



State of Wisconsin
GOVERNOR'S STATE TRAILS COUNCIL

Meeting Minutes

Monday, July 15, 2013 - Teleconference

Room 613, GEF 2 Building, 101 S. Webster Street, Madison
10:00 a.m. – 12:00 p.m.

State Trails Council Members present:

Ken Carpenter; *Wisconsin State Horse Council (equestrians)*
Randy Harden; *Wisconsin ATV Association (ATVs/UTVs)*
Doug Johnson; *Association of Wisconsin Snowmobile Clubs (snowmobiling)*
Phil Johnsrud; *(non-motorized water trails)*
Skip Maletzke; *(Tourism/business)* [Secretary]
Mike McFadzen; *WI Nordic Network, Northern Kettle Moraine Nordic Ski Club (cross-country skiing)*
Bryan Much; *Wisconsin Off-Highway Motorcycle Association (off-highway motorcycles)* [Vice Chair]
Luana Schneider; *Wisconsin 4-Wheel Drive Association (4-wheel drive vehicles)*
Robbie Webber; *Bicycle Federation of Wisconsin (bicycling)* [Chair]

State Trails Council Members not in attendance:

Harold Schmidt; *Wisconsin Off-Road Bicycling Association (off-road bicycling)*
Jim White; *(boards/small wheels)*

Others present:

Leif Hubbard; *(WI DOT)*
Ken Neitzke; *(Ice Age Trail Alliance)*
Dave Peterson; *(snowmobiling/biking)*
Judy Peterson; *(snowmobiling/biking)*
John Siegert; *(Bicycle Federation of Wisconsin)*

WI DNR Staff present:

Dan Schuller, Peter Biermeier, Brigit Brown, Mike Kowalkowski, Joseph Warren

10:00 A.M. – Agenda review/repair and approval of April meeting minutes

- Webber called the meeting to order. Motion for approval of the April 25, 2013 meeting minutes with adjustment to purview discussion section by McFadzen (“*McFadzen stated some legislators asked him why the council did not take a stronger position on the topic of hunting in state parks.*” Correction noted in final April minutes). Seconded by Carpenter. Minutes approved.

10:05 A.M. – Chair Report

- Recreational Trails Program funding for the next cycle will be determined in August. Wisconsin can decide to opt-out of the program. The DOT anticipates accepting applications for the Transportation Alternative Program (TAP) in October. <http://www.dot.wisconsin.gov/localgov/aid/tap.htm>.
- The Bicycle Federation of Wisconsin is working on a numbering system for bike/pedestrian trails which would aid in emergency services. This system would be a separate effort from the national bike route system that identifies five corridors in Wisconsin.



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10:10A.M. – DNR Report

- The State Park System went to the Natural Resources Board in June regarding hunting in state parks. At the December 2012 meeting, the Board asked the State Park System to come back with a clarification of existing hunting seasons that were impacted by the Board's December decision. The June 2013 NRB green sheet clarifies the existing state park hunting seasons that were already established by administrative rule. The general time frame the NRB determined in December will remain in place, though some parks will have certain fall hunting seasons that start prior to November 15. Some parks will also remain muzzleloader-only for deer hunting.
- The State Park System is in the process of updating property boundary signs, and hunting maps and information will be posted at trailheads and other access points. The NRB also asked the State Park System to come back to the board with proposed rules that prohibit shooting across trails and require pet-proof traps in state parks. Carpenter stated that if the DNR develops some guidelines or information for the public, user groups can help get the word out about the new rules.
- The State Park System recently hired three district supervisors; Ben Bergey – Northwest District, Jerry Leiterman – Northeast District, and Jason Fritz – Southeast District.
- The DNR is working with the DOT for a potential trail route from the Wisconsin River in Sauk Prairie, through the Sauk Prairie State Recreation Area, to Devil's Lake State Park.
- The master plan for the Sauk Prairie State Recreation Area is in progress. The DNR will release proposed alternatives for the property in late-July for public review and comment. The Mukwonago River unit of the Kettle Moraine State Forest will be releasing the regional property analysis and the master plan for the property in southeast Wisconsin will be moving forward. The master plan for the Menominee River State Recreation Area is also in progress with the state of Michigan. Master planning for the five state parks and other state lands in Door County will be starting later in 2013.
 - <http://dnr.wi.gov/topic/Lands/MasterPlanning/SaukPrairie/>
 - <http://dnr.wi.gov/topic/Lands/MasterPlanning/SouthernKettles/>
 - <http://dnr.wi.gov/topic/Lands/MasterPlanning/MenomineeRiver/>
- The DNR is required by recent legislation to sell 10,000 acres of land located outside of project boundaries. Acquisition and development money for fiscal years 15/17 will be cut back. Due to the Federal sequestration, the Ice Age Reserve Units and National Trails in Wisconsin are seeing less funding.
- RTP applications are in the process of being reviewed. An update of award winners should be available by the November STC meeting.

10:25 A.M. – Recreation Immunity Law Overview

- Mike Kowalkowski, Wisconsin DNR Attorney, provided an overview of Wisconsin's Recreation Immunity Law. In the 1960's the legislature determined there was limited public land and wanted to protect private landowner from their liability duty if they opened their land to the public. Many landowners were unsure if the law would indeed protect them. In 1984 the law was changed to include a legislative policy statement of intent that it was not possible define every activity. Under this broader definition more landowners felt protected and were willing to open their land.
- Recreational activities are defined broadly as those that are for exercise, relaxation or pleasure. The list of activities in the law is not exclusive, as the legislature when passing the law, understood that they



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could not foresee all future recreational activities the public would be participating in. Without the law it would also be difficult to open state land to the public.

- The law does not apply to a private landowner that charges a large fee to use their property or for a malicious act by the landowner to knowingly not warn of unsafe conditions. The DNR must inspect all designated use areas. When groups are holding special events on state land and charging a fee, the DNR may require proof of liability insurance. The Recreation Immunity Law does not provide protection from a lawsuit. People can still bring a lawsuit if they choose.
- Kowalkowski also provided some interpretation for the question of cutting trees within waterways. A person recreating on a waterway is not authorized to go on private land to cut a tree across the water. The person recreating should first get permission from the private landowner. Doing so without permission would be considered trespassing. A person recreating may get out in the waterway below the ordinary high water mark to cut an obstruction. The ordinary high water mark may be difficult to determine in some instances and it is always recommended to work with the private landowner. Also, cutting and removing of anything that is rooted without landowner permission meets the definition of timber theft as the landowner owns the land to the middle thread of a stream/waterway.
- A person recreating on a waterway could also contact the local DNR warden for assistance with obstruction issues. Working with the landowner first is recommended. Johnsrud stated that when portaging around obstructions, paddlers try to stay as close to the water as possible. Staying in the water below the high water mark would not be considered trespassing, but going on land would be considered trespassing.

10:45 A.M. – State Trails Council Member Reports

- *All-Terrain Vehicles.* Trail Con will be taking place August 9-10, 2013 in Antigo, WI. Several different trail user groups and vendors will be in attendance. Activities and events are planned throughout the two days. Some proposed legislation would remove the license plate requirement for recreational ATVs. WATVA will be monitoring the legislation as it would make it harder to track complaints.
- *Tourism/Business.* The Department of Tourism has been working with the Green Bay Packers on some advertisement campaigns. Overall it has been a good year for the tourism industry.
- *Equestrian.* The Wisconsin Horse Council will be at Trail Con in August. The Horse Council will also be sponsoring a trail design course July 28-31 at Donald Park near Mount Horeb. Several sections of the trails in the Kickapoo Valley Reserve are changing to multi-use trails.
- *Off-Highway Motorcycles.* In June there was a hill climb and Sunburst Ski Area in Kewaskum. Many young riders participated in the event. The OHM registration program is progressing. There are examples where some trails have a temporary repurposing of uses (the Zumbro Bottoms Area in MN plan to open their trails for two OHM events). A lot of people are interested in adventure riding trails and back roads. Much mapped out some of these backcountry and discovery routes in CO.
- *4-Wheel Drive Vehicles.* The W4WDA will be at Trail Con in Antigo. Motorized trail user groups are interested in the alternatives proposed for the Sauk Prairie State Recreation Area. A registration program for off-highway vehicles is progressing. Upcoming events include the Jeep Jamboree and the March of Dimes trail ride. Colorado offers many motorized and non-motorized multi-use trails.
- *Wheels/Small Boards.* No report.



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- *Hiking/Walking.* The Mobile Skills Crew is in the middle of the summer trail building season. Projects are scheduled through October. The Ice Age Trail Alliance is working with the DNR and NPS to acquire easements for the Ice Age Trail.
- *Snowmobiling.* Snowmobilers had snow in April in northern Wisconsin this year. AWSC was at the Wisconsin Outdoor Education Expo in Beaver Dam. The International Snowmobile Congress met in Green Bay in June. The National Forest Service is working to standardize recreational trail signage in the forests. Groups are continuing to work on challenges with the snowmobile fund and manpower issues. AWSC will be back at the Wisconsin State Fair and also at Trail Con in August.
- *Bicycling.* Dave Schlabowske is currently the acting executive director for the Bicycle Federation of Wisconsin. The BFW will be looking to fill the open position. The bike summit the BFW holds in the spring at the capitol will be moved to October 25 in connection with a planned fundraiser, bike rides and activities. Federal law has a different process this year and states are distributing transportation money in different ways. Council members can contact Webber for more information.
- *Water Trails.* Work is being done to draft legislation to formally create water trails in state statute. Next steps will be to get a bill number and sponsors.
- *Cross-Country Skiing.* Snow has been good across the state for four of the last five years. The Telemark Lodge that hosts the largest ski race in the United States, the American Birkebeiner, has gone into foreclosure. There are verbal commitments for the 2014 race with formal agreements coming.
- *Off-Road Bicycles.* The International Mountain Biking Association (IMBA) Trail Care Crew will be coming to Wausau in August. User groups are looking to expand off-road biking opportunities in the Wausau area. The grand opening of the Rock Sports Complex in Franklin will be in July. The complex will feature off-road biking and other activities.

11:15 A.M. – ATV Landowner Incentive Program Overview

- Harden gave an overview of the program that motorized groups use as a tool for their trail systems. There are many trails on public land, but in some instances, connections are needed across private land. The idea behind the Landowner Incentive Program is that if recreation users are displacing some other use of the land, such as agriculture, a small monetary compensation to the landowner for the privilege to recreate on the land can help offset the inconvenience of displacing the other uses of the land. The amount of money is based on the length of time the landowner opens the land to the public (which is typically broken out by 60-day blocks). The amount of money paid to landowners is small enough to not be in violation of Wisconsin's Recreational Immunity Law so as to still protect the landowner from liability.

11:25 A.M. – Trail Uses and Presentations

- Wisconsin laws/statutes vary in interpretation regarding electric bicycles. Discussion about categorizing electric bikes moved to November STC meeting.
- Luana Schneider will give a presentation about 4WD vehicles at the November STC meeting. Presentation will be an overview of the recreation activity, including different types of vehicles and desired riding experiences.

11:40 A.M. – STC Member Update



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- Mike McFadzen was reappointed as the Cross-country Skiing representative. Applications and paperwork for the other open positions has been submitted.

11:50 A.M. – Public Comment

- Dave Peterson stated that Langlade County has a trail numbering system for snowmobile trails. The numbering system has been primarily used for safety and location of accidents. Snowmobilers also rely on easements from private landowners for trails. Peterson will send some information about the numbering system to Brown.

12:00 P.M. – Adjourn

- Motion to adjourn by McFadzen. Seconded by Maletzke. Meeting adjourned.