

Chapter NR 50

ADMINISTRATION OF OUTDOOR RECREATION
PROGRAM GRANTS AND STATE AIDS

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History: Chapter NR 50 as it existed on March 31, 1975 was repealed and a new chapter NR 50 was created, effective April 1, 1975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 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 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; am. (8), Register, October, 1978, No. 274, eff. 11-1-78.

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 ss. 23.09 (20) and 66.36, 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 ss. 23.09 (21) and 92.18, Stats., to provide for the creation of new lakes and assist in providing a continuing, comprehensive outdoor recreation program.

(4) Public access to water s. 23.09 (9), 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, ch. 350, ss. 23.09 (11) and (26), Stats.

(6) Law enforcement aids to counties, ch. 350 and s. 23.09, Stats.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; cr. (6), Register, March, 1977, No. 255, eff. 4-1-77.

NR 50.03 Planning requirements. (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.

(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

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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; am. (1), Register, October, 1978, No. 274, eff. 11-1-78.

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 February 1 and unused district funds to a statewide fund on May 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; am. (4) (e), Register, October, 1978, No. 274, eff. 11-1-78.

NR 50.05 General provisions. (1) 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

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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 ballfield 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.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (4) (a) 4. and 6., (7) (b) 7, 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.

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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 form including a resolution officially adopted by the governing unit.

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

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. Adm. 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 s. 59.971, 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, 1976, No. 231, eff. 4-1-76; am. (2) (e), Register, March, 1976, No. 243, eff. 4-1-76.

NR 50.08 Administration of public access to waters. (s. 23.09 (9), 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.

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