

Illinois Natural Resource Advisory Board
Public Access Committee Minutes
September 10, 2009
South Side Boat Club
640 S. Front Street, Quincy, IL

Committee Members:

Larry Lucas, Co-chair	Nancy Erickson	Jerry Gillie
Kevin Chapman	Kent Adams	Aaron Kuehl
Scott Bryant	Bo Arnold	Duane Wolland
Paul Kelley	Ron Rhoades	

DNR Staff:

John Buhnerkempe	Michael Stevens
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Larry Lucas called the meeting to order at 5:00 p.m. He stated that from the last meeting, the discussed consensus was: create a map to see what is available; the IDNR should name a person to be specifically designated for open lands for various purposes; resolve the liability issue; and find federal funding available that should be pursued.

Jerry Gillie stated that John Buhnerkempe asked him and Jerry Beverlin to present a recommendation about the public access program. The goal for the program like this is to increase hunting access. This will also benefit other forms of recreational access. The recommendation presented is the same model that the United Bowhunters of Illinois has been advocating for a number of years. The recommendations are as follows:

Establish a committee made of various interest groups along with the IDNR to keep public access on the front burner within the IDNR so as the administration changes it will remain constant. Leasing property by private landowners, purchasing property, to have access to larger ground areas that are not currently being accessed. The opportunities are limitless. Some sort of public access remains at the top of the list of priorities of the IDNR.

John Buhnerkempe asked if Mr. Gillie sees this committee being enforced by a statute change.

Mr. Gillie stated that possibility had not been discussed, but he would be willing to discuss that.

Kevin Chapman asked if it would be possible to create a separate fund if this committee was covered by statute.

Mr. Gillie stated that raising the resident deer hunting permits has been discussed, and he would like to see some increase to the non-resident deer hunting permit over the last few years go toward the program. Mr. Gillie stated that the program could be opened to all users.

Duane Wolland stated that if the access is increased, everyone should be able to use it, and they should all pay – hunters, fishermen, bicyclists, horse riders. The fee needs to be fair.

Mr. Gillie stated that this has been taken into consideration, and he feels that everyone should share in the expense. There are limitations involved with this, but the overall goal is to work out the details.

Paul Kelley stated that he feels that the program being discussed would benefit everyone in the state.

Mr. Gillie stated that having a lease program may attract the landowners already allowing free access. That would be a net gain in the terms of huntable acres.

Paul Kelley stated that in 1979 the trappers increased the license fees, and those funds were earmarked for trapper education. Further increases have not been brought forward because the money has not been used for the intended purpose. The trappers have been closed out of many places over the years.

Mr. Gillie stated that one of the recommendations was to raise non-resident archery permits. This was done with the idea that proceeds from the increase would go to support youth archery programs in Illinois. He was involved in lobbying for raising the fee. Once those fees were raised, the state took that money for another use.

Bo Arnold stated that along with the public lands issue, the IDNR oversees 337 nature preserves. He said he realizes that there are issues regarding a nature preserve such as being donated with the express written restriction that there would be no hunting. Some are also sitting in areas that cannot be hunted. He stated that at Sand Prairie Scrub Oak Nature Preserve, outside Kilbourne, is approximately 200 acres in size. Signs are posted at this site that lists the activities that are not permitted at the site. He stated that he knows of one time that some kids were almost arrested at the site for picking up leaves. Mr. Arnold stated, that after looking at the IDNR website, there are 84,500 acres state-wide that are nature preserves. He wonders how much of that could be opened up to hunting. He said that Sand Prairie Scrub Oak Nature Preserve was opened up last year for hunting (**NOTE: After checking with the INPC, this site was not open to hunting last year**), but it was shut up for this year. He did not know the reason why.

John Buhnerkempe stated that nature preserves are designated to preserve natural communities. Nature preserves are also protected by statute which says hunting is to be allowed only to serve as a management tool.

Larry Lucas asked Mr. Gillie if he would like to have a recommendation that says that we would add \$1.00 (or some set amount) to every license.

Mr. Gillie stated that he would like a recommendation to say that the use of the proceeds would go to support whatever initiatives that came out of this committee. If an initiative came out of this committee to lease private land, there would be money to support that recommendation.

Mr. Lucas asked if the money collected should go to a designated person within the IDNR.

Mr. Gillie stated that could work.

Mr. Lucas stated that the last administration had a history of sweeping designated funds, and that could happen in this instance. If there are 500,000 fishing licenses and 300,000 hunting licenses, how much money would we want and what would we do with the money. There is another committee addressing funding.

Nancy Erickson stated that the handout from Mr. Gillie covers some interesting things. According to the handout, it is proposed that the committees would be made up of conservation group leaders and IDNR staff. She stated that it was her opinion that any group also needs to have private property representation on such a committee. Farmers are environmentalists and are conservation minded. She stated that during the first meeting of the Public Access/Hunting and Fishing Committee Mr. Kelley hit the nail on the head when he made some of his comments and recognized the importance of private property rights in any of these issues. Mr. Kelley also acknowledged a respect for private property rights, and it was her opinion that private property owners are going to come at these issues a little differently than some other folks. She has learned that liability is the biggest concern of landowners, trespass and hunter misconduct are significant concerns of landowners, asking for permission for access is important to maintain a positive relationship between hunters and landowners, and landowners that already provide access are the ones that are most likely to sign up for an access program. All said, what Mr. Kelley did was knock on the door and ask permission which showed respect to the private property owners. She said that this respect goes a long way. She said she would like to recommend that the Committee fine-tune what it is looking at when forming the committee. Assisting public and private owners that have wildlife damage issues is also a key component. When talking about future land acquisition, she hopes that it would be on a willing landowner that wants to sell their property.

Mr. Gillie stated that he would not be referring to anything else but a willing landowner.

Ms. Erickson stated that the budget committee is talking about some of this, but she does not know where they are in the process. She stated that it is her understanding that tonight's recommendation would be to form some type of committee to take a look at how do you actually handle the issue in terms of respecting private property rights, there is some type of voluntary incentive, and some type of educational effort that is incorporated into the program.

Mr. Gillie stated that he understands Ms. Erickson's concerns. He would welcome the input from the Farm Bureau or a private landowner. The information discussed tonight is simply a jumping off point.

Scott Bryant asked how would we protect these increases. If the fees are raised and everyone is paying their part, there is still no guarantee that those fees will be protected from being swept or used for another purpose.

Aaron Kuehl said that there is more protection for those fees than any other fees out there. There is federal legislation that says these fees are dedicated.

Larry Lucas stated that the committee may want to consider creating a commission because it is hard to take the funds away from a commission. Legislation could be drafted to form the commission and provide staff.

Paul Kelley asked if there was any consideration given to allowing the collection of ginseng through issuing a license to collect this on state property. This would raise some revenue.

John Buhnerkempe stated that Aaron Kuehl has proposed an access stamp. The dollars from that would be protected under the federal nexus to address access issues. There is a federal law that states the funds will be used for the exclusive access for fish and wildlife conservation. The other issue is the Volunteer Public Access Habitat Incentive Program. This is part of the 2008 farm bill. The rules have not been written, but this has the potential to be the start up money for an access program. It is \$50 million in grants that the states can use from 2009 – 2012. Grant applications must describe the intended benefits to encouraging public access to farm and natural land for hunting, fishing, and other recreational purposes. He said that one of the things that he is trying to do is have recommendations in place to be able to use these funds.

Nancy Erickson asked if this is federal money, would it not be swept.

Aaron Kuehl stated that she is talking about two different issues. It would provide money to start the program, and once there is a program, there is state match to leverage additional federal dollars for that program.

John Buhnerkempe stated that there are federal dollars available that we could apply for right away.

Aaron Kuehl stated that he likes the idea of the access stamp for those 18 and over. He feels the legislation like this would be fairly straight forward. This would be for anyone who accesses the land. Each site would have its own approved list of activities. It could be a requirement that if you want to access any public land, you would need the stamp.

Kevin Chapman asked if this is a voluntary stamp.

Aaron Kuehl stated that it would be a voluntary stamp.

Ron Rhoades stated that the trail riders are losing areas all the time. In the past year there has been some discussion with the IDNR to have an equestrian fee that could be part of this program. Another example is the bike trail fund. It was created as part of the license fee which always goes to bike activities. That led to the proliferation of the bike trails around the state.

Aaron Kuehl stated that whatever groups want to use the access stamp program would be welcome.

Larry Lucas asked if there is a fee for trail riding at this time.

Mr. Rhoades stated that there is no fee at this time.

There was much discussion on the use of some of the dedicated money for other uses and the current fee use. It was decided that the funding issue is a topic for the funding committee.

Mr. Gillie stated that this committee should come up a product, such as the access stamp, that will allow more access in the state, and someone will have to run that program. Funding will be needed, and we cannot take money out of existing programs. The Habitat Stamp, the Duck Stamp, and other stamps provide a great model for us to do that. The legislators are comfortable with this, and it offers us a lot of protection.

Larry Lucas asked that the recommendations be refined and brought back at the next meeting.

John Buhnerkempe advised Mr. Gillie that he would be willing to help him draft the recommendations.

The issue of the use of public waters was discussed at length. John Buhnerkempe stated that Tom Lindblade has been asked to put together a recommendation on this issue.

Kevin Chapman stated that he would like to have some guidance from the IDNR to develop a list of areas that are not currently open and list the reasons for this. He would also like to see the list of areas that are currently open. A survey should be done to see what type of access is allowed on what properties.

John Buhnerkempe stated that there is a project in the works to develop the **I Hunt Illinois** website to help hunters find the information on hunting opportunities and related issues. It should be up and running in a year to a year and a half.

Mr. Lucas stated that he would like to see a recommendation that this website be available within the next year, and he would like to see this site incorporate more information so every activity available is in one place.

John Buhnerkempe advised that it would be difficult to have just one site that gives this much information. Each web site should be targeted to each specific usage group.

Kevin Chapman stated that the hunting digest lists everything that is open, but you cannot find sites that are not open or why it is not open.

Penny Snyder stated that there is information on the IDNR Land Management Division website that lists all state-owned sites and what recreational activities are allowed.

Aaron Kuehl stated that what he is looking for is a list of state-owned lands that are legal to hunt but are not available to hunt.

Duane Wolland asked why the State would have public land that was not accessible to the people of Illinois.

John Buhnerkempe stated that land acquisition by the state is done for many reasons, some of which are for habitat protection and endangered species protection.

Kevin Chapman stated that the Hunting Heritage Protection Act that went into effect in 2004 or 2005 says that no net loss of available hunting ground should occur on properties owned by the State of Illinois. He stated that he does not think any one knows what that level is.

Scott Bryant stated that it is in the hunting digest. The digest lists the number of huntable acres at each site in each reason. He stated that he has a big problem with the IDNR being approached by someone for a grant. As an example – The Great Rivers Land Trust gets \$180,000 to buy land in Godfrey, Illinois. The Great Rivers Land Trust puts some of their money with this and purchases the property. They turn around and donate it back to the IDNR with a stipulation that no one can use it. He feels that is a major problem. When the IDNR and the tax payers of this state give a grant to purchase property, that property is then given back to the State with no provision of funding to take care of the property, then the people cannot use it. He says this has happened numerous times in his area. Chouteau Island was purchased this way, and now there is no hunting on it except for a small area of dove hunting. Before it was purchased, there had always been hunting and fishing allowed on the island. A horse trail cannot even be put on the island because of the bicycle trails. Under the Hunting Heritage Protection Act they can replace the land – they can take land where you can hunt waterfowl and give you the same amount of land on a hillside. There is no guarantee that you will get the same quality hunting land back under this particular Act. He said that there is also a problem with the IDNR putting bicycle trails through hunting areas.

Larry Lucas stated that the common thread is that the public feels that they are losing access, not gaining access, and the IDNR is not doing things with the public in mind. The bicycle paths are installed with federal money. He suggested that the federal legislation needs to be changed so that the money could be used for multipurpose lands.

Scott Bryant stated that there is also an issue of access across someone's property if they grant access through a strip for something like a bicycle path. If someone hurts themselves on that strip, they could hold the landowner liable.

Nancy Erickson stated that the liability to the property owner is a huge issue.

Kent Adams stated that there also needs to be access for youth hunting, and this may be a way to start perusing those pieces that we identify there is no legitimate reason not to hunt there. He stated that a recommendation could be for the committee to say what is being done with the money.

Nancy Erickson asked who decides whether an area is or is not open to hunting or fishing.

John Buhnerkempe stated that a lot of times it is based on the funding source. The IDNR buys property using money from the Pheasant Fund – that would be primarily for pheasant hunting. If the money comes from the Habitat Fund, it has to be for wildlife conservation. If the money

comes from the Natural Areas Acquisition Fund, it has to be for natural areas management and preservation.

Nancy Erickson asked if after the land is purchased by the IDNR it would not be open to hunting if there was some kind of analysis made or a request for an opportunity to have, even though the original money was for a particular purpose, the area open for other activities.

John Buhnerkempe stated that there are sites where too much activity is allowed on a site.

Kevin Chapman stated that it would be his recommendation that states that access to these areas remain open even when the administration changes.

John Buhnerkempe stated that the IDNR has to report to the General Assembly once a year to give the total acreage open for hunting/trapping which is compared to a benchmark base total.

Aaron Kuhel asked if there was a way to set a new base.

John Buhnerkempe stated that the statute would need to be changed to set a new base.

Kevin Chapman stated that there is no inventory of all the private landowners or corporate landowners. This is not a problem that will be solved in two weeks.

Kent Adams stated that there are few things that motivate private landowners to provide public access. It should be kept under the umbrella of the private land access program. There has to be an incentive. The liability issue has to be resolved, and there has to be some kind of financial incentive.

John Buhnerkempe stated that Lenore Beyer-Clow is working with him to provide a recommendation to change the Recreational Use of Land & Water Areas Act. He stated that he should have something to present to the committee at the next meeting. There is a coalition for the legislation change for all recreational activities. Tom Lindblade will work on some of the water issues and have something for the committee to consider at the next meeting.

Duane Wolland stated that he wanted to remind everything that it does not do any good to have access to water if you cannot fish.

Scott Bryant stated that if he takes 10 kids out to duck hunt, there has to be some type of coverage to protect him if something happens.

Larry Lucas stated that the law now covers the landowner regarding the liability issue when a person is hunting or shooting on their property.

Kent Adams stated that NWTF (National Wild Turkey Federation) events have liability coverage for youth hunts. He suggested that Illinois should have some type of mentoring program.

Nancy Erickson stated that, from a landowner's perspective, the Farm Bureau was interested in expanding the Recreational Use of Land and Water Areas Act to say that it would also include educational type programs.

Bo Arnold asked if the recommendations would include the horse riders.

Larry Lucas stated that it includes all recreational activities.

Bo Arnold stated that he has constituents through IFOR (Illinois Federation of Outdoor Resources) who are horse people that have asked him to include their recreational activity because it is a big issue with the horse riders.

Nancy Erickson stated that the Farm Bureau tried to get all the recreational activities covered under the liability issue, however, the trial lawyers could not agree.

John Buhnerkempe stated that, Eleanor Roemer, Friends of the Parks, sent a brochure, *The Last Four Miles - Completing Chicago's Lakefront Parks*, and each committee member has one at their station. The brochure talks about establishing 4 miles of lakefront along Lake Michigan that could be used by the public. She wanted to make the committee aware of this project.

Aaron Kuehl stated that it was his opinion that individual projects may be beyond the scope of this committee.

Larry Lucas stated that he would recommend that the IDNR promote its activities around the state to make people aware of what it does – state parks, public land. He has thought about the possibility of making the advisory board a statutory board. A statutory board would actually have power. He stated that Director Miller has been doing a fabulous job. The IDNR would actually listen to a statutory board.

Aaron Kuehl stated that even with a statutory board, the members are still appointed by the governor, so he is not sure that will solve any problems.

Scott Bryant stated that organization leaders must contact their legislators.

Kevin Chapman stated the IDNR plans to increase doe harvest in certain areas of the state. What kinds of efforts are being done to find places for those who need access to hunt? He stated that most of the places that are overpopulated are being commercially hunted, and those businesses are not interested in population control. Some places were going to allow reduced fees to kill more does. A couple of years ago a list was put together by some commercial hunting operations who were going to allow reduced access fees or free access for people to shoot does. He wondered in this would help with youth access, hunters who want to shoot just does, and solves the problem with having a 10-day continuous unlimited doe harvest in counties that have the problem.

John Buhnerkempe stated that one of the things the Department is considering is putting together hunter referral programs. If there is a landowner that has a problem with deer or any other wildlife, they could find someone to help with their management goals.

Nancy Erickson stated that the Access Illinois Outdoors program is available, and there are outfitters that do provide certain kinds of elements to their program that would help manage that group wisely. She said that the Farm Bureau gets calls, and the callers are given names of landowners who may allow access.

Brenda Middendorf, Access Illinois Outdoors, talked about all the services her organization provides. She said her organization matches outdoor recreationists with private landowners. The funding for the organization currently comes from the Illinois Bureau of Tourism. She said the program was started by the IDNR in 1994, and it was funded by the IDNR for three years. They have also received funding from the Illinois Department of Agriculture and the US Forest Service. She said it is a free service for every landowner in Illinois. It is a non-profit corporation. They have landowners in 52 counties with 250,000 acres of private ground that is available for hunting, biking, photography, fishing, and camping. There is a fee for hunting deer in most cases, but that is left up to the landowners. The organization does not receive a share of the fees. They do free youth hunts and free handicap hunts. The IDNR set up the original databases. There is a landowner database and a hunter database. There is usage from 39 states, Canada, and Germany. They work with the Farm Bureau. They also pay all the processing costs for donated deer and give that to the local food pantry. She said that she applies for grants to cover the cost of the processing. The website is accessil.org.

Ms. Middendorf stated that she would like to ask the committee when thinking about this vehicle to use for looking at the coverage access, there would be no need to hire another employee because Access Illinois Outdoors is already established. They would be glad to work with the IDNR. Any tax incentives could be passed on to over 560 landowners who are already providing access to private property that may be interested in whatever the Department has to offer. It was her opinion that the organization could provide the service at a lower cost than a salaried employee. She said that they could contact a corporate landowner to see if they would allow access or contact other landowners not currently in their program. This service is available state-wide.

Larry Lucas asked Ms. Middendorf if she would be able to make a five minute presentation to the committee at the next meeting.

Glen Sanders: Youth recruitment and the access – He asked within the IDNR why there never has been position papers, any time someone proposes something within the IDNR, any type of impact statement, how is this going to effect hunter recruitment, how is this going to effect resident hunter access for our programs. That should be a policy within the IDNR. He stated that Director Miller should order the entire IDNR to consider every decision that they make – how is this going to affect access and affect hunter opportunity. Every site superintendent can say no when the wildlife biologist makes a suggestion. If the order comes down from above, it better be down on paper as to why or why not. He felt if that was done, a lot more of these places would be opened up.

Larry Lucas asked if Mr. Sanders wants a Department policy – when they make policy, is to say how it affects access.

Mr. Sanders said that is what he is asking for. Such action would say if it would affect in a negative or positive way youth recruitment, hunter recruitment, and access for resident hunters.

Mr. Sanders stated that the LAWCON money, OSLAD money, and other federal money that the IDNR gets should be given out according to priority points. The priority points should be going to the parks and cities that put the outdoor recreational activities up toward the top. If the city is going to put in a park, is there an archery range in that park, is there going to be fishing in that park. He stated that IDNR has control over those funds. There is a park in Quincy that is a perfect example. The park has an archery range and a fishing park. Kids that normally would not get a chance to fish flock to that park, and this gets them started in fishing. The archery range also provides an opportunity for the kids. If the rules were changed to give priority to the sites that give outdoor recreation priority, the recruitment problems can be addressed and provide more access in the cities and the metro areas.

Mr. Sanders stated that he would like to see the IDNR take a hard look at expanding the hunting season for a number of species outside the conventional guidelines, mainly to get outside of the archery season. He would also like to see the raccoon season be all year round. Some landowners would let people hunt raccoon or trap the property. He said there is no reason why squirrel season cannot run until March 1. This would just be a change in policy.

Mr. Sanders stated he would like to see the IDNR stop using the word “nuisance” when referring to wildlife. He feels that they are hunting opportunities.

Mr. Sanders stated that he would like to see IDNR legal staff hold workshops on how to put together a hunting lease for the landowner. This would allow the private landowner to maintain control of their rights.

Mr. Sanders stated he would like to address the liability issue by recommending the creation of a mentor program using IDNR personnel.

Mr. Sanders stated that regarding hunts and resident hunters access – there is no reason, when there is a shortage of duck blinds, that the IDNR allows the metro people out of St. Louis to compete on equal footing. Duck blind drawings for the State of Illinois should be residents first – just like it is done with turkeys and deer. Residents should get first preference. He stated that waterfowl leases have become so expensive in the St. Charles area, north of St. Louis. He stated that hoards of guys are coming into Illinois for the blind drawings. If Illinois residents cannot get a duck blind, you run the potential of losing those hunters. He says the IDNR policy is allowing this to transpire. The state should take care of resident hunters first.

Allie Lymenstull stated that the question is how can we convince the politicians and the people of this state to go for an eighth of a cent tax and a conservation commission like Missouri has. Missouri has a good system with the money to pay for it.

Larry Lucas stated that in Missouri there is a separate, antonymous body that runs the Missouri Department of Conservation. Missouri was also very successful in getting an eighth of a percent of the sales tax for earmarked funding.

Mr. Lymenstull stated that the earmarked funding for Missouri's conservation program cannot be touched except by the Conservation committee.

Larry Lucas stated that he is from Chicago, and the people in the immediate Chicago area have no idea what the IDNR is or does. That is the problem. The Department needs a higher profile because of the needs of Chicago overshadow the downstate needs. If it is a funding choice of the eighth of a percent between mass transit and the state parks, mass transit is going to win because there is a regional transportation authority.

Scott Bryant stated that the problem with an eighth of a percent is that, even though his organization has been a proponent of this from the very beginning, ever since the State of Illinois took its Department of Fish and Game and combined it with the Illinois Department of Natural Resources; that is where the problem started. The only way to fix that is not going to be the eighth of a percent. It is going to have to be a higher percent to include the state parks, or you are going to have to separate them again and be like Missouri where you have a Department of Fish and Game separately funded with the eighth of cent tax. That would end that problem. If we are going to fund the IDNR, it would have to be a sixteenth of a percent. That would fund the state parks and everything. Iowa and Wisconsin are working on that now. The pilot program is in Missouri, and it is working great. People do not know about it. An eighth of a cent tax on a \$2.00 gallon of milk would cost a third of a penny. The tax is on everything sold in the State of Missouri. Missouri has a surplus of money in that fund.

Mr. Lymenstull asked why there are so many trapping restrictions in his area. He knows that the IDNR would have to work with the US Fish and Wildlife Service to resolve that issue.

John Buhnerkempe stated that his staff is currently working with the US Fish and Wildlife Service on these issues.

Mr. Lymenstull asked for clarification of the coverage for a private landowner when talking about liability.

It was explained that the landowner is not liable for injuries sustained by a person who is hunting or shooting. It does not cover someone fishing. This pertains only to those landowners who do not charge an access fee.

Larry Lucas thanked everyone for attending the meeting. He stated that some progress has been made. The next meeting will be on Wednesday, October 14, 2009 at 5:00 p.m. at the IDNR Region 2 Headquarters, 2050 W. Stearns Road, Bartlett, IL.

The meeting was adjourned at 7:30 p.m.