

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FWP-22-24

Relating to: Minor changes to DNR property management regulations (the 2025 property management housekeeping rule); chs. NR 1, 5, 10, 11, 17 - 20, 26, 27, 45, and 51

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

This will be a permanent rule.

2. Detailed description of the objective of the proposed rule:

The focus of this rule is to make minor, remedial updates to ch. NR 45, Wis. Adm. Code, and associated chapters of administrative code that relate to Department of Natural Resources property management regulations. This rule may clarify language to make administrative code more understandable, add and update definitions for ambiguous phrases used in administrative code, correct errors, omissions and inconsistencies (including with statutes), update outdated boundaries, names, points of reference and cross-references, reduce use of the passive voice, remove obsolete provisions, and improve chapter organization and structure.

More specific changes may include:

- Clarifying the lands to which ch. NR 45 is applicable (department lands only, not all state lands).
- Correcting certain language to meet administrative code drafting standards.
- Identifying the actor or regulated entity through use of the active voice in provisions currently using passive voice or that are otherwise unclear.
- Removing expired effective dates.
- Clarifying whether dead and down wood is considered to be dead vegetation that may be used to construct hunting blinds.
- Removing obsolete provisions from administrative code that do not apply to current management or recreational activities.
- Restoring omitted language relating to leash rules for pets on certain properties to remain consistent with long-standing policy.
- Correcting errors and typographical issues.
- Updating and clarifying definitions, such as for “vehicle,” and creating definitions for terms and concepts already used in administrative code that are not clear.
- Further clarifying the concept of “designated use.”
- Codifying the department’s existing policy on integrated pest management for increased transparency.
- Clarifying the allowable method of display for state park passes issued through the Wisconsin Public Library System state park pass loaner program.
- Addressing inconsistencies in closing hours where appropriate.
- Clarifying language to make certain provisions more understandable.

- Reorganizing and alphabetizing provisions to make administrative code easier to navigate.

Additional rule changes of a similar nature to those discussed above may also be considered.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter NR 45, Wis. Adm. Code, encompasses department property management regulations that apply to a variety of lands, including the state park system, state forests, state wildlife areas, state fishery areas, and state natural areas. Regulations contained in ch. NR 45 address the protection of public safety, health and welfare, property usership including allowable recreational activities, resource management and conservation, and special feature preservation on department-managed lands. In addition, multiple other chapters of administrative code contain provisions that relate to department-managed properties or interact with provisions in ch. NR 45, so updates to ch. NR 45 may necessitate concurrent updates and clarifications in other chapters to ensure consistency.

This rule will not substantively affect existing policy, and would have minimal, if any, impact on visitors to department-managed lands. If the department does not pursue these rule changes, some provisions in administrative code may remain inconsistent, inaccurate or unclear to department personnel and the public. This could impact the department's ability to implement and enforce property management regulations.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

The department has the authority under s. 23.09 (2), Stats., to promulgate rules and establish plans and projects for conservation, including establishing game and fish refuges, acquiring lands, and maintaining lands for conservation, habitat, research, scenic, historical and recreational purposes.

Section 23.091, Stats., authorizes the department to acquire, develop, operate and maintain state recreation areas and establish use zones and associated rules within state recreation areas.

Section 23.11, Stats., grants the department jurisdiction over department lands.

In s. 23.115, Stats., the department is directed to designate trails, campgrounds, picnic areas and other special use areas, and roads on department properties.

Section 23.117, Stats., allows the department to post trails as open to use by bicycles, electric scooters or electric personal assistive mobility devices, and requires the department to regularly patrol trails in state parks and the Kettle Moraine state forest.

Section 23.28, Stats., authorizes the department to designate and regulate state natural areas, and restricts the department from allowing uses of state natural areas that are incompatible with the natural value of those areas.

Section 23.33, Stats., authorizes the department to regulate all-terrain vehicles and utility terrain vehicles in a manner consistent with the rules established in this section of statutes.

The state park system is established in s. 27.01, Stats., and that section grants the department acquisition, development and administration authority for the state park system. This includes authority in s. 27.01 (2) (j), Stats., to promulgate rules regulating the use of state parks. Furthermore, s. 27.01 (10) (b), Stats., allows the department to establish and operate campgrounds on department lands, and s. 27.01 (11), Stats., authorizes the department to establish a campground reservation system and promulgate rules

associated with it. Section 27.01 (7) (e) 2., Stats., allows the department, through rulemaking, to authorize a vehicle admission receipt to be displayed by methods other than affixing the receipt to the windshield.

Section 29.014, Stats., grants the authority for the department to establish open and closed seasons, bag limits, size limits, rest days and other conditions for taking fish and game to conserve fish and game and ensure continued opportunities for good fishing, hunting and trapping.

According to s. 29.335, Stats., the department shall promulgate rules regulating feeding of wildlife.

In s. 29.617, Stats., authority is granted to the department to acquire, lease, develop and maintain public hunting and fishing grounds.

In addition, general authority is granted by s. 227.11 (2) (a), Stats., to implement and interpret the statutory authority conferred to state agencies.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Department staff will spend an estimated 100 hours developing and reviewing the rule, holding the public hearing and comment period, and incorporating public input into the rule.

6. List with description of all entities that may be affected by the proposed rule:

This rule may impact visitors to department-owned, -leased and -managed properties, but any impacts will be very minimal. Visitors are likely already aware of and follow the property management regulations on the properties they frequent.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

Federal regulations do not directly apply to the management of Department of Natural Resources lands.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

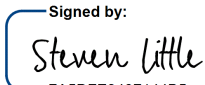
The department anticipates that this rule will have minimal economic impact, if any. This rule will not impact the amounts of existing fees and will mainly relate to department management of its own lands.

9. Anticipated number, month and locations of public hearings:

The department anticipates holding one public hearing in the month of October 2025.

The department will hold the hearing virtually to allow for as many people to attend as possible. Comments may be provided by mail, phone and email.

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Signed by:

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For Karen Hyun, Ph.D., Secretary
4/21/2025 | 9:57 AM CDT

Date Submitted