

## **Public Access and Knowles-Nelson Stewardship Fund Gathering Waters Conservancy's Position and Frequently Asked Questions**

The Knowles-Nelson Stewardship was created in 1989 to preserve valuable natural areas and wildlife habitat, protect water quality and fisheries, and expand opportunities for outdoor recreation.

Over the past fifteen years, Gathering Waters Conservancy has championed the Knowles-Nelson Stewardship Fund – we have campaigned for its reauthorization and pushed successfully for funding increases when legislators threatened to cut its purchasing power.

During this time, nearly all properties purchased with the Stewardship Fund have been open to the public.

### **The Proposed Rules about Public Access – NR52:**

In 2007, the Wisconsin Legislature reauthorized the Stewardship Fund through 2020 and increased its funding to \$86 million a year starting in 2010. The law reauthorizing Stewardship also required that the Department of Natural Resources (DNR) write rules to determine when certain nature based outdoor activities can be prohibited on Stewardship properties in order to “1. protect public safety, 2. protect unique plant and animal communities, or 3. accommodate usership patterns” (WI Statute § 23.0916 (2)).

An Administrative Rules Citizen Advisory Committee, on which Gathering Waters Conservancy had a seat, met for several months to offer extensive input on the rules guiding public access on Stewardship properties. The Committee was made up of representatives from land trusts, local governments, hunting and fishing advocacy groups, and other conservation organizations, all of whom brought important perspectives to the table.

As of August 2009, the draft rules have been released and the public will be asked to comment on them beginning October 2009. The DNR will also hold a series of public hearings in mid-October. See below for the dates and locations of these hearings.

### ***What is Gathering Waters' position on NR 52 – the Administrative Rules for Public Access?***

We believe that the draft of NR 52 effectively captures the input from the Citizen 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 good framework within which natural resource professionals in the DNR can work with local governments and land trust partners to determine how Stewardship dollars will best serve communities across Wisconsin.

**We are asking all those who care about Wisconsin land conservation to comment on these rules**

The draft rules can be found at the following website:

<https://apps.dhfs.state.wi.us/admrules/public/Rmo?nRmoId=3463>

**Why?**

The DNR and the Natural Resources Board (NRB) need to hear from everyone who cares about the Knowles-Nelson Stewardship Fund. If they only hear from a few special interest groups, it is possible that the rules will become too restrictive for local governments and land trusts. The DNR and the NRB need to hear that flexibility and predictability are key attributes of the Stewardship program that have made the program so successful.

***Flexibility:***

The current draft of NR 52 provides a reasonable amount of flexibility for land trusts and local governments, and will likely allow them to continue protecting the places that make their communities special. In particular, the series of factors listed in 52.05 (which are to be used to determine when properties can be closed to protect public safety, protect unique plant and animal communities, or accommodate usership patterns) should be left in the final rule because they direct the professionals at the DNR to examine the most relevant issues. These factors will hopefully allow land trusts to protect places important to their communities and accommodate each property's unique circumstances. In addition, most of the factors in 52.05 were pulled directly from the recommendations of the diverse Citizen Advisory Committee.

***Predictability:***

Another important aspect of the Stewardship program has been its predictability. Land trusts and local government have come to rely on clear criteria and an objective, science-based decision-making process when applying for Stewardship grants.

The current draft of NR 52 would help to maintain a predictable process by vesting final decision-making on public access with the DNR, rather than in the governor-appointed members of the NRB. Some individuals and organizations have requested that the rules allow for a direct appeal from the DNR to NRB (i.e., if someone was unhappy with DNR's determination on public access, they could appeal it to the NRB). We believe that an appeal right to the NRB would simply serve to politicize the Stewardship grants process and would likely delay an already complicated and extensive grant application process.

In addition, a direct appeal right to the NRB would create an unprecedented change in the role of the NRB. There is simply no other example within the DNR (including any issues involving public health and safety) where individuals can directly appeal a decision to the NRB. Certainly a grants program like the Stewardship Fund, with its extensive DNR oversight and ample opportunity for public comment, should not be the first program to change this method of doing business.

### ***Support for Stewardship***

The Stewardship Fund has strong support from citizens statewide but that support needs to be vocal. Lawmakers need to be reminded of Stewardship's extraordinary accomplishments and how much Wisconsin voters value our ability to protect places that matter to so many Wisconsin communities.

### **How?**

#### ***Submit Written Comments***

Comments may be submitted electronically or via U.S. mail. The website for electronic submissions is: <http://adminrules.wisconsin.gov> (search using keyword "NR52").

Written comments submitted via U.S. mail should be directed to Mr. Douglas Haag, Bureau of Facilities and Lands, P.O. Box 7921, Madison, WI 53703 or by email to [DouglasJ.Haag@Wisconsin.gov](mailto:DouglasJ.Haag@Wisconsin.gov).

Comments may be submitted until October 30, 2009.

#### ***Testify at a Hearing***

It will be important for there to be a strong showing at the hearings throughout the state. The dates and times for the hearing can be found below. Typically 3 minutes are given for oral statements at these hearings.

Stay tuned to Gathering Waters' website in early October for sample letters to the Natural Resources Board and talking points you can use in testimony during upcoming public hearings.

### **When?**

Written public comments will be accepted until October 30, 2009.

The public hearings will be held at the following locations:

- October 14 – Eau Claire
- October 15 – Rhinelander
- October 20 – Madison
- October 21 – Green Bay
- October 22 – West Bend

For more detailed information and maps to the public hearing locations, please visit the DNR's website at: <http://dnr.wi.gov/stewardship/rule.html>

### **Other Frequently Asked Questions:**

#### ***1. Are there people who oppose the draft rules?***

Some organizations and individuals have argued throughout the rulemaking process that Stewardship dollars should *only* be used to buy lands that will be open to all uses, 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

lands for public recreation near some urban areas and would prevent the Stewardship fund from protecting some of our most vulnerable natural resources.

In addition, this strict approach would directly contradict the legislature's intent. When the Stewardship Fund was reauthorized in 2007, the legislature spoke loudly and clearly that nature based outdoor activities could be prohibited when it is necessary to protect public safety, protect unique plant and animal communities, or accommodate usership patterns.

*2. Is the Stewardship Fund anti- public access or anti-hunting and anti-trapping?*

Not by any measure. Stewardship funding has helped the state, land trusts and others purchase thousands of acres of private property and convert it to public land open to all recreational users, including hunters and trappers. In total, over 90% of land purchased with the Stewardship Fund has been open for hunting and trapping, while nearly 100% of Stewardship properties are open for public access for other forms of recreation.

*3. What is a land trust, and how many land trusts are there in Wisconsin?*

Wisconsin is home to more than 50 active land trusts that collectively protect and manage over 200,000 acres with significant ecological, scenic, recreational, agricultural, and historic value. These land conservation organizations range from small groups operated solely by volunteers to large land trusts with multiple professional staff.

*4. How have land trusts and local governments used the Knowles-Nelson Stewardship Fund?*

Land trusts and local governments have been critical to the success of the Stewardship program. To date, these partners have raised nearly \$200 million in federal, local and private funds to match state grants received through the Stewardship program and have protected over 63,000 acres in communities across the state. All of the properties that have been acquired in fee through the grant program are open to the public and the great majority of these lands are open for hunting. While a smaller percentage of local park lands are open to public hunting, they provide other important recreational opportunities for our citizens. Over 80% of Wisconsinites recreate at these popular local parks.

*5. What is Gathering Waters Conservancy's mission?*

Gathering Waters Conservancy's mission is to help communities, land trusts, and landowners protect the places that make Wisconsin special. We do this in the following ways: by providing training and support to over fifty private, non-profit land trusts serving communities across the state; by promoting land conservation policies and programs at all levels of government; by fostering innovative public-private partnerships around conservation goals; and by making land trusts better known to landowners, community leaders, and the public in general.