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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

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COMMITTEE NOTICES ...

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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
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* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

**State of Wisconsin
Department of Natural Resources**

**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:

Board Order No.: LF-05-10
Clearinghouse Number CR10-042
Subject of Rules: Use of Department Properties
Date of Transmittal: August 26, 2010

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

**Linda Haddix
Department Rules Coordinator
101 South Webster, LS/8
P O Box 7921
Madison, WI 53707-7921**

**An electronic copy of the proposed rules submittal may be obtained by
contacting: Linda.haddix@wisconsin.gov**

REPORT TO LEGISLATURE
NR 45, Wis. Adm. Code

Board Order No. LF-05-10
Clearinghouse Rule No. CR10-042

Basis and Purpose of the Proposed Rule

Ch. NR 45 contains the Administrative Rules for the use of Department properties and applies to lands and facilities that are owned, acquired by easement, or leased by the Department. Every two years, Department staff review NR 45 and suggest revisions to ensure health and safety, protect natural resources, clarify existing regulations, and adjust fees.

Changes are being proposed to clarify, simplify or improve existing rules. A number of changes are proposed to improve visitor safety and resource protection. Some of these proposals would apply to all Department properties, and others are specific to individual properties where specific safety or other concerns have been identified. Increases are proposed in certain camping and other user fees for state parks and forests.

Summary of the Proposed Rule:

Proposals that would affect existing policy

The proposal allows removal of invasive plant species from state property without a permit designed to assist the Department in efforts to control the spread of these species and foster biodiversity.

Clarification that the collection of fruits and other edible plants is permitted for personal rather than commercial purposes is designed to avoid over-collection and resource depletion while still allowing individuals to pick plants such as berries, fruits, asparagus and mushrooms for personal consumption.

Under the current code, picking edible plants on state natural areas is generally prohibited. The proposed code change would also eliminate the prohibition on collecting edible fruits, nuts, mushrooms, and other specified edible plants from state natural areas for consistency among Department properties.

Prohibiting the collection of driftwood and other dead and down wood located below the ordinary high water mark for campfire usage on the Northern flowages is designed to retain wood on the beds of water bodies to protect habitat and natural scenic beauty.

The provision to limit camping numbers on the group campsites on the Turtle-Flambeau Scenic Waters Area will help protect the natural features of the sites and is consistent with the existing limits on other northern flowage properties.

The slow-no-wake proposal on the "narrows" of the Dells of the Wisconsin River State Natural Area is needed to protect public safety and provide consistency with the property's master plan. Since this area is part of a state natural area, authority for the creation of the slow-no-wake area comes from s. 23.28(3), Stats., which authorizes the state to control uses in designated state natural areas.

The proposal to prohibit the launching and removal of motorized watercraft at certain designated launch sites within Department properties is intended as a tool for implementing the property's master plan when the plan has determined that motorized watercraft are not consistent with the use of the area, and the ecological characteristics of the water body. Typically these water bodies are classified as wilderness or wild lakes during the planning process. Depending on the characteristics of the water body and surrounding area, the master plan may limit the prohibition to gasoline motors and still allow the launching/removal of boats with electric motors. Nothing in this rule would prohibit the launching or removal of motor boats from non-Department owned landings.

A rule is being proposed which would allow the Department to designate roads within Northern state forest properties as ATV routes when the use is authorized in the property master plan. This would modify an existing established use on the Flambeau River State Forest, and establish future authority on other northern state forests if the route is established as part of the property master plan.

Park rangers currently can evict problem visitors or campers from their "individual property". As a result, evicted violators often leave one park only to enter or register to camp at another state park or forest and create law enforcement problems at that property. The amended code provision would state that person(s) that is evicted may not return to the property or any other state park, forest or recreation area for 48 hours or for the period of their camping permit, whichever is longer. This would stop the problem of just moving one problem group of day users or campers from one state property to another.

It is currently illegal to possess a firearm, air gun or bow at state parks unless the gun is unloaded and enclosed in a carrying case or a person is engaged in a legal hunting activity at that park. The Glacial Drumlin State Trail is considered to be part of the state park system under s. 23.175(2)(a), Stats. Where the trail is within or adjacent to lands that are part of the Lake Mills Wildlife Area, Jefferson County, this rule would allow a person to cross, but not hunt from, the Glacial Drumlin State Trail without having to unload or enclose their firearm, air gun, cross bow or bow in a carrying case. Allowing this practice will be a convenience to people who are engaged in legal hunting activities on either side of this trail and who want to cross.

Closed hours are being proposed for the recently acquired Gibraltar Rock State Natural Area due to a history of off-hours public use and injuries/deaths by falling from the sheer cliffs prior to state ownership.

Fee proposals

Changes to state park and forest camping fees and fee structure- There is a proposal to categorize all state forest campgrounds as Type "A" campgrounds to align more closely with state park camping fees for forest campgrounds with similar amenities to those provided within the park system. This will allow for an increase in fees per s. 27.01(10), Stats. There are also proposals to add Rock Island State Park and five high use campgrounds with greater amenities within the Northern Highland American Legion State Forest and Black River State Forest into the high demand category resulting in an additional \$3.00 per campsite per night charge.

There is also a proposal to repeal the specified rates for renting entire campgrounds at Devil's Lake State Park and utilize the fee authority in s. 27.01(10), Stats. This provision was originally promulgated to provide a reduced rate to a specific user group. The group continues to use the campground once per year but the use has expanded considerably and the nature of the event has changed. Eliminating the existing NR 45 language will provide more flexibility to the Department so that fees charged can vary depending upon the number of campsites and accommodations required by this group and give the Department the ability to rent out any remaining sites not used by the group. The Department will likely be able to better accommodate specific needs of the group by utilizing a special events/use license which would contain specific details on the concessions and amenities that the group requires.

It is likely that any resulting increase in fees will be able to be absorbed by the group as the fees paid in a given year will be tied to occupancy levels and accommodations needed.

Other proposed fee increases:

A code revision is being proposed to increase the commercial use permit fee from \$30.00 to \$50.00.

Also being proposed is a fee structure for use of the new outdoor group camp at Council Grounds State Park and an increase in fees for use of the indoor group camp at Wyalusing State Park.

A fee structure for boat moorage and special events at the newly established Lakeshore State Park is also included in this rule revision proposal.

Fees are also being proposed for special event permits and boat moorage at Lakeshore State Park.

Other miscellaneous changes

Create rules for Straight Lake State Park required for implementing provisions of the recently adopted master plan including a ban on glass containers, prohibition of motorboats on Straight Lake and Rainbow Lake, and a prohibition on gasoline powered ice augers on the property

Add the Coulee Experimental Forest to the definition of northern forest properties per NR 45.03(15) and amend a rule to prohibit fires on the Coulee Experimental Forest.

Modify the existing practice of requiring a vehicle admission sticker at Parfrey's Glen State Natural Area.

Eliminate code language relating to fee waivers for state park admission for holders of the National Park Service pass program. Waivers would be given utilizing general statutory authority and guidance found in internal policy documents

Modify the current rules posted at Yellowstone Lake Wildlife Area's shooting range.
Create rules governing marina operation and boat mooring at Lakeshore State Park

Prohibit target shooting within the Thornapple River Sturgeon Spawning property in Rusk County for public safety.

Amend a rule governing use of Parfrey's Glen State Natural Area to allow people to explore beyond the end of the designated trail to address the loss of an established trail due to flooding.

Add a technical correction to clarify that concessions or special events are covered by contractual agreements rather than commercial use permits.

Update the list of fee areas on the state forests (adding some, and deleting others).

Allow camping on sandbars on the Lower Chippewa River within a specified geographic area, require that camping be accessible by water only, and create length of stay restrictions.

Modify the existing rules for operating the marina at Lakeshore State Park

Summary of Public Comments

At the March 2010 meeting, the Natural Resources Board gave approval to hold public hearings on this rule package related to the use of Department properties. The Department held the public hearings in May in Madison and Woodruff. Comments were also solicited utilizing the Department's internet site, pertinent "Gov delivery" distribution lists, and through the Administrative Rules web site system.

Camping fee increase proposals and the slow-no-wake proposal on the Wisconsin River received media coverage.

The two public hearings were very lightly attended with seven people registering at the Madison hearing, and two in Woodruff. Fifteen additional comments were received on the rule package.

Based on the number of comments, the slow-no-wake proposal is the issue of greatest public interest. This summary includes comments on the proposed rule as well as those in response to the recent adoption of the emergency rule. Support for the slow-no-wake zone included correspondence from City of Wisconsin Dells Mayor Eric Helland, the Juneau County Sheriffs Office Boat Patrol Program, an Adams County Supervisor, from the "Stewards of the Dells of the Wisconsin River," which contained multiple signatures in support of the slow-no-wake proposal as well as an oral statement. Three other individuals sent letters of support. Two individuals sent letters opposing the creation of the slow-no-wake zone. One of the individuals expressed preference for a speed limit instead and the other expressed concern stating that a slow-no-wake zone would be dangerous during storm conditions.

Nine comments were received at the emergency rule hearing for the slow-no-wake area in Wisconsin Dells on June 22, with six individuals in support, and three with concerns that were satisfied.

The proposed rule pertaining to the slow no wake provision on the Wisconsin River has been changed from 3,100 feet to 3,700 feet and the GPS coordinates have been adjusted based on more accurate mapping data. The proposed permanent rule language, and the distance and the coordinates of the slow-no-wake area are consistent with the emergency rule currently in effect.

A total of six comments were received in response to the proposed camping fee increases. Three individuals supported the increase; three were opposed. One commenter expressed support for a fee differential and preferential reservation for in-state residents. Non-resident differential was not proposed in the hearing draft or discussed at hearings and is a matter beyond the scope of this rulemaking. One of the comments against the fee increase was specific to the increased fee for Rock Island State Park; however, due to the remote location of the park and the need to ship in all materials and staff by boat, this is the most expensive state park to operate. The selective increases in this rule proposal make fees more equitable as well as helping to avoid more general fee increases affecting a larger number of users. The fact that so few comments were received on a fee increase for such a popular recreational pursuit may be an indication that there is recognition that users need to contribute as necessary to help offset costs and that camping in state parks and forests still represent a relatively affordable recreation experience.

As a result, the department continues to recommend the selective fee increases as proposed.

A few comments were also received in support of the provision which would allow picking of invasive plants without a permit. One individual spoke at the Madison hearing in favor of the proposed rules for the shooting range at the Yellowstone Lake Wildlife Area, and three others registered in support of the range rules.

A sentence in the proposed rule designed to prevent driftwood collection on northern flowage properties was revised based on a suggestion received during the public comment period. This wording change provides clarity regarding collection of firewood for campfires from upland areas.

Modifications Made

The Department evaluated all comments. Only one change was made to the rule package based on public comment and this was a minor wording change related to campfire wood collection (Section 8.). The only other changes made to the proposed rule after approval to hold public hearings, were changes to the slow-no-wake provision. These changes involved a change in distance of the area covered from 3,100 feet to 3,700 feet and the corresponding adjustments to the GPS coordinates. This was based on more accurate data from computer based mapping. These changes are consistent with the language promulgated in the emergency rule which is now in effect.

Appearances at the Public Hearings

DNR Central Office, Madison, WI May 17, 2010. Seven people attended

In Support:

Bill Federbusch, Red Wing, MN
Mike Gould, Darlington, WI

As interest may appear:

James Kinder, Wisconsin Dells, WI
Colin Sweeney, Madison, WI
Dave Breunig, Darlington, WI
Barry King, Darlington, WI
Brenda Syvrud, Blanchardville, WI

Woodruff Town Hall, Woodruff, WI May 18, 2010. Two people attended

In Opposition to fee increases only:
Ed Fuhrman, Hazelhurst, WI
Jan Fuhrman, Hazelhurst, WI

Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or fiscal estimate as a result of the public hearing process.

Response to Legislative Council Rules Clearinghouse Report

All required technical changes have been made.

Final Regulatory Flexibility Analysis

This is a Type III action under Chapter 150, Wis. Adm. Code, and neither an environmental impact statement nor an environmental assessment is required.

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

The State of Wisconsin Natural Resources Board proposes an order to repeal NR 45.12(1)(b)1., 45.12(1)(f)1., 45.12(2)(a)2., 45.12(2)(c)2., and 45.12(2)(c)4.; to renumber NR 45.04(1)(a)2. and 3., 45.12(1)(b)2. to 7., 45.13(8g); to amend NR 45.03(9i), 45.03(15), 45.04(1)(a)1., 45.04(3)(b), 45.04(3)(f)1., 45.07, 45.09(5)(intro) and (5)(a), 45.10(1)(m) and (n), 45.10(2m)(f), 45.11(2)(c), 45.12(1)(b)7., 45.12(1)(d), 45.12(1)(d)5l., 45.12(2)(a)1., 45.12(2)(b)3., 45.12(2)(b)4., 45.12(2)(c)3.b., 45.12(4)(k), 45.13(1)(c), 45.13(2), 45.13(2)(b), 45.13(2)(c); to repeal and recreate NR 45.13(26); to create NR 45.03(3m), 45.03(18k), 45.04(1)(a)2., 45.04(3)(v), 45.05(3)(h), 45.09(10), 45.10(1)(a)6., 45.11(4)(zb), 45.11(10), 45.12(1)(d)54., 45.12(2)(b)5.p., 45.12(2)(b)5.q., 45.12(2)(c)5., 45.13(1m)(d), 45.13(11m), 45.13(13m), and 45.13(27) relating to the use of department properties.

LF-05-10

Statutes Interpreted: ss. 23.091, 23.09(2)(intro), 23.11(4), 23.17, 23.175, 23.28(3), 23.293, 23.33(4)(b), 27.01(2)(i) and (j), 27.01(10)(f) and 28.04(2), Stats.

Statutory Authority: ss. 23.091, 23.09(2)(intro), 23.11(1), 23.28(3), 23.293, 27.01(2)(j), 27.01(10)(b) and (f), 227.11(2)(a) and 23.33(4)(b), Stats.

Explanation of Agency Authority: In addition to the general authority granted by s. 227.11(2)(a), Stats., to implement and interpret its statutory authority, the Department of Natural Resources has specific grants of rule making authority in chs. 23 and 27, Stats., to manage its properties.

Related statute or rule: All Wisconsin DNR property management regulations are found in this chapter.

Plain Language Analysis: Chapter NR 45 is the principal rule governing the conduct of visitors to the properties and facilities owned, acquired by easement, or leased by the Department. This chapter is reviewed and revisions proposed by staff on a regular basis. This rule revision contains a number of fee and policy changes relative to camping and other uses of Department land. The increased fees are needed to address the continued costs of providing quality services.

Rules are amended to clarify that collection of edible plants without a permit is for personal consumption, to clarify the term "edible fruits" and to remove the prohibition on collecting edible fruit on state natural areas.

The Coulee Experimental state forest has been added to the definition of "northern state forests" so that the property is covered by the code provisions governing the northern state forests. A rule is being amended to prohibit fires on the Coulee Experimental state forest.

A rule is created to make it permissible to remove invasive plants without a permit.

A rule is created to prohibit the collection of dead and down wood located below the ordinary high water mark of the northern flowage properties for ecological and aesthetic purposes.

A rule is amended governing evictions from department lands so as to prevent an evicted individual from entering a different state park, forest, or recreation area for a specified period of time after being evicted in order to alleviate law enforcement problems.

A rule is amended to clarify that concessions or special events are permitted by contractual agreements rather than commercial use permits.

A rule is created to allow the department to designate roads within northern state forest properties as ATV routes when the use is authorized in the property master plan.

A rule is amended to clarify that the exception to the requirement that firearms must be unloaded and enclosed in a case only applies on the portions of a property that are open to hunting.

A rule is created to allow uncased bows and firearms when crossing the Glacial Drumlin state trail adjacent to lands that are part of the Lake Mills wildlife area.

Rules are amended to permit camping on state-owned sandbars on the Lower Chippewa river and to limit the number of campers at the Turtle Flambeau scenic waters area group campsites.

A rule is created to prohibit the launching or removal of motorboats on those portions of waterbodies located within department properties when the use of motorboats is restricted by the property's master plan.

Rules are amended to reorganize the list of fee areas at state forests and to eliminate two fee areas from the list.

A rule is repealed relating to fee waivers for state park admission for holders of the National park service pass program. Instead, waivers would be given utilizing general statutory authority and guidance found in internal policy documents.

A rule is amended to categorize all state forest campgrounds as type "A" to allow for an increase in camping fees per s. 27.01(10), Stats.

A rule is amended to increase camping fees by \$3.00 due to local market conditions for Rock Island state park and 5 state forest campgrounds as allowed by NR 45.12(2)(b)5..

Rules are being amended to increase the fee for commercial use permits, and for use of the indoor group camp at Wyalusing state park.

A rule is being created to establish fees for the new outdoor group campground at Council Grounds state park. The fees are based on site amenities including the number of electrical pedestals.

A provision is being repealed which specified rates for renting entire campgrounds at Devil's Lake state park.

A rule is being created to establish a slow-no-wake area in the "narrows" of the Dells of Wisconsin River state natural area for public safety reasons.

A rule is being amended to establish closed hours for the newly acquired Gibraltar Rock state natural area for safety reasons.

Rules have been amended to allow the addition of state natural areas to areas where vehicle admission receipts are required, to add Parfrey's Glen state natural area to the list of properties requiring a vehicle admission fee, and to allow people to explore beyond the end of the designated trail at Parfrey's Glen state natural area in response to the loss of an established trail due to flooding.

Rules are created to establish rules of conduct at Yellowstone Lake wildlife area's shooting range and to define the term "range officer".

Rules are being created which are necessary to implement the master plan for Straight Lake state park including a ban on glass containers, a motorboat prohibition on Straight and Rainbow Lake, and a prohibition of gasoline powered ice augers.

Rules are being created to establish special event and boat mooring fees at Lakeshore state park and for establishing rules on operation of the marina.

A rule is being created to prohibit target shooting within the Thornapple River sturgeon spawning area in Rusk County for public safety reasons.

Federal Regulatory Analysis: These rules are consistent with the requirements for land that is acquired or managed all or in part with Pittman Robertson, Sport Fish Restoration, and Land and Water Conservation Act funding.

Comparison with Adjacent States:

Information pertinent to camping fees in state forests:

Illinois:

Family campsite fees range from \$10 per night to \$20 per night.

Illinois pricing varies by location.

There is no mention of fee differentials due to market forces.

Minnesota:

Family campsite fees range from \$12 per night to \$18 per night.
Minnesota sets a range of pricing for different types of state parks.
Minnesota prices their "Familiar Favorites" campsites at the \$18 fee.

Iowa:

Family campsite fees in Iowa range from \$11 to \$16 per night.
Iowa charges a camping differential fee based on the time of year.

Michigan:

Family campsite fees in Michigan range from \$10 to \$33 per night.
Campsite prices do not vary by season or day of the week.

Information pertinent to state park proposals:

Illinois:

- North Point Marina is a comparable facility to Lakeshore state park. Vessels visiting North Point Marina 30 feet and under are charged a minimum daily rate of \$40. There is an additional per foot, per day charge not to exceed \$2 for each foot of vessel over 30 feet. Each seventh consecutive day leased under a temporary permit is free. 17 Ill. Adm. Code 220.60(c)
- Rules allow the Department to evict campers and refuse to permit a person to re-enter the eviction site or park for a period of up to 365 days from such eviction. 17 Ill. Adm. Code 130.150
- Rates for adult outdoor group camps are \$4 per day with a \$40 minimum charge

Iowa:

- No Great Lakes moorages.
- Department of natural resources officers are given authority to refuse camping privileges and to rescind any and all camping permits for cause. 571 IAC 62.8(461A)
- Group camp fees are facility dependent with a wide range of fees depending on amenities and size. Some facilities require a deposit as well.
- Special events require a permit.

Minnesota:

- Does not charge moorage fees at state parks
- People in violation of rules are subject to immediate removal and any other appropriate legal action, to include revocation of permits issued. Minn. R. 6100.0525
- Group camp fees are \$50-\$75 per night or \$3 per camper per night, whichever is greater. A minimum non-refundable deposit of \$50 per night reserved is charged for all class III group camps at the time the reservation is made. The balance of fees is due at time of arrival.
- Special use requires a permit with proof of insurance.

Michigan:

- At comparable moorage sites, \$24-\$27 for vessels 24 feet and under, plus \$1-\$2 for each additional foot. <http://www.midnrreservations.com>

- People in violation of rules are subject to eviction and revocation of camping permit in addition to any other penalties prescribed by law. MICH. ADMIN. CODE R 299.929
- Campground fees range dependent on amenities and location. For groups rustic cabins are available for \$60-\$80 a night.
- Permit is required for commercial operations. Land use permit is dependent on the event and the volume of people. Minimum of \$50 is required for permit on medium intensity and for ranges depending on services for all intensity of use. Permit review, staff monitoring, and land use fees are all add-ons for the permit. The permit may range from free (\$0) to a maximum of \$950.

Summary of Factual Data and Analytical Methodologies:

Information pertinent to camping fees in state forests:

Five northern state forest campgrounds are added to the current fifteen state parks where fees will be raised by \$3 per night from \$12 to \$15 in response to market conditions . The new Northern state forest campgrounds added to this list are: Crystal Lake, Clear Lake, Firefly Lake and Musky Lake campgrounds in the Northern Highland American Legion State Forest (NHAL) and Castle Mound campground in the Black River state forest. The locations of these state forests include popular tourism destinations.

All other state forest campgrounds in six northern state forests are added to the Class “A” category where fees will be raised by \$3 per night from \$9 to \$12.

A survey of the markets surrounding the Northern State Forest campgrounds being adjusted for market conditions reveals that prices are much higher for non-state forest campsites per night compared to state forest sites. The increase brings the northern state forests in line with current public camping facilities.

Surrounding Market Prices:

Campground Ownership	Fee Range
Wisconsin State Parks	\$12 - \$15
National Forests	\$12 - \$15
County Parks	\$10 - \$22
Private Campgrounds	\$18 - \$50

Information pertinent to other state park proposals:

The fee structures being set up in most of the park areas are specific to the area and facilities. Wyalusing is the only WSPS property with indoor group dormitory style camping, and the current rate is well below the existing market for accommodations of like type. Charging a rate which is close to market-based of \$6 a person a day and \$300 minimum will help to close the existing price and expense gap while simultaneously providing a cost effective option for groups.

Current capacity for the indoor group camp is 108; with the \$200 minimum rate set based upon a 50 person occupancy. Property staff report that it is not uncommon for groups as small as 10 to reserve the group campground. This still only results in costs of \$20/night/person which is significantly lower than what exists in the private sector given amenities at the location. The DNR recently upgraded this facility without increasing the cost to rent; consequently, an increase is warranted at this time and is unlikely to significantly impact demand for this group camp. While these fees are higher for this campground, the fee is lower than rates charged in the private sector and remains an economical choice for groups or families to utilize.

Devil's Lake is the only property that specifies a rate for renting the entire campground in ch. NR 45, Admin. Code. The current rate is well below the existing market for accommodations of like type in the market area and significantly lower than if the sites were reserved separately. Deleting this code provision will allow the department to charge a more market based rate as authorized by s. 27.01(10)(f) Stats. and help to close the existing fiscal gap to operate the campground.

There is precedent for charging a special rate for particular campsites or campgrounds based upon amenities offered. Council Grounds state park recently opened three new group campsites, and the existing group camping fees are well below the market value for accommodations of like type in the market area. These sites include electrical hookups, dedicated toilet buildings and other amenities. By charging the existing group camping rate the Department believes these sites are under-valued. The new fees were calculated utilizing the current camping fee structure, plus the cost of the electrical pedestals with a premium for the amenities. These changes are unlikely to impact demand for these campsites and the change will make rates competitive based upon the amenities offered. While the fees are higher for these select campsites, the fee is competitive with rates charged in the private sector and still remains an economical choice for groups or families to utilize.

The Commercial Use Permit is required for common or recurring, property master plan-compatible, commercial uses of parks, recreation areas, and southern forest lands. Typically, these uses involve a service which is purchased and arranged off of a property but performed on the property. This fee has not been updated in over 8 years. The fee is significantly lower than the perceived value to those who use parks, trails and southern forests commercially because of the profit generated by the commercial use. All of the surrounding states require a commercial use permit and the cost is dependent on the activity.

Lakeshore state park recently opened its boat slips, and the rates charged mirror those for accommodations of like type provided by Milwaukee county as well as those at private marinas in the area. The fee is competitive with rates charged in the public and private sector, remains an economical choice for groups or families and is unlikely to impact demand for this facility. Lakeshore state park is an urban park that regularly hosts various special events for visitors and local businesses. This event fee structure is similar to what Milwaukee county charges. Without this fee structure, the DNR is only authorized to charge its current special event fees, which are not applicable for events of this size and at this location. Lakeshore state park is uniquely poised to host large and small scale events, contributing to the cultural and economic vitality of downtown Milwaukee. These events could range in size from 50 to 500,000 in attendance and

span multiple days. The flexible fees will be decided in advance by the manager at Lakeshore state park in conjunction with the event holder, based upon the expected attendance, activities planned and impacts to other users of the property. The fee would be mutually established well in advance of an event, thus enabling groups to budget and plan effectively for their event on the Lakeshore grounds. Under this scenario, fees for special events at Lakeshore state park would remain an economical choice for everyone from corporations to families are unlikely to impact demand for this facility, and would provide the funds necessary to staff events of this magnitude.

Anticipated Private Sector Costs:

Fees are increased for certain uses of department lands and those increased costs will be incurred by the users. Because most users camp on a relatively infrequent basis, and the increases are modest, the fee increases are not anticipated to be burdensome. Regarding the slow-no-wake proposal at the "narrows", there is one private property landowner with frontage in the section of Wisconsin River encompassed by the regulation. There is no anticipated negative effect on his property values. In a personal contact with the landowner, he expressed support for a slow no wake rule. Since his property sits on the blind corner of the Narrows, he has a long history of providing access to the river for a flagman to monitor boat traffic and signal tour boats when it was safe to proceed.

Analysis and Documents supporting determination of small business effect:

One rule provision creates a slow-no-wake area on a stretch of the Wisconsin river. There are four commercial enterprises that operate boat tours in the Upper Dells on the Wisconsin river; two run both traditional tour (cruise) boats and jet boats, one runs exclusively jet boats and one only operates a tour/dinner boat. When contacted by the department, all the tour boat operators said their normal practice is to go slowly through the area anyway, so there would be no impact to them on their scheduling. They expressed support for a slow-no-wake regulation because their ability to navigate is often jeopardized by recreational watercraft attempting to jump the wakes of their boats or trying to maneuver around the larger boats at high speed. The distance of the slow-no-wake area is approximately 3,700 linear feet.

Effects on Small Business:

This rule does not impose performance standards or compliance or reporting requirements for small businesses. Small business impacts from the commercial use permit fee increase will be minor as the permit fee increase is \$20 per year. Even for a very small-scale business, the cost is likely to be easily absorbed by the business, and offset by revenues generated from the business conducted on the state property. This change is not expected to dramatically increase revenues to the system; rather it updates the fee relative to the value businesses receive from doing business on system properties, and the impact their work may have on the resources or facilities at the property. The current fee is significantly below market value, remains an economical choice for businesses or families to utilize, and is unlikely to impact demand.

The Corporate Event fee at Lakeshore State Park is \$500 for less than 500 attendees and is intended to offset the additional expenses associated with sponsoring the event. The businesses impact is anticipated to be minimal for many small businesses.

The campground fee increases will not have a negative effect on nearby private campground owners. Private campgrounds may see a small increase in visitation and associated revenue if some campers select the private provider rather than paying the increased fee. The slow-no-wake proposal is not anticipated to have a measurable effect on commercial boat operators.

Agency Contact Person: Kathryn Fitzgerald, Kathryn.Fitzgerald@dnr.state.wi.us, (608)267-2764.

SECTION 1. NR 45.03(9i) is amended to read:

NR 45.03(9i) “Edible fruits” means fleshy fruits from plants including apples, plums, pears, blueberries, raspberries, blackberries, juneberries, and strawberries that are harvested for ~~the purpose of human consumption, and.~~ It does not include the seeds from, roots or other parts of herbaceous plants such as wildflowers or grasses.

SECTION 2. NR 45.03 (3m) is created to read:

NR 45.03(3m) “Motorboat” has the meaning given in s. 30.50(6), Stats.

SECTION 3. NR45.03(15) is amended to read:

NR45.03(15) “Northern state forests” means the Black River, Brule River, Coulee Experimental, Flambeau River, Governor Knowles, Northern Highland, American Legion and Peshtigo River state forests.

SECTION 4. NR 45.03(18k) is created to read:

NR 45.03(18k) “Range officer” means any department employee or person designated by the department to monitor activities on the shooting range.

SECTION 5. NR 45.04(1)(a)1. is amended to read:

NR 45.04(1)(a)1. Edible fruits, edible nuts, wild mushrooms, ~~and wild asparagus, and watercress~~ may be removed by hand without a permit; ~~except on state natural areas. for the purpose of personal consumption by the collector.~~

SECTION 6. NR 45.04(1)(a)2. and 3. are renumbered to NR45.04(1)(a)3. and 4.

SECTION 7. NR 45.04(1)(a)2. is created to read:

NR 45.04(1)(a)2. Herbaceous plant species that are listed as prohibited plant invasive species under s. NR 40.04 (2) (b) or listed as restricted plant invasive species under s. NR 40.05 (2) (b) may be removed without a permit issued under this chapter.

SECTION 8. NR 45.04(3)(v) is created to read:

NR 45.04(3)(v) On state properties where legally authorized camp fires may be built, dead and down wood may be gathered from upland areas of the property for campfire use. Driftwood or other dead and down wood located below the ordinary high watermark of the Willow, Turtle Flambeau, and the Chippewa flowage is considered a natural feature that may not be removed or destroyed without written authorization from the department.

SECTION 9. NR 45.04(3)(b) is amended to read:

NR 45.04(3)(b) Evictions. The department may expel any person or persons from the lands under the management, supervision and control of the department for violations of any state law, administrative rule or posted rules or regulations. The period of time for which a person may be expelled is 48 hours, or for the period of their camping permit, whichever is longer. ~~No~~ The expelled person may not return to the property before the eviction period has elapsed; or enter any other state park, forest, recreation area, or any other designated camping area for a period of 48 hours after eviction. Persons expelled are not eligible for refunds for unused camping fees or vehicle admission fees. People charged with violent, assaultive or disorderly behavior may be expelled until after the case is adjudicated in court.

SECTION 10. NR 45.04(3)(f)1. is amended to read:

NR 45.04(3)(f)1. Soliciting. No person may solicit or collect funds or peddle or solicit business of any nature, post signs or distribute handbills or advertising matter unless first authorized by contractual agreement, ~~or a department commercial use permit.~~

~~Note: Commercial use permits are available at any state park or southern forest office.~~

SECTION 11. NR 45.05(3)(h) is created to read:

NR 45.05(3)(h) All-terrain vehicle routes. The department may establish all-terrain vehicle routes on northern state forests over state forest roads, under Wis. Stats. s. 23.33(4)(b), that are:

1. Specified in a department master plan under ch. NR 44, and
2. Signed in accordance with NR 64.12, and NR 64.12(7)c.

SECTION 12. NR45.07(1) is amended to read:

NR 45.07 Fires. (1) No person may start, tend or maintain any fire on the ground or burn any refuse except in designated fireplaces or fire rings, except for small cooking and warming fires at the following locations:

- (a) Sandbars on the Lower Wisconsin state riverway.
- (b) On the northern flowage properties and in non-designated use areas in the northern state forests except the Coulee Experimental state forest.
- (c) Authorized camping areas without designated fireplaces or fire rings, in wildlife areas, the Pine-Popple wild river, state forests, and the Menominee River natural resources area.

SECTION 13. NR 45.09(5)(intro) and NR 45.09(5)(a) are amended to read:

NR 45.09(5)(intro) No person may possess any loaded or uncased firearm or air gun while within the exterior boundary of state-owned lands posted with department signs in Dane, Dodge, Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Milwaukee, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington, Waukesha and Winnebago counties or on state forest lands in the Kettle Moraine or Point Beach state forests, state recreation areas, state natural areas or on state trails established on ~~abandoned~~-railroad grades, except as follows:

NR 45.09(5)(a) While engaged in hunting in accordance with the open seasons established in s. NR 10.01 on the portions of properties where hunting is authorized.

SECTION 14. NR 45.09(10) is created to read:

NR 45.09(10) Except as provided under s. NR10.275, nothing in this section shall prohibit the possession of an uncased bow or uncased and loaded firearm or air gun for the purpose of crossing the Glacial Drumlin state trail by the shortest route possible where it is adjacent to lands that are part of the Lake Mills Wildlife Area, Jefferson County.

SECTION 15. NR 45.10(1)(a)6. is created to read:

NR 45.10(1)(a)6. On state-owned sandbars on the Lower Chippewa River downstream from County Highway "H" in Dunn County to the confluence with the Mississippi River, excluding the northerly shoreline portion between Dunnville Road and the mouth of the Red Cedar River.

SECTION 16. NR 45.10(1)(m) and (n) are amended to read:

NR 45.10(1)(m) Camping permits are not required and payment of daily camping fees is 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 sandbars on the Lower Chippewa River, on other state-owned islands outside state forest boundaries when the island is posted open to camping, designated campsites on the Willow flowage and designated watercraft campsites in the northern state forests, Chippewa flowage, Menominee River natural resources area or the Turtle-Flambeau scenic waters area except a camping permit, reservation and fee are required on campsites B3, B4, B5, B6, B7 and B8 in the Turtle-Flambeau scenic waters area.

(n) Camping is restricted to one day only at designated watercraft campsites in northern state forests, up to 3 days as posted on state-owned islands outside state forest boundaries, to 3 days on state-owned islands and sandbars in the Lower Wisconsin state riverway and state-owned sandbars on the Lower Chippewa River and to 10 days at designated campsites on the northern flowage properties. Camping at these locations is restricted to persons and their equipment arriving by watercraft only.

SECTION 17. NR 45.10(2m)(f) is amended 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 or the Turtle-Flambeau scenic waters area.

SECTION 18. NR 45.11(2)(c) is amended to read:

NR 45.11 (2)(c) No person may remain overnight in any boat, watercraft or aircraft anchored, moored or docked at any department-controlled dock, wharf, boat landing or marina, or other mooring area except at the marina at High Cliff state park, the marina at Lakeshore state park, at the sand delta at Kinnickinnic state park, at Eagle island (Horseshoe island) and Nicolet bay (Shanty bay) in the Peninsula state park, at the campground in Merrick state park, and at Rock Island state park.

SECTION 19. NR 45.11(4)(zb) is created to read:

NR 45.11(4)(zb) On Straight Lake or Rainbow Lake in Straight Lake state park.

SECTION 20. NR 45.11(10) is created to read:

NR 45.11(10) No person may launch or remove a motorboat of a type restricted on that waterbody in the property's master plan under the authority of s. NR 44.07(4)(d), NR 44.07(5)(d) or NR 44.07(6)(h). Notice of the prohibition shall be posted at the launch site.

Note: Pursuant to the applicability provisions of NR 45.02, this provision will apply only to the launching and removal of motorboats from department-owned or managed properties.

SECTION 21. NR 45.12(1)(b)1. is repealed.

SECTION 22. NR 45.12(1)(b)2. to 7. are renumbered NR 45.12(1)(b)1. to 6.

SECTION 23. NR 45.12(1)(b)8. to 10. are renumbered NR 45.12(1)(b)7. to 9. and amended to read:

- NR 45.12(1)(b)7.** Northern Highland – American Legion state forest
- a. Big Lake campground
 - b. ~~Firefly Lake campground~~ Buffalo Lake campground
 - c. ~~Muskellunge group campground~~ Carroll Lake campground
 - d. ~~Jag Lake group campground~~ Clear Lake campground, beach and picnic area
 - e. ~~Plum Lake campground~~ Crystal Lake campground, beach and picnic area
 - f. ~~Razorback Lake campground~~ Cunard Lake campground
 - g. ~~Sandy Beach Lake campground~~ Firefly Lake campground
 - h. ~~Star Lake campgrounds~~ Indian Mounds campground
 - i. ~~Starrett Lake campground~~ Jag Lake group campground
 - j. ~~Trout Lake campground – north~~ Muskie Lake family and group campgrounds
 - k. ~~Trout Lake campground – south~~ Plum Lake campground
 - L. ~~Upper Gresham Lake campground~~ Razorback Lake campground
 - m. ~~Crystal Lake picnic areas and beach~~ Sandy Beach Lake campground, beach and picnic area
 - n. ~~Sandy Beach Lake beach and picnic area~~ Star Lake campground
 - o. ~~Crystal Lake and Muskie Lake campgrounds~~ Starrett Lake campground
 - p. ~~Nichols Lake beach and picnic area~~ Trout Lake campground – north and south
 - q. ~~Little Star Lake beach and picnic area~~ Upper Gresham Lake campground
8. Governor Knowles state forest
- a. St. Croix campground
 - b. Trade River horse campground
9. Peshtigo River state forest
- a. Old Veteran's Lake

SECTION 24. NR 45.12(1)(d) is amended to read:

NR 45.12(1)(d) The following state parks, recreation areas, ~~and~~ forest recreation areas and state natural areas are designated by the department as areas in which vehicle admission receipts are required, except as otherwise provided, from January 1 through December 31:

SECTION 25. NR 45.12(1)(d)51. is amended to read:

NR 45.12(1)(d)51. Governor Tommy G. Thompson Centennial state park

SECTION 26. NR 45.12(1)(d)54. is created to read:

NR 45.12(1)(d)54. Parfrey's Glen state natural area

SECTION 27. NR 45.12(1)(f)1. is repealed.

SECTION 28. NR 45.12(2)(a)1. is amended to read:

NR 45.12(2)(a)1. Campgrounds in state parks, southern forests, northern forests and recreation areas, and on state trails ~~as well as on the Crystal Lake, Muskie Lake, Firefly Lake, and Clear Lake Campgrounds in the Northern Highland – American Legion state forest, and Castle Mound campground in the Black River state forest~~ are type "A" campgrounds.

SECTION 29. NR 45.12(2)(a)2. is repealed.

SECTION 30. NR 45.12(2)(b)3. and NR 45.12(2)(b)4. are amended to read:

NR 45.12(2)(b)3. Additional family camping fees for Type "A" ~~and B~~ campgrounds in the state parks, southern state forests and northern state forests ~~and the Crystal Lake, Muskie Lake, Firefly Lake, and Clear Lake Campgrounds in the Northern Highland – American Legion state forest, and Castle Mound campground in the Black River state forest.~~

NR 45.12(2)(b)4. Additional camping fees may be charged for waterview campsites not to exceed \$5.00 per night for type "A" ~~and "B"~~ campgrounds.

SECTION 31. NR 45.12(2)(b)5.p. and NR 45.12(2)(b)5.q. are created to read:

NR 45.12(2)(b)5.p. Rock Island State Park

NR 45.12(2)(b)5.q. Crystal Lake, Clear Lake, Firefly Lake and Muskie Lake campgrounds within the Northern Highland – American Legion state forest.

SECTION 32. NR 45.12(2)(c)2. is repealed.

SECTION 33. NR 45.12(2)(c)3.b. is amended to read:

NR 45.12(2)(c)3.b. Wyalusing group camp..... ~~\$4.00~~ \$6.00 per person per day
..... ~~\$200.00~~ \$300.00 minimum per group per day.

SECTION 34. NR 45.12(2)(c)4. is repealed:

SECTION 35. NR 45.12(2)(c)5. is created to read:

NR 45.12(2)(c)5. Outdoor group campgrounds at Council Grounds state park shall charge the following rates:

- a. Site A, capacity of 32 people with three electrical pedestals: \$135 per night.
- b. Site B, capacity of 32 people, with three electrical pedestals: \$135 per night.
- c. Site C, capacity of 22 people, with one electrical pedestal: \$80 per night.

SECTION 36 . NR 45.12(4)(k) is amended to read:

NR 45.12(4)(k) The fee for a commercial use permit shall be ~~\$30.00~~ \$50.00 per year, in addition to any applicable admission fee.

SECTION 37. NR 45.13(1)(c) is amended to read:

NR 45.13(1)(c) No person may destroy, remove or attempt to remove any plant or plant part, ~~including seeds, fruits, nuts and roots,~~ without permission from the department except as provided for in s. NR 45.04(1)(a)1. and 2. ~~Edible fruit collecting for personal use is specifically permitted at Spread Eagle Barrens state natural area.~~

SECTION 38. NR 45.13(1m)(d) is created to read:

NR45.13(1m)(d) No person may operate a boat at a speed greater than slow-no-wake as defined in 30.50(12) Stats. in the waters of the Wisconsin River within the designated state natural areas from Coldwater Canyon (N43° 39' 18.06") downstream approximately 3,700 feet to the area known as Chapel Gorge (N43° 38' 53.58").

SECTION 39. NR 45.13(2)(title) is amended to read:

NR 45.13(2) PARFREY'S GLEN, NATURAL BRIDGE, ROCHE-A-CRI MOUND, AND PEWIT'S NEST, AND OAKFIELD LEDGE AND GIBRALTAR ROCK STATE NATURAL AREAS.

SECTION 40. NR 45.13(2)(b) is amended to read:

NR 45.13(2)(b) No person may enter or be in Parfrey's Glen state natural area and surrounding and adjacent lands in sections 22 and 23, township 11 north, range 7 east, Sauk county, the Natural Bridge state natural area, ~~or~~ Pewit's Nest state natural area or Gibraltar Rock state natural area between the hours of 8:00 p.m. and 6:00 a.m.

SECTION 41. NR 45.13(2)(c) is amended to read:

NR 45.13(2)(c) No person may hike in any area of Parfrey's Glen state natural area, Natural Bridge state natural area or Roche-a-Cri Mound state natural area other than on a trail specifically designed and signed for that purpose, except for that portion of the gorge at Parfrey's Glen state natural area that lies within 20 feet of Parfrey's Glen Creek as it flows between the end of the designated hiking trail and the base of the waterfall in the NE1/4SE1/4NE1/4 of section 23, township 11 north, range 7 east, or unless authorized to do so in writing by the department.

SECTION 42. NR 45.13(8g) is renumbered NR 45.13(2g)

SECTION 43. NR45.13(11m) is created to read:

NR 45.13(11m) STRAIGHT LAKE STATE PARK. The following rules are established for the use of the Straight Lake State Park:

- (a) No person may possess any glass containers.
- (b) No person may operate a gasoline powered ice auger.

SECTION 44. NR 45.13(13m) is created to read:

NR 45.13(13m) YELLOWSTONE WILDLIFE AREA. The following rules are established for the use of the Yellowstone wildlife area shooting range in Lafayette County:

- (a) The possession or consumption of malt, fermented or alcoholic beverages is prohibited within the area maintained as the shooting range.
- (b) No glass, plastic, clay, breakable or metal materials may be used as targets.
- (c) Firearms shall be pointed down range while at designated firing lines.
- (d) Firearms shall be unloaded and their actions open except while on the firing lines.
- (e) No person may leave a loaded firearm unattended at any time.
- (f) All spent shell casings and cartridges, live ammunition, targets, and materials brought onto the range shall be collected and disposed of properly off the range.
- (g) No person may discharge a firearm on the range while any part of a person is down range of the firing line.

- (h) A cease fire may be called for by the range officer at any time. A cease fire may be called for by any person if an unsafe or illegal condition exists.
- (i) Burning of materials or refuse is prohibited at the shooting range.
- (j) Use of shot size BB or smaller is not permitted on a 25 yard range.
- (k) Shooting the archery targets with a firearm is prohibited.
- (L) Firearms or air rifles that discharge paint are prohibited.
- (m) No person may engage in careless or reckless behavior that may endanger the safety of themselves, other persons, or any property.
- (n) No person under 18 years of age shall be present on the range unless accompanied by an adult or unless the person is at least 14 years of age and in possession of a valid certificate of accomplishment issued under s. 29.591, Stats.
- (o) This section does not apply to training activities conducted by a law enforcement agency.

SECTION 45. NR45.13(26) is repealed and recreated to read:

NR 45.13(26) LAKESHORE STATE PARK. The following rules and fees are established:

(a) *Alcoholic Beverages.* No person may drink or possess any intoxicating liquor or fermented malt beverage except by transient boat campers in designated boat slips or by permit. Permits are available at the park office and shall be requested at least 24 hours in advance. The cost of a permit is \$25.00. The department may deny a permit based on user conflicts or other public safety considerations.

(b) *Event fees.* All organized group events using Lakeshore state park are required to obtain a special events use license prior to using the park. The license has a required fee that must be remitted 30 days prior to holding the event. The fee is determined by the number of participants or the type of event.

1. Free Presentations: art events, dance demonstrations, educational \$25.00
2. Family Events: reunions, weddings, picnics \$100.00
3. Fireworks Events: minimum of \$300.00. The park is closed to public thoroughfare between the hours of 9:00 p.m. to the end of the fireworks display.
4. Runs/Walks: \$750.00
5. Corporate Events: less than 500 people \$500.00, more than 500 people minimum of \$2,000/day.
6. Event concession booths: \$75.00/booth.

(c) *Marina Operations.* The following prohibitions and restrictions apply to the marina located at Lakeshore state park:

1. Swimming off docks or piers is prohibited.
2. Fishing off docks or piers is prohibited.

3. Sleeping on docks or piers is prohibited.

4. Quiet hours begin at 11:00 P.M. and continue until 7:00 A.M., except on H.Maier Park festival nights when quiet hours begin at 12:30am.

5. All boaters and guests on park property, on the night of firework events, shall remain on their boat or adjoining slip beginning at 9:00 P.M. and continuing until the end of the fireworks display.

(d) *Boat moorage fees*

1. 'General.' All overnight moorage fees shall be based on the overall length of the watercraft as shown on the boat registration.

2. 'Exemption.' Watercraft that are the property of the United States, the State of Wisconsin, and other governmental entities during the performance of official duties are exempt from all moorage fees.

3. 'Overnight Fees.'

a. The overnight mooring fee is \$1.50 per foot, with a minimum charge of \$30.00 per each overnight stay.

b. The overnight mooring fee reserves the assigned dock from 3:00 P.M. through 1:00 P.M. the following day.

c. A boater who wishes to occupy the slip prior to 3:00 P.M. may do so if the slip is available.

d. An overnight boater who wishes to occupy the slip beyond 1:00 P.M. may be permitted to extend the time, if available, at the discretion of the park manager. The boater who is permitted to stay beyond 1:00 P.M. shall pay the daytime temporary moorage rate.

4. 'Daytime Fees.'

a. The daytime temporary moorage rate shall be \$3.00 per hour, with a minimum charge of \$10.00.

b. The temporary daytime fee applies to all watercraft tied to the dock.

c. If a boat fails to vacate the slip by the required time of 3:00 p.m., the boater shall pay the overnight moorage fee.

d. The park manager shall have discretion in determining if and for what time period the temporary moorage is allowed.

(d) *Boat moorage reservations*

1. Reservations may be made up to 11 months in advance.
2. A one night nonrefundable reservation fee due with the overnight reservation application.
3. Length of stay is limited to four consecutive days in any five day period.
4. A boater shall vacate the slip for a minimum of 24 hours before reserving a moorage slip again. Consecutive reservations are not allowed during Milwaukee World Festival Incorporated's Summerfest event unless approved by the park manager.
5. If more than a one night reservation fee is paid in advance, and the reservation is cancelled at least 7 days in advance, all but one night's fee shall be refunded.

(e) *Rules for doubling*

1. Watercraft that are doubled properly to the pier shall both be charged the normal dockage rate.
2. When two boats are moored in a slip, the second boat may not be provided electric power. The second boater may make arrangements with the first boater to share electric power but the first boater is under no obligation to do so.
3. The park manager shall have discretion to allow doubling.

(f) *Rules on rafting*

1. Watercraft that are properly rafted onto a moored watercraft shall be charged the normal moorage rate.
2. When a boat is rafted to a moored vessel watercraft, the rafted boat may not be provided electric power. The rafted boater may make arrangement with the moored boater to share electric power, but the moored boater is under no obligation to do so.
3. The park manager shall have discretion in allowing rafting, provided that rafting may not interfere with other marina uses or waterway navigation.

SECTION 46. NR 45.13(27) is created to read:

NR 45.13(27) THORNAPPLE RIVER STURGEON SPAWNING PROPERTY-RUSK COUNTY. No person may discharge any firearm for the purpose of target shooting in areas designated by posted notice within the Thornapple River sturgeon spawning property, Rusk County.

SECTION 47. EFFECTIVE DATE: This rule shall take effect the first day of the month following publication in the Wisconsin administrative register.

SECTION 48. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 11, 2010.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)

Fiscal Estimate — 2009 Session

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number LF-05-10

Subject
 WI DNR NR 45 updates

Fiscal Effect
 State: No State Fiscal Effect
 Indeterminate

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
 Indeterminate

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

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

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations
 20.370 (1) (mu)

Assumptions Used in Arriving at Fiscal Estimate

The Department is proposing a number of modifications to existing NR 45 language, many of which will involve creating or modifying existing fees charged for a variety of services offered at multiple locations. While some administrative costs may increase as a result of these changes, the costs are estimated to be minor and will be absorbable within existing operational allocations.

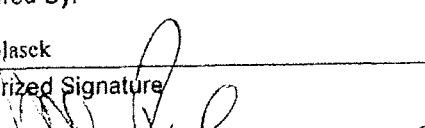
Wyalusing Group Camp

The rule package proposes to increase the rates for the Wyalusing Group Camp from \$4 to \$6 per person per day and from \$200 to \$300 minimum per group per day. In 2008, the Wyalusing group camp had a 168 day season of operation and generated approximately \$30,200 in revenues assuming it was filled only to the minimum for each day of operation. Based upon the proposed rate, the Wisconsin State Park System (WSPS) would expect to realize revenues of approximately \$45,300 in 2009 assuming similar occupancy levels, which would represent a \$15,100 increase in annual revenue.

Devils Lake North Shore Northern Lights and Ice Age Campgrounds

This package proposes the elimination of language specific to the rental of the entire Northern Lights and Ice Age campgrounds at Devil's Lake State Park. Under existing language, the rate charged for rental of the Northern Lights campground is set at \$960/day and the Ice Age campground is set at \$1,480/day. Eliminating the existing NR 45 language which will provide more flexibility to the Department and the organization that rents these facilities once per year so that fees charged can vary depending upon the number of campsites and accommodations required by this group. The Department currently has the statutory authority to charge special fees under s. 27.01 (10) (f). Since fees charged as a result of this action will vary depending upon the number of campsites rented, the number of electric pedestals needed and the concessions provided, the Department classifies the revenue impact of this action as "indeterminate".

Long-Range Fiscal Implications

Prepared By: Joe Pblasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 02-16-10

Fiscal Estimate — 2009 Session

Page 2 Assumptions Narrative
Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number LF-05-10

Assumptions Used in Arriving at Fiscal Estimate – Continued

Council Grounds State Park Group Campsites

This proposed fee package would add new language specific to the new group campsites that were recently developed at Council Grounds State Park. The Department requests this change as the amenities offered at these sites dramatically exceed amenities offered at other group campsites throughout the state. The new fee proposed under this package was calculated utilizing the current group camp cost structure, plus the cost of the electrical pedestals as well as a premium for the amenities. Combined, the WSPS will increase its revenues by approximately \$7,000/year based on these changes. These changes are unlikely to impact demand for these campsites; and the change will make rates more in line with the amenities offered at these sites.

Lakeshore State Park Boat Moorage Fees and Marina Operations.

The new language proposed in this package codifies policies regarding boat mooring at Lakeshore State Park. The fees proposed under this package mirror those charged by Milwaukee County as well as private marinas in the Milwaukee area with comparable amenities. The language under this section primarily describes management and operations of the marina at Lakeshore State Park, therefore the revenue impact associated with this section is neutral. The WSPS currently realizes approximately \$15,000/year in revenues through mooring fees at Lakeshore State Park, under the fee structure included in this section.

Commercial Use License

The Department proposes a \$20.00 increase in the fee charged for a commercial use permit under this package. Currently, the Commercial Use License costs \$30.00; under this initiative, the fee would now be \$50.00 per year, in addition to any applicable admission fee. The WSPS currently realizes approximately \$2,000/year in revenues related to the commercial uses of system properties. This change would likely increase revenues by \$1,340 per year (67 permits x \$20 fee increase). The proposed change under this section updates the fee to be more commensurate with the value businesses receive from doing business on system properties, the impact their work may have on the resources or facilities at the property and the administrative expenses incurred through the issuance of the license.

Lakeshore State Park Special Event Fees

The Department is proposing to create new special event license administrative code language specific to Lakeshore State Park. The proposed language provides a framework for fees for special events while providing flexibility based upon the expected attendance and activities planned. Current language for special events does not reflect the variability in scale of potential events that may be hosted at Lakeshore State Park, which could potentially range from 50 to 500,000 in attendance spanning multiple days. In total, the Department expects to generate approximately \$50,000/year in special event fees at Lakeshore State Park, although there will likely be significant variability in that amount based upon events planned for that year.

Point Beach State Forest

The rule package proposes to increase the rates for the Point Beach State Forest Indoor Group Camp from \$5 to \$6 per person per day and from \$60 to \$80 minimum per group per day. Demand for the indoor facilities at Point Beach is extremely high, and existing fees do not reflect market rates for structures at this location. Under this proposed change, the Department expects to generate increased revenues totaling approximately \$3,250/building or \$6,500/year. This estimate is calculated by taking the minimum per night increase (\$20) x 191 camping days per season x the occupation rate for these facilities (estimated at 85%).

Rock Island State Park

On a per visitor basis, Rock Island is the most expensive state park to operate within the WSPS. In FY 08, the average operations cost per visitor to state parks was \$1.49, while at Rock Island the cost was \$10.25 largely due to transportation costs. Given the cost disparity to operate this facility, it has become necessary to increase the fees for campers at Rock Island S.P. to help offset the high cost to administer the property. Therefore, the rule package proposes to add Rock Island State Park to the existing list of properties charging an additional \$3/night for camping based on local market conditions. Rock Island generates, on average, \$49,962/year in camping revenues. Increasing the fee from \$12/night to \$15/night would expect to generate, on average, an additional \$12,490/year or a total of \$62,452/year in camping fees.

Northern State Forests Camping Fees

The rule package proposes to increase camping fees on Northern State Forests to be consistent with State Parks and Southern Forest, National Forest and County Forests offering similar camping experiences and amenities. Six Northern State Forests will increase nightly camping fees from \$10 per campsite per night to \$12 per campsites per night for rustic campgrounds. In 2009, 31,397 rustic campsites were registered. The new camping fee for rustic campgrounds would increase revenue by approximately \$62,800 annually for all Northern State Forest rustic camping sites. The proposed rule also reclassifies five Northern State Forest campgrounds (4 on the Northern Highland-American Legion State Forest and one on the Black River State Forest). These campgrounds offer a very high level of service and highly developed camping amenities. The rule proposes to increase fees at these campgrounds by \$3 per night, from \$12 to \$15 per campsite per night. In 2009, 30,481 campsites were registered at the 5 campgrounds. With a \$3 per campsite increase, the projected increase in annual revenue is \$91,443. The total projected increase in revenue for Northern State Forest camping fees increase is \$154,240.

Fiscal Estimate Worksheet — 2009 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number LF-05-10

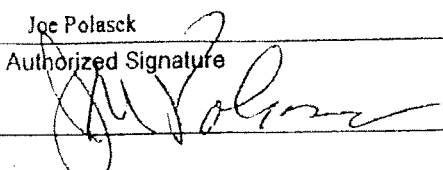
Subject
 WI DNR NR 45 updates

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
Total State Costs by Category		\$	\$ -
B. State Costs by Source of Funds			
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S		246,670	-
Total State Revenues		\$ 246,670	\$ -

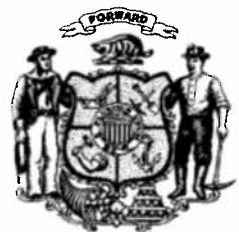
Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$ _____	\$ _____
Net Change in Revenues	\$ 246,670	\$ _____

Prepared By: Joe Polasck	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 02-16-10



WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[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 10-042

AN ORDER to to repeal NR 45.12 (1) (b) 1. and (f) 1., (2) (a) 2. and (c) 2. and 4; to renumber NR 45.04 (1) (a) 2. and 3., 45.12 (1) (b) 2. to 7., and 45.13 (8g); to amend NR 45.03 (9i) and (15), 45.04 (1) (a) 1. and (3) (b), 45.09 (5) (intro) and (5) (a), 45.10 (1) (m) and (n), 45.11 (2) (c), 45.12 (1) (b) 7. and (d) (intro.) and 51., (2) (a) 1., (b) 3. and 4., and (c) 3. b., and (4) (k), 45.13 (1) (c) and (2) (title) (b), and (c); to repeal and recreate NR 45.13 (26); and to create NR 45.03 (3m) and (18k), 45.04 (1) (a) 2., 45.05 (3) (h), 45.10 (1) (a) 6., 45.11 (4) (zb), 45.12 (2) (b) 5. p. and q. and (c) 5., and 45.13 (1m) (d), (11m), (13m), and (27), relating to the use of department properties.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

04-15-2010 RECEIVED BY LEGISLATIVE COUNCIL.

05-06-2010 REPORT SENT TO AGENCY.

RNS:REL

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 RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-042

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

- a. In s. NR 45.03 (9i), “of” should be underscored.
- b. In s. NR 45.03 (18k), “Officer” should be lower case.
- c. In s. NR 45.04 (1) (a) 2., the notation “ch.” should be added before “NR 40”. Also, can the specific portion of ch. NR 40 be cited?
- d. In s. NR 45.09 (10), the notation “s.” should be added before “NR 10.275”.

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

- a. In s. NR 45.04 (3) (h) (intro.), “any of the following” should be inserted before the colon.
- b. In s. NR 45.10 (1) (m), “state owned” should be hyphenated.
- c. In s. NR 45.11 (4) (zb), a period should be added at the end of the sentence.
- d. In s. NR 45.11 (10), the notation “s.” should be added before “NR 44.07 (d) (d)”. In the note following this subsection, “department owned” should be hyphenated.
- e. In SECTION 31, the second notation of “NR 45.12 (2) (b) 5. p.” should be changed to “NR 45.12 (2) (b) 5. q.”.

f. In s. NR 45.13 (11m) (intro.), a colon should be added after "Park". In pars. (a) and (b), periods should be added at the end of the sentences. Also, in sub. (11m) (intro.), (13m) (intro.) and (26) (intro.), reference to "regulations" should be deleted, since the items that follow are "rules".

g. In s. NR 45.13 (26) (b) (intro.), "Special Events Use License" should be changed to lower case. In subs. 1., 2., and 5., the parentheses should be removed. In subd. 3. "Park" should be changed to lower case. In par. (c) (intro.), "Marina" should be changed to lower case. In par. (d) 1. and 2., periods should be added at the end of the titles and the double quotation marks should be replaced with single quotation marks. In par. (d) 3. (title), a period should be added after "Fees". In par. (d) 3. d., "Park Manager" should be changed to lower case. In par. (d) 4. (title), a period should be added after "Fees". In par. (e) b., "will not" should be changed to "may not". This problem also occurs in par. (f) b. Also, in the two latter provisions, should "power" be inserted after "electric"?

In pars. (d), (e), and (f), all of the subunits are subdivisions, which should begin with a number rather than a lower case letter.