

## Usership Patterns Concept Paper

### **Issue:**

The Natural Resources Board (NRB) has authority under s. 23.0916, Wis. Stats., to determine when one or more nature-based outdoor activities (NBOAs) may be prohibited on properties purchased with Stewardship Program funds. This authority extends to properties purchased by either the Department or by project sponsors seeking a matching grant. This paper examines the principles for allowing the prohibition of an NBOA when necessary to “accommodate usership patterns” as per s. 23.0916 (2), (3).

### **Background:**

The Natural Resources Board may prohibit one or more NBOA’s to accommodate usership patterns on a property. However the term “usership patterns” is not defined in statute and the statute specifically notes the Department is to define this term by rule. The Department utilized input from the Citizens Advisory Committee (CAC) to identify parameters and conditions that might apply to prohibiting a NBOA to accommodate usership patterns.

On October 29<sup>th</sup> the CAC identified a number of factors that may affect usership patterns for Stewardship properties and their management. These factors were applied in developing the recommendations below. The factors included:

- the primary purpose or intent for which the property was acquired
- the size and shape of the property
- the location of the property (rural vs urban, etc.)
- current or historical uses of the property
- management of time and space restrictions of NBOA
- funding for informational signage
- the lack of surface water

### **Recommendations:**

It is very difficult to precisely define the term usership patterns. In lieu of a specific definition that might be either too constraining or too broad, the following principles should be applied when considering prohibiting any of the 5 NBOAs in order to accommodate usership patterns.

1. The primary purpose for why the land is being acquired and managed should be clearly stated by the Department or grant applicant. There are two main ways this can be done that already exist in statute or administrative code.

A. For DNR acquisitions the purpose for which land can be acquired is identified in s. 23.09(2) (d).

B. For grant projects to a local unit of government (LUG) or non-profit conservation organization (NCO) land may be acquired as per s. 23.0917(3)(a) with further program descriptions in NR 51.

2. The DNR, or the LUG or NCO grant applicant should be able to relate the land acquired/protected and its intended purpose and management to a land and water protection plan(s) and/or to an outdoor recreation plan(s) at the state, regional, county or local level that will provide a context for the primary purpose of the land being acquired. Examples of such plans include but are not limited to: the Land Legacy Study, the State Wildlife Action Plan, the Natural Heritage Inventory, SCORP, Regional Plan Commission studies, plans or reports, County and Local Comprehensive plans, Local Park and Open Space Plans and property master plans.

These plans most often receive considerable public input and comment in their development and thus reflect the intent and wishes of the public. It may be reasonable to assume that the more local the scope of the plan, the more the plan reflects the needs and interests of local people who will more often utilize the lands acquired.

3. A proposed prohibited NBOA should be evaluated based on 1. and 2. above, and the following (if applicable).

A. A discussion of the 5 NBOAs currently being provided at the location of the proposed project.

B. A discussion of user incompatibility that may occur and how this incompatibility would lead to the primary purpose of the property being significantly altered or curtailed.

C. A discussion of the availability of the nature based outdoor activities that will be permitted in the area where the proposed project is located.

D. An explanation as to why practical management using time and space restrictions will not alleviate the user incompatibility. Size, shape and location of the property will be part of this consideration. This can include a discussion of surrounding land uses when those land uses are the reason for the prohibition.