

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

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). The paper is intended to define the term “usership patterns” found in s. 23.0916.

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 29th 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 and surrounding land uses (rural vs. urban, etc.)
- current or historical uses of the property and/or project area
- management of time and space restrictions of NBOA
- the lack of surface water
- historical or current funding sources

The committee also acknowledged that “accommodating usership patterns” is not the same as avoiding user conflicts.

Recommendations:

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. These plans will serve as the basis for understanding the availability of and demand for nature based outdoor recreational activities in the area of the proposed project. 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. While 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, use of Stewardship Funding should facilitate broader public use of the land.

3. A proposed prohibited NBOA should be evaluated based on 1. and 2. above, and the following additional factors may also be considered as part of the evaluation to determine the usership patterns for the property. Not all of these factors will apply to each project.
 - A. The 5 NBOAs currently being provided at the location of the proposed project as it relates to the primary purpose for the project as described in 1. above. This information will provide an historic baseline of public recreational uses at this location.
 - B. User incompatibility that may occur and how this incompatibility would lead to the primary purpose of the property being significantly altered or curtailed.
 - C. The complexity, feasibility, effectiveness (including cost-effectiveness) of separating activities by time and space or by any other manner that might mitigate user incompatibility and/or reduce the need for enforcement.
 - D. Size, shape and location of the property as well as surrounding land uses (including purchases that are embedded in a larger project area where Stewardship Funds may or may not have been used).
 - E. A discussion of the mix of NBOA's that to the extent practicable will provide a quality experience for all compatible uses and users on the property.
 - F. Considering that one of the overall goals of this program is to get people outside, any other information that explains why prohibiting one or more of the NBOA's is necessary to accommodate usership patterns.