

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

The State of Wisconsin Natural Resources Board proposes an order to repeal NR 45.12(1)(c)2 and 45.13(1)(d); to renumber NR 45.12(1)(b)6m, 7 and 8; to amend NR 45.03(15), 45.04(2)(c), (3)(n) and (p), 45.05(4), 45.06(1), (6)(a), 45.09(4), 45.10(1)(k) and (n), 45.11(6)(g), 45.12(1)(a), (d)8 and 22, (2)(b)1, (c)1a, b, and c, 3a, b, and c, and (d), (3)(b) and (c), (4)(a), (e), (f), (f)2, and (h), 45.13(2), (17)(a)1, 2, and 3, (b)2 and 3, and (18); to repeal and recreate NR 45.04(3)(f) and 45.12(2)(a)1 and 2; and to create NR 45.03(2m), (9f), (9m), (18m) and (26), 45.04(1)(f), 45.10(4)(aa), 45.12(1)(b)5n-zb, 6 q to v, (d)50 to 53, (2)(b)4, (4)(k), 45.13(2)(e), (2m), (24), (25) and (26) relating to use regulations on Department properties.

LF-19-03

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 23.09(2)(intro.), 23.11(1), 23.28(3), 27.01(2)(j) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 23.09(2)(intro.), 23.28(3), 27.01(2) (i) and (j), and 28.04(2), Stats.

Chapter NR 45 contains the administrative rules for the use of Department properties. This chapter is reviewed and revisions proposed by Department staff every two years.

The new Peshtigo River state forest has been added to the definition of “northern state forests.”

The rule package contains five new definitions for the following terms: “backpack campsite,” “registered camper,” “water view campsite,” “equine,” and “dog sled.”

The rule prohibiting the transplanting, relocation, stocking, or release of any plant or animal within the boundaries of any state natural area will now apply to all state property.

The “section” reference in the closing hours provision in the general rules section has been changed to “subsection” to reflect that the closing hours subsection, and not the entire general rules section, does not apply if different closing hours are posted. Additionally, a prohibition for being on department property after closing hours established pursuant to this change has been added.

A new rule has been created to prohibit commercial filming, commercial photography, or provisions of services for a fee in state parks, state recreation areas, or southern forests that involves the provider’s physical presence in the state park, state recreation area, or southern forest unless first authorized by contractual agreement or a department commercial use permit. The price of the commercial use permit is established in the Fees section of NR 45.

The current rule prohibiting the planting or cultivation of crops on department lands has been amended to reflect that the harvesting of crops on department land without department permission is also prohibited.

The prohibition of possession of drug paraphernalia has been clarified.

The name “Bong state recreation area” has been changed to “Richard Bong state recreation area” in a number of places throughout NR 45.

The term “horse” has been replaced with “equine” to broaden the range of animals regulated on department lands.

An amendment is being proposed to clarify which parks have access restricted to hunters who have been issued a special permit and to also allow access to hunters who are only issued bonus antlerless permits.

The Menominee River natural resources area has been added to the list of properties where camping permits are not required and camping fees are waived.

The Chippewa Flowage has been added to the list of properties where campers must occupy the site the first night camping equipment is on the site and not leave the site unoccupied for more than one night thereafter.

A rule has been created to specify that only nonprofit organizations recognized by the Internal Revenue Service under 26 USC 501(c)(1), (3) or (4) are allowed to use the indoor group camp at Big Bay state park and that this camp may be reserved for a maximum of 3 camper days.

Fifteen parking areas have been added to the list of parking areas in the northern unit of the Kettle Moraine state forest where vehicle admission fees are required.

Six parking areas have been added to the list of parking areas in the southern unit of the Kettle Moraine state forest where vehicle admission fees are required.

The reference to "Pike Lake state park" has been changed to "Pike Lake unit, Kettle Moraine state forest" to reflect that it is now a separate unit of the forest.

Four state parks have been added to the list of state parks, recreation areas, and forest recreation areas where vehicle admission receipts are required.

The list of type A and type B campgrounds has been revised. Type A campgrounds include those in all state parks, southern forests, and recreation areas, and on state trails, as well as the Crystal Lake, Musky Lake, Firefly Lake, and Clear Lake campgrounds in the Northern Highland-American Legion state forest and Castle Mound campground in the Black River state forest. All northern forest campgrounds, with the exception of those mentioned above, are type B campgrounds.

A new rule has been created that stipulates that additional fees for water view campsites on type A and type B campgrounds may be charged but not to exceed \$5.00 per night.

Fees are increased for items such as trail passes, group camping, and electrical services at campgrounds.

Fee specifications for the Kettle Moraine state forest northern unit group camp have been eliminated because the camp has been leased to the YMCA and is no longer a forest group camp.

The rule that waives camping fees for persons with disabilities is being amended to make the reservation process easier.

The provision that state trails and trails on other department lands on which state trail passes are required *may* be designated by the department by markers or signs has been changed so that these trails *shall* be designated by markers or signs, making this designation mandatory if fees are to be charged.

A provision that visitors will pay an additional \$5.00 registration fee if they fail to self-register or pay at the park office of an area subject to a self-registration requirement has been added.

Oakfield Ledge has been added to the list of state natural areas outlined in NR 45.13(2), and a rule has been created to prohibit any person from entering or being in Oakfield Ledge state natural area between the hours of 8:00 p.m. and 6:00 a.m., except as provided for in NR 45.04(2)(a)2.

A rule has been created to prohibit the catching, killing, trapping, or removal of any wild animal from state parks, recreation areas, and southern forests without written permission from the department, with five specific exceptions.

The specification of department lands designated by posted notice at the Lapham Peak unit of the Kettle Moraine state forest on which hunting, taking, catching, killing, trapping, or pursuing wild animals or possessing loaded or unstrung and unenclosed firearms or projectile-shooting devices is prohibited has been changed from specific sections, townships, and ranges to "within the Lapham Peak Unit-Kettle Moraine state forest."

The list of state forest areas designated as vehicle admission areas has been renumbered after the Kettle Moraine state forest-southern unit to clarify that the Lapham Peak unit of the Kettle Moraine state forest is not part of the southern unit.

The rule package contains three rule changes pertaining to Aztalan state park. One removes the park from the list of areas where vehicle admission receipts are not required; one adds the park to the list of areas where vehicle admission receipts are required; and the last prohibits sledding, skiing, and snowboarding on the Indian mounds at Aztalan state park.

A rule has been created to prohibit small game hunting within the boundaries of the Tuscobia state recreation trail, as consistent with the master plan.

Finally, a rule has been created to prohibit the operation of dog sleds on state lands in Big Bay State Park without the written permission of the property manager.

SECTION 1. NR 45.03(2m), (9f) and (9m) are created to read:

NR 45.03(2m) "Backpack campsite" means an area designated for camping that has no modern facilities, such as showers or flush toilets located nearby, nor vehicle or watercraft access to or near the area, and to which all over-night supplies are carried or transported to the site by means other than a motorized vehicle.

(9f) "Dog sled" means any vehicle that glides on runners or wheels and is designed or used for conveying cargo or people and to be pulled by dogs.

(9m) "Equine" means any horse, pony, donkey or hinny.

SECTION 2. NR 45.03(15) is amended to read:

NR 45.03(15) "Northern state forests" means the Black River, Brule River, Flambeau River, Governor Knowles, Northern Highland ~~and~~, American Legion and Peshtigo River state forests.

SECTION 3. NR 45.03(18m) and (26) are created to read:

NR 45.03(18m) "Registered camper" means a person camping on a campsite whose name is included on the camping permit for that campsite.

(26) "Water view campsite" means a designated campsite in a state park or southern forest bordering on a body of water or with a scenic view of a body of water.

SECTION 4. NR 45.04(1)(f) is created to read:

NR 45.04(1)(f) No person may transplant, relocate, stock or release any plant or animal, domesticated or wild, without written permission from the department.

SECTION 5. NR 45.04(2)(c) is amended to read:

NR 45.04(2)(c) ~~This section does~~ The closing hours of this subsection do not apply to individuals with written authorization from the department or to those projects or parts of projects where the department has posted other opening and closing hours or where the department has waived these hours and established different hours for special events and programs. No person may enter or be within a department property contrary to closing hours established pursuant to this subsection.

SECTION 6. NR 45.04(3)(f) is repealed and recreated to read:

NR 45.04(3)(f) Soliciting. 1. No person may solicit or collect funds or peddle or solicit business of any nature, post signs or distribute handbills or advertising matter unless first authorized by contractual agreement or a department commercial use permit.

Note: Commercial use permits are available at any state park or southern forest office.

2. In addition to the requirements of subd 1., in the state parks, state recreation areas and southern forests, no person may engage in commercial filming or photography or provide services for a fee that involves the provider's physical presence in the state park, state recreation area or southern forest unless first authorized by contractual agreement or a department commercial use permit.

3. No person may use in any manner the dock, pier, wharf, boat landing or mooring facilities in, or on, the waters in or immediately adjacent to any lands under the management, supervision or control of the department for the purpose of soliciting rides of any kind, unless authorized by the department.

4. This paragraph does not apply to the provision of emergency repair service or tour buses originating outside of department lands.

SECTION 7. NR 45.04(3)(n) and (p) are amended to read:

NR 45.04(3)(n) Crops. Except when authorized by the department, no person may plant ~~or~~ cultivate or harvest any crop on lands subject to this chapter.

(p) Possession of drug paraphernalia. No person may use or possess drug paraphernalia ~~as defined in violation of s. 961.573(1), Stats.~~

SECTION 8. NR 45.05(4) is amended to read:

NR 45.05(4) AIRCRAFT. No person may land or launch any aircraft on the water or ice of Devil's lake in Devil's Lake state park, Sauk county; all waters in Governor Dodge state park, Iowa county, and Willow River state park, St. Croix county; Crystal lake in the Northern Highland state forest, Vilas county; Lake of the Dalles in Interstate park, Polk county; Mauthe lake in the Kettle Moraine state forest, Fond du Lac county; Lake Seven in the Kettle Moraine state forest, Sheboygan county; Ottawa lake in the Kettle Moraine state forest, Waukesha county; Interfalls lake in Pattison state park, Douglas county; Yellowstone lake in Yellowstone Lake state park, Lafayette county, and on all waters and lands, except model aircraft and hang gliders, in the Richard Bong state recreation area, Kenosha county.

SECTION 9. NR 45.06(1) is amended to read:

NR 45.06 Animals. (1) No person may allow a dog, cat or other pet in any building or on any swimming beach, or on any Great Lakes shoreline zone as posted, picnic area, playground, fish hatchery ground, or Paradise Springs area southern unit Kettle Moraine state forest. Dogs, cats and other pets shall be kept on a leash not more than 8 feet long and under control at all times in all other state park areas, headquarters areas, ranger stations, campgrounds, state natural areas, on posted trails and posted use areas in state forests and the intensive use zone within the Richard Bong state recreation area. No person may allow his or her dog, cat or other pet to interfere in any manner with the enjoyment of the area by others.

SECTION 10. NR 45.06(6)(a) is amended to read:

NR 45.06(6)(a) No person may ride, lead or fail to prevent ~~a horse~~ any equine animal from being on any beach, posted or marked hiking trail, nature trail, picnic area or non-equine campground or contrary to posted notice on the northern state forests or the Turtle-Flambeau scenic waters area.

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

NR 45.09(4) Nothing in this section shall prohibit the hunting of deer as provided in s. 29.621 (4), Stats., in accordance with the open seasons established by s. NR 10.27, except that for those projects listed in s. NR 10.27 (1) ~~and~~ (2), (6) and (8), hunting is limited to persons holding a permit for the project issued pursuant to ~~s. ss. 29.177 and 29.181~~, Stats.

SECTION 12. NR 45.10(1)(k) and (n) are amended to read:

NR 45.10(1)(k) Camping permits are not required and payment of camping fees ~~are~~ is waived when camping on state-owned islands in the Mississippi river or state-owned islands or sandbars in the Lower Wisconsin state riverway, on other state-owned islands outside state forest boundaries when the island is posted open to camping, designated campsites on the Willow flowage and designated watercraft campsites in the northern state forests, Turtle-Flambeau scenic waters area ~~or~~ Chippewa flowage or Menominee River natural resources area.

(n) When camping at designated campsites at the Willow flowage or designated watercraft and island campsites at the Turtle-Flambeau scenic waters area or Chippewa flowage, the campsite shall be occupied by the camping party on the first night camping equipment occupies the site, and the campsite may not be left unoccupied by the camping party for more than one night thereafter.

SECTION 13. NR 45.10(4)(am) is created to read:

NR 45.10(4)(am) The indoor group camp at Big Bay shall be utilized only by nonprofit organizations recognized by the internal revenue service under 26 USC 501(c)(1), (3) or (4) and may be reserved only for a maximum of 3 camper days.

SECTION 14. NR 45.11(6)(g) is amended to read:

NR 45.11(6)(g) Vern Wolf lake within Richard Bong state recreation area, sections 15, 16, 21 and 22, T2N, R20E, town of Brighton, Kenosha county.

SECTION 15. NR 45.12(1)(a) is amended to read:

NR 45.12(1)(a) No person may operate or park any motor vehicle or trailer or semitrailer in the Richard Bong state recreation area, in the Point Beach state forest, in developed recreational areas in other state forests as designated in par. (b), in designated use zones within recreation areas established under s. 23.091 (3), Stats., or in any state park or roadside park except those designated in par. (c) and those specified in s. 27.01 (7)(c), Stats., unless the vehicle displays a vehicle admission receipt in the manner specified by the department on the receipt or at the place of purchase.

SECTION 16. NR 45.12(1)(b)5.n. to zb. are created to read:

- NR 45.12(1)(b) 5.n.** Highway P Ice Age Trail parking area
- o.** Shelter 5 parking area
 - p.** Highway S Bridle Trail parking area
 - q.** Highway U Dog Training parking area
 - r.** Greenbush Kettle parking area
 - s.** Kellings Lake Dog Training parking area
 - t.** Crooked Lake boat access area parking
 - u.** Auburn Lake boat access area parking
 - v.** Lake Seven boat access area parking
 - w.** Little Mud Lake picnic parking area
 - x.** Spruce Lake Bog parking area
 - y.** Highway H Ice Age Trail parking area
 - z.** Youth Camp Road Bridle Trail parking area
 - za.** Highway 67 Bridle Trail parking area
 - zb.** Forest Lake access

SECTION 17. NR 45.12(1)(b)6.q. to v. are created to read:

- NR 45.12(1)(b)6.q.** Highway 67 wayside
- r.** Eagle Dog Trial Grounds
 - s.** Stute Springs nature trail parking area
 - t.** Blackhawk (Hwy 12) parking area
 - u.** Lone Tree Bluff nature trail parking area
 - v.** Bald Bluff nature trail parking area

SECTION 18. NR 45.12(1)(b)6m, 7. and 8. are renumbered to read NR 45.12(1)(b) 7. to 9.

SECTION 19. NR 45.12(1)(c)2 is repealed.

SECTION 20. NR 45.12(1)(d)8. and 22. are amended to read:

- NR 45.12(1)(d)8.** Richard Bong state recreation area
- 22.** Pike Lake ~~state park~~ Unit Kettle Moraine state forest

SECTION 21. NR 45.12(1)(d)50. to 53. are created to read:

- NR 45.12(1)(d)50.** Capital Springs Centennial state park and recreation area
- 51.** Governor Tommy G. Thompson Centennial state park

- 52. Mill Bluff state park
- 53. Aztalan state park

SECTION 22. NR 45.12(2)(a)1. and 2. are repealed and recreated to read:

NR 45.12(2)(a)1. Campgrounds in state parks, southern forests, and recreation areas, and on state trails, as well as the Crystal Lake, Musky Lake, Firefly Lake, and Clear Lake campgrounds in the Northern Highland-American Legion state forest, and Castle Mound campground in the Black River state forest, are Type "A" campgrounds.

2. All northern forest campgrounds, except for the Crystal Lake, Musky Lake, Firefly Lake, and Clear Lake campgrounds in the Northern Highland-American Legion state forest and the Castle Mound campground in the Black River state forest, are Type "B" campgrounds.

SECTION 23. NR 45.12(2)(b)1. is amended to read:

NR 45.12(2)(b)1. Electricity ~~\$3.00~~ \$5.00 per unit per night

SECTION 24. NR 45.12(2)(b)4. is created to read:

NR 45.12(2)(b)4. Additional camping fees may be charged for waterview campsites not to exceed \$5.00 per night for type A and B campgrounds.

SECTION 25. NR 45.12(2)(c)1. a. to c. and 3. a. and b. are amended to read:

NR 45.12(2)(c)1. a. Group rate 1 to 20 persons ~~\$30.00~~ \$40.00 per night
 b. Each additional interval of 10 or part thereof ~~\$15.00~~ \$20.00 per night
 c. Minimum per group per night ~~\$30~~ \$40.00 per night

3. a. Big Bay group camp, and Black River state forest ~~and Point Beach state forest~~. ~~\$2.00~~ \$3.00 per person per day ~~\$30.00~~ \$40.00 minimum per group per day.

b. ~~Kettle Moraine state forest northern unit group camp and Wyalusing group camp~~ \$4.00 per person per day \$200.00 minimum per group per day.

SECTION 26. NR 45.12(2)(c)3.c. is created to read:

NR 45.12(2)(c)3.c. Point Beach state forest \$5.00 per person per day \$60.00 minimum per group per day.

SECTION 27. NR 45.12(2)(d) is amended to read:

NR 45.12(2)(d) All reservation, family and outdoor group camping fees are waived for persons with disabilities and their personal care attendants brought by a nonprofit organization recognized by the internal revenue service under 26 USC 501 (c) (1), (3) or (4) whose primary purpose is the improvement of the mental or physical health of the individual. Applications on department forms for the fee waiver shall be received by the property for which the fee waiver is sought along with proof of nonprofit status at least 7 days prior to arrival. The nonprofit organization shall apply to the department on the required forms for a department identification number prior to arrival at the property for which the fee waiver is

sought. Memorial Day through Labor Day, fee waiver approvals may only be granted for Sunday through Thursday nights, and only with a prior camping reservation.

Note: The required forms may be obtained from the Bureau of Parks and Recreation at 101 S. Webster Street, Box 7921, Madison, WI 53707-7921.

SECTION 28. NR 45.12(3)(b) and (c) are amended to read:

NR 45.12(3)(b) State trails and trails on other department lands on which admission cards are required ~~may~~ shall be designated by the department with markers or signs.

(c) The following admission fees for state trails designated pursuant to par. (b) include tax:

1. Annual ~~\$10.00~~ \$15.00
2. Daily ~~\$3.00~~ \$4.00

SECTION 29. NR 45.12(4)(a)1. and 2., (e), (f)(title) and 2. and (h) are amended to read:

NR 45.12(4)(a) Blue Mound state park swimming pool

1. Adults ~~\$1.00~~ \$2.00 per day
2. Children (2-12) ~~\$.50~~ \$1.00 per day

(e) Rock Island state park overnight boat mooring fee ~~\$.60~~ \$1.00 per foot of length per night

(f)(title) Richard Bong state recreation area.

(f)2. 'Hunting zone.' A vehicle admission sticker, hunting and trapping license as well as hunting and trapping administrative fees are required for hunting and trapping in the Richard Bong state recreation area.

(h) Visitors using areas posted subject to self-registration requirement for either vehicle admission stickers, trail passes, mooring fees or camping fees shall pay an additional \$5.00 registration fee if they fail to self-register or pay at the park office.

SECTION 30. NR 45.12(4)(k) is created to read:

NR 45.12(4)(k) The fee for a commercial use permit shall be \$30.00 per year, in addition to any applicable admission fee.

SECTION 31. NR 45.13(1)(d) is repealed.

SECTION 32. NR 45.13(2)(title) is amended to read:

NR 45.13(2) PARFREY'S GLEN, NATURAL BRIDGE, ROCHE-A-CRI MOUND, PEWIT'S NEST AND OAKFIELD LEDGE STATE NATURAL AREAS.

SECTION 33. NR 45.13(2)(e) is created to read:

NR 45.13(2)(e) No person may enter or be in Oakfield Ledge state natural area between the hours of 8:00 p.m. and 6:00 a.m. except as provided for in s. NR 45.04(2)(a)2.

SECTION 34. NR 45.13(2m) is created to read:

NR 45.13(2m) STATE PARKS, RECREATION AREAS AND SOUTHERN FOREST AREAS. Within the boundaries of state parks, state recreation areas and southern forests, no person may take, pursue, catch, kill, trap or remove any wild animal without written permission from the department except as follows:

- (a) Fishing in accordance with ch. NR 20.
- (b) Hunting in accordance with ch. NR 10 and s. NR 45.09.
- (c) Killing of biting or nuisance insects.
- (d) Harvest of crayfish in accordance with s. NR 19.26.
- (e) Trapping on southern forests or state recreation areas in accordance with ch NR.10 and this chapter.
- (f) Arthropods collected for purposes of study as part of participation in a department sponsored naturalist or educational program. All collected animals shall be released on the property from which obtained and may not be removed from the property.

SECTION 35. NR 45.13(17)(title),(a) 1. to 3., (b) 2. and 3., and (18) are amended to read:

NR 45.13(17)(title) RICHARD BONG STATE RECREATION AREA. **(a) Definition.** “Richard Bong state recreation area” means that portion of township 2 north, range 20 east, town of Brighton, Kenosha county posted with department markers or signs.

1. ‘Hunting zone.’ All that portion of the Richard Bong state recreation area except that portion described in subd. 3.
2. ‘Special use zone.’ All that portion of the Richard Bong state recreation area lying south of state highway 142 posted with department markers or signs.
3. ‘Intensive use zone.’ All that portion of the Richard Bong state recreation area posted with department markers or signs.

(b)2. Reservations shall be submitted on department forms and will be accepted no more than one year and not less than 10 days in advance of the requested date. The forms are available at the Richard Bong state recreation area headquarters.

3. Reservations may be made at the Richard Bong headquarters in person or by mail.

(18) KETTLE MORAINE STATE FOREST, LAPHAM PEAK. No person may take, catch, kill, hunt, trap or pursue any wild animal, or discharge any firearm or have in possession or under control any firearm or air gun as defined in s. 939.22, Stats., unless it is unloaded and enclosed within a carrying case, or any bow, slingshot or spring-loaded device designed for shooting a projectile unless the same is unstrung or enclosed within a carrying case while on any department lands designated by posted notice ~~in sections 29, 30, and 32, T7N, R18E, town of Delafield, Waukesha County~~ within the Lapham Peak Unit-Kettle Moraine state forest.

SECTION 36. NR 45.13(24) to (26) are created to read:

NR 45.13(24) AZTALAN STATE PARK. Sledding, skiing and snowboarding are prohibited on the Indian mounds at Aztalan state park.

(25) TUSCOBIA STATE RECREATION TRAIL. Except for deer hunting in accordance with ch. NR 10, no person may hunt any wild animal or discharge any firearm, air gun, bow, slingshot or spring-loaded device designed for shooting a projectile within the boundaries of the Tuscobia state recreation trail.

(26) BIG BAY STATE PARK. No person may operate a dog sled on state lands in Big Bay state park unless authorized in writing by the property manager.

SECTION 37. EFFECTIVE DATE. Sections 1. to 21. and 27. to 36. shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats. Sections 22. to 26. shall take effect on the first day of the third month following publication as provided in s. 227.22(2)(b), Stats.

SECTION 38. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 13, 2003.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)