

**NOTICE TO PRESIDING OFFICERS  
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. LF-04-01

Legislative Council Rules Clearinghouse Number 01-011

Subject of Rules Public use of department lands

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\_\_\_\_\_  
\_\_\_\_\_

Date of Transmittal to Presiding Officers October 9, 2001

**Send a copy of any correspondence or notices pertaining to this rule to:**

**Carol Turner, Rules Coordinator  
DNR Bureau of Legal Services  
LS/5, 101 South Webster**

**Telephone: 266-1959  
e-mail: [turnec@dnr.state.wi.us](mailto:turnec@dnr.state.wi.us)**

**An electronic copy of the proposed rule may be obtained by contacting Ms. Turner**

## REPORT TO LEGISLATURE

NR 1 and 45, Wis. Adm. Code  
Public use of department lands

Board Order No. LF-04-01  
Clearinghouse Rule No. 01-011

### Statement of Need

This rule package was developed through a biennial process where Department staff review ch. NR 45 and propose revisions to address issues which have arisen on our properties. The proposed revisions are intended to protect the natural resources on Department properties, clarify existing rules and protect the health and safety of our visitors. The proposed rules would:

- Create a Board policy recognizing rock climbing as an established recreational use on a number of Department properties.
- Provide the Department the ability to regulate rock climbing activities, including authority to require climbing permits for groups, to restrict climbing on Department lands, and to prohibit, unless approved on a case-by-case basis, climbing in all except two state natural areas due to the unique resource values of this type of property.
- Allow the Department to issue citations for the use or possession of drug paraphernalia since the current rule prohibits the possession and use of marijuana, but not of drug paraphernalia.
- Prohibit paint ball activities on Department lands due to potential user conflicts and because of the incompatibility of these activities with the primary purpose of lands that have been purchased or managed with federal (sport fishing or wildlife restoration) money.
- Add a number of provisions specific to the Willow Flowage Scenic Waters Area which are consistent with the recently approved master plan or with accepted practices on the other northern flowage properties. Bicycles would be permitted in all areas except where posted, the current practice of people setting up equipment to save a camping site and not occupying the site would be prohibited, and the Willow would be added to the list of properties where fees would not be required. A rule revision would limit camping to 10 days and another rule revision would limit the number of people in the group sites to 15 to protect fragile vegetation and limit erosion on the sites.
- Modify rule provisions pertaining to the Black River State Forest to prohibit pets in the indoor group camps, require that group camp reservations can be accepted only for a minimum of 2 days on weekends, and add two sites within the forest to the list of vehicle admission fee areas.
- Clarify the current provision that the fee exemption at Peninsula State Park golf course is for golf course and club patrons only, so that other park users do not avoid payment of fees by parking in the golf course parking lot and entering the park from there.
- Authorize the Department to control the types of firearms legal for use at the Nevin Springs Fish and Wildlife Area. The intent is to create the ability to restrict hunting to bow and arrow, shotguns (with shot only) and muzzleloaders to help address safety concerns at this property,

located in the City of Fitchburg and rapidly being surrounded by development.

- Delete the reference in ch. NR 45 to the Old Wade House since the property has been transferred to the State Historical Society.
- Create a prohibition on jumping or diving from the adjacent cliffs into the St. Croix River at Interstate State Park in locations where injury is likely to result.

#### Modifications as a Result of Public Hearings

In response to public comments, a number of the rock climbing provisions were revised. Specifically, the rule would no longer authorize the Department to require climbing permits for individuals. The revised language only allows the Department to require permits for groups. Additionally, the language regarding authority to close areas to climbing has been revised to read "restrict" rather than "close". This was in response to a valid concern that other types of restrictions besides closure may be appropriate as well (closure is the most severe restriction).

The Department has decided not to advance the rule proposal to allow pets off-leash in designated pet swim areas. It was apparent from a significant number of comments received that many dog owners were asking not for the Department's proposal, but for additional off-leash upland areas adjacent to the water. A number of people also expressed their interest in seeing additional upland areas, not associated with water, where dogs could be off-leash. Because of potential for user conflicts and concerns about public safety and potential adverse effect on wildlife, this issue will be studied further by the Department.

#### Appearances at the Public Hearings and Their Position

April 24, 2001 – Wausau – no appearances

April 24, 2001 – Green Bay – no appearances

April 25, 2001 – Madison

#### In support:

Janet Vener, Dog Park Clean Up Committee, 6039 Hagen Hill Circle, Madison, WI 53718  
J. Peter Blawat, Dog Park Clean Up Committee, 1722 Sheridan Drive, Madison, WI 53704  
Dolores A. Kester, Dog Federation of Wisconsin, 5730 Taychopera Road, Madison, WI 53705  
Marlene Hardick, 709 Wheeler, Madison, WI 53704  
Scott Biba, 5963 Linda Court, Mazomanie, WI 53560  
Ron Hennings, Natural Areas Preservation Council, 6260 Sommer Valley Circle, DeForest, WI 53532

#### In opposition:

Scott Converse, 11635 Crestwood Drive, Edgerton, WI 53534

#### As interest may appear:

David Phillips, 6935 Old Sauk Road, Madison, WI 53717  
Shamane Mills, WI Public Radio, Vilas Hall, University Avenue, Madison, WI  
Matt Mullins, Wisconsin State Journal, 1901 Fish Hatchery Road, Madison, WI 53703  
Kevin Wundr, 4933 Knox Lane, Madison, WI 53711

### Response to Legislative Council Rules Clearinghouse Report

Comment 5.c. was inadvertently not incorporated into the final rule. Since the change does not affect the meaning of the proposed rule, the change will be incorporated the next time ch. NR 45 is revised. All other recommendations were accepted.

### Final Regulatory Flexibility Analysis

The proposed rule does not regulate businesses. Therefore, a final regulatory flexibility analysis is not required.

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

The State of Wisconsin Natural Resources Board proposes an order to repeal NR 45.12 (1)(c)5.; to amend NR 45.05(3)(e), 45.06(4)(f), 45.10(1)(k) and (4)(a) and 45.12(1)(b)2.b. and (c)6., , to repeal and recreate NR 45.13(22); and to create NR 1.33, 45.03(8f) and (16m), 45.04(1)(e), (3) (p), (q), (r) and (s), 45.08(5), 45.10(1)(n), (2m)(f), 45.12(1)(b) 2.e. and f. , 45.13(1)(e) and (8m) and 45.13(23) relating to public use of department lands.

LF-04-01

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 23.09(2)(intro.), 23.11(1), 23.28(3), 27.01(2)(j) and 227.11(2)(a), Stats.  
Statutes interpreted: ss. 23.09(2)(intro.), 23.28(3), 27.01(2) (i) and (j), and 28.03, Stats.

Chapter NR 45 contains the administrative rules for the use of Department properties. This chapter is reviewed and revisions proposed by Department staff every two years.

The rule creates a Board policy recognizing rock climbing and gives the Department authority to regulate climbing activities.

Current rules prohibit the possession and use of marijuana but do not contain a provision prohibiting drug paraphernalia. Currently the possession of drug paraphernalia would have to be charged as a crime under s. 961.573, Wis. Stats. This rule package contains a rule to allow the Department to issue citations for use or possession of drug paraphernalia.

A new rule would prohibit paint-ball activities on department lands. Currently there are no restrictions on paint-ball activities on most department lands except where all types of guns are prohibited (e.g. campgrounds).

New rules would add a number of provisions for the Willow Flowage scenic area consistent with the recently approved master plan or consistent with practices on the other northern flowage properties. There is language stating that bicycles are permitted in all areas except where posted. There is also a rule designed to eliminate the current practice of people setting up equipment to save a camping site and not occupying the site. New rules would also add the Willow Flowage to the list of properties where camping permits are not required and the payment of fees is waived. A rule revision will limit camping to 10 days consistent with the other northern flowages. A rule has been added for the Willow Flowage limiting the number of people in the group sites to 15 consistent with the master plan and to control campsite damage to the Willow Flowage's fragile and erosion prone campsites.

The rule package contains three rule changes pertaining to the Black River State Forest. One adds the Black River state forest to the properties prohibiting pets in the indoor group camps. Another one requires that group camp reservations only be accepted for a minimum of 2 days on the weekends. The third change is the addition of two sites within the forest to the vehicle admission area list.

There is also a revision to the rule which states that there is no vehicle admission fee charged for the Peninsula State Park golf course. The new rule states that the fee exemption is applicable only to golf course and clubhouse patrons.

Fishing will be prohibited in marked swimming beaches.

Authority is given to the Department to control the types of firearms legal for use at the Nevin Springs Fish and Wildlife Area in the City of Fitchburg.

A reference to the Old Wade House has been dropped from the rule because control over this property has been transferred to the State Historical Society.

Lastly, there is a new code which prohibits jumping or diving from the cliffs into the St. Croix River at Interstate park in locations likely to cause injury. This change parallels a recent National Park Service regulation.

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SECTION 1. NR 1.33 is created to read:

**NR 1.33 Policy on rock climbing.** Rock climbing is a traditional recreational activity that may occur on non-designated use areas on department lands, and is consistent with the department's mission to provide recreational opportunities to the public. Rock climbing should be considered in master planning for department properties which contain areas where rock climbing may occur.

SECTION 2. NR 45.03(8f) and (16m) are created to read:

**NR 45.03(8f)** "Climbing activity" includes any of the following:

(a) Ascending or descending steep rock walls, ice walls or artificial structures, usually with the assistance of specialized rock climbing equipment including ropes, webbing and carabiners.

(b) Practicing the use of specialized rock climbing equipment near the ground.

**(16m)** "Organized climbing group" means a group engaged in rock climbing activities that is organized, sponsored, transported or supervised by a school, university, youth group, club, social organization, church, business, guide service or similar organization.

SECTION 3. NR 45.04(1)(e) is created to read:

**NR 45.04(1)(e)** The department may, by posted notice, restrict climbing activities on any lands subject to this chapter. Notice of climbing restrictions shall be posted at the administrative office of the property and at the site where the climbing restrictions apply.

SECTION 4. NR 45.04(3)(p) to (s) are created to read:

**NR 45.04(3)(p)** *Possession of drug paraphernalia.* No person may use or possess drug paraphernalia as defined in s. 961.573(1), Stats.

(q) *Paint balls.* No person may possess or use paint balls, paint ball guns or any other type of paint ball or paint or dye marking equipment on department lands.

(r) *Climbing permits.* The department may require organized climbing groups to obtain a permit prior to engaging in rock climbing activities. Permit requirements shall be posted at the

administrative office for the property subject to the permit requirement. The department may use the permit to limit the number of climbers and the time, manner and location of the climbing. No climbing group or member of a climbing group may engage in climbing activities without a permit or contrary to permit conditions when at a location subject to a permit requirement.

(s) *Climbing.* No person may engage in climbing activities, including the attachment of climbing anchors, on buildings, towers and boardwalks and other similar structures.

SECTION 5. NR 45.05(3)(e) is amended to read:

**NR 45.05(3)(e) Bicycles.** Except where provided in this chapter, bicycles are prohibited on all department lands except on public highways and areas or trails posted for their use. Bicycles are permitted in all areas, except where posted against such use, on the northern state forests and the Turtle-Flambeau and the Willow flowage scenic waters area areas.

SECTION 6. NR 45.06(4)(f) is amended to read:

(4)(f) Pets are prohibited in the indoor group camps and related facilities at Wyalusing state park, Kettle Moraine state forest – northern unit ~~and~~ the MacKenzie environmental center and the Black River state forest.

SECTION 7. NR 45.08(5) is created to read:

**NR 45.08(5)** No person may fish in any marked swimming beach in any state park, state recreation area or state forest.

SECTION 8. NR 45.10(1)(k) is amended to read:

**NR 45.10(1)(k)** Camping permits are not required and payment of camping fees are waived when camping on state-owned islands in the Mississippi river or state-owned islands or sandbars in the Lower Wisconsin state riverway, on state-owned islands outside state forest boundaries when the island is posted open to camping, designated watercraft campsites on the Willow flowage and designated watercraft campsites in the northern state forests, Turtle-Flambeau scenic ~~water~~ waters area or Chippewa flowage.

SECTION 9. NR 45.10(1)(n) is created to read:

**NR 45.10(1)(n)** When camping at designated campsites at the Willow flowage or designated watercraft campsites at the Turtle-Flambeau scenic waters area, the campsite shall be occupied by the camping party on the first night camping equipment occupies the site, and the campsite may not be left unoccupied by the camping party for more than one night thereafter.

SECTION 10. NR 45.10(2m)(f) is created to read:

**NR 45.10(2m)(f)** No more than one camping party may occupy a single group campsite and no camping party may exceed 15 persons on the Willow Flowage scenic waters area.

SECTION 11. NR 45.10(4)(a) is amended to read:

**NR 45.10(4)(a)** Group camp reservations for Wyalusing and the Black River state forest shall be accepted only for a minimum of 2 days on weekends.

SECTION 12. NR 45.12(1)(b)2.b. is amended to read:

**NR 45.12(1)(b)2.b.** East fork campground and picnic area

SECTION 13. NR 45.12(1)(b)2.e. and 2.f. are created to read:

**NR 45.12(1)(b)2.e.** East Fork indoor group camp and parking area

**2.f.** East Fork Horse campgrounds

SECTION 14. NR 45.12(1)(c)5. is repealed.

SECTION 15. NR 45.12(1)(c)6. is amended to read:

**NR 45.12(1)(c)6.** Peninsula state park golf course (May 1 through October 31); applies to golfers and clubhouse patrons only

SECTION 16. NR 45.13(1)(e) and (8m) are created to read:

**NR 45.13(1)(e)** No person may engage in rock climbing except at the Dalles of the St. Croix state natural area in Interstate state park and the East Bluff state natural area at Devil's Lake state park, or other areas where the management plan allows rock climbing and in which climbing is allowed by posted notice.

**(8m) INTERSTATE STATE PARK.** No person may jump or dive into the St. Croix river from the park boat ramp upstream to the highway 8 bridge.

SECTION 17. NR 45.13(22) is repealed and recreated to read:

**NR 45.13(22) NEVIN SPRINGS FISH AND WILDLIFE AREA.** The department may by posted notice restrict the use of center-fire and rim-fire rifles, handguns and shotguns with slugs.

SECTION 18. NR 45.13(23) is created to read:

**NR 45.13(23) WILLOW FLOWAGE SCENIC WATERS AREA.** Camping is restricted to 10 days at designated campsites.



The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 26, 2001.

The rules shall take effect on January 1, 2002 as provided by s. 227.22(2)(b), Stats.

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Darrell Bazzell, Secretary

(SEAL)

WISCONSIN LEGISLATIVE COUNCIL STAFF



**RULES CLEARINGHOUSE**

**Ronald Sklansky**  
Director  
(608) 266-1946



**Terry C. Anderson, Director**  
Legislative Council Staff  
(608) 266-1304

**Richard Sweet**  
Assistant Director  
(608) 266-2982

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 01-011**

AN ORDER to repeal NR 45.12 (1) (c) 5.; to amend NR 45.05 (3) (e), 45.06 (2) and (4) (f), 45.10 (1) (k) and (4) (a) and 45.12 (1) (b) 2. b. and (c) 6.; to repeal and recreate NR 45.13 (22); and to create NR 1.33, 45.03 (8f) and (16m), 45.04 (1) (e) and (3) (p), (q), (r) and (s), 45.08 (5), 45.10 (1) (n) and (2m) (f), 45.12 (1) (b) 2. e. and f., 45.13 (1) (e) and (8m) and 45.13 (23), relating to public use of department lands.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-06-01 RECEIVED BY LEGISLATIVE COUNCIL.  
02-27-01 REPORT SENT TO AGENCY.

RS:AS:jal;tlu

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

Ronald Sklansky  
Director  
(608) 266-1946

Richard Sweet  
Assistant Director  
(608) 266-2982



Terry C. Anderson  
Director  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

## CLEARINGHOUSE RULE 01-011

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 2. Form, Style and Placement in Administrative Code

a. In s. NR 45.03 (8f) (intro.), the phrase "any of" should be inserted after the word "includes."

b. In ss. NR 45.05 (3) (e) and 45.06 (4) (f), "and" should be replaced with "and". New underscored material always follows stricken material. [See s. 1.06 (1), Manual.]

#### 4. Adequacy of References to Related Statutes, Rules and Forms

In the treatment clauses for SECTIONS 14 and 15, a period should follow the subdivision number.

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. NR 1.33, "could" in the last sentence should be replaced with "may."

b. In s. NR 45.04 (1) (e), in the first sentence, "activities" should be inserted following "climbing." In the last sentence, "of the climbing closure" should be replaced with "that is closed to climbing."

c. In s. NR 45.04 (3) (p), "as defined in" should be replaced with "in violation of."

d. In s. NR 45.05 (3) (e), "and" should not be stricken and a comma should not be inserted because both the Turtle-Flambeau and the Willow flowage are scenic water areas.

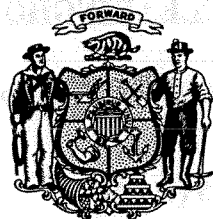
e. In s. NR 45.10 (1) (k), a hyphen should be inserted between "state" and "owned" in the first sentence.

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RS:AS:jal;tlu

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1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

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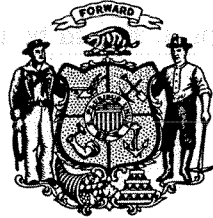
Comment Attached      YES       NO

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Ronald Sklansky  
Director  
(608) 266-1946

Richard Sweet  
Assistant Director  
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b. In s. NR 45.04 (1) (e), in the first sentence, "activities" should be inserted following "climbing." In the last sentence, "of the climbing closure" should be replaced with "that is closed to climbing."

c. In s. NR 45.04 (3) (p), "as defined in" should be replaced with "in violation of."



d. In s. NR 45.05 (3) (e), "and" should not be stricken and a comma should not be inserted because both the Turtle-Flambeau and the Willow flowage are scenic water areas.

e. In s. NR 45.10 (1) (k), a hyphen should be inserted between "state" and "owned" in the first sentence.

Report to  
Legislative Council Rules Clearinghouse  
NR 1 and 45, Wis. Adm. Code  
Natural Resources Board Order No. LF-04-01

Wisconsin Statutory Authority

ss. 23.09(2)(intro.), 23.11(1), 23.28(3), 27.01(2)(j) and 227.11(2)(a), Stats., interpreting ss. 23.09(2)(intro.), 23.28(3), 27.01(2)(l) and (j) and 28.03, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Chapter NR 45 contains the administrative rules for the use of Department properties and applies to lands and facilities owned, acquired by easement or leased by the Department. Perhaps the most significant proposed change to the rule is the addition of provisions related to rock climbing on Department lands. About 2 years ago, concerns about environmental damage and user conflicts led the Department to close an area at Devils Lake State Park. The proposed rule is intended to provide direction for the Department to deal with these concerns. Because rock climbing is an established recreational use on a number of properties, ch. NR 1 is being amended to add the Natural Resources Board policy on rock climbing.

Other changes include allowing the Department to restrict the use of firearms on the Nevin Springs Fish and Wildlife Area, prohibiting jumping or diving into the St. Croix River off the cliffs at Interstate State Park; prohibiting fishing from designated beach areas and prohibiting paint-ball activities on Department land.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Liaisons

Kate Fitzgerald, Bureau of Facilities and Lands – 267-2764  
Michael Lutz, Bureau of Legal Services – 267-7456  
Carol Turner, Bureau of Legal Services - 266-1959

Submitted on February 6, 2001

**FISCAL ESTIMATE**  
DOA-2048 N(R10/94)

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

Subject

Revisions to Chapters NR 1 and NR 45

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation       Increase Existing Revenues
- Decrease Existing Appropriation       Decrease Existing Revenues
- Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget       Yes       No

Decrease Costs

Local:  No local government costs

- 1.  Increase Costs  
 Permissive       Mandatory
- 2.  Decrease Costs  
 Permissive       Mandatory

- 3.  Increase Revenues  
 Permissive       Mandatory
- 4.  Decrease Revenues  
 Permissive       Mandatory

5. Types of Local Government Units Affected:

- Towns       Villages       Cities
- Counties       WTCS Districts
- School Districts       Others

Fund Sources Affected

GPR     FED     PRO     PRS     SEG     SEG-S

Affected Ch. 20 Appropriations

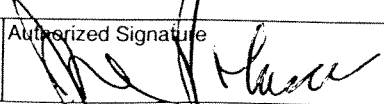
Assumptions Used in Arriving at Fiscal Estimate

**SUMMARY OF BILL/RULE** - This rule package amends Chapters 1 (Natural Resources Board Policies) and 45. NR 45 contains the regulations for use of facilities or lands owned, acquired by easement or leased by the Department. This package includes a Board Policy expressing general support for rock climbing and an addition to NR 45 to include rock climbing regulations. The package also contains a number of safety related proposals including a provision to allow the Department to restrict the use of centerfire and rimfire rifles, handguns or shotguns with slugs on Nevin Fish and Wildlife area. The also a rule that would prevent people from jumping or diving into the St. Croix River at Interstate State Park and a proposed rule prohibiting fishing in designated beach areas. Also in the package is a proposed rule to allow the Department to issue citations for use or possession of drug paraphernalia. The current rule which states that dogs shall not be prohibited or restricted for hunting purposes in any area open for hunting is being proposed to be amended to state that the use of dogs shall not be restricted or prohibited in designated pet swim areas. A new rule would prohibit paint-ball activities on Department lands. Other proposed amendments include provisions for the Willow Flowage which allows bicycle useage except where posted; limits camping to 10 days; and requires that campsites be occupied the the camping party on the first night camping equipment occupies the site and states that the site may not be left unoccupied for more than one night thereafter. The package adds two vehicle admission areas to Black River State Forest and clarifies that the fee exemption for the Peninsula State Park golf course is only for golfers and clubhouse patrons. Other proposed rule changes for Black River State Forest would prohibit pets in the indoor group camp and place a minimum two day restriction on group camp reservations on weekends.

**FISCAL IMPACT**

No significant impact. Most of the provisions in NR 45 which are being created or amended are activities which are either an integral part of the day-to-day work of existing staff or would be incorporated in to work activities. The only provisions that would have slight positive fiscal impacts are those being proposed related to defining vehicle fee areas at Black River Forest and clarifying that the fee exemption for Peninsula State Park golf course parking lot only applies to golfers and clubhouse patrons. The exact amount of revenue generated from these changes would be difficult to quantify and would be so insignificant that it has been included as "0" on the fiscal estimate worksheet. Correspondingly, any costs are likely to be insignificant and would likewise be difficult to estimate accurately.

Long-Range Fiscal Implications  
None

Agency	Prepared By	Phone No.	Authorized Signature	Phone No.	Date
DNR	Joe Polasek	(608) 266-2794		(608) 266-2794	12/19/2000

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

The State of Wisconsin Natural Resources Board proposes an order to repeal NR 45.12 (1)(c)5.; to amend NR 45.05(3)(e), 45.06(2) and (4)(f), 45.10(1)(k) and (4)(a) and 45.12(1)(b)2.b. and (c)6., , to repeal and recreate NR 45.13(22); and to create NR 1.33, 45.03(8f) and (16m), 45.04(1)(e), (3) (p), (q), (r) and (s), 45.08(5), 45.10(1)(n), (2m)(f), 45.12(1)(b) 2.e. and f. , 45.13(1)(e) and (8m) and 45.13(23) relating to public use of department lands.

LF-04-01

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 23.09(2)(intro.), 23.11(1), 23.28(3), 27.01(2)(j) and 227.11(2)(a), Stats.  
Statutes interpreted: ss. 23.09(2)(intro.), 23.28(3), 27.01(2) (i) and (j), and 28.03, Stats.

Chapter NR 45 contains the administrative rules for the use of Department properties. This chapter is reviewed and revisions proposed by Department staff every two years.

The rule creates a Board policy recognizing rock climbing and gives the Department authority to regulate climbing activities.

Current rules prohibit the possession and use of marijuana but do not contain a provision prohibiting drug paraphernalia. Currently the possession of drug paraphernalia would have to be charged as a crime under s. 961.573, Wis. Stats. This rule package contains a rule to allow the Department to issue citations for use or possession of drug paraphernalia.

A new rule would prohibit paint-ball activities on department lands. Currently there are no restrictions on paint-ball activities on most department lands except where all types of guns are prohibited.(e.g. campgrounds)

New rules would add a number of provisions for the Willow Flowage scenic area consistent with the recently approved master plan or consistent with practices on the other northern flowage properties. There is language stating that bicycles are permitted in all areas except where posted. There is also a rule designed to eliminate the current practice of people setting up equipment to save a camping site and not occupying the site. New rules would also add the Willow to the list of properties where camping permits are not required and the payment of fees is waived. A rule revision will limit camping to 10 days consistent with the other northern flowages. A rule has been added for the Willow flowage limiting the number of people in the group sites to 15 consistent with the master plan and to control campsite damage to the Willow's fragile and erosion prone campsites.

The rule package contains three rule changes pertaining to the Black River State Forest. One adds the Black River state forest to the properties prohibiting pets in the indoor group camps. Another one requires that group camp reservations only be accepted for a minimum of 2 days on the weekends. The third change is the addition of two sites within the forest to the vehicle admission area list.

There is also a revision to the rule which states that there is no vehicle admission fee charged for the Peninsula State Park golf course. The new rule states that the fee exemption is applicable only to golf course and clubhouse patrons.

Fishing will be prohibited in marked swimming beaches. Dogs will be allowed "off leash" at designated pet swim areas.

Authority is given to the Department to control the types of firearms legal for use at the Nevin Springs Fish and Wildlife Area in the City of Fitchburg.

A reference to the Old Wade House has been dropped from the rule because control over this property has been transferred to the State Historical Society.

Lastly, there is a new code which prohibits jumping or diving from the cliffs into the St. Croix River at Interstate park in locations likely to cause injury. This change parallels a recent National Park Service regulation.

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SECTION 1. NR 1.33 is created to read:

**NR 1.33 Policy on rock climbing.** Rock climbing is a traditional recreational activity that may occur on non-designated use areas on department lands, and is consistent with the department's mission to provide recreational opportunities to the public. Rock climbing should be considered in master planning for department properties which contain areas where rock climbing could occur. (3)

SECTION 2. NR 45.03(8f) and (16m) are created to read:

**NR 45.03(8f)** "Climbing activity" includes <sup>any</sup> the following:

(a) Ascending or descending steep rock walls, ice walls or artificial structures, usually with the assistance of specialized rock climbing equipment including ropes, webbing and carabiners.

(b) Practicing the use of specialized rock climbing equipment near the ground.

**(16m)** "Organized climbing group" means a group engaged in rock climbing activities that is organized, sponsored, transported or supervised by a school, university, youth group, club, social organization, church, business, guide service or similar organization.

SECTION 3. NR 45.04(1)(e) is created to read:

**NR 45.04(1)(e)** The department may, by posted notice, close to climbing any lands subject to this chapter. No person may climb within an area posted against climbing by the department. Notice of climbing closures shall be posted at the administrative office of the property and at the site of the climbing closure.

*what is  
meant by  
climbing*

SECTION 4. NR 45.04(3)(p), (q), (r) and (s) are created to read:

**NR 45.04(3)(p) Possession of drug paraphernalia.** No person may use or possess drug paraphernalia ~~as defined in s. 961.573(1), Stats.~~ (5)

**(q) Paint balls.** No person may possess or use paint balls, paint ball guns or any other type of paint ball or paint or dye marking equipment on department lands.

**(r) Climbing permits.** The department may require organized climbing groups or individuals to obtain a permit prior to engaging in rock climbing activities. Permit requirements shall be posted at the administrative office for the property subject to the permit requirement. The department may use the permit to limit the number of climbers and the time, manner and location of the climbing. No person may engage in climbing activities without a permit or contrary to permit conditions when at a location subject to a permit requirement.

**(s) Climbing.** No person may engage in climbing activities, including the attachment of climbing anchors, on buildings, towers and boardwalks and other similar structures.

SECTION 5. NR 45.05(3)(e) is amended to read:

**NR 45.05(3)(e) Bicycles.** Except where provided in this chapter, bicycles are prohibited on all department lands except on public highways and areas or trails posted for their use. Bicycles are permitted in all areas, except where posted against such use, on the northern state forests, ~~and~~ the Turtle-Flambeau and the Willow flowage scenic waters area areas. (5)

SECTION 6. NR 45.06(2) and (4)(f) are amended to read:

**NR 45.06(2)** Nothing in this section shall prohibit or restrict the use of dogs in designated pet swim areas or for hunting purposes in any area which is open to hunting. The use of dogs for dog trials and dog training shall be restricted to areas designated by the property superintendent under permit procedures established in ch. NR 17.

**(4)(f)** Pets are prohibited in the indoor group camps and related facilities at Wyalusing state park, Kettle Moraine state forest – northern unit, ~~and~~ the MacKenzie environmental center and the Black River state forest. (5)

SECTION 7. NR 45.08(5) is created to read:

**NR 45.08(5)** No person may fish in any marked swimming beach in any state park, state recreation area or state forest.

SECTION 8. NR 45.10(1)(k) is amended to read:

**NR 45.10(1)(k)** Camping permits are not required and payment of camping fees are waived when camping on state-owned islands in the Mississippi river or state-owned islands or sandbars in the Lower Wisconsin state riverway, on state-owned islands outside state forest boundaries when the island is posted open to camping, ~~designated watercraft campsites~~ on the Willow flowage and designated watercraft campsites in the northern state forests, Turtle-Flambeau scenic ~~water~~ waters area or Chippewa flowage.

SECTION 9. NR 45.10(1)(n) is created to read:

**NR 45.10(1)(n)** When camping at designated campsites at the Willow flowage or designated watercraft campsites at the Turtle-Flambeau scenic waters area, the campsite shall be occupied by the camping party on the first night camping equipment occupies the site, and the campsite may not be left unoccupied by the camping party for more than one night thereafter.

SECTION 10. NR 45.10(2m)(f) is created to read:

**NR 45.10(2m)(f)** No more than one camping party may occupy a single group campsite and no camping party may exceed 15 persons on the Willow Flowage scenic waters area.

SECTION 11. NR 45.10(4)(a) is amended to read:

**NR 45.10(4)(a)** Group camp reservations for Wyalusing and the Black River state forest shall be accepted only for a minimum of 2 days on weekends.

SECTION 12. NR 45.12(1)(b)2.b. is amended to read:

**NR 45.12(1)(b)2.b.** East fork campground and picnic area.

SECTION 13. NR 45.12(1)(b)2.e. and 2.f. are created to read:

**NR 45.12(1)(b)2.e.** East Fork indoor group camp and parking area.

**2.f.** East Fork Horse campgrounds.

SECTION 14. NR 45.12(1)(c)~~5~~<sup>6</sup> is repealed.

SECTION 15. NR 45.12(1)(c)~~6~~<sup>7</sup> is amended to read:

**NR 45.12(1)(c)6.** Peninsula state park golf course (May 1 through October 31); applies to golfers and clubhouse patrons only.

SECTION 16. NR 45.13(1)(e) and (8m) are created to read:

**NR 45.13(1)(e)** No person may engage in rock climbing except at the Dalles of the St. Croix state natural area in Interstate state park and the East Bluff state natural area at Devil's Lake state park, or other areas where the management plan allows rock climbing and in which climbing is allowed by posted notice.

**(8m) INTERSTATE STATE PARK.** No person may jump or dive into the St. Croix river from the park boat ramp upstream to the highway 8 bridge.

SECTION 17. NR 45.13(22) is repealed and recreated to read:

**NR 45.13(22) NEVIN SPRINGS FISH AND WILDLIFE AREA.** The department may by posted notice restrict the use of center-fire and rim-fire rifles, handguns and shotguns with slugs.

SECTION 18. NR 45.13(23) is created to read:

**NR 45.13(23) WILLOW FLOWAGE SCENIC WATERS AREA.** Camping is restricted to 10 days at designated campsites.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on \_\_\_\_\_.

The rules shall take effect on January 1, 2002, as provided by s. 227.22(2)(b), Stats.

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)

NR45rev6