

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Ch. NR 45, Use of Department Properties and NR 51, Administration of Stewardship Grants

3. Subject

Board Order LF-02-15 relating to public use of department properties and implementation and administration of the stewardship grant program. The Legislative Council Rules Clearinghouse number for this rule is CR-15-101.

4. Fund Sources Affected

GPR FED PRO PRS SEG X SEG-S

5. Chapter 20, Stats. Appropriations Affected
20.370(1)(mu) and (mv)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

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

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

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

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

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

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

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis. The department sought comments through a notice for solicitation of comments on this analysis which was posted on the department's website for a 14 day period beginning on November 25, 2015. No comments were received.

No effects are anticipated. These rules primarily establish guidance for the activities of visitors to department managed properties such as state parks, trails, forests, recreation and wildlife or fisheries management areas. These rules are applicable to individual visitors and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

11. Identify the local governmental units that participated in the development of this EIA.

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis. The department sought comments through a notice for solicitation of comments on this analysis which was posted on the department's website for a 14 day period beginning on November 25, 2015. No comments were received.

No effects on local governments are anticipated. These rules primarily establish guidance for the activities of visitors to department managed properties such as state parks, trails, forests, recreation and wildlife or fisheries management areas. These rules are applicable to individual visitors and impose no compliance or reporting requirements for local government, nor are any design or operational standards contained in the rule.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The rule proposal has been revised subsequent to conducting the comment period for the original economic impact analysis. Notably, provisions establishing regulations for shooting ranges have been amended. Provisions have been added that repeal current prohibitions on the possession of firearms in certain areas such as campgrounds and refuges and firearms would no longer need to be enclosed in carrying cases. Finally, a provision has been added which increases by \$1.00 the fee to use the newly renovated pool facilities at Blue Mounds State Park in Dane and Iowa counties. The department anticipates that there will be no economic impacts as a result of revisions to the rule proposal. Governor's Executive Order # 50 relating to guidelines for promulgating administrative rules establishes, in IV. 9. a., that a revised economic impact analysis only needs to be submitted to the legislative council and others if there would be a "significant change". Therefore, the department has not submitted the revised economic impact analysis or conducted an additional comment period.

Economic and Fiscal Impact

These rules primarily establish guidance for the activities of individual visitors to department managed properties such as state parks, trails, forests, recreation and wildlife or fisheries management areas. The proposal is not expected to significantly affect currently available outdoor opportunities and we do not expect any resulting impacts to the economic activity generated by people who utilize department lands. These proposals will contribute to the maintenance of the current economic activity generated by people who participate in recreational activities on department managed lands.

No economic impacts to small businesses, business sectors, local governments, public utility rate payers or the state economy are expected.

Fiscal Impact on the Department

The department does not anticipate any needed changes in staffing levels or associated fiscal impacts. The department currently has in place a system and staff people who manage department properties including by collecting fees, issuing permits, and enforcing regulations. Any new staff effort resulting from these rules will be minimal and can be absorbed within the department's current budget.

There are a few proposed changes to NR 45 that are likely to result in some, but generally minimal, revenue increases to the Conservation Fund. Many of the changes are difficult to quantify as there is not adequate data to base assumptions on. The following

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

fee proposals are included in this rule package:

- Increase of dump station fees from \$3 to \$10 for non-registered campers. Based on 2015 numbers there was approx. 1584 users at \$3.00 each generating \$4752. Based on the increase to \$10 this would increase revenue to \$15,840. although this would be less if some people decided to go elsewhere to dump their waste.
- Reduction in the costs of shelter rental at Black River State Forest. Currently, the two shelters average about two rentals per year generating \$180 of revenue. By cutting the fee substantially (from \$70 to \$40 for non-electric and from \$80 to \$45 for shelters with electricity) it is anticipated that rentals will increase. This increase may also result in some additional vehicle permits being sold. It is difficult to assess how much use will increase as there are no comparable shelters in the area with similar amenities.
- Rule clarifying when motor bicycles are permitted on state trails. It is anticipated that there will be some additional trail passes sold but there is no way to determine how many. Anecdotal evidence indicates that there is some avoidance of the use of the state trails on motor bicycles due to uncertainty about the regulations.
- Adding the requirement to have a vehicle admission sticker at four areas. It is anticipated that there will be some additional revenue generated from daily and yearly vehicle admission stickers for these four areas from vehicles entering these areas that do not have an annual vehicle admission sticker. It is not possible to determine the amount of revenue that will be generated as there are no comparable properties that have introduced a fee requirement recently, nor is there an accurate way of determining how many vehicles will be entering these properties, and what percentage would be new state park visitors who have not already purchased stickers.
- Users of the Blue Mound pool will be required to pay a \$1 more for the use of the pool. Average pool attendance is approximately 12,000. Park Staff already collect fees, so there will be no additional cost for collecting the fee increase. Additional revenue by fee increase is estimated at approximately \$12,000.

The following provision will result in a slight, but indeterminate reduction in revenue:

- Eliminating fee requirement at two day use areas at the Clear Lake and Sandy Beach Picnic areas on Northern Highland American Legion State Forest. Very little revenue is collected specifically for use at the Clear or Sandy Beach Picnic Areas (estimated at \$500 by property superintendent). Many vehicles already have stickers or they park at the Clear Lake Boat Landing, where stickers are not required, and walk the short distance to the picnic area.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Implementing these rules will contribute to the effective management of department lands and the availability of excellent recreational opportunities on these lands. This will maintain the economic activity generated by people who participate in recreational activities on department managed lands.

14. Long Range Implications of Implementing the Rule

The long range implications of this rule proposal will be the same as the short term impacts. These proposals will contribute to the maintenance of the current economic activity generated by people who participate in recreational activities on department managed lands.

15. Compare With Approaches Being Used by Federal Government

Federal agencies that administer federal lands have many comparable provisions governing public use. Those regulations are established in 36 CFR for NPS Regulations, Federal Land Policy and Management Act for BLM lands. 16 USC for USFWS and USFS lands.

None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of state owned lands which are established based on needs that are unique to those state's resources and public desires.

Minnesota has specific legislation for its water routes program, which was enacted in 1963 ([s. 85.32, MN Stats.](#)). Maps show 4,529

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

miles of state water trails. Iowa's state water trail system has 923 miles of designated state water trails and another 1,219 miles of potential study areas (potential state water trails). Minnesota has just begun forming a state water trails program and will be introducing authorizing legislation.

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

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

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

17. Contact Name

Kathryn Fitzgerald or Scott Loomans

18. Contact Phone Number

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This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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