

State of Wisconsin

CR 83-188

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES ) SS

RECEIVED

MAR 14 1984

*J. S. P.*  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FA-52-83 was duly approved and adopted by this Department on January 25, 1984. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 13<sup>th</sup> day of March, 1984.

*Carroll D. Besadny*  
Carroll D. Besadny, Secretary

(SEAL)

3081I

5-1-84

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

IN THE MATTER OF amending ss. NR 50.01, NR 50.02,  
NR 50.03(5), NR 50.06(1), (2), (3)(a)2., (4)(a),  
(4)(d)(intro.) through 6., (4)(e)(intro.) through  
16., (4)(f)(intro.) through 7.; and repealing and  
recreating s. NR 50.06(3)(b) and (c), (4)(b) and  
(6) relating to recreational aid programs.

FA-52-83

Analysis Prepared by the Department of Natural Resources

Chapter NR 50, Wis. Adm. Code, provides rules for administration of outdoor recreation aid programs. These rules are primarily being updated so the Department will remain eligible for federal Land and Water Conservation (LAWCON) funds beginning with the federal 1984 fiscal year.

The current project selection system allocates funds to each district based on population and equality. The districts then utilize the funds by selecting projects for that district following priorities established in NR 50. Under the Open Project Selection System there is no district allocation. All projects are evaluated and rated under a numerical scoring system and compete for money from a statewide fund. Also required for the Open Project Selection System are 14 priority items for LAWCON funds use and preapplication form for the two-part application process.

The proposed rules also clarify eligible costs for LAWCON funds use and eliminate reference to the Outdoor Recreation Action Program - Local Park Aids Program. The ORAP-LPA program was repealed.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss.23.09(2)(intro.), 23.30 and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby amends, and repeals and recreates rules interpreting ss. 20.370(4)(bx), 23.09(11) and 23.30(3)(h), Stats., as follows:

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

NR 50.01 PURPOSE. The purpose of this chapter is to establish procedures for implementation of various recreational aid programs under ss. 20.370(4)(bx), 23.09(11), (12), (17m), ~~(20)~~ and (26), ~~66.36~~ 23.30(3)(h) and 350.12(4), Stats., and 16 U.S.C. ss. 460d, 460L-4, et seq.

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)~~ and (26), ~~66.36~~ 23.30(3)(h) and 350.12(4), Stats., and 16 U.S.C. ss. 460d, 460L-4, et seq.

SECTION 2. NR 50.03(5) is amended to read:

NR 50.03(5)(a) "Acquisition project" means includes the acquisition of lands or rights thereto for a well defined outdoor recreation area or purpose.

(b) "Development project" means includes the development of structures, utilities, facilities or landscaping necessary for outdoor recreation use of an area.

SECTION 3. NR 50.06(1) and (2) are amended to read:

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), ~~and the outdoor recreation action programs~~ ~~and~~ ~~state~~ ~~park~~ ~~aids~~ ~~(ORAP-EPA)~~, under ss. ~~23.09(20)~~ 20.370(4)(bx) and ~~66.36~~ 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 either the LAWCON ~~or ORAP-EPA-aids-programs~~ aid program.

SECTION 4. NR 50.06(3)(a)(2) is amended to read:

2. 40% to state agencies; and

SECTION 5. NR 50.06(3)(b) and (c) are repealed and recreated to read:

NR 50.06(3)(b) The federal cost sharing may not exceed 50% of the total LAWCON 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.

SECTION 6. NR 50.06(4)(a) is amended to read:

NR 50.06(4) (a) Applicants are required to submit comprehensive outdoor recreation ~~plan that has~~ plans which have been formally approved by ~~resolution of resolutions passed by~~ the local governing ~~body~~ bodies; or applicants may qualify for eligibility if their proposed projects are identified in approved plans of other units of government. ~~Applications received from the~~ The university of Wisconsin system ~~must be supported by~~ 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 ~~and the~~. The system shall rely on comprehensive outdoor recreation plans must be which have been formally approved by the local governing bodies.

SECTION 7. NR 50.06(4)(b) is repealed and recreated to read:

NR 50.06(4)(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 LAWCON, 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.

SECTION 8. NR 50.06(4)(d)(intro.) 1., 2., 3., 5., and 6., (e)(intro.), 10., 11., 13., and 16., and (f) (intro.), 1., 3., 5., and 7. are amended to read:

NR 50.06(4)(d) Land acquisition - eligible types of projects. Eligible types of projects for land acquisition are include:

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

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

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

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

6. Land for recreation trails; and

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

10. Renovation or redevelopment of an existing facility. When a facility or area has facilities or areas when the facilities or areas have received adequate and regular maintenance attention, yet has have deteriorated to the point where its their usefulness is impaired, or has have become outmoded, renovation may be undertaken to bring the facilities up to standards of quality and attractiveness suitable for public use. Renovation or redevelopment to a more useful form may be undertaken to rebuild the facilities or areas into more useful forms;

11. Beautification of an area, such as 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, the cleaning and restoration of areas which have been exploited, polluted, littered, etc., and the screening, removal, relocation or burial of overhead wires;

13. Open shelters and ~~multi-purpose~~ multipurpose shelter buildings which support an outdoor recreation activity. Buildings devoted primarily to ~~operation, maintenance, concession or control activities are not eligible~~ ineligible;

16. Lighting for tennis courts, hockey rinks, games courts, ~~ballfields~~ ball fields, sports fields, multipurpose courts and safety lighting; and

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

1. Restoration Acquisition, restoration or preservation of historic

structures;

3. ~~Development~~ 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;

5. Development of areas and facilities to be used solely for game refuges or fish production purposes. ~~---However, such developments are eligible if~~ 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;

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 ~~recreation~~ recreational use of the area; and

SECTION 9. NR 50.06(6) is repealed and recreated to read:

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

(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.

SECTION 10. In the sections listed, substitute a semicolon for the period at the end of the section.

NR 50.06(4)(d)4.

50.06(4)(e)1. to 9., 12., 14. and 15.

50.06(4)(f)2., 4. and 6.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 25, 1984.

The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

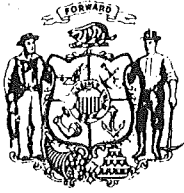
Dated at Madison, Wisconsin March 13, 1984.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)





State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

March 13, 1984

IN REPLY REFER TO: 1020

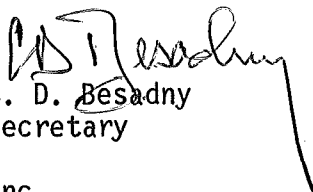
Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FA-52-83. These rules were reviewed by the Assembly Committee on Tourism and Recreation and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

  
C. D. Besadny  
Secretary

Enc.  
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