

DATE: January 22, 2007

TO: Natural Resources Board Members

FROM: Scott Hassett

SUBJECT: Proposed Changes to Chapter NR 1, NR 45 and NR 51

Purpose of Rule:

Chapter NR 45 is the chapter that contains the Administrative Rules for the use of department properties. Department staff review Chapter NR 45 approximately every two years and suggest revisions designed to ensure the health and safety of people using department properties, propose use regulations necessary for the protection of natural resources on the properties, adjust fees, and clarify existing rules.

The proposed revisions to NR 1 and NR 51 relate specifically to trails. The intent is to further clarify allowed activities and management of Ice Age Trail areas, and to update the State trail list.

Description of Proposed Changes:

A number of the changes being proposed are for the purpose of clarifying, simplifying or improving existing rules. There are also a few specific property rules being proposed including rules for the newly established Lakeshore State Park. One would prohibit alcohol consumption at Lakeshore except by permit. Another would close the park at 10:00 p.m. vs. the typical state park time of 11:00 p.m. to remain consistent with other current park rules along the City of Milwaukee lakefront.

Changes to state park and forest camping fees and fee structure

These changes include the addition of seven properties to the list of state parks which charge an additional \$3.00 per day for camping due to local market conditions. Additionally, it is proposed that this \$3.00 fee differential would now apply all year rather than just in the summer season. This change would increase this list to a total of 15 state parks that would charge this fee differential. The current differential in camping fees between weekdays and weekends, as well as the fee differential for time of year, would be eliminated in order to simplify the fee structure. This simplification has been requested by park users. The department is also requesting the authority to establish fees for yurts and teepees in state parks.

State trail fee increase

A State trail fee increase of \$5 annually from \$15 to \$20 to meet increasing trail costs. This fee has not been raised since 2004.

Reservations

A change in facility reservations would allow reservations to be made 11 months in advance for picnic areas, shelters, auditoriums, amphitheaters, teepees and yurts. The current rule allows reservations to be taken on the first business day in January. The change is intended to improve customer service and match the campsite reservation time frame.

Ice Age Trail Areas

A rule has been created to clarify the purpose and management standards of State Ice Age trail areas in order to help guide management of these properties and improve consistency.

Other Miscellaneous Changes

The spring season ban on drinking or possessing intoxicating liquor or fermented malt beverages that existed on certain department property types has been eliminated because they are no longer needed.

A new rule prohibits the use of electric personal assistive mobility devices (“Segways”) on department lands unless authorized in the property’s master plan or posted open for their use.

An existing rule is changed to clarify which trails are designated as State trails.

The new additions to the State trails system are included, as is rule clarification regarding allowed uses on State trails.

A rule has been amended to allow non-permanent employees of the department to serve as a director or officer of a Friends’ group.

The definitions for off-road motorcycle, dual-sport motorcycle, and small off-road motorcycle have been updated as it applies to use on department lands. Requirements governing their use on department lands are added. Inaccurate language governing the operation of motorcycles on department properties is repealed.

Definitions of “Yurt” and “Tepee” are added and a rule is created to allow the department to charge a fee for yurts and tepees.

An amendment to a rule clarifies the existing prohibition for operating an ATV on a non-designated area.

The rule regarding pets has been amended so that pets are not allowed inside any department rental tent, tepee or yurt and pets must be on a leash at Point Beach State Forest.

An existing rule is amended to clarify which property types and areas allow small fires for the purpose of cooking and warming outside of established fire rings or fire pits.

The butchering of large game animals at state park or state forest campsites or campgrounds is limited to within a camping unit.

An amendment to a current rule will allow a new group camp area at the Turtle Flambeau Scenic Waters Area to require a camping permit, reservation, and payment of a daily fee.

A rule is created to define the required length of stay during certain three day holiday periods.

A rule is created to add a new fee area (Old Veterans Lake) at the Peshtigo River State Forest.

A rule is created to codify regulations pertaining to Inch Lake Natural Area as required under the terms of the acquisition of the property.

The list of allowable uses at Bong State Recreation Area has been updated to reflect current terminology and more accurately portray existing permitted uses.

Environmental Analysis

This is a type III action under Chapter 1.50, Wis. Adm. Code, and neither an environmental impact statement nor an environmental assessment is required.

Action Requested of the Natural Resources Board

The Department is asking the Board's approval to hold public hearings on these proposed rules.

Fiscal Estimate — 2003 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number Bill Number	Amendment Number if Applicable Administrative Rule Number NR 45
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Subject
 N.R. 45 updates-Parks

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- | | |
|----------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Increase Existing Appropriation | <input checked="" type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation | |

Increase Costs — May be possible to absorb within agency's budget.

Yes No

Decrease Costs

Local: No Local Government Costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 Counties Others
- School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

20.370 (1) (mu)

Assumptions Used in Arriving at Fiscal Estimate

This Administrative Code package makes a number of changes to existing rules in NR 45. Most revisions are fiscally neutral in their impact. Some changes will likely result in increased enforcement costs; however, these costs are indeterminable and the department will likely be able to absorb them within its existing budget.

The Department is proposing to add seven properties to the existing list of high-demand properties, and proposes the elimination of the seasonal limitation on this fee. In addition, the Department is proposing to increase the state trail fee from its current price of \$15 per year to \$20 per year. The increased revenues are identified below.

Adding seven properties to the current list of eight high demand properties allows the Department to charge an additional \$3 per night at the additional properties, and eliminating the seasonal aspect to this fee allows the Department to apply the fee year around. Based on visitation rates at the seven properties, these changes are expected to generate an additional \$112,000 annually beginning in FY 09.

Increasing the Trail pass from \$15 to \$20 per year is expected to generate an additional \$158,800 annually beginning in FY 09, based on estimated sales of 31,760 trail passes (31,760 x \$5 = \$158,800).

Long-Range Fiscal Implications

Prepared By:	Telephone No.	Agency
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Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
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Fiscal Estimate — 2003 Session

**Page 2 Assumptions Narrative
Continued**

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number

Assumptions Used in Arriving at Fiscal Estimate – Continued

Fiscal Estimate Worksheet — 2003 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 45

Subject
 N.R. 45 updates-Parks

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
Total State Costs by Category		\$	\$ -
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S		270,800	-
Total State Revenues		\$ 270,800	\$ -

Net Annualized Fiscal Impact

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$	\$
Net Change in Revenues	\$ 270,800	\$

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