

Usership Patterns
October 29, 2008

Breakout Group Notes

(These notes do not reflect consensus among members of each small group, but rather a report out of their discussion.)

Group 1

Q 1. How are primary uses of a property established?

- a. Through the planning process of the project area or property.
- b. History of the surrounding area.
- c. Characteristics of the surrounding area.
- d. Logistics and characteristics of the property.
- e. Primary uses can not only be analyzed by looking at surrounding land uses but also by looking at the characteristics of the property itself by locating some uses on a portion of the property and others on other portions.
- f. Uses can be established by what the actual uses occurring on the property at the time of acquisition.
- g. Primary uses of a property can be determined by considering on a regional basis what recreational needs/demands (as documented in reports such as SCORP) may be needed. Accommodating these demands may be justification for determining a primary use but then we must analyze the other nature-based uses to see if they are compatible to the primary uses identified.

Q 2. How is property shape, size considered?

- a. Property size and shape does play a role in determining appropriate uses.
- b. Adjacent land use comes into play as well.

Q 3. How can we manage potential conflicts on a property?

- a. Through the type of hunting methods.
- b. Time and Space restrictions. An example of a time solution can be a certain hunting season. A space solution could be allowing a use on a portion of a property but not on another.
- c. Creating a system that can be self-policing by the user groups and this would be aided by having clear, easily understood rules that are clearly posted.
- d. Develop a reporting system to better understand and document usership conflicts.
- e. Signage helps and should be a grant-eligible expense.

Q 4. How much influence should the following have when it comes to usership:

- a. Seller contingencies: In most cases, this shouldn't be a consideration. Retained rights/uses, however, may be considered if they are time specific.

b. Landowner Mission: Not much but this may come into play by how the land has historically been used.

Q 5. How agreement on uses can be reached:

a. At the local level: usership groups can get together and come to agreement before the grant process begins.

b. If local agreement was reached the grant process should consider this local input.

Group 2

- We need to have a solid definition and explanation of PROHIBITION AND RESTRICTION.
- In the grant writing process, an applicant would be asked to document or explain exceptional restrictions that are above and beyond the state laws and local ordinances in place. As an example in hunting, the applicant would not have to state that hunting is not allowed within 100 yards of a building since this is already accepted by the hunting public.
- We agreed that the grant application should have a box added to indicate if a local ordinance is more restrictive than state law.
- There was a concern that if a restriction is added to the parcel, will it slow the application/approval process. It was generally agreed that if the restriction is well explained and documented, that it should not slow the process.
- The NCOs and LUGs are concerned that adding additional uses to their owned property would add additional burden to the groups and additional funds should be made available to help defray costs.
- More specifically on USERSHIP PATTERNS, the group agreed that a 50' no hunting buffer on a walking/biking trail was an acceptable restriction.

Group 3

How Usership patterns are determined?

- Historical use
- Purpose as established and supported by grant requirements and the application for funding
- Patterns that maximize the number of users.
 - Pre-existing restrictions on land must be considered and possibly honored, e.g., life estate.

How are recreational conflicts determined?

- Determined when one person's experience is disrupted by another—real or perceived. For example, a hunter's experience is disrupted if the hunting party

comes upon a walker or if a hiker is afraid to venture out because there is hunting in the area.

How property shape, size, location, etc., come into play?

- Separate; segment uses in time and space.
- Adjacent uses may have an impact
- Check existing laws, ordinances that control adjacent properties and grant properties.

Methods to manage conflicts:

- Share
- Educate
- Separate users
- Do not have the use for hunting restrict other uses such as hiking

How much influence should the following have in prohibiting activities?

- Landowner and mission /interests are to be considered during planning
- General public's concerns and interests
- Whether there is statewide importance
- Should not be controlled by people who used the property without permission and want to preserve their unauthorized use