

Report From Agency

DEPARTMENT OF HEALTH SERVICES REPORT TO THE LEGISLATURE

CLEARINGHOUSE RULE 15-001

Ch. DHS 178 Campgrounds

Basis and Purpose of Proposed Rule

This proposed order repeals and recreates ch. DHS 178, relating to campgrounds. The purpose of the proposed rules is to clarify and update existing rules to respond to the changes that have occurred in the campground industry over the 36 years since ch. DHS 178 was created in 1978. The differences between the existing rules and current developments and practices in the campground industry make it difficult for a campground (operator) and department and agent health inspectors to implement and comply with existing rules.

The proposed rules update existing rules relating to safe drinking water; wastewater disposal; garbage disposal; fire prevention; and injury prevention to minimize the risk of death, illness, injury or disease of campers and the public at large that use private and publicly owned campgrounds.

In addition to updating existing rules, the proposed rules are organized to increase readability and interpretation through use of plain language and better defined terms. The updated language also make it clear that the regulatory authority for water safety and plumbing and construction standards for campground structures, including toilet and shower facilities, operator- provided camping units, and add-ons such as porches and decks, is the department of natural resources and the department of safety and professional services respectively.

Section 227.11 (2) (a), Stats., permits an agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency if the agency considers it necessary to effectuate the purpose of the statute. Section 250.04 (1), Stats., authorizes the department to enter upon and inspect private property, to execute what is reasonable and necessary for the prevention and suppression of disease, to investigate the cause and circumstances of any special or unusual disease or mortality, to inspect any public building, and to do any act necessary for investigation. Section 250.04 (7), Stats., authorizes the department to promulgate and enforce rules and issue and enforce orders governing the duties of all local health officers and local boards of health and relating to any subject matter under the department's supervision that are necessary to provide efficient administration and to protect health. Section 254.47 (1), Stats., authorizes the department to issue permits to and regulate campgrounds, as defined under rules. Section 254.47 (1m), Stats., requires the department to conduct a preinspection before a permit is granted to a person intending to operate a new campground or to a person intending to be

the new operator of an existing campground. Section 254.47 (4), Stats., requires the department to establish by rule, permit fees, preinspection fees, reinspection fees, fees for operating without a permit, and late fees for untimely permit renewal. Section 254.69 (2) (am) and (d), Stats., authorizes the department to grant agent status to certain local health departments for issuing permits to and making investigations or inspections of campgrounds and allows local health departments with agent status to establish separate fees for licensure, including fees for preinspections. Section 254.85 (1) and (2), Stats., authorizes the department to enter the premises of campgrounds to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed for enforcement of rules or statutes and to issue orders to protect the public health safety and welfare. Section 254.86, Stats., authorizes the department to suspend, revoke, or refuse to issue a permit required under s. 254.47, Stats.

Department Response to Legislative Council Rules Clearinghouse Recommendations

The department accepts the recommendation(s) made by the Legislative Council Rules Clearinghouse and has modified the proposed rules where suggested except as follows.

Clearinghouse Comment 2j.:

In s. DHS 178.16 (1) (a), and elsewhere in the rule, the phrase “as enforced by the department of safety and professional services” is superfluous and should be deleted.

Department Response:

The department wishes to identify the agency responsible for the subject matter detailed in the rule. The extra information helps operators to understand the appropriate agency to contact for specific requirements.

Clearinghouse Comment 5a.:

Does the term “camping unit”, as defined in s. DHS 178.03 (7), include a camping trailer?

Department Response:

The term “camping unit” includes a recreational vehicle. A “recreational vehicle” is defined as including a camping trailer.

Clearinghouse Comment 5d.:

In s. DHS 178.03 (23), is it necessary that a thing be made available to the public in order for it to be considered “operator-provided”? Is it sufficient that it be provided to customers of the campground?

Department Response:

It is not sufficient to reference only customers of the campground. The public can visit a customer of the campground and the operator is responsible for the health, safety, and welfare of both.

Clearinghouse Comment 5h.:

It appears that the definition of “rustic campsite”, in s. DHS 178.03 (34), could be more simply written by stating that it is a site that is not accessible by motorized vehicle. In addition, the acronym “MOU” should be spelled out.

Department Response:

This definition as written provides clarity and clearly defines accessibility to a rustic campsite. The acronym for “MOU” was spelled out as recommended by the Clearinghouse. The definition of “rustic campsite” in s. DHS 178.03 (34), has been renumbered and is now be found at s. DHS 178.03 (33).

Clearinghouse Comment 5i:

Should s. DHS 178.04 (1) (b), clarify that only substantial modifications of campground attributes require departmental approval?

Department Response:

All modifications to campground attributes need to be approved by the department to assure that all components relating to health and safety have been met. Section DHS 178.04 (1) (b), has been renumbered to s. DHS 178.04 (1) (a) 2.

Clearinghouse Comment 5j:

In s. DHS 178.04 (2) (a) 2., more specificity should be provided regarding the required “distance of separation”. Is this a reference to separation between campsites or between camping units or something else?

Department Response:

The reference in s. DHS 178.04 (2) (a) 2., refers to campground plan reviews. Throughout the rule there are multiple requirements based on distance. Depending on what the campground operator is providing, the plan must indicate where campground attributes are located and the distance requirements defined in the rule must be met. The specificity is defined throughout the rule where applicable.

Clearinghouse Comment 5n:

Should it be clarified, in s. DHS 178.05 (3), that transfer of a permit to a family member is allowed only if the family member to whom the permit is transferred operates the campground upon transfer? Is there a procedure for this type of transfer? How is the department notified of the transfer?

Department Response:

A family member may transfer a permit to another family member, but that family member does not need to immediately operate the campground upon transfer. The operator must notify the department if the operator intends to transfer the campground to a family member. Section DHS 178.05 (3) has been renumbered s. DHS 178.05 (1) (a) 3.

Clearinghouse Comment 5s.:

Section DHS 178.05 (5) (c) (intro.) states that a permit *may* be denied under any of the circumstances listed in the rule. This appears to give the department an inappropriately large degree of discretion. The rule should be revised to more clearly specify when a permit must be issued or denied to ensure that applicants are treated fairly and consistently. This comment also applies to the department's decision regarding issuance of a temporary order without advance notice or hearing under s. DHS 178.07 (3) (a).

Department Response:

The department has revised s. DHS 178.05 (5) (c), to clarify when the department has discretion under s. 254.85, (2) (a), Stats., and when it does not. As to s. DHS 178.07 (3) (a), the department believes that as written, the language clearly cites the statute, s. 254.85 (2) Stats., providing the department with the authority to issue temporary orders, the reasons why a temporary order may be issued, and that any such order may be issued without advanced notice or hearing.

Clearinghouse Comment 5v.:

Does the \$749.00 fee for operating a campground without a permit apply regardless of the length of time a campground is operated without a permit?

Department Response:

The fee for operating without a license is applied regardless of the length of time a campground operates without a permit.

Clearinghouse Comment 5w.:

Section DHS 178.07 (1) (b) 4., requires an operator to "show just cause" why a permit should not be suspended or revoked. Should this requirement be relocated to s. DHS 178.08, relating to the hearing on suspension or revocation of a permit?

Department Response:

Section DHS 178.07 (1) (b) 4., requires the operator to show just cause why the department should not begin suspension or revocation proceedings. Section DHS 178.08, details the suspension and revocation process.

Clearinghouse Comment 5jj.:

Section DHS 178.13 (3) (e), requires an operator to obtain a tourist rooming house permit for any camping units that exceed 400 square feet in area, except for tents, mobile homes and recreational vehicles, which typically are not permanent fixtures. Why does that provision also exempt manufactured homes, which are permanent structures, from this requirement?

Department Response:

Mobile and manufactured homes are regulated under federal rules and do not fall under the state's uniform dwelling code as do tourist rooming houses.

Clearinghouse Comment 5ll.:

What materials are considered to be “approved” under s. DHS 178.13 (7) (c)?

Department Response:

The term “approved” is a defined term that the department uses to review submitted materials.

Final Regulatory Flexibility Analysis

1. The issues raised by each small business during the public hearing(s).

The issues raised by all businesses during public hearings are stated in the “Summary of Public Comments and Department Responses” section of this report to the Legislature.

2. Any changes in the rule as a result of an alternative suggested by a small business and the reasons for rejecting any of those alternatives.

Changes in the proposed rule as a result of an alternative suggested by a small business or other person and the reasons for rejecting any of those alternatives are stated in the “Summary of Public Comments and Department Responses” section of this report to the Legislature.

3. The nature of any reports and estimated cost of their preparation by small businesses that must comply with the rule.

The initial proposed rule did include reporting requirements, but due to public comments, the reporting requirements have been removed from the rule.

4. The nature and estimated costs of other measures and investments that will be required by small businesses in complying with the rule.

The nature and estimated costs that will be required by businesses, including, small businesses are contained within the Fiscal Estimate-Economic Impact Analysis, and the rule’s analysis.

5. The reason for including or not including in the proposed rule any of the following methods for reducing the rule’s impact on small businesses. Also include additional cost, if any, to the department for administering or enforcing a rule which includes any of the following methods and the impact, if any, on public health, safety and welfare caused by including in the rule any of the following methods.

a. Less stringent compliance or reporting requirements for small business.

The proposed rules are the minimum requirements for public health and safety. The department is unable to lessen or exempt small businesses from the requirements of this proposed rule because campgrounds, regardless of size, serves the same camping public who are subjected to the same public, health, or safety issues. The proposed rule does include provisions for requesting a variance for alternative compliance with a rule.

b. Less stringent schedules or deadlines for compliance or reporting requirements for small businesses, such as grandfathering or staged implementation.

The proposed rule contains the minimum requirements for health and safety. The department is unable to lessen or exempt small businesses from the requirements of this proposed rule because the campgrounds regardless of size, serves the same camping public who are subjected to the same public, health, or safety issues. The proposed rule does include provisions for requesting a variance for alternative compliance with a rule.

Initially proposed reporting requirements have been removed from the proposed rule.

c. Consolidated or simplified compliance or reporting requirements for small businesses.

The proposed rule contains the minimum requirements for health and safety. Initially proposed reporting requirements have been removed from the proposed rule.

d. Replace required design or operational standards with performance standards for small businesses.

The proposed rule contains the minimum requirements for public health and safety. The department is unable to lessen or exempt small businesses from the requirements of this proposed rule because campgrounds, regardless of size, serves the same camping public who are subjected to the same public, health, or safety issues. The proposed rule does include provisions for requesting a variance for alternative compliance with a rule.

e. Make small businesses exempt from any or all requirements of the rules.

The proposed rule contains the minimum requirements for health and safety. The department is unable to lessen or exempt small businesses from the requirements of this proposed rule because the campgrounds regardless of size, serves the same camping public who are subjected to the same public, health, or safety issues. The proposed rule does include provisions for requesting a variance for alternative compliance with a rule.

Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis

Analysis

The department revised the analysis to reflect the changes made to the rule in response to Clearinghouse comments or comments from the public about campground permits; special event campgrounds; reporting requirements; sink requirements for utensil washing; petting zoos; and separation distances for camping units and campsites.

Fiscal Estimate/Economic Impact Analysis

The department revised the Fiscal Estimate-Economic Impact Analysis to reflect the changes made to the rule in response to Clearinghouse comments or comments from the public about

campground permits; special event campgrounds; reporting requirements; sink requirements for utensil washing; petting zoos; and separation distances for camping units and campsites.

Public Hearing Summary

The department began accepting public comments on the proposed rule via the Wisconsin Administrative Rules website on January 5, 2015. Public hearings were held on:

Date and Time	Location
February 10, 2015 9:00 am to Noon	Department of Health Services, Northeastern Regional Office 200 N. Jefferson Street, Rm. 152B Green Bay, WI 54301-5123
February 11, 2015 9:00 am to Noon	Department of Health Services, Northern Regional Office 2187 N. Stevens Street, Suite C Rhinelander, WI 54501
February 12, 2015 9:00 am to Noon	Department of Health Services, Western Regional Office 610 Gibson Street, Suite 3, Rm. 136 Eau Claire, WI 54701-3687
February 18, 2015 9:00 am to Noon	Department of Health Services 1 W. Wilson St., Rm. 139 Madison, WI 53703
February 20, 2015 9:00 am to Noon	Waukesha County Complex 515 W. Moreland Blvd., Rm. 255 Waukesha, WI 53188

Public comments on the proposed rule were accepted until 4:30 p.m. February 20, 2015.

List of Public Hearing Attendees and Commenters

The following is a complete list of the persons who attended the public hearing or submitted comments on the proposed rule during the public comment period, the position taken by the commenter and whether or not the individual provided written or oral comments.

Commenter #	Name and Address	Position Taken (Support or Opposed)	Method of Commenting (Oral or Written)
1.	Cathy Stepp, Secretary Department of Natural Resources 101 S. Webster Street Box 7921 Madison, WI 53707-7921	Opposes in part; Supports in part	Written
2.	Bert Davis Badgerland Campground 2671 Circle Drive Stoughton, WI 53589	No position taken	Observed only
3.	Trisha Pugal Wisconsin Hotel and Lodging Association 1025 S. Moreland Road #200 Brookfield, WI 53005	Opposes	Oral and written
4.	Chris Fandre Waukesha County park System 515 W. Moreland Blvd. Waukesha, WI 53188	No position taken	Observed only
5.	Country Thunder Nashville, TN	No position taken	Observed only
6.	Matt Mithan 715 Spring Street Somerset, WI 54025	No position taken	Observed only
7.	Wade Asher Chippewa Valley Music Festival	Supports	Oral

Commenter #	Name and Address	Position Taken (Support or Opposed)	Method of Commenting (Oral or Written)
	24447 County Road S Cadott, WI		
8.	Jim Bischel Country Jam USA Blue Ox Music Festival 1711 S. Hastings Way Eau Claire, WI	Opposes	Observed only
9.	Dan Peterson 720 Second Avenue Eau Claire, WI 54703	No position taken	Written
10.	Sarah Losurdo 15252 Knollwood Lane Suring, WI 54174	No position taken	Observed only
11.	Jerry Giebel 7750 Indian shores Road Woodruff, WI 54568	No position taken	Observed only
12.	Marty Adams 610 S. Broadway Green Bay, WI 54304	Opposes in part; Supports in part	Oral and written
13.	Ken and Lin Kenworthy Terrace View Campground W 5220 Terrace View Road Tomahawk, WI 54487	No position taken	Written
14.	EJ Lallier Somerset Amphitheater 715 Spring Street Somerset, WI 54017	No position taken	Observed only
15.	Kevin Pontiac 1417 Maricopa Drive Oshkosh, WI 54904	No position taken	Observed only

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16.	Thomas VanHarpen Hodag Country Festival 5360 Forest Lane Rhinelander, WI 54501	Supports	Observed only
17.	Aaron Schellinger 2065 American Drive Suite A Neenah, WI 54956	Supports	Observed only
18.	Derek Liebhauser 3138 Westfield Ridge Neenah, WI	Supports	Observed only
19.	Lindor R. Maletzke III Spur of the Moment Ranch, LLC 14221 Helen Lane Mountain, WI 54149	No position taken	Observed only
20.	Ann Maletzke Spur of the Moment Ranch, LLC 14221 Helen Lane Mountain, WI 54149	No position taken	Oral and written
21.	George Denis P.O. Box 12 Woodruff, WI 54568	Supports only with the changes proposed by WACO	Oral and written
22.	Gerry Van Harpen Hodag Country Festival 5360 Forest Lane Rhinelander, WI 54501	Supports only with the changes proposed by WACO	Observed and written
23.	Patty Bennett Crystal Lake RV Resort	Supports only with the changes proposed by WACO	Written
24.	Mark Weber	Supports only with the changes proposed by WACO	Written

Commenter #	Name and Address	Position Taken (Support or Opposed)	Method of Commenting (Oral or Written)
25.	Jessica Malsack W781 Fox Court Montello, WI 53949	Supports only with the changes proposed by WACO	Oral and written
26.	Leland Nelson Keyes Lake Campground 4918 HWY 101 Florence, WI 54121	Supports only with the changes proposed by WACO	Oral and written
27.	Joyce Stenklyft Stoney Creek RV Resort – Osseo, Wi 54758	Supports only with the changes proposed by WACO	Written
28.	Mark Stefan Grand Valley Campground	Supports only with the changes proposed by WACO	Written
29.	Albert King	Supports only with the changes proposed by WACO	Written
30.	Linda M Krebsback P.O. Box 338 Rhinelander, WI 54501	Supports only with the changes proposed by WACO	Observed only
31.	Jean Sharon Weavers Resort 1001 Weavers Road	Supports only with the changes proposed by WACO	Observed only
32.	Scott Kollock Vista Royale Campground 5966 Jessie Judd Road Bancroft, WI 54921	Supports only with the changes proposed by WACO	Observed and written
33.	Robert Weiss Wilderness Campground N1499 State Road 22 Montello, WI 53949	Supports only with the changes proposed by WACO	Oral and written
34.	Bud Styer P.O. Box 18	Supports only with the changes proposed by WACO	Oral

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	Lodi, WI 53555		
35.	Wendy England-Lowe Weavers Resort 1001 Weavers Road	Supports only with the changes proposed by WACO	Observed only
36.	Caron Schimmel 4962 182 nd Street Chippewa Falls, WI 54729	Supports only with the changes proposed by WACO	Observed only
37.	Geri Walter 14912 105 th Avenue Chippewa Falls, WI 54729	Supports only with the changes proposed by WACO	Observed only
38.	Kevin Pratt Green Acres Family Campground 30714 152 nd Street Chippewa Falls, WI 54729	Supports only with the changes proposed by WACO	Observed and written
39.	Rose Schaper N2930 E. Sunnyvale Road Black River Falls, WI	Supports only with the changes proposed by WACO	Observed and written
40.	Lori Severson Representing WACO P.O. Box 228 Etrick, WI 54627	Supports only with the changes proposed by WACO	Written
41.	Emily Truell W856 Arrowhead Road Montello, WI 53949	Supports only with the changes proposed by WACO	Oral and written
42.	Bud Styer Representing Camping for the Fun of It P.O. Box 18 W9935 McGowan Road Lodi, WI 53555	Supports only with the changes proposed by WACO	Oral

Commenter #	Name and Address	Position Taken (Support or Opposed)	Method of Commenting (Oral or Written)
43.	Robert Boerger Lakeview Campground	Supports only with the changes proposed by WACO	Written
44.	John Howard Arrowhead Resort Campground	Supports only with the changes proposed by WACO	Written
45.	Joe Walter O Neil Creek Campground	Supports only with the changes proposed by WACO	Written
46.	Teresa Boerger Boerger's Lakeview Campground	Supports only with the changes proposed by WACO	Written
47.	Rick Oswalt Featherstone RV Park	Supports only with the changes proposed by WACO	Written
48.	Jill Kavicky	Supports only with the changes proposed by WACO	Written
49.	Gregory Adams Baraboo Hills Campground	Supports only with the changes proposed by WACO	Written
50.	Donna Rankin Hixton/Alma Center KOA, LLC	Supports only with the changes proposed by WACO	Written
51.	Jim Tracy Fox Hill RV Park & Campground	Supports only with the changes proposed by WACO	Written
52.	Christina Green On behalf of Live Nation 354 Seymour Ct. Elkhorn, WI	Supports only with the changes proposed by WACO	Observed only
53.	Mike Dricken Lake Lenwood Beach and Campground 7053 Lenwood Drive West Bend, WI 53090	Supports only with the changes proposed by WACO	Oral and written
54.	Adam Malsack Board of Directors	Supports only with the changes proposed by WACO	Oral and written

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	Wisconsin Association of Campground Owners Lake Arrowhead Campgrounds, Inc. W781 Fox Court Montello, WI 53949		
55.	Judy Buchta W6560 County Road G Pardeeville, WI 53954	Supports only with the changes proposed by WACO	Written
56.	Dave Schneider Indian Trails Campground W0445 Haynes Road Pardeeville, WI 53954	Supports only with the changes proposed by WACO	Oral and written
57.	Diane Keller Shady Grove Resort	Supports only with the changes proposed by WACO	Written
58.	Crystal Hyland Silver Springs Campsites	Supports only with the changes proposed by WACO	Written
59.	Michael Murphy Rustic Barn	Supports only with the changes proposed by WACO	Written
60.	Dawn Rehwinkel Merry Mac s Campground	Supports only with the changes proposed by WACO	Written
61.	Carol Sweeney	Supports only with the changes proposed by WACO	Written
62.	Timothy Guckenberg Wagon Trail Campground	Supports only with the changes proposed by WACO	Written
63.	Patrick Flanagan Pearl Lake Campsites, Inc.	Supports only with the changes proposed by WACO	Written
64.	Nathan Flanagan Pearl Lake Campsites, Inc.	Supports only with the changes proposed by WACO	Written

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65.	Dianne Flanagan Pearl Lake Campsites, Inc.	Supports only with the changes proposed by WACO	Written
66.	Mike Tinstman	Supports only with the changes proposed by WACO	Written
67.	Rickie Gustke	Supports only with the changes proposed by WACO	Written
68.	Ella Tinstman	Supports only with the changes proposed by WACO	Written
69.	Myrna Schneider	Supports only with the changes proposed by WACO	Oral and written
70.	Warren Clark Kewaunee Village RV Park & Campground	Supports only with the changes proposed by WACO	Written
71.	Lynn Collins Fireside Campground	Supports only with the changes proposed by WACO	Written
72.	Rick Collins Fireside Campground	Supports only with the changes proposed by WACO	Written
73.	Angela Pratt Green Acres Family Campground	Supports only with the changes proposed by WACO	Written
74.	Mikel Pratt Green Acres Family Campground	Supports only with the changes proposed by WACO	Written
75.	Jacob Pratt Green Acres Family Campground	Supports only with the changes proposed by WACO	Written
76.	Adam Pratt Green Acres Family Campground	Supports only with the changes proposed by WACO	Written
77.	Katoria Gappa Green Acres Family Campground	Supports only with the changes proposed by WACO	Written
78.	Don Allen Arbor Vitae Campground	Supports only with the changes proposed by WACO	Written

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79.	Justin Rose Deer Trail Park Campground	Supports only with the changes proposed by WACO	Written
80.	Laurie Adams Baraboo Hills Campground	Supports only with the changes proposed by WACO	Written
81.	Julie Michaels Scenic Ridge Campground	Supports only with the changes proposed by WACO	Written
82.	Jessica Kortbein Wanna Bee Campground and RV Resort	Supports only with the changes proposed by WACO	Written
83.	Randy Streblow Circle R Campground	Supports only with the changes proposed by WACO	Written
84.	Cheryl Spruce Snug Harbor	Supports only with the changes proposed by WACO	Written
85.	Kathie Wingers Kilby Lake Campground	Supports only with the changes proposed by WACO	Written
86.	Tom Buchta Duck Creek Campground	Supports only with the changes proposed by WACO	Written
87.	Jay Adriaenssens Wild West Campground	Supports only with the changes proposed by WACO	Written
88.	Terry Conroy Boulder Lodge	Supports only with the changes proposed by WACO	Written
89.	Robyn Couperus Wildwood Haven Resort, LLC	Supports only with the changes proposed by WACO	Written
90.	Jerry Konyn Diamond Lake Campground	Supports only with the changes proposed by WACO	Written
91.	Lisa Josephson Sweetminihaha Campground	Supports only with the changes proposed by WACO	Written
92.	Debbie Laymon Dell Boo Family Campground	Supports only with the changes proposed by WACO	Written

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93.	Christine Frisle Kingfisher Resort	Supports only with the changes proposed by WACO	Written
94.	Gayle Davidson Northern Exposure	Supports only with the changes proposed by WACO	Written
95.	Jane Thurston Oak Grove Resort	Supports only with the changes proposed by WACO	Written
96.	Theresa Toborg Northland Resort	Supports only with the changes proposed by WACO	Written
97.	Lollie Wheeler Wheeler s Campground	Supports only with the changes proposed by WACO	Written
98.	James Rankin KOA Hixton/Alma Center	Supports only with the changes proposed by WACO	Written
99.	James Button Evergreen Campsites & Resort	Supports only with the changes proposed by WACO	Written
100	Lori Johnson	Supports only with the changes proposed by WACO	Written
101.	Chris Leavens	Supports only with the changes proposed by WACO	Written
102.	Dennis Taylor	Supports only with the changes proposed by WACO	Written
103.	Steven Hennig Six lakes resort	Supports only with the changes proposed by WACO	Written
104.	Scott Grenon Tunnel Trail Campground	Supports only with the changes proposed by WACO	Written
105.	Connie Sondalle Pineland Camping Park	Supports only with the changes proposed by WACO	Written
106.	Karl Boehm Buckatabon Lodge and Lighthouse Inn	Supports only with the changes proposed by WACO	Written

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107.	Christine Ottow Coachmans Terrace	Supports only with the changes proposed by WACO	Written
108.	Delores Benish Coons Deep Lake Campground, LLC	Supports only with the changes proposed by WACO	Written
109.	Dixie Nieuwenhuis	Supports only with the changes proposed by WACO	Written
110.	Sherrie Patten Rustic Timbers Door County Camping	Supports only with the changes proposed by WACO	Written
111.	Roxanne Hanly Crazyhorse	Supports only with the changes proposed by WACO	Written
112.	Grant Kearsey Highland Park Campground	Supports only with the changes proposed by WACO	Written
113.	Betty Zirbel Pine Grove Campground, LLC	Supports only with the changes proposed by WACO	Written
114.	James Hanly Crazyhorse	Supports only with the changes proposed by WACO	Written
115.	John Anderson Beantown Campground	Supports only with the changes proposed by WACO	Written
116.	Michael Ross Shady Oaks Campground	Supports only with the changes proposed by WACO	Written
117.	Frank Keller Shady Grove Resort	Supports only with the changes proposed by WACO	Written
118.	Tony DeBolt Hayward KOA	Supports only with the changes proposed by WACO	Written
119.	Diane Thomson Glacier Valley Campground	Supports only with the changes proposed by WACO	Written

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120.	Richard Chandler Glacier Valley Campground	Supports only with the changes proposed by WACO	Written
121.	John Gamble Log Cabin	Supports only with the changes proposed by WACO	Written
122.	Therese Gamble Log Cabin	Supports only with the changes proposed by WACO	Written
123.	Edmund Berg Waupaca Camping Park LLC	Supports only with the changes proposed by WACO	Written
124.	Patrick Rehwinkel MerryMac Campground	Supports only with the changes proposed by WACO	Written
125.	Donna Kravetsky Oakdale KOA	Supports only with the changes proposed by WACO	Written
126.	Cathy Schneider	Supports only with the changes proposed by WACO	Written
127.	James Lewis Summer Hideaway RV Campground Resort LLC	Supports only with the changes proposed by WACO	Written
128.	Phil Malsack	Supports only with the changes proposed by WACO	Written
129.	Charles Woodworth Country Aire Camping Resort	Supports only with the changes proposed by WACO	Written
130.	Jason Stanek Lake Dubay Shores Campground	Supports only with the changes proposed by WACO	Written
131.	Denise Kazik	Supports only with the changes proposed by WACO	Written
132.	Susan Sutor Big Swedes Resort	Supports only with the changes proposed by WACO	Written
133.	Jon Meteraud Crystal Lake Campground	Supports only with the changes proposed by WACO	Written

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134.	Tiffany Pargman Indian Trails Campground	Supports only with the changes proposed by WACO	Written
135.	Dan Frase Bay Park Resort and Campground	Supports only with the changes proposed by WACO	Written
136.	Bryan Keown	Supports only with the changes proposed by WACO	Written
137.	Ronald Baribeau	Supports only with the changes proposed by WACO	Written
138.	Bruce Bryant Jellystone Warrens	Supports only with the changes proposed by WACO	Written
139.	Tom Sweeney Shady Nook Resort	Supports only with the changes proposed by WACO	Written
140.	Frank Ward Holiday Shores	Supports only with the changes proposed by WACO	Written
141.	Don Robinson Lake Chippewa Campground	Supports only with the changes proposed by WACO	Written
142.	Jason Adler Jellystone Park Camp Resort Warrens	Supports only with the changes proposed by WACO	Written
143.	Eugene Veenendall Vee's Musky Blvd Resort	Supports only with the changes proposed by WACO	Written
144.	Cheryl Treland Treeland Farm RV Resort	Supports only with the changes proposed by WACO	Written
145.	Lori Severson Champions Riverside Resort	Supports only with the changes proposed by WACO	Written
146.	Rick Severson Champions Riverside Resort	Supports only with the changes proposed by WACO	Written
147.	James Reed Maple Heights Campground	Supports only with the changes proposed by WACO	Written

Commenter #	Name and Address	Position Taken (Support or Opposed)	Method of Commenting (Oral or Written)
148.	David Benish WI Dept. Natural Resources Parks	Supports only with the changes proposed by WACO	Written
149.	William Boerger Lakeview Campground	Supports only with the changes proposed by WACO	Written
150.	Jeffery Bubolz Department of Health Services	No Position Taken	Written

Summary of Public Comments and Department Responses

The number(s) following each comment corresponds to the number assigned to the individual listed in the Public Hearing Attendees and Commenters section of this document.

Rule Provision	Public Comment	Department Response
General	Clarify the wording of the various exemption requirements and variance provisions in the rule. Reorganize them for better clarity. (13)	<p>The department recommends no change. When the rule becomes effective, the Legislative Reference Bureau will replace the language “...the effective date of the rule” with an actual date. In response to this comment and where the department believed that more clarification was needed, the department revised the language to clearly and explicitly state the exemption. These changes should make the rule clearer.</p> <p>It should be noted that variances are not exemptions; a variance granted by the department allows an operator to request alternative compliance to a requirement of the rule.</p>
General	Make standardized language for required signage available at the end of the code for facility operators to download and post. (12)	The department recommends no change. There are many different variables with respect to signage. A campground operator should be free to create signage to match their campground’s individual circumstances.
DHS 178.02	Maintain the previous exemptions for special event campgrounds. (21 – 144, 149)	The department revised s. DHS 178.02, the rule’s applicability statement, consistent with the comment.
DHS 178.03	The definition of “pit privy” should be included in the rule. Alternately, define the term “privy” as either a pit or vault privy in compliance with SPS 391 and change any reference to a vault privy in the rule to “privy”. (9)	The department recommends no change. Privy toilets and other approved toilets are different and the distance requirements for the various types of toilets should be accounted for and included in the rule.
DHS 178.03 (5) and (6)	Combine the definitions of “camping trailer” “camping unit”, and	The department recommends no change. A “camping unit” is defined in the rule to include a tent, camping cabin, yurt, recreational vehicle, mobile home, and manufactured home. Rules drafting guidelines require that each

Rule Provision	Public Comment	Department Response
	<p>“recreational vehicle” for better uniformity. (13)</p>	<p>of these types of camping units be separately defined to ensure that readers know the meaning of the terms.</p> <p>The department intends that the definition of “camping trailer” in s. DHS 178.03 (5), be the same as the definition found in statute under s. 340.01 (6m), Stats., this helps with consistency between rules and statutes relating to the same subject matter.</p>
DHS 178.03 (6)	<p>The definition of “camping unit” should be modified such that buses, vans, or pickup trucks be included as before in the definition of a “camping unit”. (1, 21-144, 148, 149)</p>	<p>The definition of a “camping unit” in s. DHS 178.03 (6), has been revised consistent with the comment, to include a bus, van, or pickup truck.</p>
DHS 178.03 (6)	<p>Structures such as cabins that are rented to the public for overnight stays should be differentiated based on whether the structure has plumbing or electrical service. Revise the definition of a “camping unit” to mean a yurt or cabin without plumbing and require that any electrical work connecting to this camping unit must meet the uniform building code. (3)</p>	<p>The department recommends no change. A “camping unit” is defined to include various types of structures that may be used by a camper for overnight stays. Some of these structures such as a recreational vehicle must meet their own separate national standards for plumbing and electrical. A camping cabin must be 400 square feet or less and is required to meet Wisconsin’s Uniform Dwelling Code, for what is provided, to be considered a camping unit. A camping cabin that is greater than 400 square feet must be licensed as a tourist rooming house.</p>
DHS 178.03 (6)	<p>Revise the term “camping unit to mean a structure, including a tent, recreational vehicle, motorhome, camping cabin, yurt, or manufactured home. (13)</p>	<p>The department recommends no change. The proposed definition of “camping unit” is more inclusive than the suggested language.</p>
DHS 178.03 (7)	<p>Revise the definition of “campsite” to remove the reference to a campsite being “subdivided” (13, 21-144, 149)</p>	<p>The department revised the definition of “campsite” in s. DHS 178.03 (7), consistent with the comment, to remove the word “subdivided”.</p>

Rule Provision	Public Comment	Department Response
DHS 178.03 (26)	<p>Change or remove the reference to feeding from the definition of “petting zoo”. I'm concerned that someone might remove the food dispenser so they don't have to provide/maintain a sink or hand sanitizer. (150)</p>	<p>The department revised the definition of “petting zoo” consistent with the comment. The department clarified the definition to mean a collection of animals that may be touched or fed.</p> <p>The rule under s. DHS 178.18, requires that if the campground has a petting zoo, the campground operator must provide a hand washing or hand sanitizing station near the exit of the petting zoo to encourage hand washing by patrons after handling animals. This requirement applies whether or not the animals are fed by patrons.</p> <p>The department renumbered the definition of “petting zoo” from s. DHS 178.03 (26). The definition is now in s. DHS 178.03 (25).</p>
DHS 178.03 (33)	<p>Revise the definition of “recreational vehicle” to remove the reference to the maximum length and to include different types of camping trailers: Leaving “recreational vehicle” to mean: a vehicle that has walls of rigid construction, or may have collapsible or folding sidewalls in transit, designed to be towed upon a highway by a motor vehicle or has a motor of its own. Is equipped and used or intended to be used primarily for temporary or recreational human habitation. A recreational vehicle includes: camping trailers, fold-down type camping trailers, motor homes, park models. (13)</p>	<p>The department recommends no change. The definition of “recreational vehicle” currently encompasses all of the types recreational vehicles referenced in the comment. Collapsible or folding walls are part of the definition of a “camping trailer”. The federal department of transportation regulates the length of recreational vehicles.</p> <p>The department renumbered the definition of “recreational vehicle” from s. DHS 178.03 (33). The definition is now in s. DHS 178.03 (32).</p>

Rule Provision	Public Comment	Department Response
DHS 178.03 (34)	Revise the proposed definition of “rustic campsite” to include what could be considered rustic “operator provided attributes” such as a campsite fire ring, and a picnic table. The revision would allow DNR the ability to provide the public with an option of more remote hike-in/cart campsites as part of our conventional campground design.(1, 148)	<p>The department recommends no change. Neither the existing definition of “rustic campsite” nor the rule prohibits the use of carts to access rustic campsites. As provided under s. DHS 178.03 (7), a “rustic campsite” is a type of campsite that may be accessed by non-motorized means.</p> <p>Additionally, a “campground attribute” as defined in s. DHS 178.03 (8), does not include features such as campfire rings or picnic tables, thus they may not be considered campground attributes.</p> <p>The department renumbered the definition of “rustic campsite” from s. DHS 178.03 (34). The definition is now in s. DHS 178.03 (33).</p>
DHS 178.03 (38)	Revise the definition of “tourist rooming house” to specifically state that a tourist rooming house does not include a camping unit that is less than 400 square feet. (21-144, 149)	<p>The department revised the definition of “tourist rooming house” consistent with the comment.</p> <p>The department renumbered the definition of “tourist rooming house” from s. DHS 178.03 (38). The definition is now in s. DHS 178.03 (37).</p>
DHS 178.03 (38)	Does the term or phrase “tourist rooming house” have to be included for any reason in ch. DHS 178? Does the definition include the homes that rent out sleeping rooms or houses, or part of their personal house during a community’s large activities to the general public? Or are members of a Chamber of Commerce with a listing for houses to rent on monthly basis? Or a special events issue? Is this included with DHS 195.03 covered by other	<p>The department recommends no change Many campgrounds have lodging establishments as part of their offering. Any structure in a campground used for overnight sleeping accommodations that is more than 400 square feet is considered a tourist rooming house or hotel. The definition of “tourist rooming house” is included in ch. DHS 178, because the term is used in the rule to distinguish when a camping cabin is considered a tourist rooming house and thus requires a license under ch. DHS 195.</p> <p>The department revised the definition of “tourist rooming house” to clarify the square footage requirement. The department renumbered the definition of “tourist rooming house” from s. DHS 178.03 (38). The definition is now in s. DHS 178.03 (37).</p>

Rule Provision	Public Comment	Department Response
	statutes for persons renting out a room, part of a house or full house only? I don't see connection. (13)	
DHS 178.03 (39)	Some campgrounds use heavy duty constructed black water holding tanks that are connected to the camping units in seasonal areas or as temporary holding tanks and are pumped out from the unit by a registered pumping service or by the campground operator if so licensed on a regular basis. The definition of "vault privy" does not fit the type of facility that is being used. Is this covered within this section? If not, revise the definition to include these types of temporary holding facilities. (13)	<p>The department recommends no change. The term "vault privy" as defined by the department of safety and professional services in s. SPS 391.03 (9), means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited to a subsurface storage chamber that is watertight.</p> <p>The commenter seems to be referring to a transfer tank which is used to receive discharge from a toilet, shower, laundry, bathing, or sink in a recreational vehicle as described under s. DHS 178.15 (3).</p> <p>The department renumbered the definition of "vault privy" from s. DHS 178.03 (39). The definition is now in s. DHS 178.03 (38).</p>
DHS 178.04 (1) (b)	Modify s. DHS 178.04 (1) (b) relating to plan approval, to provide an exception when an operator-provided camping unit is placed on an existing campsite. (21, 22, 24-26, 28, 29, 32, 33, 38, 39, 41, 44, 45, 47, 48, 50, 51, 53, 55, 56, 58, 60, 62-78, 80, 81, 86-88, 92, 98, 99, 109, 111-122, 124-126, 128-133, 135-139, 141-147, 149)	<p>Consistent with the comment, the department revised s. DHS 178.04 (1), to allow a previously approved operator-provided camping unit to be placed or relocated on an approved campsite without plan approval.</p> <p>Section s. DHS 178.04 has been renumbered.</p>
DHS 178.05	The DNR should not be required to have a permit for primitive or semi-primitive campsites. (1) (148)	The department recommends no change. The proposed rule does not reference primitive or semi-primitive campsites. This will be clarified in a Memorandum of Understanding between the department and the department of natural resources.

Rule Provision	Public Comment	Department Response
DHS 178.05 (1) (a)	<p>Combine the number of campers specified in the definition of “group campsite” with the requirements of DHS 178.05 (1) (a) 1. and 2. , relating to what triggers the need for a permit. 7 or down to 5. Is this for allowing for a variance of including more if for one family? (Is there a distinction of extended family or immediate family only? (13)</p>	<p>The department recommends no change. Section DHS 178.05 (1) (a), refers to the number of campsites that would trigger the need for a campground permit. Section DHS 178.03 (14), defines the number of campers that can occupy a group campsite. Section DHS 178.03 (17), defines the number of people that can occupy an individual campsite. The permitting requirement under s. DHS 178.05 (1) (a), and the definitions of “group campsite” and “individual campsite” under ss. DHS 178.03 (14) and (17), respectively, are distinct in meaning and intent and thus cannot be combined.</p> <p>The department revised s. DHS 178.03 (17), the definition of “individual campsite” to remove the reference to “individual family” to clarify that an individual campsite is limited to six campers.</p>
DHS 178.05 (1) (b)	<p>Modify the language for when an additional permit is needed to operate two or more campgrounds to only require an additional permit when the central registration of the campgrounds are separated by five or more miles in order to qualify for the multiple permit requirement. (1, 13, 21-144, 148, 149)</p> <p>Requiring additional permits creates a burden on state operated campgrounds.</p> <p>Another potential issue is the proposed wording could be interpreted such that a campground loop which could be opened or closed with a gate from</p>	<p>Consistent with the comment, the department revised s. DHS 178.05 (1) (b), to require a separate permit when multiple campgrounds are located within a tract of land owned by the person who owns or operates both campgrounds and the central registration location of each campground is separated by five or more miles.</p>

Rule Provision	Public Comment	Department Response
	another campground loop might require a license which would make for additional fiscal impact on the agency. We assume this is not the intent and request clarifying language. (1, 148)	
DHS 178.05 (4)	The provisions for new permits and renewal permits for campgrounds should be more distinguished and clarified. (13)	Consistent with the comment, the department revised and renumbered s. DHS 178.05, to clarify the permit application process, including for a new permit and permit renewal.
DHS 178.07	The provisions on orders, appeal rights, and forfeitures should be clarified. (13)	The department revised and renumbered s. DHS 178.07, to clarify the provisions for general orders and temporary orders to correct violations, including providing an option for an extension to correct a violation. The provisions on appeal rights and forfeitures are as provided in ch. 254, Stats.
DHS 178.08	DHS 178.08 relating to suspension or revocation of a permit indicates that a suspension or revocation order shall take effect 15 days after the date of issuance unless a hearing is requested under DHS 178.09 seems out of place (13)	Consistent with the comment, the department revised s. DHS 178.07 (2) (b), to cross reference s. DHS 178.08, to indicate when a suspension or revocation, due to an uncorrected violation, would become effective.
DHS 178.11	DHS 178.11 should be included in an earlier section before the suspension or revocation of permits and appeal processes etc., the information on campgrounds that have seasonal are all inclusive to the various forms of the RV industry we usually utilize. (13)	The department recommends no change. The rule is designed to have the permits and plan review and other administrative activities at the beginning of the rule.
DHS 178.13 (1) (b)	Modify DHS 178.13 (1) (b) to provide an exemption for existing operators from requirements on	Section DHS 178.13 (1) (b), was renumbered and revised to provide the exemption requested by commenters.

Rule Provision	Public Comment	Department Response
	<p>measuring distance and distance requirements between camping units and other buildings. Without this exemption thousands of campsites in safe, high quality campgrounds and resorts throughout the state would immediately find themselves in violation of the adopted code. This clarification ensures inspectors and agents will enforce the rule correctly. (21-144, 149)</p>	
<p>DHS 178.13 (3) (e)</p>	<p>Replace the word “any” with the word "an" in the sentence "... requirements of ch. DHS 195 (21-144, 149)</p>	<p>The department revised s. DHS 178.13 (e), consistent with the comment.</p>
<p>DHS 178.13 (10) (a)</p>	<p>For operator provided mattress covers, does non-absorbent mean a plastic cover or a cover that contains a plastic layer?</p>	<p>The department recommends no change. Non-absorbent means any material that meets that characteristic.</p>
<p>DHS 178.14 (1) (c)</p>	<p>The requirement that public water supplies serving a campground conform to the standards in NR 812 should be added in addition to the requirement that these water supplies conform to the standards of NR 809. All physical construction standards are contained within NR 812 and it is appropriate to require that a public water supply conform to these standards. (9)</p>	<p>The department revised s. DHS 178.14, consistent with the comment.</p>

Rule Provision	Public Comment	Department Response
DHS 178.15 (1) (b)	Revise DHS 178.15 concerning failing POWTS to simplify and clarify the provision. (9)	The department revised s. DHS 178.15 (1) (b), consistent with the comment.
DHS 178.15 (2) (a) 2.	The DNR requests an exemption for our pre-existing campgrounds. Otherwise requiring as an alternative method to POWTS or municipal sewer, of disposal that the distance to a sanitary dump station be 10 or fewer miles to the campground will impose a very large fiscal burden in the cost of developing dump stations at a number of campgrounds in these difficult budget times and may force closure of some campgrounds. Alternatively we would request that the proposed mileage provision in DHS 178.15(2) (a)2., be increased to 25 miles as that would bring our existing properties into compliance. (1, 148)	Consistent with the comment, the department revised s. DHS 178.15 (2) (a) 2., to increase the distance to a sanitary dump station to 25 miles as an alternative method of disposal to POWTS or municipal sewer.
DHS 178.15 (2) (c)	The proposed 15 foot separation between a campsite and a sanitary dump station is insufficient. Campers with small children frequently have a hard time watching them and keep them safe from physical hazards. Allowing a source of potential expose to human sewage only 15 feet from the campsite represents a public health risk. A separation of 50 to 75 feet is more appropriate. (9)	The department recommends no change. The proposed rule under s. DHS 178.15 (2) (e), requires a five foot buffer around the dump station to prevent contamination from splash. The additional 10 feet beyond the five foot buffer will provide the 15 feet of separation between a campsite and dump station required under s. DHS 178.15 (2) (c), which is more than adequate protection from hazards.

Rule Provision	Public Comment	Department Response
DHS 178.18	Add a separation distance between a campsite and a petting zoo. There are current separation distance guidelines between temporary food service operations and petting zoos. Please consider these and similar guidelines when allowing a petting zoo in a campground. (9)	The department recommends no change. Distance requirements between a campsite and petting zoo are addressed under s. DHS 178.11 (4) (b). Under that provision a campsite may not be located within 100 feet of a petting zoo. The department revised s. DHS 178.18, to cross-reference the distance requirements for petting zoos in s. DHS 178.11 (4) (b).
DHS 178.18	Operators should be required to provide the hand washing station with potable water and soap for guest hand washing. The rules should also require that a sign be posted at the hand washing station of the petting zoo to encourage hand washing. (12)	<p>The department revised s. DHS 178.18, to require operators to post a sign near the hand washing or hand sanitizing station to encourage hand washing or hand sanitizing after visiting the petting zoo.</p> <p>No change was made to require operators to provide a hand washing station with potable water. Not all campgrounds have the ability to provide potable water for hand washing and the accompanying waste water collection system.</p>
DHS 178.19	<p>New campgrounds or existing campgrounds that add a fish or game cleaning station shall provide potable water at the fish and game cleaning station.</p> <p>A water faucet supplied with potable water located within the designated fish cleaning area shall meet the requirement for an approved water supply. Water fixtures shall have an approved anti siphon or backflow prevention device installed on the faucet if equipped with a threaded faucet outlet. (12)</p>	The department recommends no change. Not all campgrounds have an available water supply to a fish or game cleaning station in a campground. For the campgrounds that do supply water to the fish and game cleaning station, the campground must meet the plumbing requirements described in s. DHS 178.19 (2), which includes all of the provisions mentioned in the comment.

Rule Provision	Public Comment	Department Response
DHS 178.20 (1) (b) 2.	Clarify garbage may not be stored in plastic bags after collection. (21-144, 149)	The department revised s. DHS 178.20 (1) (b) 2., consistent with the comment.
DHS 178.22 (3)	Revise the campfire rings setback requirements to be minimum of 5 feet away from camping units, building structures, and motor vehicles, instead of 10 feet for new campsites only. This is essential. Without this change thousands of campsites in safe, high quality campgrounds and resorts throughout the state would immediately find themselves in violation of the adopted code. Furthermore, without this change development of new campsites or campgrounds and resorts would be significantly impeded by the huge site size required to meet the setbacks. (21-144, 149)	The department revised s. DHS 178.22 (3), consistent with the comment.
DHS 178.24 (2)	Revise s. DHS 178.24 (2) to recognize a web based or computer based reservation/registration system as an alternative to a paper register. Wisconsin State Parks and some State Forests use a web based reservation/registration system and do not keep a paper register of principal campsite occupant. The central point of contact for the property would be	The department revised s. DHS 178.24 (2), consistent with the comment.

Rule Provision	Public Comment	Department Response
	able to provide the requested information through this system.(1)	
DHS 178.24 (3)	Do not require operators to submit death, injury or illness reports to the department. The reporting of death, injury and illness in the fashion proposed within the rule text would open up campgrounds and resorts to litigation as well as increased insurance rates and public relations issues, as all submissions would be public record. (1, 13, 21-144, 148, 149)	<p>The department removed requirements under s. 178.24 (3), for operators to submit death, illness, and injury reports to the department as requested by the commenters. The requirement under s. DHS 179.24 (5) (e), to maintain a copy of such records on the campground's premises was also removed.</p> <p>The department renumbered s. DHS 178.24, to accommodate the change.</p>
DHS 178.24 (4)	Revise s. DHS 178.24 (4) to require that a telephone be located within the boundary of the campground property accessible for public use. (12)	The department recommends no change. Section DHS 178.24 (4), requires signage be posted providing directions to the nearest telephone for emergency use as the department recognizes that many campgrounds are located in remote locations and may not be equipped with either electrical or phone lines.
DHS 178.24 (4)	Require that operators post the following information in case of emergencies: The location of and how to reach the person in charge, nearest hospital and phone numbers and directions to all local emergency facilities, and storm alert listing the county along with procedures for safety from storms. This should apply to ALL who are listed as needing permits including rustic campsites. (13)	The department recommends no change. The proposed rule sets out the minimum requirements for campgrounds. The department encourages operators to be proactive in providing emergency contact information to their customers, but at a minimum, signage should be provided directing campers to the nearest emergency telephone.
DHS 178.26	Modify DHS 178.26 concerning special event campgrounds to require that an application for permit must be received	The department revised the special event campground provisions in s. DHS 178.26, consistent with the comment.

Rule Provision	Public Comment	Department Response
	<p>at least 30 days prior to the event; remove the annual maximum number permits that may be issued; allow permits to be valid for 14 days instead of 7; there be no minimum square footage for campsites existing prior to the adoption of the rule; and require there be an 800 square foot minimum for campsites in new special event campgrounds with new venues, created after adoption of the rule. (9, 21-144, 149)</p>	
DHS 178.27	<p>For rustic campsites, campfires must be totally wet (doused) and out before leaving the area. Emergency location, direction and telephone numbers and closest responders should be in an area easily seen in traveled portions of the areas by the user as described above but modified to include whatever availability is available to the user. (13)</p>	<p>The department recommends no change. It is encouraged that operators provide safe camping instructions as well as the rules for their campground use, to all users. The intent of a rustic campground is to allow the camper to experience nature, free from campground amenities, including signage and other manmade attributes.</p>
DHS 178.27 (2)	<p>The distance requirements in DHS 178.27 (2) should be reduced for rustic camping experience afforded within a conventional campground. The 500 foot setback is not feasible given the layouts of a conventional campground. It is more achievable for our more primitive or semi-primitive camping experiences. We recommend reduction</p>	<p>The department recommends no change. The distance requirement of 500 feet in s. DHS 178.27 (2), is necessary to provide the rustic camping experience. The Memorandum of Understanding between DNR and the department can address existing primitive camping areas that do not meet this requirement.</p>

Rule Provision	Public Comment	Department Response
	to a 150 foot setback for this type of rustic camping experience. (1, 148)	
DHS 178.27 (3)	Proposed DHS 178.27 (3) requires a minimum distance between each rustic campsite of 400 feet. Revise the language to allow the areas to be located less than 400 feet apart when the topography assures that the setting's privacy and solitude objectives can be achieved. This is consistent with the requirements of DNR's NR 44 standards (1, 148)	The department revised s. DHS 178.27 (3), to permit operators to request a variance to the distance requirement and to allow the department to consider a campsite's topography in the approval process.
DHS 178.27 (4)	DHS 178.27 (4) should be more permissive so that if there are toilet facilities nearby as part of the conventional campground that the carrying out of waste is not required. (1, 148)	The department revised s. DHS 178.27 (4), consistent with the comment.

Summary of Items Submitted with this Report to the Legislature

1. Final proposed rule.
2. Fiscal-Estimate-Economic Impact Analysis.
3. The Legislative Council Rules Clearinghouse Report.

The department did not receive a report from the Department of Administration under ss. 227. 115 (2) or 227.137 (6), Stats.; the Public Service Commission under s. 227.117 (2), Stats., or a report or suggested modifications from the Small Business Regulatory Review Board under s. 227.14 (2g), Stats.