

SUBJECT: Informational material regarding unattended tree stands on department managed lands.

FOR: DECEMBER, 2011 BOARD MEETING

TO BE PRESENTED BY / TITLE: Scott Loomans, Wildlife Regulation Policy Specialist

SUMMARY:

This agenda item provides information on the topic of unattended tree stands on department managed lands. Tree stands must currently be removed each day at the close of hunting hours. Some hunters, however, would appreciate the convenience of being able to leave them in the field for the duration of their hunt.

The information includes a history of proposals related to the long term placement of blinds and tree stands. The issue has been a topic of Natural Resources Board and Conservation Congress questions to gauge public support, as well as a legislative proposal.

Department staff remain concerned about the level of time currently invested in mediating disputes about hunting locations and the potential for an increase of conflict in the field if tree stands are allowed overnight on department managed lands.

The convenience that would be afforded to hunters if they could leave stands out for the duration of their hunt is also undeniable.

RECOMMENDATION:

This item is informational and no action is necessary.

LIST OF ATTACHED MATERIALS:

- No Fiscal Estimate Required
- No Environmental Assessment or Impact Statement Required
- No Background Memo

- Yes Attached
- Yes Attached
- Yes Attached

APPROVED:

Tom Hauge jof
Bureau Director, Tom Hauge

11-16-11
Date

Kurt Thiede
Administrator, Kurt Thiede

11-17-11
Date

Matt Moroney
Secretary, Cathy Stepp

11-17-11
Date

cc: NRB Liaison
DNR Rules Coordinator

Tom Hauge - WM/6

Scott Loomans - WM/6

DATE: November 9, 2011

TO: Natural Resources Board Members

FROM: Secretary Cathy Stepp

SUBJECT: Information on the use of tree stands on department managed lands and recent proposals

At its September meeting, members of the board requested information regarding the regulations, existing policies, and property management issues, and history of proposals on the use of tree stands on department managed lands. This is informational material and board action not anticipated.

Overnight placement of tree stands on department managed lands

Leaving tree stands unattended, overnight, on department managed lands is specifically prohibited by administrative rule. Unlike the storage of other personal property, there is no exception that allows the department to give permission or otherwise authorize unattended tree stands overnight.

NR 45.09(2) Except for blinds used exclusively for waterfowl hunting as provided in s. 29.327 (2), Stats., and s. NR 10.12 (12), and except for blinds constructed entirely of dead vegetation found on the property, no person may do any of the following: (a) Construct, occupy or use any elevated or ground blind or other elevated device except that portable tree stands and blinds may be used provided they are removed from the property each day at the close of hunting hours. Unoccupied tree stands shall have the owner's department customer identification number or the owner's name and address, written in the English language attached to the tree stand in a manner so it is clearly visible to a person standing on the ground, and kept legible at all times.

Discussion

A poll of department staff with property management duties identified strong concerns that the practice would create a sense of individual ownership for a hunting location on public land over an extended period of time. The experience of field staff with public lands where they are allowed, and with duck blinds which can be left out for the entire season, is that this kind of "staking out" locations does result in significant conflict in the field and calls to wardens to mediate disputes. Erecting multiple tree stands across properties to "reserve" sites is another potential practice that could increase conflict during deer season.

Department staff commonly receive requests and comments in favor of the overnight use of tree stands. It would undeniably be a convenience for some hunters to place their stand in a tree once and remove it at the end of the season. Considering the aging demographic of deer hunters, it is a convenience that would be appreciated.

Theft of unattended stands is already a common call to field staff. Wardens and Park Rangers have full police powers on DNR owned and managed lands, and would therefore end up being the primary law enforcement agency who will deal with complaints and investigations of theft of personal property left unattended on DNR lands. This would likely result in an increased workload during the busiest time of the year.

Despite the existing requirement to label tree stands, abandonment will lead to increased workload and

cleanup costs at the end of the season. Department staff already experience this with waterfowl hunting blinds. Abandonment of tree stands will result in tree damage if they are not removed.

Concern was expressed that, if a stand has not been put up properly or is not designed for proper weights, it could be a public nuisance if another person happens upon it and uses it.

Individuals who are concerned about the safety of their tree stands may want to consider using stands that they are more comfortable with. There is a wide variety of stands on the market today that are very portable and many people consider easy to use. Climbing stands, for instance, have advanced significantly and many are lightweight, have backpack straps, and the user can remain tethered to the tree they are climbing at all times. With many hang-on types of tree stands, which people like to leave in the woods because they can be challenging to place, there is a need to crawl from a ladder into the stand - a maneuver that makes some hunters uncomfortable.

Wisconsin's Surrounding States

Among surrounding states, Michigan allows the placement of tree stands on public lands from Sept. 1 to March 1. Iowa allows placement beginning 7 days before the season and require removal within 7 days of the season's close. Tree stands must be removed daily on lands classified as public hunting grounds in Illinois. Minnesota allows the use of tree stands and prohibits damaging trees.

History of Tree Stand Proposals

Below is a history of questions or proposals to allow the overnight placement of deer hunting stands on department lands during the deer hunting season. The actual language of those questions or proposals follows.

2000 - An NRB advisory question to allow unattended tree stands was defeated by a vote of ayes, 5,932; Noes, 9,717

2005 – A Conservation Congress advisory question to prohibit permanent duck blinds on DNR lands and waters of the state was supported by a vote of Ayes, 6,115; Noes, 1,415. While the department does have rule authority over tree stand use on lands it manages, duck blind rules are established by statute.

2009 – A Conservation Congress advisory question to allow unattended tree stands was supported by a vote of Ayes, 4,624; Noes, 2,103.

2010 – Conservation Congress Executive Council voted (January Executive Council meeting) not to ask the question of allowing unattended tree stands again, citing the potential for conflict in the woods if that is legalized.

2010 Assembly Bill 618 relating to tree stands used for hunting – A hearing was held in the Assembly Natural Resources Committee. No executive action was taken and the proposal died at the end of the legislative session.

2000 NRB advisory question:

20. ALLOWING EXTENDED PLACEMENT OF PORTABLE TREE STANDS ON STATE LANDS – Current law requires the complete removal of any ground blind or elevated device on lands owned or under the control of the department each day at the close of hunting hours. The Natural Resources Board has heard concerns that this law is too restrictive. Persons using portable tree stands indicate that removing the stand after dark and then reinstalling the stand, again in the dark, increases the safety hazard and creates an extra disturbance in the woods. In addition, they suggest that regulations used for waterfowl blinds could be applied to tree stands to guard against abuse.

The Natural Resources Board would like your opinions regarding the following proposal for allowing extended placement of portable tree stands. The proposal would establish a 3-year trial after which an evaluation would be made on whether or not the proposal would be continued. The specific proposal would allow persons using portable tree stands to place them on state lands no sooner than 1 day prior to the start of the gun deer season and require all stands to be removed 1 day after the close of the muzzleloader deer season. Only 1 portable stand could be placed per hunter. Permanent stands or stands that damage trees are not authorized. All stands would require the owner's name,

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address, and other important identification to be displayed on the stand. If approved, this proposal would be considered for formal rule action at the 2001 spring hearings.

DO YOU SUPPORT ALLOWING A 3-YEAR TRIAL TO EVALUATE THE EXTENDED PLACEMENT OF TREE STANDS ON STATE LANDS WITH THE RESTRICTIONS DESCRIBED ABOVE?

20. Yes _____ No _____

2005 Conservation Congress Advisory Question:

Question 63: Waterfowl Blinds on State Owned Property

Currently the use of permanent waterfowl blinds is allowed on state owned land, which includes the bottom of lakes for waterfowl hunting. This practice causes issues with hunters claiming "ownership of a hunting spot", even though the use of a permanent waterfowl blind is traditionally on a first come, first serve basis. With the current availability of portable waterfowl blinds this practice may no longer be necessary.

This practice is also said to cause refuse to be left in the marsh by waterfowl blind builders that don't clean up after themselves when the season closes. Boards with nails in them, posts left imbedded in lake bottoms, all can potentially cause injury to other hunters, dogs, and other water related recreational users.

- Do you feel that permanently constructed waterfowl blinds on state owned property including the bottoms of lakes should be eliminated?

63. YES 0/14 NO 1/5

2009 Conservation Congress advisory question:

QUESTION 70 – Treestands on State Lands

Currently, hunters are prohibited from leaving tree stands on state lands overnight. Wisconsin administrative rules allow the use of portable tree stands that do not damage the tree, but require the removal of such tree stands from state owned land at the end of hunting hours each day. This restriction reduces the likelihood that the stand is later abandoned by the owner. In addition, the placement of semi-permanent blinds or tree stand on department lands may give the owner the false belief that they then have exclusive use of that particular area, and other hunters may not feel they should hunt that area. However, this requirement results in hunters having to erect and remove stands in the dark. Statistically, most tree stand accidents occur when erecting and removing stands, and conducting these activities in the dark further increases the risk of injury. This law for state lands is not consistent with rules on the National Forest and many county forests. On the Chequamegon-Nicolet National Forest, portable tree stands used by hunters can be left in the woods until the last day of the hunting season.

Would you support rules that would allow the overnight placement of properly marked, portable, non-damaging tree stands on state owned land open to hunting as long as the stand is being actively hunted?

70. Yes _____ No _____

2010 – Conservation Congress Executive Council minutes:

#19 Use of blinds on state owned and managed lands.

Motion reject was made by Mass 2nd by Riggle.

Rogers Who would make the judgment call if a blind is active or not?

Weis This would be privatizing of public lands.

Sabota People would be staking out territory.

Shook This will cause fights like we already have with water fowl blinds.

Noll Some people may place blinds near others just to irk them, we don't need any more conflicts amongst hunters. MOTION CARRIED

2010 Assembly Bill 618 analysis:

2009 ASSEMBLY BILL 618

Analysis by the Legislative Reference Bureau

This bill regulates the erection of temporary tree stands used to hunt game animals. Under the bill, the Department of Natural Resources (DNR) may not prohibit any person from erecting such a tree stand during the applicable open season if the person holds all of the required hunting approvals, affixes to the tree stand an identifying number assigned by DNR, and erects not more than four tree stands during the period beginning on September 1 and ending on the following December 31. The bill also provides that the tree stand may not be a permanent structure and must be actively used for the purpose of hunting. Under the bill, if these requirements are satisfied, DNR may not require the owner of the tree stand to remove the tree stand before the December 31 immediately following the date on which the tree stand was erected.
