

**Summary of Public Comments Received
Pertaining to the Proposed Rule on Access to Stewardship Lands
July 10, 2008**

Contents

Introduction

Public Input Process

Amount of Comment Received

Major Comment Topics

How to Access Comments Received

Reference:

Exact Statutory Language on Access

Interim Protocol

Stewardship Access Rule Comment Form on DNR website

Introduction

The passage of the state budget in October 2007 included reauthorization of the Knowles-Nelson Stewardship Fund. The Stewardship reauthorization includes a provision requiring that lands acquired with Stewardship funds be open to five nature based outdoor activities: hunting, fishing, trapping, hiking, cross country skiing and any other nature based outdoor activity as designated by rule by the Department of Natural Resources (DNR). The legislature provided for exceptions if the Natural Resources Board (NRB) determines it is necessary to prohibit one or more of the activities to protect public safety, to protect a unique animal or plant community, or to accommodate other user-ship patterns as defined by rule. This requirement does not apply to state park properties.

To develop these rules the Department will work with the public and a citizen advisory group to help identify criteria to determine under what circumstances these five primary nature-based outdoor activities maybe restricted or prohibited and to define “user-ship patterns”.

Until the rules are developed, the Department is operating under an interim protocol that was adopted by the by the Natural Resources Board in December 2007. The Interim Protocol guides DNR staff administering Stewardship grants until such time as the new administrative rule is established. The NRB also continues to review all DNR acquisitions funded through Stewardship.

Before the rule process got underway and before the citizens advisory committee was established the Stewardship Subcommittee of the Natural Resources Board (NRB) decided to provide an opportunity for public input on the access rule requirement in the reauthorized Stewardship Program.



A considerable amount of comment was received. This paper attempts to summarize it into major topics or themes that appeared to emerge from the variety of comments received. This summary cannot possibly mention each and every comment received. Those interested in reviewing each detailed comment may obtain the source documents, as noted later in this summary

Public Input Process

A public comment period was provided from April 1 through April 18, 2008.

The following opportunities were provided for public comment.

- 1.) The NRB Subcommittee held three listening sessions: April 1 in Waukesha, April 3 in Eau Claire and April 8 in Green Bay. All public comment was audio recorded, written comments were also received. Written transcripts of the audio tapes were made.
- 2.) Written comments were received by mail.
- 3.) The DNR established a website at which comment could be given via e-mail or via a standardized survey form.

At the Listening Sessions and on the DNR website, a set of standardized questions were provided to prompt people to think about the issues and provide the NRB with some focused commentary. Those questions were:

Of the five nature based outdoor activities (hunting, fishing, trapping, hiking, cross country skiing):

1. In what situations is access for these activities appropriate?
2. How would you accommodate conflicting uses on the same property?
3. How would you define “user-ship patterns”?
4. How would you define hunting? Does it include all seasons? All game species? All methods? All the time?
5. What impacts – positive or negative – do you expect from this rule?
6. Are there any other issues you would like considered?

Amount of Comment Received

Waukesha Listening Session:

- 62 people “signed-in” as attending
- 34 spoke at the meeting

Eau Claire Listening Session



39 people “signed-in” as attending
23 spoke at the meeting

Green Bay Listening Session
32 people “signed-in” as attending
16 spoke at the meeting

Written Comments Received by Mail:
Total received - 28
From individuals 15
From municipalities and organizations - 13

E-mails Received:
99; 24 with an attached letter or written comment

Stewardship Access Comment Forms
146 received

In a number of cases an individual, organization or municipality submitted the same written comments at a listening session, by mail, and by e-mail.

Major Comment Topics

The types of comments and opinions received are listed under major themes or topics that generally relate to the six standardized questions and appeared to be frequently mentioned. They are listed in no particular order of priority or importance. (Note: There are no DNR comments included in this summary.)

1. Accommodating the 5 activities on a property

- Land protection in Wisconsin is not a “one size fits all” situation, keep rules flexible as possible.
- Flexibility should consider things such as the following: local ordinances, site/land management plans, donor and volunteer intent and interest, public perceptions, recreation needs, education opportunities and needs, scientific value, preservation needs, and the need to manage invasives, location (urban vs. rural) within the state, parcel size and attributes, surrounding property uses, proximity to schools, and other institutions, business, housing, financial and staff/volunteer resources.
- Counties want flexibility to accommodate all their users.
- The need for flexibility was repeatedly mentioned.
- Sportsmen support the proposed language, and want public access on land purchased with DNR funding.
- Address flexibility by the public not individual organization who owns the property.



- Make decision locally – not in Madison.
- The majority of lands purchased in fee simple with stewardship funding (in part or whole) already offer a variety of nature based outdoor activities and for the most part user conflicts appear to be rare.
- Suggestions were offered that multiple uses can be supported by managing the seasonal and daily times certain activities are available on a property, restriction of certain activities to partial areas of properties that are appropriate to the activity, control of volume of users by property managers (i.e. managed hunts), and by good signage.
- Scientific input should guide use and management of natural areas.

What activities are not appropriate?

- Restrict activities if they damage a natural resource
- Restrict activities if they are a danger to threatened or endangered species, or to people (i.e. guns).
- Activities are not appropriate if they impact fragile ecosystems.
- Don't exclude the hunting public.
- Hunting should not be restricted just because some people don't like hunting or fishing.
- Need to build a case, have a good reason to close an area to hunting, not just because someone doesn't like hunting or is afraid of firearms.

When is access not Appropriate?

- Hunters will not endanger human safety or health.
- Hunting on land next to Red Cedar Trail is not safe and trail users don't use the trail during hunting season.
- Mandated hunting not appropriate in urban – suburban situations – many examples that show the need for flexibility were reported by land trusts and municipalities.
- When prohibited by local ordinance (local control).
- Safety concerns (proximity to schools, residences, popular walking trails).
- If would harm fragile natural resource or endangered or threatened species.
- When adjacent to DNR owned properties that are closed to one or more of the required activities.
- Some Natural Areas need protection from trampling.
- Need good reasons to close access. There needs to be a sound rationale and/or science behind a closure.
- Urban situations are different.
- There should be public input when a decision is made to close land to hunting.
- Some small properties should be kept closed due to their small size – if only a few acres or so.



2. Addressing conflicting uses

- Decide use conflicts in favor of the natural resource.
- Accommodate conflicting uses by offering different times and places for uses on a property.
- Use signs to tell people when hunters are on a property.
- There will be no good impacts on endangered resources from this rule.
- Heavy public use can hurt natural areas needed for research.
- Hunting occurs in wildlife habitats. People should use common sense during hunting season and respect the rights of the hunter.
- How will hunters and non-hunters know when hunting is occurring?
- Hunting should not occur on all lands.
- If must accommodate – need to separate activities in time and space.
- There will be some conflict and parts of a parcel may be open to some, closed to others – but with proper notice and good signage all can enjoy.
- First - determine if a problem even exists. Substantiate the conflict – was it resolved – if so how?
- Land trusts have worked with DNR to determine number of hunters to have on property.
- Hikers and skiers stay off the Red Cedar Trail during hunting season due to hunting on lands adjacent to the trail.
- For hunting and trapping – limit by permit.
- Land Trust property generally not large enough to segregate incompatible uses, and Land Trusts don't have staff to police properties on a daily basis.
- Close property to all other uses except hunting during gun deer season
- Cannot accommodate all uses on all properties.
- Need good signage to describe what is occurring on a property.
- Collect the facts regarding conflicts, find reasonable solutions.
- Document conflicts between hunters and other users.

3. Defining “usership patterns”?

- Use record of previous uses of the property to help define.
- There is no hunting during summer – learn to share. Hunters will need to learn to share also.
- Times of day, season; most frequent usage for particular activities to occur.
- Is the result of people being drawn to an amenity for purposes that are most obviously suited to that amenity.
- Properties purchased with Stewardship funds that have been closed present an unfair usership pattern. To fairly assess use – need to offer fair access to all users and then determine the greatest public interest.
- The uses upon which the local community agrees are appropriate for a site.
- Possibly consider the historic use patterns of the property.
- Some properties have a usership pattern that is not compatible with hunting – i.e., educational or heavily used for hiking etc.
- Purposes that are most obviously suited to that property.



4. Comments regarding hunting

- Includes all but might be sub-uses such as bow vs gun if safety is an issue.
- Deer and turkey get priority if control is necessary.
- Hunting is inappropriate if land parcel too small,
- Trapping can kill/injure non-target animals.
- Should encompass all to simplify areas of permitted use.
- Should include all species.
- Need to use common sense and in some cases ban hunting on small tracts in populous areas – this should be simple and understood in advance.
- Hunting needs to be managed specific to the characteristics of the land – species, method, season.
- Opposed to hunting on Stewardship lands – let nature take its course.
- If propose to restrict hunting there should be broad public notice given of such restrictions and all statewide conservation organizations should be notified.
- Should mean all species. If not, then “we have much bigger issue”.
- Define as the state does with further consideration for what the habitat allows.
- For spring turkey hunting – hunters need to be aware others are using the land even if it distracts the birds.
- Bow hunters are usually pretty compatible with other nature based activities from a safety standpoint.
- How will the continuous open season for some species be addressed, e.g. coyotes?
- Allowing hunting needs to consider – size or property, shape, adjacent landownership (houses vs. rural). DNR already doing this for some Ice Age Trail properties it acquired in March 2008.
- Not all hunting created equal – e.g., bow is different than gun.
- Don't use hunting just as a tool in a management plan.
- Hunting shouldn't just mean deer hunting.
- In more populated areas like Waukesha County allow hunting on stewardship lands but do so using a permit system to limit hunters, assure safety and a positive public perception. Create volunteer groups to oversee hunting.
- Waukesha County needs to allow hunting on its lands.

5. Comments on positive or negative aspects of a rule on access.

- Allowing all uses could discourage those who worked hard to protect and restore habitats (that is – land trusts or organizations).
- Some hunters and ideologues will be upset about restricted uses of public lands
- Younger generation will have more lands to hunt.
- The requirement to hunt will scare off potential sellers in SE WI. Land owners have other options and may sell to developers or divide up the land.
- There are many more lands that need protection (Waukesha Cty) – allowing for hunting in all cases will result in the loss of these lands being protected.
- Need to also consider the role of easements to prevent further development (Mirror Lake example was used).



- Positive - Law will allow maximum number of people to use Stewardship lands. Will benefit future hunters and anglers.
- Negative - If all five uses must be allowed on each property with no restrictions.
- Negative - If the process for seeking a closure becomes too cumbersome.
- Negative – One size fits all rules.
- Care needs to be taken to insure the Stewardship program and its funding isn't hurt or curtailed by the change regarding public access for the five NBOAs.

6. Other issues and comments

- Rule needs to follow the legislative intent and not water it down.
- Land Trusts usually acquire land that was private and closed to the public – thus they are providing a net gain and public accessible land – this should be recognized.
- Land Trusts need flexibility to accommodate reasonable uses.
- DNR does not spend enough Stewardship money in SE Wisconsin.
- Liability for land Trust board members is an issue. Insurers won't insure for hunting. The rules need to consider this issue.
- Take inventory of restrictions placed on past lands and explain why the restrictions were put in place.
- All closures should go through a public comment process.
- City of Milwaukee a unique situation and rules should reflect this. Need Flexibility.
- Not anti-hunting, but only 13.3% of WI resident buy hunting licenses, but all stewardship is funded by all state taxpayers.
- Land Trusts are vying with developers to purchase land and protect green space; don't discriminate against urbanizing areas.
- The future of hunting fishing and trapping is going to rely on having access to land close to where you live.
- Land trusts will own the land – they want a say in what happens.
- County Forests are accommodating all uses. Stewardship is public money – public access of all kinds (including ATV's) belongs with Stewardship.
- Need effective public notice. Public gets involved at the end of the process; need to allow for public input earlier.
- Hunters and non-hunters need to play well together, don't get them caught in the middle with conflicting rules.
- Small staffs and volunteers are relied on heavily to manage Land Trust properties, and staff is not available to police properties on a regular basis.
- Added financial burdens and change of focus are expected to detract from ability to acquire property.
- Signage is an issue both from a cost standpoint and to inform users.
- Need to guard against extra steps and delays which will jeopardize completion of land deals especially for NCOs and LUG's.



Safety

- Hunters emphasize low accident rates, but in part this is because other recreational users avoid public hunting areas during the season
- Restrict hunting only if close to homes.
- Passive users such as hikers, birdwatchers, school groups won't use trails during hunting seasons if they don't feel safe.

Motorized vehicles

- Designate motorized vehicles as 6th nature-based outdoor recreation.
- Consider motorized recreation as one of the primary nature based recreations
- Motorized vehicles are an inappropriate use for stewardship land
- Hunter, trappers and anglers and disabled persons use motorized vehicles so why aren't motorized vehicles a nature based recreation?
- Motorized trail users pay registration fees – so should hikers, bikers and silent sport trail users.
- ATV riding is essentially a relationship between the operator and the machine, its not nature based.
- Don't cut ATV's totally out.
- ATV's create too much noise and damage to vegetation and trails and conflict with other uses.

City/Urban Perspectives

- Hunting not applicable in all situations – especially urban - use common sense.
- Don't "down-grade" a grant application if in an urban area where there will be no hunting. .
- Rule must provide for flexibility necessary to protect public safety – the all species hunting requirement is too liberal. (Mequon Nature Preserve example)
- MMSD concerned that their greenseams program will be halted – they are acquiring wetlands in suburban areas for green space and flood control. Lands are open to passive uses but not hunting due to nearby homes etc.
- The rule must not create an unfair disadvantage for cities in competing for Stewardship funding.
- The regulation should clarify that state law does not pre-empt local laws such as discharge of firearm and regulating hunting.
- Rule should consider exempting lands within a city or village and within extraterritorial zoning area of a city or village.
- Current proposal is biased against urban areas. Urban areas don't allow hunting, so we can't comply with the proposal.
- Urban green spaces are important to the quality of life and urban populations are growing while rural populations are reducing.
- Many concerns about potential loss of funding for urban areas.



How to Access Comments Received

In addition to this summary document, the following source documents are available on DNR's website and upon request:

1. Transcripts of the three listening sessions
2. Copies of the audio tapes of each listening session.
3. Copies of the written comments submitted at the listening sessions.
4. Copies of the written comments sent by mail.
5. Copies of the e-mails received plus attached written comments. (available in hard copy and/or e-mail).
6. Copy of the on-line survey results (available in hard copy and/or e-mail).
- 7.) Copy of the notes of those who spoke about Stewardship Access at the May 2008 full NRB citizen's participation session in Milwaukee.

To obtain one or more of these source documents contact:

Ms. Kathy Shubak
 Bureau of Facilities and Lands
 WI DNR
 P.O. Box 7921
 Madison, WI 53707

Phone 608-264-8993

e-mail: katherine.shubak@wisconsin.gov

Reference Information

Exact Statutory Language on Access:

(2) REQUIREMENT OF ACCESS; NONDEPARTMENT LAND. (a)

Except as provided in par. (b) and sub. (4), any person receiving a stewardship grant on or after October 27, 2007, that will be used to acquire land in fee simple or to acquire an easement on former managed forest land shall permit public access to the land for nature-based outdoor activities.

(b) The person receiving the stewardship grant may prohibit public access for one or more nature-based outdoor activities, if the natural resources board determines that it is necessary to do so in order to do any of the following:

1. Protect public safety.
2. Protect a unique animal or plant community.
3. Accommodate usership patterns, as defined by rule by the department.

(3) REQUIREMENT OF ACCESS; DEPARTMENT LAND. (a) Except as provided in par. (b) and sub. (4) and ss. 29.089, 29.091, 29.301 (1) (b), and 29.621 (4), the department shall permit public access for nature based outdoor activities by others on land that is acquired by the department in fee simple or is an easement



acquired by the department on former managed forest land.

(b) The department may prohibit public access for one or more nature-based outdoor activities if the natural resources board determines that it is necessary to do so in order to do any of the following:

1. Protect public safety.
2. Protect a unique animal or plant community.
3. Accommodate usership patterns, as defined by rule by the department

Stewardship Access Rule Comment Form that was on DNR website

Stewardship Access Rule Comment Form

The reauthorized Stewardship Program requires that all lands purchased with Stewardship funds be open to hunting, fishing, trapping, hiking, cross-country skiing, and other nature-based outdoor recreation, unless the Natural Resources Board determines that it is necessary to prohibit one or more of these activities: to protect public safety, to protect unique animal and plant communities, or to accommodate usership patterns. The Board and the Department need to develop administrative rules to guide this process. Your comments will be used by the Board and the Department in developing these rules. Thank you for your interest. The deadline for submitting all written comments is Friday, April 18, 2008.

1. Name:* Required
2. City of residence:
3. Group/organization, if applicable

The Natural Resources Board would like your comments on the following:

4. Which of the nature-based outdoor activities do you frequently enjoy? Check all that apply.

Hunting
 Fishing
 Trapping
 Hiking
 Cross-country skiing
 Other, please specify

5. In what situations are access for these activities not appropriate?
6. How would you accommodate conflicting uses on the same property?
7. How would you define "usership patterns?"
8. How would you define hunting? (For example, does it include all seasons, all game species, and/or all methods?)
9. What impacts -- positive or negative -- do you expect from this rule?
10. Are there any other issues you would like considered?

sww 7-10-08

