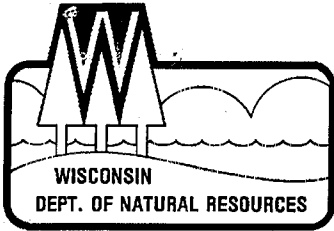


Clearinghouse Rule 95-100

95-100



George E. Meyer
Secretary

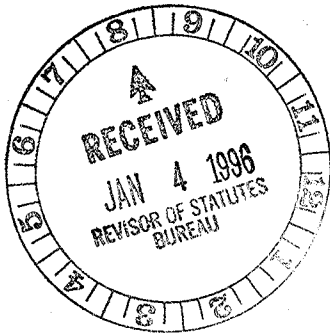
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

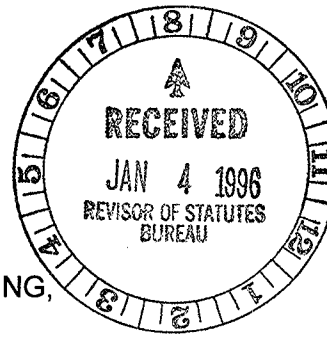
I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. CA-29-95 was duly approved and adopted by this Department on September 28, 1995. I further certify 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 the Natural Resources Building in the City of Madison, this 13th day of December, 1995.

George E Meyer
George E. Meyer, Secretary

(SEAL)



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

The Wisconsin Natural Resources Board proposes an order to repeal NR 50.03(8), (18) and (19), 50.06 (3)(a)3, (4)(e)15, (6)(b) and (d), 50.16(6)(n) and 50.18; to renumber, NR 50.03(1) to (7), (9) to (17) and (20) to (23), 50.06(4)(e) 16 and 17 and (6)(c), 50.09(4)(f)2. and 3., 50.16 (6)(o) and (p); to renumber and amend NR-50.03(9), 50.06(6)(c), and 50.09(4)(f)2. and 3.; to amend NR 50.01, 50.02, 50.05(10) and (18), 50.06(3)(a)1 and 2, (c), (4)(b)12, 13 and 22, (e)13 and (6)(a), 50.09(4)(d)2., 50.09(4)(f)(title),1.(intro) and a., c. and d., (5)(a), (c) and (f), 50.10(1), (2), (3)(a)1.b., 50.12(3)(d)2. and 4., 50.16(5)(b), (9)(h) and (n), and 50.165(4)(a), and 50.22 (5)(i); to repeal and recreate NR 50.09 (4)(b) and (5)(b)1., and 190.09(5); and to create NR 50.03(14) (19) (20), (24) and (25), 50.05(26), 50.06(4)(cm), 50.09(4)(d)3., (e)3., (f)2., (g), (5)(bn), (bp), 50.10(3)(a)1.am., 50.16(5)(i)(intro), (j), (k), and (9)(q), 50.165(5)(i) and (j)(intro), and 50.22(5)(l) and (m) relating to the outdoor recreation, snowmobile and lake planning grants.

CA-29-95

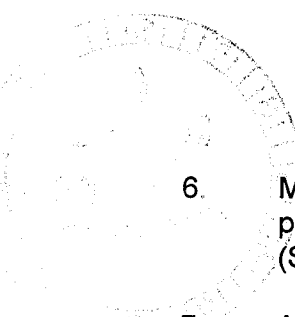
Analysis Prepared by the Department of Natural Resources

Statutory authority: s. 227.11(2)(a), Stats.

Statutes interpreted: ss. 20.002(13), 23.09(2)(intro.), (19), (20), (26), 23.094, 23.195, 23.30, 30.275, 30.277, 144.254 and ch. 350, Stats.

Chapter NR 50, Wis. Adm. Code, provides rules for the administration of outdoor recreation grant programs. Proposed changes to NR 50 will accomplish the following:

1. Updates purpose and applicability sections to reflect state and federal statutes that serve as the bases for the grant programs. (Sections 1, 2)
2. Eliminate definitions that pertain to grant programs no longer in existence and add several definitions pertaining to the snowmobile trail grants program. (Sections 3, 5)
3. Add non profit conservation organizations as eligible sponsors for grant programs. (Section 4)
4. Make a terminology change describing individuals with disabilities. (Section 6)
5. Add a provision that department may require project sponsors to conduct self inspections on assisted projects. (Section 8)

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6. Make several changes in the LAWCON and ADLP project rating format and eliminate prohibition of buildings devoted primarily to concessions as an ineligible project. (Sections 12 and 14)
 7. Add general provisions that will allow units of government the opportunity to receive 50% advance payments at the time of grant approval and allow the value of donated equipment, materials, services, labor or land as all or a portion of a sponsor's grant match. (Sections 13, 42, 44, 51, 52, 55, 56, 57)
 8. The 20% cap on allowable fringe benefits will be eliminated. (Sections 7, 43)
 9. For the federal Land and Water Conservation Fund (LAWCON) program, change the allocation system of funds to eliminate the 20% reserve for contingency projects. This proposed elimination will result in funds being divided 50% for state agencies and 50% for local units of government. (Sections 3, 4, 9, 10, 11, 19)
 10. Remove dam repair or construction as an eligible cost share item. (Sections 17 and 45)
 11. Add a priority statement for the Aids for the Acquisition and Development of Local Parks (ADLP) program to give priority to those projects which use items manufactured with Wisconsin recycled materials. (Section 49)
 12. Change the application deadline for the Urban Green Space program to be consistent with the Urban Rivers Grant Program (URGP), ADLP, and LAWCON programs. (Section 50)
 13. Identify and separate snowmobile acquisition costs considered as a cost of maintenance and acquisition costs considered costs of development based on the length of land control. (Section 21)
 14. Limit cost sharing assistance to snowmobile bridges that exceed a maximum design load of 12,000 pounds. (Section 31)
 15. Add provisions that further define the new trail rehabilitation component of the snowmobile program and the existing bridge rehabilitation component, including allowing for advance payments consistent with other aspects of the trail grants program. (Sections 24, 28, 31, 32)
 16. Add provisions that allow for 50% advance payments for audited supplemental snowmobile maintenance requests and place a cap of \$150 per mile for all non-grooming expenditures in the calculation of the supplemental payment amount. (Sections 26 and 27)
 17. Add a new sign series for combination ATV/snowmobile route signs and adopt a new directional arrow sign standard for snowmobile routes. (Sections 35-38)

18. Increase allowable fringe benefits rate for the county law enforcement aids program from 20% to 29%. (Section 39)
19. Decrease the number of years needed to fully depreciate capital equipment from 8 to 5 years and raise the limit of capital equipment needing to be depreciated from \$100 to \$1,000 for snowmobile law enforcement aids program. (Section 40)
20. Eliminates the requirement of department approval of local comprehensive outdoor recreation plans for the ADLP program. (Section 41)
21. Repeal rule section on the local park aids program which no longer exists. (Section 53)
22. Add a provision that will allow sponsors for the lake planning grant program to utilize the value of donated equipment, materials, services or labor as all or a portion of the local cost share. (Section 57)

SECTION 1. NR 50.01 is amended to read:

NR 50.01 PURPOSE. The purpose of this chapter is to establish procedures for implementation of various recreational aids programs under ss. 23.094, 20.370(4)(bb) and (bx), 23.09(11),(12), (17m), (19), (20), and (26), 23.195, 23.30(3)(h), 29.525, 30.275, 30.277, 30.79 and 350.12(4), Stats., and 16 U.S.C. ss. 460d, 460L-4, et seq., 669 et seq., 1261, 1262, and 26 U.S.C. ss. 9503(6), 9511.

SECTION 2. NR 50.02 is amended to read:

NR 50.02 APPLICABILITY. The provisions of this chapter are applicable to all sponsors of recreational aid programs under ss. 20.370(4)(bb) and (bx), 23.09(11),(12), (17m), (19), (20), and (26), 23.094, 23.195, 23.30(3)(h), 29.525, 30.275, 30.277, 30.79 and 350.12(4), Stats., and 16 U.S.C. ss. 460d, 460L-4, et seq., 669 et seq., 1261, 1262, and 26 U.S.C. ss. 9503(6), 9511.

SECTION 3. NR 50.03(8), (18) and (19) are repealed.

SECTION 4. NR 50.03 (1) to (7), (9) to (17), and (20) to (23) are renumbered NR 50.03(6), (18), (2), (13), (1), (3), (4), (16), (22), (21), (7), (17), (5), (23), (8), (9), (10), (11), (12) and (15) respectively, and 50.03(22), as renumbered, is amended to read:

NR 50.03(22) "Sponsor" means a local unit of government, state agency, Indian tribe, nonprofit conservation organization as defined in s. 23.0955(1), Stats., or snowmobile club as defined in s. 350.138(1)(e), Stats., receiving assistance under this chapter.

SECTION 5. NR 50.03 (14), (19), (20), (24) and (25) are created to read:

NR 50.03(14) " Major snowmobile bridge rehabilitation" means construction activities, including complete bridge replacement, that are necessary to return a snowmobile bridge or a culvert to a functioning, safe structure.

(19) "Snowmobile trail maintenance" means the activities associated with establishing and keeping a trail safe and enjoyable to use. Snowmobile trail maintenance activities include posting signs, brushing, grooming of snow, minor repair of bridges, purchase of liability insurance by counties for snowmobile trails, and acquisition of easements, leases, permits or other agreements for a period of less than 3 years.

(20) "Snowmobile recreation council" has the meaning given in s. 15.347(7), Stats.

(24) "Snowmobile trail development" means the construction of a trail including grading, initial signing, construction of bridges and other support facilities. Snowmobile trail development also includes the purchase of land in fee simple and the acquisition of interests in land by easement, lease, permit or other agreement for a term of 3 years or greater.

(25) "Snowmobile trail rehabilitation" means trail repair and renovation activities that are necessary to improve a trail for user safety and enjoyment.

Note: The repairs or renovation referred to in snowmobile trail rehabilitation may be the improvement of the trail for safety reasons or in response to natural events that adversely affect trail safety, such as clean up of wind storm damage.

SECTION 6. NR 50.05(10) is amended to read:

NR 50.05(10) Sponsors shall comply with applicable state or federal regulations concerning bidding and awarding contracts, wage and labor rates, access for the physically ~~handicapped~~ disabled, flood disaster protection, environmental quality and historical preservation.

SECTION 7. NR 50.05(18) is amended to read:

NR 50.05(18) Actual fringe benefits ~~not exceeding 20%~~ paid as part of the direct labor costs claimed are eligible project costs.

SECTION 8. NR 50.05(26) is created to read:

NR 50.05(26) The department may conduct compliance inspections on properties for which assistance has been provided under this chapter. The department may require project sponsors to conduct self inspections on these properties.

SECTION 9. NR 50.06(3)(a) 1. and 2. are amended to read:

NR 50.06(3)(a)1. 40% 50% to local governments;

2. 40% 50% to state agencies; ~~and~~.

SECTION 10. NR 50.06(3)(a) 3 is repealed.

SECTION 11. NR 50.06(3)(c) is amended to read:

NR 50.06(3)(c) Funds allocated to local governments, and state agencies and the ~~contingency fund~~ but not encumbered shall remain allocated for ~~these respective uses~~ use under this section and shall be available for use during subsequent funding cycles to the extent provided by law.

SECTION 12. NR 50.06(4)(b) 12., 13. and 22. are amended to read:

NR 50.06(4)(b)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~~ outdoor recreational projects;

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

SECTION 13. NR 50.06(4)(cm) is created to read:

NR 50.06(4)(cm). Fifty percent of the grant amount may be paid to a local unit of government at the time of project approval if requested.

Note: This applies only to grant contracts executed after the effective date of these rules.

SECTION 14. NR 50.06(4)(e)13. is amended to read:

NR 50.06(4)(e)13. Open shelters and multipurpose shelter buildings which support an outdoor recreation activity. ~~Buildings devoted primarily to concession or control activities are ineligible;~~

SECTION 15. NR 50.06(4)(e) 15. is repealed.

SECTION 16. NR 50.06 (4)(e) 16. and 17. are renumbered 15. and 16.

SECTION 17. NR 50.06(6)(a) is amended to read:

NR 50.06(6)(a) Applicants for local ~~or state~~ LAWCON monies shall submit applications on the prescribed department form to the appropriate district office ~~by January 1, 1991 and by May 1, of 1991 and May 1 of each year thereafter.~~

SECTION 18. NR 50.06(6)(b) is repealed.

SECTION 19. NR 50.06(6)(c) is renumbered NR 50.06(6)(b) and as renumbered is amended to read:

NR 50.06(6)(b) The department ~~will~~ shall evaluate completed ~~preapplications~~ applications utilizing a project rating sheet to determine which ~~preapplications~~ applications ~~will~~ shall be approved.

SECTION 20. NR 50.06(6)(d) is repealed.

SECTION 21. NR 50.09(4)(b) is repealed and recreated to read:

NR 50.09(4)(b) Acquisition of snowmobile trail rights-of-way. 1. The value of an easement, lease, permit or other agreement for a period of less than 3 years is an eligible cost of maintenance under s. 350.12(4)(be), Stats.

2. The value of an easement, lease, permit or other agreement for a period of 3 years or greater is an eligible cost of development under s. 350.12(4)(bc), Stats.

3. The value of either a short term or long term easement, lease, permit or other agreement may be based on the rental rate of land. The value may be one percent per month of equalized or assessed valuation. An annual fee of 10 cents per rod may be paid if the assessed valuation procedure is not used.

4. The minimum term of the short or long term easement, lease, permit or other agreement shall be 4 months between December 1 and the following March 31.

5. The width of the snowmobile right-of-way eligible for cost sharing may not exceed one rod in width unless approved by the department.

6. The short or long term easement, lease, permit or other agreement shall contain at a minimum the right to sign, right of limited construction, right to maintain, and the right of use by snowmobiles and snow grooming equipment.

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

8. Eligible costs for fee simple acquisition of property under s. 350.12(4)(bc), Stats., are the fair market value of the property and reasonable costs related to the purchase of the property, but limited to the cost of appraisals, land survey fees, relocation payments, title evidence costs, title insurance costs and recording fees.

SECTION 22. NR 50.09(4)(d)2. is amended to read:

NR 50.09(4)(d)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 unless the amount of snowmobile traffic and safety warrant grooming to a greater width as approved by the department.

SECTION 23. NR 50.09(4)(d)3. is created to read:

NR 50.09(4)(d)3. The costs of performing the activities of snowmobile trail maintenance under s. NR 50.03(19) are eligible for assistance.

SECTION 24. NR 50.09(4)(e)3. is created to read:

NR 50.09(4)(e)3. Bridges or culverts that have been developed or improved through the use of bridge rehabilitation funds are not eligible for additional rehabilitation funds for a period of 10 years after rehabilitation, except where a natural event or other circumstances beyond the control of the county adversely affect bridge or culvert safety during this period and an affirmative recommendation of the snowmobile recreation council is obtained.

SECTION 25. NR 50.09(4)(f) (title) and 1. (intro), a., c. and d. are amended to read:

NR 50.09(4)(f) (title) Supplementary snowmobile trail maintenance payments . 1. If ~~sufficient funds are available under s. 350.12(4)(b)1m., Stats., counties~~ Counties are eligible for supplementary ~~grooming- snowmobile trail maintenance payments under s. 350.12(4)(bg), Stats.,~~ if all of the following conditions are met:

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

c. The county has expended the entire amount of ~~\$165~~ \$200 per mile on eligible snowmobile trail maintenance cost items in the previous fiscal year.

d. The county has spent at least ~~\$140~~ \$130 per mile for eligible snow grooming expenses during the previous fiscal year.

SECTION 26. NR 50.09(4)(f)2. and 3. are renumbered NR 50.09(4)(f) 3. and 4. and amended to read:

NR 50.09(4)(f)3. Counties requesting supplemental grooming- snowmobile trail maintenance payments shall submit full financial documentation prescribed by the department to the appropriate DNR district office for audit purposes. Counties may request an advance payment of 50% of the audited supplemental request prior to October 1 of the current fiscal year.

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

SECTION 27. NR 50.09(4)(f)2. is created to read:

NR 50.09(4)(f)2. All counties qualifying under subd.1 shall be subject to a cap of \$150 per mile for all eligible non-snow grooming activities listed in s. NR 50.03(19) in the calculation of a supplemental snowmobile trail maintenance payment.

SECTION 28. NR 50.09(4)(g) is created to read:

NR 50.09(4)(g) Snowmobile trail rehabilitation. 1. Snowmobile trail segments eligible for rehabilitation assistance shall be a minimum of 3 miles in length and shall have been a part of the funded trail system of the county for a minimum of 10 years from the date of application for trail rehabilitation except where a natural event or other circumstances beyond the control of the county adversely affected trail safety prior to this 10 year period.

2. Snowmobile trail segments that have been improved through the use of rehabilitation funds are not eligible for additional rehabilitation funds for a period of 10 years except where a natural event adversely affects trail safety during this period.

3. A county is not eligible for rehabilitation funds for snowmobile trail segments that total more than 10% of the total mileage of the county funded for maintenance.

SECTION 29. NR 50.09(5)(a) is amended to read:

NR 50.09(5)(a) County Reimbursement of costs of county acquisition of rights-of-way or fee title may be up to 100% of eligible acquisition expenses.

SECTION 30. NR 50.09(5)(b)1. is repealed and recreated to read:

NR 50.09(5)(b)1. Reimbursement of costs of county development of snowmobile trails shall be up to 100% of approved eligible project costs. Counties may request an advance payment of up to 75% of the signed contract amount for development.

SECTION 31. NR 50.09(5)(bn) is created to read:

NR 50.09(5)(bn) Snowmobile bridge rehabilitation 1. Eligible costs for snowmobile bridge rehabilitation projects include the following: replacement of entire structure including approaches and abutments, repair to the superstructure of the bridge, replacement of the entire deck and railings and repair or replacement of protective riprap around abutments or footings.

2. Costs which are not eligible for rehabilitation cost sharing include: replacement of bridge railings only, patching of decking, grading or minor repair to approaches, bridge repairs to bring bridge structure within any existing codes, reinforcement of bridge structures to accommodate weights in excess of 12,000 pounds and deck replacement for the sole purpose of accommodating larger grooming equipment.

3. Cost sharing for the purchase and installation of prefabricated bridges shall be limited to structures with a maximum design load of 12,000 pounds.

4. Cost sharing for the purchase of materials and construction of bridges built on site by either contractors or clubs shall be limited to a maximum design load of 12,000 pounds unless there are circumstances which lead to a capacity greater than 12,000 pounds for no demonstrated increase in cost.

5. Reimbursement of costs of bridge rehabilitation projects shall be up to 100% of approved eligible project costs. Counties may request an advance payment of up to 75% of the signed contract amount for bridge rehabilitation.

SECTION 32. NR 50.09(5)(bp) is created to read:

NR 50.09(5)(bp) Snowmobile trail rehabilitation. 1. Eligible costs for snowmobile trail rehabilitation projects include: clearing of trees from storm damage to re-establish the trail corridor, filling and grading to re-establish the trail tread damaged as a result of erosion and widening and straightening trail segments to improve visibility.

2. The following are not considered eligible costs of trail rehabilitation: brushing, signing and similar activities conducted as part of routine maintenance, costs associated with bringing a trail up to standards listed in s. NR 50.09(4)(c), construction of a new bridge or culvert with an inside diameter of greater than 24" or rehabilitation or replacement of a bridge or culvert with an inside diameter of greater than 24".

3. Snowmobile trail rehabilitation projects shall be up to 100% of approved eligible project costs. Counties may request an advance payment of up to 75% of the signed contract amount for trail rehabilitation.

4. The total cost of the snowmobile trail rehabilitation project may not exceed \$500 per mile unless approved by the snowmobile recreation council.

SECTION 33. NR 50.09(5)(c) is amended to read:

NR 50.09(5)(c) County Reimbursement of costs of county maintenance of snowmobile trails shall be up to 100% of approved eligible project costs of maintaining the trail up to \$165 \$200 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.

SECTION 34. NR 50.09(5)(f) is amended to read:

NR 50.09(5)(f) Claims ~~will~~ shall be on a reimbursement basis except for snowmobile trail development, bridge rehabilitation, trail rehabilitation and maintenance project advances.

SECTION 35. NR 50.10(1) is amended to read:

NR 50.10(1) PURPOSE. The purpose of this section is to establish standards for the posting of route signs and directional arrows and 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 30.12(4), Stats.

SECTION 36. NR 50.10(2) is amended to read:

NR 50.10(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.

SECTION 37. NR 50.10(3)(a)1.am. is created to read

NR 50.10(3)(a)1.am. The combination snowmobile and all-terrain vehicle route sign (Drawing D11-8) may be used when the highway or sidewalk is designated for use by both snowmobile and all terrain vehicles. The sign shall have a reflectorized white symbol, margin and message on a reflectorized green background. The standard and minimum size for this sign is 24"x 18". The design of the stylized snowmobile and all-terrain vehicle symbol and

the word message "ROUTE" shall essentially conform to the standard design on file in the division of highways, department of transportation.

SECTION 38. NR 50.10(3)(a)1.b. is amended to read:

NR 50.10(3)(a)1.b. A directional arrow marker (Drawing M7 series) 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"x 6"~~, and the arrow shall have a length of ~~15 1/2"~~ and a stem ~~1 1/2"~~ wide 12"x 9".

Note: Copies of sign designs may be obtained from the Wisconsin Department of Transportation, Office of Traffic Engineering, 4802 Sheboygan Avenue, Madison, WI 53705

SECTION 39. NR 50.12(3)(d) 2 is amended to read:

NR 50.12(3)(d)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 regular straight time rate which the officer normally receives. ~~Fringe benefits cannot exceed 20% of the gross salary~~ Eligible fringe benefit rates are actual costs up to a maximum of 29% of the reimbursable straight time salary rate.

SECTION 40. NR 50.12(3)(d)4. is amended to read:

NR 50.12(3)(d)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 ~~42~~

~~1/2%~~ 20% annually on all equipment ~~(over \$100.00) except snowmobiles, which shall be~~
~~figured at the rate of 20% annually~~ over \$1,000.00.

SECTION 41. NR 50.16(5)(b) is amended to read:

NR 50.16(5)(b) A local comprehensive outdoor recreation 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.

SECTION 42. NR 50.16(5)(i)(intro.) is created to read:

NR 50.16(5)(i)(intro.) The substantiated value of donated materials, equipment, services, labor or land may be used as all or part of the sponsor's share of the project cost subject to all of the following:

1. All sources of sponsor match shall be indicated when the application for a grant is submitted.
2. The value of donated land shall be determined by a department approved appraisal. If approved by the department, any portion of the value of a property donation which is not utilized by the sponsor may be used for sponsor match in subsequent applications, but only for one year.
3. The maximum value of donated labor shall be \$5.00 per hour.
4. The value of donated equipment shall conform to the Wisconsin department of transportation county highway rates for equipment.

Note: The county highway rates for equipment are formulated under s. 84.07, Stats., and can be found in chapter 5 of the State Highway Maintenance Manual published by the Wisconsin Department of Transportation, 4802 Sheboygan Avenue, Madison, WI 53705.

5. The value of donated materials and services shall conform to market rates and be established by invoice.

SECTION 43. NR 50.16(5)(j) is created to read:

NR 50.16(5)(j) Actual fringe benefits of the direct labor costs claimed are eligible project costs.

SECTION 44. NR 50.16(5)(k) is created to read:

NR 50.16(5)(k) Fifty percent advance payments may be made to local units of government at the time of project approval if requested.

Note: This applies only to grant contracts executed after the effective date of these rules.

SECTION 45. NR 50.16(6)(n) is repealed.

SECTION 46. NR 50.16(6)(o) and (p) are renumbered (n) and (o).

SECTION 47. NR 50.16(9)(h) is amended to read:

NR 50.16(9)(h) Projects where the applicants have good performance records on ~~prior LAWCON, ORAP LPA~~ or other recreational projects.

SECTION 48. NR 50.16(9)(n) is amended to read:

NR 50.16(9)(n) Projects which are designed to serve the recreation needs of elderly persons, minorities and ~~handicapped~~ disabled persons.

SECTION 49. NR 50.16(9)(q) is created to read:

NR 50.16(9)(q) Projects which involve the use of materials or products utilizing Wisconsin recycled products.

SECTION 50. NR 50.165(4)(a) is amended to read:

NR 50.165(4)(a) Applicants for aids for the acquisition of urban green space shall submit applications on the prescribed department form to the appropriate district office by ~~January 1, 1991 and by May 1 of 1991 and each year thereafter.~~

SECTION 51. NR 50.165(5)(i) is created to read:

NR 50.165(5)(i) Fifty percent of the grant amount may be paid to local units of government at the time of project approval if requested by the sponsor.

Note: This applies only to grant contracts executed after the effective date of these rules.

SECTION 52. NR 50.165(5)(j)(intro.) is created to read:

NR 50.165(5)(j) The substantiated value of donated land may be used as all or part of the sponsor's share of the project cost subject to all of the following:

1. All sources of sponsor match shall be indicated when the application for a grant is submitted.

2. The value of donated land shall be determined by a department approved appraisal. If approved by the department, any portion of the value of a property donation which is not utilized by the sponsor may be used for sponsor match in subsequent applications, but only for one year.

SECTION 53. NR 50.18 is repealed.

SECTION 54. NR 50.22(5)(i) is amended to read:

NR 50.22(5)(i) Title to land or to rights in land acquired through the urban rivers grant program shall vest in the local governmental unit or nonprofit conservation organization.

SECTION 55. NR 50.22(5)(l) is created to read:

NR 50.22(5)(l) Fifty percent of the grant amount may be paid to local units of government at the time of project approval if requested.

Note: This applies only to grant contracts executed after the effective date of these rules.

SECTION 56. NR 50.22(5)(m) is created to read:

NR 50.22(5)(m) The value of in kind contributions shall be determined by a department approved appraisal. If approved by the department, any portion of the value of an in kind contribution which is not utilized by the sponsor may be used for sponsor match in subsequent applications, but only for one year.

SECTION 57. NR 190.09(5) is repealed and recreated to read:

NR 190.09(5)(intro.) The substantiated value of donated materials, equipment, services and labor may be used as all or part of the local share of the project cost subject to all of the following:

1. All sources of local share donation shall be indicated when the application for a grant is submitted.

2. The maximum value of donated labor shall be \$5.00 per hour.

3. The value of donated equipment shall conform to the Wisconsin department of transportation county highway rates for equipment.

Note: The county highway rates for equipment are formulated under s. 84.07, Stats., and can be found in chapter 5 of the State Highway Maintenance Manual published by the Wisconsin Department of Transportation, 4802 Sheboygan Avenue, Madison, WI 53705.

4. The value of donated materials and services shall conform to market rates and be established by invoice.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 28, 1995.

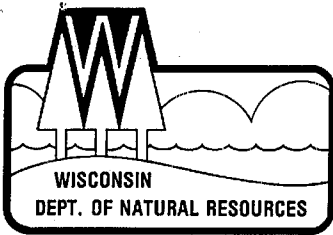
The rules shall take effect on the first day of the month following publication as provided for in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin December 13, 1995

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E Meyer
George E. Meyer, Secretary

(SEAL)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
TDD 608-267-6897

December 13, 1995

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. CA-29-95. These rules were reviewed by the Assembly Committee on Tourism and Recreation and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

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

Sincerely,

George
George E. Meyer
Secretary

Enc.

