

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date 8/22/23</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chs. NR 1 - Natural Resources Board Policies, 11 - Wildlife Refuges and Closed Areas, 45 - Use of Department Properties, 51 - Administration of Stewardship Grants, 115 - Wisconsin's Shoreland Protection Program, and 116 - Wisconsin's Floodplain Management Program</p>	
<p>4. Subject Board Order PR-03-20 relating to management of department properties. The Scope Statement number for this rule is SS-074-21.</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input checked="" type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected Sections 20.370 (1) (ea) and (mu), and (2) (mi), Stats.</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input checked="" type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$<10,000</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule 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 are proposed on a regular basis; however, it has been nearly 10 years since this rule has been reviewed and any revisions have been enacted. Proposals seek to update fee structures, provide camping guidance, resolve health and safety issues, and address a variety of general and property-specific uses governed by the rule. A few rule changes are also included to implement recent statutory changes or to improve rule clarity.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The department sought comments through a notice of solicitation that was posted on the department's website for a 14-day period beginning on September 15, 2023. No significant effects to busiensses, business sectors, associations affecting busisensses, or local govenrmental units are anticipated. These rules primarily establish guidance for the activities of visitors to department managed properties such as state parks, trails, forests, recreation and wildlife or fisheries management areas. No business or association representing business commented on the draft economic impact analysis.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. The department sought comments through a notice of solicitation that was posted on the department's website for a 14-day period beginning on September 15, 2023. No effects on local governmental units are anticipated and no local governmental units commented on the proposed rule or draft economic impact analysis.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)</p>	

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No significant economic or fiscal impacts are anticipated. These rules primarily establish guidance for the activities of individual visitors to department managed properties such as state parks, trails, forests, recreation and wildlife or fisheries management areas. These rules impose no compliance or reporting requirements for businesses, business sectors, local governmental units, or utility rate payers, nor are any design or operational standards contained in the rule. In cases where a business or other organization chooses to apply to hold a special event, conduct commercial use, or engage in other special property use on department lands, the economic impact is anticipated to be minimal because the total costs for an application can be offset by revenues to the permittee for the use. Although the rule does not establish or change any costs related to the application and review of a special property use permit, out of an abundance of caution, the department estimates a conservative annual total cost increase of approximately \$10,000 statewide for all businesses and organizations applying for special property uses (including special events and commercial use) of state lands, depending on the number and types of special property uses proposed. The rule provides greater clarity about the circumstances requiring a permit and the applicable requirements for such permits (for example: when the applicant must secure liability insurance with the department as a named insured and what costs to the department for the use can be recouped by the department in the form of permit fees).

15. Benefits of Implementing the Rule and Alternative(s) to Implementing 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. Effective management will maintain the economic activity generated by people who participate in recreational activities on department managed lands.

16. Long Range Implications of Implementing the Rule

The long range implications of this rule proposal will be the same as the short-term impacts. These proposals will contribute to the maintenance of the current economic activity generated by people who participate in recreational activities on department managed lands.

17. Compare With Approaches Being Used by Federal Government

Federal agencies that administer federal lands have many comparable provisions governing public use. Those regulations are established in 36 CFR for NPS Regulations, Federal Land Policy and Management Act for BLM lands. 16 USC for USFWS and USFS lands.

None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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

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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.

19. Contact Name

Brigit Brown

20. Contact Phone Number

608-219-1295

This document can be made available in alternate formats to individuals with disabilities upon request.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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