

Chapter NR 50

ADMINISTRATION OF OUTDOOR RECREATION
PROGRAM GRANTS AND STATE AIDS

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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History: Chapter NR 50 as it existed on March 31, 1975 was repealed and a new chapter NR 50 was created, effective April 1, 1975.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.

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(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 state-wide 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

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insurance coverage, worker's compensation insurance, pension retirement plans, and employee 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

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3. 20% to a contingency fund for use by local governments and state agencies.

(b) The federal cost sharing may not exceed 50% of the total LAW-CON eligible cost of the projects, unless otherwise specified by law.

(c) Funds allocated to local governments, state agencies and the contingency fund but not encumbered shall remain allocated for these respective uses and shall be available for use during subsequent funding cycles to the extent provided by law.

(4) GENERAL PROVISIONS. (a) Applicants are required to submit comprehensive outdoor recreation plans which have been formally approved by resolutions passed by the local governing bodies; or applicants may qualify for eligibility if their proposed projects are identified in approved plans of other units of government. The university of Wisconsin system shall have support for its applications in 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. The system shall rely on comprehensive outdoor recreation plans which have been formally approved by the local governing bodies.

(b) Priorities in ranking are given to projects based on the following project, activity and applicant criteria:

1. Projects which meet urban needs;
2. Activities for the general public over those for a limited group;
3. Basic over elaborate facilities;
4. Participant over spectator facilities;
5. Projects not having other public or private funds available to them;
6. Projects where a scarcity of recreational land exists;
7. Acquisition over development;
8. Projects which may enhance or preserve natural beauty;
9. Completion of projects already started where possible, when it has been shown those projects are sound and well conceived;
10. Development, when possible, of areas previously acquired;
11. Renovation of existing facilities which are in danger of being lost for public use;
12. Applicants which have not received LAWCON or outdoor recreation action program — local park aids (ORAP-LPA) funds in the past;
13. Applicants which have good performance records on prior LAW-CON, ORAP-LPA or other recreational projects;
14. Applicants which are financially able to adequately maintain and operate the area or facility;
15. Projects which are located where the greatest number of people live and work;

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

17. Projects which serve a wide segment of the public;

18. To projects in which the resource would be lost for recreation use if not immediately acquired or developed;

19. 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;

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

21. Projects which provide multiple season, multiple activity use; and

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

(c) Sponsors shall be required to acknowledge federal (LAWCON) assistance by placement of signs approved by the department and the department of interior.

(d) Land acquisition — eligible types of projects. Eligible types of projects for land acquisition include:

1. Areas with frontage on rivers, streams, lakes, estuaries and reservoirs which will provide water based public recreation opportunities;

2. Land for creating water impoundments to provide water based public outdoor recreation;

3. Areas which provide special recreation opportunities, such as floodplains, wetlands and areas adjacent to scenic highways;

4. 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;

5. Land within urban areas for day use picnic areas, neighborhood playgrounds, play areas for small children, areas adjacent to school playgrounds, and competitive nonprofessional sports facilities;

6. Land for recreation trails; and

7. Land for golf courses.

(e) Land development — eligible types of projects. Eligible types of projects for land development include:

1. Observation and sightseeing facilities such as overlooks, turnouts and trails;

2. Boating facilities, such as launching ramps and docks;

3. Picnic facilities, including tables, fireplaces, shelters and paths;

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 LAW-CON 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) **APPLICABILITY.** The provisions of this section are applicable to all counties participating in the snowmobile aids program.

(3) **DISTRIBUTION OF FUNDS.** The distribution of funds according to priority ranked purposes is specified in s. 23.09 (26) (c), Stats. Should funds not be sufficient to satisfy the total request for either maintenance or acquisition, the funds remaining to satisfy that priority ranked purpose shall be distributed on a proportional basis.

(4) **GENERAL PROVISIONS.** (a) *Planning requirements.* 1. Counties not previously participating in the snowmobile aids program and desiring to sponsor public snowmobile trails are required to have a comprehensive snowmobile plan approved by the county board of supervisors and the department.

2. Counties that have previously met the comprehensive snowmobile plan requirement are required to maintain a current trail system map that describes trail locations, trail classifications and existing trail mileage by classification.

(b) *Acquisition of snowmobile trail rights-of-way.* 1. Value of short-term easement, lease or permit may be based on a rental rate of land. The fee value may be one percent per month of equalized or assessed valuation.

2. A minimum term of 4 months between December 1 and the following March 31 is required and the easement, lease or permit must be irrevocable during the term of the easement, lease or permit.

3. An annual fee of 10 cents per rod may be paid if the assessed valuation procedure is not used. When payment is made, the minimum payment for any one landowner shall be \$5.00.

4. The width of snowmobile rights-of-way shall not exceed one rod unless approved by the department. The easement or lease should contain as a minimum the right to sign, right of limited construction, right to maintain, and right of use by snowmobiles and grooming equipment only. Cost sharing is limited to the minimum land area necessary for the snowmobile trail.

5. The county shall submit a certification that all easements, leases or permits secured grant public access and use of the land for snowmobiling. The county shall maintain a current file of all easements, leases or permits which shall include the name of the property owner, description of the property, duration of the lease, easement or permit, date owner was contacted, amount to be paid for the easement, lease or permit, and name of the county or snowmobile club representative who obtained the lease, easement or permit.

(c) *Development of snowmobile trail.* 1. Development shall begin the same year land is acquired.

2. Snowmobile trail design and construction specifications. a. Minimum graded width for one-way trails is 6 feet and maximum 8 feet.

b. Minimum graded width for 2-way trails is 10 feet and maximum 12 feet.

c. Minimum turning radius is 25 feet.

d. A height of 10 feet above the trail will be cleared.

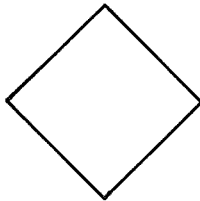
e. Sustained grades and slopes will be a maximum of 25%.

f. Snowmobile trails may not be routed over bodies of water. If stream crossings make bridging necessary, bridging shall be at least 8 feet wide free from obstruction. If the bridge is located on an abandoned railroad grade, the bridge shall be a minimum of 10 feet wide free from obstruction. The department shall determine the need for bridging or if ice crossings may be used.

g. Trails shall be routed away from areas designated in department wilderness policy, game preserves, winter browse areas, experimental stations, nurseries, plantations, residences and other areas of anticipated conflict, particularly areas which may be damaged by trail development or snowmobile use.

3. Snowmobile highway and trail sign specifications. a. Snowmobile highway signs shall conform with sign reflectorization, colors and legend listed in the Wisconsin manual of traffic control devices.

b. Signs for use on snowmobile trails to regulate snowmobile traffic or warn snowmobile drivers shall be totally reflectorized. Guide signs which assist the snowmobile driver to reach a destination shall have the letters and legend reflectorized. Informational signs do not need to be reflectorized. Trail signs shall also conform with the following specifications and illustrations:



TRAIL BLAZER

Purpose: To delineate the trail and to reassure the user that he or she is on the trail.

Size: 6" × 6"

Color: Reflective orange



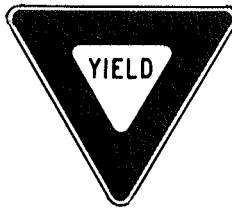
STOP SIGN

Purpose: Halt users on a snowmobile trail at a road crossing, railroad crossing or trail intersection.

Minimum size: 12" × 12"

Color: Reflective red background and reflective white letters and border.

Legend: 12" × 12" size—4" upper case letter.

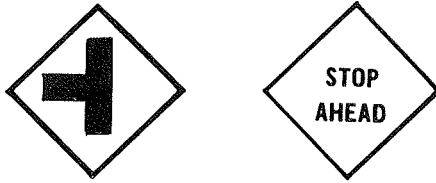


YIELD SIGN

Purpose: To notify the snowmobile driver that right of way should be given to other vehicles, snowmobiles or other trail users at trail intersections and limited vehicle crossings.

Minimum size: 12" × 12" × 12"

Color: Reflective red background and letters. Reflective white border and center.

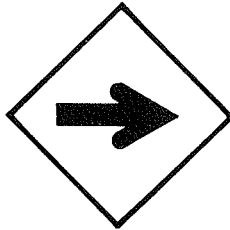


CAUTION SIGNS

Purpose: To warn the snowmobile driver of a specific trail hazard or advise the driver to proceed with caution at a reduced speed.

Minimum size: 12" × 12"

Color: Reflective yellow background and black letters or legend.



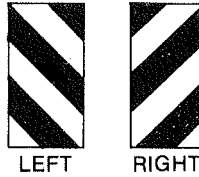
DIRECTIONAL ARROW

Purpose: Indicates a change in trail direction.

Size: 9" × 9"

Color: Reflective orange background with black arrow and border.

Legend: 5" directional arrow.



HAZARD MARKERS

Purpose: Used in pairs, hazard markers indicate the trail opening through which a snowmobile driver may pass over a bridge or a culvert. The stripes of each sign face inward and show the bridge opening. Used singly, a hazard marker indicates a trail obstruction. The stripes of the sign point down toward the path around the obstruction.

Minimum size: 6" × 12"

Color: Alternate reflectorized black and white 45° diagonal stripes.



REGULATORY SIGN

Purpose: To inform snowmobile driver of regulations.

Minimum size: 12" × 18"

Color: Reflective white background and black letters and border.



PERMISSIVE

Purpose: To indicate snowmobile trails and other areas where snowmobiling is permitted.

Minimum size: 12" × 12"

Background color: Reflective white.

Legend: Reflective green circle with reflective black snowmobile symbol.



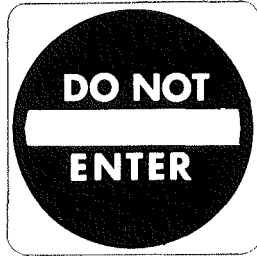
RESTRICTIVE

Purpose: To indicate areas where snowmobiling is not permitted.

Minimum size: 12" × 12"

Background color: Reflective white.

Legend: Reflective red circle and slash. Reflective black snowmobile symbol.



DO NOT ENTER SIGN

Purpose: To indicate one-way trail or restricted area.

Minimum size: 12" × 12" with 2" letters.

Color: Reflective red background with white letters, border and legend.



GUIDE SIGN

Purpose: Directs snowmobile driver to a destination.

Color: Brown background with reflective white letters and legend.

Legend: 2" upper case letters.



LEFT



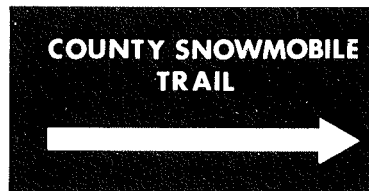
RIGHT

BARRIER MARKERS

Purpose: Barrier markers are used in pairs to indicate a barrier or gate that restricts entry to a trail or road for snowmobiling. The stripes of each sign face inward toward the center of the trail or road.

Minimum Size: 6" × 36"

Color: Alternate reflectorized red and white 45° diagonal stripes.

**HIGHWAY GUIDE SIGN**

Purpose: Inform auto driver of location of snowmobile trail or route.

Color: Reflective brown background with reflective white letters and legend.



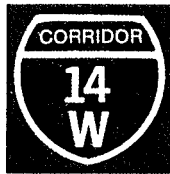
**OLD HICKORY
SNOWMOBILE AREA**

INFORMATIONAL SIGN

Purpose: Furnish information about trails or facilities.

Color: Brown background with white letters.

Legend: 2" upper case letters.



CORRIDOR TRAIL MARKER

Purpose: To indicate that the trail is part of the designated corridor trail system.

Minimum size: 6" × 6"

Color: Reflective blue background with reflective white border, cross bar and letters.

c. Federal forest service sign specifications may be used on federal forest service lands.

(d) *Maintenance of snowmobile trail.* 1. Counties shall be required to groom and maintain snowmobile trails developed on lands receiving aids for acquisition and/or development.

2. Trails shall be groomed to a minimum width of 4 feet for one-way and 8 feet for 2-way trails. Maximum width for a 2-way trail to be groomed shall be 12 feet.

(e) *Major bridge rehabilitation.* 1. For bridge rehabilitation projects that involve total deck replacement, the deck shall be reconstructed to a width of at least 8 feet, free from obstruction.

2. When a bridge rehabilitation project is located on an abandoned railroad grade and involves total deck construction or replacement, the width of the bridge, free from obstruction, shall be at least 10 feet.

(f) *Supplementary grooming payment.* 1. If sufficient funds are available under s. 350.12 (4) (b) 1m., Stats., counties are eligible for supplementary grooming payments if all of the following conditions are met:

a. The county applies for a supplementary grooming payment for the grooming expenses of the previous fiscal year by October 1 of the current fiscal year.

b. The reimbursement claim for the previous fiscal year maintenance expenses is submitted to the appropriate DNR district office prior to October 1 of the current fiscal year.

c. The county has expended the entire amount of \$165 per mile on eligible maintenance cost items in the previous fiscal year.

d. The county has spent at least \$110 per mile for eligible grooming expenses during the previous fiscal year.

2. Counties requesting supplemental grooming payments shall submit full financial documentation prescribed by the department to the appropriate DNR district office for audit purposes.

3. Should the amount of funds approved for supplementary grooming payments under s. 350.12 (4) (b) 1m, Stats., not be sufficient to satisfy the total audited requests received under subd. 1, the funds shall be distributed on a proportional basis.

(5) **ALLOWABLE COSTS, BILLING AND AUDITS.** (a) County acquisition of right-of-way may be up to 100% of eligible acquisition expenses.

(b) Development 1. County development of snowmobile trails shall be on a 100% grant basis, 75% at the time of approval, but no later than January 1 and 25% upon completion of the project.

2. Development work cannot be started or project costs incurred until an agreement has been approved by the department and the sponsor.

(c) County maintenance of snowmobile trails shall be 100% of approved eligible project costs of maintaining the trail up to \$165 per mile per year maximum. Counties may request advance payments of up to 50% of the signed contract amount for maintenance. To be eligible for maintenance advance payments a county must have settled all maintenance claims from previous years.

(d) County liability insurance payments for approved trails shall be reimbursed at 100% of eligible costs. Liability insurance is an eligible cost under the category of maintenance.

(e) Aids for development of trail shelters or sanitary facilities shall not exceed \$5,000. Aids for a combination building including shelter and sanitary facilities shall not exceed \$10,000.

(f) Claims will be on a reimbursement basis except for development and maintenance project advances.

(g) The project period will not exceed one year. All maintenance agreements will terminate on June 30 of each year.

(h) Trail grooming rates, including operator, power unit and drag, shall be established by the department.

(i) Equipment rates for other maintenance activities and trail development performed by force account, snowmobile clubs or snowmobile club associations may not exceed the county machinery agreement rate established annually by the department of transportation.

(j) Labor rates for other maintenance activities and trail development performed by snowmobile clubs or snowmobile club associations shall be established by the department.

(k) Labor rates for other maintenance activities and trail development by county employes or others included in a labor contract shall be as established by the contract.

(l) Claims for payment of maintenance, acquisition, development and bridge rehabilitation projects shall be submitted within 6 months after the project termination date for the costs to be eligible for reimbursement.

(m) Reductions in grant payments for failure to comply with the requirements of maintenance, development or bridge rehabilitation project agreements may be made on a case-by-case basis. A partial or total reduction in funds shall be preceded by specific written notification of conditions which were not met and shall include a timetable for improvement in performance. Continued failure to comply with the grant agreement within the prescribed timetable may result in a reduction of grant funds. The reduction shall be calculated based on a percentage of poor performance in relation to the total trail system specified in the grant agreement.

(n) For counties which do not request supplemental grooming payments under sub. (4) (f), financial audit of claims shall take place as part of each county's year-end single audit. Counties not requesting supplemental grooming payments are not required to submit financial documentation with their payment request. After the single audit is completed, the department may perform additional financial audits of these claims to supplement work done in a single audit.

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

(7) PROCEDURE FOR APPLYING FOR GRANT. Contact appropriate department district office for prescribed application forms and instructions. Submit completed application to the district office by April 15.

(8) USEFUL LIFE. A table of maximum useful life for project elements is established for the purpose of record management and record disposition. The listing of the maximum useful life figures for snowmobile maintenance, acquisition, development and bridge rehabilitation projects is as follows:

<u>Activity</u>	<u>Description</u>	<u>Maximum Useful Life in Years</u>
Maintenance	Includes brushing, signing, grooming, minor structural repairs	0
Acquisition	Annual easements and leases. Fee simple	0 Perpetuity
Insurance	Purchase of county liability coverage	0
Development	General trail construction, signing, brushing, grading	0
	Bridge structures	10
	Culverts	3
	Gates	3
	Multi purpose buildings	20
	Trail shelter	5

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (1) (d), (2) (a) 2 b and c, (2) (b), (c) and (d), and (3), Register, March, 1976, No. 243, eff. 4-1-76; r. and recr. Register, June, 1980, No. 294, eff. 7-1-80; renum. (1) (a), (b), (c), (2) and (3) to be (4) (b), (c), (d), (5) and (7), renum. (5) (h) and (i) to be (5) (g) and (h), am. (4) (b) 5., (4) (c) 3.b., (5) (b) and (c), r. and recr. (5) (f) and (h), cr. (1), (2), (3), (4) (a), (5) (i), (j) and (k) and (6), r. (7) (b), Register, May, 1983, No. 329, eff. 6-1-83; am. (3), (4) (c) 2. f., 3. b., (5) (c), (d) and (f), cr. (4) (e) and (f), (5) (1) to (n) and (8), Register, November, 1989, No. 407, eff. 12-1-89.

NR 50.10 Aids to cities, villages or towns for route signs. (ch. 350, Stats.)

(1) **PURPOSE.** The purpose of this section is to establish standards for the implementation of an aids program for cities, villages or towns for the initial purchase of the snowmobile route signs and for the purchase of signs briefly explaining the intoxicated snowmobile law along snowmobile routes under ss. 23.09 (26) and 350.12 (4), Stats.

(2) **APPLICABILITY.** The provisions of this section are applicable to all cities, villages or towns applying for funds under this section. Aids are available to cities, villages or towns for up to 100% for approved eligible project costs of initial signing of snowmobile routes which connect authorized trails or which offer entrance to or exit from trails leading to such municipalities. Aids are also available to cities, villages or towns for up to 100% of the cost to purchase signs explaining the intoxicated snowmobile law along snowmobile routes.

(3) **GENERAL PROVISIONS:** (a) *Snowmobile route sign standards.* 1. Snowmobile route signs. Signs for use on highways and sidewalks designated for use by snowmobile operators by the governmental agency having jurisdiction or authorized by s. 350.04, Stats., are as follows:

a. The snowmobile route (D11-6) sign shall have a reflectorized white symbol, margin and message on a reflectorized green background. The standard and minimum size of this sign is 24" x 18". The design of the stylized snowmobile symbol and the word message "SNOWMOBILE ROUTE" shall essentially conform to the standard design on file in the division of highways, department of transportation.

b. A directional arrow marker shall have a reflectorized white arrow and margin on a reflectorized green background. The standard and minimum size of a directional arrow marker is 24" × 6", and the arrow shall have a length of 15½" and a stem 1½" wide.

c. A snowmobile route sign with appropriate directional arrow shall be placed at the beginning of a snowmobile route and at such locations and intervals as necessary to enable snowmobile operators to follow the route.

d. All snowmobile route signing shall be done by or under the direction of and is the responsibility of the unit of government which designates the snowmobile routes. The department of transportation reserves the right to require such changes in the signing of snowmobile routes marked over the state trunk highway system as it deems necessary in the interest of efficient and safe operation of the highway.

2. ReflectORIZATION. The reflective material for all reflectorized signs shall meet the specifications of paragraph 637.2.2.1 on reflective sheeting in the state of Wisconsin division of highways standard specifications for road and bridge construction, edition of 1981.



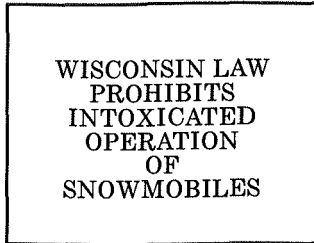
GREEN-REFLECTORIZED BACKGROUND WITH WHITE-REFLECTORIZED LETTERS AND SYMBOLS

SNOWMOBILE ROUTE SIGN

(b) *Intoxicated snowmobile law sign standards.* Signs explaining the intoxicated snowmobile law, to be used on highways or sidewalks designated as snowmobile routes by the governmental agency having jurisdiction, shall meet all of the following standards:

1. The intoxicated snowmobile law sign shall have reflectorized black letters and border on a reflectorized white background.

2. The standard size of this sign shall be 24" × 24".



(4) **ALLOWABLE COSTS AND BILLING** (a) Snowmobile route signs and route arrows, trail crossing warning signs, intoxicated snowmobile law signs, and sign posts are eligible for aid.

(b) Signs and posts may not be purchased until funds are approved for the project by the department.

(c) Labor costs to install signs are not eligible for reimbursement.

(d) Sponsors may submit a claim for payment upon placement of signs.

(5) **APPLICATION PROCEDURE.** Application forms and instructions are available from any department district office. Completed applications shall be submitted to the appropriate district office by April 15.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (3), 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), (3) and (4) to be (3), (4) and (5), cr. (2), am. (3) (a) 2., r. (5) (b), Register, May, 1983, No. 329, eff. 6-1-83; am. (1) and (2), cr. (3) (b), r. and recr. (4) and (5), Register, November, 1989, No. 407, eff. 12-1-89.

NR 50.11 Aids to snowmobile clubs. (ch. 350, Stats.) (1) **PURPOSE.** The purpose of this section is to establish standards for the implementation of the cooperative sign program under to ss. 23.09 (26) and 350.12 (4), Stats.

(2) **APPLICABILITY.** The provisions of this section are applicable to all snowmobile clubs participating in the cooperative sign program. Free cardboard signs and reflectorized material are available to snowmobile clubs.

(3) **GENERAL PROVISIONS.** (a) Trails signed must meet standards under s. NR 50.09 (4) (d) 2.

(b) Trails must be open to the public.

(c) Signs will be limited to directional arrows, trail blazers, stop and caution signs.

(4) **PROCEDURES FOR APPLICATION.** (a) Submit department application to the proper district office by October 1. Application shall include:

1. Certification that the trail meets standards set out in department guidelines and that landowners on whose property the trail traverses have given their permission for trail use.

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 the 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. This ratio may not be less than 15 on-water patrol hours per arrest. 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 outlying water patrols. Register, May, 1995, No. 473

age 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 government 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 reimbursed 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. Allowable fringe rates are actual costs up to a maximum of 29% of the reimbursable straight time salary rate.

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 depreciation. Depreciation shall be calculated at the rate of 20% annually on all new capital equipment (\$1000 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 20% 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; am. (1m) (a) (intro.), (4) (d) 2. and 4., Register, May, 1995, No. 473, eff. 6-1-95.

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 procedure. Register, May, 1995, No. 473

dures 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-

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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:

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(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 Register, October, 1990, No. 418

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 PROVISIONS. (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 required 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 acquisition 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 acquisition projects which are eligible for grant funds include:

(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 USC 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) **BIENNIAL ALLOTMENT.** (a) On July 1 of each odd-numbered year, the secretary shall establish an allotment available as matching funds for shooting range construction. Funding shall be a portion of 16 USC 669, et seq. money returned to the state allocated for hunter education. This allotment shall be separate from funding used to construct shooting ranges on land owned by the state of Wisconsin.

(b) Fifty percent of approved eligible project costs may be funded.

(c) Twenty percent of the established allotment may be exempted from the provisions of sub. (4) (c) 1 if used to fund range projects which can be developed with not more than 10% of the total established allotment.

(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.

2. Indoor ranges, when it is determined by the department they are needed, including classroom, storage and restroom facilities.

(b) The following projects are not eligible:

1. Construction of clubhouses and facilities not essential to the operation of the shooting range.

2. Operation and maintenance of the range.

(c) Applications will be ranked based on a comparative basis considering the following criteria:

1. First consideration will be given projects in major metropolitan areas where ranges are not available for hunter education training.
2. Second consideration will be given projects in locations where ranges are not available within 20 miles for hunter education training.
3. More consideration will be given projects to improve an existing range than to develop new ranges in the same locality.
4. The potential of the project to meet the needs of hunter education programs and public shooting in the locality.
5. Zoning requirements.

(d) Sponsors shall demonstrate an ability to operate the range for at least 20 years and shall contract with the state of Wisconsin for use by the hunter education program during this period.

(e) Applicants shall submit an application on the prescribed department form.

Note: The forms may be obtained from Hunter Education Administrator, Department of Natural Resources, Box 7201, Madison, Madison, WI 53791.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85; r. and recr. (3), am. (4) (d), Register, May, 1994, No. 461, eff. 6-1-94.

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

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

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

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

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

(4) **GENERAL PROVISIONS.** (a) Eligible sponsors (towns, villages, cities, counties and Indian tribes) may receive a state grant of up to 50% of the total project costs for the development of a local park. Projects involving the acquisition of land are not eligible.

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

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

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

Register, May, 1994, No. 461

- (e) Only one application will be accepted per eligible sponsor.
- (f) Cost overruns beyond the original grant award may not be allowed.

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

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

(b) Projects which meet urban park needs.

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

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

(e) Participant facilities have priority over spectator facilities.

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

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

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

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

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

(k) Projects to develop areas previously acquired.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Urban recreation areas, such as neighborhood playgrounds, bicycling paths, walking or riding trails and participant sport facilities, including playing fields and tennis courts.

(i) Supporting facilities, including entrance and circulation roads, utility and sanitation systems, erosion control work, parking areas, toilet buildings and educational facilities where there is a permanent professional naturalist staff and the facilities are for nature interpretation.

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

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

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

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

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

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

(p) Park signs.

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

(a) Restoration or preservation of historic structures.

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

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

(d) Construction of park employe residences.

(e) Development of areas and facilities to be used solely for game refuges or fish production purposes unless they are open to the public for general compatible recreation use, or if they directly serve priority public outdoor recreation needs identified in the state plan.

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

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

(h) Buildings primarily devoted to operation and maintenance.

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

Note: Application forms are available from department district offices.

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

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

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86.

NR 50.19 Scenic urban waterways grant program. (1) **PURPOSE.** The purpose of this section is to establish standards for the implementation and administration of the scenic urban waterways grant program under s. 30.275, Stats.

(2) **APPLICABILITY.** The provisions of this section are applicable to all counties, cities, villages, towns and Indian tribes within a designated scenic urban waterway and to the department.

(3) **ELIGIBLE PROJECTS.** The following types of projects are eligible for funding under this section:

(a) Acquisition and development of land for parks, open spaces, scenic easements, public access, automobile parking, fish and wildlife habitat, woodlands, wetlands and trails.

(b) Layout and development of scenic drives.

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(c) Improvement of surface water quality and surface water flow.

(4) **APPLICATION PROCEDURE.** Applications for project grants shall be submitted to the department no later than November 1 of each state fiscal year for which funding is requested. The department shall review applications for completeness. An application shall contain the following items:

(a) A completed application form.

Note: Application forms may be obtained, at no charge, from the Bureau of Aid Programs, Department of Natural Resources, Box 7921, Madison, Wisconsin 53707.

(b) A resolution adopted by the governing body of the municipality, Indian tribe or the department designating an authorized representative to apply for grants under s. 30.275, Stats., and this section on behalf of the municipality, Indian tribe or the department. The authorized representative shall be an official or employe of the municipality, Indian tribe or the department.

(c) Description of project; including proximity to urban areas, types of water-based recreational activities the project would promote, a detailed estimate of project costs, and an estimate of the number of people who would be expected to enjoy the benefits of the project.

(d) Plans and specifications for the project.

(e) Other information as requested by the department.

(5) **ALLOCATION OF FUNDS.** Annual appropriations will be allocated equally among all designated scenic urban waterways as soon as possible after July 1 of each year. Funds allocated to a designated scenic urban waterway that are not needed to fund applications received by November 1, may be reallocated equally among designated scenic urban waterways which have requested funds in excess of their allocations. The reallocation shall be completed by February 1 of the following year.

(6) **WATERSHED COMMITTEES.** The selection of projects within a designated scenic urban waterway shall be made by a watershed committee for that scenic urban waterway appointed by the department. The committee shall have members from each county within the designated scenic urban waterway; some cities, villages, towns and inland lake protection and rehabilitation districts within the designated scenic urban waterway; the department and independent citizens within the designated scenic urban waterway. Existing watershed committees may be used to select projects. Regional planning commissions may and the department shall be coordinators and advisors to the committee.

(7) **SELECTION OF PROJECTS.** The watershed committee shall give priority to local government projects. Department projects may be selected only if sufficient funds remain after local government projects within the designated scenic urban waterway are selected. Priority shall be given to applications based on the degree to which the potential benefits of each project correspond to the program's purpose pursuant to s. 30.275 (1), Stats.

(8) **GRANT AWARDS.** The department shall issue grant awards by February 28 of each year. The state share of the project cost shall be no greater than 80% of the eligible project costs. The department may not issue grants to applicants whose application is not complete.

(9) **GRANT CONDITIONS.** (a) Grant awards are subject to the conditions of this section and s. 30.275, Stats.

(b) Projects funded under this section shall be consistent with any approved areawide water quality management plan encompassing the project.

(c) Nonpoint source projects to improve surface water quality and surface water flow are subject to the requirements of ss. NR 120.14 and 120.15.

(d) The general provisions of s. NR 50.05 apply to awards made under this section.

History: Cr. Register, November, 1986, No. 371, eff. 12-1-86.

NR 50.20 Fish rearing pond grants. (1) **PURPOSE.** The purpose of this section is to establish standards and priorities for the implementation of a grant-in-aid program for restoration of unused or underutilized fish rearing ponds, under ss. 20.370 (4) (bb) and 29.525, Stats.

(2) **ELIGIBLE PROJECTS.** Grants may be made available only to restore unused or underutilized fish rearing ponds that may be restored at reasonable cost, that in were existence on August 12, 1993.

(3) **ELIGIBLE RECIPIENTS.** Grants may be given only to applicants who are owners of fish rearing ponds or groups that have entered into agreements with such owners to use their ponds for fish rearing.

(4) **ELIGIBLE ACTIVITIES.** Grant recipients may use the grant moneys only for repair or construction of dams, dikes, levies or other water retaining structures, for replacement or repair of pumps or other related equipment and for associated costs necessary to restore ponds for fish rearing. Grant recipients may not use grant moneys for the operation or routine maintenance of rearing ponds, for new pond construction or for expansion of ponds existing on August 12, 1993.

(5) **RESTRICTION ON USE OF PONDS.** A fish rearing pond restored with a grant under this section may be used only for the rearing of walleye or muskellunge or both.

(6) **PRIORITIES.** The department shall select projects for financial assistance by reviewing each project according to the following project criteria, which are not listed in order of priority:

(a) Projects which are geographically located to provide the most efficient distribution of fish to waters managed for walleye and muskellunge receive higher priority.

(b) Projects which have a high level of volunteer labor associated with renovation and operation receive higher priority.

(c) Projects where the applicant has shown by prior record the ability to complete renovations and successfully operate the ponds to produce muskellunge or walleye receive higher priority.

(d) Projects to renovate existing ponds in greatest danger of being lost for fish rearing purposes receive higher priority.

(e) Projects where the applicant is financially able to adequately maintain and operate the pond receive higher priority.

(7) ALLOWABLE COSTS. (a) One hundred percent of the reasonable, actual net costs which are attributed to activities considered eligible under sub. (2) will be funded, but not more than \$30,000 for any one grant.

(b) The department shall determine whether projected costs to renovate ponds are reasonable.

(c) Cost overruns beyond the original grant award are not allowable.

(d) Donated labor, materials, land, or other activities which do not result in an actual expenditure by the applicant are not allowable.

(e) Indirect costs are not allowable.

(8) APPLICATION AND GRANT AWARD PROCEDURES. (a) A person who wishes to apply for a grant under this section shall apply on forms available from the department. Applications shall be submitted to the department no later than May 1 in order to be considered.

Note: Grant application forms are available from the department's district offices and from the Bureau of Fisheries Management, Department of Natural Resources, 101 S. Webster Street, P.O. Box 7921, Madison, WI 53707.

(b) The department shall evaluate completed applications by June 30 to determine which applicants will receive grants under this section.

(c) Applicants shall be notified by the department of its determination. Successful applicants shall be sent a grant agreement which indicates the date the project is approved and the project termination date and includes an agreement to rear walleyes or muskellunge or both for distribution consistent with department procedures for a period of not less than 5 years from the expected date of completion of pond renovation.

(d) No grant may be awarded and development work under the grant may not proceed until the grant agreement under par. (c) has been signed by the applicant and department.

(e) Grant expenditures shall be within the grant period, grant scope and grant amount shown in the grant agreement.

(f) Billings may be submitted to the department for partial payment or upon completion of the project.

(g) A request for grant extension shall be submitted prior to the project termination date.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90; am. (1), (2) and (4), Register, July, 1994, No. 463, eff. 8-1-94.

NR 50.21 National recreational trails program. (1) PURPOSE. The purpose of this section is to establish standards for the administration of the Symms national recreational trails fund act of 1991, 16 USC ss. 1261, 1262 and 26 USC ss. 9503 (6), 9511.

(2) APPLICABILITY. The provisions of this section are applicable to all towns, villages, cities, counties, tribal governing bodies, school districts, state agencies, federal agencies and incorporated organizations participating in the national recreational trails program.

(3) DEFINITIONS. As used in this section:

(a) "Applicant" means a town, village, city, county, tribal governing body as defined in s. 580.86 (9), Stats., school district, state agency, federal agency or incorporated organization applying for a grant.

(b) "Incorporated organization" means an organization incorporated pursuant to s. 181.32, Stats., whose primary purpose is promoting, encouraging or engaging in outdoor recreational trail activities.

(c) "National recreational trails program" means the program created under 16 USC ss. 1261, 1262 and 26 USC ss. 9503 (6) and 9511 with funds appropriated under ss. 20.370 (1) (ky), 20.370 (4) (bx) and 20.370 (4) (im), Stats.

(d) "Recreational trail" means a thoroughfare or track across land or snow used for recreational purposes such as bicycling, cross country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long distance backpacking, snowmobiling, aquatic or water activity, and vehicular travel by motorcycle, 4-wheel drive or all-terrain off-road vehicles.

(e) "Sponsor" means a town, village, city, county, tribal government, school district, state agency, federal agency or incorporated organization receiving assistance.

(f) "State trails council" means the 9 member council created under s. 15.347 (16), Stats.

(4) ALLOCATION OF FUNDS. (a) National recreational trails program funds allocated to Wisconsin each fiscal year shall be divided as follows:

1. An amount not exceeding 7% of the amount received by the state to the department for the costs of administering the national recreational trails program.

2. An amount not to exceed 5% of the amount received by the state to the department for the operation of environmental protection and education programs relating to the use of recreational trails.

3. After the reductions of subs. 1. and 2., the amount received by the state shall be allocated by the department in the following manner:

a. At least 30% shall be reserved for uses relating to motorized trail recreation. Of this amount, 80% shall be used for grants to applicants under sub. (3) (c) and 20% shall be used by the department for trail purposes. Funds not encumbered before the first day of the 4th quarter of the state fiscal year may be used for either grants or used by the department for motorized trail purposes.

b. At least 30% shall be reserved for uses relating to non-motorized trail recreation. Of this amount, 80% shall be used for grants to applicants under sub. (3) (c) and 20% shall be used by the department for trail purposes. Funds not encumbered before the first day of the 4th quarter of the state fiscal year may be used for either grants or used by the department for non-motorized trail purposes.

c. Not less than 40% for uses that provide for the greatest number of compatible recreational trail uses or that provide for innovative recreational trail corridor sharing to accommodate motorized and non-motor-

ized recreational trail use. Of this amount, 50% shall be used for grants to applicants under sub. (3) (c) and 50% shall be used by the department for trail purposes. Funds not encumbered before the first day of the 4th quarter of the state fiscal year may be used for either grants or used by the department for diversified trail purposes.

(b) Funds allocated to the state but not encumbered in projects shall remain allocated to the state during subsequent state fiscal years. These funds shall remain allocated under the respective motorized, non-motorized and diversified categories.

(5) GENERAL PROVISIONS. Unless otherwise noted, the general conditions of s. NR 50.05 also apply:

(a) Eligible applicants may receive a state grant for up to 100% of the total project costs of a recreational trail project.

(b) Any use of national recreational trail program funds for trails on private lands shall be accompanied by a written easement or other legally binding agreement that ensures public access to the trail improvements.

(c) When a corridor to be developed is obtained through an easement or subject to other legally binding agreement, the degree of control over the corridor by the sponsor and the period of time that the written easement or legally binding agreement continues shall be factors in determining the amount of national recreational trails program funds to be granted to the project.

(d) National recreational trails program funds are to be used on trails and trail related projects which have been identified in or which further a specific goal of a trail plan included or referenced in a statewide comprehensive outdoor recreation plan required by LAWCON.

(e) Cost overruns beyond the original grant award may be allowed for good cause. Awarding of cost overruns shall be contingent upon funds available and review by department staff.

(f) Acquisition of real property shall be in accordance with state and federal guidelines for preparation of appraisals and relocation assistance.

Note: Guidelines for the preparation of appraisals are available from the Bureau of Community Assistance, Department of Natural Resources, Box 7921, Madison, WI, 53707. Guidelines for relocation assistance are available from the Relocation Services Unit, Equal Rights Division, Department of Labor, Industry and Human Relations, Box 8928, Madison, WI, 53707.

(g) Administrative costs of acquiring lands or land rights including the cost of appraisal, relocation payments, title insurance and recording fees are not eligible costs for reimbursement.

(h) A grant may not be made to share costs for land acquisition, planning or engineering costs incurred prior to approval of a grant application.

(i) Title to lands or rights in land acquired under this section shall vest in the sponsor, but the lands purchased may not be converted to uses inconsistent with this section without the 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.

(j) Project agreements with incorporated organizations for the acquisition of land shall incorporate a special condition that should the sponsoring incorporated organization be dissolved, the title to property acquired with national recreational trails program funds shall revert to the department.

(k) Actual fringe benefits paid as part of the direct labor costs claimed are eligible expenses for all governmental sponsors.

(l) Claims for payment shall be submitted by the sponsor within 6 months of the project termination date.

(m) Claims for payment shall be paid on a cost reimbursement basis.

(n) Trail grooming rates shall be established by the department. These rates will reflect the operating costs of tractor units and attached grooming devices.

(o) Rates for equipment used for maintenance, rehabilitation or development activities performed by a sponsor may not exceed the county machinery agreement rate established annually with each county by the state department of transportation. All hand tools necessary to carry out a project are the responsibility of the sponsor.

Note: Copies of the county machinery agreements are available from the county highway departments.

(p) The department may approve a variance from the requirements of this section that are not elements of the federal statutes, 16 USC ss. 1261, 1262, upon request of a sponsor when the department determines that the variance is essential to effect necessary grant actions or program objectives, and where special circumstances make the variance in the best interest of the program. Before granting a variance, the department shall take into account factors such as good cause and circumstances beyond the control of the sponsor.

Note: The following provisions of the rule are elements of the federal statutes: ss. NR 50.21 (2); (3) (i); (4) (a) 1 and 2; (5) (b) to (d), (g), (q); (6); and (7). The remaining provisions are not elements of the federal statutes.

(6) ELIGIBLE PROJECTS. Projects eligible for funding under this section include:

- (a) Development of urban trail linkages near homes and workplaces;
- (b) Maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;
- (c) Restoration of areas damaged by use of recreational trails;
- (d) Development of trailside and trail head facilities;
- (e) Provision of features which facilitate the access and use of trails by persons with disabilities.
- (f) Acquisition of easements for trails, or for trail corridors identified in a state trail plan;

(g) Acquisition of fee simple title to property from a willing seller when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

(h) Construction of new trails on state, county, municipal or private lands where a recreational need for this construction is shown;

(i) Construction of new trails crossing federal lands only where necessary and required by the state comprehensive outdoor recreation plan, approved by the department and the administering federal agency or agencies charged with administering all impacted lands and consistent with applicable federal land management plans and policies.

(7) INELIGIBLE PROJECTS. National recreational trails program funds may not be used for the following:

(a) Condemnation of any kind of interest in property;

(b) Construction of any motorized trail on national forest lands unless the lands have been allocated for uses other than wilderness by a forest land and resource management plan approved by the U. S. forest service or have been released to uses other than wilderness by an act of congress and the construction is consistent with management direction in the national forest land and resource management plan.

(c) Upgrading, expanding or otherwise facilitating motorized use or access to trails predominately used by non-motorized trail users, and as of May 1, 1991 motorized use is either prohibited or has not occurred.

(d) As otherwise noted in 16 USC s. 1261 (e) (2).

(8) PRIORITIES. The department shall establish a project priority list based on the following factors to select projects for financial assistance:

(a) For motorized projects;

1. The type of trail project is given preference in the following ranked order: trail rehabilitation project, trail maintenance project, trail development project and trail acquisition project.

2. The trail sponsor has or can demonstrate the ability to carry out a trail project.

3. The trail project will promote safe trail use.

4. The degree to which the trail project will utilize volunteer or non-traditional labor and donations of materials and equipment.

5. The trail provides for more than one motorized activity.

6. The trail provides for year around trail use.

7. The trail links with other trails to form a trail system or leads to a trail system.

8. The trail project is located on land where control of the trail corridor is long term.

(b) For non-motorized projects;

1. The type of trail project is given preference in the following ranked order: trail rehabilitation project, trail maintenance project, trail development project and trail acquisition project.

2. The trail sponsor has or can demonstrate the ability to carry out a trail project.

3. The trail project will promote safe trail use.
4. The degree to which the trail project will utilize volunteer or non-traditional labor and donations of materials and equipment.
5. The trail project is located close to high population areas.

(c) For multiple or compatible use projects;

1. The type of trail project is given preference in the following ranked order: trail rehabilitation project, trail maintenance project, trail development project and trail acquisition project.

2. The trail project will promote safe trail use.

3. The degree to which the trail project will utilize volunteer or non-traditional labor and donations of materials and equipment.

4. The trail project will provide for the greatest number of compatible trail uses.

5. The trail project will provide for the greatest number of other outdoor recreational uses in addition to trail use.

6. The trail project will resolve conflict between historically conflicting trail uses.

7. The trail project will provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized trail use.

8. The trail project is located close to high population areas.

(9) **APPLICATIONS AND GRANT AWARD PROCEDURES.** (a) Applicants for national recreational trails program funds shall submit applications on the prescribed department form to the appropriate district office by May 1 of each year.

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

(b) The department shall evaluate completed applications to determine which applicants will receive grants according to priorities in sub. (8).

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

(10) **ROLE OF STATE TRAILS COUNCIL.** The state trails council shall provide guidance on the administration of the national recreational trails program and rules to implement the program.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93.

NR 50.22 Urban rivers grant program. (1) **PURPOSE.** The purpose of this section is to establish standards and procedures for implementation of a grant program for local units of government to acquire land for the purposes in s. 30.277 (2), Stats. Grants shall be awarded only for acquisitions of land for the purpose of restoring, enhancing or preserving the state's natural resources.

Register, January, 1994, No. 457

(2) **APPLICABILITY.** This section is applicable to local units of government applying for grants for the acquisition of land or rights in land under s. 30.277, Stats.

(3) **DEFINITIONS.** As used in this section:

(a) "In kind contributions" means lands that are donated within an approved urban rivers project area and meet department appraisal requirements described in the department's land acquisition and sales handbook.

Note: The department's land acquisition and sales handbooks are available from department district offices.

(b) "Local units of government" means towns, cities, villages, counties and tribal governments.

(c) "Rights in land" means rights acquired by fee title acquisition or easements.

(d) "Urban area" means any area that is within or is characteristic of a city or village.

(e) "Urban rivers grant program" means the program created under s. 30.277, Stats., with funds appropriated under s. 20.866 (2) (tz), Stats.

(4) **APPLICATION AND GRANT AWARD PROCEDURES.** (a) Applicants for grants from the urban rivers program shall submit applications on the prescribed department form to the appropriate district office by May 1 of each year.

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

(b) Grants for the acquisition of land or rights in land shall be distributed on a statewide basis according to the standards and priorities in this section.

(c) No local unit of government may receive in any fiscal year more than 20% of the funds that are available for grants under this section.

(d) To be eligible for a grant under this section, at least 50% of the cost of the project shall be funded by private, local or federal funding, by in-kind contributions or by state funding. For purposes of this subsection, state funding may not include grants under this section, moneys appropriated to the department under s. 20.370, Stats., or money appropriated under s. 20.866 (2) (tp) to (tw), (ty) or (tz), Stats.

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

(5) **GENERAL PROVISIONS.** (a) The department may award a grant to an applicant for up to 50% of the cost of acquiring land or rights in land in an urban area for the public purposes in s. 30.277, Stats.

(b) Projects shall, either alone or in conjunction with other supporting plans, reasonably provide restoration, enhancement or preservation of an urban river or riverfront's environmental and natural resources values.

(c) Projects shall enhance or preserve diverse outdoor natural resource related recreation opportunities for all segments of the population.

(d) Projects shall be supported by a town, village, city, county or tribal government comprehensive outdoor recreation plan approved by the local unit of government.

(e) The application shall include a copy of the local comprehensive outdoor recreation plan, local greenspace plan, integrated resource management plan, riverfront restoration plan and other appropriate plans that the proposed project is a part of or supports.

(f) The application shall include a comprehensive description of the proposal for urban rivers acquisition, plans and responsibilities for development, management and maintenance and any other information required by the department.

(g) Costs associated with development, operation and maintenance of land acquired through the urban rivers grant program and administrative costs such as appraisals, legal fees, surveying or environmental investigations are not eligible for grant assistance.

(h) Land acquired under s. 30.277, Stats., may not be converted to uses inconsistent with other programs funded under s. 20.866 (2) (tz), Stats., without prior written department approval.

(i) Title to land or to rights in land acquired through the urban rivers grant program shall vest in the local governmental unit.

(j) Riparian flowage lands may be eligible for an urban rivers grant, if the proposed project is overall more riverine in character than lake in character and the project is part of a comprehensive riverway plan, or if the acquisition is for the purpose of the removal of the flowage and restoration to a natural river condition.

(k) Non-urban riverfront lands that are lying adjacent to an urban area or that are likely to be urbanized may be eligible for an urban rivers grant if the department determines acquisition of the land would contribute significantly to the overall success of an urban river project or comprehensive riverway plan of which it is a part.

(6) **PRIORITIES.** The department shall prioritize grant requests based on the extent or degree to which the project, or the project in conjunction with supporting plans, satisfies each of the following criteria. Highest priority for funding shall be given to grant requests which satisfy the most criteria to the greatest degree, each criterion being weighted equally. The criteria are:

Note: For example, a grant request that satisfies 5 criteria to a substantially greater degree would receive higher priority for funding than a request that satisfies 6 criteria to a much lesser degree.

(a) The project satisfies a relevant statewide or department district priority need identified in the statewide comprehensive outdoor recreation plan needs analysis.

(b) The project preserves land listed on the natural heritage inventory or restores or preserves an area with significant historical or cultural value.

- (c) The project supports other federal, state or local natural resource management or pollution control lands or projects.
- (d) The project implements elements of approved water quality plans.
- (e) The project continues land acquisitions in an urban rivers project that was previously approved by the department.
- (f) The project is within a designated scenic urban waterway under s. 30.275, Stats.
- (g) The project restores, enhances or preserves natural resource values and environmental quality within the river corridor.
- (h) The project provides and enhances diverse outdoor, natural resource related recreation opportunities for all segments of the population. Appropriate outdoor recreation opportunities include, but are not limited to fishing, wildlife observation, enjoyment of scenic beauty, canoeing, boating, hiking and bicycling.
- (i) The project improves public access to the riverfront for all segments of the population.
- (j) The project has substantial community support, including financial support.
- (k) The project involves a joint effort by 2 or more local units of government.
- (l) The project has significant potential for increasing tourism.
- (m) The project has significant potential benefits to the overall economy of the local unit of government.
- (n) The project has significant aesthetic value.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94.