

MINUTES FINAL - as of 1/11/10
Governor's State Trails Council Meeting
Friday, October 16, 2009
Governor Thompson State Park
10:00 A.M. – 2:00 P.M.

State Trails Council Members Present: Ken Carpenter, Randy Harden, Tom Huber, Dave Phillips, Mike McFadzen, Tom Thornton, Robbie Webber

Wisconsin Department of Natural Resources (DNR) Staff Present: Dan Schuller, Peter Biermeier, Brigit Brown, Andy Janicki, Maggie Kailhofer, Joseph Warren

Ad Hoc Committee Members Present: Bryan Much, Harold Schmidt, Sam Tobias

Legislators Present: Senator Jim Holperin, Representative Jeff Mursau

Others Present: Doug Johnson, Andy Malecki, Jackie Novitski, Dave Peterson, Judy Peterson, Gene Roberts, Luana Schneider, John Schnorr, Ellen Wagner, Hank Wozniel

Agenda review/repair and approval of July meeting minutes

- Harden called the meeting to order. Approval of the July 17, 2009 meeting minutes by Webber. McFadzen seconded. Minutes approved.

Chair Report

- Harden updated the Council about the work being done regarding license plates for ATVs. The Wisconsin ATV Association has met with the DNR and Legislature to work on designing a license plate for ATVs. The license plates need to fit on vehicles that have become more streamlined in their design. The goal is to have the license plate letters/numbers as large as possible and still accommodate the ATV sticker and year on the plate. Harden showed three examples. There are still some details to work out, as well as deciding on a final design. The cost for license plates for both the front and rear of an ATV is estimated to be less than \$10 per vehicle. Phillips stated the STC could look at drafting a resolution in support of license plates if needed. After the July STC meeting some public comments were submitted to the STC and distributed to all Council Members concerning license plates. Harden also responded to those comments.

Ad Hoc Committee Report

- *Recommendation 1:* There were two remaining language issues with the Ad Hoc Committee recommendations for revising the STC Mission Statement. The STC made some changes to the recommendation during the July 2009 meeting and included as Attachment A in the meeting minutes. Motion by Phillips to accept item #1 as written: *"Promoting and encouraging the safe and responsible use of trails and providing advice and consultation on sharing trails"*. Seconded by Huber for discussion.
- Carpenter stated the STC should include language to note that the STC as representatives of the public need to deal with trail sharing issues. The public needs a forum for dealing with trail conflicts. McFadzen stated the Ad Hoc Committed decided the Council should

not be endorsing or promoting mixed-use trails. Huber stated that for a long time the DOT called some trails only bike trails, but in many cases these trails can and do accommodate a range of users and can be considered a shared use trail. Webber stated it is important to give advice on sharing trails to users even if the trail is only for non-motorized uses. Motion carries 6-1, opposed by McFadzen.

- McFadzen motions to accept item #10 of the mission statement (Attachment A of the July 2009 STC meeting minutes) as written: *“Promoting and encouraging trails that meet diverse interests and abilities of Wisconsin citizens”*. Seconded by Huber for discussion. Friendly amendment to the motion by Phillips to include the article *“the”* before the word *“diverse”*. Amendment accepted. Motion passed unanimously.
- *Recommendation 2*: Bryan Much stated the Ad Hoc Committee looked for ways to have complete representation for all trail users. All users would have representation in one of the three different trail use categories and the seats on the council would all come from those three categories. The committee felt the voting members on the council should come from trail users. Harold Schmidt stated some mountain bike groups do not necessarily like the categories because they would prefer not separating mountain biking from the non-motorized, non-mechanized category.
- Phillips stated it is important to keep the DOT representative as a voting member and also to have a Tourism representative as a voting member, and would be in favor of increasing the membership of the council to more than 11. McFadzen stated he also had some concern for ensuring that a DOT representative could be at meetings even if they were a non-voting member. Huber stated the DOT may not be able to make it to all meetings if the position is considered advisory. Huber suggested the language of the non-voting members note that a designee may be assigned for a member that cannot make it to meetings. Phillips stated it is also important to keep representation for persons with disabilities on the council as a voting member. Senator Jim Holperin stated voting members to councils such as the Governor's State Trails Council need to be appointed by the Governor, but the Councils may choose to include non-voting members and designees. Sen. Holperin and Representative Jeff Mursau felt that any changes the Council proposed for the language for the STC in Wisconsin State Statutes, along the lines of what was being discussed, could be supported in the legislature.
- Recommendation 2 revised to (1) change *“non-voting, advisory member”* to *“non-voting member”*, (2) removing the DNR representative from non-voting members, (3) including *“or designee”* to non-voting representatives, and (4) including *“Amend STC bylaws to include additional category of non-voting members”*, to STC action items. Motion to accept the recommendation as written by McFadzen. Seconded by Thornton. Motion carries 6-1, opposed by Phillips.
- *Recommendation 4*. Language of the recommendation was changed to keep “voting” and “non-voting member” references consistent with Recommendation 2. Phillips stated the Council may want to consider increasing the recommended membership to 13 members to include Nature Trails or other uses. Motion to accept the recommendation as written by Webber. Seconded by Thornton. Motion carries unanimously.

- *Recommendation 6.* Phillips stated the 9-member council should include a 4-Wheel Drive Vehicles representative instead of an Off-Highway Motorcycles representative. SCORP identifies 4-Wheel Drive Truck users as a larger group than Off-Highway Motorcycle users. Phillips recommended the council discuss the possibility of a 13-member council in addition to the 11-member council proposed by the Ad Hoc Committee. Thornton stated the Ad Hoc Committee had reached an agreement amongst themselves as to the assigned membership to the 9-member council. Much stated the Ad Hoc Committee voted to have the OHM representative included in the 9-member council and a lack of riding opportunities is in direct relationship to a lack in representation. McFadzen stated the membership could be changed by the biennial review of trail uses, but the larger user group should have a seat on the council.
- Recommendation 6 revised to (1) replace the Off-Highway Motorcycle representative in the 9-member council to a 4WD Vehicle representative, and make the OHM representative the first priority to fill in the 11-member council, and (2) change the In-Line Skate representative to a representative to be determined (seat would still be in the non-motorized, mechanized category). Webber moved to accept the recommendation as amended. Seconded by McFadzen. Motion carries 4-2, opposed by Harden, Thornton.
- *Recommendation 5.* Webber stated that because the water trails representative would be included in the restructured 9-member council, this recommendation would not be required. Motion to strike Recommendation 5 by Webber. Seconded by McFadzen. Motion carries.
- Representative Mursau stated he introduced the original legislation AB 600 which involved increasing membership on the State Trails Council. Rep. Mursau stated he was glad to see the State Trails Council and the STC Ad Hoc Committee work on the issue of trail user representation internally. Rep Mursau stated he would also be willing to work with the STC to sponsor another bill regarding the number of members.

Non-Motorized Trails Hearing Results

- Senator Jim Holperin updated the Council about the three proposed bills that came out of the Joint Legislative Council. The bills are now being reviewed by committees in both the Senate and Assembly. One bill that proposes the creation of a Non-motorized Trails Council which would be similar to the ATV and Snowmobile Councils. The Non-motorized Trails Council would provide advice and consultation to the Governor and DNR on non-motorized trail issues.
- There are some concerns with the bill which deals with trespass issues on public land by motorized vehicle operators. This proposed bill would impose fines for prohibited motorized travel on public lands. There are some concerns from disabled trail users and big game hunters that they need to use motorized vehicles off of designated trails.
- Sen. Holperin stated the proposed bill which would take one percent of state gas tax revenue or \$10 million (whichever number is lower) for non-motorized trail funding would face opposition unless other sources, more directly from non-motorized trail users, could come up with a match (approximately \$5 million) which would reduce the amount of money taken from gas taxes by about half of the proposed bill. Sen. Holperin stated

that non-motorized users may need to recognize that they will have to start paying for trails, as is the case for motorized users. Phillips stated there have been attempts to start a registration program for canoes and kayaks, but there is a clause in the Wisconsin Constitution which ensures free use of all Wisconsin waterways. Webber stated that State Trail Pass sales annually take in about \$1 million. Huber stated many communities have their own registration programs for bicycles. Phillips stated a statewide registration program for bicycles may be an option, but there has been some opposition to this proposal in the past. Webber stated that some other states have a sales tax for bicycles and related merchandise.

State Trails Council Member Reports

- *Snowmobiling.* The OWI bill regarding operating a recreation vehicle is being considered by the legislature. The Federal District Court in Chicago ruled in favor of Bayfield County for the court case involving the recreation use of a former railroad corridor (Trail 63), however the case will be going to the Federal Court of Appeals. Snowmobile clubs will be looking to get supplemental money from the snowmobile program to complete projects for the upcoming season.
- *Bicycling.* Chicago was not selected to host the 2016 Olympics but Dane County is benefiting from all of the work that went into planning the bike routes. Jim Oberstar (MN), chairman of the House Transportation and Infrastructure Committee, is looking to reform transportation funding but that may be put on hold until the mid-term elections. Mountain bike groups are interested in having access to lands purchased with the Knowles-Nelson Stewardship Fund. Mountain bikers are also interested in having current hunting seasons in October pushed to later in the year so they do not conflict with popular fall recreation times.
- *Hiking/Walking.* Phillips stated he has received some calls for the issue of hiking during the early deer hunting season in October. Hikers would prefer to have the hunting seasons moved into November. The Gitchi-Gami State Trail in Minnesota is a pedestrian/bike trail is being developed in part with highway money and is located in a highway right-of-way. Huber stated the Wisconsin DOT has had the most success in creating a separated trail when a highway is expanded from two to four lanes because the real estate has already been acquired.
- *Department of Transportation.* The DOT is working on requirements and guidelines for Complete Streets. The DOT received more Transportation Enhancement funds and will also be able to use state funds for trail projects in Wisconsin. Applications for projects are still due by April 15.
- *Off-Highway Vehicles.* Harden stated there was some misinformation about trespass issues on private and public land. Law enforcement is still a priority for trespass issues and complaints. The OWI bill for driving a recreational vehicle is moving forward. Harden passed out a handout for Electric Utility Vehicles (UTVs). Off-Highway Motorcycle and Off-Highway Vehicle groups are continuing to work on creating registration programs.

- *Cross-country Skiing.* Cross-country skiers have enjoyed two years of good snow and youth programs are growing in the state. Cross-country skiing is becoming facility driven and is costing more. A lighted trail, funded completely by users is being installed at the Greenbush Recreation Area in the Northern Unit of the Kettle Moraine State Forest. According to a report by the National Sporting Goods Association, a lot of non-motorized activities, including cross-country skiing, are growing.
- *Equestrian.* There were some changes to a portion of the Managed Forest Law that dealt with recreation activities on private land. The Wisconsin State Horse Council has talked about this issue. Equestrians have all expressed concern about the compatibility of early deer hunting seasons with popular recreation times, and would prefer those hunting seasons, especially in the southern part of the state, to be moved to later in the year. Both equestrians and mountain bikers are working with DNR land managers on trail design at properties.
- *Users with Disabilities.* A ribbon cutting ceremony and community hike was held on October 10 at Bohn Lake, a 200-acre State Ice Age Trail Area, in honor of completing an accessible trail that leads from the parking lot to an overlook of the lake. Andy Janicki, Accessibility Coordinator for the DNR, presented "Opening the Outdoors for People with Disabilities" on October 5 at UW-Stevens Point for the UWSP Disability Awareness Fair. Joque would like to invite Janicki to give this presentation at a future STC meeting. *Joque submitted a written report prior to the meeting.*

DNR Report

- Camping visits at Wisconsin State Parks increased about 10-12 percent for 2009 to date, a trend that indicates people are vacationing closer to home and spending time in Wisconsin. The Wisconsin State Park System (WSPS) is balancing this increase in visitation with a vacancy rate for staff of about 25 percent.
- There is a push nationally to increase funding to states from the Land and Water Conservation Fund (LWCF), both for land acquisition and for development of sites and facilities. If there is an increase in funding, the Ice Age and North Country National Scenic Trails and the Wisconsin State Park System could see some benefits.
- The DNR is starting work on how to plan water trails and will be collaborating with user groups as the work progresses.
- Hearings are being held at different locations in Wisconsin for the public to comment on Administrative Rule NR 52 regarding nature-based activities and access to lands purchased with the Stewardship Fund. Hearings are also being held for deer hunting season schedules and changes. The public can also send in comments directly to the DNR via mail or e-mail for both of these issues.
- The DNR will be taking the Master Plan for the Pike Lake Unit of the Kettle Moraine State Forest to the Natural Resources Board on October 21. One issue will be to relocate the Ice Age Trail off of a cross-country ski trail at the property. The plan has been endorsed by the local community. The DNR will be starting the master plan process for Point Beach State Forest.

- The DNR has begun the bidding process to purchase about 20 electric vehicles to use at State Park properties in municipalities that allow Neighborhood Electric Vehicles (NEVs). The electric vehicles cost about three cents per mile to operate, and will be used for programs, cleaning, maintenance, and other park projects.
- In January the Natural Resources Board (NRB) endorsed the idea of a motorized recreation area. The DNR is continuing to look at sites that meet the conditions for the area.
- The WSPS Trail Crew is continuing their work at Wyalusing State Park. The crew has rerouted a nature trail and has moved on to Sand Cave Trail. The crew will work as late as they can, possibly into December.
- In September two miles of new Ice Age Trail were constructed at Straight Lake State Park. The DNR is working to redesign the trails at Richard Bong State Recreation Area and users have been involved in every step of the process. Human Powered Trails, Inc. in La Crosse had a 4-day training clinic for mechanized trail layout and design. The DNR has worked with the Wisconsin State Horse Council to sponsor trail building courses. Many county partners have inquired about trail building training for motorized trails and the DNR is looking at partnering with user groups to sponsor training for next year. This year, there are four professional trail building companies working in Wisconsin, while last year there were none. All projects will benefit the long-term sustainability of trails in Wisconsin.

2010 Meeting Dates

- **Monday, January 11, 2010, 10-12 p.m.** (Teleconference)
- **Thursday, April 22, 2010, 10-3 p.m.** (State Capitol Building)
- **Friday, August 6, 2010, 10-3 p.m.** (Location TBD – possible tour for STC on August 5)
- **Friday, October 29, 2010, 10-3 p.m.** (Fitchburg/Madison)

2010 Officer Elections

- Huber presented a slate of officers for 2010: Randy Harden – chair, Ken Carpenter – vice-chair, Robbie Webber – secretary. Phillips motioned to accept the nominations, seconded by McFadzen. Passed unanimously.

Other Business

- Brown stated there are two recent publications that may be of interest to the Council. *Multiple Use Trails for Winter Recreation* has a lot of facts and figures about shared trails. Doug Johnson provided to the Council. *Trails and Their Gateway Communities* is a case study of recreational use compatibility and economic impacts involving the Gandy Dancer State Trail.
- Harden stated the ATV Trail Patrol Ambassador program has been working well in Burnett County. Ambassadors have been working with County Deputies to patrol the ATV trails to catch problem riders. The County also received some federal money for enforcement.

- After the July STC meeting the Council finalized a letter supporting the recommendations to tie in a second offense OWI citation on a snowmobile to an operator's driver's license. The letter was sent to the Governor and DNR Secretary.

Public Comment

- Hank Wozniel asked if the DNR or DOT could keep people informed of the status of the Cheese Country Trail, of a possible reversion to rail use. Brown stated the DNR sent out an update on the Trail News listserv in July. Schuller stated that because the rail corridor is a federally granted right-of-way, the first right of the corridor is for transportation purposes. The DNR cannot stop a rail reversion but in some instances a rail and trail can share the same corridor.
- Luana Schneider stated the Wisconsin 4WD Association held a March of Dimes Rally on October 3 near Rib Lake, Wisconsin. The Rally attracted over 250 people with 79 vehicles and raised more than \$17,000 for the March of Dimes.
- Gene Roberts with Human Powered Trails stated the DNR provided some excellent trail building training that has worked very well for trails in the La Crosse area. Roberts also stated that Human Powered Trails will be submitting comments to the DNR on Administrative Rule NR 52 regarding lands purchased with the Stewardship Fund.
- Motion to adjourn by Thornton. Seconded by Webber. Meeting adjourned.

January Agenda Items

- Implementation of Ad Hoc Committee Recommendations passed by STC

April Agenda Items

- Presentation for "Open the Outdoors"