

Wisconsin Conservation Congress
Private Public Land Use Study Committee Minutes-September 26, 2009
Schmeekle Reserve Visitor Center-Stevens Point, WI
Subtted by Ray Heidel-Secretary

The meeting was called to order by Chairman Larrie Hazen at 9:30 a.m.

Committee members present: Larrie Hazen-Chr., Ray Heidel-Secty.,Brad Alden Ed Choinski, James Griglak, Mike Hamm, Mathew Jacowski, John Jones, Gary Kanarowski, Kevin Marquette, Dave Natter, DNR Liaison Alan Crossley

Committee members absent: Jerry Aulik, Doug Burrows, Alan Harrison, Alan Jacobson, Kyle LaFond, Mark Noll, Allen Opall, Myron Siler

The agenda was modified, First order of business was an overview of the Stewardship Program by Doug HaagSection -Chief for Real Estate for the WDNR. Haag stated that the support of the WCC is very important to the WDNR. He gave an overview of his background and then went over a Fact Sheet handed out to the committee. He state the NRB did not have oversight over Local Assistance programs but that it was a statutory requirement that a review be done by the community assistance staff. When asked how to find out where the grants to communities went he stated they could be obtained through the WDNR Bureau of Community Financial Assistance.

Haag went on to state that easement purchases were exploding with some very large ones being obtained from paper company lands and that only a small number of easements had restrictions. When asked if there were requirements for public access for easements he stated that access is part of the project plan but sometimes the approval for such access is a local issue, but the NRB generally approves of all purchases under \$150k. Purchases over \$150k go to a public hearing. When asked who is Wisconsin is to be advocating for hunting, fishing, and trapping access on Stewardship lands he said they (WDNR) were.

Larrie Hazen asked about management dollars for Stewardship funded properties and why advocacy for such dollars had to come from a private citizen instead of being part of the program. Haag stated they are reluctant to use bonding for habitat development.

Question-When the WDNR purchases easements or leases, who retains authority for granting permission for access? It depends upon if they are an easement or a lease, all easements are permanent.

Question-How are easements designated to have public access or not? The program objectives determine the depth of the easement.

Question-Is there a central repository for information concerning land designations? There is some information on the WDNR website, but the notion of a directory is struggling.

Question-Could the WCC County Chairmen be notified? A discussion ensued concerning the potential of developing a list serve for delegates to become informed on movements toward Stewardship purchases. WDNR transactions may not, however, be on such a list serve. Confidentiality is sometimes key to acquisition of properties that may be coming up. This information is statutorily protected. All WCC delegates are to be encouraged to sign onto the list serve and take action!

Haag went on to discuss land trust acquisitions. Many of them are extensions of programs that have been in existence since the 60's. A long discussion ensued concerning data showing that 86% of land trust lands purchased with Stewardship dollars are open to hunting, fishing, and trapping. This committee of the WCC would request clarification of the basis for the 86% prior to the Spring Hearings. Essentially, this committee is asking for the public constituency why we should spend more tax dollars to purchase property that will have unwarranted restrictions on public access? **THIS IS THE 86 MILLION DOLLAR QUESTION!**

Ray Heidel stated that he is tired of the term "trapping" being excluded by most WDNR staff when discussing Stewardship access. Trapping is just as viable a use and deserving of the respect that other uses get regularly.

A discussion ensued concerning handout 2309.16. It was stated that former MFL Lands retain public access under law. A further discussion ensued concerning how the NRB will determine usership patterns. Can a private land owner under Stewardship funding develop fish and game refuges? The Citizens Advisory Committee worked hard to define factors to be considered when developing prohibitions and other determinants of nature-based outdoor activities. Under this reauthorization these are hunting, fishing, trapping, hiking, and cross-country skiing.

The reasons for prohibitions, etc. must be part of the list serve for public review and comment. The role of the NRB is as a sounding board for WDNR implementation of the program. Evaluation of all these factors will drive the implementation of the program.

Sandy Heidel-Guest member of the CAC- Stated that the intent of the legislation was to not excuse the NRB from making determinations regarding prohibitions.

A long discussion ensued concerning whether the Committee supported the Draft Stewardship Access Rule (NR52). The Committee felt strongly enough to develop and forward the following statement to the WCC Executive Council:

To: WCC Executive Council
From: Private and Public Land Use Committee
Re: Committee Meeting 9/ 26/09

The Private and Public Land Use Committee of the Wisconsin Conservation Congress met in Stevens Point, Wisconsin on September 26, 2009. A number of agenda Items were discussed, however the main topic of the meeting was the Draft Stewardship Public Access Rules (NR 52).

Given the fact that the committee members did not receive the draft rules until the meeting the position of the committee needed to be formulated through discussion on that day. This discussion was very lengthy and a number of questions arose concerning the draft rules and their adherence to the original resolution regarding public hunting, fishing, and trapping access on all lands purchased with Stewardship Fund dollars.

The committee felt very strongly that the rule must adhere not only to the language of the original resolution and legislation, but also to the intent of both. It was also pointed out that in some documentation and fact sheets concerning the Stewardship access rules that “hunting” had been included, but “trapping” was excluded altogether. The committee felt that trapping must receive the same mention as hunting and fishing, as “trapping” was included in the original resolution and subsequent legislation.

The committee voted to move the draft rule on to the Executive Council, but had very strong concerns about the following items that need to be discussed and addressed by the Executive Council in its stance on the draft rule:

- 1. Items (c) 2 and 5 concerning new lands purchased with Stewardship Fund dollars adjacent to existing parcels that may or may not have usership patterns that adhere to the Stewardship Access rule.**

The committee was concerned that these new purchases would be automatically assumed to be under the same usership patterns as the existing parcel. This could result in ever-expanding lands purchased with Stewardship funds that would be governed under prior restrictions in access that were in deference to the language and intent of the legislation. The committee felt strongly that any new purchases should adhere to the new access rules whenever possible, despite potential restrictions on existing lands.

- 2. The committee felt strongly that authority over public use of lands purchased with Stewardship funds must remain with the Natural Resources Board, and not be abrogated to the Wisconsin Department of Natural Resources or any other agency. It is incumbent upon the Natural Resources Board to be**

representative of the public in this, and all natural resources matters, and to diminish that authority either voluntarily or through abrogation reduces the public's ownership of the process that has guided natural resource policy and practice in Wisconsin.

- 3. The committee understands that in some cases fees may need to be charged to cover cost of permit issuance, etc. The committee felt strongly that these fees should only cover the cost of permit issuance, and in no case should exceed the daily admission fee for state parks.**
- 4. It appeared very clearly to the committee that some private land trusts that used Stewardship funds to purchase land had hunting programs on these lands, however in some cases this hunting was very limited in scope. The fact that this very limited hunting was permitted seems to be used in a way that may be misinterpreted to assume that all hunting was allowed on these parcels.**

The committee felt very strongly that unless there were bona fide safety issues, existing laws or ordinances restricting hunting, fishing, and trapping, potential damage to fragile or endangered resources through human impact, or real rather than perceived potentials for user conflicts, that hunting, fishing, and trapping must be allowed under state regulations rather than arbitrary restrictions.

The Private and Public Land Use Committee of the Wisconsin Conservation Congress reiterates that they feel most strongly that the Natural Resources Board must maintain authority over public access rules regarding lands purchased with the Knowles-Nelson Stewardship Fund, and that the language and intent of the original resolution and legislation be adhered to and protect the public's full access and use of these lands. The Natural Resources Board is representative of the public, and it is incumbent upon that body to exercise its authority to protect full public access to these lands.

Alan Crossley-WDNR Public and Private Lands Wildlife Management Specialist gave an overview of his involvement with the WDNR. He stated that WDNR wildlife management took a serious change on February 28, 2002 when CWD was found in the deer herd. He stated that CWD and subsequent management strategies have taken up much of his time for the past 5 years. In February 2009 an effort to coordinate a movement of state wildlife areas including land acquisition, management, and resource procurement had become a part of the master planning process.

Resolution 130209-Creation of a Uniform Statewide Open Hunting Sign

This would greatly clarify and simplify the ability for the public to determine if private lands were at all available to seek permission to hunt.

The committee discussed the successful use of such a concept in other states e.g. “Project Respect”. This may increase communication between landowners and hunters.

This Resolution was voted by the committee to be forwarded to the Executive Council.

Resolutions 700109 and 420309 both dealt with metal detecting on public lands. 700109 included a \$20 fee, 420309 did not.

A long discussion ensued with representatives from metal detecting public making a very well-prepared presentation of safeguards to destruction of natural and archeological features. Metal detecting often served as an educational experience as well as for picking up litter on private and public lands.

The committee voted unanimously to forward 420309 to the WCC Executive Council.

Resolution 110609-Naming WDNR Properties

The author was not present to Larrie Hazen read the resolution. It was discussed that the naming of properties actually rests on the NRB.

The committee voted to reject forwarding this resolution to the WCC Executive Council

Resolution 250509-Stream Access Proposal

The author of this resolution was present for the meeting and made a presentation concerning the need to go back to the old “wet feet” rule. He stated that succeeding generations are beginning to limit access to streams. The committee discussed the highwater mark as well as depth of silt as an obstacle being open for too much interpretation.

The committee voted unanimously to forward this resolution to the WCC Executive Council.

Resolution 650409-Turkey Landowner Preference Property Specific

The author of this resolution was not present for the meeting. The committee discussed this resolution being too close to turkeys being landowner’s property. It was felt that there were plenty of turkeys to go around and that this concept was unnecessary.

The committee voted to reject forwarding this resolution to the WCC Executive Council.

Resolution 250409-Conservation Funding for Public Lands

A relatively short discussion concerning this resolution ensued. It was discussed that timber sales for state lands could help fund this program. It was questioned whether all these lands would be open to all opportunities. It was recommended that this should be further defined.

The committee voted to reject forwarding this resolution to the WCC Executive Council.

Private Land Access Program-Kevin Marquette-Shawano County

Managers could target specific high densities of deer populations (e.g 20% over goal)
This could be for a specific DMU or could even be expanded statewide. The committee discussed this concept as being the carrot in a “carrot and stick” approach.

The committee voted to forward this resolution to the WCC Executive Council.

The committee voted to adjourn sometime mid-afternoon after graciously being fed by Larrie Hazen-Chairman.