



NR 50

State of Wisconsin \

DEPARTMENT OF NATURAL RESOURCES

Received September 17, 1973 3:20 p.m. C.L.P.

Filing rejected for non-compliance with

L. P. Voigt Secretary

BOX 450 MADISON, WISCONSIN 53701

September 11, 1973

IN REPLY REFER TO: 8300

X. 227.025

See memo of 9-19-73

STATE OF WISCONSIN

) ss

DEPARTMENT OF NATURAL RESOURCES

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, L. P. Voigt, Secretary of the Department of Natural Resources, and custodian of the official records of said Department, do hereby certify that the annexed rules and regulations relating to NR 50.04(4)(e), NR 50.05(4), (5), (6) & (7) and NR 50.06(4)(c) & (7)(d) of the Wisconsin Administrative Code, were duly approved and adopted by this Department on August 16, 1973.

I further certify that said copy has been compared by me with the original on file in this Department and that 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 Pyare Square Building in the City of Madison, this 12th day of September, 1973.

(SEAL)

[Signature] L. P. Voigt, Secretary

STATE OF WISCONSIN NATURAL RESOURCES BOARD

: IN THE MATTER of amending NR 50.04(4)(e),
NR 50.05(4), (5), (6) & (7) and NR 50.06(4)(c) : FA-19-73
& (7)(d) of the Wisconsin Administrative Code
: -----

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES
AMENDING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by sections 23.09, 23.30 and 227.021, Wisconsin Statutes, the Natural Resources Board hereby amends as follows:

Section 1. NR 50.04(4)(e) of the Wisconsin Administrative Code is amended to read:

NR 50.04(4)(e) ALLOCATION OF GRANT FUNDS. A total of State and Federal fund aids for land acquisition projects may be reduced to not less than 50 per cent with at least 50 per cent local government funds when LAWCON funds apportioned to Wisconsin for any fiscal year are less than \$1,000,000.

Section 2. NR 50.05(4), (5), (6) & (7) of the Wisconsin Administrative Code are amended to read:

NR 50.05(4) GENERAL PROVISIONS. To assure fair and consistent treatment of owners under federal aid land acquisition programs, project sponsor shall be guided by the following:

- (a) The head of a sponsoring agency shall make every reasonable effort to acquire real property by negotiation.
- (b) Real property shall be appraised before the initiation of negotiations and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

- (c) Before the initiation of negotiations for real property, the head of the sponsoring agency shall establish an amount which he believes to be just compensation therefore and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the sponsor's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The sponsor shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.
- (d) No owner shall be required to surrender possession of real property before the sponsor pays the agreed purchase price or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

- (e) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or far operation, without at least ninety days' written notice from the sponsor of the date by which such move is required.
- (f) If the sponsor permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the sponsor on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short term occupier.
- (g) In no event shall the sponsor either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.
- (h) If any interest in real property is to be acquired by exercise of the power of eminent domain, the sponsor concerned shall institute formal condemnation proceedings. No sponsor shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.
- (i) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the sponsor shall offer to acquire the entire property.

NR 50.05(5) APPRAISAL REQUIREMENTS. For acquisitions with total cost of \$25,000 or more a narrative appraisal report shall include appraiser qualifications; statement of limiting conditions; purpose of the appraisal; identification of the property; city and area data; property data; analyses of highest and district use; land value; value estimate by cost approach; value estimate by comparative approach; interpretation and correlation of estimates; history of conveyances; certification of appraiser and exhibits and addenda.

For acquisitions of up to \$25,000 total cost the appraisal report shall include property description; date of value; supporting data; statement of highest and best use; appraiser's qualifications; appraiser's certification and history of conveyance.

NR 50.05(6) Provisions for consideration of handicapped shall conform with the American National Standard Institute specifications (ANSI A117.1-1961 (R1971)) for making buildings and facilities accessible to, and desirable by, the physically handicapped shall be considered by project sponsors.

NR 50.05(7) Provisions of the Federal Office of Management and Budget, Circular A-102 as published on October 19, 1971 and September 8, 1972 shall apply to all federal grants.

Section 3. NR 50.06(4)(c) & (7)(d) of the Wisconsin Administrative Code are amended to read:

NR 50.06 ADMINISTRATION OF THE LAND AND WATER CONSERVATION FUND PROGRAM (LAWCON).

(4)(c) Construction Contract Compliance with Presidential Executive Order 11246 requires contractors and subcontractors to provide equal employment opportunities in each of the trades on federally assisted projects. Local governments are required to inform contractor and subcontractor of Federal grants and send copies of the bid announcements to the federal government.

(7)(d) The rental rate charged by project sponsors for use of their equipment will be the rate established by the Department of Transportation for the county where the sponsor is located. If equipment used is not included in the Department of Transportation Schedule, the sponsor shall request approval of a rate prior to beginning work.

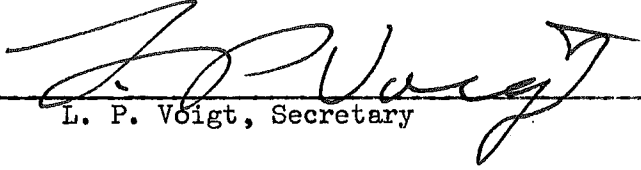
The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 16, 1973.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin September 10, 1973

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By



L. P. Voigt, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

: IN THE MATTER of creating NR 50.04(4)(e),
NR 50.05(4), (5), (6) & (7) and NR 50.06(4)(c) : FA-19-73
& (7)(d) of the Wisconsin Administrative Code :

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES
CREATING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by sections 23.09, 23.30 and 227.021, Wisconsin Statutes, the Natural Resources Board hereby creates as follows:

Section 1. NR 50.04(4)(e) of the Wisconsin Administrative Code is created to read:

NR 50.04(4)(e) ALLOCATION OF GRANT FUNDS. A total of State and Federal fund aids for land acquisition projects may be reduced to not less than 50 per cent with at least 50 per cent local government funds when LAWCON funds apportioned to Wisconsin for any fiscal year are less than \$1,000,000.

Section 2. NR 50.05(4), (5), (6) & (7) of the Wisconsin Administrative Code are created to read:

NR 50.05(4) GENERAL PROVISIONS. To assure fair and consistent treatment of owners under federal aid land acquisition programs, project sponsor shall be guided by the following:

- (a) The head of a sponsoring agency shall make every reasonable effort to acquire real property by negotiation.
- (b) Real property shall be appraised before the initiation of negotiations and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

- (c) Before the initiation of negotiations for real property, the head of the sponsoring agency shall establish an amount which he believes to be just compensation therefore and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the sponsor's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The sponsor shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.
- (d) No owner shall be required to surrender possession of real property before the sponsor pays the agreed purchase price or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

- (e) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the sponsor of the date by which such move is required.
- (f) If the sponsor permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the sponsor on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short term occupier.
- (g) In no event shall the sponsor either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.
- (h) If any interest in real property is to be acquired by exercise of the power of eminent domain, the sponsor concerned shall institute formal condemnation proceedings. No sponsor shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.
- (i) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the sponsor shall offer to acquire the entire property.

NR 50.05(5) APPRAISAL REQUIREMENTS. For acquisitions with total cost of \$25,000 or more a narrative appraisal report shall include appraiser qualifications; statement of limiting conditions; purpose of the appraisal; identification of the property; city and area data; property data; analyses of highest and district use; land value; value estimate by cost approach; value estimate by comparative approach; interpretation and correlation of estimates; history of conveyances; certification of appraiser and exhibits and addenda.

For acquisitions of up to \$25,000 total cost the appraisal report shall include property description; date of value; supporting data; statement of highest and best use; appraiser's qualifications; appraiser's certification and history of conveyance.

NR 50.05(6) Provisions for consideration of handicapped shall conform with the American National Standard Institute specifications (ANSI A117.1-1961 (R1971)) (copies are available for inspection at the Office of the Department of Natural Resources, Secretary of State's Office and the Office of the Revisor of Statutes, and may be obtained for personal use from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018) for making buildings and facilities accessible to, and desirable by, the physically handicapped shall be considered by project sponsors.

NR 50.05(7) Provisions of the Federal Office of Management and Budget, Circular A-102 as published on October 19, 1971 and September 8, 1972 shall apply to all federal grants.

Section 3. NR 50.06(4)(c) & (7)(d) of the Wisconsin Administrative Code are created to read:

NR 50.06 ADMINISTRATION OF THE LAND AND WATER CONSERVATION FUND PROGRAM (LAWCON).

- (4)(c) Construction Contract Compliance with Presidential Executive Order 11246 requires contractors and subcontractors to provide equal employment opportunities in each of the trades on federally assisted projects. Local governments are required to inform contractor and subcontractor of Federal grants and send copies of the bid announcements to the federal government.
- (7)(d) The rental rate charged by project sponsors for use of their equipment will be the rate established by the Department of Transportation for the county where the sponsor is located. If equipment used is not included in the Department of Transportation Schedule, the sponsor shall request approval of a rate prior to beginning work.

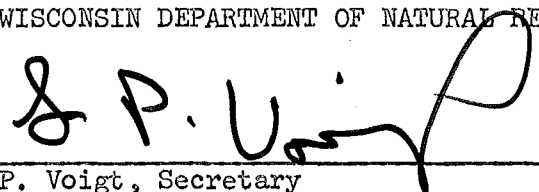
The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 16, 1973.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin September 20, 1973

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By



L. P. Voigt, Secretary

(SEAL)