

Report From Agency

REPORT TO LEGISLATURE

NR 1 and NR 45, Wis. Adm. Code

Board Order No. PR-36-10
Clearinghouse Rule No. CR 10-118

Basis and Purpose of the Proposed Rule

The Bureau of Parks and Recreation recommends promulgating administrative rules that modify a section of s. NR 1.29 related to management of lands purchased for the Ice Age and North Country Trails.

Currently, there are no rules to specifically guide the management and development of this classification of land.

These rules would provide property managers and other department staff guidance on the management of lands purchased for the Ice Age and North Country trails. The proposed rules guide and permit some management of these lands such as selective timber harvest, invasive species removal, installation of the Ice Age and North Country trails, and minor support facilities and amenities such as small parking lots and informational kiosks.

The Bureau of Parks and Recreation also recommends promulgating administrative rules that modify a section of s. NR 45.10 to allow camping along the Ice Age and North Country Trails for long-distance hikers.

Summary of Public Comments

The public comment period ran from October 15 through November 5, 2010. A public hearing was held November 3, 2010 in Fitchburg.

In total, 142 people commented on the rule proposal. All comments were in support (of the proposed rule). One hundred and thirty-four comments were received by e-mail. Three letters were received. There were nine oral comments received via public hearing. However, four people who supplied written testimony at the public hearing also sent in written comments (three via email and one letter). No comments (written or oral) were opposed to the proposed rule.

Eighteen comments were received from horse enthusiasts and horse groups who supported the changes but would like increased equestrian use on State Ice Age Trail Areas (SIATAs). Most of the remaining comments came from Ice Age Trail supporters who were encouraged by the ability to allow initial, limited development to provide access to the properties, increased camping opportunities, and the limiting of vehicles near the trail reflected in the proposed rule changes. The National Park Service commented that they would like to see parallel language be created for the North Country Trail.

See below:

Attachment A: Comments for proposed changes to NR 1.29 Dec. 16, 2010

Support/Oppose Code Change	# Comments	Summary/Comments
Supports changes to NR 1.29 - Add Equestrian Use to NR 1.29	16 (1 oral testimony)	<p>I support the proposed order to repeal and recreate s. NR 1.29 and asks that section (6) (b) 2. b. add an allowance for horse riding to intersect, on a limited basis, with the Ice Age Trail tread to enable horse riders to traverse the Ice Age Trail land to connect to public or private horse trails adjacent to the Ice Age Trail land boundaries.</p> <p>I also ask the DNR to consider section (6) (b) 2. b. requirement that horse riding take place not less than 200 feet be viewed as a goal not a firm requirement thereby giving land managers the flexibility to modify the space from the trail tread as needed based on topography.</p>
Supports changes to NR 1.29	1	As long-time user and financial supporter of Wisconsin's trails - most notably the Ice Age Trail, I would like to register my support for proposed changes to the above rule as it relates to SIATAs.
Supports changes to NR 1.29	1	The proposed rules would help the Ice Age Trail in the following ways: They would make it possible to start new trail construction and establish dispersed camping areas on State Ice Age Trail Areas immediately upon acquisition, increasing the pace of Ice Age Trail development. They would strengthen the user experience by further limiting the use of vehicles on and near the Ice Age Trail. They would clarify which secondary uses are allowed — and which are not allowed — on SIATAs. Choices about secondary use are currently left to the interpretation of poorly written, outdated rules
Supports changes to NR 1.29	1	As an Ice Age Trail member and enthusiast, I would like to lend my support for the change to the Wisconsin Department of Natural Resources Rule NR1.29. It seems that it will increase the pace of the ice Age Trail development, as well as reduce use of vehicles on or near the trails, and better clarify secondary uses allowed, or not, on the Trail areas. All of this will make the hiking experience more enjoyable and safer for the hikers. It will also help protect one of this nation's premier natural wonders.
Supports changes to NR 1.29	1	As a hiker, I would greatly appreciate new trail to explore and the opportunity to camp at dispersed campsites on longer hikes. As a Wisconsin resident, I would appreciate the boon these improvements could create for the communities surrounding the IAT in terms of generating tourism revenue from out-of-state hikers. I have talked to hikers from all over the country and believe that more people would travel to hike long treks of the IAT if more of the footpath was complete and dispersed camping was available. Additional trail building would also create outdoor recreation opportunities for Wisconsin residents, 60% of whom live within 20 miles of the ice age trail. The rule changes would also support protection of the trail and the ecosystems surrounding it by limiting vehicle use on and near the trail and clarifying acceptable secondary uses.
Supports changes to NR 1.29	1	Since the top management priority for SIATAs is the Ice Age Trail, and the Ice Age Trail is a designated "foot path," I heartily endorse the proposed changes, and suggest that they should be adopted without delay.
Supports changes to NR 1.29	1	Please accept (DNR) Rule NR1.29 for upkeep & expansion of the Ice Age Trails.
Supports changes to NR 1.29 - Add Equestrian Use	1	Allow horses on the lands designated for IAT and North Country Trail.

Supports changes to NR 1.29	1	Strongly supports changes to increase dispersed camping along the trail. Wouldn't mind seeing the distances for allowable non-IAT uses to be increased to maintain solitude
Supports changes to NR 1.29	1	Any changes in policies that help speed up development of lands for the benefit of the public is welcomed by all. Taking a walk on any land is beneficial health wise, physical and mental well being. Walking trails in Wisconsin is good for tourism too.
Supports changes to NR 1.29	1	The proposed changes would enable more volunteers to get out and get involved and lead to a greater appreciation of the natural resources and a vision for a sustainable future
Supports changes to NR 1.29	1	Supports the changes, specifically geared towards allowing camping along the trail. Having to leave the trail to sleep ruins the great experience of the hiking the IAT
Supports changes to NR 1.29	1	As a scout leader, having dispersed camping along the trail would be a great thing.
Supports changes to NR 1.29	1	Supports the rule changes.
Supports changes to NR 1.29	1	Supports changes to the rule to enhance the user experience, make trail building and use happen quicker, and clarify which secondary uses are allowed or not allowed.
Supports changes to NR 1.29	1	Supports the rule changes to benefit the IAT and help connect the Northern and Southern Unit of the Kettle Moraine State Forest. Supports the defining of secondary uses. Wants to make sure the language about hunting is clear and does not universally allow hunting on SIATAs.
Supports changes to NR 1.29	1	Strongly supports changes to enhance hiking opportunities for everyone
Supports changes to NR 1.29	1	Supports the changes. It will speed up development on these lands but protects the primary purpose of these lands while also allowing secondary uses. These areas are a tremendous recreational opportunity and help bring in more visitors and users to an area.
Supports changes to NR 1.29	1	Having hiked all over the US, they are disappointed in the lack of camping options along trails in Wisconsin. Hiking areas near urban areas are sorely needed to help stop the invasion of noise and development in natural areas
Supports changes to NR 1.29	1	Wants more camping options along the trail along with easier development of trails
Supports changes to NR 1.29	1	As a trail user and IATA volunteer, they support the rule changes
Supports changes to NR 1.29	1	Supports the rule changes
Supports changes to NR 1.29	1	Supports the expansion of the Ice Age Trail
Supports changes to NR 1.29	1	Wants to keep the IAT a foot path only. Many volunteers worked hard to build the trail and don't want it ruined by vehicles or other destructive uses. Trails are a healthy way to exercise and enjoy nature. Bike trails have done wonders in parts of the state and it's only a matter of time before hiking trails do the same.
Supports changes to NR 1.29	1	Pleased to support an action that would encourage the completion of the trail, aid its maintenance and help promote it.
Supports changes to NR 1.29	1	Supports the continued development of the IAT which is an important state resource
Supports changes to NR 1.29	1	Having more places to camp would be beneficial to long-distance hikers

Supports changes to NR 1.29	1	Supports the changes to extend and protect the trail
Supports changes to NR 1.29	1	The IAT is a vital part of the state tourism and is important to protect the aesthetics of the land
Supports changes to NR 1.29 - with recommendations	1	The North Country Trail supports the changes and would like parallel language be created for the NCT. Suggests widening the distance of other trails from the IAT/NCT and to make sure hunting is not universally permitted on these lands. Strongly supports the trail as primarily a footpath and also to allow camping along the trail.
Supports changes to NR 1.29	1	Supports the changes and development of the IAT
Supports changes to NR 1.29	1	Supports the changes to protect the natural heritage of the state and to benefit the state tourism industry
Supports changes to NR 1.29	1	Endorses the changes
Supports changes to NR 1.29	1	The IAT is something to be very proud of and the continued development and protection will give future generations the same opportunity to enjoy nature as we do
Supports changes to NR 1.29	1	As a trail maintainer and webmaster for Portage Co. IAT Chapter, supports the changes
Supports changes to NR 1.29	1	Supports the changes to build more trail and provide more camping opportunities to bring in more users to the area and state
Supports changes to NR 1.29	1	Supports the changes
Supports the changes to NR 1.29	1	Supports the changes to help complete the trail
Supports the changes to NR 1.29	1	In favor of the changes
Supports the changes to NR 1.29	1	As a landowner that has IAT running through his land, supports the change to speed up the construction process and development of camping. Clarifying secondary uses will lead to greater hiker solitude
Supports the changes to NR 1.29	1	The changes would help build new trail, limit vehicle use and clarify secondary uses
Supports the changes to NR 1.29	1	Fully supports the changes to allow a greater degree of responsiveness and progress in developing the IAT. The trail is a great way to escape to nature or get a workout in. Keeping the trail pedestrian in nature and away from vehicles will enhance the user experience
Supports the changes to NR 1.29	1	As a hiker and volunteer, supports the rule changes
Supports the changes to NR 1.29	1	Former Ice Age Park and Trail Foundation board member, former co-chair of the Mid-Kettle Moraine Partners Group and avid hiker, supports the changes to advance development in a more timely matter and clarify secondary uses. As well as the benefit of protecting rare glacial features and for scenic beauty and commerce
Supports the changes to NR 1.29	1	In favor of the changes, especially to increase camping opportunities that would benefit multi-day hikers
Supports the changes to NR 1.29	1	IATA Marquette County Coordinator would like to see the extension of the IAT that would benefit all of this national treasure and protect it for future generations

Supports the changes to NR 1.29	1	Enjoys the solitude the trail provides and would like to keep it that by limiting vehicles and clarifying secondary uses
Supports the changes to NR 1.29	1	IAT volunteer and maintainer and would like to see the trail extended
Supports the changes to NR 1.29	1	Former chairman of Waukesha/Milwaukee IATA Chapter would like to be able to build trail quicker on SIATA lands which would spur more landowners to allow the trail on their land
Supports the changes to NR 1.29	1	Wants a more rapid trail development
Supports the changes to NR 1.29	1	In favor. "We spend millions to go fast. Let's spend some money to go slow."
Supports the changes to NR 1.29	1	Frequent user would like to see the rule changes to benefit the IAT - speed up development, limit vehicles and clarify secondary uses
Supports the changes to NR 1.29	1	Active volunteer likes the new rules to enhance the experience of IAT users and to streamline the trail building and camping process
Supports the changes to NR 1.29	1	Wholeheartedly in favor of the rule change. Has hiked entire IAT and all of the NCT in Wisconsin and would like to get the trails off of roads to improve safety and hiker experience. More camping is needed.
Supports the changes to NR 1.29	1	Approves of the strengthening and restricting vehicle use near the trail to keep the wilderness aspect of the trail intact. Adding more camping would improve visibility and allure to hikers nationwide.
Supports the changes to NR 1.29	1	Longtime IATA member in support, particularly clarifying secondary uses
Supports the changes to NR 1.29	1	Allowing camping is a good idea as well as extending the trail
Supports the changes to NR 1.29	1	Longtime IATA supporter in favor of new rules limiting vehicles and facilitating the completion of the IAT
Supports the changes to NR 1.29	1	Senior hiker in favor of protecting the land from housing development and enjoyment of IAT users
Supports the changes to NR 1.29	1	Supports the rule change and to keep the IAT as a footpath only for safety reasons
Supports the changes to NR 1.29	1	IAT user supports the changes
Supports the changes to NR 1.29	1	Supports the development of trail and clarifying of uses
Supports the changes to NR 1.29	1	Approves of the changes to benefit the IAT
Supports the changes to NR 1.29	1	Strongly supports the changes. SIATAs are purchased for the IAT so that should be the primary purpose of the land. Camping is needed to enable long distance hikers a place to legally camp and enhance the reputation of the IAT as a National Scenic Trail.
Supports the changes to NR 1.29	1	Strongly support the changes. Have walked over 1000 miles of the IAT and the need for campsites is evident as well as the limiting of vehicles along and near the trail.
Supports the changes to NR 1.29	1	In favor to open more land to the IAT
Supports the changes to NR 1.29	1	New rules enable DNR to more easily interpret existing rules
Supports the changes to NR 1.29	1	High School teacher in favor to provide more opportunities for people to enjoy the trail
Supports the changes to NR 1.29	1	In favor to help the IAT

Supports the changes to NR 1.29	1	Outdoor enthusiast and concerned about the environment supports the changes to benefit and protect SIATAs
Supports the changes to NR 1.29	1	Supports changes
Supports the changes to NR 1.29	1	In favor to help speed up the completion of IAT
Supports the changes to NR 1.29	1	In favor to increase extended and local hiking experiences and help foster healthy lifestyles. Limiting vehicle use, clarifying use and expediting the construction would be great for the trail.
Supports the changes to NR 1.29	1	UW-Hooper Outing Club has committed many volunteers and thousands of volunteer hours to the IAT and supports the changes to NR 1.29 to provide more opportunity to volunteer and continue the work of the people before them. It would benefit the club and general public as a place to experience the beauty of Wisconsin
Supports the changes to NR 1.29	1	Supports the new rules for developmental reasons and enhance local economic impact
Supports the changes to NR 1.29	1	Supports the changes to keep the trail non-motorized
Supports the changes to NR 1.29	1	IAT hiker who enjoys being able to get away from civilization in a hurry on the IAT. New rules would help preserve and expand those experiences on SIATAs
Supports the changes to NR 1.29	1	In favor to help extend the IAT
Supports the changes to NR 1.29	1	Supports the limiting of vehicle activity near IAT and increase the speed of new trail construction of this "gem"
Supports the changes to NR 1.29	1	User of trail wants to improve the IAT and be able to introduce more people to the trail
Supports the changes to NR 1.29	1	Active IATA volunteer supports the changes
Supports the changes to NR 1.29	1	NR 1.29 will greatly improve the IAT and provide more enjoyment of the beauty of the state
Supports the changes to NR 1.29	1	IATA volunteer supports the opportunities the IAT affords people
Supports the changes to NR 1.29	1	New rules enable the public to start enjoying SIATA lands quicker and faster implementation of the trail
Supports the changes to NR 1.29	1	In favor to hasten the trail building process and to limit vehicles from the trail.
Supports the changes to NR 1.29	1	IATA member likes the sped up development of the IAT, limiting of vehicles and clarification of uses. Enhance the experience of the trail for the people of Wisconsin
Supports the changes to NR 1.29	1	Uses the trail year-round and would like if there were more IAT to use. It would be a boost to the local economy
Supports the changes to NR 1.29	1	City of Janesville Parks Division is in full support of the rule changes
Supports the changes to NR 1.29	1	IAT user supports the changes to further develop the trail
Supports the changes to NR 1.29	1	Avid IAT hiker fully supports the changes. It will be great for tourism
Supports the changes to NR 1.29	1	New rules would enhance the experience for everyone
Supports the changes to NR 1.29	1	IAT maintainer would like a quicker trail building process

Supports the changes to NR 1.29	1	New rules will protect the great national resource for generations to come
Supports the changes to NR 1.29	1	Supports changes to make development more rapid and to limit vehicles (and bicycles) from the trail
Supports the changes to NR 1.29	1	Walworth IAT Chapter member leads hikes and rule changes would enhance everyone's experience on this world class asset
Supports the changes to NR 1.29	1	Senior hiker in favor of protecting the land and getting the trail off roads
Supports the changes to NR 1.29	1	In favor of new rules to strengthen and help the trail move more quickly in development. There is a need and want to help development more trail from volunteers
Supports the changes to NR 1.29	1	Hiked the off road sections of trail and would like the rest of the trail to get off the roads and onto the soil
Supports the changes to NR 1.29	1	IATA member wants more trail and it to be protected
Supports the changes to NR 1.29	1	Approves of the measures to ensure a more solitude experience as places to participate in a silent sport dwindle. This tranquil place needs to be protected like the Boundary Waters
Supports the changes to NR 1.29	1	IATA volunteer maintainer favors the changes to speed up development, clarify secondary uses and limit vehicles in the area around the trail
Supports the changes to NR 1.29	1	Former IATA staff person supports the changes to streamline the policy between the DNR and IATA regarding trail development
Supports the changes to NR 1.29	1	Approves of the changes
Supports the changes to NR 1.29	1	Increasing the development of the trail is exactly what it needs
Supports the changes to NR 1.29	1	Supports the changes to help complete the trail
Supports the changes to NR 1.29	1	IAT user and supporter in favor of changes
Supports the changes to NR 1.29	1	Landowner that has the IAT on their land would like the new rules to help manage her land even better
Supports the changes to NR 1.29	1	Avid IAT user supports the changes, especially making them pedestrian only
Supports the changes to NR 1.29 - with recommendations	1	The Ice Age Trail Alliance supports the strong statement of purpose for the Ice Age Trail in sections (2)(a) and State Ice Age Trail Areas in section (6)(a). By making the management of SIATAs more clear, it will increase the pace and ease of acquisition of SIATAs. We are confident that these new rules will make camping along the Ice Age Trail more readily available. There are a few aspects of the proposed rule that we would like to see amended prior to adoption. In section (3)(a), we request that the Ice Age Trail be defined as "...the Trail tread and the land 100 feet adjacent to both sides of the Trail tread." Furthermore, under (6)(b)2b, the IATA requests that the distance from the Ice Age Trail to an allowable bike or horse path be increased to 500 feet. In open areas or leaf-off these other trails would harm the IAT user's experience. Under (6)(b)2c, the IATA requests that no motorized uses be allowed on an SIATA, except for snowmobiles as already provided for under the National Trail System Act. Also, remove hunting from NR 1.29 as that has been addressed by NR 10.275(4) and NR 45.09(10) already.
Supports the changes to NR 1.29 (written)	2	Support the effort to protect and continue America's best scenic trail for future generations.

Supports the changes to NR 1.29 (written)	1	In favor of expanding the IAT and limiting motorized use to protect and interpret the great glacial features
Supports the changes to NR 1.29 (written)	1	The National Parks Service heartily endorses the proposed rule with a few changes. They recommend deleting the second sentence, addressing "secondary uses," because it is misleading and gives a false impression about hunting opportunities on these lands. Would like the addition of language to NR 1.29 specifically stating that easements are excluded from the operation of the hunting rules in NR 45 and NR 52. Also, emphasize lands purchased for the IAT and NCT using Federal financial assistance from the Land and Water Conservation Fund have a primary purpose that related to the IAT or NCT, not other trails. Just because a large tract of land is bought for the IAT or NCT, does not mean that there has to be other trails on it. Other trails cannot become a pattern or federal funding would be pulled. Continued cooperation is needed to make sure the proposed rules benefit the IAT and NCT.
Supports the changes to NR 1.29 (oral testimony)	1	IATA board member. Supports the changes, especially dispersed camping
Supports the changes to NR 1.29 - with recommendations (oral testimony)	1	Supports the changes but would like to add language to allow horse trails to intersect the IAT
Supports the changes to NR 1.29 (oral testimony)	1	Supports the changes to improve publics ability to figure out and enjoy these properties and the IAT
Supports the changes to NR 1.29 (oral testimony)	1	In favor of dispersed camping. Need more options in Wisconsin to be outdoors on public lands and in a more wilderness setting

Modifications Made

The department is proposing several minor modifications as a result of the public comments. The first is the elimination of listed "secondary uses" for SIATAs.

Second is the addition of consideration of funding source restrictions when determining appropriate uses of a property. Hunting, in accordance with recently established rules, was added to the list of allowable non-Ice Age Trail related recreational uses.

Finally, modifications were made to allow for more flexibility for allowing horse and bicycle use, while requiring consideration of potential impacts to Ice Age Trail user experience. Motorized use was clarified as being allowable as long as it does not interfere with the primary purpose of the property (as defined by the rule).

Appearances at the Public Hearing:

As interest may appear:

None

In Support:

Kristen Ramsey, 1207 Dartmouth Drive, Waunakee, WI 53597

Andrew Hanson 27091 Milwaukee Street, Madison, WI 53704

Joelle Baird, 1324 Williamson Street, #1, Madison, WI 53703

Tom Gilbert, 1206 Falcon Court, Middleton, WI 53562

Jason Dorgan, 10848 Blue Mountain Avenue, Blue Mounds, WI 53517

In Support (cont'd)

Kevin Thusius, 2100 Main Street, Cross Plains, WI 53528
Greg Ferguson, 5743 Taft Street, Middleton, WI 53562
Paula Piccoli, 6109 Jeffers Drive, Madison, WI 53719
Jean Warrior, 548 Linden Street, Verona, WI 53593

In Opposition

None

Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or fiscal estimate.

Response to Legislative Council Rules Clearinghouse Report

Comments from the Legislative Council Clearinghouse are reflected in the current proposed language with the exception of the request to change "horse" (use) to "horseback", as the more general term "horse" (use) is more inclusionary and descriptive of potential uses than the more restrictive term of horseback.

No changes were substantive in nature (i.e. they did not alter the purpose or significantly change the language of the proposed rule).

Final Regulatory Flexibility Analysis

The revisions to chs. NR 1 and 45, Wis. Adm. Code, pertain to property management. These rules are applicable only to certain designated lands owned by the department and impose no compliance or reporting requirements, and will not have a significant economic impact, on small businesses. Therefore, under s. 227.19(3m), Stats., a final regulatory flexibility analysis is not required.