds available to them.

(g) Projects for sites where a scarcity of water-based recreational activities exist.

(h) Projects that provide opportunities for water-based recreation activities rather than support them.

(i) Projects which may enhance or preserve natural beauty.

(j) Completion of projects already started where the sponsor has shown the ability to provide quality outdoor recreation facilities for its citizens without grant assistance.

(k) Projects to develop areas previously acquired.

(l) Projects to renovate existing facilities which are in danger of being lost for public use.

(m) Priority to applicants who have not received LAWCON or outdoor recreation action program - local park aids (ORAP-LPA) funds in the past.

(n) Priority to applicants who have good performance records on prior LAWCON, ORAP-LPA or other recreational projects.

(o) Priority to applicants who are financially able to adequately maintain and operate the area or facility.

(q) Projects which offer safe, rapid and convenient access by all types of transportation modes appropriate for that type of facility.

(r) Projects which, in relation to their costs, provide access for the greatest number of potential users and provide the greatest opportunities for public outdoor recreation.

(s) Projects which meet needs and deficiencies identified in the statewide comprehensive outdoor recreation plan, or the comprehensive outdoor recreation plans of other units of government.

(t) Projects which provide multiple season, multiple activity use.

(u) Projects which are designed to serve the recreation needs of elderly persons, minorities and handicapped persons.

(6) ELIGIBLE TYPES OF PROJECTS. Eligible projects include:

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

(b) Fishing and hunting facilities, such as trails and fishing piers;

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

(d) Observation and sightseeing facilities such as overlooks, turnouts and trails.

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

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

(g) Winter sports facilities, such as slopes and trails for sledding and tobogganing, cross-country ski trails, facilities for skating and snowmobiling.

(h) Urban recreation areas, such as neighborhood playgrounds, bicycling paths, walking or riding trails and participant sport 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 educational facilities where there is a permanent professional naturalist staff and the facilities are for nature interpretation.

(j) Renovation or redevelopment of existing facilities or areas which have received adequate and regular maintenance but are impaired, or have become outmoded.

(k) Beautification of areas. Beautification projects such as landscaping, cleaning and restoration of exploited, polluted and littered areas, and screening, removal, relocation or burial of overhead wires.

(l) Open shelters and multipurpose shelter buildings which support an outdoor recreation activity.

(m) Fences for tennis courts, ball fields and the protection of park users.

(n) Dams where the entire shoreline is public and there is adjoining public land for a recreation facility.

(o) Lighting for tennis courts, hockey rinks, game courts, ballfields, sports fields, multipurpose courts and public safety.

(p) Park signs.

(7) INELIGIBLE TYPES OF PROJECTS. Ineligible projects include:

(a) Restoration or preservation of historic structures.

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

(c) Development of amusement facilities, waterslides, or the construction of facilities, that are only marginally related to public outdoor recreation.

(d) Construction of park employe residences.

(e) Development of areas and facilities to be used solely for game refuges or fish production purposes unless 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.

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

(g) Development projects in previously undeveloped recreation areas which consist solely of support facilities, unless it is clearly indicated that such facilities are required for proper and safe recreational use of the area; and

(h) Buildings primarily devoted to operation and maintenance.

(8) APPLICATION AND GRANT AWARD PROCEDURES. (a) Applicants for local park aid monies shall submit applications on Form 8700-185 to the appropriate district office by March 15 of each year. Eligible sponsors include towns, villages, cities, counties and Indian tribes.

NOTE: Application forms are available from department district offices.

(b) The department shall evaluate completed applications utilizing a project rating sheet to determine which applicants will receive grants.

(c) Successful applicants shall be notified by the department and sent a project agreement. Work under the project agreement may not proceed until the agreement is signed by the department and applicant.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 27, 1986.

The rules contained herein shall take effect as provided in s. 227.026(1)(intro), Stats.

Dated at Madison, Wisconsin May 16, 1986.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

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04/14/86



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

May 16, 1986

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. AA-51-85. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.
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