

Clearinghouse Rule 23-060

The statement of scope for this rule, SS 074-21, was approved by the Governor on July 29, 2021, published in Register No. 788B August 30, 2021 and approved by the Natural Resources Board on January 26, 2022. This rule was approved by the Governor on _____.

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

The Wisconsin Natural Resources Board proposes an order to **repeal**: NR 45.03 (5), (18t), (23m), and (25), 45.04 (1) (a) 1. (note), 45.05 (3) (c), (em) 2. and (note), and (5) (b) 5., 45.06 (3m) and (4) (b) 2., (c), (e) and (f), 45.10 (1) (m) and (r), (4) (am) and (c), 45.11 (4) (t) and (v) and (6) (e) and (i), and (7) (b), 45.12 (1) (b) 1. d., (c) 12., (d) 17., 19., and 22., and (d) 57. (note), (2) (b) 1. and (c) 5., (4) (e), (g) 1. to 7., and (k), 45.13 (9) (b) 1. to 4. and (c), (15), (26) (a), (b), (c) 4. and 5, (d) 3. c. and d., 4., (e), and (g); to **renumber**: NR 45.12 (1) (d); to **renumber and amend**: NR 45.04 (1) (a) (intro.), 1., 2., 3. and 4., (b), and (3) (e) (intro.) and (m), 45.05 (1) (a), 45.11 (9), 45.12 (1) (d) 39. and 57., (2) (b) 2. and 3., and (4) (g) (intro.); to **amend**: NR 1.61 (intro.), 1.71 (3) (b), (4) (a) 5. and (b) 1., 45.03 (1), (2m), (4), (5), (6m), (7), (9m), (10), (11), (15), (15m), and (26), 45.04 (1) (c) and (f), (2) (a) (intro.) and 4., (3) (b), (f) 1. and 2. and (g), (4) (title) and (a), (b) (intro.) and (c) (intro.), (d), (e), (f), and (g), 45.05 (3) (em) (title) and 1., and 3., (fm) and (g), and (v), 45.055 (2) (a) 1. to 3., 45.06 (3), (4) (b) 1., (6), and (7), 45.085 (3), 45.095 (1) (b), (g), (i), (m), and (p), 45.095 (3), 45.10 (1) (b), (c), (d), and (e), (f) to (i), (k), (n) and (o), (2) (intro.), (a), (b), and (d), and (2m) (title) and (a) (intro.), (2m) (a) 2. c. and (c) to (e), (3) (intro.), (4) (a) 45.12 (1) (a) and (b) (intro.), 7. j., and 9. (intro.) and a., (bm) 55., (c) (intro.) and 4., 7., 9., 10., and 11. and (f) 5., (2) (c) 1. (intro.), a., c., e. and 3. a. to c., (d), (3) (c), (4) (a) 1. and 2. and (L) (intro.) and subs. 1. to 3., 45.13 (1) (c), (2) (title), (2m) (title), (intro.), (e) and (18), (12), (26) (d) 1., (26) (f) 1., 51.73 (1), 115.02, and 116.02; to **repeal and recreate**: NR 45.05 (3) (em) 1. a. and b., 45.05 (3) (f), 45.06 (1), 45.10 (1) (j), (3) (a) to (e) and (4) (b), 45.13 (9) (b) (intro.) and (26) (d) 3. (title), a. and b.; and to **create**: Subchapter IV of NR 11, NR 45.03 (1m), (3g), (8j), (9b), (13m), (14m), (18u), (21e), (21f), (21r), (22r), and (23s), 45.04 (1) (b) 1. and 2. a., b., and c., (1s) (intro.), (a) 2. (note), 3., 4., and 5., and (b) 3., (2) (a) 6., 7., and 8., (3) (am) 1. and 2., (d) 3., (e) 2., (g) (note), (m) 1. b., and (w), and (4) (am) and (c) 5., 45.05 (1) (a) 2., 3., and 4. and (3) (em) 1. c., 45.06 (7m), 45.07 (4), 45.09 (6), 45.095 (q) to (s), 45.10 (1) (s) and (t), (2m) (a) 1. c. and d. and 2. d., and (6), 45.11 (6) (n) and (o), (9) (a) (note), (b) and (c), 45.12 (1) (b) 8. c., d., e., and f., and 10. and 11., (bm) 59., 60., 61., 62., 63., ad 64., (c) 5., (f) 6., (3) (e), and (4m), and 45.13 (2) (f), relating to department of natural resources property management regulations.

PR-03-20

Analysis Prepared by the Department of Natural Resources

1. Statutes interpreted and explanation of agency 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.

2. Statutory Authority: Sections 23.09 (2), 23.091, 23.11, 23.115, 23.117, 23.28, 23.305, 23.33, 27.01, and 29.014, Stats., authorize these rules.

4. Related Statutes or Rules: No related statutes or rules are currently being developed.

5. Plain Language Analysis: Chapter NR 45, Wis. Adm. Code, governs the conduct of visitors to the lands and facilities owned, leased, or leased by the department. The department reviews this chapter periodically. These rules update fee structures, vehicle and boat use regulations, camping rules and hours of operation, technology regulations, rules relating to the possession of animals, general property use

rules and property-specific rules. These rules also streamline language, minimize redundancy and clarify existing provisions of administrative code.

SECTION 1 of these rules expands the board's policy on the use of public lands by extending an invitation to all people to use department lands for outdoor recreational activities.

SECTION 2 clarifies that friends groups may organize and support the mission and activities of the department as well as its properties, facilities and programs.

SECTION 3 maps areas closed for human health and safety reasons. The first subsection are areas closed to all hunting and trapping, and the second subsection are areas closed to all public access. The third subsection is closed to hunting and trapping except for special seasons as indicated, the fourth subsection is closed to hunting and trapping except for bowhunting, and trapping by special permit and the fifth subsection contains areas closed to hunting and open to trapping by special permit. The sixth and final subsection are hunting and fishing closures of fish hatcheries.

SECTION 4 simplifies the definition of an "adult group" for purposes of camping reservations.

SECTION 5 creates a definition of "air boat" to clarify the types of boats considered to be air boats, which would also include fan boats. This will not result in a change of department policy. This section also creates a definition of "boat-in campsite" which will replace "watercraft campsites."

SECTION 6 amends the definition of backpack campsite to allow for the potential of site access by watercraft.

SECTION 7 creates a definition of "boat-in campsite" which will replace "watercraft campsites."

SECTION 8 expands the definition of "camping" to include hammock camping.

SECTION 9 repeals the definition of camper day because it is addressed elsewhere.

SECTION 10 amends the definition of camping permit to include camping types that do not require a fee.

SECTION 11 repeals the word hammock from the definition of "camping unit," because it is no longer needed.

SECTION 12 defines "commercial use" and "designated use area."

SECTION 13 expands the definition of "equine" to include other species and breeds of hoofstock that are considered to be equines and are used for the same purposes as the animals currently covered in the definition.

SECTION 14 expands the definition of a family to include legal guardians, and distinguishes standard campsites from backpack and boat-in campsites. This section also updates the name of a state forest so that it will be called the Governor Earl Peshtigo state forest as directed by the Natural Resources Board at its September 2019 meeting. Finally, this section simplifies the definition of occupied so that it is consistent at sites statewide.

SECTION 15 creates a definition to clarify that Kohler-Andrae state park technically consists of two separate state parks (Terry Andrae and John Michael Kohler State Parks) and defines "property master plan" consistent with ch. NR 44.

SECTION 16 adds Governor Earl to the Peshtigo River property name in the list of northern forests, and elsewhere, consistent with the recent renaming of that property. This section also eliminates the list of specific properties from the definition of occupy.

SECTION 17 repeals the definition of “reservable remote camping” as it is no longer needed.

SECTION 18 establishes definitions for "reservation", "special property use", "standard boat-in campsite" and "state park system". This section also creates a definition for “stopover boat-in campsite” which is a site whose purpose is as a one-night stopover for paddlers on a water trail.

SECTION 19 repeals the definition of “teepee” because the department no longer has any of these.

SECTION 20 creates a definition of “ungulate,” which will be used to distinguish the activities allowed for equine animals from activities that would be prohibited for all hoofed mammals.

SECTION 21 repeals the definition of “watercraft campsite” because these sites have been given different names (SECTION 18).

SECTION 22 modifies the definition of a “water view campsite” so that special fees can be charged at northern as well as current southern forest campsites.

SECTION 23 renumbers and amends subsection NR 45.04 (1) to include prohibition of damage to natural growths and natural or archeological features, and references the exceptions, which will be reorganized into a separate collecting subsection in this rule (SECTION 32).

SECTION 24 reorganizes edible forage collection rules into a new collecting subsection and separates the stem collection provisions.

SECTION 25 repeals a note that is substantive and is being moved into a separate provision (SECTION 34).

SECTION 26 reorganizes and amends the provision relating to removal of invasive herbaceous plants to clarify that they may be removed without written permission.

SECTION 27 reorganizes the provisions relating to rocks, fossils and minerals into a new collecting subsection and clarifies that they may be collected with written permission of the property manager rather than a permit, which provides more flexibility to property managers and prospective collectors.

SECTION 28 allows the department to close gravel pits (as nonmetallic mines) on department managed lands to public access, until such time that they have completed the reclamation process.

SECTION 29 provides guidance on the closure of gravel pits on department lands.

SECTION 30 clarifies that the use of drones (unmanned aircraft systems) is regulated in the same way that other flying related activities are regulated.

SECTION 31 allows people engaged in dog training and trialing in accordance with chs. NR 16 and 17 to stock wild animals without written permission from the department. People engaged in dog training and trialing must already receive permission under chs. NR 16 and 17 to conduct those activities.

SECTION 32 creates the title and introduction for the new collecting subsection.

SECTION 33 creates a note specifying where to find the list of non-restricted invasive species, and points to ch. NR 40 invasive species permit requirements for disposing of invasive plants in a manner other than leaving them where they are pulled or disposing of them onsite. The ch. NR 40 requirements aim to prevent the spread of viable invasive species to new areas.

SECTION 34 reorganizes the provision on collection of stems for trapping purposes, establishes that both willow and aspen stems may be collected, and restricts the purpose of the collection to trap stakes and bait sticks, which are the two predominate uses. This section also allows collection of stems for these purposes without written permission from the property manager, as this type of collection is very limited in scope. This section also requires a person who wants to collect seeds from herbaceous or woody plants to obtain a seed collecting permit from the department, as restructured from the note which was repealed (SECTION 25). This section also allows a person to collect the clean skulls, antlers and bones of wild animals from department lands, as long as an open hunting season has been established for that species and the species is not otherwise covered by state and federal laws protecting them from collection and possession, such as endangered and threatened species and federally protected migratory birds.

SECTION 35 simplifies the list of locations with open hours.

SECTION 36 notes the hours of Kettle Moraine state forest - Lapham Peak, Whitefish Dunes state park and Havenwoods state forests.

SECTION 37 establishes a specific prohibition of going nude in public on department managed lands and defines nudity.

SECTION 38 establishes that, in addition to camping areas, a person who is expelled from a property is also prohibited from entering any other department managed lands, for 48 hours.

SECTION 39 prohibits anything other than human waste and toilet paper in toilets.

SECTION 40 provides additional criteria for unacceptable noise.

SECTION 41 establishes campground quiet hours from 11:00 p.m. to 6:00 a.m. and that, during those hours, a person may not make a noise at a level above that of a quiet conversation.

SECTION 42 clarifies that certain soliciting activities may be allowed by written agreement with the department and expands prohibition on destruction of property to include unauthorized interference of state or personal property. This section also adds “damage” and “deface” to the provision prohibiting destruction of property of others.

SECTION 43 notes examples of the types of state property.

SECTION 44 reorganizes the personal property provision to allow for trail cameras to be left on department property.

SECTION 45 establishes that trail cameras are not considered personal property for purposes of the prohibition on storing personal property on department land.

SECTION 46 replaces "dead and down" with "wood that is both dead and down" which may be gathered for campfires.

SECTION 47 establishes the policy for overnight use of trail cameras on department lands, specifying that cameras must be properly marked with the operator's contact information, that camera placement and use cannot damage vegetation or department property and that cameras cannot be placed in such a way to monitor other property users in certain areas designated for public use.

SECTION 48 utilizes the definitions created in SECTIONS 12 and 18 for special property use and commercial use to allow the department to better address the spectrum of use requests involving department lands.

SECTION 49 creates requirements for authorization of special property use.

SECTION 50 distinguishes terminology of "special event" and "special property use" consistent with other sections.

SECTION 51 specifies that proposals for special property use that are contrary to statute or administrative code require written authorization

SECTION 52 updates language to "special property use".

SECTION 53 clarifies that no person may operate any vehicle contrary to any posted traffic sign, other traffic control device, or traffic control officer.

SECTION 54 reorganizes and clarifies the default 25 mph speed limit and clarifies prohibition of unsafe operation and disorderly operation.

SECTION 55 repeals the speed limit provision (replaced by SECTION 54).

SECTIONS 56 to 60 update terminology consistent with statute and cross references related to electric bicycles, and reorganizes provisions to accommodate updates to terminology.

SECTION 61 repeals a note that is no longer relevant with the statutory creation of a definition of electric bicycle.

SECTION 62 requires operators of bicycles, electric bicycles, electric personal assistive mobility devices, and electric scooters to obey posted traffic sign, traffic control device and the direction of a traffic control officer.

SECTION 63 replaces "motor" with "electric" (consistent with statute updates that create a definition of electric bicycle) and prohibits unsafe operation of bicycles, electric bicycles, electric personal assistive mobility devices, and electric scooters.

SECTION 64 eliminates rule provisions associated with off-highway motorcycles that are no longer necessary due to the creation of separate off-highway motorcycle program.

SECTION 65 renames the Peshtigo River state forest as the Governor Earl Peshtigo River state forest as directed by the Natural Resources Board at its September 2019 meeting.

SECTION 66 breaks down cumbersome provisions into a more easily readable structure by stating all places that pets are not allowed and allowing additional no pet areas to be determined at the time of master planning. This section also allows the department to establish areas where pets may be allowed on-leash, off-leash, or both but under their owner's or handler's verbal control. This will allow the department to

provide areas where people can bring pets to recreate and balance the needs of different user groups. This section also requires a leash be a physical leash that is attached to a pet, in areas where pets are allowed but leashes are required.

SECTION 67 specifies that no person may allow a pet on cross-country ski trails that are groomed or being prepared for grooming.

SECTION 68 eliminates the prohibition of pets in observation towers (moved to SECTION 66).

SECTION 69 replaces "family" with "standard" campsite consistent with updated definitions in SECTION 14.

SECTION 70 repeals several property-specific prohibitions that are no longer needed due to the overall revision of pet regulations.

SECTION 71 specifies that all ungulates rather than just equines are prohibited from being on beaches, posted or marked hiking trails, nature trails, picnic areas, non-equine campgrounds, or contrary to posted notice on the northern state forests or the Turtle-Flambeau scenic waters area. These are higher-use public areas on which user conflicts would likely arise with the presence of these animals. This section also expands the rules on riding animals on certain public lands to all equine animals, llamas and alpacas. While these animals are generally prohibited on department lands, they may be ridden or led on public highways, areas open to public vehicle use, areas and trails open to their use, and by permit on field trial areas.

SECTION 72 replaces "horse" with "equine animal" and adds llamas and alpacas to the provision prohibiting a person from recklessly riding or leading an animal on department lands in a way that would risk public health and safety.

SECTION 73 prohibits feeding wildlife in certain high-use areas on department lands. Feeding wildlife in these areas can lead to unsanitary conditions and potentially pose public safety issues relating to human-wildlife conflicts.

SECTION 74 prohibits the use of sky lanterns or airborne paper lanterns in order to reduce fire risks associated with those devices, and prohibits the release of balloons.

SECTION 75 removes "charcoal" from the word grill, adds on docks or piers in waters adjacent to any Great Lakes shoreline zone. This section also includes fire rings on the list of exceptions.

SECTION 76 prohibits shooting bows and crossbows across a campground.

SECTION 77 revises existing regulations at department-managed shooting ranges. Prohibits certain types of targets unless specifically permitted at a range and prohibits being impaired by an intoxicant or other controlled substance while shooting.

SECTION 78 prohibits the use of firearms other than handguns at handgun ranges, prohibits shooting from anywhere other than designated position or firing line, and prohibits armor piercing, tracer, incendiary, and .50 BMG ammunition in order to extend the service of range backstops and reduce closures for maintenance.

SECTION 79 expands an exception from shooting range regulations so that military training can be conducted but both military and law enforcement users will need to arrange with the department before using these ranges.

SECTION 80 clarifies that camping permits are to be obtained where permits are required. Also establishes that camping parties may not move without prior approval from the department and revises the start of camping permits from 3 p.m. to 1 p.m. (camping permits will continue to start at 3 p.m.).

SECTIONS 81 to 88 revise camping regulations. An adult must obtain camping permits on behalf of juveniles and is responsible for the juveniles. These sections update terminology consistent with other sections of this rule and clarify that evicted parties are not eligible for refunds. These sections also repeal regulations that are no longer needed and revise cross references. Finally, these sections codify the department's current policy for campers who do not arrive to occupy a campsite.

SECTIONS 89 to 92 update camping maximum stays for different types of campsites.

SECTION 93 clarifies camping regulations and utilizes new definition for boat-in camping.

SECTION 94 update reservation and other rules for indoor group camps to make them more consistent with other types of camping in the online reservation system. For example, this rule removes the requirement that reservation fees are due in the form of a check or money order. This rule also eliminates the indoor group camp at Big Bay as it no longer exists.

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SECTION 98 establishes terms for cancellations and modifications of camping reservations.

SECTION 99 removes Woodman Lake from the electric-only motor restriction for boating, and removes Birch Lake which is no longer a department property and Cruson and Smith lakes from the no motorboat restriction in ch. NR 45. In the absence of these specific restrictions, the standard slow-no-wake restrictions in ch. 30, Stats., would apply to Birch Lake, while Cruson and Smith lakes are moving to the electric-only motor restriction in a subsequent section of this rule. This section also removes Lake Seven from motorboat restrictions under ch. NR 45, as Lake Seven has private shoreline and is therefore not under the exclusive riparian control of the department.

SECTION 100 adds the waters of Paradise Valley Wildlife Area except for those waters not under the exclusive riparian control of the department, including the Bark River channel and Beaver Dam Lake, to the electric-only motor restriction for boating. Paradise Wildlife Area contains sensitive habitat for

wildlife and the property master plan emphasizes non-motorized recreation. This section also adds Cruson and Smith lakes in Richland County to the electric-only motor restriction for boating, as this designation is more consistent with public recreational uses without the concerns associated with the impacts of gas motors on aquatic habitat. It also corrects the spelling of Cruson.

SECTION 101 removes Mt. Hope Pond from NR 45 boating restrictions, as the pond no longer exists.

SECTIONS 102 and 103 state that air boat use is prohibited on state park lands and waters under the supervision, management, or control of the department within the boundary of state parks, except if posted, and on other properties, air boat use is prohibited on lands and wetlands under the supervision, management or control of the department and is only prohibited on waters under the exclusive riparian control of the department, except if posted authorizing air boats. SECTION 103 also allows air boats to be launched from department-owned launches in waterbodies not restricted elsewhere in ch. NR 45 that have navigable public access, such as through another waterbody or a public right-of-way. All waters within Wisconsin are considered to be under the jurisdiction of the state, so the current language is confusing and does not accurately reflect the intended goal of limiting air boat use on department lands and waterbodies, while aligning with the public trust goals for navigable waterbodies with rights-of-way or points of access that allow public access for different users.

SECTION 104 removes specific properties (Richard Bong state recreation area, Point Beach state forest) and property types from fee area requirements to simplify fee area information and locations, which is updated and simplified in SECTIONS 105-120. This section also allows the department to specify designated fee areas by posted notice.

SECTION 105 removes Robinson Creek beach and picnic area from areas in Black River state forest as these no longer exist.

SECTION 106 replaces "family" with "standard" campsite consistent with updates in SECTION 14.

SECTION 107 defines Trade River day use area to include Trade River overflow lot, Brandt Pines recreational trail system parking lot and Sioux Portage group campground, as fee areas at Governor Knowles state forest.

SECTION 108 adds "Governor Earl" to Peshtigo River state forest as directed by the Natural Resources Board at its September 2019 meeting. Also adds "campground" to Old Veteran's Lake to clarify the specific area to which a fee applies.

SECTION 109 adds Point Beach state forest and Kettle Moraine state forest - Pike Lake unit to clarify that they are properties to which the admission fee applies.

SECTION 110 removes "Cambrian Overlook" from "Dells of the Wisconsin River state natural area."

SECTION 111 adds as fee areas Lizard Mound state park, Sauk Prairie state recreation area, Lower Wisconsin state riverway – Mazomanie day use area, Lower Wisconsin state riverway – Blackhawk Ridge day use area, Rock Island state park – Jackson Harbor parking lot and Pewits Nest state natural area.

SECTION 112 replaces "state parks" with "properties" and corrects a property name.

SECTION 113 adds Lakeshore state park to the list of properties that do not require an admission fee.

SECTION 114 corrects property names (for example adds "state park" to applicable properties).

SECTION 115 removes Rock Island from the list of properties that do not require an admission fee (see SECTION 111).

SECTION 116 renumbers a provision to fit into the restructured and simplified admission fee provisions (SECTIONS 105-121).

SECTION 117 repeals provisions that are no longer needed with the changes proposed in SECTIONS 105-121.

SECTION 118 removes "Browntown" from the name of "Cadiz Springs" state recreation area (the name was updated during the property master planning process).

SECTION 119 removes "park and" from "Menominee river recreation area" to be consistent with the property name approved by the Natural Resources Board.

SECTION 120 removes the note, "The correct name is Menominee River state recreation area" as it is no longer needed with the name correction in SECTION 119.

SECTION 121 updates terminology consistent with proposed definitions and clarifies that a trailered vehicle does not need to pay an admission fee if it is not operated in the fee area.

SECTION 122 creates a new provision from language deleted in SECTION 121 that says hang gliders flown or trailered in to Richard Bong state recreation area are not required to pay an admission fee.

SECTION 123 repeals the electrical fee as this amount is set in statute.

SECTIONS 124 to 128 and 130 to 135 update campground names, fees and regulations.

SECTION 129 requires a person that is required to carry a state trail pass to show proof of the trail pass to department personnel.

SECTION 136 clarifies that the department may charge for damages to department property.

SECTION 137 updates a cross-reference to the new collecting section.

SECTION 138 corrects spelling of Pewits Nest and adds Bay City Ridge to the title.

SECTION 139 establishes that no person may enter Bay City Ridge SNA earlier than 30 minutes before sunset and no later than 30 minutes after sunset.

SECTION 140 adds wildlife areas, fishery areas, and northern forests to the provision specifying that taking wild animals from department lands by methods other than hunting, fishing, trapping, crayfish harvest, killing of biting insects, and arthropod study is not allowed. This section also establishes that the department can allow archery hunting for deer and turkeys on portions of the Lapham Peak Unit of the Kettle Moraine Forest in Waukesha County. Hunting is not currently allowed at the property.

SECTIONS 141 and 142 simplify regulations for camping at the Kinnickinnic delta use area.

SECTION 143 adds Kohler-Andrae state park and Point Beach state forest to the existing provisions for protecting the dunes at Whitefish Dunes state park.

SECTION 144 eliminates rules and regulations established for the use of the Havenwoods state forest in Milwaukee county.

SECTION 145 repeals rules specific to Lakeshore state park.

SECTION 146 allows moorage fees to be determined by the department.

SECTION 147 eliminates boat moorage reservation criteria and daytime fee amounts. This section also eliminates criteria for occupancy related to boat moorage fees and notes that daytime fees apply to all watercraft tied to the dock. This section also permits manager discretion on whether temporary moorage is allowed.

SECTION 148 repeals provisions in order to simplify reservation requirements and increase consistency among all overnight reservations.

SECTION 149 replaces "both" with "each" regarding fees for watercraft that are doubled properly to clarify that each watercraft must pay the fee.

SECTION 150 eliminates rules on rafting.

SECTION 151 updates the list of state trails to include the Great Sauk and Mound View state trails.

SECTIONS 152 and 153 clarify applicability of local zoning ordinances to state agencies.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

No federal regulations apply. States have regulatory authority over properties under our management or ownership and 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. These rules would not apply on federally owned or managed properties except where, by agreement, state natural areas have been established on federally owned properties by consent of a federal management authority.

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

On November 9, 2021, the department held a preliminary public hearing on the Statement of Scope for this rule. Three members of the public attended the virtual hearing but did not provide comments, and the department received no written comments during the comment period.

8. Comparison with Similar Rules in Adjacent States:

All of the adjacent states own property which is managed to provide outdoor recreational opportunities for the public, to provide fish and wildlife habitat, and to preserve unique natural communities. All of our adjacent states have developed regulations which enable managers to provide safe and enjoyable recreational experiences. Wisconsin's approach to managing the recreational use of properties that we hold in trust are comparable to that of our surrounding states.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

Expanding the board's policy on the use of department property does not have a regulatory impact. It is intended to be a formal invitation to people from all backgrounds to recreate on department lands. The board has similar statements of policy for specific recreational and management activities in NR Ch. 1, Wis. Adm. Code.

Properties managed by the department are popular destinations for outdoor recreation. Most activities are allowed on department managed lands but some activities are restricted for a variety of reasons. Prohibiting certain activities may be done for safety purposes, to provide quality experiences for a variety of types of property use, or to protect property improvements and natural features. For example, these rules prohibit the use of paper lanterns in order to reduce the potential for wild fires.

These rules establish a specific prohibition of going nude and a definition of nudity that would apply on department managed lands statewide. Nudity, especially at the Mazomanie day use area located on the Lower Wisconsin State Riverway has been occurring for decades. This beach is a state owned and managed property open to all the public. Due to the prevalent nudity, the beach has been almost exclusively used by individuals choosing to go nude. Other problems have included public sex acts, disorderly conduct, and drug use. This type of use has prevented people who do not want to be exposed to activities at the property from recreating there.

Law enforcement efforts have been difficult because laws do not specifically address nudity. Lewd or lascivious behavior requires that a sexual act occur and does not address simple nudity. Disorderly conduct requires a disturbance or complainant. Nudity has become common place at Mazomanie and now people who choose to go there expect nudity and thus there is no complainant or disturbance. Law enforcement efforts against lewd and lascivious behavior or drug use are time intensive, require a lot of manpower, are expensive, and are still unable to address the nudity aspect.

To address the nudity issue the portion of the property immediately around the beach was closed year-round beginning in 2015 in order to break the pattern of use, provide time for potential improvement of the property, and to create an atmosphere where all individuals can come and feel comfortable and safe utilizing one of Wisconsin's most beautiful public beaches.

A prohibition of going nude will provide an expectation to property users and help set a standard for what is tolerated on department managed properties so that all guests can have an enjoyable experience.

As the property owner, the department currently allows people to use trail cameras on lands it manages and in areas that are open to hunting by policy. These rules codify the current policy so that conditions, such as where cameras may be placed and that they contain identifying information of the owner, can be more effectively enforced.

These rules revise regulations at department managed shooting ranges that were initially created in 2017. A team of range managers and users reviewed their effectiveness. It is recommended that eliminating statewide hours of operation will provide greater flexibility to adjust to the use of properties that are adjacent to the ranges and impacted by them. Additional types of targets will be prohibited because they have proven to be a nuisance or a hazard and require volunteers and staff to dedicate time for removing and disposing of those materials. An exception from these rules is expanded so that military training, in addition to police training, can be conducted on ranges. However, both military and law enforcement users will need to arrange with the department in order to assure that these uses are official training exercises.

Additional activities will be prohibited at department managed shooting ranges because those activities have proven to be particularly destructive of the engineered backstops which serve to contain bullets on

the range. This damage has resulted in range closures at inopportune times such as before the statewide firearm deer season and has required expensive repairs. In order to improve safety at the ranges, these rules also and shooting from anywhere other than the designated firing line.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

The department anticipates an annual economic impact of up to \$50,000 (minimal) due to potential fee increases which will apply to people who use department managed lands for recreational activities. The department has prepared a preliminary economic impact analysis and will gather public comments to determine if any individuals, businesses, local governments, or other entities expect to be adversely affected economically by the rule.

Regulations which manage the use of department properties are already in place. This rule is intended to improve management of recreational and natural resources and to enhance enjoyment of these resources on department managed lands. These rules will maintain and improve the resulting beneficial economic impact of outdoor recreation related economic activity throughout Wisconsin.

11. Effect on Small Business (initial regulatory flexibility analysis):

State managed lands provide many outdoor related recreational opportunities and participation in those activities results in associated economic activity which benefits small businesses.

The proposed rules do not specifically regulate small business and would not impose reporting requirements. There are no design or operational standards contained in the rule. User fees modified by these rules apply to members of the public who recreate on department managed lands and should not impact small businesses.

12. Agency Contact Person: Brigit Brown, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921; 608-219-1295; dnrfwpprguidance@wisconsin.gov

13. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, or email to:

Brigit Brown
Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnrfwpprguidance@wisconsin.gov

Comments may be submitted to the department contact person listed above or to DNRAAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's website, at <https://dnr.wi.gov/calendar/hearings/>. Comments may also be submitted through the Wisconsin Administrative Rules Website at <https://docs.legis.wisconsin.gov/code/chr/active>.

SECTION 1. NR 1.61 (intro.) is amended to read:

NR 1.61 Public use of department land. Wisconsin is a state of diverse people with many backgrounds and abilities. Public lands are shared spaces belonging to everyone. The department will consider the needs of all people in decisions about department land and is committed to advancing equal

access and opportunity for all people to enjoy the benefits of nature and recreation. To facilitate public use, the department provides: public safety and resource protection; education; information about opportunities; natural resource-based accessible experiences; and access to wild, rural, and urban environments. Except as prohibited or regulated by ~~rule or statute~~ or administrative rule, all department land shall be open for:

SECTION 2. NR 1.71 (3) (b) and (4) (a) 5. and (b) 1. are amended to read:

NR 1.71 (3) (b) "Friends group" means a non-profit, non-stock, tax-exempt corporation organized to support, assist and promote the mission and activities of the department and department properties, facilities and programs and other activities as approved by the department under the provisions of a written agreement with the department.

(4) (a) 5. Not serve as an official advisory group to the department, the property or program with which affiliated.

(b) 1. To be recognized as a friends group, the group shall organize as a non-profit, non-stock, tax-exempt corporation, and shall be structured through articles of incorporation and by-laws to direct its mission and activities to the support of the department, the property, group of properties, or other department facilities and programs as approved by the department.

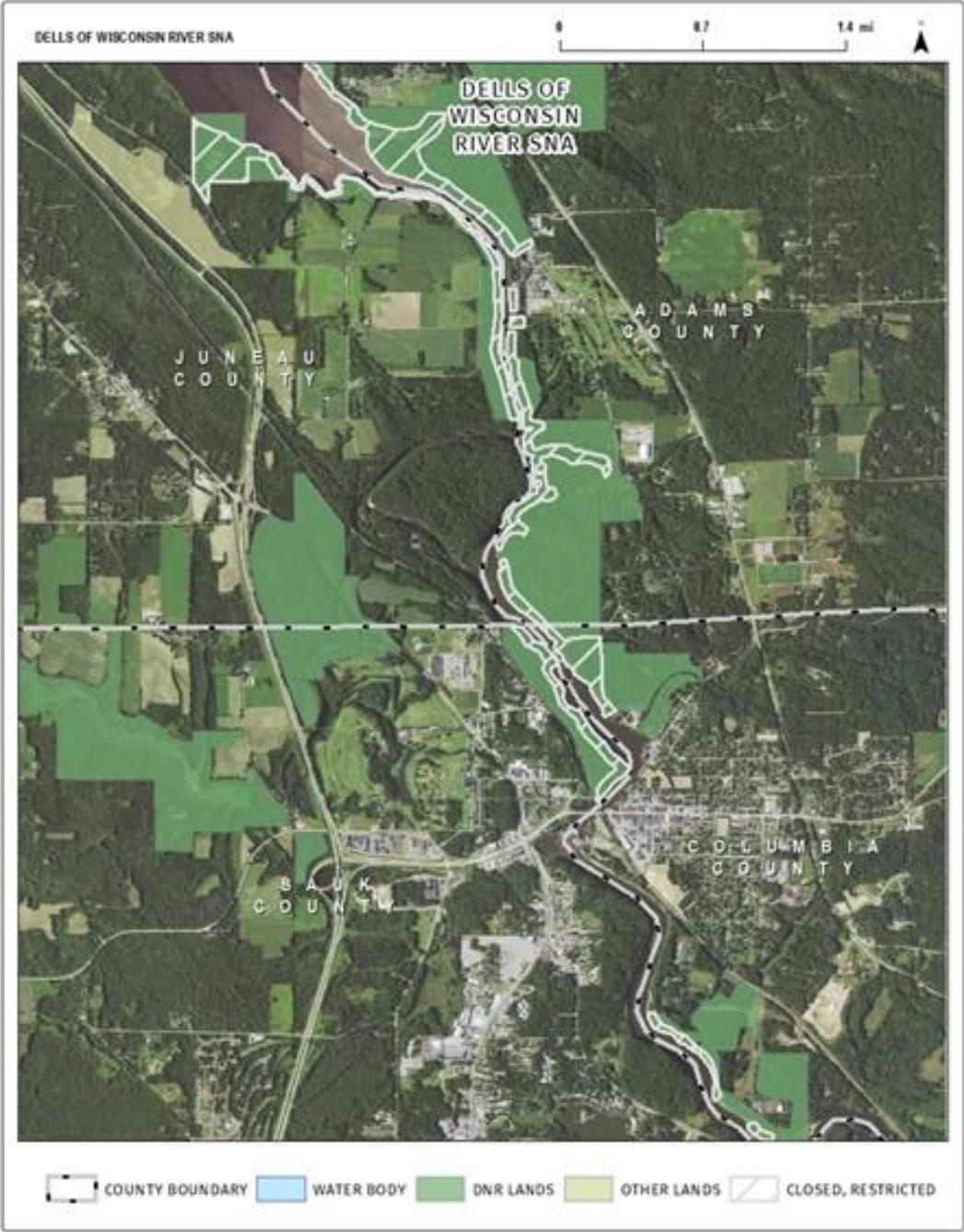
SECTION 3. Subchapter IV of NR 11 is created to read:

SUBCHAPTER IV - HUMAN HEALTH AND SAFETY CLOSURES

NR 11.20 Year-round closed area. A closed area is established in the following areas. No person may discharge any firearm, airgun, bow, or crossbow or trap upon such areas:

Note: There are additional restrictions of firearm use found in ss. 941.20 (1) (d) and 167.31, Stats., and s. NR 45.09 (1).

(1) ADAMS, JUNEAU, COLUMBIA AND SAUK COUNTIES. (a) *Dells of the Wisconsin River State Natural Area.*



(2) DANE COUNTY. (a) Capital Springs Centennial State Recreation Area.



(3) GREEN COUNTY. (a) Cadiz Springs State Recreation Area.



(4) MILWAUKEE COUNTY. (a) *Forestry Exploration Center.*



(b) Havenwoods State Forest.



(5) ROCK COUNTY. (a) *Lima Marsh - Storrs Lake State Wildlife Area.*



(6) SAWYER COUNTY. (a) *Hayward Nursery.*



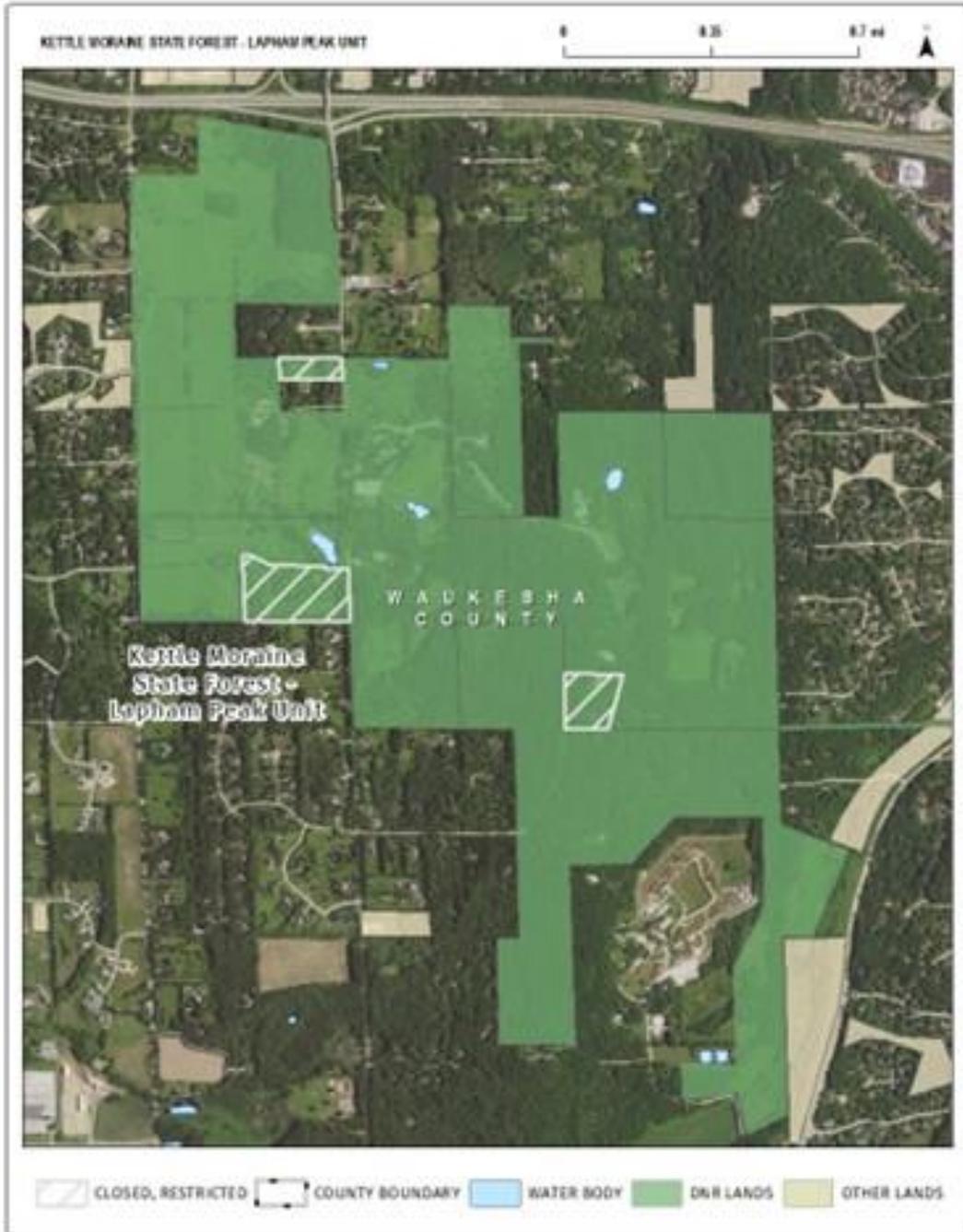
(7) WASHINGTON COUNTY. (a) Allenton State Wildlife Area.



(b) Jackson Marsh State Wildlife Area.



(8) WAUKESHA COUNTY. (a) *Kettle Moraine State Forest - Lapham Peak Unit.*



(b) Kettle Moraine State Forest – Pike Lake Unit.



(9) WOOD COUNTY. (a) Griffith Nursery.



NR 11.21 Year-round no entry. Each of the following areas is established as a year-round closed area that no person may enter for any reason except the retrieval of legally killed or crippled game in posted retrieval zones within the closed area:

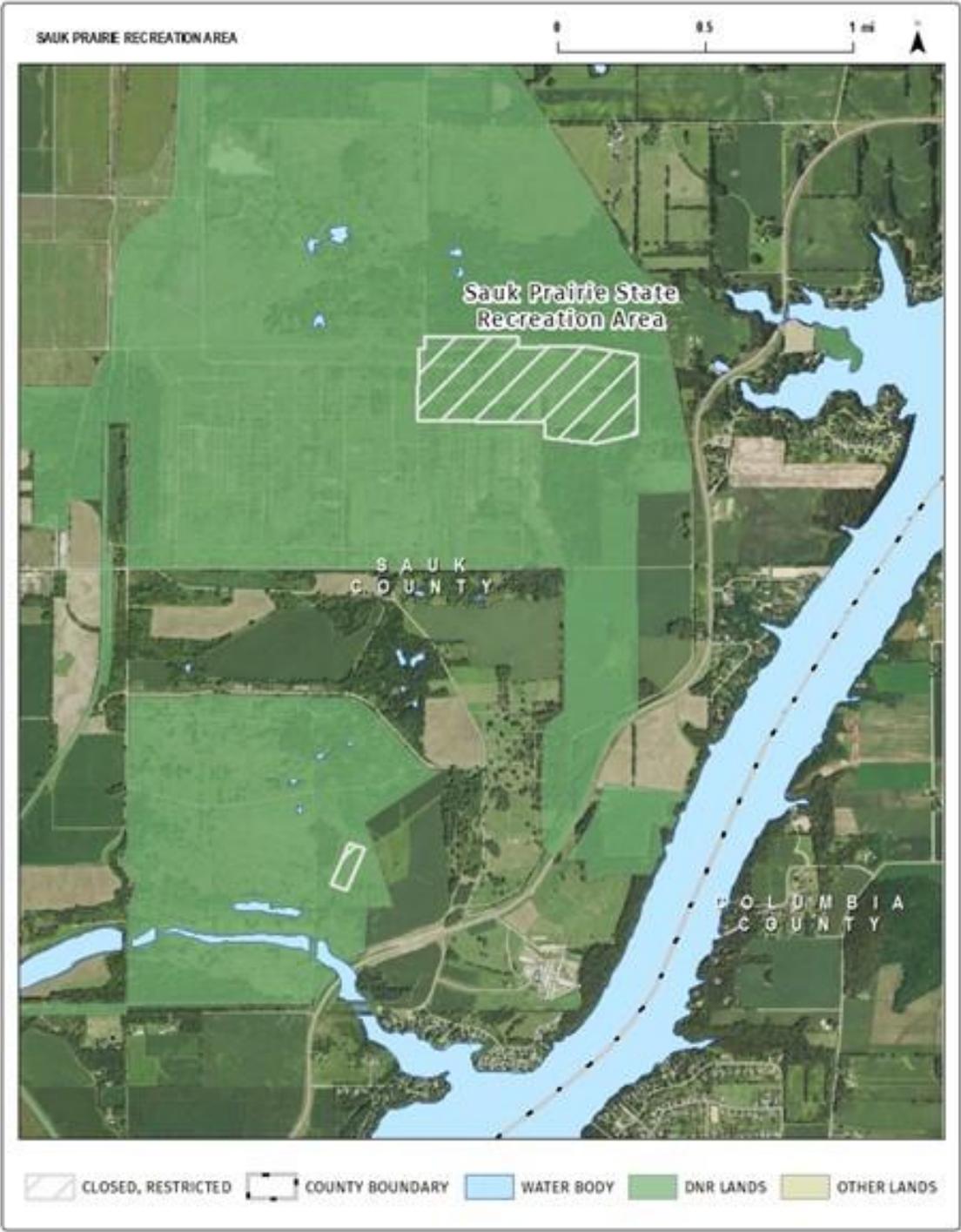
- (1) PIERCE COUNTY. (a) *Bay City Ridge State Natural Area.*



(2) SAUK COUNTY. (a) *Pewits Nest State Natural Area.*



(b) *Sauk Prairie State Recreation Area.*



NR 11.22 Closed area, bowhunting only and trapping allowed by special permit. Each of the following areas is established as a closed area that no person may discharge any firearm or air gun upon such areas except to dispatch an animal caught in a trap or to trap by permit as authorized under s. NR 11.09:

(1) DODGE COUNTY. (a) *Horicon Marsh State Wildlife Area.*



NR 11.23 Closed area, trapping allowed by special permit. Each of the following areas is established as a closed area that no person may discharge any firearm, air gun, bow or crossbow upon such areas except to dispatch an animal caught in a trap or to trap by permit as authorized under s. NR 11.09:

(1) DODGE COUNTY. (a) *Horicon Marsh State Wildlife Area.*



NR 11.24 State fish hatchery closed area. Each of the following areas is established as a closed area that no person may hunt or trap or have in their possession or under their control a firearm unless the firearm is unloaded and enclosed within a carrying case:

- (1) BAYFIELD COUNTY. (a) *Les Voight State Fish Hatchery.*



(2) DANE COUNTY. (a) *Nevin State Fish Hatchery.*



(b) *Token Creek Rearing Station.*



(3) DOOR COUNTY. (a) *Strawberry Creek State Fish Hatchery.*



(4) DOUGLAS COUNTY. (a) *Brule River State Fish Hatchery.*



(5) JEFFERSON COUNTY. (a) *Lake Mills State Fish Hatchery.*



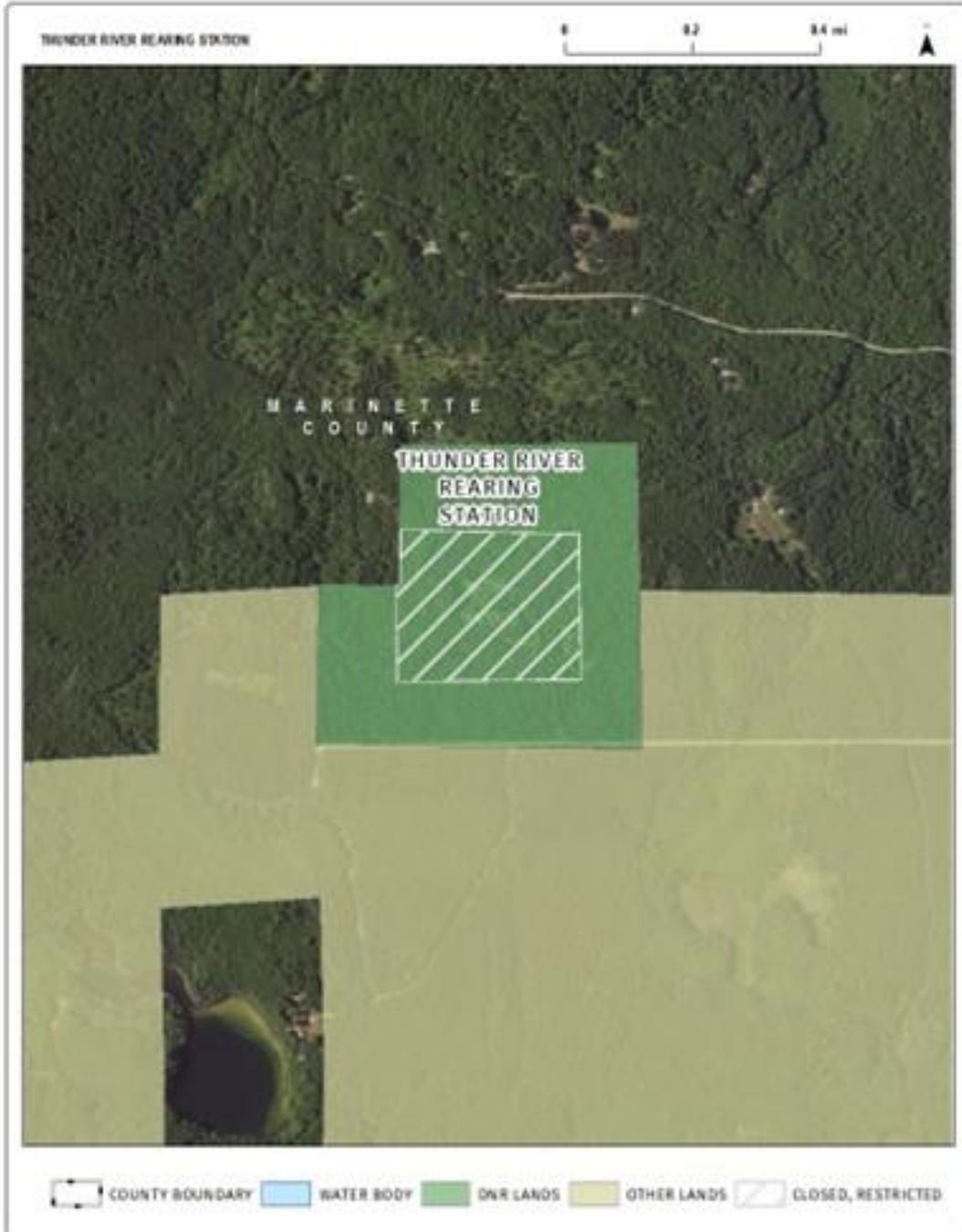
(6) KEWAUNEE COUNTY. (a) C.D. "Buzz" Besadny Anadromous Fish Facility.



(7) LANGLADE COUNTY. (a) *Langlade Rearing Station.*



(8) MARINETTE COUNTY. (a) *Thunder River Rearing Station.*



(9) OCONTO COUNTY. (a) *Lakewood Rearing Station.*



(10) ONEIDA COUNTY. (a) *Arthur A. Oehmcke State Fish Hatchery.*



(11) POLK COUNTY. (a) *Osceola State Fish Hatchery.*



(b) *St. Croix State Falls Hatchery.*



(12) SHEBOYGAN COUNTY. (a) *Kettle Moraine Springs State Fish Hatchery.*



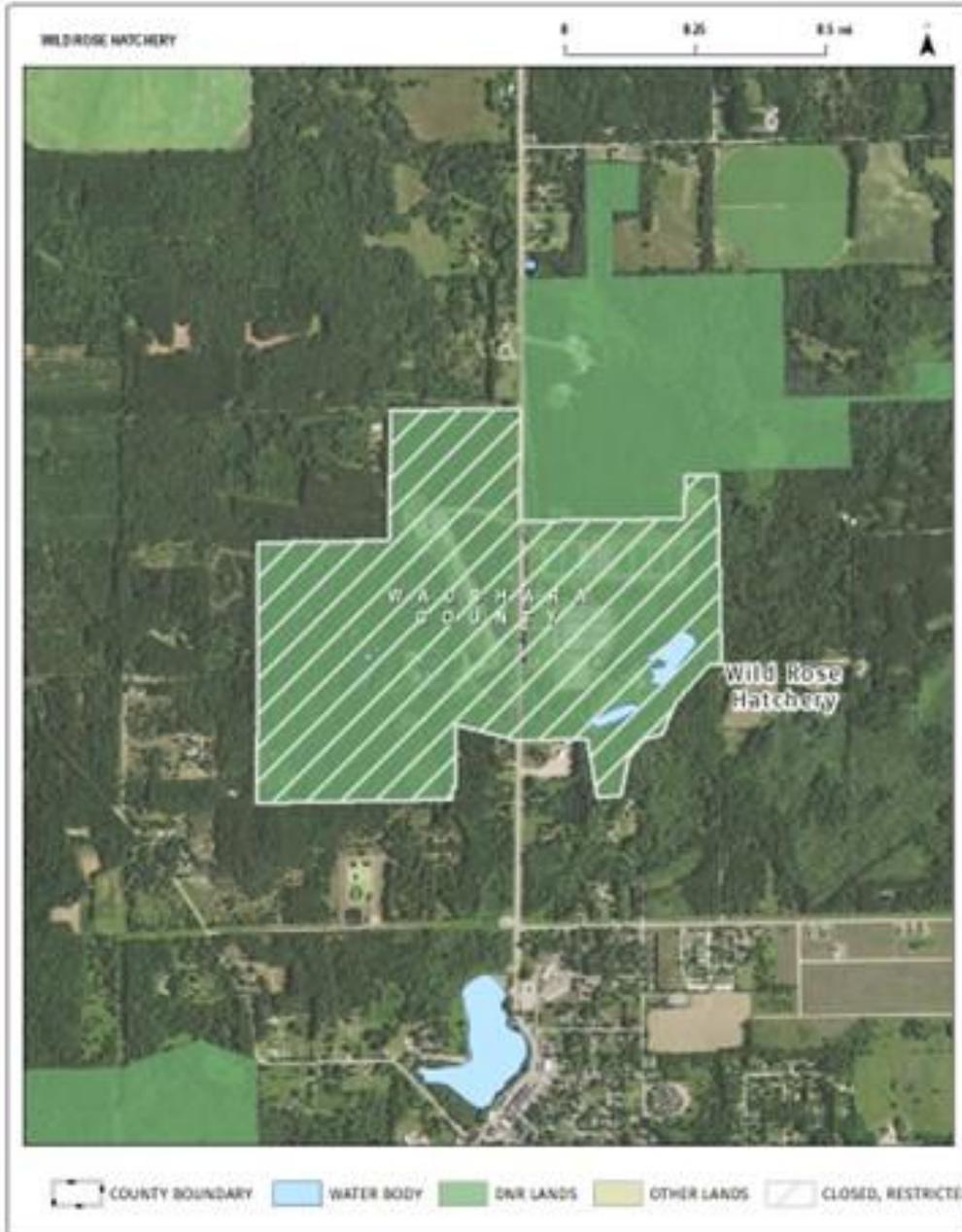
(b) *Kettle Moraine Springs State Fish Hatchery-Annex.*



(13) WASHBURN COUNTY. (a) Governor Thompson State Fish Hatchery.



(14) WAUSHARA COUNTY. (a) *Wild Rose State Fish Hatchery.*



SECTION 4. NR 45.03 (1) is amended to read:

NR 45.03 (1) “Adult group” means a group made up of ~~adult members (18 years of age and older) of an established organization. Adult groups may include families,~~ persons who are 18 years of age and older.

SECTION 5. NR 45.03 (1m) is created to read:

NR 45.03 (1m) “Air boat” means a motorboat that is powered, wholly or in part, by a propeller projecting above the hull of the motorboat.

SECTION 6. NR 45.03 (2m) is amended to read:

NR 45.03 (2m) “Backpack campsite” means an area designated for camping that has no modern facilities, such as showers or flush toilets located nearby, nor public motor vehicle or ~~watercraft~~ access to or near the area, and to which all over-night supplies are carried or transported to the site by means other than a motorized vehicle, often in a backpack.

SECTION 7. NR 45.03 (3g) is created to read:

NR 45.03 (3g) “Boat-in campsite” means a campsite along a waterway for use by persons traveling by watercraft.

SECTION 8. NR 45.03 (4) is amended to read:

NR 45.03 (4) “Camp” or “camping” means the use of a shelter such as a tent, trailer, motor vehicle, tarpaulin, hammock, bedroll, or sleeping bag for temporary residence or sleeping purposes.

SECTION 9. NR 45.03 (5) is repealed.

SECTION 10. NR 45.03 (6m) is amended to read:

NR 45.03 (6m) “Camping permit” means any department-issued permit for camping overnight that ~~requires registration and payment of a daily fee~~.

SECTION 11. NR 45.03 (7) is amended to read:

NR 45.03 (7) “Camping unit” means any single structure, shelter, or similar device ~~except sleeping bags and hammocks used for a camp~~ by a camping party for camping, ~~except those used exclusively for dining purposes~~ and includes a tent, camping trailer, or recreational vehicle (RV).

SECTION 12. NR 45.03 (8j) and (9b) are created to read:

NR 45.03 (8j) “Commercial use” means providing services to visitors of department lands, providing services on department lands, using department lands or facilities to provide services, or engaging in activities intended to sell or promote a product, service or activity, or support a business or organization for economic gain. It does not include services provided by the department or other government services.

(9b) “Designated use area” means any area, facility, or feature that that meets the requirements of s. 23.115, Stats.

SECTION 13. NR 45.03 (9m) is amended to read:

NR 45.03 (9m) “Equine” means any horse, pony, donkey ~~or~~ , burro, mule, and hinny.

SECTION 14. NR 45.03 (10) and (11) are amended to read:

NR 45.03 (10) "Family" means a parent or parents or guardian or guardians with their unemancipated children and not more than 2 guests.

(11) ~~"Family campground"~~ **"Standard campground"** means any tract of land designated for camping by a family group or a non-family group ~~families or groups~~ of 6 persons or less and that is accessible by a public road and meets the criteria under s. 340.01 (22), Stats.

SECTION 15. NR 45.03 (13m) and (14m) are created to read:

NR 45.03 (13m) "Kohler-Andrae state park" means Terry Andrae state park and John Michael Kohler state park, collectively.

(14m) "Property master plan" has the meaning in s. NR 44.03 (8) and is prepared consistent with ch. NR 44.

SECTION 16. NR 45.03 (15) and (15m) are amended to read:

NR 45.03 (15) "Northern state forests" means the Black River, Brule River, Coulee Experimental, Flambeau River, Governor Knowles, Northern Highland, American Legion and Governor Earl Peshtigo River state forests.

(15m) "Occupy," "occupied," or "occupying" means the camping unit, such as a tent, trailer or RV, is set up in a useable condition ~~and for persons staying at the South Trout Lake, Plum Lake, Firefly Lake, Crystal Lake, Muskie Lake, Carrol, Indian Mounds and Clear Lake campgrounds on the Northern Highland American Legion state forest, includes the requirement that campers check in or register at a contact station.~~

SECTION 17. NR 45.03 (18t) is repealed.

SECTION 18. NR 45.03 (18u), (21e), (21f), (21r), and (22r) are created to read:

NR 45.03 (18u) Except in 45.045 (2) (c) 4., "reservation" means a request for use of a reservable department facility such as a campsite or shelter that has been granted by the department or its agents.

(21e) "Special property use" means engaging in an activity on or using state land or facilities that may be otherwise prohibited but authorized by permit and which is of benefit to the department, its visitors, private individuals or private or public organizations, or other state, county, municipal, or tribal organizations. Special events and commercial use are types of special property use.

(21f) "Standard boat-in campsite" means a campsite that is primarily accessed by watercraft.

(21r) "State park system" includes state parks under s. 27.01, Stats., state recreation areas under s. 23.091, Stats., and southern forests under s. 27.016 (1) (c), Stats. River and resource areas including the Lower Wisconsin State Riverway under subch. IV of ch. 30, Stats., lands associated with wild rivers under s. 30.26, Stats., and other properties managed with the state park system may be considered part of the state park system. Northern forests, for purposes of recreation management, may also be considered part of the state park system. State trails are a type of state park, in accordance with s. NR 1.30 (1) (e). The state park system includes both properties with fee areas under s. NR 45.12 (1) and properties without fees.

(22r) "Stopover boat-in campsite" means a campsite that is primarily accessed by watercraft and whose primary purpose the department has identified as a pass-through site for paddlers utilizing a water trail.

SECTION 19. NR 45.03 (23m) is repealed.

SECTION 20. NR 45.03 (23s) is created to read:

NR 45.03 (23s) "Ungulate" means any hoofed mammal.

SECTION 21. NR 45.03 (25) is repealed.

SECTION 22. NR 45.03 (26) is amended to read:

NR 45.03 (26) "Water view campsite" means a ~~designated campsite in a state park or southern forest~~ bordering on a body of water or with a scenic view of a body of water.

SECTION 23. NR 45.04 (1) (a) (intro.) is renumbered (1) (a) and is amended to read:

NR 45.04 (1) (a) No person may damage, destroy, molest, deface, remove, or attempt to remove any natural growth or natural or archaeological feature except as ~~follows: provided in sub. (1s).~~

SECTION 24. NR 45.04 (1) (a) 1. is renumbered NR 45.04 (1s) (a) 1. and is amended to read:

NR 45.04 (1s) (a) 1. Edible fruits, edible nuts, wild mushrooms, wild asparagus, and watercress may be ~~removed~~ collected by hand ~~without a permit~~ for the purpose of personal consumption by the collector. ~~Willow stems not larger than 2.5 inches in diameter, from species not listed under ch. NR 27, may be collected for personal noncommercial use by the collector for purposes such as trap stakes, with the property manager's approval.~~

SECTION 25. NR 45.04 (1) (a) 1. (Note) is repealed.

SECTION 26. NR 45.04 (1) (a) 2. is renumbered NR 45.04 (1s) (a) 2. and is amended to read:

NR 45.04 (1s) (a) 2. Herbaceous plant species that are listed as prohibited plant invasive species under s. NR 40.04 (2) (b), ~~or~~ listed as restricted plant invasive species under s. NR 40.05 (2) (b), or considered non-restricted invasive species under s. NR 40.03 (1), may be removed without written permission or a permit issued under this chapter.

SECTION 27. NR 45.04 (1) (a) 3. and 4. are renumbered NR 45.04 (1s) (b) 1. and 2. and are amended to read:

NR 45.04 (1s) (b) 1. Except as provided in subs. 2. and 3., ~~Roeks~~ rocks, minerals, or fossil materials may be collected for noncommercial purposes, such as educational uses and personal collections, by hand or using a hand-held rock hammer or similar device in accordance with ~~the terms of a~~ written ~~permit~~ permission issued by the manager of the property on which the collecting is done. A collector may not remove more than 5 pounds of rock, mineral or fossil material per day from any property, with a maximum total of 50 pounds per year. The ~~permit~~ written permission may further limit the allowable methods and amounts of material collected.

2. ~~Notwithstanding subd. 1., no~~ No person may collect rocks, minerals, or fossil materials ~~on state natural areas, state wild rivers, state parks, state trails, Havenwoods state forest preserve, state recreation areas, Point Beach and Kettle Moraine state forests, and any specific site which is designated as a~~ noncollection site by the department.

SECTION 28. NR 45.04 (1) (b) is renumbered 45.04 (1) (b) 2. (intro.) and amended to read:

NR 45.04 (1) (b) 2. The department may close, by posted notice, any land, structure, or property owned or administered by the state of Wisconsin and under the management, supervision, and control of the department. Closure may include prohibiting access for one or more types of activities and shall be

implemented for the purpose of protecting public health, safety, and welfare, or for protection of natural resources or property as determined by the secretary. No person may enter or be in any building installation or area that may be locked or closed to public use or contrary to posted notice without a written permit from the property superintendent. For gravel pits, all of the following apply:

SECTION 29. NR 45.04 (1) (b) 1., and 2. a., b. and c. are created to read:

NR 45.04 (1) (b) 1. In this paragraph, “gravel pit” has the meaning given in s. NR 135.03 (16).

2. a. For the purpose of protecting public health, safety, and welfare, the department may close any gravel pits and other sites where earthmoving activities may take place.

b. The department may keep these sites closed until such time as reclamation has been completed, including any maintenance period. No person may enter or be in any structure or area that is closed to public use without a written agreement with the department.

c. The department may effectuate closure through the property master planning process under ch. NR 44 or by order of the secretary. Notice of closure shall be reflected in the respective property maps, and, as necessary, with signage at the location.

SECTION 30. NR 45.04 (1) (c) is amended to read:

NR 45.04 (1) (c) Flying related activities, including but not limited to, use of unmanned aircraft systems, hang gliding, parasailing, hot air ballooning, land sailing, flying model airplanes or sky diving on state parks, state recreation areas, state natural areas, Kettle Moraine and Point Beach state forests and Lower Wisconsin state riverway shall be restricted to areas posted for their use.

SECTION 31. NR 45.04 (1) (f) is amended to read:

NR 45.04 (1) (f) No person may transplant, relocate, stock or release any plant or animal, domesticated or wild, without written permission from the department unless engaged in dog training or trialing in accordance with chs. NR 16 and 17.

SECTION 32. NR 45.04 (1s) (intro.) is created to read:

NR 45.04 (1s) COLLECTING. Except as specifically provided in this subsection, a person may collect any of the following materials for non-commercial use:

SECTION 33. NR 45.04 (1s) (a) 2. (Note) is created to read:

NR 45.04 (1s) (a) 2. Note: A list of non-restricted invasive species is available on the department’s website at <https://dnr.wisconsin.gov/topic/Invasives/what.html>. Possession, movement, and proper disposal of invasive species is regulated under ch. NR 40 and an invasive species permit issued under that chapter may be required unless the invasive plants are left or disposed of onsite.

SECTION 34. NR 45.04 (1s) (a) 3., 4. and 5., and (b) 3. are created to read:

NR 45.04 (1s) (a) 3. Except on state natural areas, willow and aspen stems not larger than 2.5 inches in diameter, from species not listed under ch. NR 27, may be collected for personal, noncommercial use by the collector for the purpose of trap stakes, bait sticks, or both.

4. Except for edible fruits, edible nuts, and edible seeds collected for personal consumption under this paragraph, a person wishing to collect seeds from herbaceous plants, including grasses and wildflowers, or seeds or nuts from woody plants, or both, on department lands shall apply for and obtain a seed collecting permit from the department.

Note: The seed collecting permit application form is available at <https://dnr.wi.gov/files/PDF/forms/1700/1700-039.pdf>.

5. A person may collect shed antlers, clean skulls, and clean bones of wild animals for which an open season has been established under ch. NR 10, and as long as the collection of the antlers, skulls, or bones follows all state and federal laws.

(b) 3. No person may collect rocks, minerals or fossil materials on state natural areas without first obtaining a state natural area scientific collector permit.

SECTION 35. NR 45.04 (2) (a) (intro.) and 4. are amended to read:

NR 45.04 (2) (a) No person may enter or be within the boundaries of any state park, state recreation area, southern forest, forest campground, picnic area, beach, ~~headquarters site~~, amphitheater, ~~ice age center~~, posted parking areas, ~~Point Beach state forest~~ and specifically designated areas within the Lower Wisconsin state riverway between the hours of 11:00 p.m. and the following 6:00 a.m. except:

4. ~~Lakeshore state park~~, Lakeshore state park hours of operation are between 6:00 a.m. and 10:00 p.m., except for persons actively engaged in fishing, persons moving through the park on designated trails, or registered guests at the marina leaving or returning to their boats.

SECTION 36. NR 45.04 (2) (a) 6., 7. and 8. are created to read:

NR 45.04 (2) (a) 6. Kettle Moraine state forest – Lapham Peak unit hours of operation are between 6:00 a.m. and 9:00 p.m.

7. Havenwoods state forest hours of operation are between 6:00 a.m. and 8:00 p.m.

8. Whitefish Dunes state park hours of operation are between 6:00 a.m. and 8:00 p.m.

SECTION 37. NR 45.04 (3) (am) 1. and 2. are created to read:

NR 45.04 (3) (am) *Nudity*. 1. In this section, “nude” or “nudity” means being clothed or unclothed in such a manner that the person’s genitals, pubic hair, buttocks, perineum, anus, anal region, or pubic hair region of any person, or any portion of the breast at or below the upper edge of the areola thereof of any female person, is exposed to public view or is not covered by an opaque covering.

2. No person may appear, bathe, sunbathe, walk, or otherwise be nude on any lands under the management, supervision, or control of the department. This does not apply to breastfeeding by nursing parents and does not apply in any of the following areas not open to public view: restrooms, bath houses, showers, changing facilities, or privately-owned camping units.

Note: *Tagami v. City of Chicago*, 875 F. 3d 375 (7th Cir. 2017).

SECTION 38. NR 45.04 (3) (b) is amended to read:

NR 45.04 (3) (b) *Evictions*. The department may expel any person or persons from the lands under the management, supervision and control of the department for violations of any state law, administrative rule or posted rules or regulations. The period of time for which a person may be expelled is 48 hours, or for the period of their camping permit, whichever is longer. The expelled person may not return to the property before the eviction period has elapsed or enter any other ~~state park, forest, recreation area, or any other designated camping area~~ lands under the management, supervision, and control of the department for a period of 48 hours after eviction. Persons expelled are not eligible for refunds for unused camping fees or vehicle admission fees. People charged with violent, assaultive or disorderly behavior may be expelled until after the case is adjudicated in court.

SECTION 39. NR 45.04 (3) (d) 3. is created to read:

NR 45.04 (3) (d) 3. No person may dispose of anything other than human waste and toilet paper in a department toilet facility.

SECTION 40. NR 45.04 (3) (e) (intro.) is renumbered NR 45.04 (3) (e) 1. and is amended to read:

NR 45.04 (3) (e) 1. 'Devices.' Except in accordance with a written permit issued by the department, ~~No no~~ person may operate any ~~sound truck, loudspeaker, device, including an amplified speaker, outdoor electronic device, gasoline powered device,~~ generator, chainsaw, air-conditioner or other device at a volume that ~~produces excessive, loud or unusual noises without first obtaining a written permit from the department.~~ interferes with the enjoyment of the area by others or is likely to cause a disturbance.

SECTION 41. NR 45.04 (3) (e) 2. is created to read:

NR 45.04 (3) (e) 2. 'Camping quiet hours.' No person may make a noise at a level above that of a quiet conversation in camping areas and overnight moorings between the hours of 11:00 p.m. and 6:00 a.m.

SECTION 42. NR 45.04 (3) (f) 1. and 2. and (g) are amended to read:

NR 45.04 (3) (f) *Soliciting.*

1. No person may solicit or collect funds or peddle or solicit business of any nature, post signs or distribute handbills or advertising matter unless first authorized by contractual agreement with the department.

2. In addition to the requirements of subd. 1., in the state parks, state recreation areas and southern forests, no person may engage in commercial filming or photography or provide services for a fee that involves the provider's physical presence in the state park, state recreation area or southern forest unless first authorized by contractual agreement ~~or a department commercial use permit~~ with the department.

(g) ~~*Destruction of Unauthorized interference with state or personal property.*~~ No person may damage, deface, interfere with, destroy, molest, possess without permission, attempt to remove or remove the property of ~~others.~~ the state or any other person.

SECTION 43. NR 45.04 (3) (g) (Note) is created to read:

NR 45.04 (3) (g) Note: Property of the state includes roadway and parking lot surfaces, signs, and structures under state ownership.

SECTION 44. NR 45.04 (3) (m) is renumbered NR 45.04 (3) (m) (intro.) and amended to read:

NR 45.04 (3) (m) 1. In this paragraph, ~~"personal~~ :
a. "personal property" includes stakes, markers, or any other object which is placed with the intent of marking the location of a trap site except when the season established in s. NR 10.01 for that species is open and a lawfully set trap is placed with the stake or marker.

SECTION 45. NR 45.04 (3) (m) 1. b. is created to read:

NR 45.04 (3) (m) 1. b. "Personal property" does not include a trail camera that is in compliance with the provisions of sub. (3) (w).

SECTION 46. NR 45.04 (3) (v) is amended to read:

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

SECTION 47. NR 45.04 (3) (w) is created to read:

NR 45.04 (3) (w) *Trail cameras.* A person may place and leave trail cameras unattended overnight on department lands when all of the following conditions are met:

1. Trail cameras are permanently and legibly marked in the English language with the name and address or department customer identification number of the operator in a manner that is clearly visible on the outside of the camera without needing to move or adjust the camera.
2. Placement, use, or installation of the trail camera does not damage vegetation or other department property.
3. The camera's location and entire available field of view is only areas where hunting is allowed and is outside of designated use areas including designated trails, beaches, campgrounds, buildings, roads, water access points, and parking areas.

Note: The placement of trail cameras on department lands is at the operator's own risk. The department is not responsible for theft of or damage to trail cameras on Wisconsin department of natural resources lands.

SECTION 48. NR 45.04 (4) (title) and (a) are amended to read:

NR 45.04 (4) SPECIAL PROPERTY USE EVENTS. (a) Except as provided in par. (c), no person or organization may advertise, promote or hold or conduct a special event or other special property use without prior written approval from the department.

SECTION 49. NR 45.04 (4) (am) is created to read:

NR 45.04 (4) (am) Except as provided for special events in par. (b), a person or organization seeking to engage in special property use shall submit to the department all of the following at least 30 days prior to the use:

1. An application describing the special property use on forms provided by the department.
2. Proof of adequate insurance as determined by the department, if required by the department, with the policy naming the department as additional insured.
3. A fee as determined by the department under s. NR 45.12 (4) (L).

SECTION 50. NR 45.04 (4) (b) (intro.) and (c) (intro.) are amended to read:

NR 45.04 (4) (b) To apply for written approval for a special event, a person or organization seeking to hold a special event shall submit to the department all of the following at least 90 days prior to the event:

(c) The department may waive the requirement to obtain written approval under ~~par. (a)~~ pars. (a) and (b) if the special ~~event~~ property use is authorized in an existing agreement with the department or if the ~~special event~~ use will not result in any of the following:

SECTION 51. NR 45.04 (4) (c) 5. is created to read:

NR 45.04 (4) (c) 5. Violation of statute or administrative rule.

SECTION 52. NR 45.04 (4) (d), (e), (f), and (g) are amended to read:

NR 45.04 (4) (d) The department may issue written authorization for a special event and other special property use with conditions that it deems necessary to ensure the protection and orderly management of the property.

(e) The department may modify or terminate written authorization for any special ~~event~~ property use at any time if necessary to ensure public safety, protection of state facilities, or protection of natural resources.

(f) In addition to the fee in s. NR 45.12 (4) (L), the department may require the person or organization holding a special event or conducting other special property use to compensate the department for, or to restore to the satisfaction of the department, a natural resource or department property that is damaged as a result of ~~a special event~~ the use.

(g) No person may participate in a special event or other special property use that is not authorized under this section.

SECTION 53. NR 45.05 (1) (a) is renumbered NR 45.05 (1) (a) 1. and is amended to read:

NR 45.05 (1) (a) 1. *Generally.* No person may operate any vehicle ~~at a speed in excess of 25 miles per hour or~~ contrary to any posted traffic sign, traffic control device, or the direction of a traffic control officer, state highway or department traffic signs.

SECTION 54. NR 45.05 (1) (a) 2., 3. and 4. are created to read:

NR 45.05 (1) (a) 2. *Speed limit.* No person may operate any vehicle contrary to any posted speed limit, or in excess of 25 miles per hour where no posted speed limit has been established.

3. *Unsafe operation.* No person may operate any vehicle in a negligent, reckless, or careless manner that endangers life, property, or persons.

4. *Disorderly operation.* No person may operate any vehicle in a manner which is unreasonably loud, disruptive, or otherwise interferes with peace, welfare, and safety, including unnecessary spinning or squealing of tires, revving of an engine, or blowing of a horn.

SECTION 55. NR 45.05 (3) (c) is repealed.

SECTION 56. NR 45.05 (3) (em) (title) and 1. are amended to read:

NR 45.05 (3) (em) *Motor Electric bicycles.* 1. ~~A motor bicycle~~ Class 1 and class 3 electric bicycles as defined in s. 340.01 (30) s. 340.01 (15ph), Stats., may be operated at speeds of less than 15 miles per hour while the motor is engaged on trails listed in s. NR 51.73 (1) and subject to this chapter that are otherwise open to bicycles under any of the following conditions and on specific trails or sections of trails not listed in s. NR 51.73 (1) that are all of the following:

SECTION 57. NR 45.05 (3) (em) 1. a. and b. are repealed and recreated to read:

- NR 45.05 (3) (em) 1. a. Open to nonmotorized bicycle use.
- b. Specified in a property master plan.

SECTION 58. NR 45.05 (3) (em) 1. c. is created to read:

NR 45.05 (3) (em) 1. c. Posted as open for such use.

SECTION 59. NR 45.05 (3) (em) 2. is repealed.

SECTION 60. NR 45.05 (3) (em) 3. is amended to read:

NR 45.05 (3) (em) 3. The department may prohibit operation of ~~motor~~ electric bicycles on specific trails or sections of trails by posted notice. No person may operate a ~~motor~~ an electric bicycle on a trail open to bicycles and posted closed to ~~motor~~ electric bicycles.

SECTION 61. NR 45.05 (3) (em) (Note) is repealed.

SECTION 62. NR 45.05 (3) (f) is repealed and recreated to read:

NR 45.05 (3) (f) *Prohibition*. No person may operate any bicycle, electric bicycle, electric personal assistive mobility device, or electric scooter contrary to any posted traffic sign, traffic control device or the direction of a traffic control officer.

SECTION 63. NR 45.05 (3) (fm) and (g) are amended to read:

NR 45.05 (3) (fm) *Lighting requirements*. No person may operate a bicycle or ~~motor~~ electric bicycle during hours of darkness as defined in s. 340.01 (23), Stats., on a trail designated under s. NR 51.73 (1) unless the person or the bicycle or ~~motor~~ electric bicycle is equipped with a lamp emitting a white light visible from a distance of at least 500 feet to the front of the person or the bicycle or ~~motor~~ electric bicycle and a lamp emitting a steady or flashing red light visible from a distance of 500 feet to the rear of the person or the bicycle or ~~motor~~ electric bicycle.

(g) ~~*Prohibition*~~ *Unsafe operation*. No person may ride a bicycle, ~~or~~ ~~motor~~ electric bicycle, electric personal assistive mobility device, or electric scooter in a careless, negligent, or reckless manner so as to endanger the life, property or persons of others on any lands under the management, supervision and control of the department.

SECTION 64. NR 45.05 (5) (b) 5. is repealed.

SECTION 65. NR 45.055 (2) (a) 1. to 3. are amended to read:

NR 45.055 (2) (a) 1. Boat landings 5, 6, 7, 8, 10 in the Governor Earl Peshtigo River State Forest, and the posted route and parking area leading to Boat Landing 13 in the Governor Thompson State Park.

2. Stephenson Town Park on High Falls Flowage in the Governor Earl Peshtigo River State Forest.

3. Medicine Brook Road from High Falls Road south 1.8 miles to the designated scenic overlook in the Governor Earl Peshtigo River State Forest.

SECTION 66. NR 45.06 (1) is repealed and recreated to read:

NR 45.06 (1) (a) No person may allow that person's dog, cat or other pet, or a pet under that person's supervision, to unreasonably interfere with the enjoyment of the area by others.

(b) No person may allow a dog, cat, or other pet in any building, yurt, observation tower, area that has been designated as closed to pets in a property master plan, Paradise Springs area in the southern unit – Kettle Moraine state forest, or on any swimming beach or on any Great Lakes shoreline zone that is not

designated as a pet swimming beach, or in any picnic area, playground or fish hatchery ground, unless the area is posted as open to pets.

(c) Except as provided for in par. (d), dogs, cats, and other pets shall be kept on a physical leash not more than 8 feet long and under control at all times.

(d) In areas where allowed in a property master plan and posted by department sign, during the times of year indicated on the department sign, pets may be off leash as long as they are under the verbal control of the person supervising the pet.

SECTION 67. NR 45.06 (3) is amended to read:

NR 45.06 (3) No person may allow their dog, cat or other animal on any cross-country ski trails during that period of the year when such trails are ~~used~~ groomed or being prepared for grooming for cross-country skiing.

SECTION 68. NR 45.06 (3m) is repealed.

SECTION 69. NR 45.06 (4) (b) 1. is amended to read:

NR 45.06 (4) (b) 1. Loop 1 of Pinewoods ~~family~~ standard and group camp - Southern Unit Kettle Moraine.

SECTION 70. NR 45.06 (4) (b) 2., (c), (e) and (f) are repealed.

SECTION 71. NR 45.06 (6) is amended to read:

NR 45.06 (6) (a) Except as otherwise authorized by the department, ~~No~~ no person may ride, lead or fail to prevent any ~~equine~~ ungulate animal from being ~~on any beach, posted or marked hiking trail, nature trail, picnic area or non-equine campground or contrary to posted notice~~ anywhere not posted open to their use. Ungulate animals are allowed in all areas, except where posted against such use, on the northern state forests ~~or~~ and the Turtle-Flambeau scenic waters area.

(b) ~~Horses~~ Equine animals, llamas, and alpacas are prohibited on all other department lands except on public highways as defined in s. 340.01 (22), Stats., and consistent with ch. 346, Stats., and areas or trails posted for their use, or by permit on field trial areas, in accordance with ch. NR 17.

SECTION 72. NR 45.06 (7) is amended to read:

NR 45.06 (7) No person may ride ~~or lead a horse~~ an ungulate animal in a careless, negligent, or reckless manner so as to endanger the life, property or persons of others on any lands under the management, supervision and control of the department.

SECTION 73. NR 45.06 (7m) is created to read:

NR 45.06 (7m) No person may feed any wild animal in any picnic area, playground, fish hatchery ground, or designated beach.

SECTION 74. NR 45.07 (4) is created to read:

NR 45.07 (4) No person may leave unattended or release a sky lantern, airborne paper lantern, balloon, or similar device with a candle or other flame inside.

SECTION 75. NR 45.085 (3) is amended to read:

NR 45.085 (3) No person may light a fire or use a ~~charcoal~~-grill on any Great Lakes shoreline zone or on docks or piers in waters adjacent to any Great Lakes shoreline zone, except in designated fire rings or grills provided by the department.

SECTION 76. NR 45.09 (6) is created to read:

NR 45.09 (6) No person may shoot any bow or crossbow from or across a campground.

SECTION 77. NR 45.095 (1) (b), (g), (i), (m), and (p) are amended to read:

NR 45.095 (1) (b) Discharge or handle any weapon on the range while any part of a person is down range of the firing line.

(g) Shoot at targets that are not placed in a designated target area or affixed to target stands, if provided, or move target stands unless the person is sighting or patterning a shotgun with size T or smaller shot.

(i) ~~Unless otherwise posted at the range, shoot~~ Shoot during the period beginning at sunset and ending at sunrise any time outside the posted hours of operation.

(m) ~~Use~~ Except in accordance with permit issued by the department, use incendiary, exploding, glass, plastic, metal, clay, or other breakable materials as targets.

(p) While shooting at a shooting range, possess ~~or~~, consume, or be impaired by an intoxicant or other restricted controlled substance.

SECTION 78. NR 45.095 (q) to (s) are created to read:

NR 45.095 (1) (q) Use a firearm other than a handgun, as defined under s. 175.60 (1) (bm), Stats., on any designated handgun range.

(r) Shoot from anywhere other than the designated firing position or firing line.

(s) Shoot armor piercing, tracers, incendiary ammunition, or any weapon chambered in .50 BMG.

SECTION 79. NR 45.095 (3) is amended to read:

NR 45.095 (3) This section does not apply to scheduled training activities conducted by a ~~law enforcement agency~~ the U.S. armed forces, including any reserve component, or of the national guard, or law enforcement agencies.

SECTION 80. NR 45.10 (1) (b), (c), (d) and (e) are amended to read:

NR 45.10 (1) (b) No person may camp in designated camping areas without a permit and the payment of prescribed daily fees, where required.

(c) A camping permit shall be obtained prior to setting up camp, ~~unless otherwise posted~~ where permits are required.

(d) No camping party may move from its assigned campsite to another campsite without prior approval from the department ~~park or forest office.~~

(e) All camping permits begin at 3:00 p.m. on the first day of the permit and expire at 3:00 1:00 p.m. on the last day of the permit period.

SECTION 81. NR 45.10 (1) (f) to (i) are amended to read:

NR 45.10 (1) (f) ~~Except by written permission from the department, no~~ ~~No~~ camping party may start setting up or taking down its camping unit between the hours of 11:00 p.m. and ~~the following~~ 6:00 a.m. ~~except for juvenile or adult groups camping at the Devil's Lake North Shore campground and Governor Dodge Cox Hollow campground during the period from October 1 through April 30.~~

(g) Violation of any state law or any rules of the department by a member or guest of a member of a camping party is cause for revocation of the camping permit and eviction from the property as established in s. NR 45.04 (3) (b).

(h) Any person without an advance camping reservation who is at a property may request a camping permit for a site to be occupied that day and one additional permit for the same time for another camping party, provided he or she has all the required information for registration to obtain both camping permits. Any person making advance reservations for a camping permit may apply for additional permits for themselves or others, providing he or she has all the required information to obtain the camping permits. Each reservation must have a named occupant. An occupant may not have more than one camping reservation or permit on any overlapping days at any department property. Group leaders and parents of juvenile campers may obtain permits for use by juvenile or adult groups. The person to whom the campsite is registered shall be part of the camping party on that site. A person with an advance camping reservation may not advertise or otherwise present to the public an offer to transfer the reservation to another party, nor may a reserved campsite be transferred to another party resulting in any profit without written permission from the department.

(i) ~~All registrants without an advance camping reservation shall occupy the site with a camping unit the first night of the registration and every night for the duration of the reservation.~~ The department shall require on reserved sites that a camping unit occupy the reserved site by 3:00 p.m. on the second day of the reservation and be present for the duration of the reservation. Parties who fail to meet the requirements of this paragraph shall be evicted and forfeit the remainder of their reservation. The camping party is not eligible for any refund of camping fees.

SECTION 82. NR 45.10 (1) (j) is repealed and recreated to read:

NR 45.10 (1) (j) Reservations must be made directly with the campground reservation system established under s. 27.01 (11) (a), Stats. The department shall establish the information necessary and convenient for administration of the reservation system. No person may provide false or fraudulent information to the campground reservation system, or make reservations using an unauthorized third party, such as a booking service.

SECTION 83. NR 45.10 (1) (k) is amended to read:

NR 45.10 (1) (k) The department reserves the right to reject or cancel camping reservations when necessary to protect either campers or the natural resources, or when registered campers are found to be in violation of any statute or administrative rule.

SECTION 84. NR 45.10 (1) (m) is repealed.

SECTION 85. NR 45.10 (1) (n) and (o) are amended to read:

NR 45.10 (1) (n) Camping is restricted to one day ~~only~~ at designated watercraft stopover boat-in campsites in northern state forests and in properties described in sub. (1) (a) 5. and 6., up to 3 days as posted on state-owned islands outside state forest boundaries, up to 3 days on state-owned islands and sandbars in the Lower Wisconsin state riverway and state-owned sandbars on the Lower Chippewa River, up and to 10 days at designated campsites on the northern flowage properties and up to 14 days on state-owned islands in the Mississippi River. Camping at these locations is restricted to persons and their equipment arriving by watercraft only. Campsites on state-owned islands in the Mississippi River shall be

occupied daily and associated camping equipment or other property may not be left unattended for over 24 hours.

(o) No person may use ~~family~~ standard campground shower facilities in any state park or forest unless that person is a registered camper.

SECTION 86. NR 45.10 (1) (r) is repealed.

SECTION 87. NR 45.10 (1) (s) and (t) are created to read:

NR 45.10 (1) (s) A person age 18 or over must obtain the camping permit. That person assumes responsibility for the actions of the camping party. A person age 18 or over must be part of a camping party if a permit is issued on the same day of occupancy.

(t) Upon occupancy, a camping reservation becomes a camping permit. Reservations may be issued at any time prior to occupancy.

SECTION 88. NR 45.10 (2) (intro.), (a), (b), (d), (2m) (title) and (a) (intro.) are amended to read:

NR 45.10 (2) ~~FAMILY~~ STANDARD CAMPING. (a) No more than one camping party may occupy a single campsite. ~~No~~ A camping party ~~consisting of a non-family group may not exceed 6 persons. A~~ camping party consisting of a family group may not be comprised of more than a family and two guests.

(b) No person may camp and no camping unit shall remain for a period greater than 14 days in any 3-week period in the property of registration. After 14 days, the camping unit and camping party shall be removed from the property for at least 7 days before being eligible to return. ~~The requirement to vacate the campground for 7 days is only applicable for the following named campgrounds in the northern state forests: Crystal Lake, Muskie Lake, Firefly Lake, Clear Lake and Indian Mounds campground in the Northern Highland American Legion state forest. For all other campgrounds in the northern forest, users may transfer to other campgrounds on the property without waiting for 7 days.~~

(d) No person may park any motor vehicle outside the parking area designated at each campsite. No person may park more than 2 motor vehicles in the parking area of any standard campsite, except that as many as 6 motorcycles are permitted for members of a camping party registered as a non-family group.

(2m) ~~OUTDOOR GROUP CAMPING, BACKPACK CAMPING AND RESERVABLE REMOTE CAMPING ON THE NORTHERN HIGHLAND AMERICAN LEGION STATE FOREST~~ BOAT-IN CAMPING.

(a) No person may camp and no camping unit may remain on a group or backpack campsite or in backpack camping areas or on ~~reservable remote camping sites on the Northern Highland American Legion state forest~~ a boat-in campsite for a period exceeding that authorized by the camping permit and in no case for a period exceeding any of the following:

SECTION 89. NR 45.10 (2m) 1. c. and d. are created to read:

NR 45.10 (2m) 1. c. 14 days on standard boat-in campsites.

d. 1 day on stopover boat-in campsites.

SECTION 90. NR 45.10 (2m) (a) 2. c. is amended to read:

NR 45.10 (2m) (a) 2. c. 14 days for ~~reservable, remote camping sites on the Northern Highland American Legion state forest~~ standard boat-in campsites, except for Lakeshore state park which has a 4 day maximum.

SECTION 91. NR 45.10 (2m) (a) 2. d. is created to read:

NR 45.10 (2m) (a) 2. d. 1 day for stopover boat-in campsites.

SECTION 92. NR 45.10 (2m) (c) to (e), and (3) (intro.) are amended to read:

NR 45.10 (2m) (c) No more than 10 persons may be permitted at each designated backpack campsite in the Kettle Moraine state forest. A ~~permit shall be issued~~ party may not camp for no more than one consecutive night at each designated backpack campsite in the Kettle Moraine state forest.

(d) No more than one camping party is permitted at a backpack campsite in state parks, recreation areas, other state forests offering these backpack campsites and ~~reservable remote campgrounds~~ boat-in campsites. Except as provided in par. (c), no camping party consisting of a non-family group may exceed 6 persons on a backpack campsite and no family group may exceed a family and two guests.

(e) All backpack and boat-in campers shall pack out refuse generated while camping.

(3) ~~FAMILY STANDARD, OUTDOOR GROUP, BACKPACK, AND RESERVABLE REMOTE BOAT IN~~ CAMPSITE RESERVATIONS. The department may grant reservations for family standard, outdoor group, backpack, and ~~reservable remote~~ boat-in campsites and shall upon request provide a list of parks and forests where reservations are accepted. Reservations for family standard, outdoor group, backpack, and ~~reservable remote~~ boat-in campsites may be granted under the following conditions:

SECTION 93. NR 45.10 (3) (a) to (e) are repealed and recreated to read:

NR 45.10 (3) (a) Reservation applications may be accepted for camping up to 11 months before the date of occupancy. The following minimum stays shall apply:

1. Standard campsites including standard boat-in campsites, 1 night except:

a. A minimum of 2 nights for camping reservations with an arrival date between May 15 and October 31 each year when the reservation is created prior to May 15 of that year.

b. On Labor Day and Memorial Day weekends, the stay shall include Friday, Saturday, and Sunday nights when reserved before the day of arrival.

c. When the Fourth of July is on a Friday, the stay shall include Thursday, Friday, and Saturday nights of that weekend when reserved before the day of arrival.

d. When the Fourth of July is on a Monday, the stay shall include Friday, Saturday, and Sunday nights of that weekend when reserved before the day of arrival.

2. Outdoor group sites: 1 day.

3. Stopover boat-in campsites: 1 day.

4. Backpack sites: 1 day.

Note: Maximum stays are listed in sub. (2m).

(b) Camping nights purchased as part of a minimum stay requirement are not eligible for refund for early departure or shortened stays.

(c) Reservations may be made for all available sites until all sites have been reserved for that date.

(d) A vendor reservation fee plus full payment of camping fees shall be included with each application.

(e) The department may waive minimum stay requirements under this paragraph.

SECTION 94. NR 45.10 (4) (a) is amended to read:

NR 45.10 (4) (a) Group camp reservations for Wyalusing state park and the Black River state forest shall be accepted only for a minimum of 2 days on weekends, to include Friday and Saturday nights.

SECTION 95. NR 45.10 (4) (am) is repealed.

SECTION 96. NR 45.10 (4) (b) is repealed and recreated to read:

NR 45.10 (4) (b) Reservations may be accepted up to 11 months before the date of occupancy.

SECTION 97. NR 45.10 (4) (c) is repealed.

SECTION 98. NR 45.10 (6) is created to read:

NR 45.10 (6) CANCELLATIONS AND MODIFICATIONS. The department may allow cancellations and modifications of reservations. Cancellations and modifications may be subject to the following conditions:

(a) Reservation cancellation and modification penalties established by the department may include any combination of a non-refundable reservation fee, cancel or change fee, and non-refundable portion or totality of camping fees.

(b) After the date a campsite reservation is created, it cannot be cancelled or modified more than 10 months prior to the arrival date.

(c) Reservations made for the maximum allowable period may be subject to cancellation and modification restrictions established by the department.

(d) The department may limit the number of times a party can cancel and rebook a campsite within a calendar year.

SECTION 99. NR 45.11 (4) (t) and (v) and (6) (e) and (i) are repealed.

SECTION 100. NR 45.11 (6) (n) and (o) are created to read:

NR 45.11 (6) (n) All waters within Paradise Valley wildlife area, except the Bark River channel and Beaver Dam lake, in Waukesha county.

(o) All the waters of Cruson and Smith lakes in the Lone Rock unit, Lower Wisconsin state riverway, Richland county.

SECTION 101. NR 45.11 (7) (b) is repealed.

SECTION 102. NR 45.11 (9) is renumbered (9) (a) and is amended to read:

NR 45.11 (9) (a) ~~Air~~ Within the boundaries of state parks, air boats may not be operated on lands and waters including wetlands under the supervision, management or control of the department unless ~~their air boat use is specifically authorized by posted notice~~ the property master plan.

SECTION 103. NR 45.11 (9) (a) (Note), (b) and (c) are created to read:

NR 45.11 (9) (a) Note: This provision applies to waters located entirely within the exterior boundaries of state parks. On waters of the state outside of but adjoining state park boundaries, air boats may be used up to the point where the water meets dry land. Maps of state park boundaries are available at https://dnrmaps.wi.gov/H5/?viewer=LF_Master_Planning.

NR 45.11 (9) (b) On properties other than those described under par. (a), air boats may not be operated on lands under the supervision, management, or control of the department, and air boats may not be operated on waters including wetlands under the exclusive riparian control of the department, unless air boat use is specifically authorized by posted notice. The department exercises exclusive riparian control over a water when the water meets all of the following criteria:

1. The riparian land is completely under department fee or easement ownership.
2. The waterbody lacks frequent and direct navigable public access from adjacent waters.
3. The surface water perimeter of the waterbody is not within any public road rights-of-way.

Note: When navigable water inundates lands under the supervision, management, or control of the department where air boat use is allowed, the department considers the water to be open to air boat use up to the point that it meets dry land.

(c) Except as restricted or prohibited under pars. (a) and (b), subs. (4), (6), (7), and (10), and s. NR 45.04 (1) (b), air boats may be launched or removed from any department-owned launch site.

SECTION 104. NR 45.12(1) (a) and (b) (intro.) are amended to read:

~~NR 45.12 (1) (a) No person may operate or park any motor vehicle or trailer or semitrailer in the Richard Bong state recreation area, in the Point Beach state forest, in developed recreational areas in other state forests as designated in par. (b), in designated use zones within recreation areas established under s. 23.091 (3), Stats., or in any state park or roadside park except those designated in par. (c) and those specified in s. 27.01 (7) (e), Stats., any property listed in pars. (b) and (c) unless the vehicle displays a vehicle admission receipt in the manner specified by the department on the receipt or at the place of purchase in s. 27.01 (7) (e), Stats., except as specified in pars. (d) and (f) and s. 27.01 (7) (c), Stats.~~

(b) The following state forest areas, and those state forest areas designated as fee areas by posted notice, are designated by the department as vehicle admission areas from January 1 to December 31:

SECTION 105. NR 45.12(1) (b) 1. d. is repealed.

SECTION 106. NR 45.12(1) (b) 7. j. is amended to read:

NR 45.12 (1) (b) 7. j. Muskie Lake ~~family~~ standard and group campground.

SECTION 107. NR 45.12(1) (b) 8. c., d., e., and f. are created to read:

- NR 45.12 (1) (b) 8. c. Trade River day use area
- d. Trade River overflow lot
- e. Brandt Pines recreational trail system parking lot
- f. Sioux Portage group campground

SECTION 108. NR 45.12(1) (b) 9. (intro.) and a. are amended to read:

- NR 45.12 (1) (b) 9. Governor Earl Peshtigo River state forest:
- a. Old Veteran's Lake campground

SECTION 109. NR 45.12(1) (b) 10. and 11. are created to read:

- NR 45.12 (1) (b) 10. Point Beach state forest
- 11. Kettle Moraine state forest – Pike Lake unit

SECTION 110. NR 45.12(1) (bm) 55. is amended to read:

NR 45.12 (1) (bm) 55. Dells of the Wisconsin River state natural Area—~~Cambrian Overlook~~ area

SECTION 111. NR 45.12(1) (bm) 59., 60., 61., 62., 63., and 64. are created to read:

- NR 45.12 (1) (bm)** 59. Lizard Mound state park
- 60. Sauk Prairie state recreation area
 - 61. Lower Wisconsin state riverway – Mazomanie day use area
 - 62. Lower Wisconsin state riverway – Blackhawk Ridge day use area
 - 63. Rock Island state park – Jackson Harbor parking lot
 - 64. Pewits Nest state natural area

SECTION 112. NR 45.12(1) (c) (intro.) and 4. are amended to read:

NR 45.12 (1) (c) The following areas are determined by the department as ~~state parks~~properties in which vehicle admission receipts are not required:

- 4. Lost Dauphin state park

SECTION 113. NR 45.12 (1) (c) 5. is created to read:

- NR 45.12 (1) (c) 5.** Lakeshore state park

SECTION 114. NR 45.12 (1) (c) 7., 9., 10., and 11. are amended to read:

- NR 45.12 (1) (c) 7.** Cross Plains state park
- 9. Havenwoods state forest ~~preserve~~
 - 10. Copper Culture state park
 - 11. Rib Mountain state park leased area

SECTION 115. NR 45.12 (1) (c) 12. is repealed.

SECTION 116. NR 45.12 (1) (d) is renumbered NR 45.12 (1) (bm).

SECTION 117. NR 45.12 (1) (d) 17., 19., and 22. are repealed.

SECTION 118. NR 45.12 (1) (d) 39. is renumbered NR 45.12 (1) (bm) 39. and is amended to read:

- NR 45.12 (1) (bm) 39.** ~~Browntown~~Cadiz Springs state recreation area

SECTION 119. NR 45.12 (1) (d) 57. is renumbered NR 45.12 (1) (bm) 57. and is amended to read:

- NR 45.12 (1) (bm) 57.** Menominee River state ~~park and~~ recreation area

SECTION 120. NR 45.12 (1) (d) 57. (Note) is repealed.

SECTION 121. NR 45.12 (1) (f) 5. is amended to read:

NR 45.12 (1) (f) 5. ~~For off road motorcycles as defined in s. NR 45.03 (15) and mopeds, Any~~ vehicle, when trailered or towed into the property ~~and motor powered hang gliders (commonly called~~

~~ultralights) flown or trailered into the property for operation in the special use zone of the Bong state recreation area if the vehicle is not operated on the property.~~

SECTION 122. NR 45.12 (1) (f) 6. is created to read:

NR 45.12 (1) (f) 6. Motor-powered hang gliders flown or trailered into the property for operation in the special use zone of the Richard Bong state recreation area.

SECTION 123. NR 45.12 (2) (b) 1. is repealed.

SECTION 124. NR 45.12 (2) (b) 2. and 3. are amended to read:

NR 45.12 (2) (b) ~~Other charges~~ 2. Firewood Not less than \$3.00 per bundle (except for firewood sold by concessionaires)

3. Additional family standard camping fees for Type "A" campgrounds in the state parks, southern state forests and northern state forests.

SECTION 125. NR 45.12 (2) (c) 1. (intro.) a., c., e., and 3. a. to c. are amended to read:

- NR 45.12 (2) (c) 1. Outdoor ~~non-family~~ group camping
- a. Group ~~rate~~ sites with a capacity of 1 to 20 persons ~~\$40.00~~ \$50.00 per night
 - c. Minimum per group per night ~~\$40.00~~ \$50.00 per night
 - e. Outdoor group campsites with electricity will charge ~~one to 20 persons \$60.00, 21 to 30 persons \$80.00 and 31 to 40 persons \$100.00 per night~~ an additional \$20 per electric pedestal provided.
3. a. ~~Big Bay group camp and Black River state forest~~
~~\$3.00 per person per day~~
~~\$40.00 minimum per group per day~~
\$100 per night
- b. ~~Wyalusing group camp state park~~ \$6.00 per person per day
~~\$300.00~~ \$500 minimum per group per day.
 - c. ~~Point Beach state forest~~ \$5.00 per person per day
~~\$60.00 minimum per group per day.~~ \$100 per night.

SECTION 126. NR 45.12 (2) (c) 5. is repealed.

SECTION 127. NR 45.12 (2) (d) is amended to read:

NR 45.12 (2) (d) All reservation, family standard and outdoor group camping fees are waived for persons with disabilities and their personal care attendants brought by a nonprofit organization recognized by the internal revenue service under 26 USC 501 (c) (1), (3) or (4) whose primary purpose is the improvement of the mental or physical health of the individual. The nonprofit organization shall apply to the department on the required ~~forms for a department identification number~~ fee waiver request form prior to arrival at the property for which the fee waiver is sought. Memorial Day through Labor Day, fee waiver approvals may only be granted for Sunday through Thursday nights, and only with a prior camping reservation. The fee waiver request form is available at <https://apps.dnr.wi.gov/doclink/forms/2500-113.pdf>.

SECTION 128. NR 45.12 (3) (c) is amended to read:

NR 45.13 (3) (c) The state trail pass system consists of daily and annual fees established in s. 27.01 (8) (c), Stats. ~~the following admission fees:~~

1. Annual \$20.00
2. Daily \$4.00

SECTION 129. NR 45.12 (3) (e) is created to read:

NR 45.12 (3) (e) A person subject to par. (a) shall exhibit proof of a valid state trail pass to the department or law enforcement on demand.

SECTION 130. NR 45.12 (4) (a) 1. and 2. are amended to read:

NR 45.12 (4) (a) 1. Age 18 and older ~~\$3.00~~ \$4.00 per day or ~~\$45~~ \$55.00 per year for a season pass

2. Age 2 - 17 ~~\$2.00~~ \$3.00 per day or ~~\$30~~ \$40.00 per year for a season pass

SECTION 131. NR 45.12 (4) (e) is repealed.

SECTION 132. NR 45.12 (4) (g) (intro.) is renumbered (g) and amended to read:

NR 45.12 (4) (g) The department may grant building, shelter and picnic area reservations and shall upon request provide a list of parks and forests where reservations are accepted. ~~The fees are~~ Fees for building, shelter, picnic area, auditorium, sports center and other reservable facilities such as classrooms, meeting rooms, amphitheaters, overlooks, boat mooring areas, and yurts to be established by the department. Reservations may be accepted up to 11 months in advance of the rental date. Cancellation penalties established by the department may include a non-refundable reservation fee, cancel fee, and non-refundable portion or totality of the rental fee. Upon occupancy of the facility, the reservation becomes a permit. Reservations may be issued at any time prior to occupancy.

SECTION 133. NR 45.12 (4) (g) 1. to 7. are repealed.

SECTION 134. NR 45.12 (4) (k) is repealed.

SECTION 135. NR 45.12 (4) (L) (intro.) and subds. 1. to 3. are amended to read:

NR 45.12 (4) (L) The department may determine and charge a fee for special ~~events~~ property use that includes a base fee plus the actual costs to the department that are anticipated as a result of the ~~event~~ use. In determining the base fee and costs, the department may consider impacts including but not limited to all of the following:

1. The number of participants or spectators anticipated for the ~~special event use~~.
2. Additional department staff time required as a result of the ~~special event use~~.
3. Additional maintenance of the property required as a result of the ~~special event use~~.

SECTION 136. NR 45.12 (4m) is created to read:

NR 45.12 (4m) In addition to the fees established in this section, the department may require a person or organization to compensate the department for, or to restore to the satisfaction of the department, a natural resource or department property that is damaged during that person or organization's period of occupancy or visitation. Permit holders are responsible for notifying department personnel of existing damage to department property upon arrival and may be held liable for any damages not reported.

SECTION 137. NR 45.13 (1) (c) is amended to read:

NR 45.13 (1) (c) No person may destroy, remove or attempt to remove any plant or plant part, without permission from the department except as provided for in s. ~~NR 45.04 (1) (a) 1. and 2.~~ NR 45.04 (1m) (a).

SECTION 138. NR 45.13 (2) (title) is amended to read:

NR 45.13 (2) ~~PARFREY'S GLEN, NATURAL BRIDGE, ROCHE-A-CRIMOUND, PEWITT'S PEWITS NEST, OAKFIELD LEDGE, AND GIBRALTAR ROCK, AND BAY CITY RIDGE STATE NATURAL AREAS.~~

SECTION 139. NR 45.13 (2) (f) is created to read:

NR 45.13 (2) (f) No person may enter or be in Bay City Ridge state natural area earlier than 30 minutes prior to sunrise and no later than 30 minutes after sunset.

SECTION 140. NR 45.13 (2m) (title), (intro.), (e) and (18) are amended to read:

NR 45.13 (2m) ~~STATE PARKS, RECREATION AREAS, WILDLIFE AREAS, FISHERY AREAS, AND SOUTHERN FOREST AREAS FORESTS.~~ Within the boundaries of state parks, state recreation areas, state wildlife areas, state fishery areas, northern forests, and southern forests, no person may take, pursue, catch, kill, trap or remove any wild animal without written permission from the department except as follows:

(e) Trapping on state fishery areas, northern forests, southern forests ~~or,~~ state recreation areas, and state wildlife areas in accordance with ch. NR 10 and this chapter.

(18) ~~KETTLE MORAIN STATE FOREST, LAPHAM PEAK.~~ No person may take, catch, kill, hunt, trap or pursue any wild animal, or discharge any firearm or air gun ~~as defined in s. 939.22, Stats., or any,~~ bow, crossbow, slingshot, or spring-loaded device designed for shooting a projectile while on any department lands designated by posted notice within the Lapham Peak Unit-Kettle Moraine state forest. The department may designate areas where hunting deer and turkeys with archery equipment, but not with firearms or airguns, is allowed.

SECTION 141. NR 45.13 (9) (b) (intro.) is repealed and recreated to read:

NR 45.13 (9) (b) In the Kinnickinnic delta use area, when toilet facilities are not provided, no person may moor or anchor a watercraft overnight unless equipped with a holding tank and toilet.

SECTION 142. NR 45.13 (9) (b) 1. to 4. and (c) are repealed.

SECTION 143. NR 45.13 (12) is amended to read:

NR 45.13 (12) ~~W KOHLER-ANDRAE AND WHITEFISH DUNES STATE PARK PARKS AND POINT BEACH STATE FOREST.~~ No person may ~~hike~~ be in any area other than on a designated trail specifically designed and signed for that purpose in the dune portion of the Whitefish Dunes state natural area in Whitefish Dunes state park or any dune portion of the property indicated by department signage, unless authorized to do so in writing by the department. For purposes of this chapter, a designated beach is not part of a dune.

SECTION 144. NR 45.13 (15) is repealed.

SECTION 145. NR 45.13 (26) (a), (b) and (c) 4. and 5. are repealed.

SECTION 146. NR 45.13 (26) (d) 1. is amended to read:

NR 45.13 (26) (d) 1. ‘General.’ All ~~overnight~~ moorage fees are determined by the department and overnight moorage fees shall be based on the overall length of the watercraft as shown on the boat registration.

SECTION 147. NR 45.13 (26) (d) 3. (title), a. and b. are repealed and recreated to read:

NR 45.13 (26) (d) 3. ‘Daytime fees.’
a. Daytime fees apply to all watercraft tied to the dock.
b. The park manager shall have discretion in determining if and for what time period the temporary moorage is allowed.

SECTION 148. NR 45.13 (26) (d) 3. c. and d., 4., and (e) are repealed.

SECTION 149. NR 45.13 (26) (f) 1. is amended to read:

NR 45.13 (26) (f) 1. Watercraft that are doubled properly to the pier shall ~~both~~ each be charged the normal dockage rate.

SECTION 150. NR 45.13 (26) (g) is repealed.

SECTION 151. NR 51.73(1) is amended to read:

NR 51.73 (1) The 400, Ahnapee, Badger, Bearskin, Buffalo River, Capital City, Cattail, Chippewa River, Devil’s River, Eisenbahn, Elroy-Sparta, Fox River, Friendship, Gandy Dancer, Glacial Drumlin, Great River, Great Sauk, Green Circle, Hank Aaron, Hillsboro, Ice Age Trail, La Crosse River, Mascoutin Valley, Military Ridge, Mound View, Mountain-Bay, Newton Blackmour, Nicolet, North Country, Oconto River, Old Abe, Pecatonica, Red Cedar, Saunders, Stower Seven Lakes, Sugar River, Tomorrow River, Tuscobia, White River, Wild Goose, Wild Rivers, Wiouwash, and Wolf River, trails are designated as state trails, and others as designated by the department.

SECTION 152. NR 115.02 is amended to read:

NR 115.02 Applicability. The provisions of this chapter apply to county regulation of the use and development of unincorporated shoreland areas, and to annexed or incorporated areas except as provided in s. 59.692 (7), Stats. Unless specifically exempted by law, all cities, villages, towns, and counties ~~and, when s. 13.48 (13), Stats., applies, state agencies~~ are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin department of transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1m), Stats., applies.

SECTION 153. NR 116.02 is amended to read:

NR 116.02 Applicability. The provisions of this chapter are applicable to all municipalities. ~~Unless otherwise specifically exempted by law, all state agencies are required to obtain permits required by local zoning ordinances if s. 13.48 (13), Stats., applies.~~

SECTION 154. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 155. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Steven Little, Deputy Secretary

(SEAL)