

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT: Ratification of the Department's determination that prohibiting the nature-based outdoor activities (NBOAs) of hunting and trapping is necessary to protect public safety on 2.4 acres in the City of River Falls, St. Croix County.

FOR: April 2013 Board meeting

TO BE PRESENTED BY: Pamela Foster Felt, Nonprofit Stewardship Grant Manager

SUMMARY:

The Department proposes to award a grant to the Kinnickinnic River Land Trust (KRLT) from the Streambank subprogram of the Stewardship Program totaling \$171,000 for the acquisition of 2.41 acres in the City of River Falls with approximately 150 feet river frontage on the Kinnickinnic River. This purchase will provide public access to the Kinnickinnic River for fishing, hiking, and wildlife viewing. KRLT plans to transfer the land to the City; City ordinance prohibits hunting and trapping on the parcel.

The Department has made the determination that the prohibition of hunting and trapping is necessary to protect public safety because:

- The parcel is located with the limits of the City of River Falls,
- The parcel is adjacent to commercial properties, a public road, and is within 100 yards of a residence.
- The size, shape and location of the parcel

RECOMMENDATION: Ratify the Department's decision that prohibiting the nature-based outdoor activities of hunting and trapping is necessary to protect public safety on 2.4 acres in the City of River Falls, St. Croix County.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|--|--|
| <input checked="" type="checkbox"/> Background memo | <input type="checkbox"/> Type name of attachment or type N/A if not applicable |
| <input type="checkbox"/> Type name of attachment or type N/A if not applicable | <input type="checkbox"/> Type name of attachment or type N/A if not applicable |

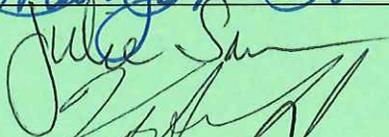
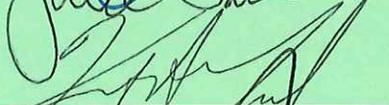
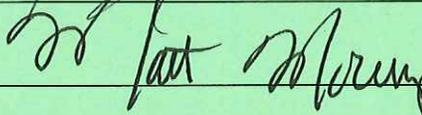
Approved by	Signature	Date
Mary Rose Teves, Bureau Director		Mar 15, 2013
Julie Sauer, Administrator		3/18/13
Kurt Thiede, Administrator		3/18/13
Cathy Stepp, Secretary		3/25/13

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- **Appendix A – Compliance Memo**
A compliance memo is required by s. NR 52.04(2)(e), the Department must summarize the procedure followed to reach any determination to approve an NBOA prohibition and provide that summary to the Board.
- **Appendix B - Project Maps**
- **Appendix C – Staff Analysis of NBOA Prohibitions**
The staffs' analysis of any proposed NBOA prohibitions, including a signature from the regional Public Safety Warden who reviewed prohibitions proposed as necessary to protect public safety. The format of this analysis is a standard checklist, approved by DNR Legal Services, and completed for all Stewardship grant projects with an NBOA prohibition for safety reasons. Any relevant ordinances and statutes are also included.
- **Appendix D – Public Comment Certification Memo**
This confirms that regional grant staff have completed the requirements for public notice set forth in s. NR 52.04 and summarizes any comment/s received.
- **Appendix E – News Release.**
The Department is required by s. NR 52.04, Wis. Adm. Code, to give notice to the public of our intentions to award grant funds to purchase property on which any NBOAs will be prohibited. The news releases also follow an approved template. Because of the timing of these news releases in our grant cycle (often before appraisals have been completed and certified) and per the department's obligations to protect the confidentiality of incomplete real estate transactions, news releases do not identify the exact location of the property, name of the seller, or any information about project financing.
- **Appendix F – NR 52**
A copy of NR 52 for your reference.

CORRESPONDENCE/MEMORANDUM

DATE: March 28, 2013

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: REQUEST FOR RATIFICATION OF DEPARTMENT'S DECISION THAT PROHIBITION OF HUNTING AND TRAPPING IS NECESSARY FOR PUBLIC SAFETY.

The Department requests that the Board ratify a determination that the prohibition of two nature-based outdoor activities is necessary to protect public safety on 2.4 acres in the City of River Falls, St. Croix County. The Department proposes to award a grant in the amount of \$171,000 to the Kinnickinnic River Land Trust (KRLT) for the purchase of land on which hunting and trapping will be prohibited by a City ordinance.

I. PROJECT DETAILS

Project Sponsor: Kinnickinnic River Land Trust
Seller: New Woods Construction & Forest LLC
Grant sub-program: Streambank Protection

Project Description: This is KRLT's mission is to protect the water quality, health and public access to the Kinnickinnic (Kinni) River, an Outstanding Resource Water and popular cold water trout stream. This is the Land Trust's first urban acquisition and the first partnership project with the City of River Falls. In 2012 the City voted to add annual funding in their capital improvement program for Kinnickinnic River acquisitions. This is the City's first acquisition under that new program. See **Appendix B** for maps of the parcel and surrounding landscape.

Project Goals: This acquisition will advance goals of the following conservation and land use plans:

- The City of River Falls Comprehensive Plan, which calls specifically for protection of the Kinnickinnic River; maintenance of a healthy, clear, clean cold flowing river; opportunities for the public to enjoy the river. This acquisition will expand public access for nature-based outdoor recreation by connecting an existing narrow public access to limited (<100 feet) river frontage to a three-parcel, "U" shaped access to ~ 500 feet of frontage.
- St. Croix County's Land and Water Resource Management Plan to "protect and enhance surface water and wetlands to preserve and restore their water quality, ecological function and recreational and scenic values." The County plan includes goals to conserve cold water fisheries and to maintain and enhance recreational and scenic values associated with surface waters and wetlands.
- The Kinnickinnic River Priority Watershed Projects' goal of protecting and enhancing the water quality of streams in the watershed. The Watershed Project reports that activity in the City of River Falls contributes more than 50% of the sediment load washed into the Kinni River from construction. This acquisition will prevent erosion damage in this segment of the immediate river corridor.
- DNR's designation of the Kinni River as a Class I Trout Stream and Outstanding Resource Waterway.



The entire parcel also lies within a registered historical burial area designated by the Wisconsin Historical Society.

Timetable: KRLT purchased this property on a land contract on December 29, 2010 and, pending grant funding, hopes to satisfy the land contract by June 2013.

Current Use of Property: Prior to being purchased by KRLT, the property was in private ownership; during that time the property owner acknowledged trespass and allowed limited access to the river.

Proposed Public Uses: "Kinni View" property will be open to the public year round for hiking, fishing and wildlife viewing. KRLT anticipates approximately 600 visitors annually.

A City ordinance will prohibit hunting and trapping on the property. Staff have evaluated this prohibition and determined that it is necessary to protect public safety. Please see the material attached in **Appendices B, C, D and E** for additional information about that analysis.

II. PROJECT FINANCES

A. Partnerships

In addition to the Stewardship grant, contributions for this property will come from KRLT, the seller, New Wood Construction & Forestry LLC, and the City of River Falls

B. Appraisals

As required by s. 23.0917(7)(e)2., Wis. Stats., one appraisal was used to determine the fair market value of the land. The purchase price was the same as the DNR-approved value.

Appraisal 1	\$340,000
Value certified by Department	\$340,000

C. Grant Calculation

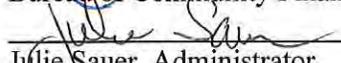
As required by s. NR 51.006(1), Wis. Adm. Code, financial assistance is limited to 50% of the acquisition cost.

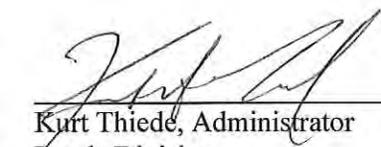
Certified appraised value	\$340,000
Associated eligible real estate costs	\$ 2,000
Total Maximum Project Costs	\$342,000

D. Funding Sources

Kinnickinnic River Land Trust	\$ 1,000
Stewardship Grant Award	\$171,000
Landowner donation	\$140,000
City of River Falls	\$ 30,000
Total Funding	\$342,000

III. RECOMMENDED:

 3/18/13
 Mary Rose Teves, Director Date
 Bureau of Community Financial Assistance
 3/18/13
 Julie Sauer, Administrator Date
 Customer and Employee Services Division

 3/18/13
 Kurt Thiede, Administrator Date
 Lands Division

CORRESPONDENCE/MEMORANDUM

DATE: March 28, 2013

TO: Natural Resources Board

FROM: Mary Rose Teves, Director
Bureau of Community Financial Assistance

SUBJECT: **Summary of Department's Determination to Prohibit Two Nature-based Outdoor Activities on the Kinnickinnic River Land Trust Purchase, City of River Falls, St. Croix County**

APPENDIX A

I recommend that the NRB exercise its authority under s. 23.0916(2), Wis. Stats., and s. NR 52.05, Wis. Adm. Code, to ratify the Department's determination that prohibiting the nature based outdoor activities of hunting and trapping is necessary to protect public safety on 2.4 acres located within the City of River Falls, St. Croix County. As required by s. NR 52.04(2)(e), this memo summarizes the procedure followed by the Department to reach that determination.

PROJECT BACKGROUND

The Kinnickinnic River Land Trust (KRLT) has applied for a Stewardship grant of \$171,000 from the Streambank sub-program for the acquisition of this parcel. The KRLT is eligible to receive Stewardship grants.

The City of River Falls will provide a portion of the match funding to this grant award. As a condition of that funding, KRLT will donate this parcel to the City. In the form of a City ordinance, River Falls will prohibit hunting and trapping on the parcel. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit hunting and trapping on this site to protect public safety.

A copy of the Department's staff analysis of the proposed prohibition and a copy of the City ordinance are attached in Appendix C.

PUBLIC NOTICE AND COMMENTS

I certify that public notice requirements identified in s. NR 52.04, Wis. Adm. Code, have been followed for this Stewardship project. Public notice about this proposed project was posted on GovDelivery on August 11, 2010. Twelve (12) comments were received supporting the grant. No comments were received opposing the grant. (An explanation of the gap in timing between public notice and the final proposed award is attached as Appendix D). The public notice is attached as Appendix E.

DETERMINATION

City of River Falls ordinance prohibits the discharge of a firearm or bow and arrow and prohibits setting most traps within city limits.

In analysis of the necessity of the proposed prohibition, the DNR regional Recreational Safety Warden reviewed the following factors:

1. The primary purpose of the project;
2. The language of the ordinance prohibiting discharging of firearms, bow and arrow and traps;
3. User conflicts;
4. The size of the parcel;
5. Proximity to homes and businesses;
6. Proximity to roads;
7. Recreational use of adjacent properties.

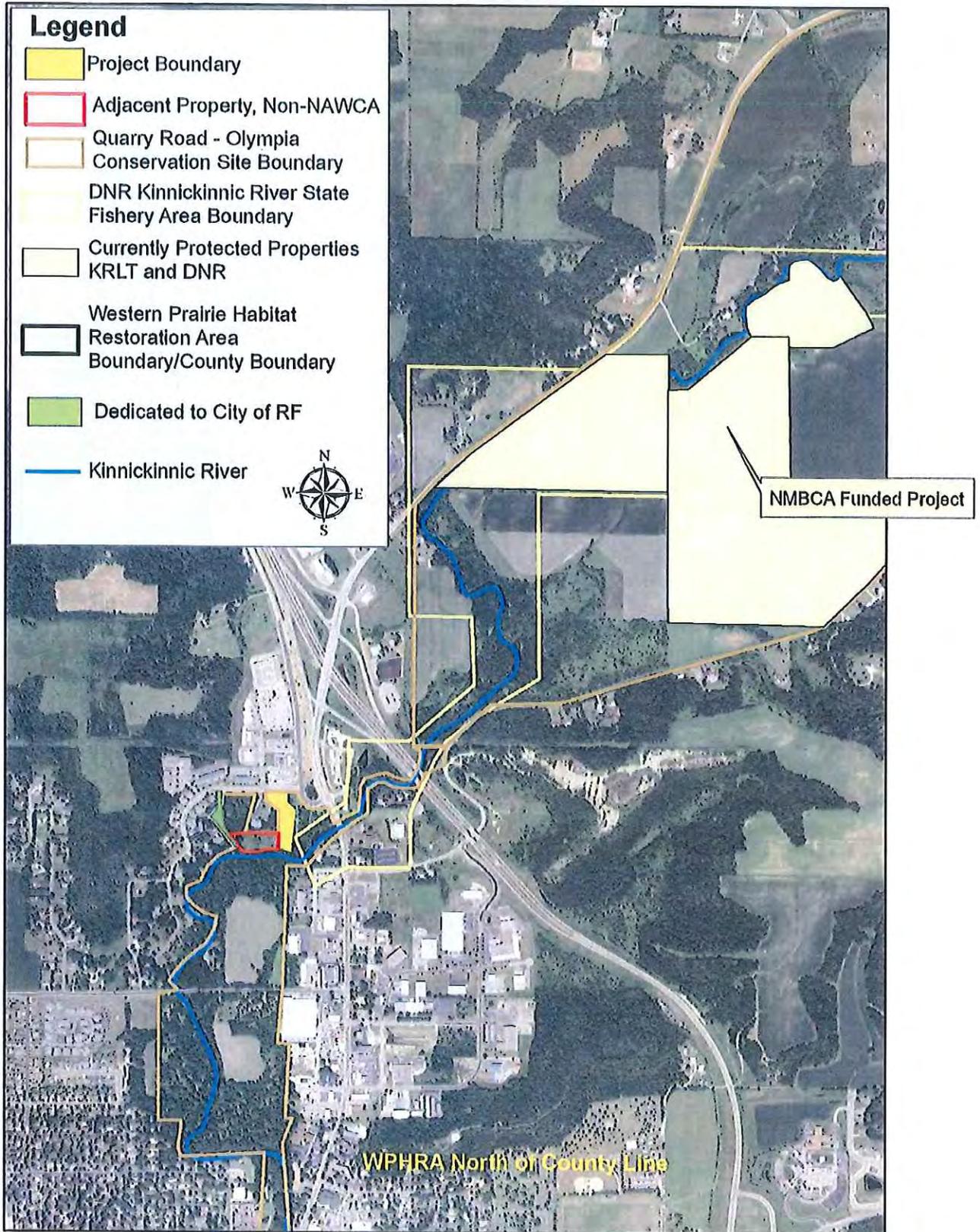
The warden concluded that the prohibition of hunting is necessary to protect public safety, and the prohibition of trapping is necessary to protect public safety with a small exception: the ordinance will prohibit use of traps typically used as water sets which could be set without a concern for public safety. However, because of the limited area available for water trapping (~150 feet of riverbank), the size and location of the parcel, and heavy, regular fishing use of the immediate stretch of the river, the Department recommends that the prohibition of trapping on the entire parcel be considered necessary to protect public safety.

FINAL ACTIONS

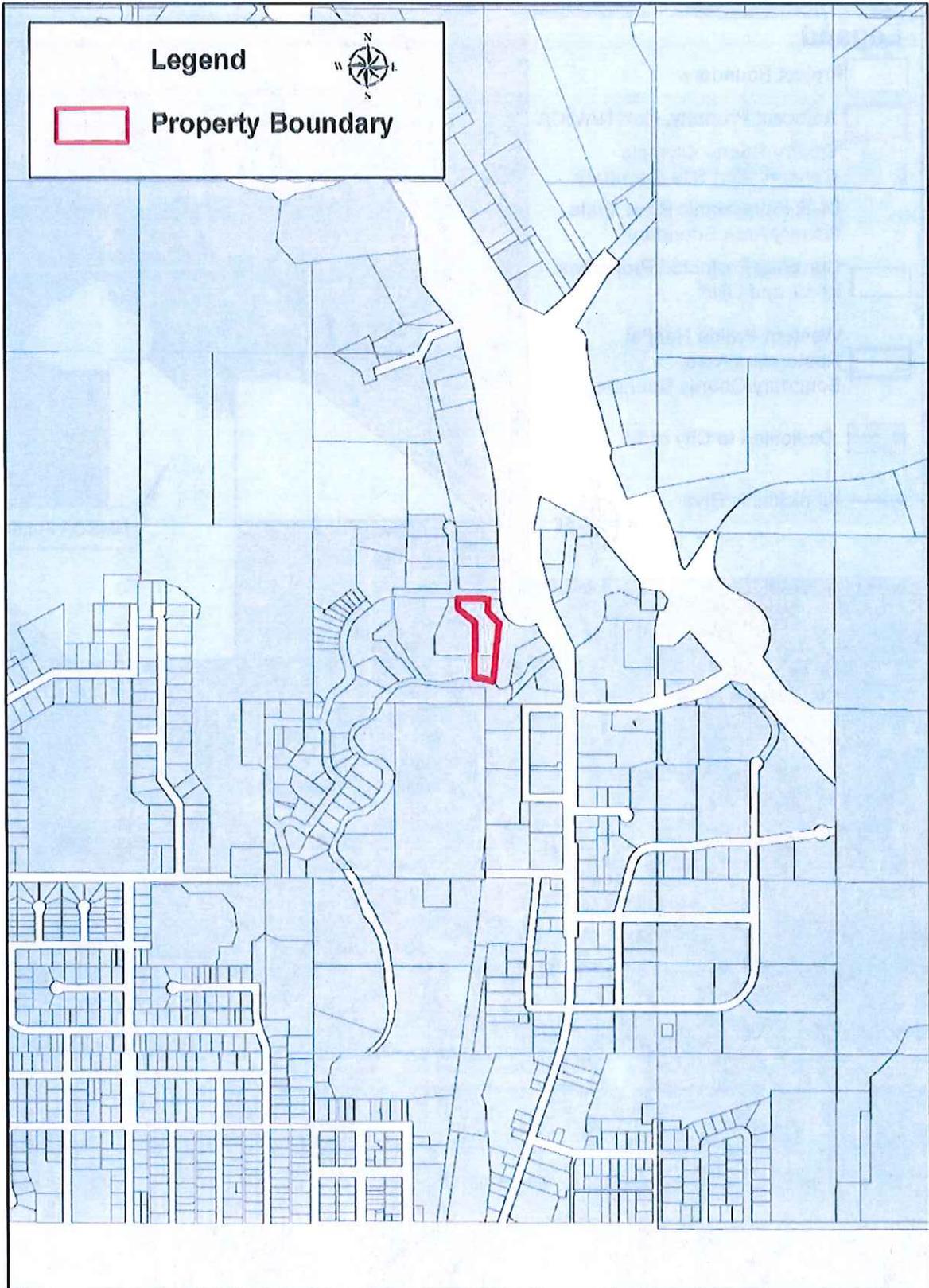
This determination is submitted to the Natural Resources Board as required in s. NR 52.04(2)(e), Wis. Adm. Code.

APPENDIX B

Quarry Road - Olympia Conservation Site Wetland Protection Project Conservation Linkages Map



New Wood Construction & Forestry LLC
Plat Map



**Kinnickinnic River
Land Trust:
Kinni View Acquisition**

*Kinnickinnic River
Fishery Area*

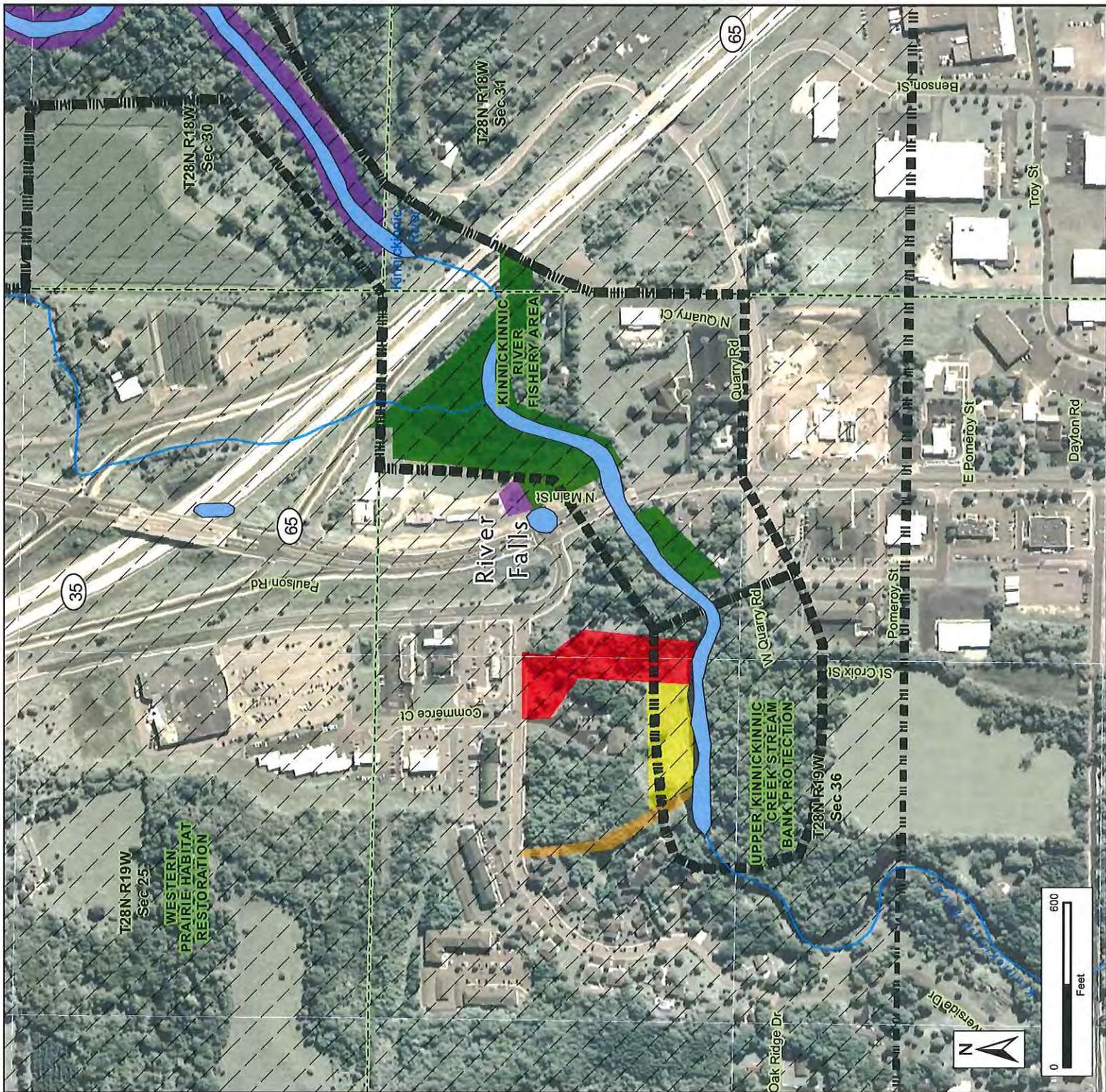
T28N R9W Sec 36
City of River Falls
St. Croix County

- ~2.41 Acres to be Acquired with Stewardship
- ~1.927 Acres to be Acquired without Stewardship (pending neighboring Stewardship acquisition)
- City Owned Public Access from Riverside Drive

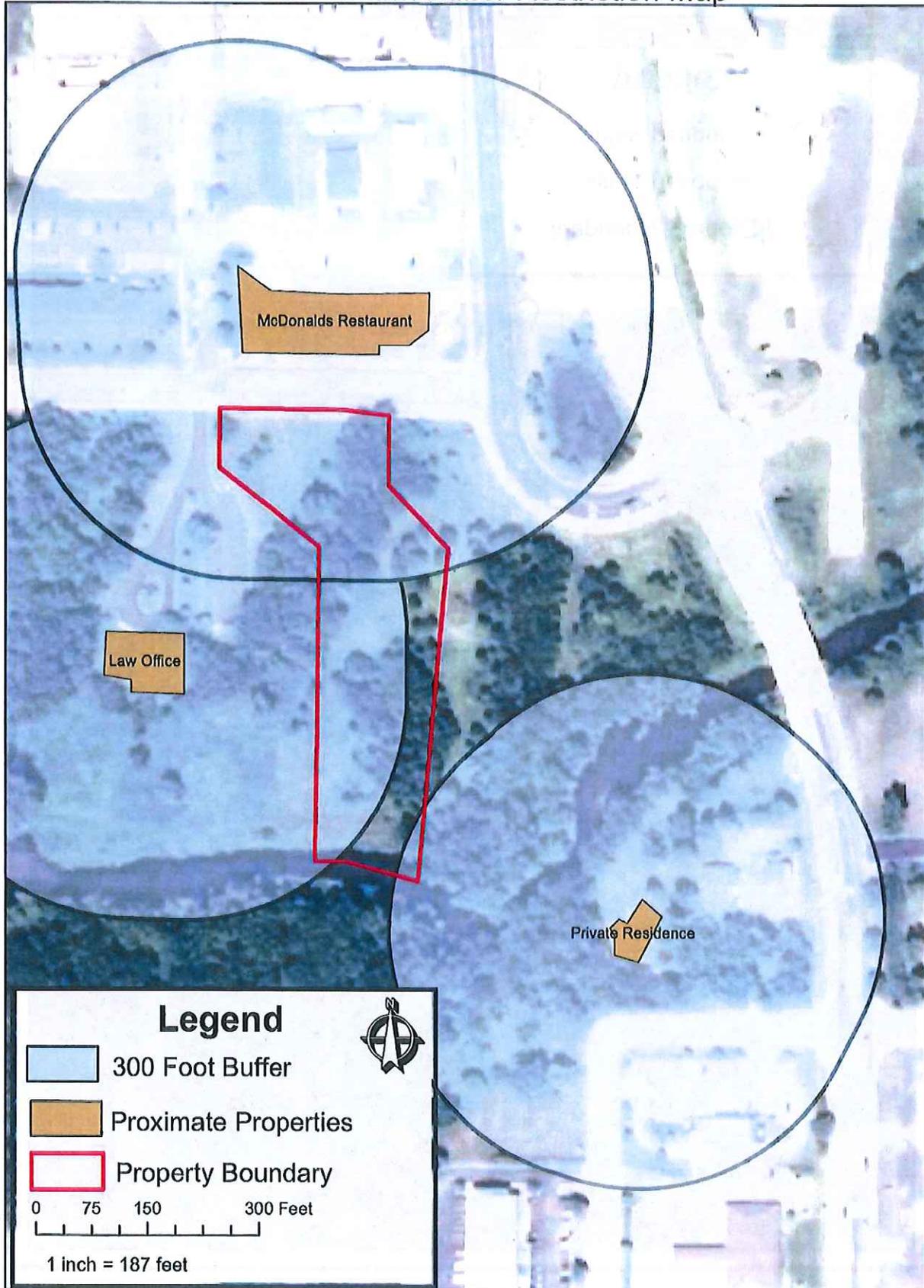
- WDNR Fee Title
- WDNR Easement
- DNR Project Boundary
- PLS Section Line
- QQ Section Boundary



WISCONSIN DEPARTMENT
OF NATURAL RESOURCES
Bureau of Facilities of Lands
Map Created: Mar 13, 2013 kmh



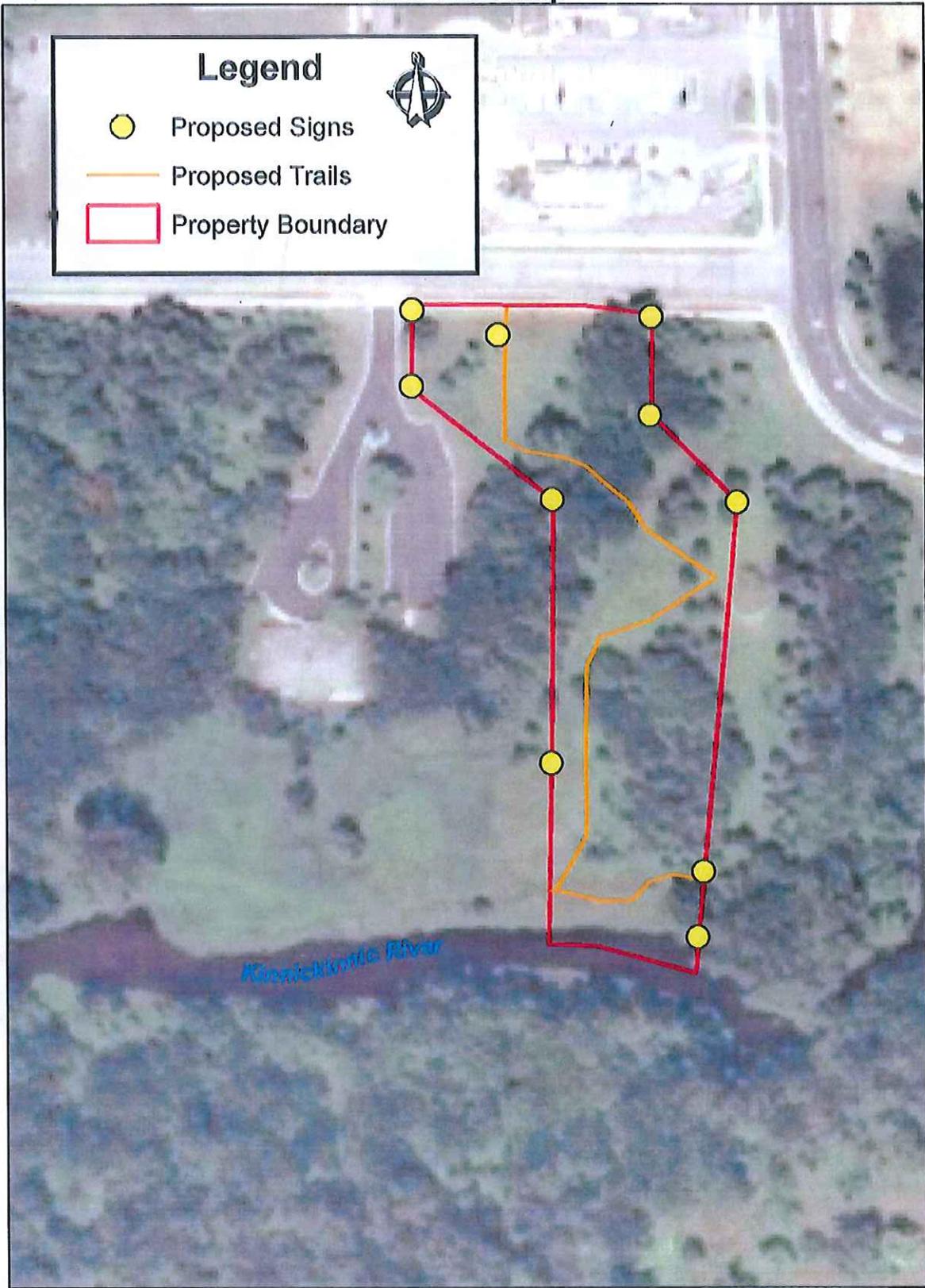
New Wood Construction & Forestry LLC 300 foot Firearm Buffer Restriction Map



New Wood Construction & Forestry LLC Site Plan Map

Legend

- Proposed Signs
- Proposed Trails
- Property Boundary



APPENDIX C

Knowles-Nelson Stewardship Grant Program

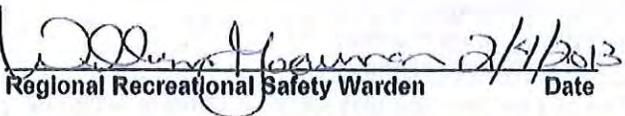
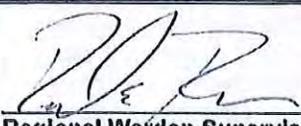


Public Safety Team Analysis of Nature Based Outdoor Activities on Projects Purchased with Stewardship Grant Funds

Rev. August 2012

NOTE TO DNR STAFF: This completed form will be attached to the NBOA notice that the DNR will publish when considering a request for Stewardship grant funding. Do not list location information for the subject property or the seller's name because WI courts have held that this information is confidential until land ownership has changed hands. CF Staff completes the project proposal section prior to submitting to public safety team for review.

PUBLIC SAFETY REVIEW TEAM

 Regional Recreational Safety Warden	2/4/2013 Date	 Regional Warden Supervisor	02/11/2013 Date
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PROJECT DESCRIPTION

Applicant/ Sponsor: Kinnickinnic River Land Trust		Year of Application: 2010
Project Name: "New Woods" acquisition	Primary Purpose: <input type="checkbox"/> Habitat Areas <input type="checkbox"/> Local Parks <input type="checkbox"/> Natural Areas <input type="checkbox"/> Urban Rivers <input type="checkbox"/> State Trails <input type="checkbox"/> Urban Greenspace <input checked="" type="checkbox"/> Streambank Protection	

Project Description:

The Kinni River Land Trusts proposes to purchase approximately 2.41 acres in the City of River Falls to protect water quality and habitat and provide public fishing access to the Kinnickinnic River. Sponsor proposes to maintain trails on the property for fishing/riverside access from Riverside Drive. Sponsor is also acquiring (without Stewardship funds) the adjacent 1.92 acres which are adjacent to a narrow strip of land, City-owned, providing river access from Riverside Drive.

FINDINGS OF FACT:

Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.

The property is approximately 2.4 acres in size and completely within the city limits of River Falls. The north end of the property has approximately 145 feet of frontage on Riverside drive. The south end of the property has approximately 145 feet of frontage on the Kinnickinnic River. The property is approximately 656 feet in length from its northern boundary on Riverside Drive to the southern boundary on the Kinnickinnic River.

Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	Prohibits discharge of firearms	Prohibits discharge of arrows	
Small Game	Prohibits discharge of firearms	Prohibits discharge of arrows	
Turkey	Prohibits discharge of firearms	Prohibits discharge of arrows	
Large Game	Prohibits discharge of firearms	Prohibits discharge of arrows	

Public Safety Team Narrative: The property has Riverside Drive as a northern boundary and Main Street is within 300 feet of its western boundary. On the north end a McDonald's Restaurant is within 300 feet of the northern 3rd of the property. On the west side a commercial park and Law office is within 300 feet of approximately ¼ of the property. There are private residences within 300 feet of the southeast corner of the property. A proposed hiking trail will run north/south through the center of the property.

Given the size of the property, location and its proximity to roads private residences as well as commercial buildings I believe that an ordinance prohibiting firearms as well as arrows is justified to protect public safety.

Public Safety Factors Considered: Check all that apply.

The sponsor is within its own municipality boundary

Parcel is within 100 yards of building devoted to human occupancy

Parcel is within 50 feet of the center line of highways & roads

Parcel is within 1700 feet of school grounds, hospital, or sanatorium

Ordinance exists –

Discharge or carrying a weapon Hunting within a park Throwing or shooting missiles, arrows, spears, etc.

Parcel is subjected to a non-sponsor ordinance

Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.

Parcel is adjacent to a public waterway.

Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: Proposed hiking trail as well as CC skiing on a narrow, 150 foot, property would be a safety issue with the discharge of either firearms or arrows.

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

TRAPPING		
Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	Restricted	
Water	Restricted	
<p>Public Safety Team Narrative: The city ordinance reads as follows: 9.24.010 traps. No person shall set or open and leave set any single or double spring steel trap larger than one and a half inches in size with or without saw teeth or jagged edges within the limits of the city where it is possible for any person, animal or fowl to become caught or injured. (Prior code § 9.05)</p> <p>The ordinance effectively prohibits trapping within the city limits. The majority of this property is within 100 yard of buildings devoted to human occupancy so setting a body grip type trap or a cable restraint would be prohibited by state law on almost all of the property. The area that would be open to this type of trapping would be very small and difficult to delineate. State law would allow the use of leg hold traps with appropriate seasons size restrictions etc. A small leg hold trap used for muskrat, mink or other small mammals is a # 1. That size trap has a 4 inch diameter and is not allowed by the city ordinance. These types of traps are commonly used as water sets. While trapping with this type of trap might be a user conflict or not desirable for some other reason, I cannot say that it would be necessary to protect public safety.</p>		
<p><input type="checkbox"/> No Water On Site</p> <p>Public Safety Factors Considered: Check all that apply.</p> <p>X The sponsor is within its own municipality boundary.</p> <p>X Parcel is within 100 yards of building devoted to human occupancy and per s. NR 13.(1)(b)(12), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints.</p> <p>X Ordinance exists that prohibits trapping or some type of trapping.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p>X Parcel is adjacent to a public waterway.</p> <p><input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:</p> <p><input type="checkbox"/> Other _____</p>		
Prohibition or Restriction Necessary to Protect Public Safety:		<input type="checkbox"/> Yes X No

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	NONE	
Boat	NONE	
Public Safety Team Narrative:		
<input type="checkbox"/> No Water on Site <input type="checkbox"/> Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Ordinance exists – <input type="checkbox"/> _____ <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

HIKING		
Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail	NONE	
Off-Trail	NONE	
Public Safety Team Narrative:		
Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

CROSS COUNTRY SKIING		
Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)	NONE	
On-Trail (un-groomed)	NONE	
On-Trail (groomed)	NONE	
Public Safety Team Narrative:		
<p>Public Safety Factors Considered: Check all that apply.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:</p> <p><input type="checkbox"/> Other _____</p>		
Prohibition or Restriction Necessary to Protect Public Safety:		<input type="checkbox"/> Yes <input type="checkbox"/> No

• FROM RIVER FALLS MUNICIPAL CODE, RIVER FALLS, WISCONSIN

9.20.010 Discharge of firearms.

No person shall discharge any firearm within the city, except law enforcement officers or other agents or employees of the city as authorized by the chief of police. The council may authorize additional exceptions by resolution for organized gun clubs to engage in target practice; and for special events, e.g. parades, funerals and American Legion activities on public property, provided no projectiles are associated with the discharge. (Ord. 2000-16: prior code § 9.02)

9.20.020 Airguns and slingshots.

No person shall discharge or shoot any airgun, slingshot, air pistol, bow and arrow or any similar device within the limits of the city except when approved by city council in a resolution authorizing the discharge of these devices at designated target ranges under direct supervision of a member or employee of a bona fide organization, gun club or business. (Prior code § 9.03) (Ord. No. 2009-6, § 1, 6-23-2009)

9.20.030 Carrying concealed knives prohibited.

No person shall carry or wear concealed about his or her person any bowie knife, dirk knife, dagger or other device commonly known as a surth knife, spring blade knife or push button knife. (Prior code § 9.04)

9.24.010 Traps.

No person shall set or open and leave set any single or double spring steel trap larger than one and a half inches in size with or without saw teeth or jagged edges within the limits of the city where it is possible for any person, animal or fowl to become caught or injured. (Prior code § 9.05)

CORRESPONDENCE/MEMORANDUM

DATE: January 31, 2013

FILE REF: KRLT- Kinni View

TO: memo to file

FROM: Pam Foster Felt – Stewardship Nonprofit Grant Manager

SUBJECT: Timing of the news release re Kinni View project

The Kinnickinnic River Land Trust applied for Stewardship funding in 2010 to purchase 3.5 acres and 500+ feet of riverfront. At that time, the KRLT planned to hold title to the property. The news release was issued for that application. That release included a statement that the property would not be open for hunting or trapping per local ordinance. Besides the reduced acreage the revised application reflects (now 2.41 acres with ~150 feet of riverbank), the purposes of the application and the public uses to be allowed have not changed from what was described in the news release.

Twelve comments were received, all of which expressed support for the grant.

Since this release was issued, the evaluation of the application was suspended in early 2011 when all Stewardship expenditures were on hold. The KRLT was asked to reapply in late 2011 under revised application and project ranking procedures. They did, and this project was approved and a contract issued. KRLT did not complete the project, however, because in that interim, the match funding they expected fell through.

In 2012, KRLT identified match funding from the City of River Falls, and per agreement between River Falls and the Land Trust, the City will hold title to the property long-term. Because the City ordinance is the agent of the prohibition and the intended owner, this project is now subject to review under ch. NR 52.



CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: September 2, 2010

FILE REF: SPN Grant

TO: NCO Grant Program Manager, CF/Madison Mary Rose Teves
_____, Regional EA staff, _____

FROM: Karen Blodgett, Community Services Specialist - Eau Claire

SUBJECT: NBOA/WEPA Announcement closure and approval.

PROJECT NAME: Kiamickinnic River Land Trust - Kinnikinnick View St. Croix County

The fifteen-day public review period for the above proposal has ended. (check all that apply).

The Department has provided public notification of this proposed action.

Number of comments received 12 (Attach log and/or written comments) All positive

Type III action affirmed and further analysis through EA or EIS unwarranted.

Karen A. Blodgett _____ Date 9.1.10
Signature of Contact Person

Certified as NBOA Approved or Denied (no prohibitions):

Signature of CF Grant Manager Date

Certified as NBOA Approved or Denied (with prohibitions):

Mary Rose Teves _____ Date 9/2/2010
Signature of CF Bureau Director

Certified as Type III Action: Further action needed or not needed (circle one).

Regional EARS Date

September 2010

* 12 comments - all in favor of the project



APPENDIX E

News Release Published: 8/11/2010 1:38:38 PM by the West Central Region

Contacts: Karen Blodgett, Financial Assistance Specialist, Eau Claire: (715) 836-6574

EAU CLAIRE – The Kinnickinnic River Land Trust has applied for a 50% matching grant from the Knowles-Nelson Stewardship Program to assist with the purchase 3.55 acres of land in the City of River Falls. Kinnickinnic River Land Trust will provide match to the grant award. In addition to the money it is contributing to the project, KRLT will donate a conservation easement on a property, located in the Town of Clifton, Pierce County, to the Stewardship program.

The property being purchased includes approximately 530 feet of frontage along the Kinnickinnic River. The property will be left in its natural state and will be open to the public for low impact recreational activities including fishing, hiking, cross-country skiing, wildlife viewing, canoeing and kayaking. A local ordinance will prohibit the opportunity for hunting or trapping on this property.

Public written comments on the proposed acquisition can be mailed to Carrie Mickelson, Director, Division of Customer and Employee Services, care of Karen Blodgett, PO Box 4001, Eau Claire, WI 54702 or sent by email to karen.blodgett@wisconsin.gov. If you have questions about this project, Karen can be reached by phone at 715-836-6574. Written comments will be accepted through August 31, 2010. In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show the proposed prohibition to be inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

The DNR has made a preliminary determination that the proposed acquisition will not involve significant adverse environmental impacts and neither an environmental assessment nor environmental impact statement will be required for this action. Public comments on the proposed acquisition may also be sent to Karen Blodgett.

To receive e-mail notices about the availability of future Stewardship Grant project news releases, go to <http://www.govdelivery.com> to sign up for electronic notices of proposed grant projects.

Appendix F

470-1

DEPARTMENT OF NATURAL RESOURCES

NR 52.03

Chapter NR 52

STEWARDSHIP LAND ACCESS

NR 52.01 Purpose and applicability.
NR 52.02 Definitions.
NR 52.03 General provisions.

NR 52.04 Public notice.
NR 52.05 Natural resources board determinations.

NR 52.01 Purpose and applicability. (1) Pursuant to s. 23.0916, Stats., lands acquired in whole or in part with funding from the stewardship program are open for public hunting, trapping, hiking, fishing and cross country skiing unless public access is prohibited pursuant to this chapter. Decisions to prohibit public access for these activities will be reviewed by the department using professional judgment and will be based on sound science, legitimate safety issues, factual data and relevant information. A restriction of a nature based outdoor activity may be considered a prohibition if the restriction prevents a major or a significant amount of the nature based activity from occurring.

(2) The purpose of this chapter is to implement s. 23.0916, Stats., which directs the department to establish standards and criteria for prohibiting public access for hunting, fishing, trapping, hiking and cross-country skiing, defined as nature based outdoor activities under s. 23.0916 (1) (b), Stats. This chapter applies to land acquired in whole or in part with funding from the stewardship program under ss. 23.0915 and 23.0917, Stats. The rules in this chapter are intended to maximize the number of compatible users and uses, to the extent practical, on lands subject to s. 23.0916, Stats.

(3) Pursuant to s. 23.0916 (5) (a), Stats., the natural resources board has determined that ss. NR 1.61 and 51.07 (3) (c) govern public access on all other lands funded in whole or in part with funding from the stewardship program under ss. 23.0915 and 23.0917, Stats., that are not referred to in sub. (1) or (2).

History: CR 09-077 en. Register July 2010 No. 655, eff. 8-1-10.

NR 52.02 Definitions. In this chapter

(1) "Accommodate usership patterns" means to consider the factors found in s. NR 52.05 (1) (c) when making a determination to prohibit an NBOA.

(2) "Department" means the Wisconsin department of natural resources

(3) "Department land" means land acquired by the department in fee title, or with an easement on former managed forest land on or after October 27, 2007, with stewardship program funds under s. 23.0917, Stats.

(4) "Former managed forest land" has the meaning given in s. 23.0916 (1) (a), Stats.

(5) "Hunting" means shooting, shooting at, taking, catching or killing any wild animal, other than by trapping, or pursuing for the purpose of shooting, shooting at, taking, catching or killing any wild animal.

(6) "Natural values" has the meaning given in s. 23.27 (1) (f), Stats.

(7) "NBOA" means the nature based public outdoor activity of hunting, fishing, trapping, hiking or cross-country skiing as described in s. 23.0916 (1) (b), Stats.

(8) "Non-department land" means land acquired in fee title, or with an easement on former managed forest land on or after October 27, 2007, by a non-profit conservation organization or local unit of government with the assistance of a stewardship program grant under s. 23.0917, Stats.

(9) "Primary purpose" means the recreational or conservation purpose for which the property is being acquired as guided by ss. 23.09 (2), (20) (am), 23.0913, and 23.0917, Stats., by s. NR 51.05, and by state, regional or local plans that support the project.

(10) "Prohibit access for an NBOA" means not to allow the activity in its entirety, or to restrict the activity so that a major or significant amount of the activity is not allowed.

Note: A temporary restriction of an NBOA for department approved land management practices is not considered a prohibition of an NBOA.

(11) "Stewardship program" means the Knowles-Nelson Stewardship Program authorized under ss. 23.0915 and 23.0917, Stats.

(12) "Unique animal or plant community" means a natural community composed of different plant and animal species, along with their associated geological and archaeological features, that exist together in a specific area, time and habitat. A unique animal or plant community is one identified as endangered, threatened, rare or ecologically sensitive. A unique plant or animal community may also be critical species habitat or an ecological reference area. The sources for identifying unique animal and plant communities include reports or databases, such as the natural heritage inventory, wildlife action plan, regional planning commission reports or other publications routinely referenced by conservation biologists. Individual game species shall not be considered as unique animal species for purposes of this chapter.

Note: References for, or copies of such databases, publications and reports may be viewed or obtained at the Department of Natural Resources, Bureau of Endangered Resources, 101 S. Webster Street, PO Box 7921, Madison, WI 53707-7921.

History: CR 09-077 en. Register July 2010 No. 655, eff. 8-1-10.

NR 52.03 General provisions. (1) DEPARTMENT LAND.

(a) All department land transactions are subject to s. NR 1.41.

(b) The department shall incorporate an evaluation of the requirements of s. 23.0916 (3), Stats., in master plans under ch. NR 44, feasibility studies and other planning documents that include land acquisition as an implementation strategy. This paragraph applies to new plans as well as any plan updates that may be undertaken for existing department projects that are subject to s. 23.0916 (3), Stats.

(2) NON-DEPARTMENT LAND. In addition to the requirements of ch. NR 51, stewardship program grant applications to acquire non-department lands subject to s. 23.0916 (2), Stats., shall include all of the following:

(a) A description of the public uses proposed for the property being acquired and a checklist indicating which of the specific NBOAs shall be permitted on the property. The checklist shall be in a format determined by the department and shall include at a minimum:

1. An indication as to whether a specific NBOA shall be allowed on the property.

2. For hunting, the checklist shall include information for allowing waterfowl, small game, turkey and big game hunting and shall include gun and archery hunting.

3. For trapping, the checklist shall include information for allowing water trapping and upland trapping.

4. For fishing, the checklist shall include information for permitting shore fishing and boat fishing.

5. For hiking, the checklist shall include information for allowing trail hiking and hiking off-trail.

6. For cross-country skiing, the checklist shall include information for allowing groomed trail skiing and off-trail skiing.

(b) An explanation of the primary purpose for the acquisition. The primary purpose for the acquisition shall be based on s. 23.09 (2), (20) (am), 23.0915, or 23.0917, Stats., and s. NR 51.05 and on state, regional or local plans that support the acquisition. The application shall include the name of the plan being used and a description of the formal or informal public input received.

(c) A description of the NBOAs to be prohibited on the property and the reason for the prohibition. The reason for the prohibition shall be consistent with s. NR 52.05 and the applicant shall address in the application the specific factors in s. NR 52.05 that apply.

(3) DETERMINATIONS MADE IN ACCORDANCE WITH s. 23.0916, STATS., AND s. NR 52.05. (a) When a determination has been made in accordance with s. 23.0916, Stats., and s. NR 52.05 to prohibit one or more NBOAs on department land the feasibility study and master plan for the project where the NBOA will be prohibited shall be amended to describe the prohibited activity and a rule change may be initiated to enforce it.

(b) The stewardship grant contracts executed between the department and sponsor under s. NR 51.07 that are subject to s. 23.0916, Stats., and this chapter, shall describe any determination to prohibit one or more NBOAs and require the sponsor to contact the department if any of the factors identified in s. NR 52.05 changes such that a prohibition may be necessary, or is no longer necessary. The department shall evaluate those changes to determine the applicability to this chapter.

(4) Public use of lands purchased in whole or in part with funding from the stewardship program under s. 23.0917, Stats., shall be subject to all applicable federal, state and local laws, including but not limited to the public trust doctrine.

(5) Contributions of separate property used as sponsor match under subch. I of ch. NR 51, are not subject to this chapter.

(6) An organization with an identified policy prohibiting or restricting one or more NBOAs must comply with the provisions of this chapter regardless of the organization's policies.

History: CR 69-0771 on Register July 2010 No. 655, eff. 8-1-10.

NR 52.04 Public notice. (1) In addition to the public notice requirements of ch. NR 150, the department shall provide individual notification over the internet to any person requesting to receive a notice of any proposal to prohibit an NBOA on department or non-department land subject to s. 23.0916 (2) or (3), Stats. Any public notice regarding a proposal to prohibit an NBOA shall include all of the following:

(a) The name, address and phone number of the department's contact person for the project.

(b) The checklist described in s. NR 52.03 (2) (a).

(c) A summary of the NBOAs to be prohibited and the factors that were considered under s. NR 52.05.

(d) The department's initial assessment of the proposal to prohibit the NBOA pursuant to s. 23.0916 (2) (b) or (3) (b), Stats. The department's assessment shall include an evaluation of s. NR 52.05 (1) (a) to (c) and shall involve the department's resource management professionals at the local, regional and statewide level.

(2) (a) Public comments concerning the proposal to prohibit an NBOA shall be submitted in writing to the department. The comment period shall be 15 business days beginning on the day immediately following the day the department sends out the notice electronically.

(b) Objections must show the proposed prohibition of an NBOA to be inconsistent with s. 23.0916 (2) (b) or (3) (b), Stats., and s. NR 52.05.

(c) If an objection is received during the 15 business day comment period the department shall have up to 15 additional business days following the close of the comment period to evaluate the public comment, including any objections. The department shall contact anyone that submitted an objection under par. (a) and the person that requested the stewardship program funding to notify them that the objection was received and to gain more information about the proposal to prohibit an NBOA.

(d) The department shall create a written summary of its determination on the proposal to prohibit one or more NBOAs at the conclusion of the public comment and evaluation periods in pars. (c) and (d). The department's written determination shall be based on s. 23.0916 (2) (b) or (3) (b), Stats., and s. NR 52.05 and the department shall provide the written summary to anyone that submitted an objection in accordance with par. (a), and to the person that requested the stewardship program funding.

(e) The department shall submit to the natural resources board for each regularly scheduled meeting a report that summarizes determinations made under par. (d). The report shall contain the information made available to the public under s. NR 52.04 (1), public comments, including any objections, gathered under s. NR 52.04 (2), and the department's written determination made under par. (d). The department shall deliver the report to the natural resources board and make the information available to the public over the internet at least five working days preceding the next regularly scheduled meeting of the board. The natural resources board shall allow public participation to receive public testimony regarding the department's determinations and vote whether to ratify prohibitions on non-department land that appear on the monthly report.

History: CR 69-0771 on Register July 2010 No. 655, eff. 8-1-10.

NR 52.05 Natural resources board determinations. (1) In accordance with s. 23.0916, Stats., the natural resources board has determined that it is necessary to prohibit one or more NBOAs on department or non-department land for one or more of the following reasons listed below. In accordance with s. 15.05 (1) (b), Stats., the department shall make administrative determinations for each individual proposal to prohibit an NBOA, under the direction of the board, utilizing the process established in ss. NR 52.03 and 52.04, and based on the following reasons and factors.

(a) To protect public safety. One or more of the factors to consider when evaluating a proposal to prohibit an NBOA to protect public safety include:

1. The primary purpose for the project.

2. Laws and ordinances that may impact one or more NBOAs on the property.

Note: NBOAs may be affected by local laws or ordinances and may change as local laws or ordinances change.

3. User conflicts that may create public safety issues and impact one or more NBOAs on the property.

4. The physical characteristics of the property including size, shape, groundcover, topography or proximity to inhabited buildings that create public safety issues and influence NBOAs on the property.

5. A proposal to prohibit one or more NBOAs on a parcel 5 acres or smaller, located within the boundaries of cities and villages, shall be determined to be necessary in order to protect public safety and shall not be subject to s. NR 52.04 unless:

a. The parcel is adjacent to a parcel where the NBOAs to be prohibited already exist or;

b. The parcel is adjacent to a public waterway.

(b) To protect a unique animal or plant community. One or more of the factors to consider when evaluating a proposal to pro-

hibit an NBOA to protect a unique animal or plant community include:

1. The primary purpose for the project.
 2. The necessity to prohibit an NBOA to protect and enhance the biological diversity, composition and ecological functions of natural communities exhibiting relatively little human disturbance or that have the capacity to be easily restored to such conditions.
 3. The potential for an NBOA to impact the natural values of the site, according to s. 23.28 (3), Stats.
 4. The potential for an NBOA to accelerate or increase over time and cause damage to the natural values of a site.
 5. The potential for an NBOA to increase the risk of poaching rare plant or animal species, or the removal or destruction of rare geological or archeological features.
- (a) To accommodate usership patterns. One or more of the factors to consider when evaluating the necessity to prohibit an NBOA to accommodate usership patterns include:

1. The primary purpose for the project.
 2. User incompatibility and how this incompatibility may lead to the primary purpose of the project being significantly altered or curtailed.
 3. The complexity, feasibility, practicality and cost effectiveness of separating activities by time and space or any other manner that might mitigate user incompatibility and or reduce the need for enforcement.
 4. The size, shape and location of the property as well as surrounding land uses, including the use of public lands immediately adjacent to the property which may or may not have been funded with township funds. The use of adjacent lands shall not be used as the sole factor in making a determination to prohibit an NBOA to accommodate usership patterns.
 5. The mix of NBOAs at the location of the property that, to the extent practicable, will provide a quality experience for all compatible users and uses.
- History: CR 89-077; en Register July 2010 No. 655, eff. 8-1-10.

Directions from Madison to Kinni View Property

1. Head West on I-94 towards Minnesota
2. Take WI -65 Exit (Exit 10), towards River Falls/New Richmond.
3. Turn Left onto WI -65 S
4. WI – 65 becomes N. Main Street
5. Turn Right onto Paulson Road
6. Take first Left onto Riverside Drive
7. The first paved driveway on the Left is for the Law Office. The subject property is right before the paved driveway on the Left side of Riverside Drive.