

Report to
Legislative Council Rules Clearinghouse
NR 1, 11, 45, 51, 115 and 116, Wis. Adm. Code
Natural Resources Board Order No. PR-03-20

Wisconsin Statutory Authority

The department has the authority under s. 23.09 (2), Stats., to promulgate rules and establish plans and projects for conservation, including establishing game and fish refuges, acquiring lands, and maintaining lands for conservation, habitat, research, scenic, historical and recreational purposes.

Section 23.091, Stats., authorizes the department to acquire, develop, operate and maintain state recreation areas and establish use zones and associated rules within state recreation areas.

Section 23.11, Stats., grants the department jurisdiction over department lands.

In s. 23.115, Stats., the department is directed to designate trails, campgrounds, picnic areas and other special use areas, and roads on department properties.

Section 23.117, Stats., allows the department to post trails as open to use by bicycles, electric scooters or electric personal assistive mobility devices, and requires the department to regularly patrol trails in state parks and the Kettle Moraine state forest.

Section 23.28, Stats., authorizes the department to designate and regulate state natural areas, and restricts the department from allowing uses of state natural areas that are incompatible with the natural value of those areas.

The department is authorized under s. 23.305, Stats., to lease state park or state forest land to towns, villages or counties for outdoor spectator sports purposes.

Section 23.33, Stats., authorizes the department to regulate all-terrain vehicles and utility terrain vehicles in a manner consistent with the rules established in this section of statutes.

The state park system is established in s. 27.01, Stats., and this section grants the department acquisition, development and administration authority for the state park system. This includes authority in s. 27.01 (2) (j) and (k), Stats., to promulgate rules regulating the use of state parks. Furthermore, s. 27.01 (10) (b), Stats., allows the department to establish and operate campgrounds on department lands, and s. 27.01 (11), Stats., authorizes the department to establish a campground reservation system and promulgate rules associated with it.

Section 29.014, Stats., grants the authority for the department to establish open and closed seasons, bag limits, size limits, rest days and other conditions for taking fish and game to conserve fish and game and ensure continued opportunities for good fishing, hunting and trapping.

According to s. 29.335, Stats., the department shall promulgate rules regulating feeding of wildlife.

In s. 29.617, Stats., authority is granted to the department to acquire, lease, develop and maintain public hunting and fishing grounds.

In addition, general authority is granted by s. 227.11 (2) (a), Stats., to implement and interpret its statutory authority.

Federal Authority

No federal regulations apply. States have management authority over the public lands resources within state boundaries provided that state regulations do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison of Adjacent States

These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of state owned lands which are established based on needs that are unique to those state's resources and public desires.

All surrounding states have prohibition on excessive noise. Michigan prohibits fuel-powered generators during established quiet hours of 10 p.m. to 8 a.m. However, electric and solar-powered generators are allowed for those with medical needs. During the established quiet hours, radios, generators and other amplified devices should not create excessive noise.

Minnesota prohibits noise that would “reasonably tend to arouse alarm or resentment of others” in state parks, recreation areas and state forests. The use of generators is prohibited as well as any noise above “quiet conversation” from 10 p.m. to 8 a.m. in state parks and recreation areas. Current rules surrounding excessive noise does not apply to state forests or trails.

Iowa prohibits any unreasonable noise in all state parks and recreation areas as well as state forest campgrounds. From the hours of 10:30 p.m. to 6 a.m., noise that can be heard at a distance of 120 feet or three campsites is considered unreasonable. This includes the operation of motorized equipment or machinery such as an electric generating plant, motor vehicle, motorized toy, or audio device such as a radio, television set, tape deck, public address system, musical instrument or any other device causing unreasonable noise.

Illinois has established quiet hours of 10 p.m. and 7 a.m. During this time, no noise beyond the individual's immediate campsite should be disturbing to others. Currently, Illinois does not have any prohibitions on noise, including generator use outside of their established quiet hours. Special event permits are required for the state parks in all surrounding states. Iowa requires a special event permit when the event is an organized race, tournament, exhibition, demonstration or other planned event in which a fee is charged, prizes are awarded, or competition occurs between participants. A special event permit is also required for any other planned event that is likely to adversely impact the use of the area by the public due to its nature, size or length. Iowa charges a \$25 non-refundable administrative processing fee and requires that applications be submitted at least 30 days prior to the event's start date.

Minnesota defines a special event as any event held in a state park or on forest lands that is not normally allowed, causes significant environmental effects or is likely to attract large numbers of attendees that would disrupt the public's use of state park or forest lands. To apply for a special event or commercial use permit, Minnesota requires individuals to complete an application permit which is subject to a fee as determined by the commissioner. The commissioner may also determine that liability insurance and a security bond are required based on the event. These measures help ensure cleanup, removal of signs, and repair of any damage (if applicable).

Michigan also requires an event permit to be submitted at least 60 days prior to the event. The

application must include a safety plan, location map, estimate of participants, estimate of recreational units (tents, trailers, shelters, motor homes), and liquor license (if applicable). Depending on the type of event and its size, proof of insurance may also be required. The Michigan Department of Natural Resources has the authority to request a security deposit. They may also require an environmental assessment before the completion of an application. While there is no application fee, there may be a fee associated with an approved application. These fees are determined during the scoring process which evaluates an event's potential impacts to the facility, public and natural resources. It is important to note that if an application is withdrawn, the applicant must pay the application and review fees at a rate of \$50 per hour of staff time.

Illinois requires an activity permit for events with more than 20 people. The activity permit has a \$25 fee and may require applicants to purchase liability insurance. If alcohol is to be sold or served, additional insurance coverage must be purchased. Fees associated with special events are based on the impact to the site, fair market value, time of day/year, number of people with access, involvement of park staff, and demand for site.

Court Decisions Directly Relevant

No court decisions are directly relevant to this rule.

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

Implementing these rules will contribute to the effective management of department lands and the continued availability of excellent recreational opportunities on these lands.

Agency Procedures for Promulgation

The department will hold a public hearing in December. We will request board adoption at the Natural Resources Board's January meeting, followed by a request for the governor's signature and then legislative review.

Description of any Forms (attach copies if available)

The department uses a form to allow the public to apply for certain activities on public lands. The forms collect information on the use of department lands proposed and other information required for the department to make a determination on the proposed use and require the signature of the applicant. Terms and conditions may be added as a condition of the approval and then is kept on file at the department and provided back to the applicant and serve as a permit, if the proposed use is approved. The forms of this type that are referred to in this proposal are listed below and attached for reference.

- Attachment 1: DNR Form 1700-039, Seed Collecting on DNR Land Application and Permit
 - Link: <https://apps.dnr.wi.gov/doclink/forms/1700-039.pdf>
- Attachment 2: DNR Form 2200-127, Special Event Application and Permit
 - Link: <https://apps.dnr.wi.gov/doclink/forms/2200-127.pdf>

Fee waiver applications are used to collect information from applicants regarding fee waiver qualifications and intended use (trip information). The form is listed below and attached for reference.

- Attachment 3: DNR Form 2500-113, Vehicle Permit/Trail Fee Waiver Request
 - Link: <https://apps.dnr.wi.gov/doclink/forms/2500-113.pdf>

Name and Telephone Number of Agency Contacts

Brigit Brown, 101 S. Webster St., Madison, WI 53703, (608) 219-1295,
Brigit.Brown@wisconsin.gov

ATTACHMENT 1: DNR Form 1700-039, Seed Collecting on DNR Land Application and Permit

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Note: In order to fill and save this form electronically, it must be opened using Adobe Reader or Acrobat software. Save a copy of the file, open Adobe Reader, select File > Open and browse for the file you saved.

State of Wisconsin
Department of Natural Resources
dnr.wi.gov

Seed Collecting on DNR Land Application & Permit

Form 1700-039 (R 08/23)

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Permit Number

Notice: Use of this form is required by the Department for any application filed pursuant to ss. 23.28 and 23.29, Wis. Stats. and ss. NR 45.04(a) and NR 45.13(a), Wis. Adm. Code. The Department will not consider your request unless you complete and submit this application. Personally identifiable information provided on this form is not intended to be used for any other purpose but may be made available to requesters under Wisconsin's Public Records law, ss. 19.31-19.39, Wis. Stats.

Issuance of this permit does not exempt the applicant from complying with s. 29.415, Wis. Stats., prohibiting the taking of listed threatened and endangered species. A separate threatened and endangered species permit is required to collect those species.

This permit is applicable to any sexual reproductive structure that is used for plant propagation (seed, fruit and/or nut). To find the appropriate property manager for your seed collecting location, please visit <https://apps.dnr.wi.gov/staffdir/contactsearchext.aspx>

Read the General Conditions on page 2 before completing this application.

Applicant Information

Applicant Name			Name those who may be collecting under this permit:	
Affiliation				
Street Address				
City	State	ZIP Code		
Phone Number		Email Address		

Property Information

Name(s) of property and county where collection will take place and specific location(s) on that property.

Purpose of seed collection and disposition of seed.

List species and amount of seed (lbs./oz.) to be collected from each area.

Collecting methods, including types of equipment or tools to be used, procedures, etc. BE SPECIFIC.

Collecting Begin Date

Collecting End Date

Certification

I hereby certify that the above information and attachments are accurate and complete to the best of my knowledge.

Applicant's Signature

Date Signed

**Seed Collecting on DNR Land
Application & Permit**

Form 1700-039 (R 08/23)

Page 2 of 2

LEAVE BLANK - DNR PERMIT APPROVAL PORTION

GENERAL CONDITIONS

1. The permit holder or others authorized by the permit must carry the approved permit while collecting seed.
2. All collections of herbaceous seeds shall be used for establishing nursery beds or for restorations. It cannot be directly resold to consumers.
3. Collecting shall be conducted in a way that preserves the area's features.
4. Harvesters must disperse the collecting effort throughout the area designated by the property manager.
5. Harvesters should collect from as many sites as possible within a given ecoregion to disperse the impact and get better genetic representation. An exception to this general guideline is the restoration of an area adjacent to an existing remnant. In this case all seed should be collected from the adjacent remnant.
6. Harvesters must check to be certain the seed is mature and should not collect immature seed.
7. Hand harvesting and hand tools, e.g., shears and box combs, are acceptable harvest methods. Other tools will be evaluated on a case-by-case basis and, if allowed, specified in condition #13.
8. This permit does not apply to plant species protected or regulated by state or federal law. To collect protected or regulated plants or animals, you must obtain the appropriate permits from the Department of Natural Resources and/or the U.S. Fish and Wildlife Service.
9. The Department of Natural Resources is not responsible for the safety of personnel or their equipment while collecting seed.
10. The DNR Property Manager may terminate this permit upon the permit holder's breach of any or all the terms and conditions contained herein.
11. The property manager may limit the amount of seed available for collection in a given location as specified in condition #13.
12. Unless noted in condition 13, this permit is valid from date of issuance through the end of the calendar year.
13. Permission is granted for the applicant to collect seed, fruits, and nuts on Department land according to the conditions specified on pages 1 and 2, and according to the following additional property specific permit conditions.

APPROVED

Property Manager, Department of Natural Resources

Date

ATTACHMENT 2: DNR Form 2200-127, Special Event Application and Permit

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Note: In order to fill and save this form electronically, it must be opened using Adobe Reader or Acrobat software. Save a copy of the file, open Adobe Reader, select File > Open and browse for the file you saved.

State of Wisconsin
Department of Natural Resources
dnr.wi.gov

Special Event Application and Permit
Form 2200-127 (R 09/21) Page 1 of 2

Notice: To apply for a permit to use state-owned land for special events, as defined by NR 45.03(21d), applicants are required to provide information requested on this form. Submittal of this form constitutes an agreement with the Department of Natural Resources (department) under ss. 23.09(2)(h) and 27.01(2)(d-f), Wis. Stats. The department will be unable to process your agreement unless you provide all information requested. Personally identifiable information collected will be used for administrative and enforcement purposes and may also be provided to requesters as required under Wisconsin public records law [ss. 19.31 - 19.39, Wis. Stats.].

Instructions: The requesting organization should complete this form with the property manager and obtain documentation of insurance 90 days prior to the event.

Permittee Information			
Organization		Contact Person	
Street or Route		City	State ZIP Code
Email		Daytime Phone Number	

Event Information	
Property Name	Type of Event

Describe Applicable Area (include trail name/distance, picnic area, shelters, parking lots and similar facilities—Attach a map of the area to the permit)

Describe Event Activities

Will a Concession Be Set Up? <input type="radio"/> Yes <input type="radio"/> No	Type of Concession	Items Sold at Concession
How Will Event Be Advertised?	Type of Advertising Allowed On Site	On-Site Product Vendors (e.g., running shoes)

Describe Items or Structures to be Erected or Placed on State-Owned Lands

Event Dates		Alternate Event Dates		Permit Fee	Fee Due Date	# of Participants
Start	End	Start	End			

Terms and Conditions

This permit is subject to the following conditions and requirements:

- The department may terminate or modify the conditions of this permit by giving verbal notice to the permittee at any time.
- Unless specifically authorized by this permit, all applicable laws and administrative rules must be followed by the permittee and participants of the special event.
- Neither this permit nor any right or duty in whole or in part by the permittee under this permit may be assigned, delegated or subcontracted without the written consent of the department.
- Only items listed above and agreed to by the department may be placed in the use area.
- If the planned event cannot be held on the event dates listed above, this permit and conditions will govern the alternate dates listed above.
- The department agrees that the permittee shall have sole control of the method, hours worked, and time and manner of any performance under this permit other than as specifically provided herein. The department takes no responsibility for supervision or direction of the performance of the permittee to be performed by the permittee or the permittee's employees or agents. The department further agrees that it will exercise no control over the selection and dismissal of the permittee's employees or agents.

Special Event Application and Permit

Form 2200-127 (R 09/21)

Page 2 of 2

Terms and Conditions (continued)

8. All waste and debris resulting from this event shall be disposed of by the permittee as directed by the department. The area shall be maintained in a clean, neat condition for the duration of the event.
9. No cutting or trimming of trees shall be done without the department's approval.
10. The permittee shall inspect the area described by this permit before the event and shall remove, eliminate or correct any unsafe or dangerous conditions or hazard. The permittee shall maintain the area in safe condition for the duration of the event.
11. The permittee shall indemnify the department and its employees against all claims, damages, costs, and expenses including reasonable attorney's fees arising either from the management of the event or from any breach or default on the part of the permittee in the performance of the permit agreement, or from any negligence of the permittee in the event. The permittee shall purchase liability insurance to be effective the dates of the event and naming both the State of Wisconsin Department of Natural Resources and its employees and the permittee as insureds in the amount of \$1,000,000.00 single limit per occurrence including coverage of \$1,000,000.00 for bodily injury, including death, and \$25,000.00 property damage so the department and its employees will be protected from any liability arising out of conducting the event by the permittee. If the permittee is a state approved friends group, the permittee shall purchase liability insurance to be effective the dates of the event and naming both the State of Wisconsin Department of Natural Resources and its employees and the permittee as insureds in the amount of \$500,000.00 single limit per occurrence including coverage of \$300,000.00 for bodily injury, including death, and \$25,000.00 property damage so the department and its employees will be protected from any liability arising out of conducting the event by the permittee.
12. The permittee shall furnish the department with a copy of the insurance policy or certificate of insurance thirty days prior to the event. This permit is conditioned upon the department's approval of the insurance policy. The permittee will immediately notify the department both verbally and in writing of any action by the insurer to cancel the insurance policy.
13. No fire(s) shall be started without department approval except in department-provided grills and fire-rings.
14. The permittee shall take reasonable actions under a plan approved by the property manager to direct and supervise the parking of participants' and spectators' motor vehicles in order to prevent traffic problems. The permittee shall post observers at all points where the event crosses a road. Only authorized individuals may direct traffic, in accordance with s. 340.01(70) and 349.02, Wis. Stats.
15. The permittee shall not discriminate against any employee, participant, or applicant for employment in the event because of age, race, color, sex, religion, handicap, physical condition, developmental disability as defined in s. 51.01(5), Wis. Stats., sexual orientation or national origin.
16. The permittee shall furnish the department with financial statements and such other operating reports concerning the event in such detail as the department may require. These reports and statements from this event shall be submitted to the department within 30 days of the department's request for the information.
17. This permit, together with the requirements herein and referenced parts and attachments, shall constitute the entire permit and previous communications or permit pertaining to this permit are hereby superseded. Any contractual revisions including cost adjustments and time extensions must be made by an amendment to this permit or other written documentation, signed by both parties at least 30 days prior to the ending date of this permit.
18. Additional conditions specifically concerning this event shall be in effect if numbered and listed on a separate sheet(s) of paper. Each such condition will be initialed by the permittee and the department representative.
Check here if additional requirements apply
19. "Concession" for the purposes of this permit shall include the selling or giving away of goods or services.

Department of Natural Resources
For the Secretary

<input type="radio"/> Approved <input type="radio"/> Denied	Signature of Property Superintendent	Date Signed
<input type="radio"/> Approved <input type="radio"/> Denied	Additional Required Signature (as needed)	Date Signed

The undersigned representatives of the permittee represent individually and as officers of the permittee that they have been duly authorized to sign this permit and bind their organization.

Signature of Permittee/Title and Organization	Date Signed
Signature of Permittee/Title and Organization	Date Signed

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ATTACHMENT 3: DNR Form 2500-113, Vehicle Permit/Trail Fee Waiver Request

State of Wisconsin
Department of Natural Resources
dnr.wi.gov

Vehicle Permit / Trail Fee Waiver Request Form 2500-113 (R 10/08)

Notice: Use of this form is required by Department managed properties for any application filed pursuant to ss. 27.01(7), (9) and (10)(f), Wis. Stats., and ss. NR 45.12(1)(f) and NR 45.12(3), Wis. Adm. Code. Personally identifiable information on this form will be used to administer the parks and forest program.

Instructions: Mail this fee waiver request directly to the property from which you are requesting the waiver. Requests must be received at the property AT LEAST 7 DAYS PRIOR to the beginning of the planned activity.

Organization Information

Organization Name		Name of Contact Person	
Mailing Address			
City	State	ZIP Code	Telephone Number
E-Mail Address		Fax Number	

Trip Information

Purpose of Trip	
Dates Waiver Requested	Estimated Number of People

Select all that apply to your group:

- Authorized public or private school activity. (A letter may be required from the School District Administrator or the administrator of a home-based educational program. "Private schools" means institutions meeting the criteria of s. 118.165, Wis. Stats.)
- Group with mentally or physically disabled persons and their attendants brought by a nonprofit organization recognized by the Internal Revenue Service under 26 USC 501(c)(1) or (3) whose primary purpose is the improvement of the mental or physical health of the individual. Include proof of nonprofit status by attaching a copy of the organization's charter.
- Student(s) visiting the property in conjunction with an accredited Wisconsin college or university class. A letter may be required from course instructor.
- Persons on official government business in government-owned or private vehicle.

Special Conditions:

- Vehicles eligible for fee waiver must stop at property office for issuance of courtesy permits.
- The organization in charge of the outing must provide close and continuous supervision of the group. Failure to do so could be cause for eviction or disapproval of future requests.

Applicant Signature

Signature of Applicant	Date Signed
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DNR REPLY

- Your group meets the requirements of the vehicle / trail fee waiver request and this approved form is your authorization for admission fee exemption. Please bring it with you and show it at check-in or upon request of any Department employee.
- Your group DOES NOT meet the fee waiver requirements and you are NOT exempt from the fees required. We are sorry your request can not be approved.

Signature of Property Superintendent or Designee	Date Signed
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