

Minutes
Disabled Advisory Council
Thursday, March 20, 2008
DNR South Central Region Headquarters
3911 Fish Hatchery Road, Fitchburg
Glaciers' Edge Meeting Room

Call Meeting to Order

Chair Werner Burkat called the meeting to order at 12:10 p.m.

Roll Call: Werner Burkat, Chair, Thomas Zimmer, Co-Chair, Joe Greene, David Stinson, Jim Rutledge. Excused: Steve Johnson, John Kocourek, David Lato, John Mitchell, and Dale Petkovsek – Alternate.

Also in attendance: State Representative Scott L. Gunderson – 83rd Assembly District, Steven Miller, Bureau Director – Facilities and Lands, Lloyd Eagan, Director – South Central Region, Carl Mesman – Warden Team Supervisor (Wautoma), Andy Janicki – Accessibility Coordinator, Julie Amakobe – Facilities Management Officer, Linda Olver - Wildlife Biologist, Anthonette Gilpatrick – Program and Planning Analyst, John Olson - South Central Region Natural Resources Engineer, Tim Fox – South Central Region Construction Representative, Kimberly Currie, Parks Section Chief - Business Management, Landon Williams – Bureau of Parks Administrative Policy Coordinator, Bill Kohls – Resident Class-B Permit Holder and Kelly Frawley – Recreation Program Construction Manager.

South Central Region Director Lloyd Eagan welcomed the Disabled Advisory Council to the South Central Region Headquarters. Eagan stated that the South Central Region staff is committed to serving the disabled population. Eagan submitted the following list of South Central Region projects:

- Mirror Lake State Park – the site of the system's first accessible cabin;
- Devil's Lake State Park – 1.5 miles of accessible trails;
- Horicon Marsh Wildlife Area – accessible duck blinds;
- Governor Nelson State Park – Fishing Has No Boundaries sponsor for over 15 years;
- Blue Mounds State Park – accessible rustic cabin available from May 1st to October 31st

Eagan stated the South Central Region staff is committed to working with the Disabled Advisory Council.

Anthonette Gilpatrick introduced John Olson, South Central Region Natural Resources Engineer, and Tim Fox, South Central Region Construction Representative, and complimented them on their service to disabled customers and user groups.

Motion by Greene, second by Rutledge, to approve the amended agenda. Carried 5-0.

Motion by Rutledge, second by Zimmer, to approve the minutes of the July 20, 2007 meeting. Carried 5-0.

Chair Burkat introduced Representative Scott Gunderson. Gunderson complimented the Disabled Advisory Council for their work. Representative Gunderson stated his appearance before the DAC is to receive comments and information regarding a request by DAC representative James Rutledge. The request is that the Natural Resources Committee review Wisconsin Statute 23.33(4)(6) that covers All-Terrain Vehicle usage for disabled users holding a Wisconsin Class A or Class B permit under Wisconsin Statute 29.193(2), approvals for disabled persons hunting permits and add the use of UTVs.

The DAC is on record requesting an amendment to Wis. Stats. §23.33(4)(6), to add Utility Type Vehicles (UTV). The DAC believes that UTVs would have been included within Wis. Stats. §23.33(4)(6) should UTVs had been as prevalent at the time the legislation was drafted.

Stinson commented on the need for the Class C user to be included in the disabled language.

Rutledge requested the current statute be amended to include UTVs for Class A, B long-term, and C users.

Gunderson commented that the amendment to include UTV for Class A, B and C permit holders would continue to be specifically for roadways and private lands and for moving from property to property as an ATV user can presently do. A definition for UTV will need to be included in this amendment.

Gunderson commented that he can work to have a bill ready by January 2009 for the DAC for consideration by the legislature during the next regular session.

Burkat expressed concern regarding issues of usage that may surface if the statute is opened to public trails. The width of the trails does not allow for both ATV and UTV users.

Representative Gunderson commented that 2007 Senate Bill 514, an act to amend Wis. Stats. 23.33(11m)(d), and 23.33(11m)(d)(2), relating to all-terrain vehicle routes and trails that may be used by operators of lightweight utility vehicles (LUV) is on Governor Doyle's desk for signature. LUV definition is already in the statute. A LUV is greater than 700 lbs. and less than 1999 lbs.

Stinson commented that Senate Bill 514 affects seven counties in the northwest part of Wisconsin. These seven counties are part of a two-year pilot program.

Gunderson asked if there were other issues the DAC would like to be considered by the Natural Resources Committee. Zimmer responded that the DAC should draft a letter on archery language and work cooperatively with Representative Gunderson's office. Zimmer and Mitchell will work on letter to allow the taking of deer of either sex for archers with a Class A or C permits within Earn-A-Buck zones.

Kimberly Currie, Section Chief, Business Management, and Landon Williams, Administrative Policy Coordinator, both in the Bureau of Parks, appeared before the DAC to discuss the impact of a request by Gary Kovala to provide a Wisconsin State Park Pass to the disabled and elderly.

Williams presented the following comments regarding the impacts on the proposal on the Department's programs:

1. Description of Proposal: This proposal creates exemptions for limited income senior citizens, the disabled and disabled veterans from paying vehicle admission fees at State Parks as well as various other fee waivers including reduced rates for camping or total waivers of camping fees. In addition, this proposal creates a commission to review applications for passes, as well as eligibility guidelines, durations for eligibility based on type of disability and penalties for inappropriate usage. Currently, WI residents are charged \$25 for an annual pass, \$7 for a daily pass, \$10 for a senior citizen annual pass, \$3 for a senior citizen daily pass and either \$12 or \$15/night to camp with a \$10 reservation fee.
2. Policy/Administrative Effect: This proposal will create a significant additional workload for the Bureau, which cannot be absorbed given current resources. Parks anticipates the need to hire two (2) full-time positions to implement this proposal.

This proposal would create significant additional workload related to creating a new pass, as well as creating a parallel fee structure with the state's reservation provider (currently Reserve America). This proposal would require the Department to modify its existing point of sale and remittance structure, which would increase the workload of multiple bureaus within the Department.

At this time, it is unclear whether this proposal would extend to northern and southern forests as well as state trails and state recreation areas. It is possible under this proposal that a person could be eligible for free admission and camping in state parks, but would have to pay full price for admission to any of the other listed property types.

3. Fiscal Effect: This proposal will decrease program revenues, generate one-time costs, and increase annual operating costs.

Total one-time costs under this proposal: \$82,200

Total costs in the first year of the program: \$2,662,402

Total annual costs of the program: \$1,483,720

Total annual revenue losses under this proposal: \$3,249,220

4. Recommendations: The Department is sensitive to the needs of the disabled community, and supports equal access to state parks, forests, recreation areas and trails for everyone to experience. The Department has made great strides in providing equal access to public lands that are owned and managed by the Department, for example adding disabled cabins to selected properties as well as accessible fishing piers and boat launches. The DNR recognizes that more work needs to be done to assure full access to Departmental properties. This proposal would result in added workload, increased costs and large revenue losses to the Wisconsin State Park System. The WSPS is heavily reliant on revenues generated primarily through admission receipts and camping fees to operate all properties within the system. As its share of GPR operational funding has declined from 50% to 24% for the System as a whole, Parks relies heavily on user fees to operate. The total costs and revenue losses that would likely occur under this proposal are in excess of the system's ability to fund and absorb, given current budgets.

The DAC considered Williams' report. Chair Burkat commented that the DAC's mission is to advocate for equal access and not base decisions on income guidelines.

Amakobe commented that Senator Roger Breske, 12th Senate District, requested the DAC place this matter on their agenda. Amakobe commented that Gary Kavola stated that the proposal was based on the National Park Service program. Amakobe reviewed the National Park Service program and found significant differences in the language.

Chair Burkat reviewed the proposal and thought the language was too broad and inclusive and would be a nightmare to implement and enforce. Burkat commented implementation would be a burden on the Department of Natural Resources and could make people with disabilities to be shown in a bad light.

Zimmer stated the proposal focuses on the disabled and veterans and exempts cabins. .

Stinson expressed concerns over the forgiveness of the fee based on the criteria within the proposal. Due to the aging demographics of the general populous, the number of eligible residents will continue to increase.

Janicki commented that he submitted the proposal to known independent living centers. Those responding called for equal access and viewed the proposal as a special privilege. Respondents could see abuse by others using false information and placards.

Motion by Rutledge, second by Stinson, not to support the proposal based on the proposal's broad application, negative economic impact on the State, and the negative connotation for people with disabilities. Carried unanimously.

Currie commented that Senate Bill No. 49, an act to create 27.01 (7) (c) 11., 27.01 (7) (c) 12., 27.01 (8) (b) 4. and 27.01 (8) (b) 5. of the statutes; relating to free access to state parks and state trails by certain disabled veterans and former prisoners of war passed and is on the Governor's desk for signature.

Currie commented that the Department's request to increase the cap on electrified campsites from 25 percent to 30 percent was not acted upon during the legislative session. The request will be reintroduced during the next session. Currie stated the proposal was not timely for it was submitted late in the legislative session and died based on the proposal's timing.

Chair Burkat commented that the electrified campsite cap was based on the historical desire to maintain rustic campsites. This was before the proliferation of new recreational vehicles and the focus on accessibility.

Currie commented on the irony that forest and wildlife areas are rustic and do not have a limit while the park and recreation areas that are more developed have the cap.

Chair Burkat called for a break at 1:45 p.m.

The DAC reconvened at 2:10 p.m.

Chair Burkat called on Amakobe to discuss and review 2007 Assembly Bill 831. Amakobe commented that under current law the DNR may impose restrictions on the type or sex of a deer that may be taken by a person holding a deer license, including a requirement that a person kill an antlerless deer before killing one with antlers. Current law exempts a holder of a Class A or Class C permit from this restriction by providing that a holder of such a permit may hunt deer of either sex. This bill expands to include holders of Class B permits.

Warden Mesman stated the Department attended a March 6th hearing to provide information regarding 2007 Assembly Bill 831. The Department informed the hearing committee that Class B includes a large number of qualified hunters.

Chair Burkat commented that privileges for Class A and Class C permit holders could be applied to hunters with Class B permits issued for a period greater than one year and which authorizes shooting from a vehicle. The general Class B permit is too inclusive. Burkat posed the question to the DAC as to whether special hunt privileges, whether they be for gun-deer, bow or turkey, be extended to hunters with a Class B permit issued for a period greater than one year and which authorizes shooting from a vehicle.

Bill Kohls, a Class B Permit holder, commented that he has not been able to use his right arm or hand for 30 years. He cannot get a Class A permit due to his ability to walk. His limitation is based on his inability to process a carcass after the kill that requires assistance.

Zimmer understood Kohl's issue for he understands some hunters have a problem with moving a deer after dropping the animal. Zimmer understands there is a gray area in application.

Rutledge commented that he has no problem and is in agreement with extending the holder of a Class B permit that has a long-term disability with the opportunity to hunt a deer of either sex.

Zimmer wanted to know the number of hunters that this exemption applied. Will the extension impact the hunt?

Warden Mesman stated that if the DAC believes the extension of this rule should apply to Class B permit holders with long-term disabilities and have “shoot from a vehicle” designation.

The consensus of the DAC is to support the expansion of current law to allow Class B permits for people with long-term disabilities and shoot from a vehicle to take a deer of either sex.

The DAC understands that 2007 Assembly Bill 831 was not called to vote during the legislative session. The bill will need to be reintroduced.

Motion by Rutledge, second by Greene, to allow Class B permit holders with a long-term disability exemptions to shoot from a vehicle and from killing an antlerless deer before killing one with antlers by providing that a holder of such permit may hunt deer of either sex. Discussion followed and it was noted that the DAC is on record that Assembly Bill 831 in its drafted form is not restrictive enough to limit such rights to individuals with defined long-term disabilities. ***Carried unanimously.***

Warden Mesman delivered the following update to the DAC:

- Mesman drafted an administrative rule tailored after the special gun-deer hunt that would apply to a special turkey hunt. This allows a hunter with a Class B long-term disability to shoot from a vehicle. No internal action has been taken regarding this administrative rule. Warden Mesman will keep the DAC abreast of any developments.
- The Department is awaiting completion of a Memorandum of Understanding (MOU) with the National Wildlife Turkey Federation.
- The Department is reviewing the addition of the crossbow for the taking of roughfish. No proposal has been drafted. This measure will require a statutory change.
- The proposal for a reduced fee fishing license for Class A, Class B and Class C permit holders did not move forward in the legislature. The DAC is on record as being against the proposal.
- Hartman Creek State Park hosted a deer hunt for the disabled in early October 2007. Three hunters participated in the Learn to Hunt program. One animal was harvested.

- A rule change may be proposed to allow users of Class A, Class B and Class C holders to participate in more than one special hunt.
- A rule change to allow Class A, Class B and Class C permit holders to harvest a deer of either sex with a crossbow requires a statutory change.
- Disabled archery hunts will be likely in Rocky Arbor and Mirror Lake State Parks. Those hunts will be considered special hunts. The hunts will likely not begin until calendar year 2009.
- A disabled pier is proposed along the Highway 41 construction project. The DOT is in charge of the bridge replacement and the pier will be coordinated with that construction. The municipality will need to get a grant from the Bureau of Community Financial Assistance.
- A proposal was being considered to allow nurses to sign off of disabled applications for Class A, Class B and Class C permits. The proposal died in committee.

Greene commented that Warden Mark Little will receive an award from the Turkey Federation.

Stinson questioned the Department's policy that does not allow disabled hunters to apply for available disabled turkey permits that are left unused within a designated district. Linda Olver commented that need additional training on special gun/deer and turkey hunts. Olver commented that a housekeeping rule may be necessary to address the number of permits and the applicable zones.

Bill Kohls questioned the availability of information regarding accessible cabins within the park system. Kohls does not operate a computer and questioned the techniques used to distribute accessibility information. Kohls was provided with informational brochures.

Motion by Greene, second by Rutledge, to adjourn the March 20, 2008 meeting of the Disabled Advisory Council at 3:55 p.m. Carried unanimously.

Minutes
Disabled Advisory Council
Friday, March 21, 2008
Quality Inn and Suites
2969 Cahill Main
Madison, WI 53711

Monona Meeting Room

Call Meeting to Order

Chair Werner Burkat called the meeting to order at 9:30 a.m.

Roll Call: Werner Burkat, Chair, Thomas Zimmer, Co-Chair, Joe Greene, David Stinson, Jim Rutledge. Excused: Steve Johnson, John Kocourek, David Lato, John Mitchell, and Dale Petkovsek – Alternate.

Also in attendance: Andy Janicki – Accessibility Coordinator, Julie Amakobe – Facilities Management Officer and Kelly Frawley – Recreation Program Construction Manager.

Burkat opened the floor to nominations for the position of Chair for the Disabled Advisory Council (DAC). *Motion by Rutledge, second by Stinson, to nominate Werner Burkat for Chair of the DAC.*

Being no further nominations from the floor, *motion by Greene, second by Rutledge, to close nominations.* Burkat called the question for closure of nominations. *Carried unanimously.*

Burkat called the question for the motion nominating Burkat for the position of Chair for the DAC. Carried unanimously by roll call vote.

Chair Burkat opened the floor for nominations for Vice Chair of the DAC. *Motion by Rutledge, second by Greene, to nominate Thomas Zimmer as Vice Chair of the DAC.*

Being no further nominations from the floor, *motion by Stinson, second by Greene, to close nominations.* Burkat called the question for closure of nominations. *Carried unanimously.*

Burkat called the question for the motion nominating Zimmer for the position of Vice Chair for the DAC. Carried unanimously by roll call vote.

Motion by Stinson, second by Rutledge, to keep Julie Amakobe as the staff liaison due to history with the DAC. Carried unanimously.

Chair Burkat opened discussion on the agenda item for 65+ non-resident crossbow use. Burkat commented that 2007 Assembly Bill 602 died and would need to be reintroduced

in the legislature. Burkat commented that the bowhunters that contacted him are against expanding crossbow use to non-residents over age 65.

Rutledge commented that Todd Zieske contacted him and believes bowhunters have a long archery season and do not find a need for the expansion.

Rutledge asked if for reciprocity concerns that a non-resident can qualify for a crossbow without a Wisconsin physician sign-off. Staff will follow up on the question.

Rutledge and Stinson commented that they have no issue with anyone 65 and over, resident or non-resident, getting a crossbow permit.

Chair Burkat suggested that the DAC take a position that the DAC does not object to non-residents receiving a permit to use a crossbow on grounds that those non-residents with disabilities can get a permit for the use of a crossbow. Non-residents can apply for disability permits; therefore, the DAC has no issue. Because the request is for age 65 and over the issue is not purely a DAC issue.

Zimmer motion, Rutledge second, to not object to the expansion of crossbow permits for non-residents age 65 and over on the grounds of disability related issues and that out of state disabled persons can apply for disabled hunting permits. Carried unanimously.

Zimmer asked if the members of the DAC were aware of the arrow gun gaining familiarity and use. Zimmer questioned as there is no bill before the legislature is it a topic that should be discussed.

The DAC determined to take no position without legislation being proposed or receiving an actual request for a position.

Chair Burkat thought it appropriate for the DAC to have discussion focused on DAC's mandate and on issues being specifically requested to be brought before the DAC.

Chair Burkat opened discussion on a request from Kurt Christensen's stream access dispute he is having with Dane County Planning and Zoning. Amakobe indicated she was made aware of the issue through a resident contact requesting the DAC review the matter.

Greene commented that it is an unfortunate situation. This is a jurisdictional issue that is outside the mission of the DAC.

Motion by Greene, second by Rutledge, to remain neutral on the issue for the issue is beyond the DAC's jurisdiction and mission. Carried unanimously.

Janicki requested discussion on the DAC's position on the construction of observation towers. Janicki commented that the DNR has not constructed an observation tower for some time. DNR engineering staff requests clarification from the DAC as to the degree

of accessibility that should be provided at new observation tower sites. More specifically, is equal access the goal?

Chair Burkat commented that his position is that DNR staff should attempt to provide a view and comparable experience. Providing a view and comparable experience does not necessarily mean equal access to a view.

Zimmer asked if a ramping system could be provided around an observation tower. Zimmer cited the Lambeau Field renovation and ramping system as an example. Zimmer commented that cost of such a proposal must first be determined.

Rutledge proposed the idea of a switchback system to provide a comparable view. Rutledge also commented that cost for any system or alternative must also be a factor in determining reasonable access.

Chair Burkat commented that an alternative is not to substantially change the environment. Burkat believes denying access is a violation. Providing a similar view by clearing an area is reasonable.

The DAC is in favor of providing similar access, views and experience without requiring equal access. Chair Burkat referenced a Rib Mountain experience where access was not provided to the lookout above the tree line but with selective clearing a view was provided that allowed a comparable experience.

Janicki commented the DNR engineers were concerned regarding construction of new observation towers due to the difficulty of providing equal access.

Greene said he would be willing to go to Buckhorn State Park to check out the site and check out possible alternative views and similar experiences.

Being no further discussion, Chair Burkat asked for member updates and announcements.

Amakobe delivered the following staff report:

- DNR staff has been made aware of and will address accessibility concerns at the Yellowstone State Park rifle range. Amakobe will follow up with Barb Wolf, Regional Law Enforcement Leader, out of the SCR.
- The DAC needs to establish a date for its awards ceremony. The DAC suggested looking to the September meeting to allow staff to prepare for the awards ceremony.
- Staff recommended that the next meeting include an agenda item to allow presentation of the Boat Access Inventory.
- Staff commented that furnishings are no longer being accepted at the Kohler-Andrae accessible cabin, rather operating costs are being sought and accepted by the Friends group.

- Staff was to have the ATV group come to a DAC meeting and discuss any concerns the group may have. Staff does not believe there are any pressing issues that remain with the group.

Greene commented that a successful pheasant hunt was held in Warrens on February 24th. 50 hunters participated including 10 hunters with disabilities, seven of which were confined to wheelchairs. Every hunter with a disability had the opportunity to harvest seven pheasants.

Greene informed the DAC of the Chukar Challenge to be held from 8:00 a.m. to 5:00 p.m., Sunday, September 21, 2008, at Woods & Meadow Hunting Preserve in Warrens. The Chukar Challenge is sponsored by the North American Squirrel Association and Handishop Industries of Tomah to benefit persons with disabilities.

Zimmer has been in contact with a provider in the Shawano area that wishes to develop a hunt for disabled or youth. Zimmer will follow up with the provider and report back to the DAC.

Zimmer commented that he attended one of the statewide DNR Customer Service and Licensing meetings. Zimmer thought attendance at the statewide meetings puts the DAC in a favorable light. Zimmer talked about the special deer and turkey hunts and other important information.

Greene commented that the North American Squirrel Association will send a youth with disabilities to Texas for a hunt and send a disabled adult and his father to Namibia for a safari.

Rutledge informed the DAC that the Paralyzed Veterans Association (PVA) will sponsor a disabled youth trap shoot at the Brown County Sportsmen's Club on July 11th, 12th and 13th. DAC members are to get potential applicants to Rutledge. There are sponsors that can help to pay for lodging, etc...

Stinson informed the DAC that the Fishing Has No Boundaries (FHNB) national convention is scheduled for April 12th. Janicki will attend.

Stinson also indicated that on May 2nd, 3rd and 4th, the Hayward Chapter of FHNB will have its event. Stinson commented that the Tomah Veterans' Hospital will not be able to participate due to funding limitations.

Stinson commented the DAC could push recreational opportunities for disabled veterans.

Chair Werner informed the DAC that Wheeling and Reeling will sponsor an outing in Green Bay. 110 signed up for the event last year with 90 actually participating. Wheeling and Reeling offers the opportunity for urban fishing.

Stinson mentioned that Neal Kephart, property manager of Chippewa Flowage, has an accessible campsite for the disabled. Stinson encouraged others to visit the location.

The next meeting is scheduled for June 5th and 6th at the Lakewoods Resort and Lodge.
Motion by Greene, second by Stinson, to adjourn at 11:15 a.m. Carried unanimously.