Chapter NR 50

ADMINISTRATION OF OUTDOOR RECREATION PROGRAM GRANTS AND STATE AIDS

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History: Chapter NR 50 as it existed on March 31, 1975 was repealed and a new chapter NR 50 was created, effective April 1, 1975.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. 20.370 (4) (bx), 23.09 (11), (12), (17m), (20), (25) (e) and (26), 23.30 (3) (h), 30.275 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; am. Register, April, 1984, No. 340, eff. 5-1-84; am. Register, November, 1986, No. 371, eff. 12-1-86; am. Register, April, 1989, No. 400, eff. 5-1-89.

NR 50.02 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 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; am. Register, April, 1984, No. 340, eff. 5-1-84; am. Register, November, 1986, No. 371, eff. 12-1-86; am. Register, April, 1989, No. 400, eff. 5-1-89.

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" includes the acquisition of land or rights thereto for a well defined outdoor recreation area or purpose.

(b) "Development project" includes 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, employe's life and health insurance plans, unemployment

insurance coverage, worker's compensation insurance, pension retirement plans, and employe benefits in the form of regular compensation sick, court or military 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.

(22) "Inland patrols" means water safety patrol units which operate on waters other than those designated by s. 29.01 (11), Stats.

(23) "Outlying patrols" means water safety patrol units which operate on waters designated in s. 29.01 (11), Stats.

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; am. (5), Register, April, 1984, No. 340, eff. 5-1-84; emerg. cr. (22) and (23), eff. 3-15-90, cr. (22) and (23), Register, October, 1990, No. 418, eff. 11-1-90.

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.

(22) Land acquisition costs may be retroactive upon prior written approval of the department or the secretary of the interior providing the sponsor can demonstrate a need to proceed at this time.

(23) Engineering or planning fees necessary to complete eligible items may be retroactive.

(24) The department may approve variances from nonstatutory requirements of this chapter upon the request of a sponsor when the department determines that variances are essential to effect necessary grant actions or program objectives, and where special circumstances make such variances in the best interest of the program. Before granting a variance, the department shall take into account such factors as good cause and circumstances beyond the control of the sponsor.

(25) Total grant assistance provided under this section shall be limited to a maximum of 50% of eligible project costs unless otherwise provided by law.

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; cr. (22) to (25), Register, October, 1990, No. 418, eff. 11-1-90.

NR 50.06 Lawcon program. (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) under ss. 20.370 (4) (bx) and 23.30 (3) (h), 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 the LAWCON aid program.

(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; and

Next page is numbered 543

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 existing facilities or areas when the facilities or areas have received adequate and regular maintenance, yet have deteriorated to the point where their usefulness is impaired, or have become outmoded. Renovation or redevelopment may be undertaken to rebuild the facilities or areas into more useful forms;

11. Beautification of areas may be undertaken provided that the beautification is not regular maintenance and that the site's condition is not due to inadequate maintenance. Beautification may include landscaping to provide a more attractive environment, cleaning and restoration of areas which have been exploited, polluted, littered, etc., and 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 multipurpose shelter buildings which support an outdoor recreation activity. Buildings devoted primarily to concession or control activities are ineligible;

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, ball fields, sports fields, multipurpose courts and safety lighting; and

17. Outdoor swimming and wading pools.

(f) Development, acquisition or acquisition and development projects which generally will not be assisted include;

1. Acquisition, restoration or preservation of historic structures;

2. Development of areas and facilities to be used primarily for semiprofessional and professional arts and athletics;

3. Acquisition of areas for and 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 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;

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 recreational use of the area; and

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. (a) Applicants for local or state LAWCON monies shall submit applications on the prescribed department form to the appropriate district office by January 1, 1991 and by May 1, 1991 and May 1 each year thereafter.

(b) Applicants for contingency funds shall submit preapplications on the prescribed department form to the bureau of aid programs, department of natural resources. Contingency fund preapplications shall be considered by the department in 3 time periods, ending February 1, June 1 and October 1 of each year.

(c) The department will evaluate completed preapplications utilizing a project rating sheet to determine which preapplications will be approved.

(d) Once the preapplication is approved, applicants shall submit formal applications on the prescribed department forms to the appropriate district office, along with resolutions adopted by the appropriate units of government.

Note: NR 50.06 requires 2 new forms: a preapplication and a project rating sheet.

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; am. (1), (2), (3) (a) 2., (4) (a), (d), (e) and (f), r. and recr. (3) (b) and (c), (4) (b) and (6), Register, April, 1984, No. 340, eff. 5-1-84; am. (6) (a), Register, April, 1989, No. 400, eff. 5-1-89; am. (6) (a), Register, October, 1990, No. 418, eff. 11-1-90.

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. A map of the trail.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. Register, March, 1976, No. 243, eff. 4-1-76; r. and recr., Register, June, 1980, No. 294, eff. 7-1-80; r. and recr. (1), renum. (2) and (3) to be (3) and (4), cr. (2), am. (3) (a), Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.12 Law enforcement aids to counties (ch. 350, Stats.). (1) Counties may receive up to 100% reimbursement of monies spent on the enforcement of ch. 350, Stats.

(2) Claim forms shall be filed with the bureau of law enforcement, department of natural resources, on or before June 1 of the year following the 12-month period for which the claim is made. Claims shall be made for the May 1 to April 30 period immediately preceding the filing date.

(3) The following forms will be used in the snowmobile enforcement aid program:

(a) Form 8700-59 — Notice of intent to patrol. In order to be eligible for the state aids, a snowmobile patrol must function as an enforcement unit and file an intent to patrol form with the department of natural resources listing the authority under which the snowmobile patrol will operate. On or before July 1 of each year a county must file an intent to patrol form with the department, sent to the attention of the Office of the Coordinator of Snowmobile Safety, P.O. Box 7921, Madison, Wisconsin.

(b) Form 8700-89 — Daily log. This form is to be used in compiling a summary of the snowmobile patrol's daily activities and expenses. It is not to be filed with the department, but is to be used for assembling information necessary to complete form 8700-90. This form must be kept on file by the snowmobile patrol to augment its records and must be available in chronological order for periodic checks by representatives of the department during normal business hours and at the time of the annual audit.

(c) Form 8700-90 — Monthly report. This form is to be completed and filed with the department no later than the tenth day following the month covered. The information shown on this form will be a computation of the information taken from the daily logs (form 8700-89).

(d) On or about April 1 of each year, 3 sets of the following forms will be sent by the department to each county which has an intent to patrol form on file. The appropriate official fills out all of the forms, retains one set for the county's records, and files 2 sets with the bureau of law enforcement on or before June 1, covering the patrol expense for the preceding 12-month period of May 1 to April 30. Claims which are received by the department after this date will not be processed for payment.

1. Form 8700-60 — Application for state aid. This form is to be completed by the appropriate county official, who shall list the total net cost of the snowmobile patrol claimed by the county.

2. Form 8700-61 — Salary schedule. This form is to be completed by the appropriate county official who shall list the names and salaries of persons engaged in the enforcement of ch. 350, Stats. Salary rate is restricted to no more than the regular straight time rate which the officer normally receives. Fringe benefits cannot exceed 20% of the gross salary.

3. Form 8700-62 — Travel, materials and supplies schedule. This form is to be completed by the appropriate county official, who shall list all reimbursable expenditures other than salaries and depreciable items.

4. Form 8700-63 — Depreciation schedule - straight line method. This form is to be completed by the appropriate county official, who shall list all capital outlay equipment and the resulting depreciation. Depreciation shall be calculated at the rate of 12½% annually on all equipment (over $100.00) except snowmobiles, which shall be figured at the rate of 20% annually.

5. Form 8700-64 — Record of court cases for violations of ch. 350, Stats. This form is to be completed by the appropriate county official, who shall list all violations and court actions for the calendar year.

(e) Each claim shall be audited by the department as soon as possible after the claim has been received. Payment of claims shall be made no later than October 1. Reimbursement of the actual cost and maintenance of snowmobile enforcement patrols is authorized. Travel expenses and salaries for training purposes are authorized only for attendance at snowmobile enforcement training sessions conducted by the department. The person in charge of the patrol, or designee, is required to attend all designated department snowmobile enforcement patrol training sessions as a condition of receiving aids under this section and s. 350.12 (4) (a) 4., Stats.

History: Cr. Register, March, 1977, No. 255, eff. 4-1-77; am. (2), (3) (a), (d) (intro.), 4. and (e), Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.13 Law enforcement aids to municipalities. (s. 30.79, Stats.). (1) Municipalities may receive law enforcement aids for up to 75% of the net costs (determined by deducting all fines and forfeitures imposed upon persons convicted of violations of ordinances enacted pursuant to s. 30.77, Stats.) which are directly attributable to the operation and maintenance of the water safety patrol unit. State aid is available only for those activities associated with the local enforcement of ss. 30.50 to 30.80, Stats., and any administrative rules and ordinances enacted pursuant thereto. No municipality shall receive state aid in excess of 20% of the funds available.

(1m) GUIDELINES FOR AIDS TO WATER SAFETY PATROL UNITS. No local unit of government may receive state aids under s. 30.79, Stats., for costs contrary to the following guidelines:

(a) On-water patrol hours for each water safety patrol are fundable based on a formula of number of on-water patrol hours per arrest. The maximum number of on-water patrol hours per arrest shall be not more than 50% above the state average of on-water patrol hours per arrest for the past 3 years computed from the statewide municipal patrol records. Patrols with a ratio of on-water patrol hours per arrest in excess of the maximum ratio may be funded only for those hours that result in a ratio equal to the maximum ratio allowed. Patrols are also subject to the following guidelines:

1. For the purpose of establishing the average patrol hour per arrest for each claim, the inland patrols shall be based on the average of all inland water patrols and the outlying water patrols shall be based on the average of all of the outlying patrols participating in the program of aids to municipal water safety patrol units.

2. For the purpose of establishing on-the-water patrol average, on-the-water patrol hours are one person times one hour of on-the-water on patrol.

(b) The maximum number of fundable crew members on a water safety patrol shall be limited to:

1. Two certified law enforcement officers per boat on inland waters, having authority to make arrests; and

2. Three certified law enforcement officers per boat on outlying waters, having authority to make arrests.

(c) No local unit of government is eligible for reimbursement unless it contains within its jurisdiction at least one of the following:

1. A lake of at least 100 acres in size, determined by the current department lake survey.

2. At least one mile of river within the jurisdiction of the local unit of government.

(d) A local unit of givernment operating within the guidelines of this section may be reimbursed for actual expenses for search and rescue on all waters within its jurisdiction.

(e) No local unit of government may receive aid under any portion of the program of aids to municipal water safety patrol units unless its water safety patrol has performed at least 40 hours of fundable on-the-water patrol time during the calendar year.

(f) A local unit of government may be reimbused for the actual teaching hours of a law enforcement officer who conducts an authorized department boating safety education course.

(g) Water safety patrol expenses on lakes less than 100 acres and sections of rivers less than one mile in length may only be reimbursed if the patrol qualifies under par. (c) and the expenses are justified in the interest of public health and safety. Such justification shall be documented on each daily log Form 8700-59 and included on the monthly report Form 8700-90.

(2) SEARCH AND RESCUE GUIDELINES. For the purpose of administering the aids to local units of government provided in s. 30.79, Stats., search and rescue is defined as the activity of looking for a person or persons who are, or who are reasonably believed to be alive, in distress and are in a life threatening situation.

(a) Search and rescue aids may be provided to authorized municipal water safety patrol units operating under the following circumstances:

1. Enforcing the provisions of ss. 30.50 to 30.80, Stats.;

2. Requesting outside assistance when circumstances exist which justify employing such assistance, on a case-by-case basis. The basis for requesting outside assistance must be justifiable from a cost and effectiveness standpoint.

3. Towing where the disabled boat and occupants are in distress and in a life threatening situation.

(3) Claim forms shall be filed with the appropriate district office of the department of natural resources, as specified in s. 30.79, Stats. Claims are to be made for the calendar year immediately preceding the filing date.

(4) The following forms shall be used by each water safety patrol unit to qualify it for state aid:

(a) Form 8700-59 — Notice of intent to patrol. In order to be eligible for state aids, a water safety patrol must function as a law enforcement unit and file an intent to patrol form with the department, listing the authority under which the water safety patrol will operate. On or before March 1 of each year the municipality shall file an intent to patrol form with the department, sent to the attention of the coordinator of boating safety, Madison, Wisconsin.

(b) Form 8700-89 — Daily log. This form is to be used in compiling a summary of the water safety patrol's daily activities and expenses. It is not to be filed with the department, but is to be used for assembling information necessary to complete form 8700-90. The form must be kept on file by the water safety patrol to augment its records and must be available in chronological order for periodic checks by representatives of the department during normal business hours and at the time of the annual audit.

(c) Form 8700-90 — Monthly report. This form is to be completed and filed with the appropriate district office no later than the tenth day following the month covered. The information shown on this form will be a computation of the information taken from the daily logs (form 8700-89).

(d) On or about September 1 of each year, 3 sets of the following forms will be sent by the department to each municipality which has an active intent to patrol form on file. The appropriate official fills out all of the forms, retains one set for the municipality's records, and files 2 sets with the appropriate district office as specified in s. 30.79, Stats., covering the patrol expense for the preceding calendar year. Claims which are received by the department after this date cannot and will not be processed for payment.

1. Form 8700-60 — Application for state aid. This form is to be completed by the appropriate municipal official, who shall list the total net cost of the water safety patrol claimed by the municipality.

2. Form 8700-61 — Salary schedule. This form is to be completed by the appropriate municipal official, who shall list the names and salaries of persons engaged in the local enforcement of ss. 30.50 to 30.80, Stats., and any administrative rules and ordinances enacted pursuant thereto. Salary rate is restricted to no more than the regular straight time rate which the officer normally receives. Fringe benefits cannot exceed 20% of the gross salary.

3. Form 8700-62 — Travel, materials and supplies schedule. This form is to be completed by the appropriate municipal official, who shall list all reimbursable expenditures other than salaries and depreciable items.

4. Form 8700-63 — Depreciation schedule - straight line method. This form is to be completed by the appropriate local unit of government official, who shall list all capital outlay equipment and the resulting depreci-

ation. Depreciation shall be calculated at the rate of 12½% annually on all new capital equipment ($500.00 or over). Repairs $1,000 and under to authorized capital equipment may be reimbursed during the year the repairs were paid for. All repairs over $1,000 to capital equipment shall be reimbursed on a 12½% per year straight line depreciation schedule.

5. Form 8700-64 — Record of court cases for violations of ss. 30.50 to 30.80, Stats., and any administrative rules and ordinances enacted pursuant thereto. This form is to be completed by the appropriate municipal official, who shall list all violations and court actions for the calendar year.

(5) Travel expenses and salaries for training purposes are authorized only for attendance at boating safety enforcement training sessions conducted by the department. The person in charge of the patrol, or his/her designee, is required to attend all designated department boating safety enforcement patrol training sessions as a condition of receiving aids under this rule and s. 30.79, Stats.

(6) Except for time spent on boating education courses, no local unit of government may receive more than 40% of the total amount of its claim for administrative costs.

History: Cr. Register, October, 1977, No. 262, eff. 11-1-77; renum. (2) to (4) to be (3) to (5), cr. (2), Register, May, 1979, No. 281, eff. 6-1-79; emerg. cr. (1m), (2) (a) 3. and (6), am. (2) (intro.) and (4) (a) 4., eff. 3-15-90; cr. (1m), (2) (a) 3. and (6), am. (2) (intro.) and (4) (d) 4., Register, October, 1990, No. 418, eff. 11-1-90.

NR 50.14 County fish and wildlife aid. (1) PURPOSE. The purpose of this section is to establish standards for the implementation of a grant-in-aid program for county fish and wildlife projects under s. 23.09 (12), Stats.

(2) APPLICABILITY. Provisions of this section are applicable to counties and tribal governing bodies participating in the county fish and wildlife program.

(3) ALLOCATION OF FUNDS. (a) County fish and wildlife aids will be allocated for use as soon after July 1 of each year as they become available.

(b) Funds will be allocated to each county and Indian tribe until October 1. Unused county and tribal funds revert to 6 district funds on October 1. These district funds are available to counties and tribes within district boundaries. Unused district funds revert to a statewide fund on May 1 of each year. These statewide funds are available to counties and tribes anywhere in the state.

(c) State aid allocated to any county or tribe for the enhancement of fish and wildlife habitat shall be based on the ratio of the area of the county (less reservation lands) or reservation to the total area of the state (excluding outlying waters and interstate boundary waters of the Mississippi river and Lake Pepin).

(2) ALLOWABLE COSTS, BILLING AND AUDITS. (a) The state share may not exceed one-half of the actual project cost.

(b) Except for specialized equipment useful solely for fish or wildlife management purposes, aids under this program may not be used to purchase equipment.

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

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; emerg. cr. (1) (b), eff. 10-15-80; r. and recr. Register, May, 1983, No. 329, eff. 6-1-83.

NR 50.15 Wildlife habitat development on county forests. (1) PURPOSE. The purpose of this section is to establish standards for the implementation of a grant-in-aid program for forest wildlife habitat improvement on county forest lands entered under s. 28.11, Stats., pursuant to s. 23.09 (17m), Stats.

(2) APPLICABILITY. Provisions of this section are applicable only to counties having county lands entered under s. 28.11, Stats.

(3) ELIGIBLE PROJECTS. (a) Counties may receive aids on a priority basis for:

1. Maintenance of intolerant forest types in danger of being replaced through natural conversion to forest types of lower value to wildlife; maintenance of existing forest openings.

2. Deer yard improvement; creation of forest openings.

3. Trail seeding and maintenance road and trail construction.

(4) ALLOWABLE COSTS, BILLINGS AND AUDITS. (a) One hundred percent of approved eligible project costs will be funded.

(b) Fifty percent advance payments may be made at the time of project approval if requested by sponsor.

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

(6) USEFUL LIFE. (a) The maximum useful life of habitat development activities on lands withdrawn from s. 28.11, Stats., and the title to which is transferred by the county to other than a public agency, may not exceed the following guidelines:

ACTIVITY	MAXIMUM USEFUL LIFE IN YEARS
All weather roads	20
Openings	10
Hunter access trail construction	10
Aspen regeneration	10
Tree planting	10

(b) In the event a reimbursement is due the department, the calculation of such amount shall be based on a straight line depreciation of the original value of the development over its maximum useful life as specified in par. (a).

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; r. and recr. Register, May, 1983, No. 329, eff. 6-1-83.

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, nonprofit conservation organizations and Indian tribes apply-

ing 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 (2) (tz), Stats.

(4) APPLICATION AND GRANT AWARD PROCEDURES. (a) Applicants for local park aid monies shall submit applications on the prescribed department form to the appropriate district office by January 1, 1991 and by May 1, 1991 and each year thereafter.

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.

(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 shall 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.

(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, ballfields 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).

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80; r. and recr. Register, April, 1989, No. 400, eff. 5-1-89; am. (2), (3), (4) (a) and (c) and (5) (c), Register, October, 1990, No. 418, eff. 11-1-90.

NR 50.165 Aids for the acquisition of urban green space (23.09 (19)). (1) PURPOSE. The purpose of this section is to establish standards and procedures for implementation of a grant program for local units of government and nonprofit conservation organizations to acquire land for public purposes under s. 23.09 (19), Stats.

(2) APPLICABILITY. This section is applicable to towns, villages, cities, counties, Indian tribes, public inland lake protection and rehabilitation districts and nonprofit conservation organizations applying for grants for the acquisition of urban green space under s. 23.09 (19), Stats.

(3) DEFINITIONS. As used in this section:

(a) "Aids for the acquisition of urban green space" means the program created under s. 23.09 (19), Stats., with funds appropriated under s. 20.866 (2) (tz), Stats.

(b) "Noncommercial gardening" means an activity involving raising vegetables, fruits and herbs for personal consumption.

(4) APPLICATION AND GRANT AWARD PROCEDURES. (a) Applicants for aids for the acquisition of urban green space shall submit applications on

the prescribed department form to the appropriate district office by January 1, 1991 and by May 1 of 1991 and each year thereafter.

Note: Application forms and instructions are available from department district offices.

(b) Aids for the acquisition of urban green space shall be distributed on a statewide basis except that 10% of the annual appropriation shall be reserved for noncommercial gardening projects. If sufficient noncommercial gardening projects are not received to utilize these funds, remaining funds shall revert back to the regular urban green space appropriation to be utilized by eligible projects. During the first grant cycle, the gardening allotment shall carry over if not utilized.

(c) Grant awards shall be for 50% of approved land acquisition costs. Projects shall be funded in priority order until the last 50% award has been made.

(d) The maximum grant amount may not exceed the annual appropriation in any given year.

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

(f) Successful applicants shall be notified by the department and sent a project agreement. Acquisition of land or the rights to land may not proceed until the agreement is signed by the department and the applicant.

(5) GENERAL PROVISONS. (a) Eligible sponsors may receive a state grant of 50% of the cost of acquiring the land or the rights in land for the public purposes in s. 23.09 (19) (c), Stats.

(b) A master plan approved by the local unit of government identifying the land to be acquired under the urban green space program is requied before a grant may be approved.

(c) The application shall include a comprehensive description of the proposal for urban green space acquisition, plans for development and management of the land and any other information required by the department.

(d) The department may approve grants for the acquistion of land or rights to land for urban green space.

(e) Costs associated with development, operation and maintenance of urban green space or for administrative costs of acquiring lands or rights in lands such as appraisals, legal fees or surveying are not eligible.

(f) Lands acquired under s. 23.09 (19) (c), Stats., may not be converted to uses inconsistent with the provisions of s. 23.09 (19) (c), Stats., unless the conversion is consistent with other programs funded under s. 20.866 (2) (tz), Stats., and prior department approval is received.

(g) Title to land or to rights in land acquired through the urban green space program shall vest in the local governmental unit or nonprofit conservation organization.

(h) Fees may be charged for use of an area acquired for noncommercial gardening and may be waived based on the user's inability to pay.

(6) LAND ACQUISITION — ELIGIBLE TYPES OF PROJECTS. Land acquisiton projects which are eligible for grant funds inculde:

(a) Land to provide an open natural space within or in proximity to urban development.

(b) Land to protect from urban development an area or naturally formed feature that is within or in proximity to an urban area and that has scenic, ecological or other natural value.

(c) Land for noncommercial gardening to be used by inhabitants of an urbanized area.

(7) 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) *Planning considerations.*

1. Projects supported by an approved master plan.

2. Projects supported by an approved management plan.

3. Projects which specifically implement a priority of the state comprehensive outdoor recreation plan (SCORP).

4. Projects which preserve land which is listed on the natural heritage inventory.

5. Projects which implement elements of water quality plans or initiatives.

(b) *Project considerations.*

1. Land which serves the greatest population centers.

2. Land which serves areas of rapidly increasing populations.

3. Land which is accessible, where accessibility is appropriate.

4. Land where interpretive facilities are appropriate.

5. Land which provides linear corridors.

6. Land which connects to existing corridors.

7. Land with water frontage.

8. Land which contains or creates wetlands.

9. Land which provides passive versus active recreation.

10. Land which protects sensitive wildlife habitat.

11. Land which protects an area threatened by development.

12. Land which preserves or creates an open natural space.

13. Land which can be shown to be of regional or statewide significance.

(c) *Administrative considerations.*

1. Projects which are ready to be implemented.

2. Projects which continue eligible acquisition projects previously started.

3. Projects which implement the approved master plans of 2 or more units of government or regional planning agencies.

(8) GARDEN PROJECT SELECTION. In selecting garden projects, the department shall consider:

(a) Land located in areas with a high percentage of land developed.

(b) Land adjacent to high density housing with residents with demonstrated special needs.

(c) Land in areas where there is a consistent demand or oversubscription for existing space.

(d) Land that provides for expanding or replacing temporary garden plots.

History: Cr. Register, October, 1990, No. 418, eff. 11-1-90.

NR 50.17 Shooting range development. (1) PURPOSE. The purpose of this section is to establish standards for the implementation of a grant-in-aid program for development of shooting ranges under 16 U.S.C. s. 669, *et seq.*

(2) APPLICABILITY. The provisions of this section are applicable to counties, cities, villages, townships, other governmental agencies or units, clubs or organizations, businesses or corporations and educational institutions.

(3) ALLOWABLE COSTS. Fifty percent of approved eligible project costs shall be funded.

(4) GENERAL PROVISIONS. (a) The following projects are eligible:

1. Outdoor range construction, including: backstops and berms, target holders, shooting benches, baffles, protective fencing, signs, trenches, gun racks, platforms, restrooms and other items considered essential for the project by the department.

Next page is numbered 565