

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

CR 88-145

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

RECEIVED

FEB 15 1989
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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. CA-41-88 was duly approved and adopted by this Department on December 15, 1988. 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 here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 13th
day of February, 1989.


Bruce B. Braun, Deputy Secretary

(SEAL)

5-1-89

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

.....
IN THE MATTER OF amending ss. NR 50.01, 50.02 and .
50.06(6)(a) and repealing and recreating s. NR 50.16 . CA-41-88
of the Wisconsin Administrative Code pertaining to .
Administration of local park aids. .
.....

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 20.002(13), 23.09(2)(intro.), (20), (25)(e), 23.30
and 227.11(2)(a), Stats.

Statutes interpreted: ss. 23.09(20), (25)(e), and 23.30(2), (3)(a) and (h),
Stats.

Chapter NR 50, Wis. Adm. Code, provides rules for the administration of
outdoor recreation aid programs.

Existing section NR 50.16, pertaining to a defunct grant program, will be
repealed and recreated to establish rules to administer the aids for the
acquisition and development of the Local Parks Program created under 1987
Wisconsin Act 295.

The rules will define eligible sponsors, the cost-sharing rate, eligible and
ineligible costs, application procedures and other criteria specified by the
statute (s. 23.09(20), Stats.) Minor changes to the LAWCON grant program are
also included in this rule package.

SECTION 1. NR 50.01 and 50.02 are amended to read:

NR 50.01 PURPOSE. The purpose of this chapter is to establish procedures for implementation of various recreational aid programs under ss.

20.370(4)(bx), 23.09(11), (12), (17m), (20), (25)(e) and (26), 23.30(3)(h), 30.275, 30.79 and 350.12(4), Stats., and 16 U.S.C. ss. 460d, 460L-4, et seq.

NR 50.20 APPLICABILITY. The provisions of this chapter are applicable to all sponsors of recreational aid programs under ss. 20.370(4)(bx), 23.09(11), (12), (17m), (20), (25)(e) and (26), 23.30(3)(h), 30.275, 30.79 and 350.12(4), Stats., and 16 U.S.C. ss. 460d, 460L-4, et seq.

SECTION 2. NR 50.06(6)(a) is amended to read:

NR 50.06(6) APPLICATION PROCEDURE. (a) Applicants for local or state LAWCON monies shall submit ~~preapplications~~ applications on the prescribed department form to the appropriate district office by ~~October 1~~ January 1 of each year.

SECTION 3. NR 50.16 is repealed and recreated to read:

NR 50.16 AIDS FOR THE ACQUISITION AND DEVELOPMENT OF LOCAL PARKS. (1) PURPOSE. The purpose of this section is to establish standards and procedures for the implementation of a grant program for local units of government to acquire and develop local parks under s. 23.09(20), Stats.

(2) APPLICABILITY. This section is applicable to towns, villages, cities, counties and Indian tribes applying for grants for the acquisition and development of local parks under s. 23.09(20), Stats.

(3) DEFINITIONS. As used in this section: "Aids for the acquisition and development of local parks" means the program created under s. 23.09(20), Stats., with funds appropriated under. s. 20.866(20)(tq), Stats.

(4) APPLICATION AND GRANT AWARD PROCEDURES. (a) Applicants for local park aid monies shall submit applications on Form 8700-191 to the appropriate district office by January 1 of each year.

Note: Application forms are available from department district offices.

(b) The department shall evaluate completed applications to determine which applicants will receive grants according to the standards in this section.

(c) Successful applicants shall be notified by the department and sent a project agreement. Development work under the project agreement may not proceed until the agreement is signed by the department and the applicant. Acquisition costs may be retroactive upon approval of the department.

(5) GENERAL PROVISIONS. (a) Eligible sponsors may receive a state grant of up to 50% of the total project costs for the acquisition or development of a local park.

(b) A local comprehensive outdoor recreational plan is required to be submitted to and approved by the department in order to be eligible for aids for the acquisition or development of local parks. Such plans shall be consistent with the outdoor recreation program under s. 23.30, Stats.

(c) Funds will be apportioned on a department district allocation system, with 70% of the fund distributed on the basis of each county's proportionate share of the state population and 30% distributed equally to each county. Unencumbered district funds shall revert to a statewide fund on May 1 of each year and will be assigned to the highest priority projects on a statewide basis.

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

(e) Costs associated with operation and maintenance of parks and other outdoor recreation facilities are not eligible for grant funds.

(f) Administrative costs of acquiring lands or land rights, such as legal fees and surveying costs, are not eligible for grant funds.

(g) Title to lands or rights in lands acquired under this section shall vest in the local unit of government, but the lands may not be converted to uses inconsistent with this section without prior approval of the department. Proceeds from the sale or other disposal of the lands shall be used to promote the objectives of this section.

(h) Financial assistance may be given to develop leased real property provided control and tenure of the property is commensurate with the proposed development.

(6) LAND DEVELOPMENT--ELIGIBLE TYPES OF PROJECTS. Projects eligible for grant funds include:

(a) Swimming, bathing and water sports facilities, including beaches, swimming areas, swimming pools 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 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) LAND ACQUISITION -- ELIGIBLE TYPES OF PROJECTS. Land acquisition projects which are eligible for grant funds include:

(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 shall 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 and competitive nonprofessional sports facilities.

(f) Land for recreation trails.

(g) Land for golf courses.

(8) INELIGIBLE TYPES OF PROJECTS. Ineligible acquisition or development 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, maintenance or indoor recreation.

(i) Development of golf courses.

(9) PRIORITIES. Priorities in ranking are given to the following types of projects. The department shall select projects for financial assistance in accordance with the following project priorities, which are not listed in order of preference:

(a) Projects which provide activities for the general public have higher priority than those that provide activities for a limited group.

(b) Projects which provide basic facilities such as picnic and play areas have priority over projects which provide elaborate facilities such as covered ice rinks and indoor swimming pools.

(c) Projects which provide participant facilities have priority over projects which provide spectator facilities.

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

(e) Projects which provide for completion of a project already started where the sponsor has shown the ability to provide quality outdoor recreation facilities for its citizens without grant assistance.

(f) Projects to develop areas previously acquired.

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

(h) Projects where the applicants have good performance records on prior LAWCON, ORAP-LPA or other recreational projects.

(i) Projects where the applicants are financially able to adequately maintain and operate the area or facility.

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

(k) 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.

(l) 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.

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

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

(o) Projects which are regional or statewide in nature and this use can be documented; and

(p) Projects which are ready to be implemented (can be completed in 2 construction seasons or less).

The rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 15, 1988.

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

Dated at Madison, Wisconsin

February 13, 1989

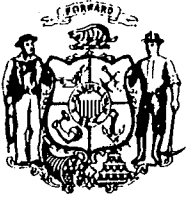
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

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State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

February 13, 1989

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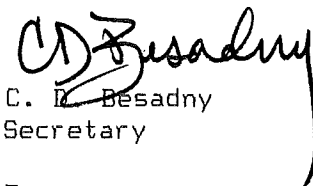
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. CA-41-88. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Urban Affairs, Environmental Resources, Utilities and Elections pursuant to s. 227.19, Stats. A summary 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

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