

# Meeting Agenda

## Wednesday, December 4, 2019

11:30 a.m. – 1:30 p.m.

Public Participation

Call: 888-327-8914

Passcode: 6829 265#

GEF II/ Room 713

101 S. Webster Street

Madison, Wisconsin

TIME	PRESENTER	ITEMS & TYPE
11:30 a.m.	Joel Patenaude, Chair	Welcome and introductions
11:35 a.m.	Members	Agenda review/repair and approval of September meeting minutes
11:40 a.m.	Joel Patenaude, Chair	Discussion concerning new applicants / vacancies
11:50 a.m.	Members	Committee Chair Reports
12:10 a.m.	Diane Milligan, DNR	Sauk Prairie Update/Discussion
12:30 p.m.	Diane Brusoe, DNR	Update and Consultation on Master Planning
12:50 p.m.	Kathryn Gehrke, DNR	DNR Update
1:00 p.m.	Kathryn Gehrke for Jill Mrotek-Glenzinski	DOT Update
1:05 p.m.	Guests	Public comment
1:10 p.m.	Members	Nominate potential future agenda items
1:15 p.m.	Members	Set next meeting date
1:20 p.m.	Joel Patenaude, Chair	Adjourn

**Nonmotorized Recreation and Transportation Trails Council**

**MINUTES**

*December 4, 2019 11:30 a.m. – 2 p.m.*

*Room 713 GEF II*

*Madison, WI*

*Telephone 888-327-8914, passcode 6829 265#*

**1. Meeting was called to order by Joel Patenaude.**

**a. Roll Call for Attendance (11:34—11:35 a.m.)**

- i. Ben Popp
- ii. Joel Patenaude
- iii. Geoff Snudden (phone)
- iv. Bill Hauda
- v. Rod Bartlow (phone)
- vi. David Phillips
- vii. Anne Murphy (phone)
- viii. Blake Theisen (phone)
- ix. Staff: Kathryn Gehrke (DNR)
- x. Invited Guests: Diane Milligan, Diane Brusoe, Missy Vanlanduyt (DNR)

**2. Approval/Discussion of Meeting Minutes from September 2019 (11:36-11:40)**

Updates from Jill, DOT

Ben motions for approval of amended September minutes, Bill seconds, minutes approved.

**3. Discussion concerning new applicants/vacancies (11:38-11:44)**

Still waiting to hear if William Johnson will be approved by Governor's office.

Still would like water trail, trail users with disabilities, tribal, pedestrians

Group has further discussion on who to reach out to for applicants. Kathryn will email group female who spoke at OutWiGo Girls and Anne will reach out to Mike McGallan.

#### **4. Committee Chair Reports (11:44-11:49)**

##### **a. Funding (Bill, Rod, Dave)**

Bill does not have update on funding but does on eminent domain. A proposed bill will allow eminent domain for health and safety reasons. Hoping to get republicans on bill so it can pass legislature.

Geoff mentions knowledge of a future meeting to get bicycles retailers to support bill

**Kathryn will email eminent domain bill and proposed amendment**

##### **b. Outreach (Joel, Anne, Geoff)**

Joel does not have much on outreach but requested additional details on Blue Mounds.

Diane Brusoe offers to ask the planner who is working on Blue Mounds to come and present during the Master Planning portion of the meeting.

##### **c. Education (Blake, Geoff)**

Blake has nothing to report on education.

#### **5. Sauk Prairie Update/Discussion (11:49-12:15)**

Diane Milligan gives update on Sauk Prairie, mentions that DNR has been sued again on the Board's 2019 approval of the master plan. Diane explains that the Department had checked in with the Council to make sure that we are presenting the Council's position: Board was given all NRTTC minutes, its resolution and its opinion was explained to the Board, which decided to approve the plan with the same mix of uses as it had approved in 2016.

Diane Milligan discusses the requirement in 23.177 that DNR seek the advice of and 'consult with' the Council: the DNR seeks the Council's advice and opinion but the Council does not have "veto authority" over DNR actions related to trails.

Dave asks what brought about the change from original Master Plan, which originally had no high use/high impact.

Diane Milligan clarifies that the "Badger Reuse Plan" from 2001 stated that uses should be "low impact;" it did not define or prohibit "high impact" uses. She recognizes that Alliance would like the Badger Reuse Plan to be the DNR's plan, but DNR is required to follow NR44 and therefore engaged in a full planning process.

Federal court is now deciding whether the Badger Reuse Plan is legally binding in any way.

In response to a question about staff input, Diane Brusoe explained that DNR's endangered resources staff were involved from start to finish and weighed in on all drafts; their input wasn't submitted separately

Potential negative impacts on grassland birds was a major issue at the January 2019 hearing and Diane Milligan expands on how our DNR staff testified during the hearing.

Missy Vanlanduyt explains how special event permits are granted through the property manager and ecological issues and potential impacts are taken into consideration when applications are considered.

Joel asks to clarify that dual sport motorcycle use would be allowed on up to six days, with no more than two consecutive days, and with public notice in advance of the events. Diane Milligan confirms that is correct and that up to six days does mean it can be fewer than six days: it could be zero in any year.

Anne Murphy asks about the timeframe for the dual-sport event permittees to repair the trails, Diane Brusoe and Missy Vanlanduyt mention that permits will not have a blanket timeline, but conditions will be written into each special event license. Missy states that permittees are typically required to leave the property in a condition better than when they found it, regardless of the permitted activity. This means that they would have to repair the trails before they leave. She also explains that permits may be denied or rescinded if weather or trail conditions suggest that damage may be likely. Group talks about how condition of trail does play a role into the impact of the activity on the trail. Missy Vanlanduyt also mentions that any group needs to have insurance when applying for a special event permit.

Group asks how the trails will be built, to what standard. There is a discussion about how vehicles may harm hiking trails. Diane Milligan clarifies that the horse and bike trails will be the trails that are repurposed for motorized use but not the hiking trails.

A question was asked about helicopter training exercises, and Diane Milligan explains that these activities have been happening for over 50 years, that take-offs and landings will only take place in the fenced landfill parcel; that many flights occur at night; they also fly over greater property (DNR and USDA lands) but actively seek to avoid flying over people and do not fly over HoChunk land. Diane Milligan believes they do exercises 3-5 times a week for a couple hours each time.

**Kathryn will share board PPT which shows exact times of helicopters.**

Bill Hauda asks what the next legal actions will be taken.

Diane Milligan explains that litigation takes time: it may take at least 9 months for the Sauk County Circuit Court to reach a decision; we hope to hear from the federal court of appeals by end of the year.

## **6. Update and Consultation on Master Planning (12:17-12:55)**

### **Phil Rynish give update on Blue Mound:**

Just wrapped up public involvement on Blue Mound State Park management alternatives and would like to walk council through all alternatives. Four alternatives were presented to the public for snowmobiling, but a variety of other recreation and resource management topics were covered.

The public involvement period was for management alternatives only. A draft master plan has not been proposed yet.

Phil reviewed the alternatives for various topics with the group, using the maps in the Blue Mound State Park Management Alternatives Document available online.

Map-1: Alternative 1 shows potential project boundary expansions and contractions. DNR acquires land from willing sellers only and the park would only expand as land becomes available. When draft and proposed plans are released, expanded areas will be included in land management classifications, which will describe authorized management in those areas. Exact trail locations, however, are unlikely to be mapped in the expansion areas. In future years, if land is acquired, exact trail siting would likely undergo additional public review. Alternative 2 is the status quo.

Map-2: Alternative 1 would expand camping opportunities for the family campground, bike/hike campground and a new group camp. Alternative 2 is the status quo.

Map-3: Alternative 1 would move cross-country skiing crossings from two road crossings to one at a controlled 3-way intersection. Alternative 2 is the status quo.

Map-4: Alternative 1 would revise mountain bike trails to avoid water management issues and create a system accessible to a full spectrum of skill levels.

Map-5: Snowmobile Alternative 1. This alternative would create a new snowmobile trail primarily paralleling Mounds Park Road approximately 40 feet from the roadway.

Pleasure Valley ski trail may have to be re-routed in this option due to the 40' road rule.

Map-6: Snowmobile Alternative 2. This alternative utilizes mostly existing infrastructure and is over 40' off road. Phil mentions most snowmobile groups wanted this option.

Map-7: Snowmobile Alternative 3. This alternative would site a trail to the west of the park. A project boundary expansion would be necessary for department lands to host the trail. Map-8: Snowmobile Alternative 4 (status quo). Snowmobiles would continue to use the right-of-way to the side of roads. Snowmobilers utilize both sides of road and thus do not need to be 40' off the road.

All of the snowmobile change options are to connect the Military Ridge State Trail with Dane and Iowa County trail systems.

Dave Philip suggest the group should think about staking a position and believes alternative 2 is the best solution, Ben Popp agrees

Phil explained the initial comment period closed but they are continually accepting comments and would encourage comments from the council

Ben suggests a motion for the council to write a resolution in favor of alternative 2, Dave seconds

Marc K. (public) asks if a snowshoe trail re-route would be an option, Phil agrees it may need to be re-located with alternative 2

Joel asks if there is further discussion to support alternative 2, none. All in favor, all, opposed, none. Joel and Dave will draft and send to group then to Kathryn and Phil.

### **Master Planning Update:**

Kathryn asks council if it's OK to go through changes from last meeting, due to time, and include long update in minutes, council agrees. Kathryn reads items underlined.

**Blue Mound State Park:** The public had the opportunity to review and comment on management alternatives for Blue Mound State Park from November 5 to December 2. A public meeting was held on November 19. Approximately 130 people attended to learn more about the alternatives and submit their input.

The majority of people chose to comment using the online public input form. Alternatives included: management options for nonmotorized trails within the park and connections through the park to other trail systems. Specifically, the management alternatives discussed options for connecting the Military Ridge State Trail to Dane and Iowa County snowmobile trail systems, mountain bike and cross-country ski trail realignment, and connections to the potential Driftless Trail.

The public input period has closed, but the Management Alternatives Document remains available on the DNR website. . The department is now forming the draft master plan. The public will also be given the opportunity to review the draft plan, which is anticipated to be released in early 2020.

**Northeast Sands Regional Plan:** Plan was presented to NRB in October and was tabled pending additional analysis and resolution of issues related to forest management and a proposed State Natural Area on the Pine-Popple Wild River. Staff are conducting analyses and plan to meet with stakeholders in Florence County in early December. Anticipate presenting the plan for NRB action in January, 2020.

**Western Prairie Regional Plan – The Western Prairie Draft Regional Master Plan is available for public review and comment through December 6, 2019.** Visit the DNR website, [dnr.wi.gov](http://dnr.wi.gov), search keywords “property planning” and select “Western Prairie” on the page map.

The following are opportunities related to nonmotorized trails on department properties:

#### Willow River State Park:

- Develop and maintain a network of primitive to lightly developed sustainable off-road bicycling trails. Provide support facilities, such as vault toilets, as needed.
- Allow for a regional multi-use trail to pass through northern portion of the park and connect to the day use and camping area, provided the trail logically connects to a trail segment outside the park boundary.

#### Kinnickinnic State Park:

- Develop and maintain a network of primitive to lightly developed sustainable off-road bicycling trails. Provide support facilities, such as vault toilets, as needed.

Kinnickinnic River Gorge and Delta State Natural Area:

- If demand exists, develop and maintain a multi-use primitive trail that would allow access to a popular viewing area on the south side of the Devil’s Den or Devil’s Punchbowl. The developed trail would specifically be routed to protect sensitive resources.

**Southwest Savanna Regional Plan** – In spring 2019, the department initiated planning with a public involvement process. The input received is summarized in the Public Scoping Input Summary posted on the DNR SW Savanna Ecological Landscape webpage. Presently, the department’s planning team is drafting the regional plan.

The public will be given the opportunity to review the draft plan, which we anticipate being released in early 2020. We anticipate presenting the plan for NRB approval in summer 2020.

Badger State Trail, Military Ridge State Trail and Sugar River State Trail are included in this project. At this time the department does not have any specific actions related to nonmotorized trails to consider.

**Central Sand Plains Regional Plan** – The department engaged the public at a scoping meeting in Adams, WI on August 28. The comment period for public scoping of planning issues to consider ran through September 27. The planning team has now moved into the plan development phase, but is at very early stages. At this time the department does not have any specific actions related to nonmotorized recreation and transportation trails to consider.

**Central Sand Hills Regional Plan** – The department is continuing its development of background information for this regional plan. We anticipate finishing our pre-planning data gathering by the end of 2019 and posting a series of summary documents describing the region and properties in February 2020.

We plan to hold an initial public “kick-off” meeting in late February or early March to gather input on the properties and their future management, regional ecological and recreation needs. At this time the department does not have any specific actions related to nonmotorized recreation and transportation trails to consider.

**Northern Highland – American Legion State Forest Master Plan Variance –**

No updates this month.

**Rib Mountain State Park master plan revision** – At their October 2019 meeting, the Natural Resources Board directed the department to initiate a revision process for the park’s 2005 master plan.

The planning process will evaluate the full range of public uses occurring at the park and habitat management opportunities. In addition, options for the future will be assessed, including possibly new recreation activities. The planning process will evaluate a potential expansion of the Granite Peak Ski Area.

The Department anticipates hosting a “kick-off” open house meeting in January 2020 in Wausau to present information about the park and the surrounding landscape. A key component of the open house meeting will be to gather initial public input and ideas regarding the park and its future. Details about the open house meeting will be posted here as they become available.

Kathryn asks group if they have any further questions on Master Planning and there is no comment.

## **7. DNR Update (12:55-1:05)**

Kathryn gives DNR Update

- DNR closed on parcel for the Ice Age Trail on the E Twin River segment in Manitowoc County. After initial rejection, department received approval from Joint Finance for a \$408,000 land acquisition on September 21. Land is for the Ice Age Trail in Sheboygan County.

**Council asks for acreage on this parcel and Kathryn agrees to email**

- DNR is still reviewing best way to update statewide trail plans and coop trail plans and we continue to work with our coop partners on development, maintenance and planning and are constantly reprioritizing maintenance
- DNR, IATA and NPS will begin drafting a new triad agreement which will follow a length of time approved by NPS (5 year agreement) – NPS is taking the lead on a draft

**Council asks for old agreement to be sent by Kathryn**

- DNR plans to hire 3 recreation liaisons to be stationed around the state including a fulltime position that will assist with trails. Parks moved from 5 district model to 6 district model and will be hiring 3 district supervisors. Park Manager hiring just closed and plans to do a ranger recruitment
- The recreation stakeholder group had its third meeting in November to further discussion on state wide collaboration on recreation management, recreation planning and recreation outreach and education.
- The program continues to successfully work through a law enforcement transition with the bureau of law enforcement. Full implementation isn't expected until 2020. Staff will spend the winter refining enforcement policies, procedures, working through questions and challenges and preparing for the peak 2020 season.
- A new volunteer database will be contracted and built in 2019 for implementation in 2020. This new database will be available to all volunteers as well as friends and key partners for use in posting volunteer opportunities and recruiting volunteers.
- Stewart Tunnel on Badger State Trail near Verona is closed while short- and long-term options for repair are being assessed – reported 4x4 ft limestone chunk fell from ceiling in August, which initiated the closure



- Bearskin State Trail had visual inspection issues with 7 of the 17 trestle bridges, 1 of the 7 bridges is closed to motorized traffic and snowmobile is rerouted
- Mountain Bay State Trail has a bridge that is pulled off the abutments, caused by a motor vehicle on 117 (below bridge) hitting and pulling it off. Both - One mile section of trail and HWY 117 directly below the bridge are closed. County is working on a bike, ped and snowmobile reroute which will need approval by town board.
- Winona Connector project has started construction. Current issue is the railroad is trying to get DNR to pay them \$100,000 for their inspection and oversight of the project. Project is 2.9 million in construction. Phase one of this project will connect Winona to Buffalo County and the Great River State Trail, by way of the Old Wagon Bridge in Aghaming Park on Latsch Island
- Staff continue to make significant progress on FEMA projects. Trail repairs are expected to be made by early summer 2020 while some other property damage may not be repaired until 2021 (Pattison Dam).
- 2020 marketing and outreach events
  - **OutWiGo Snow** will be held January 11, at Lapham Peak, and February 1, at Willow River. Both events will showcase all types of winter recreation and we are asking all partners to participate, attend and promote these events.
  - On May 9<sup>th</sup> we will host our 2<sup>nd</sup> annual **OutWiGo Girls** event at Scuppernong Trailhead in S Unit.
- We have reached out to the IATA, Friends Groups, local businesses in partnering and providing programming, outreach and/or opportunities to participate in all of our marketing and outreach events for 2020.
- We are expanding our merchandise program this year with bandanas that include all state park, forest and trail properties.
- **EScooter legislation** has been enacted, as mentioned in last meeting, the legislation allows them to operate in some ways the same as segways and in other ways the same as bicycles. DNR still has authority to allow or not allow on state park trails and signage will need to be posted if they are allowed.
- **Ebike legislation** has been signed into law by the governor. SB 129 DNR and WisDOT will collaborate on an informational paper explaining the new law, should be available by January. *Important to know:* this law does *not* allow all types of electric bicycles to operate everywhere.
- There are still several bills concerning **Lyme disease** awareness and prevention that will likely pass in this session.

- A bill giving free state park admission to 4<sup>th</sup> graders will likely also likely pass this session (SB212) similar to the disabled veteran/POW fee waiver.
- Draft administrative code package for off-highway motorcycles will go to the Natural Resources Board for approval in December (CR-19-107)
- **Parks Stew funding (SB125/AB134)** Would provide unobligated Stewardship funding for already-identified infrastructure projects, water and wastewater project, mainly in the NE

Council had asked for update on winter grooming on mountain bike trails. Missy VanLanduyt explains that the DNR does not currently have policy so it is a bit confusing for the public as properties are doing it differently. A policy is being drafted and any elements the council would like to see included in this policy can be emailed to Kathryn.

## 8. DOT Update (1:05-1:10)

Kathryn reads Jill's update to the group

Bike/Ped Planning:

- Working on updating [Wisconsin Bike Map](#) for spring 2020
- Collecting data on curb ramps at sidewalks and shared-use paths that cross state highways, from construction projects completed this year. This data is part of an effort to implement [WisDOT ADA Transition Plan](#). As data is updated it will be provided in an interactive inventory map.
- The League of American Bicyclists has released their annual Bike Friendly State Report Card
  - National Report: [State DOTs in the Era of Safe Streets](#)
  - [Ranking](#) and list of [state report cards](#)
  - [Maps and Charts](#), including a Guide to the Report Card
- Next Governor's Bicycle Coordinating Council meets Dec. 11<sup>th</sup> from 9:30 – noon, at the Capitol

Transportation Funding:

### [TAP](#)

- 2020-2024 application cycle is now open. Local sponsors are encouraged to submit project proposal applications to Regional WisDOT contacts for eligibility review. Applications are due by January 24, 2020.

### [CMAQ](#)

- 2020-2024 program cycle applications are currently under review. Final award announcements are projected for first quarter, 2020.

You may also wish to consider providing information on the Multimodal Local Supplement (MLS) program. Applications are due on December 6, 2019

[Link to MLS Webpage](#)

## **9. Public Comment (1:10)**

Mark Kaczmarek, on phone, gives the council an additional comment on Ryan Creek in Blue Mounds plan and does not feel it will be a huge issue with Alternative 2.

## **10. Future Agenda Items (1:16)**

Joel asks if there are particular issues that group wants to bring up or talk about at future meeting. No comment.

## **11. Set Next Meeting (1:17)**

Next meeting date is March 4 by teleconference and meeting room in DNR GEF II, Madison from 11:30-1:30.

*Kathryn will set up skype so Master Planning and presentations can more easily be shared.*

## **12. Adjournment (1:21)**

Motion to adjourn by Joel, Bill seconds, motion approved.

## Follow-up Information

**From:** [Gehrke, Kathryn L - DNR](#)  
**To:** [Anne Murphy](#); [Ben Popp](#); [Bill Hauda](#); [Blake Theisen](#); [David Phillips](#); [Geoffrey Snudden](#); [Jill Mrotek Glenzinski](#); [Joel Patenaude](#); [Melissa.Vanlanduyt@wisconsin.gov](mailto:Melissa.Vanlanduyt@wisconsin.gov); [Rod Bartlow](#)  
**Cc:** [Milligan, Diane L - DNR](#); [Brusoe, Diane M - DNR](#); [Rynish, Phillip P - DNR](#)  
**Subject:** NRTTC Draft Minutes & Follow Up  
**Date:** Tuesday, December 17, 2019 4:34:00 PM  
**Attachments:** [NRTTC December 4 2019 Minutes\\_DRAFT.pdf](#)

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NRRTC,

I tried to track down the eminent domain bill and proposed amendment but was told that it has not been taken up yet. I was given the following information on condemnation authority: Legislation has been proposed in the senate to restore the ability to use condemnation authority to acquire lands for trails and bike/ped facilities ([senate bill 65](#)). The last action by the senate on this bill was to refer it to committee in March 2019. No additional action has been taken since then, and no companion bill has been introduced in the assembly.

IAT Triad agreement is posted here: <https://dnr.wi.gov/topic/parks/trails/pdfs/iatmou.pdf> and staff are meeting on January 9<sup>th</sup> to discuss the new agreement

Acreage on the IAT Parcel is: 62.81 and more information can be found: <https://dnr.wi.gov/About/NRB/2019/Sept/201909%207B1%20INFO%20Land%20Transactions.pdf>

The Sauk Prairie NRB PPT is item 2B. on this NRB webpage: <https://dnr.wi.gov/About/NRB/2019/October/>

You can also watch NRB meetings here:

<https://dnrmedia.wi.gov/main/Catalog/Full/9da0bb432fd448a69d86756192a62f1721>

Since our meeting there is the below update on Sauk Prairie:

On December 12, the Seventh Circuit Court of Appeals issued its decision in the Alliance's case against the National Park Service. In this case, the Alliance had challenged the Park Service's conveyance of Sauk Prairie lands to the DNR on the grounds that the contested uses (dual sport motorcycle events, dog training and helicopter use) are inconsistent with the DNR's application to purchase the lands and because continued helicopter use is inconsistent with the Park Service's "Land to Parks" conveyance program (the Property Act). The Alliance also argued that the Park Service violated the National Environmental Policy Act (NEPA) by failing to conduct its own environmental analysis of these three uses.

The Court found that the Park Service's approval of these uses did not violate the Property Act. While Dog training and off-road motorcycle riding were not mentioned in the DNR's application, they are both recreational uses and are therefore consistent with the purpose of the property. And while helicopter training is not recreational, its continued use is authorized by the deed for the property. The Court also found that the Park Service did not violate NEPA: it reasonably concluded that dog training and off-road motorcycle use were minor amendments to DNR's application and it did not need to prepare an environmental analysis of the helicopter training because it had no discretion to discontinue the flights. This is because the U.S. Army required that the use be allowed to continue.

The Council had discussed the significance of the Badger Reuse Plan at the last meeting, and the Court address the Alliance’s argument that the DNR was bound by the recommendations of the Badger Reuse Committee:

“The Alliance maintains that the committee recommended only low-impact uses. But it has never explained why those recommendations are binding. Granted, the Program of Utilization [DNR’s application] says that the Master Plan would ‘build upon work done’ by the committee. But it never said that the Master Plan’s authors were bound to what the committee had in mind. As far as we can gather from the record, the committee’s recommendations were exactly that: recommendations.”

Next steps: the Alliance could ask the U.S. Supreme Court to review the Court’s decision; the Supreme Court accepts a small percentage of the requests it receives. The Alliance’s state court challenges to the Master Plan and EIS are still pending.

Thank you all for your time this month and enjoy the holidays!

Kathryn

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Kathryn Gehrke

Parks & Recreation Specialist

Fish, Wildlife & Parks

Wisconsin Department of Natural Resources

101 South Webster Street

Madison, WI 53703

Phone: (608) 264-8994

Cell: (608) 515-3072

[Kathryn.Gehrke@wisconsin.gov](mailto:Kathryn.Gehrke@wisconsin.gov)



[dnr.wi.gov](http://dnr.wi.gov)

