

SUBJECT: Request adoption of Board Order FR-38-10 creating NR45.055, specifying where and when golf carts are allowed in the Governor Thompson State Park and the Peshtigo River State Forest.

FOR: MARCH 2011 **BOARD MEETING**

TO BE PRESENTED BY: John Lubbers (Forestry) and Peter Biermeier (Parks and Recreation)

SUMMARY:

s. 27.01 (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. 27.01 (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.

RECOMMENDATION: Adopt Board Order FR-38-10.

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/> | Fiscal Estimate Required | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

Robert Mather
Bureau Director,

Paul DeLong
Administrator,

AJM For the Sec. SR
Secretary, Cathy Stepp

1/14/2011
Date *1/14/2011*

1/14/11
Date

1-19-11
Date

- | | |
|--------------------------|------------------------------------|
| cc: NRB Liaison | Bob Mather - FR/4 |
| DNR Rules Coordinator | John Lubbers - Green Bay |
| Teague Prichard - FR/4 | Dan Schuller - PR/6 |
| Quinn Williams - LS/8 | Dan Mertz - |
| Will Christianson - MB/8 | N10008 Paust Lane Crivitz WI 54114 |

DATE: January 24, 2011

TO: Natural Resources Board Members

FROM: Cathy Stepp – Secretary, Department of Natural Resources

SUBJECT: Recommendation to Adopt a Permanent Rule creating NR 45.055 which authorizes and designates areas for Golf Cart Use in the Governor Thompson State Park and the Peshtigo River State Forest – Board Order FR-38-10

1. Why is this Rule Being Proposed?

s. 27.01 (17) Stats., created under 2009 Wisconsin Act 54, requires the Wisconsin Department of Natural Resources (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.

Golf carts fall under the definition of a motor vehicle s. 340.01 (35), Stats. Golf carts are not allowed on “public roads” including DNR managed roads and parking lots. Before the Department took ownership of the lands now consisting of the State Park and State Forest, golf cart use was occurring, but not formally authorized, on certain Wisconsin Public Service property and boat landings.

s. 27.01 (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.

2. Summary of the Proposed Rule

The 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.

The rule authorizes the use of golf carts in the Governor Thompson State Park and the Peshtigo River State Forest. The rule describes specifically, which areas on the above mentioned properties are authorized for golf cart use, including six (6) boat landings, one (1) town park leased from the Department, one (1) Department road, and other locations as posted.

The rule also describes how the golf cart must operate, that golf cart operators must possess a valid drivers license, and minimum safety features that the golf cart must possess.

3. How this Proposal Affects Existing Policy

The proposed rule is specific to only the Governor Thompson State Park and the Peshtigo River State Forest and specific locations on these two properties. Existing policy does not allow for recreational use of golf carts on state lands and that will remain the policy for locations not included in the new rule. This could cause some enforcement challenges with those who do not know the limitations of the new rule and operate golf carts in areas outside the scope of the new rule.

4. Hearing Synopsis, Public Comments, Rules Clearinghouse Comments, and Post-hearing Contacts

Public Hearing: 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 Park. None of the comments addressed the proposed rule's definition of a golf cart, or 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 Park.

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

Post-hearing Contacts: None on NR 45.055.

5. Changes made to the Plain Language Analysis of the Rule or to the Fiscal Estimate

No changes have been made to the plain language analysis of the rule or the fiscal estimate.

6. Information on Environmental Analysis, if needed

Under the provisions of s. NR 150.03 (6) (b) 3. b., Environmental Analysis and Review Procedures for Department Actions, this is a Type III action, since the implementation will not have material adverse impacts on the human environment and the Department has limited discretion in formulating important provisions of its rules. A Type III action does not require an EA or EIS, as stated in s. NR 150.20 (1) (b) 3., Wis. Adm. Code.

7. 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.

Attachment 1: NR 45.055 Golf Cart Rule Comment Summary

On December 16, 2010, the Department held a public hearing on the proposed rule at the Stephenson Town Hall in Crivitz. John Lubbers and Peter 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.

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. The specific comments and Department responses are detailed below.

1. Comment: (Greg VandenBergh) I have property adjoining the Park. I would be in favor of golf carts in the park for the elderly and disabled. It is a very beautiful park and Maggie is doing a great job managing the Park. I have elderly parents and in laws. They are not able to walk very far and therefore do not get to see all of the Park.

Department Response: This rule proposal would provide golf cart access to an area near the Boat Landing (#13) in Governor Thompson State Park. At the boat landing, there is an accessible pier. Future improvements at the park will include accessible campsites and trails.

2. Comment: (Chris Kailhofer) I'm against the idea. It's hard enough these days to find a location where you can enjoy nature without some idiot on a motorized vehicle polluting the environment, whether it be sound or exhaust. Also, since no one ever seems to be able to stay on trails when you give them a vehicle, it seems like it would tear up the landscape more than is necessary.

Department Response: The park law enforcement staff will monitor golf cart activity on state lands.

3. Comment: (Kristopher and Nancy Stewart) I am opposed to the use of golf carts on trails and at the boat launches at Peshtigo River State Forest and Gov. Thompson State Park. Golf carts are a convenience item that are meant to be used on golf courses and other private property. To allow the use of them on public property, especially in state parks and forests could ruin the peaceful experience many of us are seeking when we spend time in nature. Just their presence on a trail would ruin the experience for me and my family. We spend time each summer in the Crivitz area with friends and we greatly enjoy exploring the relatively new Gov. Thompson State Park, we are very excited to try the new campground when it opens. We have seen how busy the boat landings can be, especially when the fish are biting. As avid boaters ourselves, I believe it is not safe to mix recreation uses at a boat launches. It is very important that ramp area is clear of obstructions so that those pulling boats on trailers can maneuver and safely back into position without having people on golf carts in their way. I would also hate to see parking spaces for boaters plugged with golf carts, especially since boaters have paid for the development of the boat landing through registration and titling fees and motorboat gas tax. Please keep the parks and forest closed to golf carts.

Department Response: The Department is promulgating a rule that complies with state law authorizing golf cart use for at least the same hours and in at least the same places as golf carts were used before the Department purchased lands from Wisconsin Public Service. This includes the boat landings listed in the proposed rule on the state forest. The suggested route for Boat Landing 13 within Governor Thompson State Park does not connect to the boat landing, rather it ends at a small cart parking area just off from the boat landing access road. The Department believes this path and parking area will be a safe means of meeting the law and providing for safety amongst park users. Golf carts are not allowed on any existing recreational trails on the state forest. Their use is mainly limited to areas that already are frequented by cars, trucks and motorcycles so we do not see golf carts impacting a user's peaceful experience of the forest any more than those vehicles do. We discussed the congestion issue at boat landings with the golf cart proponents. They are aware of concerns about safety and parking. These issues will be topics of discussion at a springtime meeting with the golf carters in 2011. These issues will be monitored during the recreational boating season and addressed if any problems arise.

4. Comment: (Lois Kailhofer) I do not want golf carts allowed at the boat landings of Gov. Thompson state park and the Peshtigo State Forest.

Department Response: The Department is promulgating a rule that meets the statutory requirements of law. The law is the determining factor on allowance of golf carts at the park and the forest.

5. Comment: (Lou Judge) I am writing in opposition to allowing golf carts and other not for highway use vehicles at Gov. Thompson State Park and the Peshtigo River State Forest. I don't believe they are safe for use on the roadways and not appropriate for use on trails that are not specifically designed for motorized use.

Department Response: See response to Number 4 above. Additionally, we discussed concerns about safety with the golf cart proponents. The proposed rule contains operating requirements meant to address safety and minimum safety features that golf carts must possess. Golf carts will not be allowed on any existing recreational trails on the forest.

6. Comment: (Andrew Kailhofer) I am writing this email to oppose the introduction of golf carts or other motorized conveyances into the state parks and forests in general, and especially with regard to Governor Thompson. I do not want to be subjected to the noise and/or the dangerous bustle of such vehicles, nor do I think it is a worthwhile use of resources to build extra roads and paths to support such unnecessary vehicles. Seeing what has happened in other states when golf carts were allowed, we don't want that in our parks and forests.

Department Response: See response to Number 4 above. The Department believes the construction of a short dedicated pathway and parking area for golf cart access to Boat Landing 13 within the park is the most practical and safe solution for meeting the intent of the law.

7. Comments: (Robert Rosenberger) I am concerned that the proposal to allow golf carts in the park will have a detrimental impact on my enjoyment of the park. I am also concerned that people who share my interests in the park will also face fewer opportunities to enjoy the park if golf carts are allowed.

The park is a nice place to recreate but golf cart usage will result in user conflicts. I would not want to be enjoying the solitude of the park to have it disturbed by a golf cart pattering by. Current vehicle use is restricted to the existing roads. The park will soon be opening for camping which will result in

substantially more traffic. Adding golf carts to the expanding traffic patterns will ultimately diminish the park as a nice place to get away from it all.

When driving through the park I would not want to drive around one of the winding park roads to come upon a golf cart in my travel lane.

I think that if you open the park to golf carts then other motor vehicle groups will want to gain access to the park with ATVs, snowmobiles, LUVs, and who knows what else will be invented and introduced next to the motoring public.

I also do not want to see golf carts in the state forest. I currently use the forest for grouse hunting, trout fishing, duck hunting, hiking, and dog walking. Allowing golf carts on the state forest may even be worse than allowing them into the park. The state forest is much larger than the park and presumably is patrolled even less by DNR than the park. I could see golf cart conflicting with forest users. I would not want to be in a tree stand bowhunting for deer and have a golf cart come by and spook the deer away. The roads in the forest are more erodible and less stable. Golf carts could tear up the roads more easily and could make the roads impassable for other users such as myself.

I understand these days that it is popular to "compromise" to try to make everyone satisfied. I doubt that you would give golf carts free access to go everywhere on the park and forest, but that you probably cannot keep them off altogether anyway. Maybe a single route for silent, battery operated golf carts to get to boat landing 13 to see the flowage and enjoy the facilities would be acceptable to me. But I would strongly oppose the expansion of golf carts to other areas of the park. In the forest there are no good areas for them to be operated. Medicine Brook road is a horrible place to allow golf carts to be operated. That road is difficult enough to use in a 4 wheel drive vehicle. Maybe a paved area like boat landing 6 or 7 would be a place they could go to enjoy the flowage without harming the road and conflicting with other traditional users of the forest.

I am opposed to the expansion of golf carts in the park and forest. I would like you to advance my comments so that the decision makers during this process understand that there are people who do not want golf carts on this land.

Department Response: The Department agrees that mixing golf carts and vehicular traffic in a park setting can lead to safety issues. Since the majority of the park was owned previously by an owner that did not allow golf cart access, the law is not requiring the Department to accept golf carts on those lands. This rule proposal has no golf cart access planned for roadways that are within the park. Their use on the forest is mainly limited to areas that already are frequented by cars, trucks and motorcycles so we do not see golf carts impacting or interfering with a hunters' or anglers' peaceful experience of the forest any more than those vehicles do. It is also our belief that golf cart use on forest roads will result in no worse wear and tear on the road than that caused by cars, trucks and motorcycles. On Medicine Brook Road, the golf carts are limited to the section from High Falls Road south 1.8 miles to the scenic overlook. They have operated here in the past and the steepest sections of this road are south of the overlook where carts will not be allowed to go.

8. Comments: (Board of Directors, Friends of Governor Thompson State Park) At their meeting, November 27, 2010, the Friends of Governor Thompson State Park, discussed and voted unanimously to oppose golf carts access to South Bay boat landing (landing 13).

The Park's Master Plan does not include any provision for the use of golf carts. No. 5 in the management goals states: Provide a range of seasonal and year-round non-motorized recreational opportunities that preserve the atmosphere of solitude, reflection, and learning....

Allowing golf carts to access South Bay according to the proposed rule, would require a substantial amount of funding to build and maintain a new trail and separate parking lot to serve a very limited number of people. With already limited funds for the ongoing development of the park, we feel the funds should not be used for just a small minority in the area with golf carts.

All of the areas that the golf carts would have access to are already accessible to everyone by motor vehicle – without spending major additional funds, which could be better used to benefit the general public, not just one small group.

Having to provide and maintain an access only for golf carts to the South Bay boat landing would create an unmanned entrance to the park, and could cause problems for park management.

The golf cart trail and parking lot would have to be located near the campground area and this would be detrimental to the campground and the policy that prohibits golf carts elsewhere in the campground and the park.

Department Response: It is correct that the current park master plan does not propose or allow golf cart use. State law, however preempts master plan language, and the park must accept golf cart use where it occurred previously. The Department believes it can build a trail and parking access area for golf carts at Boat Landing 13 within the park at a reasonable and acceptable cost.

Fiscal Estimate — 2009 Session

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number If Applicable
Bill Number	Administrative Rule Number FR -38-10

Subject
 Authorizing the use of golf carts on certain state lands per 2009 Wisconsin Act 54

Fiscal Effect

- State: No State Fiscal Effect
 Indeterminate

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

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

- Increase Costs — May be possible to absorb within agency's budget.
 Yes No
 Decrease Costs

- Local: No Local Government Costs
 Indeterminate

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 WTCS Districts

- Fund Sources Affected**
 GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations
 20.370 (1)(ca), (1)(mu), (1)(mv)

Assumptions Used in Arriving at Fiscal Estimate

Wis. Stat. s 27.01 (17), 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. These rules will identify locations which golf carts can use to transverse state lands and, in most cases, arrive at boat landing locations owned by the state. Five of the boat landing locations have access roads in place and landing areas identified. In the case of BL 13, the access route and boat landing parking area for golf carts needs to be further defined and designed. It is probable the Department will need to purchase lands and construct a cart path and parking area at BL 13. Additionally, at all locations, the Department will need to properly sign and maintain the access roads/trails for golf cart use.

State Fiscal Effect --

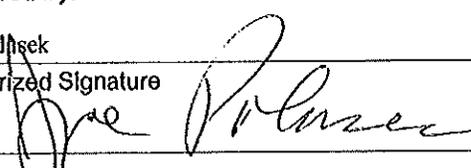
To adequately administer this new law, both access way construction along with reasonable signage and posting will be required. Signage costs are estimated as 20 signs at \$350 per sign for sign, post, concrete and labor. Total costs of signage estimated at \$7,000. The Department may also need to acquire up to two acres of land to access BL 13, and construct a trail on that acreage. The cost for the land and the trail has not been determined.

Local Fiscal Effect --

These properties are wholly managed by the Department; consequently the approval of these administrative rules would have minimal fiscal effect on local units of government.

Long-Range Fiscal Implications

Minimal

Prepared By: Joe Polhsek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 09-21-10

Fiscal Estimate Worksheet — 2009 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number If Applicable
Bill Number	Administrative Rule Number FR-38-10

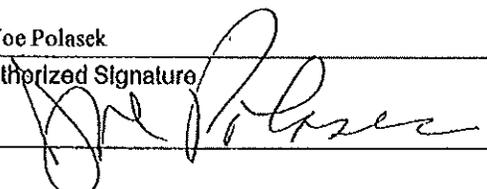
Subject
 Authorizing the use of golf carts on certain state lands per 2009 Wisconsin Act 54

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 Signage costs of \$7,000 (20 signs at \$350 for sign, post, concrete and labor). Possible land costs and construction of trail to BL 13 has not been determined.

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
Total State Costs by Category		\$	\$ -
B. State Costs by Source of Funds			
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
Total State Revenues		\$	\$ -

Net Annualized Fiscal Impact

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ _____	\$ _____
Net Change in Revenues	\$ _____	\$ _____

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 09-21-10

Cost-Benefit Analysis
Wisconsin Department of Natural Resources
Administrative Rule Proposal NR 45.055
Board Order FR-38-10

NR 45.055 would specify where and when golf carts are allowed in the Governor Thompson State Park and the Peshtigo River State Forest.

Fiscal Cost-Benefit Analysis

Fiscal Costs:

1. Staff Time

Department staff will have to implement and enforce the new rule. This cost is expected to be minimal or even negligible because staff are already patrolling park and forest areas and no extra patrols would be needed. Staff time to communicate the rule via brochures and signage is expected to be minimal.

The rule would have minimal fiscal effects on local units of Government, primarily the Town of Stephenson and Marinette County, because these properties are wholly managed by the Department.

2. Signage

The Department will need to provide basic signage on the state park and state forest to indicate the areas where golf cart use is allowed. Signage costs are estimated as 20 signs at \$350 per sign for sign, post, concrete and labor. Total costs of signage estimated at \$7,000.

3. Golf Cart Trail Development

In the case of Boat Landing 13 on the Governor Thompson State Park, the access route and boat landing parking area for golf carts needs to be further defined and designed. The construction of a short dedicated pathway and parking area is one option for providing golf cart access to Boat Landing 13. If this option is pursued, costs would depend on the size and design of the trail and parking area, which would be built in a way to keep costs at reasonable and acceptable levels. Maintenance of the trail would also be a factor.

Fiscal Benefits:

1. Access

Providing for golf cart use on certain parts of the state park and state forest will provide a new cohort of users (seasonal and year-round residents) pursuing a different mode of transportation with lawful access to the properties, likely increasing visitation. This new use is expected to have a minimal or negligible impact on current users in terms of displacement.

2. Tourism

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.

Net Cost-Benefit

While it is not possible to quantify all costs and benefits with precision, it is fair to say with low risk, that approval of the proposed rule will not have a significant fiscal impact to the Department (depending on the alternative selected for access to Boat Landing 13), and will have

a potentially positive economic impact to local businesses. In the long-term, the benefits of increased visitation to both properties and increased tourism for the local economy will outweigh the short-term costs of signage and potential golf cart trail development.

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

The Wisconsin Natural Resources Board proposes an order to create NR45.055, relating to the use of golf carts in the Governor Thompson State Park and the Peshtigo River State Forest.

FR-38-10

Analysis Prepared by the Department of Natural Resources

1. Statutes interpreted: In promulgating this rule, section 27.01 (17), Stats., has been interpreted as requiring the Department to create a rule that specifies when and where golf carts are allowed in the Governor Thompson State Park and the Peshtigo River State Forest.

2. Statutory authority: Section 27.01 (17), Stats.

3. Explanation of Agency Authority to Promulgate the Proposed Rules Under the Statutory Authority: s. 27.01 (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.

s. 27.01 (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.

Section 227.11(2)(a), Stats., expressly confers rulemaking authority on the Department to promulgate rules interpreting any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

4. Related Rule or Statute: Related statutes or rules include but are not limited to the following provisions:

340.01	Vehicles – General Provisions, Words and phrases defined.
349.18	Vehicles – Powers of State and Local Authorities, Additional traffic-control authority of counties and municipalities.
23.33(11p)(a)2	Conservation, All-terrain vehicles, Local ordinances, Utility terrain vehicle pilot program.

5. Plain Language Rule Analysis:

The 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.

The rule authorizes the use of golf carts in the Governor Thompson State Park and the Peshtigo River State Forest. The rule describes specifically, which areas on the above mentioned properties are authorized for golf cart use, including six (6) boat landings, one (1) town park

leased from the Department, one (1) Department road, and other locations as posted.

The rule also describes how the golf cart must operate, that golf cart operators must possess a valid drivers license, and minimum safety features that the golf cart must possess.

6. Summary of, and comparison with, existing or proposed federal regulations:

A search of federal regulations did not reveal any similar rules.

7. Comparison with rules in adjacent states:

Iowa - Iowa Code s. 347.247 - Golf cart operation on city streets.

Minnesota - Minn. Stat. s. 169.045 Special Vehicle Use on Roadway.

Michigan - Mich. Comp. Laws s. 257.244 - Operation of vehicle by manufacturer, subcomponent system producer, dealer, or transporter with special plate; unauthorized use of special plate; penalties; surety bond or insurance; number of plates; operation of vehicle with dealer plate by vendee or prospective purchaser; issuance of registration plate to move vehicle or trailer.

Illinois - 625 ILCS 5/11-1426.1 - Operation of non-highway vehicles on streets, roads, and highways.

Although addressing golf cart operation on highways, none of the state statutes and rules in adjacent states address the issue of golf carts on state parks and state forests.

8. Summary of factual data and analytical methodologies:

The Department gathered input in the form of interviews, from user groups, local residents, local units of governments and WPS to determine historical use of golf carts before the Department acquired the lands. In addition, significant consultation occurred with the Department of Transportation and the Town of Stephenson on existing golf cart ordinances, authority and safety elements.

9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: There are no new compliance, reporting, or bookkeeping requirements, nor are there any associated performance standards associated with the proposed rule.

10. Effect on small business: The proposed rule is not expected to have a significant adverse effect on a substantial number of small businesses and may have positive impacts 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.

Other potentially impacted parties include: local units of Government, primarily the Town of Stephenson and Marinette County; year-round and seasonal homeowners; public safety agencies; Wisconsin Public Service; and Wisconsin Department of Natural Resources. Associated impacts to these parties are expected to be minimal, but include implementation and

enforcement of the rule (town, county, WDNR public safety agencies) and ability of homeowners to lawfully use golf carts and a potential increase in such use (homeowners, businesses).

11. Agency Contacts:

Jim Warren, Chief – Public Lands and Conservation Services
Bureau of Forest Management
Ph: 608-264-8990
e-mail: jamesk.warren@wisconsin.gov

Peter Biermeier, Chief – External Relations and Planning
Bureau of Parks and Recreation
Ph: 608-264-6136
e-mail: peter.biermeier@wisconsin.gov

12. Place where comments are to be submitted and deadline for submission.

John Lubbers
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313-6727
920-662-5132
john.lubbers@wisconsin.gov

Deadline: The deadline for public comments was December 31, 2010.

13. Rule Language:

SECTION 1. NR 45.055 is created to read:

NR 45.055 Golf carts. (1) In this section, "golf cart" means, except as provided in this section, a properly maintained unmodified manufacturer specification vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf.

(2) No person may operate any golf cart on lands under the management, supervision and control of the department unless all of the following requirements are met:

(a) The golf cart is operated within any of the following areas:

1. Boat landings 5, 6, 7, 8, 10 in the Peshtigo River State Forest, and the posted route and parking area leading to Boat Landing 13 in the Governor Thompson State Park.
2. Stephenson Town Park on High Falls Flowage in the Peshtigo River State Forest.
3. Medicine Brook Road from High Falls Road south 1.8 miles to the designated scenic overlook in the Peshtigo River State Forest.
4. Other locations as posted.

(b) The golf cart is operated in all of the following ways:

1. On the extreme right side of any state forest or state park road, traveling with the flow of traffic.
2. In single file.
3. Pursuant to posted notice.

(c) The person is 16 years old or older and possesses a valid drivers license.

(d) The person is not under the influence of an intoxicant or a controlled substance.

(e) The person yields the right-of-way to all other vehicular traffic and pedestrians.

(f) The golf cart is equipped with, at all times, all of the following:

1. A slow-moving vehicle sign as prescribed by s. 347.245(1), Stats.
2. Two lighted headlights and two lighted taillights.

SECTION 2. EFFECTIVE DATE. This 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.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)