



CR 91-127

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. PR-36-91 was duly approved and adopted by this Department on December 12, 1991. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 13th day of February, 1992.

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Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

4-1-92

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

IN THE MATTER OF repealing ss. NR 45.06(3), (5) & (6) and 45.13(6); renumbering ss. NR 45.03(18) & (19), 45.06(4), (6) & (7), 45.13(5) and 45.14; amending ss. NR 45.04(1)(c) & (2)(c), 45.06(4), 45.10(3)(a)1. & (5)(a)(intro.), 6. & 7., 45.12(1)(f)3., (2)(a)2., 3., 4., (e)2., (f), (3)(a) & (c), 45.13(1); repealing and recreating ss. NR 45.05(3)(e), 45.10(3)(a)(intro.), 45.12(4)(f)2.d., 45.13(18)(b)2.d. & e.; and creating ss. NR 45.03(18) & (20), 45.04(3)(1), 45.06(4) & (6), 45.08(4), 45.12(1)(c)25., (2)(a)1.i. to 1. & (e)2.s., 45.13(5)(b) and 45.14(2) of the Wisconsin Administrative Code pertaining to state land use regulations.

PR-36-91

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Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 23.09(2), 23.091, 27.01(2)(j), (8), (9), (10), (11) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 23.09(2), 23.091, 27.01(2)(i), (7), (8), (9), (10) and 28.04(1), Stats.

The proposed rules:

1. Define terms needing clarification that are used throughout NR 45.
2. Performs housekeeping changes by adding properties to lists offering particular types or classifications of facilities.
3. Increases boat camping fee at Kinnickinnic state park.
4. Prohibits pets in some state parks and two state forest campgrounds.
5. Eliminates differential fee for non-residents, and increases seasonal and daily fee slightly.
6. Deletes Camp Wakanda Center restrictions. Center is no longer in public use.
7. Clarifies rules governing uses of horses and bicycles on state land.

SECTION 1. NR 45.03(18) and (19) are renumbered NR 45.03(19) and (21), respectively.

SECTION 2. NR 45.03(18) and (20) are created to read:

NR 45.03(18) "Private schools" means institutions meeting the criteria
of s. 118.165, Stats.

(20) "State trail" means a recreational trail designated by the department under s. NR 51.73.

SECTION 3. NR 45.04(1)(c) and (2)(c) are amended to read:

NR 45.04(1)(c) Outdoor recreational activities, including but not limited to, hang gliding, parasailing, hot air ballooning, land sailing, flying model airplanes or sky diving on state parks, state recreation areas, and Kettle Moraine and Point Beach state forests shall be restricted to areas posted for their use.

(2)(c) This section does not apply to individuals with written authorization from the department or to those projects or parts of projects where the department has posted other opening and closing hours or where the department has waived these hours and established different hours for special events and programs.

SECTION 4. NR 45.04(3)(L) is created to read:

NR 45.04(3)(L) Quiet zones. The department may establish quiet zones by posted notice. Within quiet zones, no person may operate a radio, boombox, musical instrument, tape player or similar noise producing device, unless the noise is confined to the person through the use of a headset.

SECTION 5. NR 45.05(3)(e) is repealed and recreated to read:

NR 45.05(3)(e) Bicycles. Except where provided herein, bicycles are prohibited on all department lands except on public highways and areas or trails posted for their use. Bicycles are permitted in all areas and on trails except where posted against such use on the American Legion, Black River, Brule River, Flambeau River, Governor Knowles and Northern Highland state forests.

SECTION 6. NR 45.06(3), (5) and (6) are repealed.

SECTION 7. NR 45.06(4) is renumbered NR 45.06(3).

SECTION 8. NR 45.06(4), (5) and (6) are created to read:

NR 45.06(4)(a) Pets are prohibited in Copper Culture and Heritage Hill state parks effective January 1, 1993.

(b) Pets are prohibited in the following campgrounds effective January 1, 1993.

1. Pinewoods family and group camp - Southern Unit Kettle Moraine.

2. West loop of Whitewater campground - Southern Unit Kettle Moraine.

(c) Pets are prohibited in portions of the campgrounds designated by posted notice at Nelson Dewey, Rock Island and Tower Hill state parks effective January 1, 1993.

(d) Pets are prohibited in areas designated by posted notice at Aztalan and Governor Nelson state parks effective January, 1 1993.

(e) Pets are prohibited in the south shore area of Devil's Lake state park except on paved roads and walkways while enroute to areas where pets are allowed effective January 1, 1993.

(5) Persons bringing or allowing pets in designated use areas shall be responsible for proper removal and disposal in sanitary facilities of any waste produced by these animals.

(6)(a) General prohibition. No person may ride, lead or fail to prevent a horse from being on any beach, posted or marked hiking trail, nature trail, picnic area or campground or contrary to posted notice on the American Legion, Black River, Brule River, Flambeau River, Governor Knowles and Northern Highland state forests.

(b) Fish and wildlife areas. Horses are prohibited from fish and wildlife areas except when authorized by permit on dog trial areas. Horses are permitted on specifically designated and posted areas or bridle paths on wildlife areas within the Lower Wisconsin state riverway.

(c) Other lands. Horses are prohibited on all other department lands except on specifically designated and posted areas, bridle paths or by permit on field trial areas.

SECTION 9. NR 45.08(4) is created to read:

NR 45.08(4) The department may prohibit swimming in areas adjacent to water access sites by posted notice. No person may swim within the area delineated by the posted notice.

SECTION 10. NR 45.10(3)(a)(intro.) is repealed and recreated to read:

NR 45.10(3)(a)(intro.) The department may grant reservations for campsites at family campgrounds and shall upon request provide a list of parks and forests where reservations are accepted. Reservations for campsites at family campgrounds may be granted under the following conditions:

SECTION 11. NR 45.10(3)(a) 1. is amended to read:

NR 45.10(3)(a) 1. Reservation applications shall be accepted for camping for a minimum of 2 consecutive days and a maximum of 21 consecutive days. One-day reservations may be made starting on June 1 and ending September 1 for anytime between those dates. Reservation applications shall be accepted for camping for a minimum of 3 days during a holiday weekend (Memorial Day, Fourth of July and Labor Day) when applicable.

SECTION 12. NR 45.10(5)(a)(intro.), 6. and 7. are amended to read:

NR 45.10(5)(a)(intro.) Backpack camping on the Kettle Moraine state forest, at wilderness campsites in the American Legion and Northern Highland state forests and Newport and, Copper Falls, Governor Dodge and Pattison state parks and Buckhorn state park and wildlife area is permitted under the following conditions:

6. No more than 10 persons shall may be permitted at each designated campsite in the Kettle Moraine state forest and no more than one camping party in Newport and, Copper Falls, Governor Dodge and Pattison state parks and Buckhorn state park and wildlife area and the American Legion and Northern Highland state forests wilderness campsites.

7. A permit may be issued for up to 14 nights at each designated site at Newport and, Copper Falls and Pattison state parks, Buckhorn state park and wildlife area and the wilderness campsites in the American Legion and Northern Highland state forests. A permit shall be issued for no more than one night at each designated site in the Kettle Moraine state forests.

SECTION 13. NR 45.12(1)(c) 25. is created to read:

NR 45.12(1)(c) 25. Havenwoods state forest preserve

SECTION 14. NR 45.12(1)(f) 3. is amended to read:

NR 45.12(1)(f) 3. For mentally or physically handicapped persons and their attendants brought by a nonprofit organization recognized by the internal revenue service under 26 USC 501(c)(1) or (3) whose primary purpose is the improvement of the mental or physical health of the individual. Applications on department forms for the fee waiver shall be received by the property for which the fee waiver is sought along with proof of nonprofit status at least 7 days prior to arrival.

Note: A copy of the form may be obtained from state park and forest offices.

SECTION 15. NR 45.12(2)(a) 1. i. to l. are created to read:

NR 45.12(2)(a) 1. i. Buckhorn

j. High Cliff

k. Potawatomi

l. Point Beach state forest

SECTION 16. NR 45.12(2)(a) 2. b., i. and o. are repealed.

SECTION 17. NR 45.12(2)(a) 2. c. to h., j. to n. and p. are renumbered NR 45.12(2)(a) 2. b. to m.

SECTION 18. NR 45.12(2)(a) 2. n. is created to read:

NR 45.12(2)(a) 2. n. Nelson Dewey

SECTION 19. NR 45.12(2)(a) 3. and 4. are amended to read:

NR 45.12(2)(a) 3. Type "C" campgrounds are all other family campgrounds not listed in subds. 1 and 2. and backpacking campsites in the Kettle Moraine, American Legion and Northern Highland state forests and Copper Falls and Pattison state park parks except for those campgrounds listed in subd. 4

4. Kinnickinnic sand delta-overnight boat mooring ~~\$6.00~~ \$10.00 per boat per day.

SECTION 20. NR 45.12(2)(e) 2.s. is created to read:

NR 45.12(2)(e) 2.s. High Cliff

SECTION 21. NR 45.12(2)(f) and (3)(a) are amended to read:

NR 45.12(2)(f) All reservation, family and outdoor group camping fees are waived for mentally or physically handicapped persons and their attendants brought by a nonprofit organization recognized by the internal revenue service under 26 USC 501(c)(1) or (3) whose primary purpose is the improvement of the mental or physical health of the individual. Applications on department forms for the fee waiver shall be received by the property for which the fee waiver is sought along with proof of nonprofit status at least 7 days prior to arrival.

Note: A copy of the form may be obtained from state park and forest offices.

(3)(a) No person 18 years of age or older, except pedestrians, may use the state trails posted pursuant to par. (b) during the period from April 1 to the Saturday nearest ~~October 27~~ October 31 of each year unless a person has in their possession a valid state trail admission card.

SECTION 22. NR 45.12(3)(c) 1. to 4. are repealed and recreated to read:

- NR 45.12(3)(c) 1. Seasonal \$6.00
2. Daily \$2.00
3. Snowmobiles No fee
4. Pedestrians No fee

SECTION 23. NR 45.12(3)(c) 5. to 7. are repealed.

SECTION 24. NR 45.12(4)(f)2.d is repealed and recreated to read:

NR 45.12(4)(f)2.d. Administrative fee. A hunting administrative fee of \$3.00 shall be paid at the time the reservation is requested and is non-refundable once the reservation is confirmed.

SECTION 25. NR 45.13(1) is amended to read:

NR 45.13(1) (title) STATE NATURAL AREAS -- GENERAL. Within the boundaries of state scientific natural areas posted with appropriate signs:

(a) No person may take, catch, kill, trap, pursue or remove any wild animal, ~~including fish, or pick, collect or remove any plant or part thereof, or destroy, molest, deface, or remove any natural or archaeological feature,~~ without a written permit issued by permission from the department. Unless otherwise posted, a person may hunt, fish or trap in accordance with the open seasons as established by chs. NR 10 and 20.

(b) The provisions of ss. NR 45.04, 45.05, 45.06, 45.07, 45.08, 45.09 and 45.10 apply to state scientific natural areas.

SECTION 26. NR 45.13(1)(c) and (d) are created to read:

NR 45.13(1)(c) Notwithstanding s. NR 45.04(1)(a), no person may harvest any seed, fruit, nut, mushroom or root without written permission from the department.

(d) No person may transplant, relocate, stock or release any plant or animal, domesticated or wild, without written permission from the department.

SECTION 27. NR 45.13(5) is renumbered 45.13(5)(a)

SECTION 28. NR 45.13(5)(b) is created to read:

NR 45.13(5)(b) No person may fish with any spear, spear gun, bow and arrow or similar device designed for shooting a projectile or possess or control such a device unless enclosed in a carrying case while within the boundaries of Devil's Lake state park.

SECTION 29. NR 45.13(6) is repealed.

SECTION 30. NR 45.13(18)(b)2.d and e. is repealed and recreated to read:

NR 45.13(18)(b)2.d. The following uses shall have priority on a first-come, first-served basis over all other uses during the period indicated:

1) Horse activities, model aircraft flying, dog training on foot, retriever trials, falconry, land sailing, hang gliding, snowmobiling, trail biking and hot air ballooning:

- a) The weekends of June and July,
- b) The first 3 weekends of January, February and August and weekends in

December following the close of pheasant season,

- c) The 3-day Memorial Day weekend.

2) Dog trials, dog training and model aircraft flying:

- a) Weekends in March, April, May (except Memorial Day weekend) and

September,

- b) Labor Day,
- c) One weekend near mid-October if not in conflict with ss. NR 10.01 and 10.24,
- d) First weekend of October.
- 3) Hunting during pheasant and waterfowl seasons in accordance with ss. NR 10.01 and 10.24.
- e. The zone shall be available to groups on a first-come, first-served basis consistent with the scheduling calendar if not previously reserved.

SECTION 31. NR 45.14 is renumbered 45.14(1).

SECTION 32. NR 45.14(2) is created to read:

NR 45.14(2) The department may waive in writing any provision of this chapter for commercial filming on state lands.

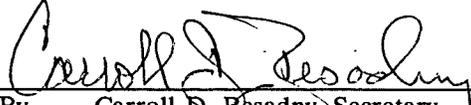
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The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 12, 1991.

The rules shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin February 13, 1992

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES


By Carroll D. Besadny, Secretary

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Secretary

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Mr. Gary L. Poulson
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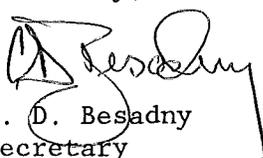
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Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. PR-36-91. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Urban Affairs, Environmental Resources and Elections pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.