

## Report From Agency

### REPORT TO LEGISLATURE

NR 45, Wis. Adm. Code  
Board Order No. FR-38-10  
Clearinghouse Rule No. 10-131

#### Basis and Purpose of the Proposed Rule

s. 27.0 I (17) Stats., created under 2009 Wisconsin Act 54, requires the Department to promulgate a rule that specifies when and where golf carts are allowed in the Governor Thompson State Park and the Peshtigo River State Forest. Before DNR took ownership of the lands now consisting of the State Park and State Forest, golf cart use was occurring on certain Wisconsin Public Service property and boat landings. s. 27.0 I (17) Stats. further directs the Department to authorize the use of golf carts to at least the same time and locations as golf carts were used before the Department purchased lands from Wisconsin Public Service. The proposed rule: defines "golf cart" as a vehicle that can go no more than 20 miles per hour, can carry one to two people and equipment, and is intended for the game of golf; authorizes the use of golf carts in the Governor Thompson State Park and the Peshtigo River State Forest; describes specifically which areas on the above mentioned properties are authorized for golf cart use; and describes operational requirements. Interested/impacted parties include local units of Government, primarily the Town of Stephenson and Marinette County; local businesses, primarily service industries; year-round and seasonal residents; public safety agencies; and Wisconsin Public Service. The rule represents a change in statute, but it does not represent a change in "historical use" before the Department obtained ownership. The Department does not currently have statutory authorization to allow golf carts on Department owned and maintained roads open for public use.

#### Summary of Public Comments

On December 16, 2010, the Department held a public hearing on the proposed rule at the Stephenson Town Hall northwest of Crivitz. The hearing was held at 4:00 PM. Regional Forestry Leader Curt Wilson served as the hearing officer. Division of Forestry staff including John Lubbers, Dan Mertz, Sara Pearson and Kristin Lambert attended the hearing. Peter Biermeier, Maggie Kailhofer and Arnie Lindauer attended from the Bureau of Parks and Recreation. Lubbers and Biermeier gave a brief presentation explaining the draft rule to the nine people attending the hearing. Following the presentation clarifying questions from the attendees were answered.

Public Comments: At the public hearing, no one provided oral statements about the rule after their questions were answered. Of the nine attending, eight registered in support of the draft rule and one registered in opposition.

After the hearing, eight written comments were received. The focus of all eight written comments received by the Department was either opposition or support of golf cart access on the properties; no comments referenced the rule specifically. Seven comments expressed opposition to golf cart access in the State Park and/or the State Forest. One comment supported golf cart use in the State Park. None of the comments addressed the proposed rule's definition of a golf cart, how the golf cart must be operated, or the minimum safety features the golf cart must possess. The concerns of those opposed to golf carts include user conflicts between golf carters and vehicle drivers, boaters, trail users, hunters and those seeking peace and solitude on the properties; conflicts with the existing park master plan and policies; poor use of limited development funds; damage to existing trails and the landscape; and excessive noise and air pollution. The comment in support listed access for the elderly and disabled as a reason to allow golf carts in the State Park.

#### Modifications Made

No modifications to the rule were made based on public comments.

#### Appearances at the Public Hearing

One public hearing was held at the Stephenson Town Hall in Crivitz, Wisconsin on December 16, 2010.

#### In support

Jeff Mursau, 4 Oak St., Crivitz, WI 54114  
James Larsen, W11685 Boatlanding 7 Road, Athelstane, WI 54104  
Susan Larsen, W11685 Boatlanding 7 Road, Athelstane, WI 54104  
James S. Kralovetz, W11840 Blackberry Patch Lane, Crivitz, WI 54114  
Joan Kralovetz, W11840 Blackberry Patch Lane, Crivitz, WI 54114  
Ron Krull, N9457 Sun and Sand Lane, Crivitz, WI 54114  
John Wegner, N9456 Sun and Sand Lane, Crivitz, WI 54114  
James Bolander, N10459 Parkway Road, Crivitz, WI 54114

#### In Opposition

Andy Malecki, Jr., 1131 S. Fisk Street, Green Bay, WI 54304

#### As interest may appear

None

#### Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule or fiscal estimate based on public comments.

#### Response to Legislative Council Rules Clearinghouse Report

All changes recommended by the Legislative Council Rules Clearinghouse were incorporated. Changes were minor and focused on clarity and grammar.

#### Final Regulatory Flexibility Analysis

Impacts are expected to be minimal, but include implementation and enforcement of the rule (town, county, the Department, and public safety agencies) and ability of residents to lawfully and safely use golf carts and a potential increase in such use (residents, businesses). The proposed rule is not expected to have a significant adverse effect on a substantial number of small businesses and may have favorable effects on a number of small businesses that provide services to users of golf carts. Small businesses that may be positively affected by the proposed rule include golf cart retailers and service providers, gas stations, and other service type industries.

No new compliance, reporting, or bookkeeping requirements are imposed by the proposed rule and no new professional skills are needed to comply with the proposed rule.