

Clearinghouse Rule 10-042

Report to
Legislative Council Rules Clearinghouse
NR 45, Wis. Adm. Code
Natural Resources Board Order No. LF-05-10

Wisconsin 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.

Federal Authority

NA

Court Decisions Directly Relevant

None

Analysis of the Rule – Rule Effect – Reason for the Rule

Ch. NR 45 contains the Administrative Rules for the use of Department of Natural Resources (DNR) properties and applies to lands and facilities that are owned, acquired by easement, or leased by the DNR. Every two years, DNR staff review NR 45 and suggest revisions to ensure health and safety, protect natural resources, clarify existing regulations, and adjust fees. Users of DNR properties will be those affected. Many of the changes under consideration are "housekeeping" items to clarify existing rules.

Fee increases are being considered for certain classes of campgrounds and for commercial use permits. Fees are being proposed for special event permits and boat moorage at Lakeshore State Park. A rule is being proposed 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. Code changes are being considered that would clarify that the issuance of permits for collection of wild edibles is for personal, rather than commercial purposes, and to allow removal of invasive plant species from state property without a permit. A rule is being proposed to establish a slow-no-wake area in the "narrows" of the Dells of Wisconsin River State Natural Area for public safety reasons. 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. Section 23.27(1)(d), Stats., specifically provides for waters to be included within natural areas.

A proposal is also being considered which would prohibit launching or removing a motorboat on state property where use of motorboats is restricted by the property's master plan. Consistent with the authority provided in s. 23.33(4)(b), Stats., a rule is being proposed to allow the DNR to designate roads within northern forests as ATV routes when the use is authorized in the property master plan. A number of individual property rules are being proposed such as those governing marina operation at Lakeshore State Park, rules required for implementing the master plan at Straight Lake State Park, prohibiting target practicing at Thornapple River sturgeon spawning area, closed hours for Gibraltar Rock State Natural Area, permitting dispersed camping on state-

owned sandbars on the Lower Chippewa River and limiting the number of campers at the Turtle Flambeau Flowage Scenic Waters Area's new group campsite.

Agency Procedures for Promulgation

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

Description of Any Forms

None

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