

KEEP OUT

Are hunters, anglers, trappers illegally kept off Wisconsin's Stewardship properties?

By Dick Ellis

"The people have the right to fish, hunt, trap and take game subject only to reasonable restrictions as prescribed by law."

Article 1, Sec. 26, Wisconsin Constitution

Are some land trusts and local units of government, beneficiaries of Knowles-Nelson Stewardship funds that purchase tens of thousands of acres of properties with millions of dollars in public money, illegally prohibiting access to that property by the Wisconsin angler, hunter and trapper?

Jeff Nania is the recently retired Executive Director of the Wisconsin Waterfowl Association and recipient in 2007 of the National Wetlands Award. In 2008 he was recognized as one of Outdoor Life Magazine's OL25 under the category of Conservationists, a program honoring 25 men and women who have "changed the face of hunting and fishing." Specific to the award, Nania's accomplishments included directing the restoration projects of thousands of acres of wetlands and upland forests throughout the state, and his commitment to preserving Wisconsin's hunting, fishing and trapping traditions.

In this columnist's opinion after fol-



Jeff Nania, a recent recipient of Outdoor Life Magazine's OD25 award for his commitment to preserving Wisconsin outdoor traditions shown here helping students preserve upland habitat near Portage, calls access rights for hunters, anglers and trappers on lands purchased with Stewardship funds the 'biggest issue facing hunting and fishing in Wisconsin...ever'. Open hearing will be held on the issue this week and later in March.

lowing Nania's work both in the field and in the capitol for years, he would be a strong candidate if Wisconsin's outdoorsmen and women could choose only one person to ensure that our traditions were protected for future generations. This is what Nania said during a March 13 interview regarding open hearings scheduled this week and later in March regarding our loss of access to Knowles-Nelson Stewardship purchased properties despite the law that explicitly protects that access.

"In my opinion, this is the biggest issue facing hunting and fishing in Wisconsin... ever," Nania said. "This is the real thing, and we need to be successful. The future of hunting, fishing and trapping requires a place to go close to home for a quality experience."

In 2007, with great support and hard work from hunters' anglers and trappers, Knowles-Nelson Stewardship funds were increased to \$86 million per year. Recipi-

stewardship grant may prohibit public access for one or more nature based activities (NBOA), defined as hunting, fishing, trapping, hiking and cross-country skiing, if the natural resources board determines that it is necessary to; protect public safety, protect a unique animal or plant community; or accommodate usership patterns.

According to Nania, the DNR convened a rule writing advisory committee with the goal of developing regulations that determined when it would be permissible to close lands for any NBOA.

"While most people in the room worked honestly others used the opportunity to try and figure out ways to subvert the law," Nania said. "They were bound and determined to do everything they could to limit access to hunters, anglers and trappers. Both in the room and out they misrepresented the facts, painting a picture to those less informed of hunters in blaze orange hiding behind swing sets

stewardship grants had been approved for a conservation organization even though those grants openly stated they intended to illegally limit access to our state waters," Nania said. "At every turn those who oppose us will feign surprise at our concerns about hunting and tell you that over 87 percent of all stewardship land is open to hunting. Even though they know these lands are open to deer hunting only, a couple days a year, and then only with a valid permit."

"The law is clear on the definition of hunting, including waterfowl, small game, turkey and big game hunting, gun and bow. Yet it is ignored as a private conservation organization receives a stewardship grant to purchase property and notes in the grant that it will not abide by this requirement. In 2009, the citizens of our state spent 91 million public dollars on new Stewardship purchases and another 46 million public dollars servicing the

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ents of Stewardship funds must raise 50 percent of the cost of purchased property. Before budget negotiations even began, Nania said, Wisconsin's outdoor community had expressed concerns about access limitations on lands purchased with these funds.

"The state legislature heard those concerns and passed the budget with language that requires lands purchased with Stewardship funds be opened to our traditions," Nania said. "It passed the Assembly, the Senate and was signed by the Governor. It is the largest most expensive land acquisition program in Wisconsin history."

The law states that the recipient of a

in public parks or lined up along the Hank Aaron Trail in Milwaukee. Or, waterfowlers erecting duck blinds along the shore of an educational bird sanctuary. This is a handful of people lacking substantiating facts, hiding their personal prejudices behind misinformation."

Nania points out that the Public Trust Doctrine, part of the Wisconsin Constitution, ensures that the waters of our state belong to the citizens of Wisconsin: "All navigable waters of the State of Wisconsin are common highways and forever free. All Wisconsin citizens have the right to boat, fish, hunt, ice skate and swim on navigable waters."

"Yet we found that millions in Stew-

debt from purchases past. No matter what you hear, never forget the Knowles-Nelson Stewardship Fund is a public fund."

At the DNR Public Hearings in March, debate will center on proposed rules to establish standards to implement the public access requirements of the Stewardship Program. Organizations friendly to hunters and anglers are seeking rule amendments to require that: DNR decisions limiting hunting, fishing and trapping be appealed to the Natural Resources Board as required by statute; that Stewardship funding would not be provided to a non-profit applicant for a land purchase that has a stated policy against hunting, fishing or trapping unless it can

demonstrably be proven that those activities will harm public safety, unique plant or animal communities or usership patterns on the property.

Also, that the rule should be amended to provide that hunting, fishing or trapping on a parcel proposed to be purchased with Stewardship funds as an addition to a larger parcel or set of parcels owned by the applicant on which the applicant prohibits hunting, fishing or trapping should not be a basis of limiting those activities on the new purchase unless there is demonstrable proof of significant harm to public safety (etc. as previous listed). Also, the rule should be amended to provide that a restriction limiting hunting, fishing or trapping shall be considered a prohibition under the rule if restriction prevents a major or significant amount of a form of hunting, fishing or trapping to take place.

Also, the rule should be amended to provide that the primary purpose for which a parcel is purchased should not be purchased by Stewardship funding unless it can be demonstrably shown that hunting fishing or trapping will be a significant harm to public safety, etc. Also, the rule should be amended to provide that limitations on hunting, fishing and trapping on a property to be purchased with Stewardship funding should not be based on mere speculation of increases of such activities in the near future. Also, the rule should be amended to provide that the presence of public lands in the vicinity of a parcel proposed to be purchased with Stewardship Funding should be deleted as a basis for limiting hunting, fishing or trapping on the parcel.

Also, the rule should be amended to provide that the policy of previous owners of a parcel to not allow hunting, fishing or trapping shall not be a basis to limit those activities on a parcel proposed to be purchased with Stewardship funds. And finally, the DNR should adopt a rule allowing the placement of public access signs on Stewardship funded lands to be

eligible for Stewardship funding. This, it states, would benefit Stewardship funding applicants and the public.

On the Gathering Waters website, they take the following position regarding NR52-The Administrative Rules for Public Access (to be debated at Public Hearings): "We believe that NR52 effectively captures the input from the Citizens Advisory Committee and we are advocating that they not be revised further. From the beginning of this process, Gathering Waters Conservancy has argued that the administrative rules should allow land trusts and local governments the flexibility to protect places important to their communities and determine the best balance of recreation on individual properties. These rules as they are written provide a framework within which natural resource professionals in the DNR can work with local governments and land trust partners to determine who Stewardship dollars will best serve communities across Wisconsin."

The Gathering Waters site continues: "Are there people who oppose the rules? Some have argued that Stewardship dollars should only be used to buy lands that will be open to all users, notably all hunting and trapping in all seasons. We believe that would make Stewardship dollars unavailable to communities who have the most to gain. That would mean Stewardship grants would be unavailable to purchase public recreation lands near urban areas and would prevent the Stewardship fund from protecting our most vulnerable natural resources."

In addition, this strict approach would directly contradict the legislature's intent. In 2007, the legislature were clear: that nature based outdoor activities could be prohibited when it is necessary to protect the public safety, protect unique plant and animal communities, or accommodate usership patterns."

According to Nania: "The legislative intent is clear and in fact has been restated by legislators in writing and publicly re-

leased. In addition a legal opinion by the Office of Legislative Council also clearly supported the position that these properties are assumed to be open to hunting fishing and trapping unless closed because of one of the reasons noted in the law. We need to send these rules back to DNR and get it done right. There are so many holes in the proposed rules there is a great chance for abuse and in fact, abuse has been the rule, not the exception. The most frustrating thing about this is that some of the organizations that most vigorously oppose us receive hundreds of thousand of dollars each year directly from DNR to fund their operations. They have spent a great deal of money on highly-paid lobbyists. We have...us...the WWA, the Wisconsin Wildlife Federation, the Hunter's Rights Coalition, and friends. These groups have done everything that they can to unfairly limit access to hunting, fishing and trapping. They ignore the conditions for restriction we all agreed upon and do what ever they can to pervert the process."

"We realize that some places hunting may not be appropriate or safe. We seek only to have an honest discussion about potential compatible uses of these properties; continued attempts to subvert the law and obviate this process will cause nothing but harm to the conservation community. We must do everything we can to make sure that Stewardship is the incredible public program Warren Knowles and Gaylord Nelson knew it could and should be. There is room for all. A generation yet to come is counting on us." *OWO*

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