



1.0 Authority

[84.01\(2\)](#), [85.09](#), [85.15\(1\)](#), and [86.07\(2\)](#), Wisconsin State Statutes give the Wisconsin Department of Transportation (WisDOT) broad authority to control activities on state maintained transportation right of way.

Other state statutes and administrative rules may apply for specific activities as listed below.

- [66.1037](#), [84.07](#), [86.02](#), [86.03](#), Wis. Stats. - Vegetation alteration.
- [346.29\(3\)](#) and [349.20](#) Wis. Stats. Fishing and applicable DNR regulations.
- [86.02](#), [86.04](#), [346.94](#), and [29.331](#) Wis. Stats. Trapping and applicable DNR regulations.
- [167.31](#) Wis. Stats. Hunting and applicable DNR regulations.
- [346.16](#) Wis. Stats. Pedestrian access to freeways & expressways.
- [84.25](#), [84.29](#), [84.295](#), Wis. Stats. Access control.
- Trans [231](#), Permits for Driveways and Alterations in State Trunk Highways.
- Trans [233](#), Division of Land Abutting a State Trunk Highway or Connecting Highway.
- [85.15\(1\)](#), Wis. Stats. Property management.

2.0 General

WisDOT is responsible for the maintenance and control of all lands held by the state for transportation or transportation-related purposes (i.e. right of way). It holds these lands in the public trust and has an obligation to exercise good stewardship over them.

WisDOT receives many requests for the use of these lands. This guideline treats those requests from individuals who want to use WisDOT right of way or owned lands to harvest, collect, or remove products of nature. These activities include, but are not limited to, collecting seeds, harvesting berries and wild vegetables, fishing, trapping, and hunting.

Except where an individual or organization has previously secured a permit, non-transportation related activities conducted on WisDOT right of way or owned lands are prohibited. However, some activities are innocuous enough and happen with such frequency issuing a permit is either not necessary or impractical. Harvesting berries would be an example.

Harvesting, collecting, or removing products of nature from WisDOT right of way for commercial purposes is prohibited because the right of way or owned lands are held in the public trust for the benefit of all.

3.0 Specific Activities

The following information provides specific guidance for the subjects identified. This chapter provides guidance on public use of WisDOT right of way for certain activities. Nothing herein is intended to supersede the rules and regulations of other state agencies.

3.1 Harvesting berries, seeds, nuts, wild vegetables, fungi, etc.

Individuals gathering berries, seeds, nuts, wild vegetables, or other such natural products will not be required to obtain a permit from WisDOT provided:

- Pedestrians are legally allowed on WisDOT right of way at that location (excludes railroad corridors, interstates, freeways, and some expressways).
- The products are intended for personal use and not for sale.
- The products will not be used by a commercial enterprise.
- A permit is obtained from DNR for any seeds collected from plants that are state or federally designated as protected.
- The activity does not interfere with the free flow of traffic or endanger the individuals, motorists, or other users of the transportation system.

3.2 Cutting, digging, or otherwise causing injury to vegetation

Individuals or organizations may not dig or cut plants on WisDOT right of way, including wetland mitigation sites, and other WisDOT-owned lands. This includes transplanting vegetation from the right of way to another location (e.g. to an individual's own property), digging plants for resale, or cutting shrubs, branches, or trees for firewood, furniture, or any other purpose.

Exceptions to this general prohibition against harming vegetation may be granted through a [Work on Highway right of way permit](#) of the regional office where the project is located for:

- Removal of plants from the right of way that would otherwise be destroyed as part of an imminent transportation construction project. See HMM 07-25-05, Plant Rescue.
- Removal of a dead or a nearly dead tree that constitutes a safety hazard or a potential hazard to utility wires, private property, or people.
- Work on WisDOT right of way, such as driveway construction, utility installation, etc., if the impacts to vegetation are recognized and approved in the permit. See Highway Maintenance Manual Chapter 9, Right of Way Use and Permits.
- Eradication of noxious or nuisance weeds or other invasive species. See HMM 07-25-15, Weed Control Requests.
- Timber sales conducted through the regional office. See HMM 07-10-25, Logging by the Department.

3.3 Fishing

Individuals fishing within WisDOT right of way will not be required to obtain a permit. Fishing is allowed provided the following.

- Pedestrians are allowed to be on WisDOT right of way at that location (excludes railroad corridors, interstate highways, freeways, and some expressways).
- A "no fishing" sign has not been posted at that location (see Statutes [346.29\(3\)](#) and [349.20](#)).
- The fish caught are intended for personal use and not for sale.
- The fish will not be used by a commercial enterprise.
- The activity does not interfere with the free flow of traffic or endanger the individuals, motorists, or other users of the transportation system.
- The individual complies with all applicable DNR fishing rules and regulations.

3.4 Trapping

Individuals may not set traps on WisDOT right of way. There are two exceptions to this general prohibition.

- For example, if a beaver has built a dam within the right of way and the backwater is damaging or could damage a bridge, culvert, ditch or roadbed. In this instance, WisDOT may contract with a trapper to remove the nuisance animal(s). See HMM 07-15-15, Animal and Insect Pest Control.
- If the site is included in the list of locations where trapping and hunting is allowed (see part 4.0 Hunting and Trapping Locations of this guideline).

If a trap is found on WisDOT right of way without permission it has been illegally placed. The local unit of enforcement with trespassing authority should be contacted immediately. This includes the city or village police

department and town or county sheriff. They will spring the trap, remove it from the right of way, and process enforcement.

3.5 Hunting

Individuals may not hunt on WisDOT right of way. Hunting in this context is defined as using a bow, crossbow, firearm, or any device other than a trap, to capture or kill an animal. One exception to this is hunting allowed at certain wetland mitigation sites. Only those properties specifically included on the list in part 4.0 Hunting and Trapping Locations of this guideline are open to this activity.

No cutting or other damage to vegetation, such as opening shooting lanes, is allowed. Tree stands such as free climbing, ladder stands, strap-on stands, and platforms that do not injure a tree may be used. Screwing or nailing stands, steps or platforms to trees in these sites is prohibited. All stands, steps and platforms must be removed from the site at the end of each day.

At its discretion, WisDOT regional offices may post lands as off-limits to hunting. While the act of such posting is intended to proactively prevent hunting, it is not a necessary condition for the land to be off-limits.

4.0 Hunting and Trapping Locations

Individuals following all DNR regulations may trap or hunt at the following wetland mitigation sites, which are open to the public. These sites were selected because of their size, rural character, and ability to support migrant or resident populations of the animals being trapped or hunted. Individuals may trap or hunt at these locations without obtaining a WisDOT permit to access the land.

No motorized vehicles (ATV's, 4x4's, etc.) are allowed on these sites. The only exception to the use of a motorized vehicle is for disabled individuals with a DNR issued state permit to use/hunt from a vehicle. Before entering these lands with a vehicle, the individual must contact the WisDOT regional environmental coordinator for any limitations on such access. There may be sensitive areas within these sites that are highly susceptible to damage from any vehicle and need to be protected. These may include areas with wet and/or soft soils, presence of threatened or endangered species, etc.

	REGION	SITE NAME	COUNTY	TOWN/RANGE/SECTION	ACRES
1	SE (Waukesha)	Jacobson	Walworth	T3N-R15E s26, 35	359
2	SE (Waukesha)	Lang ¹	Waukesha	T8N-R17E s20	83
3	SE (Waukesha)	Oconomowoc River, STH 67 Bypass ²	Waukesha	T8-R17 s34	154
4	SW (Madison)	London	Jefferson	T7N-R13E, s30, 31	210
5	SW (Madison)	Fort Atkinson	Jefferson	T5N-R14E s6	114
6	NW (Superior)	Branca	Barron	T35N-R14W s25, 26	237
7	NW (Superior)	Eitenmiller	Rusk	T34N-R7W s13, 14	74
8	NW (Superior)	Nelson	Burnett	T38N-R18W s20	47
9	NW (Superior)	Roy Johnson East	Douglas	T49N-R10W s33	78
10	NW (Superior)	Staples Creek	Barron	T35N-R14W s31	493
11	NW (Superior)	Lauritsen	Burnett	T37N-R14E s20, 22, 29	66
12	NW (Eau Claire)	Mill Creek	Buffalo	T22N, R13W Sec25	31
13	NW (Eau Claire)	CCHC	Clark	T29N-R1E s32, 33	731
14	NW (Eau Claire)	Knight's Creek	Dunn	T27N-R14W s9	75
15	NW (Eau Claire)	Pechacek	Pierce	T27N-R18W s36	65
16	NW (Eau Claire)	Stephens	Chippewa	T30N-R6W s28	154
17	NE (Green Bay)	Pine Road	Door	T26N, R24E, Sec. 18 & 19	135
18	NE (Green Bay)	Blohowiak	Manitowoc	T21N-R24E s27	142

19	NE (Green Bay)	Charapata	Marinette	T31N, R19E, Sec. 24 & 25	146
20	NE (Green Bay)	Dumke	Marinette	T30N, R23E, Sec. 20 & 29	39
21	NE (Green Bay)	Sikma	Oconto	T27N, R21E Sec 1	82
22	NE (Green Bay)	Rosner Cedar Swamp	Marinette	T30N, R20E, Sec. 15	23
23	NE (Green Bay)	Benser	Oconto	T29N, R20E, Sec. 2	28
24	NE (Green Bay)	Cota-Heise ³	Oconto	T28N, R21E. Sec. 13 & T28N, R22E, Sec. 18	167
25	NE (Green Bay)	Duhm	Oconto	T29N, R20E, Sec. 35	107
26	NE (Green Bay)	Peshtigo Brook Phase 1	Oconto	T30N, R18E, Sec. 3	135
27	NE (Green Bay)	Peshtigo Brook Phase 2	Oconto	T31N, R18E, Sec. 29, 30, 31 & 32	280
28	NE (Green Bay)	Peshtigo Brook Phase 3	Oconto	T31N, R18E, Sec. 30 & 31	284
29	NE (Green Bay)	Sellen	Oconto	T29N, R20E, Sec. 13	80
30	NE (Green Bay)	Flunker ⁴	Waupaca	T21N, R14E, Sec. 33	30
31	NE (Green Bay)	Mitchell	Winnebago	T20N, R15E, Sec. 13	20
32	NE (Green Bay)	Rubbert	Winnebago	T20N, R16E, Sec. 17	108
33	NE (Green Bay)	Spiegelberg	Winnebago	T19N, R15E, Sec. 24	50
34	NE (Green Bay)	Town of Oshkosh	Winnebago	T19N, R16E, Sec. 26 & 27	80
35	NE (Green Bay)	Wilhelm	Winnebago	T20N, R15E, Sec. 4	60
36	NC (Wis Rapids)	Three Lakes 1	Marathon	T28N-R2E s2	227
37	NC (Wis Rapids)	Three Lakes 2	Marathon	T28N-R2E s12	32
38	NC (Wis Rapids)	Big Eau Pleine	Marathon	T29 R3E, s5	203
39	NC (Rhineland)	Bina	Langlade	T31N-R10E s4, 5, 8, 9	400
40	NC (Rhineland)	Deerbrook	Langlade	T32N-R11E s19	64
41	NC (Rhineland)	Kline	Price	T34N-R2E s7	15
42	NC (Rhineland)	Boettcher	Shawano	T26N-R18E s19	24
Total sites = 42				Total acres = 5,932	

¹The Lang site is open for bow hunting only. Site access is through abutting public properties only. No access through north chain link fence gate.

² Access to the Oconomowoc River, STH 67 Bypass site is not allowed from any state highway; access is allowed via the Oconomowoc River.

³ Site is within the City of Oconto. Be sure to check current City rules/ordinance for limitations on hunting.

⁴ Site does not have a public access point, permission must be granted from an adjacent property owner to access.