

Report to
Legislative Council Rules Clearinghouse
NR 52, Wis. Adm. Code
Natural Resources Board Order No. LF-08-09

Wisconsin Statutory Authority

ss. 23.0916 and 227.11, Stats.

Federal Authority

NA

Court Decisions Directly Relevant

None

Analysis of the Rule – Rule Effect – Reason for the Rule

2007 Wis. Act 20 included reauthorization of the Knowles-Nelson Stewardship Program, which is the primary funding source for acquiring land for conservation and outdoor recreation. Act 20 included a provision requiring that certain lands acquired with funds from the Stewardship Program be open to the following nature based outdoor activities (NBOAs): hunting, trapping, cross country skiing, hiking, and fishing. The Act provides for exceptions if it is necessary to prohibit one or more NBOAs to protect public safety, protect unique plant and animal communities, or to accommodate usership patterns.

The proposed rules create standards and criteria the Department of Natural Resources (DNR) will use to determine whether it is necessary to prohibit one or more NBOAs on each grant property. The rule identifies factors that DNR may consider when proposing a prohibition of one or more NBOAs, and establishes a process for reviewing land acquisition proposals for compliance with the ss. 23.0916, Stats. The rule requires that when DNR proposes to prohibit one or more NBOAs on a property, DNR will request public comments on the proposal. The DNR will evaluate the information received during the public comment period along with the information regarding the proposal to prohibit an NBOA and make a written determination on the proposal. The rule also includes a provision for the DNR to make periodic reports to the Natural Resources Board regarding the DNR's administration of the rule and determinations made in accordance with the rule. These reports will give the Natural Resources Board a chance to review the DNR's determinations and assess the effectiveness of the rule.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of Any Forms

None

Name and Telephone Number of Agency Contacts

Douglas Haag, Bureau of Facilities and Lands – (608) 266-2136
Tim Andryk, Bureau of Legal Services – (608) 264-9228