

**Wisconsin Department of Natural Resources
Citizen Advisory Committee – Knowles-Nelson Stewardship Program**

**Public Safety Concept Paper
Redrafted for January 22, 2009 Meeting**

Issue

The Natural Resources Board has been given authority in S. 23.0916 Wis. Stats., to make determinations as to when a person receiving a Stewardship grant may prohibit one or more nature based outdoor recreational activities as defined in S. 23.0916(1)(b) Wis. Stats. One of the criteria given to the Natural Resources Board is the protection of public safety (S. 23.0916(2)(b)(1) Wis. Stats.). This paper develops basic principals for making those determinations.

Background

Public safety is a very general term found throughout state statutes and administrative codes. It is used to apply to many different situations and to create sideboards for many of our day to day life activities. Chief Warden Randy Stark has suggested that a basic public safety goal applied to public outdoor recreation might be to “create safe and enjoyable outdoor experiences for everyone.”

In order to achieve the goal of creating a safe and enjoyable outdoor recreational environment for everyone, it’s important to objectively anticipate foreseeable risk and manage it. To that end, Chief Warden Stark outlined a framework for evaluating recreational use and the physical characteristics of a property for coexistence with other user activities, managing user density, and raising awareness of the various uses occurring on a given property are all important. User visibility is also very important if hunting is occurring on the property. Regarding characteristics of the property itself, certain features of the property such as size, vegetative cover, proximity to buildings or residential development, adjacent property uses, terrain, and habitat might all be factors in determining whether a property is safe for one or all of the nature based recreational activities.

Citizen Advisory Group Comments

Small group findings from the Citizens Advisory Committee found many and varied opinions on the issue. There was discussion that public safety was really a user issue and not a safety issue. This notion was founded on the principal that the five nature based outdoor activities are very safe. Along this line, others in the group felt that public safety was a perception issue and that efforts to manage the perception of a safety issue would help alleviate potential conflict.

Others in the group noted the existence of ordinance created by local jurisdictions to manage potential public safety issues. One obvious example is a local ordinance

prohibiting the discharge of a firearm within a municipal boundary. Not all municipalities create such ordinances. This group asserted that the existence of an ordinance is an indicator of a public safety issue and felt that along with the ordinance there should be some explanation of the actual safety issue. It is the Department's understanding from the discussion at the October meeting, that it was agreed that grantees should not have to explain the intent behind the local ordinance.

Recommendation

The Department proposes that all transactions subject to S. 23.0916 Wis. Stats where the Department or the person receiving a Stewardship grant proposes to prohibit one or more nature based outdoor recreational activities because of a public safety issue shall include a specific section on public safety in the grant application or the Natural Resources Board Green Sheet that includes an explanation of the primary purpose for the project and at least one of the following:

- Laws and ordinances that may impact one or more recreational uses on the property. Public access on land owned by non-profit organizations may be affected or restricted because of local ordinances, and thus allowable access activities may change as the ordinance changes.
- Potential user conflicts that may reasonably be expected to create public safety issues and impact one or more recreational uses on the property.
- The physical characteristics of the property, including the size, shape, groundcover and topography, that create public safety issues and influence recreational activities on the property, such as: a description of the proximity of dwellings; schools; roads; campgrounds; etc.
- Any other public safety factors that may impact one or more recreational uses on the property.