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

The statement of scope for this rule, SS 051-15, was approved by the Governor on May 21, 2015, published in Register No. 714A1 on June 1, 2015 and approved by the Natural Resources Board on June 24, 2015. This permanent rule was approved by the Governor on _____.

The Wisconsin Natural Resources Board adopts an order to repeal NR 45.09 (6), (10) and (11), 45.11 (7) (j), 45.13 (3) and (10) (c), 45.13 (13m), 45.13 (16) and (24); to renumber and amend NR 45.05 (3) (d), and 45.13 (14m); to amend NR 45.03 (3) and (16v), 45.04 (1) (b) and (3) (v), 45.045 (1) and (2) (c) (intro.), 45.05 (3) (f), (g) and (h) (intro.), 45.09 (1), 45.09 (5) (intro.), (a) and (b), 45.10 (l) (n), 45.12 (1) (b) 1. f., 45.12 (1) (b) 1. f., 7.d. and m., 45.12 (4) (g) 2. a., b., and (i), 45.13 (11m) (b), (18) and 21, 51.70 (1) (intro.) and 51.73 (1); to repeal and recreate NR 45.12 (4) (a) 1. to 3., 51.73 (2); and to create NR 45.03 (18x), (21d) and (25m), 45.04 (4), 45.046 and (Note), 45.05 (3) (d) 2., 3., (em) and (Note), 45.09 (4) (d), 45.09 (5) (f) and (Note), 45.095, 45.10 (1) (r) and (5), 45.11 (4) (zc), 45.12 (1) (d) 55. to 58., 45.12 (4) (l), 45.13 (14m) (a) 1. and 2., 45.13 (28) to (30) and 51.70 (3) relating to public use of department properties and implementation and administration of the stewardship grant program.

LF-02-15

Analysis Prepared by the Department of Natural Resources

Statutes interpreted: The department has specific grants of authority to promulgate rules necessary for management of properties under its control in chs. 23 and 27, Stats. The department is directed under 23.09 (2) to promulgate rules necessary for protection, development, and use of forests, fish and game, lakes, streams and other resources. Authority related to state recreation areas is established in s. 23.091. General powers related to the care, protection and supervision of lands such as state parks, fish hatcheries, state forests and other lands owned by the state are established under 23.11 (1). The department's responsibilities for the stewardship of state natural areas are established under 23.28 (3). Authority for rules related to all-terrain vehicles and utility terrain vehicles is established under 23.33 (4) (b). Promulgating rules related to the conduct of visitors at state parks is authorized under 27.01 (2) (j). Specific rule authority related to state campgrounds, including fee authority and reservations, is established under 27.01 (10) (b), (f), (h) and (11) (b), Wis. Stats. The rule making process is established in Ch. 227 Stats.

Statutory authority: The department has specific grants of rule-making authority in Chs. 23 and 27, Stats., to manage its properties. See ss. 23.09 (2), 23.091, 23.11 (1), 23.28 (3), 23.33 (4) (b), 27.01 (2) (j), 27.01 (10) (b), (f) and (h), 27.01 (11) (b), Wis. Stats. The rule making process is established in Ch. 227 Stats.

Explanation of agency authority: The Department of Natural Resources is given general authority to promulgate rules relating to the management and protection of Department properties and to regulate the conduct of visitors to Department properties. In addition, the Department is given specific authority to

promulgate rules relating to categories of campsites, camping fees, and the campground reservation system, and the use of all-terrain and utility terrain vehicles on road in Department properties.

Related statute or rule: These rule updates will make Ch. NR 45 consistent with 2011 ACT 35 which allows the concealed carry of firearms. Under the ACT, a person with a concealed carry license may possess a handgun which is loaded and uncased (concealed or unconcealed), and a qualified former law enforcement officer may possess the type of firearm they qualified with and which is indicated on their certification card, loaded and uncased (concealed or unconcealed) in a Wisconsin state park or state fish hatchery.

These rule updates will make Ch. NR 45 consistent with 2011 ACT 51 which generally established that rifles, shotguns and muzzleloaders no longer have to be in a case in order to be placed in or on a vehicle or to be transported unloaded in or on a vehicle.

These rules make a remedial revision so that Ch. NR 45 continues to be consistent with statute now that hunting and trapping are activities that are generally allowed in state parks with enactment of 2011 ACT 168.

Plain language analysis: Chapter NR 45 is the principal rule governing the conduct of visitors to the properties and facilities owned, acquired by easement, or leased by the Department. This chapter is reviewed and revisions are proposed on a regular basis; however, it has been over 5 years since this rule has been reviewed and any revisions have been approved. Proposals seek to update fee structures, provide camping guidance, and address a variety of general and specific property uses governed by rule. A few rule changes are also included to implement recent statutory changes or to improve rule clarity.

Chapter 51 relates to the administration of the Stewardship grant program. The language is updated regarding the purpose of the state trail network, water trails are defined, and a state water trail is added to the list of state trails making that project eligible for funding under the Stewardship program.

SECTION 1 amends the definition of “Bicycle” to be consistent with state law and amends the definition of “Physically disabled person” to be consistent with the definition in federal law.

SECTION 2 creates definitions for “Shooting Range”, “Special event” and “Water trail”.

SECTION 3 modifies a rule that allows, by posted notice, the closure of land, structures, or property for safety and/or protection of resources. The only option under current rules is to close areas for all public use, and this may restrict use more than is necessary. The rule establishes flexibility to restrict access for one or more activities in order to preserve opportunities which are not a safety hazard or in conflict with management goals. The proposal codifies that the closures are to be authorized by the department secretary or designee.

This section also clarifies that wood collection for legally authorized campfires does not require a forest product permit and adds the Rainbow Flowage property to the list of properties where driftwood and other dead and downed wood located below the ordinary high water mark may not be removed or destroyed without written permission.

SECTION 4 creates a mechanism to authorize and regulate “special events”. This will help ensure that these events do not have significant adverse impacts to public safety, other authorized uses of the property, and/or natural resources. Property management staff have experienced an increase in requests for special events on Department properties in the past several years.

SECTION 5 amends the regulations on the possession of firewood by eliminating the reference to where the firewood is intended to be used. This amendment provides clarity for enforcement of this provision aimed at slowing the spread of invasive species. For clarity, "lumber" is removed from the definition of firewood because NR 45.045 (3) already specifies that dimensional lumber that is debarked, kiln dried and smoothed is exempt from the requirements regarding firewood possession.

SECTION 6 creates provisions for the cutting and gathering of firewood for home use as authorized under a valid forest products permit. Currently no administrative rule or statute allows for enforcement of forest product permit conditions for firewood gathering.

SECTION 7 clarifies that permit authorization for use of a motorized vehicle is restricted to individuals with a disability that impairs mobility. This section also specifies the requirements for proof of disability and provides that up to two additional people may accompany the permittee.

SECTION 8 codifies that the department may establish permit requirements for motorized vehicle use by an individual with a mobility disability. Permits conditions are established to protect public safety and property resources. Codifying the provision creates an enforcement mechanism if the permit conditions are violated.

This section also authorizes the use of motor bicycles on linear state trails open to bicycles provided that the motor is not engaged, or is operating at less than 15 MPH if the electric motor is engaged. It also includes requirements establishing when motor bicycles would be permitted on other trails, or sections of trails.

SECTION 9 establishes that the requirements that currently apply to bicycles on designated state trails also apply to motor bicycles. The rules require stopping at stop signs and prohibit riding in a reckless manner that endangers life, property or people.

This section also clarifies the department's authority to establish ATV routes on department roads as authorized in a property's master plan. Under current rules, the department only has this authority on northern state forest lands. The revision eliminates the specific reference to northern state forests and generalizes the language to state that the department may establish ATV routes on department lands over department roads. It further reflects recent legislative direction in s. 23.116 to evaluate motorized access.

SECTIONS 10 to 14 and 31 to 33 modernize language related to hunting in state parks to reflect that hunting is now generally allowed in parks under current rules and by statute. These sections eliminate prohibitions on the possession of and requirement to enclose in a carrying case firearms, air guns, bows and crossbows on certain property types and on department lands in certain counties. These prohibitions have not been enforced since enactment of laws allowing concealed carry of weapons and elimination of statutory statewide requirements to enclose firearms and bows in a carrying case. The discharge of firearms in certain areas remains illegal under these rules but an exception is created which enables the department to issue a special use permit to facilitate hunter education, civil war reenactments, interpretive programs, and similar events. Finally, these sections clarify that it is legal to use a firearm to kill an animal that has lawfully been trapped in a state park. Trapping has been allowed in state parks since the enactment of 2011 Act 168.

SECTION 15 creates general rules for department shooting ranges. Presently most shooting ranges on department lands have no codified rules, making enforcement difficult.

SECTION 16 adds restrictions on the number of days that camping is permitted on state-owned islands on the Mississippi River, and requirements that the campsites must be occupied daily and that camping

property may not be left unattended for over 24 hours. The rule is written to be consistent with island camping regulations on the Upper Mississippi National Fish and Wildlife Refuge.

SECTION 17 places restrictions on canceling camping reservations made at the maximum window, 11 months prior to arrival, to prevent customers from abusing the reservation system by keeping control of their desired site by cancelling and rebooking camping site reservations until they get their desired dates.

This section also creates provisions related to equestrian campgrounds to ensure priority is given to camping parties that intend to ride an equine and use equine related amenities in the campgrounds. A campsite may be registered by a camping party not accompanied by an equine if that camping party is camping with another camping party with an equine which is being used by both camping parties. The rule also gives the property manager the authority to allow any registered camper to stay in the equestrian campground if no other family camping is available and the equestrian campground is not full.

SECTION 18 adds Puckett's Pond, in Harington Beach state park to the list of properties that do not allow the operation of motorboats. This rule is consistent with other urban fishing locations.

SECTION 19 Removes Robinson Creek Pond, in the Black River state forest, Jackson County from the list of properties where all boats are prohibited. Boats were restricted from Robinson Creek Pond use due to its popularity as a designated swimming beach. Due to years of declining use, the beach was undesignated for swimming in 2010. The pond represents a good location for beginning kayakers and canoeists.

SECTION 20 amends the description of one of the state forest vehicle admission fee areas within the Black River state forest from East Fork horse campgrounds to East Fork group camp to reflect the change in use of that site following plan amendments which have been adopted.

This section also amends two state forest vehicle admission areas within the Northern Highland state forest to eliminate fee collection at the beach and picnic areas at Clear Lake and Sandy Beach campgrounds. These changes will reduce administrative costs and will not result in a change to administrative or management practices.

SECTION 21 requires vehicle admission stickers in four new areas. The Dells of the Wisconsin River state natural area – Cambrian Overlook is being proposed as a vehicle admission sticker location because it is a heavily used, park-like setting requiring regular maintenance and staffing.

Straight Lake state park and Menominee River state park and recreation area are new properties administered by the state park program and are being added consistent with other state park and recreation area properties.

The Glacial Drumlin state trail – Sandhill Station's property designation was changed from a wildlife area to a state park property and, consistent with other state park properties, a vehicle admission sticker is required.

SECTION 22 increases the fee to use the swimming pool at Blue Mounds State Park in Dane and Iowa counties from $2 to $3 for adults and from $1 to $2 for children 2-12 years of age. The proposal creates a season pass to the pool which would be $45 for adults and $30 for children.

SECTION 23 adjusts the fees for certain enclosed shelters to better reflect market conditions and the level of amenities. The fee for the enclosed shelters on the northern state forests is reduced from $70 to $40 for non-electric and from $80 to $45 for electric. The shelters are currently underutilized.

This section also increases the rate for the use of a dump station by non-registered campers from $3.00 to $10.00.

SECTION 24 establishes that the department may collect a base fee and receive compensation for anticipated costs of a special event and identifies criteria that may be used to assess fees.

SECTION 25 repeals two prohibitions on the consumption or possession of alcohol. Big Foot Beach state park is one of the few parks where this prohibition exists. The prohibition is no longer necessary for governing the conduct of visitors at this park. Due to a recent statutory change, alcohol is now permitted on the golf course and clubhouse at Peninsula state park.

SECTION 26 updates a provision related to the operation of powered ice augers at Straight Lake state park to reference combustion engine powered rather than gas powered ice augers. This addresses the use of propane augers which are becoming more popular. The prohibition on power augers is contained within the property's master plan.

SECTION 27 repeals the rules for the shooting range at Yellowstone Lake wildlife area. These rules are no longer needed because of the general shooting range rules included in this administrative rule package.

SECTIONS 28 and 29 require that unopened or empty beverage containers and litter be secured in a container fastened to watercraft that is launched or removed from designated launching sites on the Flambeau River state forest. This is similar to provisions on the Brule River within the Brule River state forest.

SECTION 30 repeals shooting range rules which are specific to the McMiller Sports Center in the southern unit Kettle Moraine state forest as this rule package contains general rule provisions for all shooting ranges on department owned or managed properties.

SECTION 34 establishes the ability to close areas within Kohler Andre state park in Sheboygan County to swimming and scuba diving. This rule is needed to ensure visitor safety and prevent disturbance to park visitors who want to fish in the urban fishing pond.

This section allows the department to prohibit swimming and scuba diving in Quarry Lake and Puckett's Pond within Harrington Beach state park. This rule is needed to prevent user conflicts on these small ponds and because the steep, rocky conditions are not conducive for safe entrance and egress to the water.

Finally, this section establishes that jumping or diving into the waterway contrary to posted notice along the Red Cedar trail is prohibited. Codifying this allows for enforcement authority and will help to deter this unsafe activity.

SECTION 35 updates the language regarding the state trail system to be consistent the state statute regarding who the state trail system serves. The language eliminates the perception that use of trails on department lands is limited to equine and bike riders, cross-country skiers and hikers.

SECTION 36 creates a definition for water trails. This provides structure for the new state water trail program approved by the Natural Resources Board.

SECTION 37 consolidates the list of state trails so that it includes the Ice Age trail. The Ice Age trail was listed separately in s. 51.73(2), Stats.

SECTION 38 codifies the Lake Michigan Water Trail, the first designated state water trail, as part of the state trail system.

Summary of, and comparison with, existing or proposed federal statutes and regulations: There are no corresponding federal regulations governing the public's use of Department of Natural Resource properties.

DNR is a public entity subject to Title II of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et. seq*. and federal rules promulgated thereunder, 28 CFR Part 35. Federal rules (28 CFR § 35.137) require that public entities make reasonable modifications to policies, practices, or procedures to permit the use of power-driven mobility devices by individuals with disabilities.

The restrictions on the number of days that camping is permitted on state-owned islands on the Mississippi River and requirements that the campsites must be occupied daily and camping property must not be left unattended for over 24 hours were written to be consistent with the nearby island camping regulations on the Upper Mississippi National Fish and Wildlife Refuge.

Water trails are defined at the federal level as "recreational routes on waterways with a network of public access points supported by broad-based community partnerships. Water trails provide both conservation and recreational opportunities". The definition proposed in this rule is intended to be a more concise description that is consistent with the federal definition and intent. The national water trails system was established in 2012 via a Secretarial Order 3319 under the National Trail System Act, 16 USC 1241-51.

The National Park Service has a system for permitting special events at their properties and facilities which is very similar to Wisconsin's and includes superintendent review, fee authority, and an established process for permit issuance.

Comparison with similar rules in adjacent states (Illinois, Iowa, Michigan and Minnesota): Minnesota has specific legislation for its water routes program, which was enacted in 1963 (s. 85.32, MN Stats.). Maps show 4,529 miles of state water trails. Iowa's state water trail system has 923 miles of designated state water trails and another 1,219 miles of potential study areas (potential state water trails). Minnesota has just begun forming a state water trails program and will be introducing authorizing legislation.

Shelter rental costs vary from state to state. Most shelters in Illinois rent for $25. They tend to be open sided shelters but often are electrified. Michigan generally has four tiers of shelter prices - $35, $50, $75, and $100 related to the level of amenities. Minnesota shelter prices vary from $25 - $45.

Special event permits are required for the state parks in all surrounding states. Michigan has a $50 registration fee for a special use permit, with additional charges for events based on at least five different scoring criteria, including number of participants. Iowa is considering adding a nonrefundable administrative fee of $25 for all special event permit applications submitted, with additional charges based on type of event (there are 11 categories of state park/recreation area event applications). The administration fee will help to offset the cost of administering the online system and compensate for time spent reviewing and processing all applications. Administrative rules in Minnesota authorize the department to establish and charge fees for special events and commercial uses of state parks and forest lands. Fees are set to recoup the costs of developing, operating, and maintaining facilities necessary for the specified uses, or to prevent or mitigate resource impacts of those uses.

Illinois passed legislation in 2012 to regulate both electric and gas-powered bicycles similarly to and as a

subset of non-motorized bicycles (previously treated similarly to other motor vehicles (e.g. cars)). This allows ILDNR & local units of government to restrict use and limits motors to less than 2 horsepower. Iowa passed legislation in 2006 to change the definition of bicycle to include a bicycle that has an electric motor of less than 1 horsepower (750 watts) and a maximum speed of 20 miles per hour. In Michigan a motorized bicycle is included in the definition of a moped, unless it has a gearshift, more than 100cc engine displacement, or a top speed of more than 30 miles per hour, in which case it must be registered as a motorcycle. Minnesota passed legislation in 2012 whereby electric-assist bicycles are classified as a subset of bicycles and must meet certain vehicle safety standards and not have a motor exceeding 1,000 watts and a maximum speed of not more than 20 miles per hour. This legislation allows MNDNR & local units of government to restrict use.

Summary of factual data and analytical methodologies used and how any related findings support the regulatory approach chosen: Proposals were based on recommendations from department staff to improve public use management, protect public safety and natural resources, implement certain fee authorities and clarify rule language.

These rules eliminate prohibitions on the possession and requirement to enclose in a carrying case firearms, air guns, bows and crossbows on certain property types and on department lands in certain counties. These prohibitions have not been enforced since enactment of laws allowing concealed carry of weapons and elimination of statutory statewide requirements to enclose firearms and bows in a carrying case. The approach is to simply eliminate the historical prohibitions. This also eliminates the need for exceptions to the old prohibitions and that is why some language is simply repealed. Actually discharging firearms in these areas would continue to be prohibited in much the same way that municipal ordinances typically regulate firearms in certain places for safety related purposes.

The proposal creates general rules for department shooting ranges. Presently most shooting ranges on Department lands have no codified rules, making enforcement difficult. The rules were modeled off rules at existing state ranges that have been established by lessees of the state. Rules at privately owned ranges were used as guidelines also. We worked with shooting clubs, range managers, and affiliate groups to generate enforceable and consistent rules.

A provision of this rule would increase the fee to use the swimming pool at Blue Mounds State Park in Dane and Iowa counties from $2 to $3 for adults and from $1 to $2 for children 2-12 years of age. The proposal creates a season pass to the pool which would be $45 for adults and $30 for children. The new fee will be slightly lower than the fee for other facilities in the area. The department made a significant investment and renovations to the facility in 2015.

Analysis and supporting documents used to determine the effect on small business or in preparation of an economic impact report: No regulatory requirements on small business or the general public are being proposed. No comments were received during the economic impact solicitation period. For sections related to fees, department staff were asked to submit information based on usage trends and pertinent data when available. This information was utilized to develop a final draft economic impact report.

Effect on small business (initial regulatory flexibility analysis): These rules are applicable to users of department property, impose no compliance or reporting requirements for small businesses, and contain no design or operational standards. Because these rules do not add any regulatory requirements for small businesses, the proposed rules will not have an economic impact on a substantial number of small businesses under s. 227.24(3m) Stats.

Agency contact person: Scott Loomans, scott.loomans@wisconsin.gov (608) 267-2452

Place where comments are to be submitted and deadline for submission:
Written comments may be submitted by August 31, 2016 at a public hearing on the rule, by regular mail, or by email to: Scott Loomans**,** Department of Natural Resources**,** PO Box 7921**,** Madison WI 53707-7921

Written comments may also be submitted to the Department using the Wisconsin Administrative Rules Internet Website (registration required) at http://adminrules.wisconsin.gov.

SECTION 1. NR 45.03 (3) and (16v) are amended to read:

NR 45.03 **(3)** "Bicycle" ~~means every device propelled by the feet acting upon pedals and having one or more wheels~~ has the meaning given in s. 340.01 (5), Stats.

Note: Under s. 340.01 (5), Stats., bicycle means every vehicle propelled by feet or hands acting upon pedals or cranks and having wheels any 2 of which are not less than 14 inches in diameter.

(16v) "Physically disabled person" means a person who ~~has been issued a disabled registration plate or special identification card by the department of transportation for a disability that will last greater than one year or who has been issued an approval under s. 29.193, Stats., for a disability that will last greater than one year~~ by reason of a physical impairment is a "qualified individual with a disability" as defined in 28 C.F.R. 35.104.

Note: The Americans with Disabilities Act (Pub. L. 101-336, 104 Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611) is interpreted by 28 C.F.R. 35.104. Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

SECTION 2. NR 45.03 (18x), (21d), and (25m) are created to read:

NR 45.03 (18x) "Shooting Range" means a facility designated by the department that has target shooting with firearms, bows, or crossbows as its major purpose.

(21d) "Special event" means a temporary use of department property which includes an activity that is otherwise prohibited under this chapter or which involves one or more of the following circumstances:

(a) Requires exclusive use or closure of all or part of public facilities or areas within a property or effectively restricts or limits use of a property by non-participants.

(b) Placement of temporary structures or event apparatus.

(c) Sale or offering of beverages, food, or merchandise.

(d) Requires non-routine services of any department employee.

(e) Will take place during hours beyond normal property open hours.

(f) Requires use of equipment or facilities not otherwise authorized for the proposed public use.

(g) Requires event participation fees.

(25m) "Water trail" means a recreational route on a waterway that has a network of public access points.

SECTION 3. NR 45.04 (1) (b) and (3) (v) are amended to read:

NR 45.04 (1) (b) 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, for protection of natural resources or property, or to carry out department management objectives 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.

(3) (v) *Campfires.* On state properties where legally authorized campfires may be built, dead and down wood 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 4. NR 45.04 (4) is created to read:

NR 45.04 (4) Special Events. (a) Except as provided in par. (c), no person or organization may advertise, promote or hold a special event without written approval from the department.

(b) To apply for written approval, 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:

1. An application describing the special event on forms provided by the department.

2. Proof of adequate insurance as determined 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).

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

1. Public safety risks.

2. Negative impacts to a unique plant or animal community or geological or cultural features.

3. Costs to the department or additional department staff resources costs incurred as a result of the event.

4. Negative impact to use and enjoyment of the property by others.

(d) The department may issue written authorization for a special event 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 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 to compensate the department for, or to completely restore, a natural resource or department property that is damaged as a result of a special event.

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

SECTION 5. NR 45.045 (1) and (2) (c) (intro.) are amended to read:

NR 45.045 **(1)** In this section, "firewood" includes limbs, branches, roots, unprocessed logs, ~~lumber,~~ slabs with bark, cut firewood and chips~~, intended for use on any property~~.

(2) (c) (intro.) An area, outside of the property ~~on which firewood will be used,~~ where firewood is identified as a carrier of invasive terrestrial invertebrates and plant-disease causing microorganisms, including any of the following:

SECTION 6. NR 45.046 and (Note) are created to read:

NR 45.046 FIREWOOD COLLECTION FOR PERSONAL USE AT HOME. (1) In this section, "firewood" includes limbs, branches, roots, unprocessed logs, slabs with bark, cut firewood and chips.

(2) No person may cut, gather, buy, sell, use, transfer, or possess firewood, from any property for use off that property unless the person possesses a valid forest products permit issued by the department

authorizing the cutting or gathering. A person required to hold a forest products permit under this sub. shall display the permit upon demand for inspection by the department or its agents.

(3) The department may impose reasonable conditions on any forest products permit it issues, and may limit or deny a forest products permit if necessary to protect resources or avoid conflict with property management objectives.

(4) The department may revoke a forest products permit issued under this section for a violation of any condition of the permit, or for otherwise cutting or gathering without authorization. Revocations under this subsection shall apply statewide and be limited to a period not to exceed one year from the date on which the department notifies the authorized person of the revocation. No person may possess or apply for a forest products permit for any property during a period of revocation.

(5) Firewood collected or gathered under a forest products permit shall be for personal use only, and may not be sold or otherwise exchanged for anything of value. Exceeding the scope of this permit shall be considered a violation of s. 26.05, Stats.

Note: Under s. 26.05, Stats., no person may cut, remove, or transport raw forest products or direct the cutting, removal, or transportation of raw forest products without the consent of the owner.

SECTION 7. NR 45.05 (3) (d) is renumbered NR 45.05 (3) (d) 1. and amended to read:

NR 45.05 (3) (d) *Persons with physical disabilities.* 1. The department may authorize by permit persons with physical disabilities <u>that affect the person's mobility</u> to use a motorized vehicle as a mode of personal conveyance. <u>The department shall accept proof of disability as required by 28 C.F.R. 35.137 (c) (2). Up to two additional people may occupy the device if their primary purpose is to assist the permittee.</u>

SECTION 8. NR 45.05 (3) (d) 2., (em) and (Note) are created to read:

NR 45.05 (3) (d) 2. The department may include reasonable permit conditions to protect safety and resources. No person may violate a condition of a permit issued under this paragraph.

(3) (em) *Motor bicycles* 1. A motor bicycle as defined in s. 340.01 (30), Stats., may be operated 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:

a. When equipped with an electric motor: at speeds of less than 15 miles per hour while the motor is engaged.

b. When equipped with a non-electric motor: without the motor engaged, running or otherwise in operation.

2. The department may allow operation of motor bicycles on specific trails or sections of trails not listed in s. NR 51.73(1) that are all of the following:

a. Open to nonmotorized bicycle use.

b. Specified in a department master plan under ch. NR 44.

c. Posted as open for such use.

Note: Any motor bicycle capable of speeds greater than 30 miles per hour is a motorcycle per s. 340.01 (32), Stats. and may only be operated by the public off of public roads where authorized and under the conditions of s. NR 45.05 (5).

SECTION 9. NR 45.05 (3) (f), (g) and (h) (intro.) are amended to read:

NR 45.05 (3) (f) *Bicycle trails*. Bicyclists and operators of motor bicycles shall stop at any stop signs which are located on designated bicycle trails.

(g) *Prohibition.* No person may ride a bicycle or motor bicycle 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.

(h) *All-terrain vehicle routes.* The department may establish all-terrain vehicle routes on ~~northern state forests~~ department lands over ~~state forest~~ department roads, under s. 23.33 (4) (b), Stats., that are:

SECTION 10. NR 45.09 (1) is amended to read:

NR 45.09 (1) No person may take, catch, kill, hunt, trap, or pursue any wild animal or bird~~, or discharge any firearm, or have in possession or under control any firearm or air gun as defined in s. 939.22, Stats., unless it is unloaded and enclosed in a carrying case, or any bow, crossbow, slingshot, or spring-load device designed for shooting a projectile unless the same is unstrung or enclosed in a carrying case while~~ in any ~~state park,~~ fish hatchery, ~~or within 100 yards of any~~ state campground, picnic area, or other ~~special use~~ area not open to hunting or trapping. ~~designated by the department by posted notice. No person may discharge a firearm, bow, crossbow, or airgun from, on, or across any state trail corridor or other state park area which is not open to hunting.~~

Note: State park hunting and trapping closures authorized under s. 29.089, Stats. are established on property maps that may be obtained on the DNR website (dnr.wi.gov) keyword "hunting state parks". Additional closures of designated use areas may also be established by posted notice. Hunting and trapping closures may be limited to certain species and seasons. See also s. NR 10.275.

SECTION 11. NR 45.09 (4) (d) is created to read:

NR 45.09 (4) (d) The use of a firearm for the purposes of killing an animal lawfully trapped in a state park.

SECTION 12. NR 45.09 (5) (intro.) and (a) and (b) are amended to read:

NR 45.09 (5) No person may ~~possess~~ discharge any ~~loaded or uncased~~ firearm or air gun while within the exterior boundary of state-owned lands posted with department signs in Dane, Dodge, Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington, Waukesha and Winnebago counties, or on state forest lands in the Kettle Moraine or Point Beach state forests, fish hatcheries, state parks, state recreation areas, state natural areas, from or across a state campground, picnic area or other special use area designated by the department which is not open to hunting, or on state trails established on railroad grades, except as follows:

(a) While engaged in hunting or dispatching a lawfully trapped animal in ~~accordance~~ compliance with sub. (1) and the open seasons established in s. NR 10.01 ~~on the portions of properties where hunting is authorized~~.

(b) At ~~target~~ shooting ranges designated by the department.

SECTION 13. NR 45.09 (5) (f) and (Note) are created to read:

NR 45.09 (5) (f) When authorized by the department upon issuance of a special use permit.

Note: State park hunting and trapping closures authorized under s. 29.089, Stats. are established on property maps that may be obtained on the DNR website (dnr.wi.gov) keyword "hunting state parks". Additional

closures of designated use areas may also be established by posted notice. Hunting and trapping closures may be limited to certain species and seasons. See also s. NR 10.275.

SECTION 14. NR 45.09 (6), (10) and (11) are repealed.

SECTION 15. NR 45.095 is created to read:

NR 45.095 Shooting ranges. (1) GENERAL RANGE RULES. No person at a shooting range may:

(a) Handle a weapon in a negligent or reckless manner.
(b) Discharge any weapon on the range while any part of a person is down range of the firing line.
(c) Point any weapon in use at the designated firing line in any direction other than down range.
(d) Fail to comply with a cease fire order called by the range officer or any other person
(e) Fail to make reasonable efforts to ensure all discharged projectiles impact the backstop.
(f) Leave any loaded weapon unattended at any time.
(g) Shoot at targets that are not placed in designated target area or affixed to target stands, if provided, unless the person is sighting or patterning a shotgun with size T or smaller shot.
(h) Shoot at items placed on the ground or at targets not posted at the designated height, unless the person is sighting or patterning a shotgun with size T or smaller shot.
(i) Unless otherwise posted at the range, shoot during the period beginning at sunset and ending at sunrise.
(j) Shoot, or attempt to shoot structures or objects that are not designated targets, or that are outside designated firing lanes.
(k) Shoot at archery targets with anything other than a bow or crossbow.
(l) Use any weapons or projectiles that discharge paint.
(m) Use incendiary, exploding, glass or other breakable materials as targets.
(n) Fail to properly dispose of targets other than clay targets used on an established shotgun shooting range.
(o) Fail to collect and properly remove or dispose of all spent shell casings and cartridges, live ammunition, targets, arrows, bolts and materials brought onto the range.
(p) While shooting at a shooting range, possess or consume an intoxicant or other restricted controlled substance.

(2) In addition to being subject to the penalties set forth in s. 27.98, Wis. Stats., a person who violates any provision in this section may be evicted from the shooting range pursuant to s. NR 45.04 (3) (b).

(3) This section does not apply to training activities conducted by a law enforcement agency.

SECTION 16. NR 45.10 (1) (n) is amended to read:

NR 45.10 (1) (n) Camping is restricted to one day only at designated watercraft 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, to 3 days on state-owned islands and sandbars in the Lower Wisconsin state riverway and state−owned sandbars on the Lower Chippewa River and to 10 days at designated campsites on the northern flowage properties <u>and to 14 days on state-owned islands in the Mississippi River</u>. Camping at these locations is restricted to persons and their equipment arriving by watercraft only. <u>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.</u>

SECTION 17. NR 45.10 (1) (r) and (5) are created to read:

NR 45.10 (1) (r) Any camping reservation transaction made 11 months prior to arrival may not be altered in any way for a minimum of 18 days from the original transaction date.

(5) EQUESTRIAN CAMPGROUNDS. Registered campers shall be accompanied by an equine or part of a camping party that is accompanied by an equine and intend to use equestrian-related amenities at a campground. A campsite may be registered by a camping party not accompanied by an equine if that camping party is camping with another camping party with equine which are being used by both camping parties. The property manager has the authority to allow any registered campers to stay in the equestrian campground if there is no other family camping available.

SECTION 18. NR 45.11 (4) (zc) is created to read:

NR 45.11 (4) (zc) Puckett's Pond, Harrington Beach state park, Section 24, T12N, R22E, NE ¼, SW ¼, Town of Belgium, Ozaukee County.

SECTION 19. NR 45.11 (7) (j) is repealed.

SECTION 20. NR 45.12 (1) (b) 1. f., 7. d. and m. are amended to read:

NR 45.12 (1) (b) 1. f. East Fork ~~horse campgrounds~~ group camp

7. d. Clear Lake campground~~, beach and picnic area~~
m. Sandy Beach Lake campground~~, beach and picnic area~~

SECTION 21. NR 45.12 (1) (d) 55. to 58. is created to read:

NR 45.12 (1) (d) 55. Dells of the Wisconsin River state natural Area – Cambrian Overlook
56. Straight Lake state park
57. Menominee River state park and recreation area
58. Glacial Drumlin state trail – Sandhill Station

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

NR 45.12 (4) (a) 1. Age 18 and older . . . . . $3.00 per day or $45 per year for a season pass.
2. Age 2 – 17 . . . . . $2.00 per day or $30 per year for a season pass.
3. Under age 2 . . . . No fee.

SECTION 23. NR 45.12 (4) (g) 2.a and b. and (i) are amended to read:

NR 45.12 (4) (g) 2. a.. Enclosed shelters .....$70.00 per group per day<u>, except on northern state forests the fee is .....$40.00 per group per day</u>.

b. Enclosed shelter with electricity and seating capacity less than 50 .....$80.00 per group per day<u>, except on northern state forests the fee is .....$45.00 per group per day.</u>

(i) Use of dump station for non-registered campers ~~$3.00~~ <u>10.00</u>, in addition to park sticker.

SECTION 24. NR 45.12 (4) (l) is created to read:

NR 45.12 (4) (L) The department may determine and charge a fee for special events that includes a base fee plus the actual costs to the department that are anticipated as a result of the event. 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.
2. Additional department staff time required as a result of the special event.
3. Additional maintenance of the property required as a result of the special event.
4. Additional services provided by the department.

SECTION 25. NR 45.13 (3) and (10) (c) are repealed.

SECTION 26. NR 45.13 (11m) (b) is amended to read:

NR 45.13 (11m) (b) No person may operate ~~a gasoline powered~~ an ice auger powered by a combustion engine.

SECTION 27. NR 45.13 (13m) is repealed.

SECTION 28. NR 45.13 (14m) is renumbered NR 45.13 (14m) (a) (intro) and amended to read:

NR 45.13 (14m) FLAMBEAU RIVER STATE FOREST. (a) (intro.) No person may possess glass bottles within the Flambeau River state forest boundary ~~at Little Falls-Slough Gundy scenic area or within watercraft launched or removed from designated launching sites on the Flambeau river~~ in the following locations:

Section 29. NR 45.13 (14m) (a) 1. and 2. are created to read:

NR 45.13 (14m) (a) 1. At Little Falls – Slough Gundy scenic area.

2. Within watercraft launched or removed from designated launching sites on the Flambeau river.

(b) Within watercraft launched or removed from designated launching sites on the Flambeau river. Unopened or empty beverage containers and litter shall be secured in a larger container that is fastened to the watercraft.

SECTION 30. NR 45.13 (16) is repealed.

SECTION 31. NR 45.13 (18) is amended to read:

NR 45.13 (18) KETTLE MORAINE STATE FOREST, LAPHAM PEAK. No person may take, catch, kill, hunt, trap or pursue any wild animal, or discharge any firearm ~~or have in possession or under control any firearm~~ or air gun as defined in s. 939.22, Stats., ~~unless it is unloaded and enclosed within a carrying case,~~ or any bow, crossbow, slingshot or spring-loaded device designed for shooting a projectile ~~unless the same is unstrung or enclosed within a carrying case~~ while on any department lands designated by posted notice within the Lapham Peak Unit-Kettle Moraine state forest.

SECTION 32. NR 45.13 (21) is amended to read:

NR 45.13 (21) KETTLE MORAINE STATE FOREST, NORTHERN UNIT. No person may take, catch, kill, hunt, trap or pursue any wild animal, or discharge any firearm ~~or have in possession or under control any firearm~~ or air gun as defined in s. 939.22 (2), Stats., ~~unless it is unloaded and enclosed within a carrying case,~~ or any bow, crossbow, slingshot or springloaded device designed for shooting a projectile ~~unless the same is unstrung or enclosed within a carrying case~~ while on any department lands designated by posted notice in sections 13 and 24 east of Long Lake, and section 25 north of county highway F, T14N, R19E, town of Osceola, Fond du Lac county.

SECTION 33. NR 45.13 (24) is repealed.

SECTION 34. NR 45.13 (28) to (30) are created to read:

NR 45.13 (28) KOHLER-ANDRE STATE PARK, SHEBOYGAN COUNTY. No person may swim or scuba dive within any area delineated by posted notice.

(29) HARRINGTON BEACH STATE PARK, OZAUKEE COUNTY. Swimming and scuba diving in any areas may be prohibited by posted notice. No person may swim or scuba dive within the area delineated by posted notice.

(30) RED CEDAR STATE TRAIL. No person may jump or dive into waterways contrary to posted notice along the Red Cedar state trail.

SECTION 35. NR 51.70 (1) (intro.) is amended to read:

NR 51.70 (1) (intro.) The purpose of this subchapter is to encourage and provide for the establishment of a ~~balanced~~ system of state trails~~, for use by equestrians, bicyclists, cross-country skiers or hikers as provided in s. 23.175, Stats.~~. Increasing demand for trail-based recreation, and promoting the preservation of public access to, travel within, and enjoyment and appreciation of the outdoor resources, will be provided by establishing state trails which are:

SECTION 36. NR 51.70 (3) is created to read:

NR 51.70 (3) Water trails have the meaning given in s. NR 45.03 (25m) and may be designated as part of the state trail system per s. 23.175 (2) (a), Stats. The purpose of state water trails is to provide information, education, and access, and to promote recreational opportunities.

SECTION 37. 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, Green Circle, Hank Aaron, Hillsboro, Ice Age Trail, La Crosse River, Mascoutin Valley, Military Ridge, 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 38. NR 51.73 (2) is repealed and recreated to read:

NR 51.73 (2) The Lake Michigan State Water Trail is a designated state trail.

SECTION 39. 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 40. 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 _____.
Cathy Stepp, Secretary

(SEAL)