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## WISCONSIN NATURAL RESOURCES BOARD

### DRAFT BRIEF OF ACTION (rev. 01/13/16)

The regular meeting of the Wisconsin Natural Resources Board was held on Wednesday, December 9, 2015 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-3 and 6-7. The meeting adjourned at 12:25 p.m.

**Chair Cole** thanked Vice-Chair Terry Hilgenberg for sitting in for him at the October 2015 Board meeting.

### ORDER OF BUSINESS

#### 1. Organizational Matters

##### 1.A. Calling the roll

William Bruins – present	Gary Zimmer – present
Julie Anderson – present	Dr. Frederick Prehn – present
Terry Hilgenberg – present	Preston Cole – present
Greg Kazmierski – present	

##### 1.B. Approval of agenda for December 8-9, 2015

**Mr. Zimmer MOVED, seconded by Dr. Prehn, approval of the December 8-9, 2015 agenda. The motion carried unanimously.**

**Chair Cole** thanked Mark Aquino, Sanjay Olson, Bill Zwolanek and South Central Region staff for coordinating the Board's first winter tour which took the Board to Blue Mound State Park for an overview of winter recreational activities and to the Nevin Fish Hatchery. This information is relevant of what may be coming before the Board in the future.

**Mr. Zimmer** stated that tours do take extra time and preparation for staff. For the Board, these field tours are positive and show staff's passion for their work. He is proud of staff as is the Board.

**Chair Cole** stated they are blessed to have such a wonderful staff.

##### 1.C. Approval of Brief of Action from October 28, 2015

**Dr. Prehn MOVED, seconded by Mr. Bruins, approval of the October 28, 2015 Brief of Action. The motion carried unanimously.**

2. Ratification of Acts of the Department Secretary
- 2.A. Real Estate Transactions

**Mr. Kazmierski MOVED, seconded by Mr. Hilgenberg, approval of the Real Estate Transactions. The motion carried unanimously.**

3. Action Items
- 3.A. Air, Waste, Water, and Enforcement

- 3.A.1. Request that the Board adopt Emergency Board Order WM-14-15(E) for proposed rules modifying Ch. NR 16 related to captive deer farm fence regulations

Discussion followed regarding “hobby” farms, herd status program, inspection process for fencing, veterinary checks, whether a deer farmer is required to report a breach (Yes, within 24 hours of being aware of escape.), and whether this rule would help solve the problem surrounding the recent well publicized escapes.

**Public Appearances:**

1. George Meyer, Madison, representing Wisconsin Wildlife Federation as Executive Director (**Handout**)

Discussion continued on fence inspections, how imports of deer from other states are handled, whether any deer have escaped from any of the hobby farms, differences between hobby status and licensed deer farmer, and what this rule does and does not do.

Kurt Thiede, Deputy Secretary, responded to the Board’s discussion regarding the relative risk of farms involved.

Discussion continued on what defines a hobby farm and whether there is a cap on a maximum number, and timing on fencing maintenance and inspections,

Mr. Hilgenberg questioned whether it is appropriate to ask the Department to consider coming back to the Board with a more frequent fence inspection program. He requested a memo to the Board on the specifications/standards of deer fencing and fence inspections.

Deputy Secretary Thiede offered to the Board that as the department comes back with the permanent rule, he will make sure the fence inspection program concern is addressed.

**Dr. Prehn MOVED, seconded by Mr. Bruins, approval of the department’s recommendations. The motion carried unanimously.**

- 3.B. Land Management, Recreation, Fisheries, and Wildlife
- 3.B.1. Request adoption of Board Order FH-09-15, proposed rules affecting chapter NR 23 related to lake sturgeon regulations on the Menominee River **PowerPoint**

Discussion followed on what the department is studying, why the department is doing manual lifting of fish, what the end game is, and invasive species concerns.

**Ms. Anderson MOVED, seconded by Dr. Prehn, approval of the department's recommendations. The motion carried unanimously.**

- 3.B.2. Request adoption of Board Order FH-13-14, proposed rules affecting chapter NR 25 related to implementing a web-based electronic fish reporting system for licensed commercial fishers of the Great Lakes

**Mr. Hilgenberg** thanked Mr. Hansen for a very nice job.

**Mr. Hilgenberg MOVED, seconded by Mr. Zimmer, approval of the department's recommendations. The motion carried unanimously.**

- 3.B.3. Request adoption of Emergency Board Order FH-15-15(E), proposed rules affecting chapter NR 20 and 25 related to lake trout harvest limits in Lake Superior **PowerPoint**

**Public Appearances:**

1. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director (**Handout**)

Discussion followed on whether this rule changes the quota for commercial fishers [No.], what the public has gained in allowing commercial fishing in the Hagen Beach area, reminder that this is only an emergency rule, and tribal relations.

**Chair Cole** asked Tim Andryk, Legal Counsel, to the podium to brief the Board on the department's process in negotiations with tribal leaders.

**Tim Andryk**, outgoing Chief Legal Counsel, introduced incoming Chief Legal Counsel, Quinn Williams. He stated that Attorney Williams will respond to the Board's request.

**Chair Cole** congratulated Quinn Williams on his appointment to Chief Legal Counsel. He will replace the retiring Tim Andryk.

**Attorney Williams** briefed the Board on the department's confidential conversations with tribal leaders.

**Dr. Prehn MOVED, seconded by Ms. Anderson, approval of the department's recommendations. The motion carried unanimously.**

Discussion continued on the importance of recognizing that this is an emergency Board order and will be further evaluated, and that the department is working hard to do the best for all.

**Dr. Prehn** stated that the main focus in this debate is the fishery. There are lots of players – tribes, commercial fishers, and sport anglers. He requested 1) continued negotiations, particularly with the sport fishers, and 2) better data. Continue research on lake trout and all the Great Lakes fish. Don't deplete the resource.

**Chair Cole** requested the department reach out to Mr. House, Acting President of the Apostle Islands Sport Fishermen’s Association.

**The motion carried unanimously.**

3.B.4. Land Acquisition, Statewide Natural Area, Bayfield County

**Mr. Hilgenberg** stated he discussed this item at length with Doug Haag, Facilities and Lands Deputy Bureau Director, and is comfortable moving forward.

**Mr. Hilgenberg MOVED, seconded by Dr. Prehn, approval of the department’s recommendations.**

Discussion followed on whether access to the natural area will be restricted [Area will be open for all traditional uses.], master planning, and property restrictions (e.g. overnight camping prohibited).

**The motion carried unanimously.**

3.B.5. Land Donation, Gift Lands, Adams County

**Doug Haag**, Facilities and Lands Deputy Bureau Director, stated that land donor James Barg asked that this donation be made in the memory of his parents Hiram and Bessy Ellen Barg.

**Mr. Zimmer MOVED, seconded by Dr. Prehn, approval of the department’s recommendations.**

Discussion followed on the valuation for donation purposes [Valuation is between the IRS, the donor’s appraiser, and landowner] and that this is an incredibly good benefit to the citizens of Wisconsin.

**Mr. Hilgenberg** gave an official thank you to the Barg family. This gift of land is very much appreciated.

**The motion carried unanimously.**

**Mr. Kazmierski** found out recently that a property approved a few years ago by the Board was not approved by the Joint Finance Committee. That purchase fell-through. The Board was not made aware of that. He requested that the Board be notified of Joint Finance Committee non-approval action.

3.C. Scope Statements  
None

3.D. Department Wide  
None

**Chair Cole** thanked the group of central office and regional staff for their work behind the scenes at Board meetings. In the past, staff presenters would have had to drive at times five (5) hours each way to speak for five (5) minutes. With today's technological improvements, these staff can give their presentations remotely. This saves on our resources, expenses, and time. When designated by the Board, the public can appear remotely as well. He gave a shout-out in appreciation for the work they do. Thank you!

**Chair Cole** moved the meeting to agenda item 5.B.1.

5. Information Items

5.A. Air, Waste, Water, and Enforcement  
None

5.B. Land Management, Recreation, Fisheries, and Wildlife

5.B.1. Tribal youth opportunities related to natural resources management

Discussion followed on the status of current and future funding.

**Mr. Zimmer** stated the Board had the opportunity to sit and listen to the youth during the September 22 informal meeting hosted by the Stockbridge-Munsee Tribe. It was very rewarding. This shows the importance of youth opportunities in getting them into the natural resources field.

**Chair Cole** stated that the Wisconsin Conservation Congress is in the process of establishing a Youth Conservation Congress. Wisconsin Wildlife Federation also has a youth leadership group. He asked the department to look for ways to get these groups in the same room at the same time.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

5.C. Department-Wide

5.C.1. Department Strategic Alignment Effort **PowerPoint**

Discussion followed on whether any other states are looking at the agency from this perspective and making changes.

**Chair Cole** reminded those in the room and to those viewing on-line that in the Department Secretary's lane is administration of programs and the Board tends to stay out of that lane unless they impact the promulgation of rules, conservation programs, and environmental programs – that is the Board's lane. How they arrange the boxes is really important and so we will be watching, of course. However, it is in the purview of the Department Secretary to organize those boxes to best fit the needs of the citizens of the state of Wisconsin. We want to make sure people understand it is not the Board's role to approve or deny the reorganization or realignment but to watch for the impact on programs in which we are responsible for.

We wait encouragingly to see what the next chapter is. You have to evolve government to meet the needs of the day.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

**Chair Cole** moved the meeting to agenda item 4.B.2.

4. **Citizen Participation**

4.B. **Citizen Recognition**

4.B.1. **The Rebecca Wallace Award**

**Chair Cole** and **Deputy Secretary Thiede** presented the 2015 Rebecca Wallace Award to Buzz Sorge, currently the West Central Wisconsin Lake Coordinator for the department out of the Eau Claire office.

**Buzz Sorge** thanked his wife, family, and co-workers. He had a great career and never had a bad day at work. This award embellishes what we do at this agency: balance work, family, and partnership in our communities to further the conservation mission of this agency.

**Chair Cole** stated this speaks to the type of employees we have --- muster and commitment which certainly shows through in what Buzz has done in his long career at DNR.

**Chair Cole** moved the meeting to agenda item 4.A.1.

4.A. **Citizen Appearances**

**Public Appearances:**

1. **Mary Dougherty**, Bayfield, representing Farms Not Factories  
*Topic:* Proposed Badgerwood hog CAFO in Bayfield County

Discussion followed on whether Ms. Dougherty's elected representatives were contacted by her [Yes.], whether she has contacted DATCP (WI Department of Agriculture) [Yes.], and what success would look like to Ms. Dougherty.

**Chair Cole** stated to Deputy Secretary Thiede that he has heard a request from Ms. Dougherty that there is a concern about the department's oversight as it relates to CAFO staff and their responsibilities. He assured Ms. Dougherty that this issue is on the department's radar screen. To the extent that they can shed some light in terms of what their regulatory duties are, he requested Deputy Secretary Thiede or his assign to contact her.

**Chair Cole** then stated that, again, it is the Wisconsin Natural Resources Board that flings its doors wide open to any citizen in Wisconsin that has a supporting engagement they would like to talk about or on concerns they may have of department programs and policies. You will not see this type of process in any other state. That we should continue to be proud of.

2. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director (**Handout**)  
*Topic:* Updating of the WDNR's Chronic Wasting Disease (CWD) Plan

**Chair Cole** asked Deputy Secretary Thiede whether there is a plan coming back to the Board relative to an update to the CWD plan and is outlined in the guidance that the Board approved.

**Deputy Secretary Thiede** stated the Board will hear in the deer report shortly that this is an all hands on deck, whole-hearted effort to implement and update how we are managing and implementing the deer hunt in Wisconsin including the implementation of County Deer Advisory Councils. This has been a yeoman's effort on behalf of our staff. That has been the focus as well has been making sure we continue to offer hunter service testing. His response is that at this point, all efforts have been put behind setting up current system, setting up another successful deer season, and as far as moving forward, this is on our radar as regards to a request for program review. This is something we will go back and discuss as it pertains to our overall deer management program.

**Chair Cole** asked whether today's update will serve as the department's 2015 update [No.]. With that said, he expects the Secretary to come back to the Board no later than the December 14, 2016 Board meeting or sooner with the report as it relates to the update of the CWD Plan as to items that have been accomplished and what we have yet to do in keeping with our own policies and procedures that we as a Board adopt. He then questioned George Meyer, Wisconsin Wildlife Federation, if he was okay with this timing and request.

**Mr. Meyer** stated that if that is the Board's wish, he is fine with it.

**Deputy Secretary Thiede** stated that is a reasonable timeline.

3. **Rob Nurre**, Baraboo, representing ~~Sauk Prairie Conservation Alliance~~  
*Topic:* ~~Master Plan for the Sauk Prairie Recreation Area~~ He requested to be removed from testifying.

**Chair Cole** moved the meeting to agenda item 5.B.2. He then excused himself from the meeting due to a work commitment and asked Vice-Chair Hilgenberg to sit in as Board Chair.

- 5.B. Land Management, Recreation, Fisheries, and Wildlife  
 5.B.2. Report and preliminary results of the 2015 firearm deer season **PowerPoint**

Discussion followed on unregistered deer citations (what that number was in past years, what number did you use as part of your deer kill, and whether this year there is a way to judge that there are more violations because it is easier to do), new registration process, whether the department can include registration phone number on tag, whether the department can promote registration education more through public service announcements, whether the department does follow-up surveys, decline in the youth harvest, how CWD testing compared to the 2014 season, how the public can contact their

County Deer Advisory Council representative [Go to [dnr.wi.gov](http://dnr.wi.gov) website and search CDAC, scroll down to “Find” county specific contacts, meeting information, and deer herd data, click on drop down box to locate county].

**Dr. Prehn** stated he would like to see a media push in the next few months on CDAC and this new process.

Discussion continued on capturing data on the license side of things (e.g. what county you will be hunting in), whether the department can include on the license application where the hunters plan to hunt, whether there is a communication plan in place for wildlife specialists and other staff to answer questions on CDAC such as a business card to hand out with website on it [Yes.].

**Mr. Kazmierski** made a wrap-up comment. He stated he spends most of his waking moments in the trenches with hunters. He heard very few complaints and was amazed at how well the hunters understood the changes. Hats off to staff and hunters.

**Deputy Secretary Thiede** stated his appreciation for Mr. Kazmierski’s comments. It is amazing how far we came in two (2) years. He gives credit to staff and to the hunters in Wisconsin as well. For the hunters to be able to adapt to this change, it shows the caliber of hunters we have in Wisconsin.

#### **INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 6. Department Secretary’s Matters
- 6.A. Retirement Resolutions

**Deputy Secretary Thiede** stated there is a theme amongst these retirees and that is excellence in customer service. He read through today’s retirement list and noted Tim Andryk and Steve Miller were in attendance to receive their acknowledgment. He read both of their resolutions.

- 6.A.1. Timothy A. Andryk
- 6.A.2. David Benish
- 6.A.3. Diane Crawford
- 6.A.4. Lavane Hessler
- 6.A.5. Steven W. Miller

**Steven Miller** thanked the department and Board for their acknowledgement. He stated that the Board’s important work has not stopped.

**Timothy Andryk** stated it was surreal to see his name on the agenda. It was difficult being on this end of the ovation. He is looking forward to graduating to being a full time hunter and angler. He was jokingly hopeful the Board will not enact any overly restrictive Andryk bag limits. He has been lucky enough to work for the department for 29 years. Like Buzz Sorge (2015 Rebecca Wallace Award recipient) said, he also did not think he had a bad day at the department either. The people are great to work with and it has been very rewarding to provide counsel to folks to help them and to be successful.

For the last four and one-half (4.5) years he has had the great honor of being

Chief Legal Counsel for the Wisconsin Natural Resources Board, department Secretary, and to the department leadership team. All amazing and talented people that he has been extremely fortunate to be able to work with and to work for. The highlight of his job was working with the Board and attending the Board meetings. Equally rewarding was getting to know Board Members personally as a friend. Making great friends with great people is what life is all about. That is what his time with the Board has been. It has been a great honor to serve you.

**Mr. Hilgenberg** officially thanked Chief Legal Counsel Andryk for his service to the Board. He has taken a personal approach to solving problems and dealing with difficult situations. He considers Tim to be one of his very good attorney friends. He thanked him for his service.

**Mr. Kazmierski** asked that the following be included into the Board's records for Tim Andryk's retirement resolution:

WHEREAS, Tim Andryk has served the people of the State of Wisconsin faithfully and well in the performance of his duties and has thus earned the commendation due an exemplary public employee; AND WHEREAS, Tim Andryk has un-paralleled skill and unfettered opportunity to hunt and fish the species of this state - within the bounds of the law,

AND WHEREAS, this ability, left unchecked by the time commitment of providing legal advice to this Board and the Department on behalf of the citizens of this State,

AND WHEREAS the confluence of these factors; his increase in available time for involvement, his extensive motivation to participate, and his unmatched proficiency, represents a significant and substantial threat to our state's natural and stocked populations of deer, bear, pheasants, turkey, ducks, geese, coyotes, walleye, bluegill, and all other harvestable species of fish and game in this state within the confines of the law;

NOW, THEREFORE, BE IT RESOLVED that the Natural Resources Board at its December 2015 meeting recognizes such faithful service with due respect and gratitude, wishes Tim Andryk a healthy, happy and rewarding retirement, and hereby makes this commendation a part of its official records,

AND BE IT FURTHER RESOLVED that the Natural Resources Board further directs the Wisconsin Conservation Congress to review the implications of this situation and take such action at their next annual convention as they deem prudent and wise to protect the harvestable natural resources of this State.

**Mr. Zimmer MOVED, seconded by Dr. Prehn, approval of the retirement resolutions. The motion carried on a voice vote of 6 – 0. Mr. Cole was absent/excused.**

**Deputy Secretary Thiede** recognized Quinn Williams as our new Chief Legal Counsel.

6.B. Donations

- 6.B.1 Charles and Lila Spindler Family Trust will donate \$15,535.73 to pay for trout habitat work in Lower Chippewa Basin

**Dr. Prehn MOVED, seconded by Mr. Zimmer, approval of the department's recommendations and to acknowledge the donation. The motion carried unanimously.**

6.C. Department Secretary's Matters

**Deputy Secretary Thiede** updated the Board on the department's land sale policy and potential land sale items coming up at the February 24, 2016 Board meeting, and gave an overview of the updated Public Access Land (PAL) Atlas which is available on-line or in print at the U.W. Book store.

7. Board Members' Matters

**Ms. Anderson** reported that she recently spoke at the Racine-Kenosha Towns Association meeting in her role as a new Wisconsin Natural Resources Board Member. It was surprising to her how few of them knew there were representatives around the state that they can contact with their issues or concerns beyond the local department staff. It was a very fruitful discussion. She gave credit to past-Board Member Dr. Christine Thomas because she borrowed several of Dr. Thomas' factoids of information she presented during a Board meeting before she left the Board. It went very well and she received good feedback. It was a good thing to do. They learned from it and hopefully now have a better idea of what the Board's role is. She admitted the learning curve to be on the Board is steep but fascinating.

**Vice-Chair Hilgenberg** thanked Board Member Anderson for being our ambassador.

**Mr. Zimmer** suggested the Board be given a tour of the customer service call center in GEF 2 and receive an overview from staff as part of a future Board meeting at any 2016 winter or spring Board meeting located at Central Office, Madison.

**Deputy Secretary Thiede** stated he would be glad to do so.

**Co-Chair Hilgenberg** requested a motion to go into closed session under the authority of s.19.36(10) Wisconsin Statutes for purposes of discussing personnel matters and under the authority of s.19.85(1)(e) Wisconsin Statutes for purposes of discussing potential real estate transactions.

**Dr. Prehn MOVED, seconded by Mr. Zimmer that the Board convene into closed session under the authority of s.19.36(10) Wisconsin Statutes for purposes of discussing personnel matters and under the authority of s.19.85(1)(e) Wisconsin Statutes for purposes of discussing potential real estate transactions. The motion was carried by a roll call vote.**

**William Bruins – yes**

**Dr. Frederick Prehn – yes**

**Julie Anderson – yes**

**Preston Cole – absent/excused**

**Greg Kazmierski – yes      Terry Hilgenberg – yes**  
**Gary Zimmer – yes**

**Co-Chair Hilgenberg** reconvened the meeting at 12:25 p.m. Co-Chair Hilgenberg reported that during the closed session no action was taken.

**Mr. Zimmer MOVED, seconded by Mr. Kazmierski, to adjourn the meeting. The motion carried unanimously.**

\*\*\*The meeting adjourned at 12.25 p.m.\*\*\*

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