

Joint Committee for Review of Administrative Rules

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- **NR 302.04(5)(a) and (b)**

Report to the Legislature

Administrative Rule NR 302.04(5)(a) and (b)

The Joint Committee for Review of Administrative Rules

Produced pursuant to s. 227.26(2)(g), Stats

Section NR 302.04(5)(a) and (b), promulgated by the Department of Natural Resources, (DNR), relates to the management of Wisconsin's Wild Rivers.

Description of the Problem

At the request of Representative Lorraine Seratti, the Joint Committee for Review of Administrative Rules (JCRAR) reviewed ch. NR 302 on August 19, 2003. Chapter NR 302 regulates the management of three rivers in Wisconsin that are classified as Wild Rivers. These rivers include the Pike, Pine, and Popple Rivers in Marinette, Florence and Forest Counties. The DNR has not allowed All Terrain Vehicles (ATVs) to use any existing bridges crossing these rivers or the construction of new bridges. As a result, the ATV trails in Northeastern Wisconsin cannot be connected. After years of discussions with the DNR, a determination regarding ATV traffic over existing bridges has yet to be made.

Arguments in Favor of Suspension

- *Because the ATVs cannot cross the Wild Rivers, many ATV enthusiasts are leaving northern Wisconsin and going into Upper Michigan in order to ride on*

the trails in that state. This has a negative effect on an already depressed northern economy.

- *Snowmobilers and hikers are currently using the existing Wild River bridges. ATV enthusiasts should be afforded the same right to use the bridges.*
- *Although the DNR has been aware of this issue for years, a decision has not been made as to whether ATV traffic on existing bridges should be allowed. ATV groups should not have to wait years to get a response from the DNR on access to these bridges.*

Arguments Against Suspension

- *Because the rivers are classified as Wild Rivers, they should be protected from any attempt at development, including bridges to connect ATV trails.*
- *The existing bridges should be torn down to restore the rivers to their most pristine condition.*
- *This issue should be resolved between the local user groups and the DNR.*

Action by Joint Committee for Review of Administrative Rules

On August 19, 2003 the Joint Committee for Review of Administrative Rules held a public hearing and an executive session on s. NR 302.04(5)(a) and (b). The committee passed a motion on a 6 to 4 margin, pursuant to s. 227.26(2)(d), Stats., and for the reasons set forth in s. 227.19(4)(d)6., Stats., to suspend s. NR 302.04(5)(a) and (b).

On September 16, 2003, JCRAR voted 6-4 to introduce LRB 3153/1 and LRB 3154/1, which would specify that the DNR cannot prohibit the crossing of the bridges by snowmobiles traveling on a snowmobile trail or ATVs traveling on an ATV trail.