

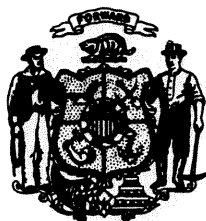
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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 95-047

AN ORDER to create chapter NR 44, relating to master planning and the management and recreational use classification system for lands managed by the department of natural resources.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

03-10-95 RECEIVED BY LEGISLATIVE COUNCIL.

04-06-95 REPORT SENT TO AGENCY.

RS:DLL:kjf;lah

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO

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CLEARINGHOUSE RULE 95-047

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. The introductory clause should note that ss. NR 1.60 and 1.61 are created in the rule. [See s. 1.02 (1), Manual.]

b. In s. NR 1.60, the definition of "integrated resource management" should begin with the phrase "In this section,".

c. In s. NR 44.01 (4), the phrase "natural resources" should be deleted. The term "board" is a defined term in s. NR 44.03 (8).

d. There are altogether too many definitions in this rule. Most of the definitions are unnecessary. Many of the definitions are of commonly understood terms and do not add any nuances or special meanings beyond the commonly understood meanings or the meanings readily available through dictionaries. Examples of these terms include "clear cutting," "master plan amendment," "master plan revision," "master plan variance," "natural," "primitive," "rustic," "silviculture" and "temporary road." Many other definitions appear to be of terms used only once, if at all, in the rule. This applies in particular to the many forestry terms defined. In most cases, if the meaning of a term is not clear in context, its meaning can be made clear in the text without requiring a definition. However, most of these terms do not appear to need definitions.

e. Several definitions include descriptive or explanatory material that should be placed in notes. For example, the last two sentences of the definition of "even-age management"

should be placed in a note, as should the last sentence of the definition of "old-growth forest," and the definition of "permanent all-season road."

f. Several definitions include substantive provisions, which should be removed from the definitions and placed in the main body of the rule. This includes the material beginning with the phrase "and typically having" in the definition of "intensive recreational use." Also, the classification scheme for road types in the definition of "road" should be placed in the text of the rule, as should the classification scheme for trail types. Finally, the definitions of recreational use settings, types 1 to 4, merely repeat some of the concepts contained in the body of the rule and probably should be omitted altogether. If defined, these terms should be defined simply by cross-referencing the text of the rule, such as the following: "Type 1 recreational use setting" means a recreational use setting described in s. NR 44.07 (1)."

g. In s. NR 44.03 (25), each occurrence of the notation "ss." should be replaced by the notation "s." The entire rule should be reviewed for this problem in references to other provisions. [See s. 1.07 (2), Manual.]

h. In s. NR 44.03 (29), the defined terms should be "master plan" or "plan," rather than "master plan or plan."

i. Section NR 44.03 (43) should read: "Person has the meaning given in s. 990.01, Stats."

j. In s. NR 44.03 (48), the notation "Stats." should follow the reference to "s. 23.14." Also, the phrase "natural resources" should be deleted.

k. The organization of the substantive requirements of the rule should be reconsidered. Overall, the rule does not give a complete picture of the requirement to develop master plans, how master plans will be developed and what master plans will look like once finished. These provisions should begin with general information regarding the requirement that a master plan be developed, what a master plan is, what its purpose and scope are and a discussion of its regulatory significance. It is not even clear how closely bound the department is to follow a master plan. The rule might next give a detailed description of the information that must be contained in a master plan. Next, the rule should describe the planning process, step-by-step. It should clearly indicate how a planning process is initiated and by whom. Under what circumstances are master plans required? Is this a discretionary decision of the department? Presumably, the last step of the process will be submission of the department's proposed master plan to the board and adoption by the board. The discussion of citizen involvement could be integrated into the description of the planning process or, if the provisions relating to citizen involvement are all gathered together in one series, as in the current rule, it could be discussed in a separate section. At the end of the discussion of process, most likely in a separate section, the rule should give a complete discussion of requirements for revision of plans, amendments to plans and variances from plans.

l. The phrase "for a department property" should be omitted from s. NR 44.04 (1) since that concept is contained in the definition of "master plan."

m. The phrase "unless otherwise directed by the board" in s. NR 44.04 (1) appears to authorize the board to sweep aside any and all provisions of ch. NR 44 at any time it chooses.

Such a broad variance authority would seem to warrant a more explicit statement and fuller description.

n. The Note following s. NR 44.04 (5) (c) appears substantive in nature and should be placed in the text of the rule. In any event, it appears to be more closely related to the material contained in s. NR 44.04 (4) (a) and should be placed along with that material.

o. The rule consistently makes incorrect use of introductory material and uses an incorrect format for listing provisions following an introduction. [See s. 1.03 (8), Manual.]

p. There are frequent examples of the inconsistent use of titles; that is, the use of a title for one but not all subunits of a rule unit. [See s. 1.05, Manual.] Examples of this error are found in ss. NR 44.04 (13) and (14) and 44.06 (1) (a). In the second example, note that the colon should not be part of a title.

q. The rule should be written in the active voice, clearly indicating the subject of each sentence. [See s. 1.01 (1), Manual.] The rule contains a number of sentences which have an object but no subject! For example:

Section NR 44.04 (2): "A variance to the master plan may be proposed..."—by whom?

Section NR 44.04 (6): "Concerns or inquiries about the process may be submitted..."—by whom?

Section NR 44.04 (14): "A request for an amendment or revision shall be filed..."—by whom and with whom?

r. The rule should be written in terms of specific requirements, using the word "shall" to denote mandatory actions and the word "may" to denote optional or permissive privileges. [See s. 1.01 (2), Manual.] Terms such as "should" or "will be" or "generally are" should not be used except in explanatory notes. To indicate options or examples, the phrase "may include" is permitted and is often useful.

The use of this drafting style for rules such as this can be a challenge, but it is by no means impossible. Procedural requirements should be stated in terms such as the following: "The department shall..." or "An interested citizen may..." Descriptions of plans can be written in terms such as the following: "A master plan shall include all of the following information:". A classification scheme can be described in terms such as the following: "The department shall designate an area as a wild resource management area if the area meets all of the following criteria:".

s. In s. NR 44.04 (8), the words "under this subsection" should be inserted following "any proposal."

t. In s. NR 44.04 (14), the phrase "of a master plan" should be inserted after the phrase "amendment or revision."

u. Section NR 44.05 (7) is vague and rhetorical and, although the language used would suggest otherwise, has no legal effect. This provision should either be omitted or placed in a note. Also, the phrase "this rule" should be replaced by the phrase "this section."

v. The format of the subsections of s. NR 44.06 need work. First, the material that is numbered as an introduction to each subsection should be renumbered as separate paragraphs and could be given a title such as "Primary management objective." An appropriate introduction might be the following: "A master plan shall follow the following guidelines for an area designated under s. _____ as a habitat management area:".

w. Section NR 44.06 (1) (b), and parallel provisions in subsequent subsections, should read: "The master plan for an area in this classification shall identify all of the following:". That paragraph could be given the title "Master plan components." Paragraph (c) could be given the title "Appearance categories."

x. The rule should address how the designations described in this section are made. This issue could be addressed in the portion of the rule dealing with the planning process, in a separate section or a subsection of s. NR 44.06 dealing with land management classification designations or as a paragraph in each of the subsections of s. NR 44.06. [Note that if this last option is used, it may be necessary to modify the suggested introduction for a subsection.] Such a provision could state, for example: "The department shall designate as a habitat management area any of the following:". The "following" could include information such as that contained in the Note following s. NR 44.06 (4) (intro.). It could also include boilerplate language such as "any other area with the primary management objective of an area of this type."

y. Many of the Notes in s. NR 44.06 appear to be substantive. The department should consider placing these Notes in the text of the rule.

z. Section NR 44.06 (2) (a) is unclear. An alternative follows: "A master plan may call for any management activity or technique, including those used to achieve secondary objectives, that are consistent with the primary management objective of the area and are compatible with the site's ecological capability." This comment applies to numerous similar provisions.

aa. The phrase "with the classification in this subsection" should be inserted following the word "compatible" in s. NR 44.06 (3) (c) and in other parallel provisions.

ab. Section NR 44.06 (8) is a conceptually different subject than the remainder of that section, and should be placed in a separate section. [Note that the two paragraphs used for the introduction to this subsection is an inappropriate format. The first paragraph, being purely rhetorical, should be omitted.]

ac. The format of each subsection of this new section could be parallel to that for the subsections of s. NR 44.06. Introductory clauses should clearly introduce the concepts to follow. Each subsection should describe the category adequately and clearly indicate what management activities are allowed and what management activities are not allowed or are limited. As with

management classifications, some provisions should be made for a specification of criteria for designation of lands under each of these categories and for the process by which that designation will be made. Note also that titles to rule provisions are not considered to be text of a rule. Consequently, the name of the categories should be included in the text of the rule rather than included as references to titles by the use of the phrase "this category."

ad. In the Note following s. NR 44.06 (8) (b) 9. b., the notation "9.a." should be replaced with the notation "subd. 9. a."

ae. The titles to s. NR 44.06 (8) (e) and (f) should be underscored.

af. The words "this area" in the first sentence of s. NR 44.07 (1) (a) should be replaced by the phrase "an area designated under this subsection." However, that sentence should be rewritten as a planning requirement, such as the following: "An area designated under this subsection shall be managed to maintain a perception of remoteness."

ag. In s. NR 44.07 (1) (c), the reference to "this section" and to "para. 2." should be replaced by references to "this subdivision" and "subd. 2.," respectively.

ah. In s. NR 44.07 (3) (g) (intro.), the reference to "sub. (3)" should be replaced by a reference to "pars. (a) to (f)." Also, the language in that sentence following the word "apply" should read as follows: "in a nonmotorized recreational use area under this paragraph, except as follows:"

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section NR 44.03 (4) defines "basal area" as the cross-sectional areas of tree per acre. Section NR 44.06 (8) (b) 9., on the other hand, refers to basal area per acre. These provisions need to be reconciled.

b. The phrase "that the term [includes] [does not include]" should be inserted following the word "except" in s. NR 44.03 (38) to clarify whether the meanings that follow are included in or excluded from the definition of "nonmotorized recreational use."

c. In s. NR 44.03 (56), the term "rotation" should be defined in terms of a period of time required to establish and grow trees. The number of years is the length of the rotation, not the rotation itself. However, is this definition really needed?

d. In s. NR 44.03 (71) (a), it appears that the comma following the word "few" should be deleted.

e. Section NR 44.04 (4) (intro.) requires that a citizen involvement plan be developed prior to the formulation of a plan's goals and objectives. This provision would suggest that the department intends to give citizens an opportunity to participate in the formulation of those goals and objectives. In the next step of the process, however, as outlined in sub. (5), the citizenry is to be informed of the planning effort, including the scope and objectives of the planning effort. This raises two questions. At what point in the process are the goals, scope and objectives of the

planning project determined and what role, if any, is the citizenry given in this important early step.

f. In s. NR 44.04 (7), to what does "property designation" refer? Does this refer to the various classifications outlined in ss. NR 44.06 and 44.07 or to the designation of the property as a state park, state forest, wildlife refuge or other such designation? This needs clarification.

g. In s. NR 44.04 (11), what happens if the board takes no action? In that case, will a master plan automatically be extended or will it automatically expire?

h. What are the management plans referred to in s. NR 44.04 (13)? Everything else in this chapter refers only to master plans.

i. Each subsection of s. NR 44.06 makes one or more reference to secondary objectives. Should each subsection identify secondary objectives that are compatible with that particular management classification?

j. In s. NR 44.06 (1) (c), the word "class" should be replaced by the word "classification."

k. It is unclear how the Note following s. NR 44.06 (2) (b) 3. relates to that section.

l. In s. NR 44.06 (4) (intro.) Note, it appears that the word "one" in the first sentence should be replaced by the numeral "1."

m. The term "hazard trees," as used in s. NR 44.06 (4) (b) 1. is jargon. It should be replaced by a descriptive phrase, such as that used to convey the same idea in s. NR 44.06 (5) (a) 3.

n. In s. NR 44.06 (4) (d) 1., the phrase "an area that generally is not be less than" should be replaced by the phrase "an area that generally extends not less than." Similarly, s. NR 44.06 (4) (e) 1. should refer to "an area that generally extends not less than 400 feet from the shoreline or includes the zone of effective visibility from the water, whichever area is larger."

o. In the second paragraph of s. NR 44.06 (8) (intro.), the word "lessor" should be replaced by the word "lesser."

p. The first sentence of s. NR 44.06 (8) (b) 9. should read as follows: "Up to 85% of the forested area may be managed using uneven-aged or passive management timber harvesting techniques." Subsequent provisions on this subject should be similarly modified. The following paragraph refers to "one-half." The rule should specify one-half of what, the harvested area?

q. The first sentence of s. NR 44.06 (8) (b) 11. should read as follows: "Slash from timber harvesting shall be...."

r. In the Note to s. NR 44.06 (8) (c) 6., the notation "subd." should be inserted after the second occurrence of the word "in."

s. The Note following s. NR 44.07 (1) (d) 2. discusses management of trails, while s. NR 44.07 (1) (c) 1. states that there shall be no trails in lands under this recreational use setting. These provisions should be reconciled.

t. Section NR 44.07 (2) (f) could be read to require that on-site visitor controls be used as often as possible and that they should harmonize with the environment. A more appropriate statement would be as follows: "The department shall minimize the use of on-site visitor controls. On-site visitor controls shall harmonize with the environment whenever possible." Note that the term "low-key" is jargon and should be omitted.

u. In s. NR 44.07 (3) (d) 1., it appears that the word "compliment" should be replaced by the word "complement." Also, in par. (g) 2., it appears that the word "and" should be inserted after the last semicolon.

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create NR 1.60 and 1.61 and ch. NR 44 relating to master planning and the management and recreational use classification system for lands managed by the department of natural resources.

PM-24-95

Analysis Prepared by the Department of Natural Resources

Authorizing Statutes: ss. 23.09(2), 27.01(2)(j) and 227.11(2)(a), Stats.

Statutes Interpreted: ss. 23.09, 23.091, 23.11, 23.28, 27.01 and 28.04, Stats.

Master Planning

This rule establishes the department's master planning process. Master planning is a process that is done for most department properties and determines how those properties will be managed and developed. A property's master plan must be consistent with the property's designation and associated purposes and benefits, and be compatible with the area's ecological capability. Property designations, such as state park, state natural area, and state forest, are defined by state statute, and establish the purposes and benefits of the property.

The master planning process offers interested persons and other governmental units reasonable opportunities for the discussion of information, ideas and concerns related to the management and public use of a property, and allows input prior to the department's preparation of master plan recommendations for natural resources board consideration. The natural resources board must approve all master plans.

Planning Process

The first step in the master planning process for a property is to collect and review information about the property's and region's natural resources and pertinent socio-economic factors, including recreational use and demand. Then, with public involvement, the department identifies significant issues to be evaluated in the planning process. Next, based on this review and on the property's designation, the department works with the public to develop draft goals and objectives and then management alternatives. Finally, the department selects a preferred alternative, refines it with public involvement and submits it to the natural resources board for review and approval. The board may approve the department's recommended plan, a modified version of that plan or an alternative plan.

Public involvement in the development, revision or amendment of a master plan will be guided by a public involvement plan to be prepared prior to initiation of a planning process. The key public involvement purposes include the identification of issues related to management and use of a property, its goals and objectives and management and development alternatives.

Uniform Land Management Classification System

This rule establishes a uniform classification system to be used by the department in the preparation of all property master plans to help achieve optimal public benefits consistent with sound resource management principles. The classification system will be used to uniformly describe and map the broad management, development and recreational use objectives for the property as determined through the property's master planning process and approved by the board. In the master plan, each management area on a property shall be assigned the compatible classification and, where applicable, subclassification that most accurately describes the board approved management, development and public use for the area. The department shall also use the uniform classification system during the master planning process to describe recommended management and development proposals and alternatives. Classifications will be applied to a property when existing master plans are revised or new master plans prepared.

Land Management Classification

The land management classifications define an array of land management and public use objectives for department properties. Each classification represents a different management objective. During the master planning process, an entire property may be assigned a single classification or it may be divided into several management units, each having a different management objective and classification. Under almost every management classification, many additional benefits will be realized as well. The master plan, as approved by the natural resources board, establishes the specific management and use objectives and the authorized management methods for a property, which the department and its employees are bound to.

The classifications which focus primarily on recreation also have subclassifications. Each subclassification describes a different recreational use setting, or recreational environment, management objective. These settings differ from one another in the level of recreational facility development, degree of remoteness, ease of access, visibility of management activities, and other factors.

Large and complex properties are most likely to have multiple land management classifications. In all cases, the land management and recreational use-activities must be compatible with each other, the land's inherent ability to support the intended management or development, and the purpose for which the property was acquired. The rule provides flexibility for the planning process to tailor the plan to the specific needs of a property. The master plan may be more specific than the standards established by the classification system, and in that event, the plan takes precedence over the system standards. Further, where a master plan and an internal department directive conflict, the master plan controls.

The rule does not change the designation of any property or in any way prescribe management on any property, nor does it close any area to traditional recreational uses. All department lands are open for long-standing traditional recreational uses, such as hunting, fishing, trapping, walking, nature study and berry picking, unless specifically closed or limited in accordance with administrative rules or statutes. Other types of recreational activities may be undertaken on department trails and other-properties as identified in the master plan.

SECTION 1. NR 1.60 is created to read:

NR 1.60 MASTER PLANNING FOR DEPARTMENT LAND. (1) **MASTER PLAN DEVELOPMENT.** In addition to the requirements of ss. 23.091 and 28.04, Stats., the natural resources board shall determine whether a master plan will be developed for any department managed property or group of properties. If developed, the plan shall establish management, development and public use.

(2) **LOCAL AND REGIONAL PERSPECTIVES.** Management decisions shall be based on local and regional perspectives.

(3) **PROPERTY DESIGNATION.** Management of a department property and the master plan applicable to it shall be consistent with and further the purposes and benefits of the property's designation by statute, rule or the natural resources board.

Note: For example, state forests shall be managed in accordance with s. 28.04, Stats., state recreation areas in accordance with s. 23.091, Stats., and state parks in accordance with s. 27.01, Stats.

(4) **COMPATIBLE ACTIVITIES.** (a) Management activities shall be compatible with the land's ability to support and sustain the intended management, development or recreational use.

(b) In planning efforts, the effects of management activities on adjacent management areas are to be considered and, where adverse, are to be avoided whenever practicable.

(5) **TRIBAL TREATY RIGHTS.** Management of a department property within the ceded territory as defined in s. NR 13.02(1), and the master plan applicable to it, shall recognize the opportunity for tribes with off-reservation hunting, fishing and gathering rights to continue to exercise those rights.

SECTION 2. NR 1.61 is created to read:

NR 1.61 PUBLIC USE OF DEPARTMENT LAND. Except as prohibited or regulated by rule or statute, all department land shall be open for:

(1) Traditional outdoor recreational uses, including hunting, fishing, trapping, walking, nature study and berry picking; and

(2) Other types of recreational uses, including camping, bicycling, equestrian uses, field trials, and snowmobiling or other motorized activities, as authorized on a property by the property master plan.

SECTION 3. Chapter NR 44 is created to read:

CHAPTER 44 MASTER PLANNING FOR DEPARTMENT PROPERTIES

NR 44.01 PURPOSE. The purpose of this chapter is to:

(1) Create a uniform planning process for the management and use of department managed properties.

(2) Establish procedures for the development, revision, amendment, implementation and review of master plans for department managed properties.

(3) Establish a land management classification system for use in master plans for department managed properties.

(4) Establish the minimum content of master plans for department managed properties.

(5) Ensure that opportunities for public involvement are available in the development of master plan recommendations to the board.

NR 44.02 APPLICABILITY. This chapter shall apply to department master plans and the master planning process.

NR 44.03 DEFINITIONS.

(1) "Biological diversity" means the variety and abundance of species, their genetic composition, and the communities, ecosystems, and landscapes in which they occur. It also refers to the variety of ecological structures, functions and processes at any of these levels.

(2) "Board" means the natural resources board.

(3) "Cultural resource" means any archeological, architectural or historical artifact, site or structure that reflects on the human-made environment.

(4) "Community" means an assemblage of species living together in a particular area, time and habitat.

(5) "Department" or "DNR" means the Wisconsin department of natural resources.

(6) "Ecological capability" means the potential of an area to support or develop one or more communities, with the potential being dependent on the area's abiotic attributes, its flora and fauna, its ecological processes and disturbances within and upon the area.

(7) "Facility development" means the construction of infra-structure, including buildings, roads and trails for resource management, public use or other purposes.

(8) "Master plan" or "plan" means a department plan which describes the authorized land management, resource protection, facility development and management of recreational use on a department property, but does not include a study prepared for the purpose of considering the feasibility of land acquisition respecting a new or existing project.

(9) "Native" means indigenous to the area or region.

(10) "Passive management" means management where objectives are achieved without direct action.

(11) "Property" or "properties" means areas of land approved by the governor for acquisition under s. 23.14, Stats., or otherwise established by the board.

Note: Examples of properties include parks, state forests and recreation areas.

(12) "Sustainable forestry" means the practice of managing dynamic forest ecosystems to provide ecological, economic, social and cultural benefits for present and future generations.

(13) "Trail" means a way or path designated on department maps or by signs or both as open for public travel by foot, horseback, bicycle, snowmobile, ATV or highway/off-highway vehicles.

NR 44.04 MASTER PLAN DEVELOPMENT, ADOPTION AND PUBLIC INVOLVEMENT. (1) DEFINITIONS. (a) "Affected or interested parties" means those persons or groups who are affected by a master plan or project, and may include persons with an interest in department management practices across a specific area or statewide.

(b) "Master plan revision" or "plan revision" means a change in the goal or objectives for a property which typically may occur as a result of a 15-year review of the master plan under sub. (12).

(c) "Master plan amendment" or "plan amendment" means a change in a management classification or subclassification of a property or management area within a property without a change in the goal and objectives for the property.

(d) "Master plan variance" or "plan variance" means a change in management activity or use described in the master plan that is consistent with the area's land management classification and does not constitute a change in an objective for management or public use of the area as specified in the plan.

(e) "Minor master plan amendment" or "minor plan amendment" means a change in a master plan through a minor expansion of the property boundary where the management activity, facility development and use on the added parcel is consistent with the master plan and the land management classification of an adjacent management area.

(2) **AUTHORIZATION TO CONDUCT A PLANNING PROCESS.** Any planning process for the purpose of developing a master plan, a plan revision or a plan amendment shall be conducted in accordance with this chapter, unless otherwise directed by the board, and only after following a notification and approval process to proceed with the action established by the board.

(3) **PLAN APPROVAL.** A plan or plan amendment shall be approved by the board, except as provided under sub. (2). The board may adopt a proposal as submitted by the department or modify the proposal as deemed appropriate and reasonable.

(4) **PLAN VARIANCE AND MINOR PLAN AMENDMENT INITIATION AND APPROVAL.** (a) A plan variance may be initiated by the department and may be approved by the department following reasonable notification of persons affected by or interested in management of the property, including persons requesting notification, and after appropriate public involvement.

(b) A minor master plan amendment may be used to assign a management and use prescription and classification to land acquired under a property boundary expansion not exceeding 160 acres, provided the prescription is consistent with the master plan's goal and objectives. A minor amendment may be initiated by the department and may be approved by the department after appropriate public involvement.

Note: A plan variance and minor plan amendment are approved by the department secretary or a division administrator.

(5) **OTHER PLAN CHANGES.** The department may make changes to a master plan without following the procedures in this section under the following circumstances:

(a) To comply with non-discretionary changes in the plan required due to a law or regulation change. The department shall periodically, or otherwise as appropriate, inform affected or interested parties of nondiscretionary changes in a plan.

(b) When correcting typographical errors or making corrections to maps, including the delineation of areas where management prescriptions apply, provided the changes are due to improved on-the-ground information relating to the application of the management prescriptions and are consistent with the intent of the plan.

(6) REQUESTS FOR A PLAN AMENDMENT, REVISION OR VARIANCE. (a) In addition to the review requirement in sub. (12), a plan amendment or revision may be proposed at any time by the department or any person, and an amendment or revision request shall be filed in writing with the secretary of the department. The secretary shall inform the board of requests as filed under this section, and the department shall notify the person or persons making the request of the board's decision.

(b) A variance to the master plan may be proposed at any time by the department or any person, and a request for a variance shall be filed in writing with the person designated in accordance with sub. (9)(a)6.

(7) PUBLIC AND OTHER GOVERNMENT INVOLVEMENT. (a) The public shall be provided opportunities to participate throughout the planning process for a property.

(b) As appropriate to the circumstances of each planning process, and in addition to the general public involvement process described in this subsection, the department shall consult with federal, state, county, town and local units of government, local agencies and Indian tribes.

(c) During a planning process for properties lying within the ceded territory recognized by Lac Courte Oreilles v. Voigt, 700 F.2d, 341 (7th Cir. 1983), the department shall consult on a government to government basis with Indian tribes retaining off-reservation hunting, fishing and gathering rights in that territory. The department shall establish the procedures for the tribal consultation process based upon a dialogue with and the agreement of the tribes. This consultation requirement shall apply to the development, review, revision, amendment or variance of a master plan.

(d) Public involvement in the planning process may include meetings, hearings, workshops, open houses, surveys, questionnaires, letters, submitted proposals, personal contacts, study committees, advisory groups and other methods or activities tailored to the needs of the individual master planning effort.

(e) Public involvement in the planning process may be for the following purposes:

1. Identifying issues related to management and use;
2. Submitting suggestions to the department regarding future management and use of a property;
3. Identifying and evaluating proposed property goals and objectives; and
4. Evaluating management and use alternatives.

(f) Prior to the initiation of public involvement, except for public surveys or other preliminary issue identification activities, and prior to the formulation of a plan, including management goals and objectives, a plan revision or a plan amendment, the department shall prepare a public involvement plan conforming with this paragraph and make it available to affected or interested parties for comment. The department may revise the public involvement plan at any time with appropriate notice to affected or interested parties. At a minimum, a public involvement plan shall include the following:

1. A description of the process the department intends to use to obtain and assure reasonable public involvement at appropriate points throughout the planning effort; and

2. A description of the process the department intends to use to identify affected or interested parties and notify them about the planning process. Affected or interested parties may include federal, state or local agencies; other government officials and regional planning commissions; Indian tribes; timber, tourism or any

other affected business entities; citizen groups, clubs, committees or individuals who have a demonstrated interest; nearby landowners; and users of the property.

(g) The department shall designate a department employee to be the primary public contact person for each planning process. Concerns or inquiries by any person about the process may be submitted to the contact person who shall have the responsibility to review and respond on behalf of the department.

(h) When initiating the public involvement process, the department shall distribute a news release, consistent with the requirements of s. NR 150.21(1), to appropriate news media in the vicinity of the property or statewide if the property has statewide significance. At a minimum, the news release shall include the following information:

1. A notice of intent to develop, revise or amend a master plan and to prepare an environmental analysis document required by s. 1.11, Stats., or ch. NR 150;

2. A brief description of the property and its location;

3. The scope and objectives of the planning effort and its potential significance to affected or interested parties; and

4. The process by which affected or interested parties may receive information about the planning effort and opportunities to participate in the master planning process.

(i) The department shall maintain a list of persons requesting notification of master plan development, revision, amendment and variance proposals and shall notify them consistent with their request.

(8) PLANNING PROCEDURES. (a) Following a decision by the board to enter a planning process for a plan, plan revision or plan amendment, after appropriate data gathering and analysis and preparation of a public involvement plan in accordance with sub. (7)(f) and prior to the formulation of a plan, plan revision, plan amendment or the management goals and objectives for a property, the department shall initiate planning with a public involvement process in accordance with sub. (7)(h).

(b) The procedures described in s. NR 150.21(3) shall be followed, as appropriate, to identify pertinent issues to be evaluated in the planning process for a plan, plan revision or plan amendment and when preparing any environmental analysis required by s. 1.11, Stats., or ch. NR 150.

(c) When developing a master plan, plan revision or plan amendment the department shall develop and analyze land management, recreational use and facility development alternatives within the context of:

1. The property's designation, such as state park or state wildlife area;

Note: For example, a state forest master plan must be consistent with the provisions in s. 28.04, Stats., which establish the purposes and benefits of state forests.

2. The best available information regarding the purposes and benefits of the property that the department acquires through inventories, evaluations, monitoring and research; and

3. A regional analysis addressing the economic, ecological and social conditions, opportunities and constraints associated with the property on a local and regional scale. The following shall apply to a regional analysis:

a. The scope and detail of the regional analysis shall be appropriate to each planning effort as deemed reasonable by the department; and

b. The regional analysis and the analysis of alternatives may be conducted through an environmental analysis process required by s. 1.11, Stats., or ch. NR 150.

(d) For purposes of this chapter, a "regional analysis" shall be a broad analysis of local and regional factors based upon information that is reasonably available and is supported by credible scientific evidence, and shall, wherever applicable, include an analysis of the following:

1. Land ownership and land use patterns;
2. Cultural resources;
3. Biological diversity, including natural communities and their distribution;
4. Ecological capability data;
5. Recreation resources and their use, capability and demand;
6. Socio-economic conditions and benefits, including local economies; and
7. Other issues germane to managing natural resources and public use, such as, on state forests, sustainable forestry.

(e) When appropriate, the department shall work collaboratively with other public land management agencies in the planning area to gather information and prepare a regional analysis.

(f) The department shall prepare a proposed master plan, revision or amendment for review and decision by the board. The department shall also submit a summary of the comments made during the public involvement process, a summary of any unresolved conflicts that remain, the department's recommendations regarding the unresolved conflicts and any environmental analysis required by s. 1.11, Stats., or ch. NR 150.

(9) GENERAL PLAN CONTENT. A master plan establishes the authorized management and development on a property, and only those management and development activities identified in the master plan may be pursued by the department. Specific implementation schedules for authorized actions shall be subject to department budgets, available staffing levels and administrative policies and may not be required by a master plan.

(a) A master plan for a property or group of properties shall include the following:

1. A general property description;
2. A statement of general goals and objectives for management and use, and a description of how the property's statutory and other purposes and benefits will be realized;
3. Management, acquisition, development and use plans, with appropriate maps showing the land management classifications;

Note: These plans will include provisions regarding management and development activities and techniques and public use in accordance with the provisions of ss. NR 44.06 and 44.07.

4. Supporting data and information, including:
 - a. A summary of the property's resource capabilities and inventories;
 - b. A summary of the regional analysis for the property, and the issues considered; and
 - c. A summary of background information on the property, including its management and use history.
5. When appropriate, a communication plan describing any steps to be taken to periodically inform affected or interested parties about completed or proposed management activities.
6. Identify a department employee who may be contacted about questions or concerns regarding the property or the plan.

(b) Master plans may include an environmental analysis as required by s. 1.11, Stats., and ch. NR 150.

(c) Management established by a master plan for any management area may be more specific than that described in ss. NR 44.06 and 44.07.

(10) EXCEPTIONS. (a) The department shall respond as appropriate to public health and safety emergencies.

(b) Other than as provided for in this section, the board may amend a plan to authorize activities for the purpose of protecting public health, safety, controlling exotic species, the salvage of timber after a fire or other major disturbance, or to control significant disease or insect infestations that threaten adjacent lands. In making its decision, the board shall take into consideration the management and recreational use objectives and classification of the area and any plan provisions that address these circumstances, and shall notify affected and interested persons of the plan amendment.

(11) RELATIONSHIP WITH OTHER DEPARTMENT GUIDELINES AND INTERNAL DIRECTIVES. When internal department guidelines and directives conflict with the provisions of a master plan, the master plan shall control.

(12) PLAN REVIEW. The department shall review master plans every 15 years and make recommendations to the board. The board shall determine whether the plan is to be amended, revised or extended for another 15-year period. A master plan shall remain in effect until the board takes action to modify it. The department shall take measures to reasonably notify interested persons of a 15-year plan review, and then shall use an appropriate public involvement process to determine or examine issues related to management and use of the property and the need for plan revision.

(13) PLANS PREPARED JOINTLY WITH OTHER AGENCIES. Plans prepared jointly with other local, state or federal agencies for a property or project shall be exempt from complying with the requirements of this chapter, but shall be consistent with this rule to the extent practicable.

Note: Examples of joint plans include the management plan for the Lower St. Croix River prepared jointly by the department, the State of Minnesota and the National Park Service and the joint management plan for the Chippewa Flowage being prepared by the department, Lac Courte Oreilles Band of Chippewa and the United States Forest Service.

NR 44.05 LAND MANAGEMENT CLASSIFICATION SYSTEM. (1) The land management classifications established in this chapter shall be used by the department in developing, revising or amending master plans, unless directed otherwise by the board.

(2) The land management classifications shall be used in the master plan and on management maps to describe the general management objective for a property or a management area within a property as determined during the master planning process. The department shall assign to each management area on a property the land management classification described in s. NR 44.06 that most accurately describes the management prescribed for the area by the master plan, while being consistent with the standards of the classification. For those land management classifications that also provide for recreational use setting subclassifications, which are described in s. NR 44.07, the subclassifications shall be applied in the same manner as the land management classifications. The assigned classifications and subclassifications shall be consistent with the purposes of the property as designated by statute or rule.

(3) Management activities within any land management classification may provide benefits other than those directly sought by the management objective. Except as otherwise expressly provided by statute, rule or the plan, activities and recreational uses may occur within an area to the extent that they are consistent with the management objective for the area.

(4) Management activities not specifically enumerated in ss. NR 44.06 and 44.07 may be authorized by the master plan if they are compatible with the classification and subclassification of the affected area.

NR 44.06 LAND MANAGEMENT CLASSIFICATIONS. (1) **GENERAL.** The land management classifications described in this section and the recreational use setting subclassifications described in s. NR 44.07 shall be used in the master plan in a manner consistent with the management objective for the area.

(2) **RECREATIONAL USE SUBCLASSIFICATIONS.** (a) A recreational use setting subclassification, described in s. NR 44.07, shall be designated for each area designated as a recreation management area, scenic resources management area or wild resources management area.

Note: All department lands generally are open to recreational uses, as described in s. NR 1.61, and recreation is an important public benefit along with other resource benefits. The recreational use settings allow further description and definition of management in the recreation, scenic and wild resources management area classes where management for specific recreational environments is a prominent objective, and the absence of their application to the other land management classifications is not intended to imply that substantial recreational use does not occur in these areas.

(b) Sites or areas permanently closed to public recreational use are not assigned a recreational use subclassification.

(3) **PLAN COMPONENTS FOR EACH MANAGEMENT AREA.** For each designated management area on a property, except for a wild resources management area which shall follow the plan provisions in sub. (10)(e), the master plan shall identify and explain the following:

(a) The specific short-term and long-term management objectives;

(b) The resource management and resource development activities authorized and the specific circumstances where, and the degree that, each management or development activity may be used;

Note: For example, to identify specific management activities and where they may take place, the master plan may state, "in jack pine stands on very sandy sites, clearcutting is the primary management activity used to harvest the stand and promote regeneration".

(c) The types of recreation management and recreation facility development authorized, and, when appropriate, the authorized size or use capacity of the facilities;

(d) The specific types of public use or uses authorized on designated roads and trails, and any appropriate use restrictions, such as restrictions related to seasonal or environmental conditions;

(e) Areas, if any, where specific management or development activities or techniques are prohibited or are limited and the rationale for any such limitation;

(f) Where appropriate, time schedule guidelines, any special development, vegetation management and maintenance requirements or restrictions, and any requirements for public health, safety and welfare, or the protection of cultural resources;

(g) The authorized management response to catastrophic events, including fire, disease, insect infestations or timber blowdowns; and

(h) Other requirements, if any, that are specified in the statutory authority for that type of property.

(4) **FOREST PRODUCTION AREA.** In the master plan a forest production area shall be consistent with the following:

(a) Management objective. The management objective of a forest production area is the sustainable production of timber and other forest products. The specific objective for any given forest production area may vary depending on site capability, timber types, markets, societal needs, desired associated benefits, the desired future forest conditions, adjacent land uses and local economic conditions. In addition, under limited, special circumstances, which shall be specified in the master plan, the following may be forest management objectives:

1. In areas of high recreational use and where site conditions allow, manage to produce timber on extended rotations in a manner that promotes long-term visual appeal.

2. While managing for timber products, promote the production and maintenance of certain ecological attributes that are characteristic of older forests.

Note: If providing ecological conditions associated with old-growth forest communities is the management objective, the area should be classified as a native community management area.

(b) Management. A master plan may authorize any management activity or technique that is consistent with the management objective specified in the master plan for the area, and is compatible with the site's ecological capability and the practice of sustainable forestry. Only those management activities or techniques identified by the master plan for the management area may be pursued.

Note: Examples of timber management activities and techniques include clearcutting, selection harvesting, thinning and other routine timber stand improvement activities, and the use of herbicides, mowing, burning, and planting and activities related to road construction and erosion control. "Timber stand improvement" means management practices for the purpose of improving the rate of growth, quality of growth or composition of the forest stand which may include pruning, non-commercial thinning, crop release and elimination of competing cull trees and shrubs, vines, weeds and grass.

(c) Master plan components. In addition to the plan components described in sub. (3), the master plan shall identify the predominant timber types and the desired future timber types and stand conditions for the area.

(5) **HABITAT MANAGEMENT AREA.** In the master plan a habitat management area shall be consistent with the following:

(a) Management objective. The management objective for a habitat management area is to provide or enhance habitat, whether upland, wetland or aquatic, to support specific species of plants or animals. Habitats and communities in areas with this designation may be managed for a wide variety of purposes, including focused species production and protection. Areas that initially do not have desired habitat conditions but have a high potential to be restored to those conditions may be included under this classification.

(b) Management. A master plan may authorize any management activity or technique that is consistent with the management objective specified in the master plan for the area, and is compatible with the site's ecological capability. Only those management activities or techniques identified by the master plan for the management area may be pursued.

Note: Examples of potential management activities include timber harvesting, herbicide application, mowing, burning, planting, flooding, agricultural cropping, installation of fish habitat improvement devices, road construction and erosion control.

(c) Master plan components. In addition to the plan components in sub. (3), the master plan shall identify the habitat objectives and species or communities being favored, and the desired conditions to be produced in the area.

(6) **NATIVE COMMUNITY MANAGEMENT AREA.** In the master plan, a native community management area shall be consistent with the following:

(a) Definition. For purposes of this subsection, "native community" means a distinct and reoccurring assemblage of populations of plants, animals, bacteria and fungi naturally associated with each other and their physical environment and which are indigenous to the area.

(b) Management objective. The management objective of a native community management area is to represent, restore and perpetuate native plant and animal communities, whether upland, wetland or aquatic, and other aspects of native biological diversity. Areas that initially do not have the desired community conditions but have a reasonable potential to be restored to those conditions may be included under this classification.

(c) Management. Management activities shall be designed to achieve land management objectives through natural processes and management techniques that mimic those processes whenever possible. A master plan may authorize any management activity or technique that is consistent with the management objective specified in the master plan for the area, and is compatible with the site's ecological capability. Only those management activities or techniques identified by the master plan for the management area may be pursued.

Note: Examples of potential management activities include timber harvesting, herbicide application, mowing, burning, planting, road construction and erosion control. Passive management may be employed.

(d) Master plan components. In addition to the plan components described in sub. (3), the master plan shall identify the specific native community types and the specific objective for the area.

(7) **SPECIAL MANAGEMENT AREA.** In the master plan a special management area shall be consistent with the following:

(a) Management objective. The management objective of a special management area is to provide and maintain areas and facilities for special uses not included under other land management classifications described in this section.

Note: Examples of special management areas include administrative or service facility areas, cultural resource protection areas, propagation and nursery areas and demonstration or experimental management areas where the primary use is for research and testing of new resource management methods and techniques.

(b) Management. A master plan may authorize any management activity or technique that is consistent with the management objective specified in the master plan for the area, and is compatible with the site's ecological capability.

(8) RECREATION MANAGEMENT AREA. In the master plan a recreation management area shall be consistent with the following:

(a) Management objective. The management objective of a recreation management area is to provide and maintain land and water areas and facilities for outdoor public recreation or education.

(b) Management. A master plan may authorize any management activity or technique that is consistent with the management objective specified in the master plan for the area, and is compatible with the site's ecological capability. Only those management activities or techniques identified by the master plan for the management area may be pursued.

Note: Examples of potential management activities include timber harvesting, herbicide application, mowing, burning, planting, road construction and erosion control. Passive management may be employed.

(c) Applicable recreational use setting subclassifications. The recreational use settings in s. NR 44.07 that are compatible with this classification are the Type 2, Type 3 or Type 4 settings.

(d) Master plan components. In addition to the plan components described in sub. (3), the master plan shall describe the desired future landscape conditions and identify any specific management activities or policies for the protection, maintenance, enhancement or restoration of the visual characteristics that are important to the recreational use of the management area.

(9) SCENIC RESOURCES MANAGEMENT AREA. In the master plan a scenic resources management area shall be consistent with the following:

(a) Management objective. The management objective of a scenic resources management area is to protect, maintain and enhance for long-term public enjoyment lands or waters having unique aesthetic qualities or outstanding scenic beauty and lands where managing for aesthetics is a primary concern due to significant or special public use of the area.

Note: The scenic resources area management classification typically may be applied to lands with outstanding scenic attractions; to scenic lakes, rivers and streams with high value for water-based recreation; and to scenic highways, roads, trails or vistas where public use is for the specific purpose of enjoying scenery.

(b) Management area. The scenic resources management area shall include, whenever possible, the department managed area that can readily be seen from the customary recreational use area or areas during the primary season or seasons of use. The designated management area, as specifically designated in the plan, shall, to the extent practicable, also include lands which are necessary to fully protect the scenic resource or to be effectively managed as an independent management unit. Development within a scenic resources

management area shall be located and designed to be harmonious with the surrounding landscape and have minimal negative impact upon its scenic values.

(c) Management. A master plan may authorize any management activity or technique that is consistent with the management objective specified in the master plan for the area, and is compatible with the site's ecological capability. Only those management activities or techniques identified by the master plan for the management area may be pursued. All of the following management guidelines apply:

Note: Vegetation management approaches appropriate for use within scenic resources management areas may vary from passive management to intensive management, depending upon the long-term scenic management objective for the area and the site's ecological capability, vegetation types and site conditions.

1. Where conspicuous management activities cannot be avoided, all reasonable measures shall be taken to mitigate the level and duration of the impacts for the viewing public;

2. New utility facilities, when permitted, shall be placed underground or be located in such a way as to be visually screened from the primary viewing areas; and

3. Trees that pose a significant hazard to public safety may be removed, and exotic or other species threatening the management objective for the area may be controlled as long as the control activities do not have significant adverse impacts on the scenic value of the area.

Note: Examples of potential management activities include timber harvesting, planting, herbicide application, mowing, burning, flooding, installation of fish habitat improvement devices, road construction and erosion control.

(d) Applicable recreational use setting subclassifications. The recreational use settings in s. NR 44.07 that are compatible with this classification are the Type 2, Type 3 or Type 4 settings.

(e) Master plan components. In addition to the plan components described in sub. (3), the master plan shall identify the specific short-term and long-term scenic management objectives for the area, including any restoration and enhancement objectives, and a description of the desired future landscape conditions.

Note: Examples of potential restoration, enhancement and maintenance activities include cutting trees and shrubs to maintain or create scenic vistas, underplanting or replanting preferably native trees and shrubs for visual variety or to speed conversion to a scenically desirable forest type and removal of exotic species.

(10) WILD RESOURCES MANAGEMENT AREA. In the master plan a wild resources management area shall be consistent with the following:

(a) Management objective. The management objective of the wild resources management area is to provide and maintain land and water areas where natural ecological processes predominate and evidence of human cultural impact is low; there is little or no visible resource management activity and facility development is limited to primitive recreational uses.

(b) Designation. This classification may be applied to undeveloped areas or areas that have the potential to be restored to a substantially wild appearing condition. Areas with pre-existing structures or landscape alterations may be included under this classification provided the overall objective of the classification can substantially be met.

(c) Management. Management activities are limited and must be consistent with the management objective specified in the master plan for the area. The master plan may authorize management activities or techniques for the purpose of protecting or enhancing the outstanding natural or aesthetic values of the area or restoring the wild character of the area or ecosystem, for improving a degraded environment caused by recreational use or past management or development activities, to remove structures, roads or other cultural impacts, or to construct or maintain compatible recreational facilities. Compatible recreational facilities are those authorized by the recreation setting subclassification assigned to the area. Management, enhancement or restoration activities shall be conducted in a manner that will minimize, to the extent practicable, the perception of human activity in the area. In addition, the following shall apply:

1. Planting native vegetation appropriate to the area and site and limited vegetation cutting is authorized to achieve the management objectives of this class. Vegetation management or timber harvesting activities, other than that allowed under this subsection, is not authorized; -

Note: Examples of authorized vegetation cutting activities include the thinning of residual tree plantations to create a more natural appearing forest condition, the removal of trees considered to be a hazard to the public or when associated with the construction and maintenance of authorized recreational facilities and the removal of exotic species.

2. Road construction or reconstruction to support management and restoration activities shall be limited to the degree possible and all roads shall be abandoned and the area restored following completion of the management activity, except when specifically authorized by the master plan for continued use for recreation or other purposes in an area designated as a Type 2 recreational use setting described under s. NR 44.07(5);

3. Management actions to control exotic or other species that threaten the wildland character or outstanding natural values of the area are authorized when identified in the master plan;

4. The authorized management response to suppress fire shall be identified in the master plan. Generally timber will not be salvaged after a natural disturbance;

5. Pre-existing structures that are not specifically authorized by the master plan, including roads, buildings, bridges and dams or remnants of them, shall be removed and the area shall be restored to the degree practicable and feasible;

Note: Structures with historical value are an example of a type of structure that may be authorized by the master plan to be maintained within a wild resource management area.

6. New utility right-of-ways or utility structures are not authorized, and pre-existing utility structures shall be removed or buried whenever practicable; and

7. Motor vehicle access for management purposes is prohibited, except to respond to significant health and safety and other emergencies, or as specified in the master plan to conduct prescribed restoration activities.

(d) Applicable recreational use setting subclassifications. The Type 1 and Type 2 recreational use settings in s. NR 44.07 are compatible with this classification; however, for a Type 2 recreational use area, the land management activities and non-recreational facility development shall be consistent with this subsection.

(e) Master plan components. The master plan shall identify:

1. The specific land management, enhancement or restoration objectives for the area;

2. The authorized land management, enhancement or restoration activities, including the specific circumstances where, and the degree that, each may be used;

3. Where appropriate, management activity time schedule guidelines, any special development, vegetation management and maintenance requirements or restrictions, and any requirements for public health, safety and welfare;

4. The authorized management response, if any, to catastrophic events, such as fire, disease, insect infestations or timber blowdowns;

5. The recreational facilities to be provided and, when appropriate, guidelines for siting the facilities; and

6. The specific type of use authorized for designated trails.

(f) Wilderness lakes and wild lakes. 1. Definitions. a. "Wilderness lake" means a lake or grouping of lakes of 5 or more acres with an undeveloped shoreline, no road access and no structural development, except for primitive campsites, within 1/4 mile of the shoreline and where human influence upon the landscape visible from the lake is not noticeable.

b. "Wild lake" means a lake or grouping of lakes of 5 or more acres where human influence upon the lake and its surrounding lands is not conspicuous; it has an undeveloped shoreline and, with the exception of primitive campsites and limited roads that may be present to provide access to or near the water's edge, no structural developments are visible from the water.

2. 'Wilderness lake.' In addition to the other requirements of this subsection, the following criteria shall be followed when designating and managing a wilderness lake:

a. The designated area shall be delineated in the plan and shall include an area that generally extends not less than 1/4 mile from the shoreline and includes, to the extent practicable, the area that can readily be seen from the water;

b. Motor vehicle use for management purposes or recreational use is prohibited within 1/4 mile of the shoreline, except to respond to significant health and safety emergencies or to accomplish restoration activities specified in the master plan; and

c. Structural developments are prohibited within 1/4 mile of the shoreline, except for primitive campsites which shall be visually inconspicuous from the water.

3. 'Wild lake.' In addition to the other requirements of this subsection, the following criteria shall be followed when designating and managing a wild lake:

a. The designated management area shall be delineated in the plan and shall include an area that generally extends not less than 400 feet from the shoreline or includes, to the extent practicable, the area that can readily be seen from the water, whichever area is larger;

b. Shoreline development or alteration is limited to providing limited public access and primitive, watercraft accessible campsites; and

c. Motor vehicle use for management purposes or for recreational use is restricted to designated access roads and water access sites and response to significant health and safety emergencies or to accomplish restoration activities specified in the master plan.

Note: Wilderness lakes and wild lakes are non-motorized recreational use areas, as described for Type 1 or Type 2 recreational use settings under s. NR 44.07(4) and (5).

NR 44.07 RECREATIONAL USE SETTING SUBCLASSIFICATIONS. (1) **GENERAL.** The recreational use subclassifications define the compatible management and use activities and the appropriate recreational facilities for 4 general recreational settings. Each subclassification describes a distinct recreational environment, each offering opportunities for different types of recreational experiences. The subclassifications described in this section shall be used in a master plan to describe the general recreational management objective for areas with the recreation, scenic resources and the wild resources management classifications described under s. NR 44.06.

Note: The subclassifications describe a range of recreational use settings, each being characterized by the manner it addresses a number of key attributes, such as degree of remoteness, motor use and the apparent level of management and development. - The settings span a range from wild and undeveloped to intensively used and highly developed.

(2) **DEFINITIONS.** (a) "All terrain vehicle" or "ATV" has the meaning specified in s. 340.01(2g), Stats.

(b) "Box latrine" means a simple open-air privy commonly provided at isolated, primitive campsites.

(c) "Group campsite" means any campsite authorized for use by groups other than those meeting the definition of a camping party in a family campground as defined by ch. NR 45.

(d) "Highway/off-highway vehicles" or "H/OHV" means motor vehicles that are generally 4-wheel drive, high clearance, street legal, licensed vehicles with floatation-type tires able to traverse roads and trails where ordinary passenger vehicles cannot travel without hazard of becoming stuck or otherwise disabled.

(e) "Information facilities" include signs, sign boards, information kiosks and visitor centers for the purpose of providing use or educational formation to the public.

(f) "Motorized use" means people traveling by use of a motor powered vehicle other than when engaged in management activities or contract operations authorized by the department.

(g) "Native surface material" means unprocessed, indigenous road and trail surfacing material.

(h) "Natural-appearing" means visually perceived as minimally altered or modified by human actions.

(i) "Non-motorized use" means transportation of people by any means other than by a motor-powered vehicle, and the use of motorized vehicles for management purposes by the department and its contractors when engaged in management activity.

(j) "Permanent all-season road" means a road developed and operated for continuous or recurrent annual use. It is designed and constructed to accommodate year-round use, but may have use restrictions or may not be maintained at various times of the year.

(k) "Permanent seasonal road" means a road that is maintained as part of the permanent road system but is developed for periodic use when the ground is frozen or dry and firm.

(l) "Primitive surface material" means the natural soil, rock or sand surface existing on roads and trails that developed through use and was not constructed.

(m) "Single unit campsite" means a campsite designated for use by families or groups of 6 persons or less.

(n) "Snowmobile" has the meaning specified in s. 340.01(58a), Stats.

(o) "Temporary road" means a road designed and constructed for short-term use during a specific project.

(p) "Visitor controls" means regulatory signs, access barriers and regulations, for directing or controlling the behavior of people using department-managed lands.

(q) "Visual quality management" means actions to produce or maintain a specific state of landscape aesthetic conditions and minimize or mitigate any negative visual impacts from land management activities or development.

(3) **ROAD AND TRAIL STANDARDS.** For purposes of this section, roads and trails are classified as follows:

(a) **Primitive road.** A primitive road shall be a temporary or permanent seasonal road with a maximum sustained cleared width normally not exceeding 12 feet, little or no roadbed grading, minimal cut and fill, a surface of primitive or native material.

Note: Due to their unimproved, rough condition, primitive roads commonly are only suitable for H/OHV's and other off-highway vehicles, and may not be negotiable by ordinary highway vehicles.

(b) **Lightly developed road.** A lightly developed road shall be a temporary road, a permanent seasonal road or a permanent all-season road which is primarily a single lane with a maximum sustained cleared width normally not exceeding 16 feet, is lightly to well-graded with minimal cut and fill, is surfaced with primitive, native or aggregate materials except in limited special use situations where asphalt may be used, and has a maximum speed design of 15 mph.

Note: Due to the variability of roadbed conditions at different times and places, some lightly developed roads might not be negotiable by ordinary highway vehicles.

(c) **Moderately developed road.** A moderately developed road shall be a permanent seasonal road or a permanent all-season road which typically is 2-lane, but may be one-lane, have a maximum sustained cleared width normally not exceeding 45 feet for 2-lane and 30 feet for one-lane, a well-graded roadbed and may have moderate cuts and fills and shallow ditching, has a surface of aggregate, asphalt or native material, and a maximum design speed of 25 mph.

(d) **Fully developed road.** A fully developed road shall be a permanent all-season road with a cleared width normally of 50 feet or more, a roadbed with cuts and fills as needed, an aggregate, asphalt or other paved surface and be designed for speeds exceeding 25 mph.

(e) Primitive trail. A primitive trail shall be a minimally developed single-file trail with a maximum sustained cleared width normally not exceeding 8 feet and a minimal tread width for the intended use, have a rough, ungraded bed where large rocks, stumps and downed logs may be present. It primarily follows the natural topography, has no or few shallow cuts and fills, and is surfaced with primitive or native materials, except for limited distances where environmental conditions require the use of other materials. Modifications to the natural trail surface are limited to that which is minimally necessary to provide essential environmental protection.

(f) Lightly developed trail. A lightly developed trail shall be a trail with a maximum sustained cleared width normally not exceeding 16 feet, a moderately wide tread width for the designated uses, a rough-graded base to remove stumps and large rocks, and a surface of primitive or native materials, except where other materials are required due to environmental conditions or where the trail also serves as a lightly developed road where other types of surfacing materials are used.

(g) Moderately developed trail. A moderately developed trail shall be a trail with a maximum sustained cleared width normally not exceeding 8 feet, a minimal tread width for the intended use, a relatively smooth graded base with a compacted surface composed of stable materials such as aggregate. Where practicable and feasible, a moderately developed trail shall, at a minimum, meet the standards for recreational trails accessible to persons with a disability.

(h) Fully developed trail. A fully developed trail shall be a trail with a smoothly graded base and a stable, hard surface composed of materials such as asphalt, aggregate or frozen earth. The trail's cleared width, tread width and cuts and fills are not limited, but shall be appropriate for the trail's intended use. To the degree practicable and feasible, fully developed pedestrian trails shall be fully accessible by persons with physical disabilities.

(4) **TYPE 1 RECREATIONAL USE SETTING**. In the master plan a Type 1 recreational use area shall be consistent with the following:

(a) Management objective. The objective of this setting is to provide a remote, wild area where the recreational user has opportunities to experience solitude, challenge, independence and self-reliance.

(b) Perceived remoteness. An area designated as a Type 1 setting shall be substantially isolated from development and be managed to maintain or enhance a perception of remoteness from human activity. Occasional sights and sounds of motors and other human activity may be present but are typically distant, except during hunting seasons. The designated area shall be of a size and configuration so as to offer a substantial opportunity for the public to experience solitude, substantially free of conflicting influences from adjacent land uses, with a majority of the area meeting one or more of the following minimum criteria:

1. An area that is approximately 2,000 acres or more in size and 1/2 mile or more from a federal, state or county highway or frequently used rail line, and at least 1/4 mile from any other public highway, department road open to motor vehicle use by the public, motorized trail or infrequently used rail line.

2. A river or stream, or river or stream segment that is approximately 6 miles or more in length with little or no evident development and no road crossings. It is generally not less than 1/4 mile from the river or stream to the nearest motorized trail or road open to public vehicles, except when unique physical characteristics or use patterns allow the river or stream to be closer or demand it be further from a route used by motor vehicles to meet the objectives of the classification.

Note: Topography and vegetation conditions may largely determine the minimum size necessary to achieve the objectives of this setting. Unique local conditions, such as rugged topography, may allow some

areas that are closer to open roads and motorized trails to be appropriately designated as Type 1 settings. Conversely, larger separation distances would be required in relatively flat, open areas or areas near highways with heavy traffic.

(c) Social contact. Typically, the level of recreational use in the area is low, resulting in little contact with others outside one's own group when traveling and, when camping, other camper groups are not seen and generally may not be heard.

(d) Access. Internal access is highly limited and travel may be difficult, as the area is essentially without roads and trails and access by watercraft is hard due to long distances from access points or to obstructions to navigation. The following criteria shall apply:

1. Public vehicle access and motorized recreational use is prohibited and the use of motorized watercraft in the area shall be restricted to the maximum degree possible, except for:

- a. Within authorized access roads and parking lots;
- b. The incidental use of motorized watercraft if, and only to the extent that, such use may not be prohibited due to the public's right of navigation; and
- c. A person with a disability may use a manually or electrically powered wheelchair or an electrically powered watercraft operated at slow-no-wake speed as a mode of personal conveyance; or may be authorized, by a permit issued by the property manager, to use a low-powered mechanically propelled vehicle designed specifically for use by a person with a disability.

2. The development and maintenance of limited, primitive hiking and portage trails may be authorized by the master plan, and trails may not exceed a density of one mile per square mile. Trail maintenance shall be for essential resource protection only. Areas with non-conforming roads and trails may be classified as a Type 1 setting if the master plan provides measures to assure their closure and restoration to a natural appearing condition or their redevelopment to conform to the setting standards. A limited number of small off-road public parking areas located on the periphery may be authorized by the master plan.

3. The use of motorized vehicles for routine maintenance of trails and campsites is not authorized.

Note: Authorized motor vehicle access for restoration or other land management activities is described under s. NR 44.06(10)(c)7.

(e) Recreational facility development. Facility developments or modifications to vegetation or the physical landscape are not authorized, except for those that are minimally necessary to accommodate limited primitive camping and authorized trails. The following development standards shall apply:

1. Trails, when authorized by the master plan, shall be minimally developed and maintained primitive trails that are restricted to hiking or portage uses, and shall be consistent with par. (d).

2. Developed campsites, when authorized by the master plan, shall be small, minimally developed single unit campsites that are primitive, remote and widely dispersed, are minimally cleared and have a primitive surface. Campsite facilities are limited to a fire ring and box latrine. A box latrine may be constructed of wood or synthetic materials and shall be a non-reflective, earth-tone color that blends with the surrounding environment. Campsites shall be sited and developed to be visually inconspicuous from the water. Trees and other vegetation may be cut as is minimally necessary for campsite development and camper safety.

3. Environmental protection measures shall be used only to protect fragile resources under normal use patterns. Environmental protection and impact mitigation measures shall be designed to be in harmony with the character of the area and the setting, and only native, natural materials may be used.

(f) User management. On-site visitor controls and information facilities or signs shall be limited. Only rocks or vegetation may be used to close roads and trails, although earthen berms may be temporarily used while restoration of the road is in progress. Small signs may be used to mark watercraft campsites. Trails may be minimally marked at trailheads and may not have trail markers along the route. Trailhead information signs, when provided, shall be the minimum size necessary and be primarily of earth-tone colors.

Note: Information for users of this setting is normally provided by brochures and other means off-site.

(g) Land management and non-recreational facility development. Authorized land management and non-recreational facility development shall be as described under s. NR 44.06(10)(c), the wild resources management area classification.

(5) **TYPE 2 RECREATIONAL USE SETTING.** In the master plan a Type 2 recreational use area shall be consistent with the following:

(a) Management objective. The objective of this setting is to provide a remote or somewhat remote area with little development and a predominantly natural-appearing environment offering opportunities for solitude and primitive, non-motorized recreation.

Note: Under appropriate circumstances, equestrian and bicycle uses are compatible with this setting.

(b) Perceived remoteness. An area designated as a Type 2 setting shall be managed to maintain or create a moderate to high perception of remoteness. The objective is to provide conditions where users of the area may feel they are in a secluded setting. The designated area shall be of a size and configuration, when considered in the context of topography, vegetation and adjacent or nearly adjacent land uses, to offer opportunities for solitude.

Note: The area may be smaller in size and nearer to public highways than that required for a Type 1 setting. Typically, in a Type 2 setting the sights and sounds of human activity may not be entirely uncommon, but usually are distant.

(c) Social contact. Use levels and contacts with people outside one's own group on trails and waterways typically are low to moderate. Designated campsites shall be located so that campers have low sight and sound contacts with other campers. Only recreational uses or styles of use that are similar in character shall be authorized.

(d) Access. Internal access shall be limited and travel may be difficult in some areas. The probability of significant use of motorized watercraft in the area is low. The following shall apply:

1. Access ways are restricted to primitive trails, primitive roads and a minor amount of lightly developed trails and roads. Roads shall be developed to the minimum standard required for the intended use, and trail and road densities are restricted to a total of 2 miles per square mile or less, including abandoned roads and trails that have not been restored. Areas with non-conforming roads and trails may be classified as a Type 2 setting if the master plan provides measures to assure their closure and restoration to a natural appearing condition or their redevelopment to conform to the setting standards. A limited number of short, vehicle access roads and small parking areas located on the periphery of the area are authorized, including roads and water access sites allowed for wild lakes designated under s. NR 44.06(10)(f)3.

2. Public motor vehicle access or motorized recreational use is prohibited and the use of motorized watercraft on waterbodies in the area shall be restricted to the maximum degree possible, except for:

a. The incidental use of motorized watercraft if, and only to the extent that, such use may not be prohibited due to the public's right of navigation;

b. Limited snowmobile trail crossings which may be authorized in the master plan when other viable alternative routes are unavailable and the snowmobile use does not substantially conflict with the predominant non-motorized recreational uses;

c. A person with a disability may use a manually or electrically powered wheelchair or an electrically powered watercraft operated at slow-no-wake speed as a mode of personal conveyance; or may be authorized, by a permit issued by the property manager, to use a low-powered mechanically propelled vehicle designed specifically for use by a person with a disability.

3. As is reasonably required, the use of motorized vehicles and equipment or tools may be authorized in the area for logging, restoration, and other management or maintenance activities by the department or its contractors engaged in management activities. Access developed for management purposes may not exceed the road and trail standards for the setting. In performing management activities, all reasonable efforts shall be made to avoid conflicts with recreational use.

(e) Recreational facility development. Recreational facility development shall be minimal, with facilities being rudimentary and primarily for environmental protection purposes rather than user comfort and convenience. Facility development in the area shall be maintained at a low density level. Management and development shall comply with the following:

Note: Trails, small parking areas, and small, minimally developed water access sites are the most common types of development in a Type 2 setting.

1. 'Visibility of development activities.' Development activities, shall, to the degree possible and practicable, be designed to harmonize with the topography and other landscape features; and, to the degree feasible and practicable, visual quality management shall be prescribed to minimize negative visual impacts from development and maintenance activities.

2. 'Buildings and other structures.' The construction of buildings is prohibited, except that small, rustic appearing, vault toilets may be constructed at access sites and portable toilets may be placed at sites where permanent toilet facilities are not practicable or feasible. Box latrines at campsites may be made of wood or synthetic materials. For other types of structures, undimensioned, natural building materials shall be used whenever possible and structures shall be designed and constructed to blend with the surrounding environment. All structures shall have non-reflective surfaces and be of earth-tone colors.

3. 'Camping facilities.' Developed campsites, where authorized by the master plan, shall be only small, single unit primitive campsites that are widely dispersed and remote. They shall have minimal clearing and a primitive surface material. Improvements are limited to a fire ring, picnic table and box latrine, except for designated disabled accessible sites which may have an improved surface, improved water access and other appropriate facilities. The facilities for persons with disabilities shall be designed and constructed to harmonize with the environment and setting to the degree feasible and practicable. Picnic areas and campgrounds are prohibited. Above-ground utility structures or cleared utility corridors may not be constructed to service recreational facilities, and any that exist shall be removed whenever possible.

4. 'Trails.' Designated recreational trails are primarily primitive trails, but lightly developed trails and limited moderately developed trails may also be present, and shall be consistent with par. (d). For each designated trail the master plan shall identify the specific type of use authorized and any appropriate use restrictions, such as seasonal or environmental condition restrictions. Limited mowing of trails and machine grooming for cross-country skiing is authorized, except in a wild resources management area.

5. 'Environmental protection.' Limited environmental protection measures may be evident. Measures to prevent or correct unacceptable environmental impacts shall be in harmony with the character of the area and the setting. Only native, natural materials may be used.

(f) User management. The department shall minimize the use of on-site visitor controls which shall harmonize with the environment whenever possible. Information facilities, when provided, shall be simple and unobtrusive. When information sign boards are provided they shall be located only at trailheads and be of the minimum size necessary and primarily of earth-tone colors. Trail markers, if provided, are limited to widely spaced, small route markers, and to required safety signs. Directional signs, except for those at trailheads and trail crossings, are prohibited.

(g) Land management and non-recreational facilities. Resource modification or use compatible with the objectives of the recreational use setting may occur but shall be done in ways that harmonize with the landscape and, overall, are visually inconspicuous, except for short-term, local occurrences. Management parameters for the area include the following:

1. 'Visibility of management activities.' To the degree possible and practicable, management and restoration activities, including forest management, shall be designed to harmonize with the surrounding topography and other natural occurring shapes in the area; and, with consideration of the area's management objectives and resource capabilities, visual quality management techniques shall be prescribed to the degree feasible and practicable to minimize and rapidly reduce secondary, negative visual quality impacts of management activities.

2. 'Resource management structures or developments.' Pre-existing dams, dikes or ditches may be authorized, but shall be inconspicuous and blend in with the surrounding landscape. The construction of new dams, dikes or ditches may be authorized by the master plan only under extraordinary circumstances that are consistent with the master plan's objective for the area, and shall be designed and constructed to be inconspicuous and blend in with the surrounding landscape. Pre-existing and new fish habitat improvement devices may be authorized, provided they are inconspicuous and blend in with the surrounding landscape.

3. 'Non-recreational and non-resource management structures.' a. The area shall have no or few non-recreational structures;

b. New above-ground utility structures or cleared utility corridors should not be constructed or encouraged, and any that are pre-existing should be removed whenever possible;

c. Unauthorized pre-existing non-recreational structures, unauthorized recreational structures and other unauthorized structures, including cabins and residential or commercial structures, shall be removed as soon as practicable and feasible.

4. 'Forest management.' Forest management shall be consistent with this subsection and with the management objectives established for the area by the master plan. Any management activity or technique authorized for the area shall be specified in the master plan, including the extent, timing and frequency of any activity or technique. The following, also, shall apply:

Note: The level of detail regarding the extent, timing and frequency will be as specific or general as appropriate.

a. Unless otherwise addressed in the master plan, slash, which is the residual tree tops and limbs left after a harvest activity, shall be removed, chipped or lopped and scattered to within 24 inches above the ground within 100 feet of a designated recreational trail or public road. Where the effective visibility from the road or trail exceeds 100 feet, slash shall be treated within that zone, up to 200 feet from a trail or road.

b. Any timber salvage following a natural disturbance shall be done in a manner compatible with the area's classification and the master plan's management objectives for the area.

5. 'Forest opening creation and maintenance.' Natural or artificially created forest openings maintained through mowing or cutting of brush and small trees or the use of herbicides may be present, and shall be specified in the master plan, including the extent, timing and frequency of any activity or technique.

6. 'Agricultural activities.' Agricultural activities are not authorized.

7. 'Prescribed burning.' Prescribed burning is authorized if constructed firebreaks are restored to a natural-appearing condition after the burn is completed.

(6) TYPE 3 RECREATIONAL USE SETTING. In the master plan a Type 3 recreational use area shall be consistent with the following:

(a) Management objective. The objective of this setting is to provide readily accessible areas with modest recreational facilities offering opportunities at different times and places for a variety of dispersed recreational uses and experiences. Landscapes within the setting may vary from natural-appearing to highly altered.

(b) Perceived remoteness. Remoteness is not a high priority and a wide range of conditions may occur.

(c) Social contact. Users may have regular contact with others outside their own group. Varied and somewhat diverse types of use may be common in some areas.

(d) Access. Internal access throughout the area typically is readily available. In addition to an internal network of management roads and recreational trails, town, county, state or federal highways may cross the area. The following criteria shall apply:

1. Public access and recreational use by motorized means is authorized on roads and trails as provided by the master plan, except within designated non-motorized recreational use areas described under par. (h). Some roads within the area may be open only to vehicles for administrative and management purposes.

2. Internal roads in the area shall be primarily primitive, lightly or moderately developed roads, and a minor amount of fully developed roads may be present. Trails may be moderately developed, lightly developed or primitive; however, typically lightly and moderately developed trails are predominant. Road and trail densities are not limited; however, the master plan may limit road and trail development to achieve specific management or recreational use objectives.

(e) Recreational facilities. Recreational facility development, when present, shall be simple, and may provide a modest level of user conveniences and comfort as well as furnish environmental protection. The following shall apply:

Note: Examples of developments or structures typical of this setting include access roads and parking areas, boat ramps, vault toilets, dispersed campsites and small picnic areas, small shelter buildings, bridges, boardwalks and stairs.

1. 'Buildings, structures and landscape modifications.' Structures shall have simple designs and natural or natural-appearing materials shall be emphasized in construction. Buildings and other structures, including facilities for persons with disabilities and landscape modifications, shall be designed to blend into or complement the natural landscape to the degree possible and practicable. Portable toilets with earth-tone colors that blend with the surrounding environment may be used where permanent facilities are not practicable or feasible.

2. 'Camping facilities.' Where camping is authorized by the master plan, campsites shall be primitive or semi-primitive single unit or group sites and may be auto, watercraft, walk-in, backpack, horse or bike accessible. The master plan shall designate the mode or modes of authorized access. The campsites may be located either singly or in clustered units of 2 to 10 sites with 400 feet or more of separation between them. Campsites may be located less than 400 feet apart when the topography assures that the setting's privacy and solitude objectives can be achieved. Each campsite shall generally be 150 feet or more away from any road, not including road spurs leading to individual campsites. Generator use is not authorized, except that, with a permit issued by the property manager, a person with a disability may be authorized to use a generator to recharge batteries for accessibility devices. Campsite improvements may include a leveled and firm surface, a fire ring, picnic table, box latrine, vault toilet or portable toilet, and a hand pump well where drinking water is provided. Electric lights and special provisions for recreational vehicle use may not be provided at these sites.

3. 'Picnic areas.' Picnic areas may not be designed for more than 20 persons and may not exceed 2 acres. The facilities are limited to the following: 1 to 5 parking spaces, if auto accessible; 1 to 5 picnic tables and grills; small toilet buildings or portable toilets; a shelter building and a hand pump well where drinking water is provided. More than 5 parking spaces may be provided where trails or other compatible recreation facilities, in addition to the picnic area, are present.

4. 'Trails.' Designated recreational trails are limited to lightly developed, moderately developed and primitive trails, and shall be consistent with par. (d). For each designated trail, the master plan shall specify the type of trail and the specific types of use authorized and any appropriate use restrictions, such as seasonal or environmental condition restrictions.

5. 'Environmental protection.' Low to moderate levels of environmental protection or mitigation measures may be present and shall be in harmony with the character and use of the area.

(f) User management. Simple information facilities and obvious visitor controls that harmonize with the environment are authorized. Regulatory signs, interpretive signs, directional signs, public safety signs and entrance signs shall be placed as appropriate to the need. Signboards and posts shall have earth-tone colors to the degree possible.

(g) Land management and non-recreational facilities. Land management activities, including forest management, and non-recreation facility developments may range from inconspicuous to dominant, but shall be consistent with this subsection and with the management objectives established for the area by the master plan. Management parameters include:

1. 'Visibility of management activities.' To the degree possible and practicable, management activities, including forest management and agricultural activities, shall be designed to harmonize with the topography and other landscape features; and visual quality management techniques shall be prescribed, to the

degree feasible and practicable, as appropriate for the specific management objectives, resource capabilities, and the degree and type of aesthetic concern for the area;

2. 'Resource management structures and other non-recreational structures.' Resource management structures or developments, such as dams, dikes, ditches, constructed ponds and fish habitat improvement devices, may be visible but shall blend in with the surrounding landscape and vegetation to the degree practicable and feasible. Other types of non-recreational structures may be authorized if consistent with the management objectives for the area;

3. 'Forest management.' Any forest management activity or technique authorized for the area shall be specified in the master plan, including the extent, timing and frequency of any activity or technique. The following, also, shall apply:

Note: The level of detail regarding the extent, timing and frequency will be as specific or general as appropriate.

a. Treatment and disposal of slash along designated recreational trails and public roads shall be as specified in the master plan; and

b. Any timber salvage following a natural disturbance shall be consistent with the classification and management objective for the area;

4. 'Forest opening creation and maintenance.' Natural or artificially created forest openings that are compatible with the area's management objectives may be maintained through mowing or cutting of brush and small trees or the use of herbicides; and

5. 'Prescribed burning.' Prescribed burning and permanent, constructed firebreaks are authorized.

(h) Non-motorized recreation area. Non-motorized recreational use areas may be designated by the master plan. All provisions of this subsection apply, except as follows:

1. Internal public access and use, including access to campsites, shall be only by non-motorized means, except as provided for in subs. 2. and 3. Management areas with public highway crossings may be designated with this classification provided the objectives of this classification can be substantially met.

2. Motor-related uses that may be authorized by the master plan include public motor vehicle access roads to parking areas located on the periphery of the area and to water access sites when other practical alternatives are unavailable; and electric motor-powered craft operated at slow, no-wake speed.

3. Disabled persons may access the area on designated roads or trails by means of a motor vehicle or access waterways by means of an electric motor-powered watercraft operated at slow, no-wake speed with a permit issued by the department.

4. Unauthorized motorized watercraft shall be restricted to the maximum degree possible.

5. The use of motorized vehicles and equipment is permitted in the area for logging and other management or maintenance activities by the department or its contractors engaged in management activity.

(7) TYPE 4 RECREATIONAL USE SETTING. In the master plan a Type 4 recreational use area shall be consistent with the following:

(a) Management objective. The objective of this setting is to provide areas offering opportunities for intensive recreational use activities and experiences. Facilities, when present, may provide a relatively high level of user comfort, convenience and environmental protection.

Note: Some areas with this classification may have few developed facilities, while others may have highly developed facilities or may be large facility complexes. Examples of areas that typically may be included under this classification are picnic areas, campgrounds, shooting ranges, field trial areas, educational sites, designated state trails and may include water bodies characterized by high levels of intensive uses, such as power boating and jet-skiing.

(b) Perceived remoteness. The sights and sounds of human activity typically are common or prevalent.

(c) Social contact. People typically are encountered within the area. Use types often are mixed and may be highly diverse.

(d) Access. Access throughout the area is readily available on fully and moderately developed roads and on fully, moderately and lightly developed trails. Public access may be by both motorized and non-motorized means.

(e) Recreational facility development. Facility development and landscape alterations shall be in harmony with the setting and type of intended use. The following shall apply:

1. Campgrounds and developed day use areas shall be designated by the master plan as either rustic or modern. Rustic sites shall be consistent with subd. 4, and modern sites shall be consistent with subd. 5.

2. Recreational trails are not limited; however, for each designated trail the master plan shall specify the type of trail and its authorized use.

3. Moderate to high levels of environmental protection and mitigation measures may be present, but shall be in harmony with the character of the site to the degree feasible and practicable.

4. Rustic recreational facilities shall be consistent with the following: a. Facilities provide for basic user needs and comforts. The design of buildings and other structures typically are simple; however, some may be somewhat refined and moderately complex.

b. Rustic campgrounds. A rustic campground shall have fewer than 75 total campsites, and the distance separating campsites shall be typically 100 feet to 200 feet but may be greater. Campgrounds established prior to the effective date of this rule [revisor insert date] which have more than 75 total campsites or do not meet the separation distance standard, but otherwise meet the standards of this subdivision and are capable of substantially providing a rustic camping experience, may be assigned this classification. The facilities typically provided in a rustic campground include: campsites with tent pad, fire ring, picnic table and parking for a vehicle and trailer or a RV unit, either gravel or asphalt roadways; lighting on buildings; a hand pump water supply; vault type toilets; a recreational vehicle dumping station on site or in the area and trash collection receptacles. Where appropriate, paved paths and trails, firewood concessions, a pressurized water supply, small open play area, and public telephone may be provided. The following facilities are not authorized for rustic campgrounds: electric hook-ups for recreational vehicles, except for a site occupied by a campground host; showers; flush type toilets and playground equipment.

c. Rustic day use areas. The facilities typically provided in a rustic day use area include picnic tables and grills, a hand pump water supply, vault type toilets, a small open play area, a parking area and shelter

building. Where appropriate, the following facilities may be provided: pressurized water supply, electricity in buildings, limited playground equipment, and a swimming beach with changing stalls. The following facilities are not authorized for rustic day use areas: flush type toilets, large open play areas, concession stand, baseball diamond or volleyball pits, bath house, interpretive center and amphitheater.

5. Modern recreational facilities shall be consistent the following: a. Facilities provide a moderate to relatively high level of user comfort and convenience. Buildings and other structures may be simple designs or designs that are complex and refined.

b. Modern campgrounds. These may be comprised of a single campground or a large campground complex, and typically have 75 or more campsites. The separation distance between campsites may vary, although 100 feet shall be used as a guideline. The facility development options are not limited; however, the following facilities usually are provided: electric hook-ups for recreational vehicles, hand pump or pressurized water supply, vault or flush toilets, a recreational vehicle dumping station on-site or nearby, asphalt roadways, open play areas, paved paths and trails, lighting on buildings and public telephones. Examples of other facilities that may be present include playground equipment, full-service concessions, showers and laundry facilities.

c. Modern day use area facilities. The facility development options are not limited; however, the facilities provided typically include picnic tables and grills, hand pump or pressurized water supply, vault or flush toilets, large, open play areas, playground equipment, parking lots, shelters with electricity and hard-surfaced trails. Other facilities or services that also may be present include a concession stand, baseball diamond or volleyball pits, bath house and well-defined swimming beach and sunning area, interpretive center and amphitheater.

(f) User management. The amount and type of visitor controls shall be appropriate to the area's type of use and need.

(g) Land management and non-recreational facility development. Any land or vegetation management activity or non-recreational facility development shall be consistent with this subsection and with the management objectives for the area established by the master plan. Management parameters include the following:

1. Any land or vegetation management prescription or method that supports the master plan's management objectives for the area and is consistent with the site's ecological capability may be used. Management activities or techniques authorized for the area shall be specified in the master plan, including the extent, timing and frequency of any activity or technique. Management activities or techniques used in implementing the plan may not exceed the parameters identified by the master plan for the management area;

2. Resource management developments such as dams, dikes, ditches, habitat improvement devices, and constructed ponds and other types of non-recreational structures, that harmonize with the surrounding landscape to the degree practicable and feasible may be present; and

3. Visual quality management techniques shall be prescribed, to the degree feasible and practicable, as appropriate for the specific management objectives, resource capabilities, and the degree and type of aesthetic concern for the area.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 24, 1996.

The 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.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

FISCAL ESTIMATE
DOA-2048 (R 11/90)

ORIGINAL
 CORRECTED
 UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
NR1 and NR44
Amendment No. if Applicable

Subject
PROPOSED WI ADMIN CODE NR44 AND PROPOSED CHANGES TO NR1

Fiscal Effect

State: No State Fiscal Effect

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

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- 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 VTAE Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
NONE

Assumptions Used in Arriving at Fiscal Estimate

The proposed rule and rule changes are policies and procedures related to developing, revising, amending and implementing property master plans. These policies and procedures codify practices that have been followed by the department for a number of years, therefore they do not represent any new costs. State revenue and local governments would not be affected.

Long-Range Fiscal Implications

NONE

Agency/Prepared by: (Name & Phone No.)

Natural Resources

Authorized Signature/Telephone No.

John Polanski 6-2794

Date

02/15/95

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REPORT TO LEGISLATURE

NR 1 and 44, Wis. Adm. Code
Master planning and the management and recreational use
classification system for lands managed by the department of natural resources

Board Order No. PM-24-95
Clearinghouse Rule No. 95-047

Statement of Need

The proposed rule was developed to address public concerns about how the public is involved when the Department makes management decisions on Department properties and concerns that our management and planning policies are not codified.

Section NR 1.60 - This portion of the proposed rule establishes Natural Resources Board master planning policies for Department land. It requires that management decisions be based on local and regional perspectives regarding ecological, social, economic and recreation needs. It further states that management will be consistent with the property designation and the property's ability to support land and recreational management activities, and that potential management conflicts on adjacent management areas should be considered in planning and avoided whenever possible.

Section NR 1.61 - This section establishes Natural Resources Board policies for public use of Department land. This section states that Department lands will be open for traditional public recreational uses, such as hunting, fishing, trapping, walking, except as prohibited or regulated by statute or rule.

Chapter NR 44 establishes:

Procedures for developing, revising, amending and implementing master plans. These require the Natural Resources Board to approve developing or revising a property master plan, and allows the Department to approve a plan variance with public notification and opportunity for public involvement. The rule requires that all new plans, plan revisions or amendments be approved by the Board.

Procedures for citizen involvement in the master planning process. The rule requires that the public be provided an opportunity to participate throughout the master planning process, such as in issue identification, setting property goals and objectives and developing alternatives. Public involvement will be guided by a citizen involvement plan written specifically for each planning effort.

Master Plan Content and the Land Management Classification System. The rule specifies the minimum content of a master plan to assure plans include clear and specific management prescriptions. The classification system established by the rule is a communication tool to be used to describe and map general management areas within a property as determined by the master plan. There are seven land management classes: forest production, habitat, native community, recreation, scenic, wild resources and special management areas. In addition to these land management classifications, there are four recreational use subclasses that provide further description of the recreation management objective in areas with a strong recreational purpose (the recreation, scenic and wild resources management areas).

Modifications as a Result of Public Hearing

While there was broad public support for most of this rule package, some groups (primarily representing the timber industry) were strongly opposed to certain aspects of the Land Management Classification System. They felt it was too complex and that recreational classifications, if applied to all management areas as proposed, could result in the public trying to use the recreational use classifications to dominate management on properties. They were particularly concerned that it could reduce opportunities for timber harvesting on state forests. Currently, the recreational use subclasses apply to only four of the seven land management classifications (forest production, habitat and native community are not included).

Over the last few months the Department held numerous discussions and negotiations with representatives of the timber industry, environmental and recreation groups and others to fine-tune the final rule so it would have the support of all major interest groups.

Appearances at the Public Hearings and Their Position

April 24, 1995 - Madison

In support:

Richard Chamberlin, Superior Wilderness Action Network, 3245 Milwaukee St., Madison, WI 53714
Luana Schneider, Wis. 4 Wheel Drive Assoc., 6793 CTH C, DeForest, WI 53532
Walter Kuhlman, Friends of the Brule River & Forest, P.O. Box 927, Madison, WI 53701-0927

In opposition - none

As interest may appear:

Thomas Coenen, WI Innkeepers' Assoc., 44 E. Mifflin St., Suite 104, Madison, WI 53703
Cliff Germain, 37 Hiawatha Circle, Madison, WI 53711
Scot K. Konings, Legendary Civilian Jeepers, Inc., 103 N. 65th Street, Milwaukee, WI 53212-4018
Josef C. Stanek, Legendary Civilian Jeepers, Inc., 1310 W. Capitol Drive, Appleton, WI 54914

April 26, 1995 - Spooner

In support:

Milton D. Holmquist, Friends of the Brule River & Forest, 8003 S. County Road P, Lake Nebagamon, WI 54849
Willard Kiefer, 7784 S. County Road S, Lake Nebagamon, WI 54849
Bruce Aunan, 8585 S. County road P, Lake Nebagamon, WI 54849

In opposition:

Jan J. Hacker, Northwest Regional Planning Commission, 1400 S. River St., Spooner, WI 54801

As interest may appear:

Glenn & Mary Steinke, 8465 Summer Road, Lake Nebagamon, WI 54849
Douglas Bergstrom, 10720 E. Efaw Lane, Lake Nebagamon, WI 54849
Art Swan, Spring Lake Road, Shell Lake, WI 54871
Vincent Merkel, Forest Riders Snowmobile Club, 1055 S. Gunlock Lake Lane, Minocqua, WI 54508

April 27, 1995 - Wausau

In support - none

In opposition:

Joe Timmerman, Consolidated Papers, Inc., P.O. Box 8050, Wis. Rapids, WI 54495
William R. Gilbert, Georgia-Pacific Corp., 100 Wis. River Drive, Port Edwards, WI 54469

As interest may appear:

Duane A. Lula, U.S.D.A. Forest Service, Chequamegon/Nicolet National Forest, 1170 4th Ave So.,
Park Falls, WI

Response to Legislative Council Rules Clearinghouse Report

All Clearinghouse recommendations, with one exception, are addressed in the revised rule, either by the incorporation of the recommended addition or change, or through another means to meet the intent of the recommendation. The following recommendation was not accepted:

The phrase "unless otherwise directed by the board" in s. NR 44.04(1) appears to authorize the board to sweep aside any and all provisions of ch. NR 44 at any time it chooses. Such a broad variance authority would seem to warrant a more explicit statement and fuller description.

This provision was left unchanged in order to give the Board maximum flexibility to adjust the requirement for its master plans or the planning process as it deems appropriate for extraordinary or unusual circumstances.

Final Regulatory Flexibility Analysis

The proposed rules do not directly affect small business; therefore, a final regulatory flexibility analysis was not prepared.