

Attachment A
To Senate and Assembly Committee Motions

1. Direct that the NRB revise NR 52.04 and 52.05 to provide that the NRB approve all prohibitions and restrictions to the exercise of Nature Based Outdoor Activities (NBOAs) on Stewardship purchased lands. Such revision should be done in a manner that streamlines the time for approval of all uncontested prohibitions and restrictions and provides fair but timely NRB determinations of contested requests. (**See attached Natural Resources Board appeal process**)
2. Direct the DNR to create NR 52.04 (2) (f): If the Department after evaluating any objections, determines there is an unresolved objection based on standards set forth in this chapter or there is a material dispute of fact and/or a misapplication of section 23.0916 or rules developed pursuant thereto and the issue cannot be resolved within the departments evaluation period, the department shall submit the proposal to the Natural Resources Board for its determination.
3. Direct the NRB to modify NR 52.05 (1) (b) to provide that the “unique plant and animal community” exception to public access for NBOAs on Stewardship funded lands is not to be used to protect “game” and “unprotected” animals.
4. Direct the NRB to delete NR 52.05 (1) (c) (2), which allows that the NBOA preferences of past landowners of a parcel to override the legislative intent that Stewardship Funded lands to be open to NBOAs.
5. Direct the NRB to modify NR 52.01 (3) to include the following: notwithstanding NR 51.03(1)(c), contributions of property used as sponsor match are not subject to this chapter.
6. Direct the NRB to modify NR 52.05 (1) (c) in order to provide that the fact that NBOAs are allowed on public lands near a proposed Stewardship parcel not be used as a factor in exercising the “accommodation of usership patterns” exception for public access for NBOAs on such a parcel.
7. Direct that the NRB modify NR 52.05 (1) (a) (3) by deleting the word “potential” in order to avoid the prohibition or restriction of NBOAs on the speculative basis that sometime in the future a conflict might arise.
8. Direct that the NRB create NR 52.05 (2) to provide that “If a Stewardship grant applicant, who proposes to prohibit or restrict an NBOA, has a general organizational policy prohibiting or restricting that NBOA, the applicant must identify that general policy in its application and must demonstrate that the requested NBOA restriction or prohibition is justified regardless of the general policy. The Department will provide a thorough review of such proposed prohibition or restriction to ensure that it is consistent with the intent of the statute and this section.”
9. Direct that the NRB modify NR 52.05 (1) (c) to require that an NBOA restriction or prohibition on adjacent land owned by the applicant either purchased without Stewardship funds or purchased with Stewardship funds before the adoption of section 23.0916, Wisconsin Statutes, cannot be used as the sole factor in exercising the “accommodation of usership patterns” exception for public access for NBOAs on such a parcel.

10. Direct the DNR to modify NR 52.05 to 1. Fully take into account the public rights protected by the public trust doctrine and 2. Clarify the authority and responsibility of the Department to adopt state regulation on waters purchased or accessed through properties purchased with Stewardship funds. The department shall include sportsmen and women, land trusts, and other appropriate individuals and organizations in the development of these provisions.

11. Direct the NRB to modify NR 52.04 (1) (d) to read: "The department's initial assessment of the need to prohibit the NBOA pursuant to ss.23.0916 (2) (b) or (3) (b), Stats., include the comments of local, regional and statewide resource professionals that have information related to the natural resources on the property.

12. Direct the NRB to delete NR 52.04 (2) (d).

13. Direct the NRB to delete NR 52.04 (2) (g).

14. Direct the NRB to create NR 52.05 (3): "Proposed restrictions or prohibitions of NBOAs for Stewardship purchased parcels in incorporated communities are determined to be in conformance with section 23.0916, Wisconsin Statutes, if:

a. the parcel is five acres or less in size; and

b. the parcel is not adjacent to a public property where the restricted or proposed NBOA is allowed; and

c. the restrictions or prohibitions are not fishing related and the parcel is adjacent to a public waterway.