Form 1100-001
(R 2/11)

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. 3.B.1

SUBJECT: Request authorization for public hearing for Board Order CF-16-11 revising chs. NR 50 (snowmobile grant program) and NR 64 (All-Terrain Vehicle grant program) and solicitation of economic impact information.

FOR: SEPTEMBER 2011 BOARD MEETING

TO BE PRESENTED BY / TITLE: Diane Conklin, Snowmobile & All-Terrain Vehicle Grant Manager

SUMMARY:

The Department proposes to revise ch. NR 50 as follows:
* Increase bridge design load from 12,000 to 14,000 pounds to allow weight of modern trail grooming equipment.
* Clarify for bridge construction or rehabilitation, a three-year minimum length for easements or lease agreements between the grant recipient and owners of private land on which a bridge costing less than $50,000 will be located.
* Identify a process by which the Governor's Snowmobile Trail Council can recommend to the DNR higher minimum year length for easements or lease agreements if the cost of a bridge receiving grant funding is more than $50,000.
* Increase to $150 per mile the minimum expenditure needed before a county is eligible to apply for a supplemental snowmobile trail maintenance grant, consistent with s. 350.12(4)(bm)2., Wis Stats.

The Department proposes to revise ch. NR 64 as follows:
* Include first-ever guidelines for bridge design load requirements.
* Include for either bridge construction or rehabilitation, a minimum three-year length for easements or lease agreements between the grant recipient and owners of land on which a bridge will be located.
* Increase to $600 the per mile ATV trail summer maintenance reimbursement rates.
* Identify changes for seasonal signage
* Create a new trail + route category eligible for ATV grant funding (also referred to as a "troute").

An emergency rule for ch. NR 64 may be needed next spring to bridge the gap between application due date and the start of the next funding cycle to insure that ATV trails are funded in summer 2012.

RECOMMENDATION: Authorize public hearings for Board Order CF-16-11 and to solicit economic impact information from entities that may be affected by the proposed rules.

LIST OF ATTACHED MATERIALS:

No	☐	Fiscal Estimate Required	Yes	☑	Attached
No	☑	Environmental Assessment or Impact Statement Required	Yes	☐	Attached
No	☐	Background Memo	Yes	☑	Attached

APPROVED:

Bureau Director, Mary Anne Lewex — Date Aug 12, 2011

Administrator, Julie Sam — Date 8/16/11

Secretary, Cathy Stepp, Matt Mooney — Date 9/9/11

cc: NRB Liaison
DNR Rules Coordinator

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: August 22, 2011

TO: Natural Resources Board

FROM: Cathy Stepp

SUBJECT: **NRB AUTHORIZATION FOR PUBLIC HEARING ON RULE ORDER CF-16-11 AND AUTHORITY TO SOLICIT COMMENTS ON ECONOMIC IMPACT ANALYSIS FOR REVISIONS TO CHS. NR 50 – ADMINISTRATION OF OUTDOOR RECREATION PROGRAM GRANTS AND STATE AIDS (COUNTY SNOWMOBILE AIDS) AND NR 64 – ALL-TERRAIN VEHICLES**

Background:

Section NR 50.09, Wis. Adm. Code, establishes standards for the implementation of the snowmobile aids program for counties to develop and maintain trails. This part of ch. NR 50 was last revised and effective in October 2004. Chapter NR 64, Wis. Adm. Code, establishes standards for the implementation of the all-terrain vehicle (ATV) program to also develop and maintain trails. Ch. NR 64 was last revised and effective in January 2004.

Summary of Proposed Rule Revisions:

The Department proposed to revise ch. NR 50 as follows:

- Increase bridge design load requirements from 12,000 pounds to 14,000 pounds to better accommodate the weight of modern trail grooming equipment. This change was recommended by the Governor's Snowmobile Trail Council and the Department's Chief Engineer.
- Clarify minimum length for easements or lease agreements between the grant recipient and owners of private land on which a bridge will be located if up to $50,000 of snowmobile trail aids funds were used for either bridge construction or rehabilitation. This change was recommended by the Governor's Snowmobile Trail Council.
- Identify a process by which the Governor's Snowmobile Trail Council can recommend higher minimum year length for easements or lease agreements if the cost of a bridge receiving grant funding is more than $50,000. This change was recommended by the Governor's Snowmobile Trail Council.
- Increase from $130 per mile to $150 per mile the minimum expenditure needed before a county is eligible to apply for a supplemental snowmobile trail maintenance grant. Making this change will make ch. NR 50 consistent with s. 350.12(4)(bm)2., Wis Stats.

The Department proposes to revise ch. NR 64, Wis. Adm. Code, as follows:

- Include first-ever guidelines for bridge design load requirements and modify method for calculating load conditions. This change would make ATV grant provisions identical to snowmobile grant conditions in this regard and would better accommodate the weight of modern trail grooming equipment.

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- Include a minimum three-year length for easements or lease agreements between the grant recipient and owners of land on which a bridge will be located if ATV trail aids funds were used for either bridge construction or rehabilitation.
- Increase per-mile ATV trail summer maintenance reimbursement rates from $450 per mile to $600 per mile. This change was recommended by the Off Road Vehicle Council.
- Identify changes for seasonal signage
- Create a new trail + route category eligible for ATV grant funding (also referred to as a "troute").

Potential Emergency Rule
An emergency rule for ch. NR 64 may be needed next spring to bridge the gap between application due date and the start of the next funding cycle to insure that ATV trails are funded in summer 2012.

How This Proposal Affects Existing Policy
Rule changes support the grant programs and the two Councils recommendations. Both Councils continue to make recommendations to the Department to use grant funds to keep active trails open and well maintained and support the need for slightly heavier trail grooming equipment that is versatile to handle a variety of trail conditions. Rule changes are consistent of actions to support trail maintenance and the need for an increase in weight for bridge design to allow heavier grooming equipment.

Has the Board dealt with these issues before – if so, when and why?

The Board last approved changes to the ATV Trail Grant Program in late 2003. Those changes were effective in January 2004 and modified the winter and summer trail maintenance reimbursement rate. The current summer trail maintenance reimbursement rate of $450 per mile has not been changed since 2003. Proposed rule revisions would raise the summer reimbursement rate allowed to $600 per mile.

The Board last approved changes to the Snowmobile Trail Grant Program in late 2004. Those changes were effective in October 2004 and allowed counties to request advance payment for trail maintenance and for trail signage requirement changes.

Who Will be Impacted by the Proposed Rule? How Will They be Impacted?

Parties impacted by the proposed changes are as follows:

Snowmobile Clubs – These groups perform trail maintenance, incur costs, then seek reimbursement for those costs from the county. Club members often donate their time. Increase in per-mile reimbursement rate will not impact snowmobile clubs because clubs had earlier been reimbursed fully by the county.

ATV Clubs – These groups perform trail maintenance, incur costs, then seek reimbursement for those costs from the county. Club members often donate their time. Increase in per-mile reimbursement rate will not impact snowmobile clubs because clubs had earlier been reimbursed fully by the county. There may be initial increased signage costs as a result of acknowledgement of the new "troute" category; these costs are grant eligible.

Counties – Counties reimburse Snowmobile and ATV clubs for trail maintenance work. Counties may request Snowmobile and ATV grants from the Department in the form of reimbursement grants for payments made throughout the year to Snowmobile and ATV clubs. While many counties have been securing three-year easements or lease agreements when a bridge paid with grant funds is placed on private land, this requirement may be new to some counties. Counties interested in snowmobile supplemental trail maintenance grants will first have to demonstrate spending of at least $150 per mile; counties are indicating that they should have no trouble meeting the $150 threshold. Increase in per-mile reimbursement rate will benefit counties because it will lessen the amount counties needed to contribute from county funds to cover clubs costs when the current reimbursement rate has been insufficient. Counties will likely benefit by the increase in ATV trail summer maintenance costs from $450 per mile to $600 per mile; counties and others maintaining ATV trails use their own budgets to cover the difference between $450 per mile and actual summer ATV maintenance costs.

Wisconsin Tribes – Tribes may also reimburse Snowmobile and ATV clubs for trail maintenance work. Tribes may also request Snowmobile and ATV grants from the Department in the form of reimbursement grants for payments made throughout the year to Snowmobile and ATV clubs. While tribes have been securing three-year easements or lease agreements when a bridge paid with grant funds is placed on private land, this requirement may be new to some tribes. Increase in per-mile reimbursement rate will benefit tribes because it will lessen the amount tribes needed to contribute from local funds to cover clubs costs when the current reimbursement rate has been insufficient.

The proposed changes are supported by regulated community and the two Councils that advise the grant programs. There is no known controversy.

Information on Environmental Analysis, if Needed.

The Department has determined that this rule is a Type III action under s. NR 150.03(7)(a)4.b., Wis. Adm. Code, and no environmental analysis is required.

Small Business Analysis

Proposed revisions to chs. NR 50 and NR 64 contain no requirements for small business and so there is no direct impact to small business.

A.1. Describe the compliance and or reporting requirements imposed on small business.

There are no compliance or reporting requirements imposed on small business.

2. Can these compliance and/or reporting requirements be made less stringent for small business? Explain.

There are no compliance or reporting requirements imposed on small business.

B.1. Describe the schedules or deadlines for compliance or reporting imposed on small business.

There are no compliance or reporting requirements imposed on small business.

2. Can these schedules or deadlines be made less stringent for small business? Explain.

There are no compliance or reporting requirements imposed on small business.

C. Can the compliance or reporting requirements for small business be consolidated or simplified. Explain.

There are no compliance or reporting requirements imposed on small business.

D. Can performance standards be established for small businesses in lieu of design or operational standards? Explain.

There are no compliance or reporting requirements imposed on small business.

E. Can small business be exempted from any or all requirements of the rule? Explain.

There are no compliance or reporting requirements imposed on small business.

Recommended Public Participation:

The Department recommends holding one public hearing by video conference connecting three to five Wisconsin locations during November 2011.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R05/2011)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
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MADISON, WI 53707-7864
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ADMINISTRATIVE RULES – FISCAL ESTIMATE

1. **Fiscal Estimate Version**

☒ Original ☐ Updated ☐ Corrected

2. Administrative Rule Chapter Title and Number

Ch. NR 50, County Snowmobile Aids, and ch. NR 64, All-Terrain Vehicles

3. Subject

Revise bridge design and signage requirements and trail maintenance costs; define trail/route combinations.

4. **State Fiscal Effect:**

☒ No Fiscal Effect	☐ Increase Existing Revenues	☐ Increase Costs ☐ Yes ☐ No May be possible to absorb within agency's budget.
☐ Indeterminate	☐ Decrease Existing Revenues	☐ Decrease Costs

5. Fund Sources Affected:

☐ GPR ☐ FED ☐ PRO ☐ PRS ☒ SEG ☐ SEG-S

6. Affected Ch. 20, Stats. Appropriations:

ss. 20.370(5)(cq), (cs), (ct), (cu), Wis. Stats

7. **Local Government Fiscal Effect:**

☐ No Fiscal Effect	☐ Increase Revenues	☐ Increase Costs
☐ Indeterminate	☐ Decrease Revenues	☒ Decrease Costs

8. Local Government Units Affected:

☒ Towns ☒ Villages ☒ Cities ☒ Counties ☐ School Districts ☐ WTCS Districts ☒ Others: Tribes

9. **Private Sector Fiscal Effect (small businesses only):**

☒ No Fiscal Effect	☐ Increase Revenues ☐ Decrease Revenues	☐ Increase Costs ☐ Yes ☐ No May have significant economic impact on a substantial number of small businesses
☐ Indeterminate	☐ Yes ☐ No May have significant economic impact on a substantial number of small businesses	☐ Decrease Costs

10. Types of Small Businesses Affected:

Proposed revisions to chs. NR 50 and NR 64 contain no requirements for small business and so there is no direct impact to small business.

11. Fiscal Analysis Summary

The Department proposes to revise ch. NR 50 as follows:

•Increase bridge design load requirements from 12,000 pounds to 14,000 pounds to better accommodate the weight of modern snowmobile trail grooming equipment.

•Clarify minimum length for easements or lease agreements between the grant recipient and owners of private land on which a bridge will be located if up to $50,000 of snowmobile trail aids funds were used for either bridge construction or rehabilitation.

•Identify a process by which the Governor's Snowmobile Trail Council can establish higher minimum year length for easements or lease agreements if the cost of a bridge receiving grant funding is more than $50,000.

•Increase from $130 per mile to $150 per mile the minimum expenditure needed before a county is eligible to

apply for a supplemental snowmobile trail maintenance grant. Making this change will make ch. NR 50 consistent with s. 350.12(4)(bm)2., Wis Stats.

The Department proposes to revise ch. NR 64, Wis. Adm. Code, to be consistent with Wisconsin statutes as follows:

•Include guidelines for ATV bridge design load requirements.

•Include a minimum three-year length for easements or lease agreements between the grant recipient and owners of land on which a bridge will be located if ATV trail aids funds were used for either bridge construction or rehabilitation.

•Increase per-mile ATV trail summer maintenance reimbursement rates from $450 per mile to $600 per mile.

•Identify changes for seasonal signage

•Create a new trail + route category eligible for ATV grant funding (also referred to as a "troute").

The changes proposed for chs. NR 50 and NR 64 are not expected to have a state, local or small business fiscal impact.

12. Long-Range Fiscal Implications

13. Name - Prepared by Patrick Kirsop	Telephone Number 608-266-2747	Date 08/05/2011
14. Name – Analyst Reviewer	Telephone Number 608-266-2159	Date 8/12/2011
Signature – Secretary or Designee	Telephone Number 608-266-2799	Date 08-12-2011

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ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
RENUMBERING, AMENDING, AND CREATING RULES
CF-16-11

The Wisconsin Department of Natural Resources proposes an order to revise ch. NR 50, Administration of Outdoor Recreation Program Grants and State Aids, and ch. NR 64, All-Terrain Vehicles, as follows:

Renumber
NR 64.14 (9)(d).

Amend
NR 50.09 (4)(b)2., NR 50.09 (4)(f)1.d., NR 50.09 (5)(bn)1., 2., 3., and 4., NR 64.12 (7)(a), NR 64.14 (2)(b), and NR 64.14 (6)(d)5.

Create
NR 50.09 (4)(b)2.(Note), NR 50.09 (4)(bm), NR 64.02 (15), NR 64.14 (6)(c)4., NR 64.12 (7)(a)(Note), NR 64.12 (7)(am), NR 64.14 (2r)(a) and (b), NR 64.14 (6)(c)4., NR 64.14 (6)(d)5.(Note), NR 64.14 (9)(ar)1., 2., 3., and 4., and NR 64.14 (9)(d).

Analysis Prepared by the Department of Natural Resources

1. Statutory Authority: Sections 23.09(26), 23.33(8)(a), 23.33(9)(b)3. through (b)5., 350.12(4)(b), 350.12(4)(bm)2., and 227.11, Stats.

2. Statutes Interpreted: Sections 23.33(8)(a), 23.33(9)(b)3. through (b)5., 350.12(4)(b), and 227.11, Stats.

3. Explanation of Agency Authority: Sections 23.33(8)(a), 23.33(9)(b) 3. through (b)5., and 227.11, Stats., authorizes the Department to promulgate rules for the development and maintenance of all-terrain vehicle routes or all-terrain vehicle trails and the administration of state all-terrain vehicles and related costs. Sections 23.09(26), 350.12(4)(b), 350.12(4)(bm)2., and 227.11, Stats., authorizes the department to promulgate rules for the administration of state snowmobile trail aids and related costs. Section 227.11, Stats., authorizes the department to promulgate rules for the general administration of department programs.

4. Related Statute or Rule: Section 23.33(9)(b)4., Stats., allows for development and maintenance of a snowmobile or off-road motorcycle trails if the trail is open for use by all-terrain vehicles (ATVs). Rules for trail-based recreational programs are often similar to each other. Some of the rule revisions proposed in this board order apply to both chs. NR 64 and NR 50, Wis. Adm. Code.

5. Plain Language Analysis: Chapter NR 50, Wis. Adm. Code, establishes procedures for implementation for various recreational aids programs, including grants for snowmobile trails. Chapter NR 64, Wis. Adm. Code, establishes standards for the implementation of an ATV program, including a trail aid program.

The Department proposed to revise ch. NR 50 as follows:

- Increase bridge design load requirements and modify method for calculating load conditions.
- Clarify minimum length for easements or lease agreements between the grant recipient and owners of land on which a bridge will be located if snowmobile trail aids funds were used for either bridge construction or rehabilitation.
- Increase the minimum per mile expenditure needed before a county is eligible to apply for a supplemental snowmobile trail maintenance grant, consistent with s. 350.12(4)(bm)2., Stats.

The Department proposes to revise ch. NR 64, Wis. Adm. Code, as follows:

- Include first-ever guidelines for bridge design load requirements.
- Include a minimum length for easements or lease agreements between the grant recipient and owners of land on which a bridge will be located if ATV trail aids funds were used for either bridge construction or rehabilitation.
- Increase per-mile ATV trail summer maintenance reimbursement rates.
- Identify changes for seasonal signage.
- Create a new trail + route category eligible for ATV grant funding (also referred to as a "troute").

Section-by-section details of this rule order are outlined below:

Section 1 requires project sponsors to obtain a minimum three-year written easement or lease agreement from the owners of private land on which snowmobile bridges are located if snowmobile grants were provided for either the construction or rehabilitation of the bridge. Doing so protects the Department's investment in the bridge and facilitates the relocation of the bridge to another location if the easement or lease agreement is not extended by the landowner. The Governor's Snowmobile Recreation Council recommended this change. Further, the Council requested that the Department create a sliding scale for length of easement or lease agreement based largely on cost since a three-year lease was considered too short for a bridge costing greater than $50,000.

Section 2 creates a rule note on how the Governor's Snowmobile Recreation Council will recommend to the Department minimum year easements depending on cost of bridges and also work with the Off Road Vehicle Advisory Council to develop joint recommendations. This rule note is similar to that for the All-Terrain Vehicle Program mentioned in Section 14.

Section 3 requires written minimum three-year easements for bridge development or rehabilitation costing less than $50,000. Easement length or duration will be a factor in determining snowmobile trail funds awarded for a project.

Section 4 increases from $130 per mile to $150 per mile the maintenance expenditures counties must make before those counties are eligible to apply for supplemental snowmobile grant funds. This change is required by s. 350.12(4)(bm) 2., Stats.

Section 5 increases bridge design load limits from 12,000 pounds to 14,000 pounds to accommodate the increased weight of snow grooming power units and drags now commonly used to maintain snowmobile trails. New bridge development is included.

Section 6 defines a "troute", or ATV trail and route combination in ch. NR 64, Wis. Adm. Code.

Section 7 amends signage requirements for ATV routes.

Section 8 creates a note regarding DNR staff to contact for who can help make signs for ATV trails and the online link.

Section 9 creates seasonal signage requirements for ATV routes and troutes.

Section 10 increases summer ATV trail maintenance grant payments from $450 per mile to $600 per mile to better address actual trail maintenance costs that are now being absorbed by project sponsors. The Off Road Vehicle (ORV) Advisory Council has recommended this increase.

Section 11 creates a subsection that describes the grant funding available for ATV troutes.

Section 12 creates seasonal signage requirements for ATV trails.

Section 13 requires project sponsors to enter into easements or lease agreements of at least 3 years in length with owners of land on which ATV bridges are to be located. Doing so protects the Department's investment in the construction or rehabilitation of the bridge and facilitates the relocation of the bridge to another location if the easement or lease is not extended.

Section 14 creates a rule note on how the Off Road Vehicle Advisory Council will recommend to the Department minimum year easements depending on cost of bridges and also work with the Governor's Snowmobile Recreation Council to develop joint recommendations. This rule note is similar to that for the Snowmobile Program mentioned in Section 2.

Section 15 creates design load limits for bridges developed or constructed with ATV grant funding. Bridge design load are limited to 14,000 pounds to accommodate the increased weight of snow grooming power units and drags to maintain ATV trails that are also snowmobile trails.

Section 16 creates criteria for grant funding for troute rehabilitation.

Section 17 provides information on effective dates of this rule.

Section 18 provides information on Board adoption.

6. Summary of, and comparison with, existing or proposed federal regulations: The Federal government has one program that is somewhat similar to the Wisconsin ATV and Snowmobile grant programs: the Recreational Trails Act (RTA) grants. This Federal program provides grant funds for the acquisition, development, rehabilitation of trails and structures (such as bridges and culverts) and maintenance of motorized, non-motorized, and mixed-use trails. The Department has received RTA funds for many years and often matches RTA grant funds from the motorized subcategory to Wisconsin snowmobile and ATV grant awards. In the RTA program, maintenance and rehabilitation activities are the two highest priority categories for grant funding; these priorities are shared by the Wisconsin Snowmobile and ATV grant programs. The WI Snowmobile and ATV grant programs can make grant awards for 100% of eligible project costs. However, in order to stretch state grant funds farther, the Department often matches a 50% grant from its Snowmobile or ATV grant programs with a 50% RTA grant.

There is no current requirement for bridge design loads in the RTA program. The current bridge design load for the ATV and Snowmobile programs is 12,000 pounds. The ORV Advisory

Council and the Governor's Snowmobile Recreation Council have recommended that the Department increase bridge design loads to 14,000 pounds so that bridges constructed with grants from these programs can better withstand the weight of modern grooming equipment.

The RTA program has no minimum requirement for the length of easements or lease agreements between the project sponsor and the owner of land on which a bridge constructed or rehabilitated with RTA grant funds will be located.

The Federal Land & Water Conservation Fund (LWCF) program requires easements or lease agreements of at least 20 years length if grant funds are used to develop properties not owned by a LWCF grantee.

Wisconsin's Knowles-Nelson Stewardship Program requires easements or lease agreements of at least 20 years between the project sponsor and owner of land on which a recreational practice is to be constructed when Stewardship grant funds are used.

Wisconsin's Recreational Boating Facility (RBF) grant program currently requires an easement or lease length of not less than 20 years (s. NR 7.04(8)(a), Wis. Adm. Code).

For both the Snowmobile and ATV grant programs, there is currently a minimum 3-year length requirement for easements and lease agreements entered into between the project sponsor and the owner of land on which the bridge will be located.

No Federal programs provide reimbursement per mile for trail maintenance costs. The present reimbursement rate for snowmobile maintenance is $250/mile. The current reimbursement rate for winter-use ATV maintenance is $100/mile. The current reimbursement rate for summer-use ATV maintenance is $450/mile. When an ATV trail is used both in the winter and summer and allows both ATVs and snowmobiles, the current reimbursement rate for maintenance is $800/mile.

7. Comparison with Rules in Adjacent States: Minnesota, Michigan, Iowa, and Illinois all have snowmobile and ATV trail grant programs.

Bridge Design Load Requirements
No bridge design load limits were found for adjacent states.

Length of Easements or Lease Agreements
- Michigan requires an easement of not less than five years for bridge projects or any improvements costing more than $10,000 on private land.
- Minnesota has a 3-month minimum easement length for all off-road vehicle grant programs.
- No other easement time length information was found for the other adjacent states.

Expenditure Threshold Before Eligible for Supplemental Snowmobile Grants
No per-mile maintenance expenditure threshold could be found for adjacent states.

Combination Trail and Route Paths (also called "troutes")
Michigan allows ATVs on both trails and routes.

Higher per-mile Rates for Summer Trail Maintenance
Only Michigan allows for higher spring and summer maintenance rates for **trails** over maintenance rates for **routes** during the same seasons.

ATV Trail Seasonal Signage
Only Illinois has seasonal signage requirements for the Off Highway Vehicle Program. Grantees or grant applicants are responsible for signage.

8. Summary of factual data and analytical methodologies:
Bridge Design Specifications. The Department has long published guidelines for bridges built with either snowmobile or ATV grant funds. With the increased weight of snow grooming power units and drags, the infrastructure committee of the Governor's Snowmobile Recreation Council undertook a review of bridge specifications in conjunction with Sanjay Olson, former DNR Chief Engineer, Bureau of Facilities and Lands. The result of that review is the Council's recommendation to the Department that bridge load specifications be increased from the current 12,000 pounds to 14,000 pounds. Further, the Council recommended that load calculations be changed to a moving load (also called "train" loading) rather than point load calculations, as is currently the case. Chapter NR 50 needs to be revised to show 14,000 pounds for bridge design load. Other bridge design criteria, including the train load methodology, are included in the bridge guidelines. The current bridge guidelines are:
http://dnr.wi.gov/org/caer/cfa/Grants/Forms/bridgeguide.pdf
Chapter NR 64 is currently silent on the matter of bridge design load and a section needs to be created in that rule to reflect the 14,000 pound bridge design load. This change also makes Chapter NR 64 consistent with the ch. NR 50 for snowmobile bridge design load and is important since during winter, some trails have joint ATV and snowmobile use.

Length of Easement or Lease Agreements. The Governor's Snowmobile Recreation Council also requested that the Department develop a sliding scale for the length of easements or lease agreements required between project sponsors and owners of private land on which a bridge is to be located. The sliding scale would be based in large part on the total estimated cost of a bridge structure, i.e., longer easements required for more expensive, larger bridge structures. Easements or lease agreements are common for private land on which bridges are to be located. The Council feels that the current minimum easement or lease agreement length of three years is not sufficient for bridge structures costing in excess of $50,000. A note is included in the rule stating describing the process how the Council will provide recommendations to the Department and also work with the ORV Advisory Council.

A complete listing of Governor's Snowmobile Recreation Council members can be found at:
http://dnr.wi.gov/org/caer/cfa/Grants/Agendas-Minutes/SnowMembers.pdf

Threshold for Supplemental Trail Maintenance Grant Funding. Among other things, *2005 Wis. Act 25* increased the expenditure threshold that must be reached before counties are eligible to apply for supplemental snowmobile trail grant funding. At present, actual expenditures for grooming snowmobile trails must exceed $130 per mile before a project sponsor is eligible to apply for supplemental grant funding in any year. *2005 Wis. Act 25* increased the threshold to $150 per mile per year. The Department proposes to revise ch. NR 50 to be consistent with the statutory requirement (s. 350.12(4)(bm)2., Stats.).

Higher Trail Summer Maintenance Costs. The Off Road Vehicle Advisory Council has recommended that the Department increase summer ATV trail maintenance payments from $450 per mile to $600 per mile. The increase will go a long way toward covering actual trail maintenance expenditures. To date, the difference between $450 per mile and actual expenditures has been absorbed by county or municipal funds.

A complete listing of the ORV Council members can be found at:
http://dnr.wi.gov/org/caer/cfa/Grants/Agendas-Minutes/ORVMembers.pdf

ATV Trail Seasonal Signage changes
The ORV Council recommends three separate signs by which seasonal use can be identified.

Acknowledge of Trail/Route Combinations (also called "troutes")
The Department is aware that several ATV trails overlap existing roads. From the onset of the program, these paths were identified as trails and signed accordingly. The Off Road Vehicle Council and WI County Forestry Association propose that the Department revise ch. NR 64 to accommodate paths used by both ATVs and motor vehicles. These trail/route combinations – often called "troutes" – will be eligible for future grant funding if it can be shown that the troute existed prior to the effective date of this rule. Revisions to ch. NR 64 will include a definition of a troute. Grant funding will be possible for routes that are used as trail connectors, as defined in s. NR 64.02 (3), Wis. Adm. Code, if the trail connector is proposed after the effective date of this rule. The purpose of the troute combination is so that roads are not used in lieu of ATV trails.

9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: The Department expects there to be no negative fiscal impact on small business as a result of the proposed revisions to chs. NR 50 and NR 64. A few provisions have a net zero fiscal effect. One provision will have a positive fiscal effect.

Increase bridge design load requirements to 14,000 pounds. This code revision will likely require additional materials for the building or rehabilitation of bridges. The additional materials will increase the cost of the bridge. The Department expects that small businesses providing bridge building or rehabilitation services will pass these increased costs onto the buyer. Buyers are limited as to the number of small businesses that specialize in snowmobile or ATV bridge construction or rehabilitation. The Department expects future bridge work orders associated with snowmobile or ATV grant funding to remain unaltered. Further, these increased bridge costs are eligible for both snowmobile and ATV grant funding.

Clarify minimum length for easements or lease agreements between the grant recipient and owners of land on which a bridge will be located if snowmobile trail aids funds were used for either bridge construction or rehabilitation. The Department expects that this proposed revision will have no negative fiscal effect on small business.

Increase to $150 per mile the minimum expenditure needed before a county is eligible to apply for a supplemental snowmobile trail maintenance grant. Based on current trail maintenance costs, the Department expects that counties will have little trouble reaching this higher expenditure threshold and so will continue to be eligible to apply for supplemental snowmobile trail maintenance grants. This proposed revision will have no negative fiscal effect on small business.

Increase to $600 per mile the ATV trail summer maintenance reimbursement rate. The Department expects that this proposed revision will have no negative fiscal effect on small business. This proposed revision will help local residents that are now subsidizing ATV trail summer maintenance costs that exceed the current reimbursement rate of $450 per mile through their county taxes.

Identify changes for seasonal signage. This proposed revision may have a positive fiscal effect on small business. New and additional signs will be needed for trail/route combinations and seasonal signage. Small business may be hired to make needed signs. Small business may experience increased revenues in the early months following adoption of the proposed rule revisions as a result.

Include new trail/route category in ATV grant program. The Department expects that this proposed revision will have no negative fiscal effect on small business. These trails already exist and are already part of the ATV program, but identified only as trails. Creation of this new category makes program administration consistent with opinion of DNR legal counsel.

Aside from the impact of the proposed revisions to chs. NR 50 and NR 64 listed above, the overall Snowmobile and ATV grant programs provide positive fiscal effect for small businesses statewide. A Snowmobiling Economic Report issued by the WI Division of Tourism showed that snowmobilers statewide spent an estimated $249.5 million during the 2000-2001 snowmobiling season. Using the consumer price index (CPI) to adjust this estimate for inflation means that statewide snowmobile spending could have been as high as $315.25 million during the 2010-2011 snowmobile season. Specific information from the report is as follows:

Snowmobiler Expenditures per Day
During the 2000-01 Snowmobiling Season

Category	Traveling Snowmobilers	Local Snowmobilers
Food/beverage:	$37.41	$24.60
Recreation:	$24.21	$9.65
Shopping:	$17.83	$4.54
Transportation:	$15.24	$13.33
Lodging:	$7.64	$0.00
Other:	$0.21	$0.00
Total:	$102.54	$51.46

A March 2004 Executive Summary of the Economic & Demographic Profile of Wisconsin's ATV Users Report by the WI Division of Tourism in conjunction with the Wisconsin ATV Association (WATVA) and the University of Wisconsin – Madison Extension Department of Urban & Regional Planning, showed during the period of June through October 2003, $295.3 million was spent by ATV trail users. The report showed that 86% of ATV trail users were from Wisconsin. The total annual spending in Wisconsin by out-of-state ATVers is $34.7 million. Using the CPI to adjust, ATVer spending could be as high as $362.2 million and spending by out-of-state ATVers is $42.6 million for 2011. Specific information from the report is as follows:

ATVer Expenditures per Trip
During June through October 2003
(Daily Average Spending = $200.62)

Category	ATVers
Food/beverage:	$107.52
Entertainment:	$50.98
Shopping:	$87.15
Gas/Transportation:	$100.72
Convenience Stores:	$36.35
Lodging:	$144.78
Gaming:	$47.12
Other:	$67.38
Total:	$642.00

10. Effect on small business: Snowmobile and ATV grants assist with the cost of construction, development, and maintenance of specific trails. Those trails draw riders and their disposable income. Small businesses located in the area of snowmobile and ATV trails benefit when trail users make the following purchases: fuel and other items at convenience stores; retail items; accommodations or lodging; sales of replacement vehicle parts; repair or maintenance of snowmobiles or ATVs; rider clothing, protective gear, and accessories; food and drink at restaurants and other establishments.

11. Agency Contact:
Diane Conklin, Grant Manager
All-Terrain Vehicle and Snowmobile Grant Programs
Phone: (715) 822-8583
E-mail: Diane.Conklin@wisconsin.gov

12. Submit comments by US Postal Service or e-mail as follows:
Mailing address: Diane Conklin, Grant Manager
All-Terrain Vehicle and Snowmobile Grant Programs
WI Department of Natural Resources
P.O. Box 397
1341 2nd Avenue
Cumberland, WI 54829
E-mail Address: Diane.Conklin@wisconsin.gov

Section 1. Section NR 50.09 (4) (b) 2. is amended to read:

NR 50.09 (4) (b) 2. The value of an easement, lease, permit or other agreement ~~for a period of 3 years or greater~~ entered into by a project sponsor and the owner of land, including for bridge development is an eligible cost of development under s. 350.12(4)(bc), Stats. The length of any easement, lease, permit or other agreement for the placement of a bridge on private land that is either developed or rehabilitated with funds under this chapter shall be for a period of at least 3 years if the total cost of the bridge is more than $3,000.

Section 2. Section NR 50.09 (4) (b) 2. (Note) is created to read:

Section NR 50.09 (4) (b) 2. (Note) NOTE: The Governor's Snowmobile Trail Council will, at one of its duly-noticed meetings, consider public comment and criteria, and recommend to the department, minimum year lease requirements for bridge projects costing more than $50,000. These new recommendations may be established on a sliding scale based on total bridge cost. New minimum year recommendations for easement, lease, permit, or other agreement shall only be required of grant applicants if the department has given 90 days advanced written notice of the new recommendations. Posting of the new recommendations on the department's Snowmobile grant web page in conjunction with grant application forms and instructions constitutes written notice. The Council may meet with the Off Road Vehicle Advisory Council to develop joint recommendations for easement criteria for joint snowmobile and ATV trails to the department. See online materials at http://dnr.wi.gov/org/caer/cfa/LR/Snowmobile/snow.html.

Section 3. Section NR 50.09 (4) (bm) is created to read:

NR 50.09 (4) (bm) The length of any easement, lease, permit or other agreement for the placement of a bridge on private land that is either developed or rehabilitated with funds under this chapter shall be for a period of at least 3 years if the total cost of the bridge is $50,000 or less. Any easement, lease, permit or other agreement for the placement of a bridge on private land that is either developed or rehabilitated shall be in writing. The length of any easement, lease, permit, or other agreement may be a factor in determining the amount of snowmobile trail funds to be awarded for a project.

Section 4. Section NR 50.09 (4) (f) 1. d. is amended to read:

NR 50.09 (4) (f) 1. d. The county has spent at least $~~130~~150 per mile for eligible snow grooming expenses during the previous fiscal year.

Section 5. Section NR 50.09 (5) (bn) 1., 2., 3., and 4., are amended to read:

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

2. Costs which are not eligible for development and rehabilitation cost sharing include: construction and replacement of bridge railings only, decking and patching of decking, grading or minor repair to approaches, construction and bridge repairs to bring bridge structure within any existing codes, construction and reinforcement of bridge structures to accommodate weights in excess of ~~12,000~~ 14,000 pounds and deck construction and replacement for the primary 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~~ 14,000 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~~ 14,000 pounds unless there are circumstances that ~~which~~ lead to a capacity greater than ~~12,000~~ 14,000 pounds for no demonstrated increase in cost.

Section 6. Section NR 64.02 (15) is created to read:

NR 64.02 (15) "Troute" means an all-terrain vehicle trail and route combination that allows all-terrain vehicles and motor vehicles to utilize the same linear surface and the combination is used as a trail connector as defined in sub. (3).

Section 7. Section NR 64.12 (7) (a) is amended to read:

Section NR 64.12 (7) (a) The all-terrain vehicle route sign shall have a reflectorized white symbol, border and message on a reflectorized green background. ~~The standard and minimum size of this sign shall be 24" x 18".~~ The sign, including the stylized all-terrain vehicle symbol and the word message "ATV ROUTE", shall conform to the standard design on file in the department of transportation.

Section 8. Section NR 64.12 (7) (a) (Note) is created to read:

Section NR 64.12 (7) (a) (Note) **NOTE:** For information on who to contact regarding making signs for all-terrain vehicle routes, contact your DNR Regional Community Service Specialist shown online at http://dnr.wi.gov/org/caer/cfa/BUREAU/staff.html.

Section 9. Section NR 64.12 (7) (am) is created to read:

NR 64.12 (7) (am) The standard and minimum size of an all-terrain vehicle route sign shall be:

1. For an all-terrain vehicle route sign on a troute that is not receiving gas tax funding no smaller than 6" x 6" and no larger than 24" by 18".
2. For all other all-terrain vehicle route signs not identified in subd. 1., the minimum size shall be 24" by 18".

Section 10. The title of s. NR 64.14 (2) (b) is amended to read:

NR 64.14 (2) (b) $ ~~450~~ 600 per mile for summer maintenance. Trails eligible for summer maintenance shall be maintained for a total of not less than 3 months nor more than 8 months per year including the months of June, July and August.

Section 11. Section NR 64.14 (2r), is created to read:

NR 64.14 (2r) MAINTENANCE FUNDING OF TROUTES. (a) *Troutes existing before* [revisor insert effective date]. The department may provide state aid of up to 50% of the per-mile rate listed in sub. (2). Any troute that received funding under this chapter prior to [revisor insert effective date], and is posted with signs as a troute, shall continue to be eligible to receive the

per-mile maintenance reimbursement rate under sub. (2) (a) or sub. (2) (b) or both. Any troute that received funding under this chapter prior to[revisor insert effective date], and is posted with signs as a troute, shall be eligible for rehabilitation costs of up to 50% of costs excluding the cost of structures. County forest roads used as all-terrain vehicle routes are not eligible for funding under this section.

(b) *Troutes existing on* [revisor insert effective date] *or later*. All troutes developed on [revisor insert effective date] or later, shall be posted with signs as troutes and are eligible for funding under this chapter as follows:

(1) For municipalities not receiving gas tax for a road on which all-terrain vehicles will also be traveling, not more than 50% of the per-mile rate as identified in sub. (2)

(2) For municipalities receiving gas tax for a road on which all-terrain vehicles will also be traveling, the per-mile rate identified in sub. (2) minus the gas tax received, not to exceed 50% of rate in sub. (2).

Section 12. Section NR 64.14 (6) (c) 4. is created to read:

NR 64.14 (6) (c) 4. For winter use trails, the sign shall be a reflective white background, reflective brown border and symbol, and reflectorized words WINTER USE. For summer use trails, the sign shall have a reflectorized brown background, reflectorized white border and symbol, and reflectorized words SUMMER USE. For year around use trails, the sign shall be split in half with the upper half using the winter design and colors and the lower half using the summer design and colors.

Section 13. Section NR 64.14 (6) (d) 5. is amended to read:

NR 64.14 (6) (d) 5. All-terrain vehicle routes, areas, trails and bridges to be developed on publicly owned land or private land under a written easements, lease, permit, or other agreements for a minimum of 3 years or greater. The length of any easement, lease, permit or other agreement for the placement of a bridge on private land that is either developed or rehabilitated with funds under this chapter shall be for a period of at least 3 years if the total cost of the bridge is $50,000 or less. Any easement, lease, permit or other agreement for the placement of a bridge on private land that is either developed or rehabilitated shall be in writing. The length of any easement, lease, permit, or other agreement may be a factor in determining the amount of snowmobile trail funds to be awarded for a project.

Section 14. Section NR 64.14 (6) (d) 5. (Note) is created to read:

Section NR 64.14 (6) (d) 5. (Note) **NOTE:** The Off Road Vehicle Advisory Council will, at one of its duly-noticed meetings, consider public comment and criteria, and recommend to the department, leading to the establishment of minimum year lease requirements for bridge projects costing more than $50,000. These new recommendations may be established on a sliding scale based on total bridge cost. New minimum year recommendations for easement, lease, permit, or other agreement shall only be required of grant applicants if the department has given 90 days advanced written notice of the new recommendations. Posting of the new recommendations on the department's All-Terrain Vehicle (ATV) grant web page in conjunction with grant application forms and instructions constitutes written notice. The Council may meet with the Governor's Snowmobile Recreation Council to develop joint recommendations for easement criteria for joint snowmobile and ATV trails to the department. See online materials at http://dnr.wi.gov/org/caer/cfa/LR/ATV/atvtrails.html.

Section 15. Sections NR 64.14 (9) (ar) is created to read:

NR 64.14 (9) (ar) 1. Eligible costs for all-terrain vehicle bridge development and rehabilitation projects include the following: construction and replacement of entire structure including approaches and abutments, construction and repair to the superstructure of the bridge, construction and replacement of the entire deck and railings and construction and repair or construction and replacement of protective riprap around abutments or footings.

2. Costs that are not eligible for development and rehabilitation cost sharing include: construction and replacement of bridge railings only, decking and patching of decking, grading or minor repair to approaches, construction and bridge repairs to bring bridge structure within any existing codes, construction and reinforcement of bridge structures to accommodate weights in excess of 14,000 pounds and deck construction and replacement for the primary 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 14,000 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 14,000 pounds unless there are circumstances that warrant a capacity greater than 14,000 pounds for no demonstrated increase in cost.

Section 16. Section NR 64.14 (9) (d) is renumbered as s. NR 64.14 (9) (dg)

Section 17. Section NR 64.14 (9) (d) is created to read:

NR 64.14 (9) (d) Rehabilitation of troutes at 50%, excluding structures.

Section 18. Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2)(intro.), Stats.

Section 19. Board Adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____ .

Dated in Madison, Wisconsin _____ .

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

(SEAL)

BY _____
Cathy Stepp, Secretary