

NATURAL RESOURCES BOARD

Minutes

The regular meeting of the Natural Resources Board was held on Wednesday, August 13, 2003, at Barkers Island, 300 Marina Drive, Superior, Wisconsin. The meeting was called to order at 8:35 a.m. All August Board Agenda business was conducted by the Full Board.

PRESENT: James E. Tiefenthaler, Vice Chair
Gerald W. O'Brien, Secretary
Herbert F. Behnke
Jonathan P. Ela
Howard D. Poulson
Stephen D. Willett

ABSENT: Trygve A. Solberg, Chair

Douglas County Board Chair, Doug Finn, welcomed the Natural Resources Board and Acting Deputy Secretary William Smith to the City of Superior and expressed appreciation for the Board.

ORDER OF BUSINESS

1. Minutes to be approved.

1.A. Full Board Minutes of June 25, 2003.

Vice Chair Tiefenthaler requested a change on page six, paragraph two, line two, changing the word legal to illegal.

With that change, Mr. Willett MOVED, seconded by Mr. Poulson, approval of the Full Board Minutes of June, 2003, as corrected. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

1.B. Committee of the Whole Minutes of June 25, 2003.

Mr. O'Brien MOVED, seconded by Mr. Poulson, approval of the Committee of the Whole Minutes of June, 2003, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

1.C. Agenda for August 12-13, 2003.

Vice Chair Tiefenthaler requested to defer Item 3.B.13. Beaver Brook Wildlife Area project boundary modification and land acquisition - Washburn County to a future meeting and that the Board would be going into Executive Session during the lunch break.

With those changes, Mr. Poulson MOVED, seconded by Mr. Willett, approval of the Agenda for August 12-13, 2003, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

2. Ratification of acts of the Department Secretary.

2.A. Real estate transactions.

Mr. Poulson MOVED, seconded by Mr. O'Brien, approval of the real estate transactions, as printed. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

- 3. Operating Commitees.
- 3.A. Air, Waste and Water/Enforcement Committee.
- 3.A.1. Minutes of June 25, 2003.

Mr. Willett MOVED, seconded by Mr. Poulson, approval of the minutes of June, 2003, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.A.2. Adoption of Order WA-45-02 - revision of Chapter NR 520, Wis. Adm. Code, pertaining to solid waste fees.

Colleen Hellenbrand, Program Services Section Chief, presented the proposed rule pertaining to solid waste fees. Current solid waste plan review and license fees and landfill license fee surcharge schedule has been in effect since 1998. Without fee increases the projected deficit would result in a decrease in the number of positions supported by program revenue. A decrease by two FTE in fiscal year 2004, a decrease by six additional FTE in fiscal year 2005, and a decrease by one additional FTE in fiscal year 2006. She reviewed the hearings held on the proposed fee increase package. The fee adjustment proposal plan review and license fees would be an increase comparable to inflation since the last fee increase in 1998 or 10 percent. The 10 percent increase would be effective July 1, 2004. It would bring in an additional \$128,850 per year. Ms. Hellenbrand reviewed the landfill license fee surcharge. Beginning in the calendar year 2004, DNR will hold a public meeting annually in September to review the status of the program revenue account. Beginning in fiscal year 2005, if the account balance at the end of the previous fiscal year is greater than eight percent of the expenditure level of the program revenue account authorized in Chapter 20, DNR will submit proposed rule revisions to modify the surcharge fee to more closely align revenues with the expenditures. The proposed rule revisions will be submitted to the NRB within 180 days of the public meeting. Ms. Hellenbrand reviewed public comments from the hearings. Most comments were in opposition to the fee increases, especially the license fee surcharge. Tonnage rates have dropped slightly, there was a delay in projected effective date of the surcharge fee increase, a deficit is still being projected for fiscal year 2004 even if the proposed fee increases are approved. They would likely have to cut one to two FTE by the end of fiscal year 2005 in order to maintain a positive balance in the program revenue account.

Discussion and questions pursued regarding: surplus, recycling funds, revenue, the economy, figures of importation of out of state tonnage,

Ms. Hellenbrand continued with her presentation covering the impacts to the Waste Management Program from the final 2003-2005 budget bill, potential impacts to the stakeholders from the FTE cuts, and comments from the work group.

Mr. Jay Hochmuth, Division of Air and Waste Administrator, reviewed in state and out of state tonnage and fees. He stated that he would forward a report to the Board Members on the trends of the out of state rates in comparison to the in state rates. He further spoke of the spending authority. He stated that the revenue account will continue to grow but they do not have the spending authority at this time. They would work jointly with the Department of Agriculture (DATCP) on this issue.

Discussion, questions, and concerns were raised regarding the automatic increases to be approved for 2005 and 2006. There was concern that this increase wouldn't be enough.

Mr. Willett requested that the letter sent to all Board Members from the Wisconsin Paper Council, dated August 8, 2003, be entered into the record. The Wisconsin Paper Council are somewhat concerned regarding some aspects of this proposed rule.

Mr. Behnke MOVED, seconded by Mr. Ela, adoption Order WA-45-02 - revision of Chapter NR 520, Wis. Adm. Code, pertaining to solid waste fees, as presented. The order was carried unanimously by those members present. (Chairman Solberg was absent)

3.B. Land, Management Recreation and Fisheries/Wildlife Committee.3.B.1. Minutes of June 25, 2003.

Mr. Behnke MOVED, seconded by Mr. O'Brien, approval of the minutes of June, 2003, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.2. Adoption of Order WM-20-03 and Emergency Order WM-21-03(E) - revision of Chapter NR 10, Wis. Adm. Code, pertaining to 2003 migratory game bird season.

Kurt Thiede, Wildlife Regulations, Policy and Outreach Specialist, presented the proposed rule pertaining to 2003 migratory game bird season. With a powerpoint presentation, Mr. Thiede demonstrated a map of the traditional survey area over northern United States and Canada. He presented a table showing optional regulatory choices in the three western flyways 2003 hunting season. Mr. Thiede reviewed the Mississippi Flyway schedule. He also spoke of the proposed 2003 Wisconsin duck season, pintail season, canvasback season, and canvasback migration. Mr. Thiede explained the harvest system and the one hen mallard rationale. He further spoke of the youth waterfowl hunt dates, the spring aerial survey data, and the Mississippi Valley Population (MVP) quota. Mr. Thiede spoke of the Mississippi Flyway Council and Fish and Wildlife Service (FWS) approved quotas for Wisconsin. He addressed the dates and quotas for the Horicon Zone, the Collins Zone, and the Exterior Zone. Mr. Thiede presented a chart showing the Exterior Zone Harvest Adjusted for two birds daily for 2000 and 2002. He presented a graph showing Wisconsin Canada goose breeding population from 1986-2003. He then presented the Michigan Canada goose seasons from 1998-2002 with the giant Canada goose population growth during periods with traditional and modified regular season timing. He added there were two corrections to the green sheet. Pages 29 and 36, the November 27-25 dates should be November 17 to December 7.

Discussion and questions pursued regarding decline of numbers of geese/ducks, opening seasons while numbers declined, recovery of data from killed geese, banding, research in Minnesota regarding mallards being harvested versus other states, the population of geese, early hunting season during Labor Day weekend, number of geese killed in the early season, Burnett County sub-zone, 2006 opportunity to modify state zone areas, southern and northern zones being explored regarding hunting seasons, split in the hunting season, having a later split in the hunting season or no split, the best time to have a split in the season, and cultural uses in waterways.

Citizen Participation on this Item Included:

3.B.2.1. **Peter Peshek**, Madison, representing himself. Mr. Peshek spoke in favor of duck hunting season for the months of October and November 2003. He spoke of duck hunting on the Fox River and duck hunting during the snow season. He also read quotes from Jay Reed, deceased sports writer of the Milwaukee-Journal Sentinel.

3.B.2.2. **Dick Koerner**, Neenah, representing the Conservation Congress. Mr. Koerner stated that he is also Chairman of the Migratory Waterfowl Committee of the Conservation Congress. He spoke in support of the DNR position on the harvest system. He stated that the Congress supported the 60-day season with a conventional bag of six ducks to include not more than four mallards with one being a hen. He stated the Committee framework for the duck season with no split. Mr. Koerner stated that the Conservation Congress opposed the DNR proposal on the exterior zone. Two questions that the Conservation Congress wished to have on the spring hearings were "do you favor opening the exterior zone Canada goose season on the same day as the duck season and increasing the daily bag limit from one to two on November 1". He also supplied the Board with a listing of Counties in the state with the vote on this question.

3.B.2.3. **Steve Oestreicher**, Harshaw, Conservation Congress. Chairman Oestreicher spoke in support of the Conservation Congress position to have an early goose season and to start the hunting season labor Day weekend. Representing himself, he stated that it is important to the northern part of the state to start as early as possible.

3.B.2.4. **Dr. Vern Larsen**, Bear Creek, representing Wisconsin Wildlife Federation and Black Slough Conservation Club. Dr. Larsen spoke in agreement with the Department proposal. They would like to protect the hen mallard. He then reviewed the seasons that the Federation and his Club proposed.

3.B.2.5. **Matt Ruwaldt**, Lodi, representing Wisconsin Waterfowl Association, spoke in support of portions of the proposed rule and opposed other portions. The Association recommendations were based on the results of their hunter survey, in which 200 hunters were surveyed. The vast majority of the hunters recommended a late September hunt with no splits. The South zone would be early October hunt with no splits and their Association asked the Board to consider this option. They also wish to start the goose season the same day as the duck season. They support one hen mallard bag limit and recommended this to the Board.

Vice Chair Tiefenthaler called upon Mr. Al Phelan, Liaison between the DNR and the AFL-CIO Conservation Committee, to speak on their behalf. **Mr. Phelan** stated that the Committee requested that the duck and goose seasons both open on the same date.

Discussion and questions pursued regarding federal regulations to allow a special bird goose hunting season later in the year as well as in early September, January, and February; and one hen versus two hen mallards.

Mr. Behnke moved to adopt the Department recommendation on the waterfowl rule with the exception of the goose season opener compared to the duck season, seconded by **Mr. Poulson**.

Vice Chair Tiefenthaler offered an amendment to re-institute the two hen mallard, as part of this rule, active October 18, 2003. The reasoning behind this would be that about 70 percent of all mallards harvested are harvested before that time in the state and that the last 30 percent gets harvested in the northern part of the state. He stated that he thought they were punishing our harvest and our hunters as these mallards go out of state and are shot elsewhere. The other reasoning is that most of the serious hunters don't drop out after the first two weeks. He is looking at people that can identify ducks and they are easier to identify at that time of the year because they are not all brown. He stated that another year would give time for additional data, of ban recovery, not jeopardizing the resource. **Mr. O'Brien seconded the amendment.**

Mr. Ela stated that he had a procedural suggestion, if possible, that the Board vote on each of these suggested changes individually.

Mr. Behnke withdrew his motion, seconded by **Mr. Poulson**.

Vice Chair Tiefenthaler requested a vote on the main motion and save the goose season and the two hen mallard portions after the motion.

Mr. Behnke asked to have a uniform opening for ducks of September 27 rather than two openings. He stated there has been a great deal of sentiment expressed to him regarding having a uniform opening and he recognizes that in September this would mean they wouldn't have the later season available for the late duck hunters.

Mr. Behnke MOVED, seconded by Mr. Poulson, adoption Order WM-20-03 and Emergency Order WM-21-03(E) - revision of Chapter NR 10, Wis. Adm. Code, pertaining to 2003 migratory game bird season. The order was carried unanimously by those members present. (Chairman Solberg was absent)

Vice Chair Tiefenthaler the opening of goose season. Opening the October 27 in the north versus October 4 in the south.

Mr. Behnke moved to have a statewide opening on September 27, not October 4 in the south, and that the split in the south be seven days after the opener.

Mr. Hauge requested a clarification of a nine-day split or a seven-day split.

Mr. Behnke responded that his intention was to go through the weekends.

Mr. Tiefenthaler stated that he isn't going to vote for this because of Burnett County. That the Department and the Board need to look at the entire southern zone not because the line goes across and goes up to a portion of the county. The whole southern zone needs to be looked at in the state. They can't be looking at a mistake that was done in 2001. This needs to be solved via a waiver or whatever method is used. Secondly, the people that migrate south to hunt are reciprocal because the people in the north can certainly hunt in the south the next weekend of the other opener. He stated that the Board should passionately argue to get this back in the northern zone.

Mr. Ela stated that he agreed, particularly since both the Waterfowl Association and the Conservation Congress want the later opening in the south. He stated that he would hope they could work with Congressman Obey's Office to see if the Fish and Wildlife Service could take up this matter.

Mr. Behnke added that they should work with Congressman Green also. He stated that the reasons for his motion are the complaints he has been receiving about a number of hunters taking advantage of an opportunity to have two opening dates. Last year there were a number of hunters from the southern zone going up to hunt in the northern zone on opening weekend. Obviously, the northern zone people don't go to hunt in the southern zone on opening weekend because they are already hunting in their area. Secondly, the southern zone goes all the way up into northwestern Wisconsin and last year, he believed, they had a three week season in Burnett County.

Vice Chair Tiefenthaler called the question. The motion for the amendment was defeated four to two.

Vice Chair Tiefenthaler stated that the second question would be the goose season opener, moving it from the September 20 to concurrent with the duck season the September 27, and October 4 in the south. He asked for discussion.

Mr. Behnke MOVED that the goose season opener, both north and south, concurrent with the duck season opener and run for 93 straight days. He stated the reason for this is that he had received several letters requesting this, that the goose season be concurrent with the duck season and not open on September 20 as proposed by the Department. **Mr. O'Brien seconded the motion.**

Mr. Thiede clarified that this currently stands, focusing on the September 20, with two days of waterfowl hunting it would be 91 days rather than 93 days. He stated they are looking at a 91 day season.

Vice Chair Tiefenthaler called for discussion.

Mr. Ela stated that he agrees with the Conservation Congress and the interested parties on issues of this sort. But he stated there are too many geese in this state and if this is a way of trying to get the geese situation under control he thought the Department should try it for a year and see whether, in fact, is working.

Mr. Behnke stated that he thought the Conservation Congress position was to open concurrent with the duck season.

Mr. Ela responded, yes, ordinarily he would go along with the stakeholders but in this case he thought there is a reason for taking the position he stated.

Vice Chair Tiefenthaler called upon Mr. Thiede to clarify the perception of the reduction of the goose flock.

Mr. Thiede clarified that the other issue is quota. It is a formula that the Fish and Wildlife Service uses to figure out how many geese are going to be allocated to the Mississippi Valley Population (MVP) to the State of Wisconsin. This directly correlates to the number of MVP that is needed to harvest the number of giants they harvest. If they increase the number of giants they harvest, which they do have the opportunity to do in the later part of September, even though there are some MVPs down there, we will be harvesting a higher proportion of local geese, thereby bringing that ratio down a bit when harvesting less when the ban recoveries come back of the MVPs. What that means, when the Federal Fish and Wildlife Service figures out how many geese are going to be allocated, they are going to be using smaller number of MVPs to figure out that ratio. Thereby, in a lean year such as last year, rather than giving 44,000 allocated you may see something closer to 50,000 or more allocated in those lean years. That is the benefit that we are hoping for in addition to population control.

Vice Chair Tiefenthaler stated that generally the MVPs start to arrive about September 17-18 and this is opening September 20. The ducks just begin arriving then, we are talking two to three days later. This is the beginning and they peak about October 24-25 and later. That portion of harvestable geese that we have are gone.

Mr. Behnke stated that from the letters that he has received before the quota was announced, the possibility of a season like we are having, two geese a day, generally speaking that changed from the letters that he received before.

Vice Chair Tiefenthaler again stated the motion to open the goose season concurrent with the duck season both in the north and the south, September 27 in the north and October 4 in the south and have it run continuous for 91 days.

Mr. Poulson asked if Mr. Ela agreed with this motion.

Mr. Ela responded that he did not agree with this motion. The problem, as he understands it, for those who advocate having concurrent seasonable openings, that if you are out in the marsh shooting geese, you are spooking the ducks there, so that the opening day of duck season, which comes a week or five days later, is less successful. What he is saying is, lets have this early goose season and see if we can't find out if this is indeed the case.

Mr. Behnke responded that we should know that now.

Mr. Poulson stated that we should see if this works for population control and if it will have an impact.

Vice Chair Tiefenthaler responded that the population control is the crux of this argument, to reduce the local goose flock and giants as they co-mingle with probably an 80 to 20 percent ratio. To have those tags recovered and to have more of an opportunity down the road for a larger quota. **Vice Chair Tiefenthaler** called for a vote.

The motion was defeated by a vote of four to two. (Chairman Solberg was absent)

Vice Chair Tiefenthaler MOVED for two hens to be harvested after the October 18 split, both in the north and the south in the same day. **Mr. O'Brien** seconded the motion.

Vice Chair Tiefenthaler asked for discussion on this question.

Mr. Ela stated that he would like Mr. Thiede to discuss the biology of this motion.

Vice Chair Tiefenthaler asked Mr. Thiede if this is going to and did it do anything to the breeding population, to the best of scientific knowledge. How many participated, what they do know about it, and what would happen if they would do it this year and for another year. He asked what data might they recover if this is done.

Mr. Thiede responded, we don't have information from band recoveries or research to show what the impact of harvesting two hen mallards after the split in 2002 had on the local mallard population. What we do know is that the local mallard population was down 26 percent compared to last year. We can not say that this decline was due to the hen mallard harvest, because as we know there are other factors such as psring pond numbers (which were also down) that could and do impact the mallard population. That is why we take into circumstance whether or not they can get the ban recoveries. As far as an analysis of those, it becomes a staffing and research issue that is difficult, at this time with the number of folks that the Department has on hand, to take a look at that information. So the concern is such that, if it is having an impact, it is debatable whether or not staff will be able to decipher it to find out if there is an impact. At this point, the science isn't there to say if this is going to have an impact.

Vice Chair Tiefenthaler asked, given the science that we know, that probably 70 percent of the mallards are taken within the first two weeks and that this last 30 percent of the overall population, would be available for the last part of the season after the split. We are only looking at the 30 percent of harvest. Given that, he asked Mr. Thiede what his feeling is as an ecologist of the impact on the population.

Mr. Thiede responded, based on that fact alone, I think that it is the safest time, if you were to choose, not only safe but for simplicity sake. People know they are coming back from the split, what are the new regulations in place. From a regulatory supplication, he would be for that. Less duck hunters will be out hunting after the split, therefore, there will be less hens shot if we allow two hens. Regulations would be simplified as well because the new bag limit for mallard hens (two) would be instated after the split.

Mr. Behnke stated that he is opposed to going to two hen mallards at anytime. To him, hunting is an experience. For every hen mallard that we shoot, we are jeopardizing about six or eight ducks for the next year. He felt that they would save at least five ducks if they don't kill the second hen mallard. There will be five more ducks produced the next year and that is important enough to him. Mr. Behnke further stated that this is a principle that the Board and Department should be thinking about. Do we need to put that second hen mallard into the freezer or on the table or should we say, let that hen mallard go and she may come back and bring us back another five ducks next year. Later in the season, it is so easy to let a hen mallard go because by then you can tell the green heads from the hens. Early in the season, there are mistakes made, and when a mistake is made it is the second hen that is wasted. He didn't think they should intentionally go ahead and kill them and jeopardize chances for a bigger hatch for the next year. He stated that he was voting no on this motion.

Vice Chair Tiefenthaler stated, there has been voluntary restraint on hen mallards for years, particularly with the duck hunting groups that he knows. His club doesn't shoot hens unless they make a mistake or they have a bad shot and this does happen. The voluntary restraint stickers that you see on cars all refer to hens and not shooting hens. Save a Hen was in Manitoba 25 years ago. Save a Hen Mallard Stickers were given out at the border. There is a lot of this going on. So much that even with this 30 percent population that would be harvested it still is an opportunity to those that would like to harvest two hens. It is a matter of population and where we are going with this in other states. I think voluntary restraint is out there and working well now. He stated that he thinks that the opportunity is worth while.

Mr. Behnke asked why they should encourage this if Vice Chair Tiefenthaler agrees that it is a voluntary thing and he doesn't do it. He stated that it is the experience of hunting, the experience of shooting a drake, the experience of not shooting a hen. To him it is more important than taking a hen mallard.

Mr. O'Brien MOVED the question.

Vice Chair Tiefenthaler stated that the question had been called and asked all those in favor of a two hen limit after the split, October 19, to run for the rest of the season. The motion was defeated by a vote of five to one. (Chairman Solberg was absent)

- 3.B.3. Adoption of Order WM-08-03 - revision of Chapters NR 12 and NR 19, Wis. Adm. Code, pertaining to standards for wildlife rehabilitation.

Kurt Thiede, Wildlife Regulations, Policy and Outreach Specialist, presented the proposed rule pertaining to standards for wildlife rehabilitation. Mr. Thiede reviewed the purpose and background of the rule. The primary function of the rule is to develop rules pertaining to wildlife rehabilitation. These rules define the purpose of the subchapter, create definitions, outline general rehabilitation guidelines, create standards for obtaining either a basic or advanced license, application requirements, examination standards, facility inspection guidelines and authorities, facility housing standards, care and treatment standards, infectious disease reporting requirements, record keeping and reporting requirements, and establishes the requirements and duties of advanced sponsors and the rehabilitation advisory committee.

Mr. Behnke MOVED, seconded by Mr. O'Brien, adoption Order WM-08-03- revision of Chapters NR 12 and NR 19, Wis. Adm. Code, pertaining to standards for wildlife rehabilitation, as presented. The order was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.B.4. Adoption of Order CF-23-03 - revision of Chapter NR 64, Wis. Adm. Code, pertaining to maximum ATV program reimbursement rates.

Diane Conklin, Grants Specialist, replaced Larry Freidig, Recreation Specialist, for the presentation of this recommendation. The Department is proposing to amend Chapter NR 64 that pertains to the administration of the all-terrain vehicle program. Specifically the Department seeks to amend the maximum rates for reimbursement of eligible expenses for the maintenance of both summer and winter all-terrain vehicle trails covered under Department financial aid agreements. This proposed change came out of discussions with members of the Wisconsin County Forest Association together with representatives of the organized all-terrain vehicle community. Currently there are two different maximum rates: the winter maintenance maximum is \$80 per mile and the summer maximum is \$220 per mile. These rates have been in effect since 1999 and have only been changed once since the inception of the program in 1986. The proposal forwarded by the WCFA and approved by the Department's off-road vehicle advisory council would increase the winter rate from \$80 to \$100 per mile and the summer rate from \$220 to \$450 per mile. These increases will be accommodated within funds currently appropriated for the program.

Mr. O'Brien MOVED, seconded by Mr. Behnke, adoption Order CF-23-03 - revision of Chapter NR 64, Wis. Adm. Code, pertaining to maximum ATV program reimbursement rates, as presented. The order was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.B.5. Authorization for hearing on revision of Chapters NR 10 and NR 27, Wis. Adm. Code, pertaining to wolf management.

Adrian Wydeven, Conservation Biologist, presented the authorization for hearing pertaining to wolf management. With a powerpoint presentation Mr. Wydeven presented information on the 1999 Wisconsin Wolf Management plan and present numbers of the Gray Wolf in the State of Wisconsin. This plan indicates that Gray Wolves should be removed from the State Threatened Species list when the state population exceeds 250 wolves, outside Indian reservations, for one year based upon the late winter count. The winter count of gray wolves outside of Indian Reservations in 2002-03 was 329 (total statewide count was 335-357). The winter count of wolves outside Indian reservations in 2001-02 was 309 (total count 323). Thus the Wisconsin wolf population has achieved the delisting goal set forth in the 1999 plan. The Department of Natural Resources, Bureau of Endangered Resources, would like to hold public hearings to

obtain public comments on the delisting of Gray Wolves in Wisconsin. They propose to hold hearings in Black River Falls, Madison, Spooner, Rhinelander, and Stevens Point. Following public hearings, comments will be examined and the Endangered Resources Program will return to the Board to make recommendations on wolf delisting.

Vice Chair Tiefenthaler asked that Chairman Steve Oestreicher of the Conservation Congress to respond.

Chairman Oestreicher stated that the Conservation Congress requested that the results of the hearings be advanced to the spring hearing questionnaire. He asked that the word "possibility" be re-worded to consider public harvest amending to lower numbers. He also felt that a hearing site location in Madison was not needed.

Mr. Behnke MOVED, seconded by Mr. Poulson authorization for hearing on revision of Chapters NR 10 and NR 27, Wis. Adm. Code, pertaining to wolf management, as presented. The motion was carried unanimously by those members. (Chairman Solberg was absent)

Dick Steffes, Real Estate Director, presented the following land items:

Mr. Steffes reviewed the Stewardship Program. He reflected on the amount of the Stewardship Program for 2004, federal funds, and the NRD. Mr. Steffes stated that he would present the Board with a written summary of details on the process, trustees, who the trustees are, and other funding sources.

3.B.6. Green Bay West Shores - Peats Lake Unit Wildlife Area land acquisition - Brown County.

Mr. Behnke MOVED, seconded by Mr. O'Brien, that the Board approve the purchase of 17.6 acres from David and Nancy Agamaite for \$129,000 for the Green Bay West Shores - Peats Lake Unit Wildlife Area in Brown County, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.7. Statewide Wildlife Habitat Area land acquisition - Green County.

Mr. Willett MOVED, seconded by Mr. Poulson, that the Board approve the purchase of 59 acres from Gary Lewis for \$171,000 for the Statewide Wildlife Habitat Area in Green County, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.8. Pine-Popple Wild Rivers Area land acquisition - Florence County.

Mr. Behnke MOVED, seconded by Ela, that the Board approve the purchase of 355 acres of land in fee and 180 acres in easement from Florence County for \$651,700 for the Pine-Popple Wild Rivers Area in Florence County, as presented.

The Motion was tied by a vote of three to three.

Mr. Behnke stated that that it was a mistake for the Board not to buy this land at this time, in not preserving this natural resource in Florence County. He stated this is an outstanding resource river. **Mr. Ela** agreed. **Mr. O'Brien** stated that if the county owns this land it is already protected and he asked why the Department should buy it. **Mr. Behnke** stated that he felt that Florence County will sell this land to others if not purchased by the Department.

Discussion pursued regarding purchasing properties from other government agencies.

Vice Chair Tiefenthaler asked for a reconsideration of the vote. The motion was reconsidered and carried by a vote of five to one. Mr. Willett voted no. (Chairman Solberg was absent)

Vice Chair Tiefenthaler, prior to adjourning for lunch, requested a roll call vote to go into Executive Session following lunch.

<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
Herbert Behnke		Chairman Solberg
Jonathan Ela		
Gerald O'Brien		
Stephen Willett		
Howard Poulson		
James Tiefenthaler		

Following lunch, Vice Chair Tiefenthaler reported that there was no action taken to report from the Executive Session.

3.B.9. Black River State Forest Area land acquisition - Jackson County.

Mr. Behnke MOVED, seconded by O'Brien, that the Board approve the purchase of 120 acres from Plum Creek Timberlands for \$176,000 for the Black River State Forest Area in Jackson County, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.10 Lower Wolf River Bottomlands Natural Resource Area land acquisition - Waupaca County.

Mr. Behnke MOVED, seconded by O'Brien, that the Board approve the purchase of 141.91 acres from Larson Survivors Trust for \$287,000 for the Lower Wolf River Bottomlands Natural Resource Area in Waupaca County, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.11. Lower Wolf River Bottomlands Natural Resource Area land acquisition - Winnebago County.

Mr. Behnke MOVED, seconded by Mr. Poulson, that the Board approve the purchase of 186.24 acres from Joan Bell-Kaul for \$256,500 for the Lower Wolf River Bottomlands Natural Resource Area in Winnebago County, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.12. Chippewa Moraine Recreation Area land acquisition - Chippewa County.

Mr. Willett MOVED, seconded by Mr. Poulson, that the Board approve the purchase of 2.05 acres from Beatrice Ebbens for \$86,000 for the Chippewa Moraine Recreation Area in Chippewa County, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.13. Beaver Brook Wildlife Area project boundary modification and land acquisition - Washburn County.

This item was deferred to a future meeting.

3.B.14. Hayward Nursery Area land exchange - Sawyer County.

Mr. O'Brien MOVED, seconded by Mr. Willett, that the Board approve of the land exchange of 6.0 acres in Sawyer County for the Hayward Nursery Area from the National Park Service. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.15. Statewide Fishery Remnant Area land acquisition, partial donation, and resale - Richland County.

Mr. Willett MOVED, seconded by Mr. Poulson, that the Board approve the purchase of 159 acres from Shirley Kuehn for \$249,000, a partial donation from Shirley Kuehn of \$67,120 toward the purchase price, a partial donation from Wisconsin Trout Unlimited of \$6,000 and a partial donation from the Wisconsin Chapter of the National Wild Turkey Federation of \$5,000, reducing the Department net cost to \$238,000 and resale of the house and an acre of land for a minimum of \$35,000, for the Fishery Remnant Area in Richland County, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.16. Glacial Habitat Restoration Area land donation - Winnebago County.

Mr. Behnke MOVED, seconded by Mr. O'Brien that the Board approve the land donation of 151.1 acres in Winnebago County from The Nature Conservancy for the Glacial Habitat Restoration Area. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

4. Committee of the Whole.

4.A. Citizen Participation.

4.A.1. **Lynne Hanson**, Duluth, MN, representing St. Louis River Citizens Action Committee. Ms. Hanson spoke in support of the efforts of DNR Waters Division Position on Restoration. She presented the Board with a booklet entitled "State of the State Louis River". She asked the Board if they would assist in bringing the process forward on contamination issues.

4.A.2. **Linda Davis**, Reedsburg, representing herself, was scheduled to speak on her rental property. However, she did not appear.

4.A.3. **Mark Liebaert**, Amnicon, as County Supervisor representing Douglas County. Mr. Liebaert spoke on Arrowhead Weston bore hole damage in Douglas County. Mr. Liebaert presented the Board with several printed materials which included a letter dated May 7, 2002 from Chad Lowney, S.C.E.T./Drilling Coordinator of Twin Ports Testing, Incorporated; a DNR report on Douglas County bore holes by well owner Power Engineers dated May 8, 2002; a letter dated July 1, 2002 to Chad Lowney from Michael Michaelson, DNR; a letter dated September 6, 2002 to Chad Lowney from Nadene Cable, DNR; and pictures of bore holes drilled in Douglas County. Mr. Liebaert asked the Board to follow up on each bore hole for legal and safe abandonment in Douglas County. He asked that the DNR charge for each violation and charge for illegally filling out Form 3300-5B and violating NR 811, 812, or 141. Lastly, he requested that the DNR share the results with Douglas County.

Vice Chair Tiefenthaler called upon a special guest to speak, Senator Herb Kohl.

Senator Kohl thanked the Board for the opportunity to speak and congratulated them for the work they have done. He reflected on the many accomplishments in the way of money, that his office has been able to grant Wisconsin.

Citizen Participation continued:

4.A.4. **Kay McKenzie**, Superior, representing herself. Ms. McKenzie spoke on beach closings, birds, raccoons, green roofs, contaminated sediment, and cooperative agreements. She spoke of her concerns on each of these issues. She urged the Wisconsin and Minnesota DNR to get together and merge ideas regarding contamination sites. She also requested development of standards for wild lakes to address contamination.

4.A.5. **Patti Rantala**, Iron River, representing herself. Ms. Rantala was scheduled to speak on elected Board Members versus appointed Board Members. However, she declined to speak.

- 4.A.6. **Connie Pribnow**, Port Wayne, representing herself, spoke on hunter safety classes and the fact that she is unable to collect for expenses she incurs to teach these classes. Ms. Pribnow reviewed her background and stated that she and other instructors are hurting because of out of pocket expenses they incur to teach these hunter safety classes. She requested that the Department look into charging for these classes.
- 4.A.7. **Allan Pribnow**, Port Wayne, representing himself, spoke on shooting ranges, rules, and why the rules are bad for these ranges and the need to change them. Mr. Pribnow reviewed his background and credentials. He stated that public ranges are monitored by the Department but have a lack of supervision with no authority on these lands. He stated that these organized ranges become public ranges with no rules for hunter safety and it is a problem that needs to be looked into.
- 4.A.8. **Douglas Kurtzwell**, Hayward, as Project Director representing a number of groups in Sawyer County, spoke on the Chippewa Islands Project. Mr. Kurtzwell stated that the Department and the Board should protect and preserve the Chippewa Flowage. He stated there are two areas of property that are being targeted for sale and the Board should do everything in their power to preserve this area.
- 4.A.9. **Dave Withers**, Iron River, representing the Bear Hunters Association, was not scheduled to speak, however, Vice Chair Tiefenthaler allowed his testimony. Mr. Withers spoke of the wolf management plan. He requested no more relocation of wolves, he would like them removed rather than relocated. He reflected upon a news release in which dogs were killed by wolves and spoke of a map that demonstrated where bear hunters were asked to avoid. However, these areas were not clear and indicated half the area of Dane County.

4.B. Presentation of Recognition to Department employees at Spooner for achieving ISO 14001, EMS Certification.

Acting Deputy Secretary Smith presented the Recognition Award to the Department employees at Spooner for achieving ISO 14001, EMS Certification.

Chris Wilmont, Purchasing Agent and current Spooner EMS Team Leader, and **Susan Wallace**, former (retired) Spooner Service Center Manager and Spooner EMS Team Leader, were present to accept the award. Susan was responsible for taking the EMS from its start all the way up to the certification audit last December, at which point she retired. Chris was responsible in large part for carrying the effort through certification.

4.C. Adoption of Order LF-19-03 - revision of Chapter NR 45, Wis. Adm. Code, pertaining to use of Department properties.

Peter Biermeier, Chief of External Relations and Planning Section, presented the proposed rule pertaining to use of Department properties. He spoke of the summary of the substantive changes since the version was approved for hearing in May of 2003 and an increase in trail day-use fees. He further spoke of the public comments and the price for the daily trail pass. The State Trails Council endorsed the proposed annual increase but also endorsed that the daily fee should only go to \$4. The State Trails Council felt, as did one commenter, that the difference between \$4 and \$5 could be significant to families. The proposed rule package was developed through a biennial process where Department staff review Chapter NR 45 and proposed revisions to address issues that have arisen on state properties. The proposed revisions are intended to protect the natural resources on Department properties, clarify existing rules, and protect the health and safety of visitors. Mr. Biermeier presented what the proposed rule would include.

Citizen Participation on this item included:

- 4.C.1. **Dave Withers**, Iron River, representing the Bear Hunters Association, was not scheduled to speak, however, Vice Chair Tiefenthaler allowed his testimony. Mr. Withers expressed his concern regarding

hunting on one side of a trail and wishing to cross and hunt on the other side of a trail while carrying a loaded gun across the trail.

Mr. Willett MOVED, seconded by Mr. Ela, adoption Order LF-19-03 - revision of Chapter NR 45, Wis. Adm. Code, pertaining to use of Department properties.

Discussion and questions pursued regarding the same rule applying to road crossings; possibility of Warden's ticketing a hunter for crossing a trail with a loaded uncased gun; and possible re-wording of the rule.

Vice Chair Tiefenthaler requested that the wording be changed or altered regarding the crossing of trails with a loaded uncased gun.

Vice Chair Tiefenthaler read the revised wording as "(25) Tuscobia State Recreation Trail. Except for deer hunting in accordance with ch. NR 10, no person may hunt any wild animal or discharge any firearm, air gun, bow, slingshot or spring-loaded device designed for shooting a projectile within the boundaries of the Tuscobia state recreation trail". With this change, the order was carried unanimously by those members present. (Chairman Solberg was absent)

4.D. INFORMATIONAL ITEM - Apostle Islands master planning wilderness proposal.

With a slide presentation, **Bob Krumenacker**, Superintendent of Apostle Island National Lakeshore, spoke of the master planning of this wilderness proposal. The only national park unit fully within the State of Wisconsin was established in 1970 with 21 islands plus a 12-mile mainland strip. It is approximately 69,000 acres (40 percent water) and has approximately 180,000 visitors yearly. It is the key to tourism economy of the Chequamegon Bay area. Mr. Krumenacker reviewed the intent of the Wisconsin Legislature upon conveying lands to the NPS. He also covered the wilderness study required by federal law. He reflected on the public involvement from 2001 to 2003, what would the wilderness mean for a national park area, and what would this wilderness mean for the Apostle Islands. He demonstrated areas that were unsuitable for wilderness common to all alternatives. The next steps would be issuing a draft study/EIS, have public comment period, analyze the comments and revise the draft; release final study/EIS; issue record of decision; NSP Director's recommendations; Secretary of the Interior's recommendations; President's recommendations; and Congressional action. The goal from the Natural Resources Board is to have a resolution in support of wilderness designation for a substantial portion of the Apostle Islands National lakeshore.

Mr. Ela stated that he is interested in having the wilderness area named the Gaylord Nelson Wilderness since Former Governor Nelson devoted his life to wilderness protection. Mr. Ela stated that he would draft a resolution for approval by the Board.

No action was taken on this Informational Item.

4.E. INFORMATIONAL ITEM - Chronic Wasting Disease Plans for Fall 2003.

Tom Hauge, Director of Wildlife Management, presented the CWD Plans for the Fall of 2003. With a powerpoint presentation, Mr. Hauge reviewed the following: Walworth County positive; CWD affected areas and community outreach; community communication; landowner outreach; disease monitoring and surveillance; 2003 surveillance summary; herd reduction zone and the goal of this zone; intensive harvest zone and the goal of this zone; hunter service testing; disposal of deer; landowner and hunter incentives; pending Legislation; and funding. With a map, Mr. Hauge presented the CWD prevalence area in the State. He also presented a chart that depicted the CWD monitoring and surveillance strategy for 2003.

Discussion and questions pursued regarding: tissue sampling; where fawns were located or coming from; lymph nodes; and intensive sampling in the eradication zone still occurring rather than in the rest of the state.

No action was taken on this Informational Item.

- 4.F. Retirement Resolutions.
- 4.F.1. Patricia Akey.
- 4.F.2. Arthur Bernhardt.
- 4.F.3. Patrick Cramer.
- 4.F.4. Ross Langhurst.
- 4.F.5. Jim Lealos.
- 4.F.6. Terrence Lychwick
- 4.F.7. Donald Miller.

Mr. Willett requested to have his name added to Mr. Lealos Resolution.

Acting Deputy Secretary Smith reviewed the careers of each retiree and commended them for their excellent years of service to the Department and the State of Wisconsin. Mr. Willett MOVED, seconded by Mr. Poulson, approval of the Retirement Resolutions, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

- 5. Board Members' Matters.
- 5.A. Approval of 2004 Meeting Schedule.

Mr. Behnke MOVED, seconded by Mr. O'Brien, approval of the Board Meeting schedule for 2004. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

Vice Chair Tiefenthaler requested to have input on areas for meetings in 2004. **Acting Deputy Secretary Smith** responded that the region will work with him to have some indication for the September NRB Meeting of places to have the meeting for 2004. He also mentioned that for the January 2004 meeting there would be a joint meeting of the NRB with the Department of Agriculture, Trade, and Consumer Protection (DATCP).

- 5.B. Resolution of Appreciation for William E. Cunningham.

Mr. Willett MOVED, seconded by Mr. Behnke, approval of the Cunningham Resolution of Appreciation. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

- 5.C. **Mr Behnke** - Would like the scheduling of agenda items to stay within the time frame set on the agenda. Would like the staff to look into limiting times of agenda items.

- 5.D. **Mr. Ela** - Had nothing.

- 5.E. **Mr. O'Brien** -Requested an informal briefing on the budget cuts. He wanted to know what was happening and the affects of these budget cuts, and what the Department was saving by these cuts. **Acting Deputy Secretary Smith** responded that some actions were just concluding and summary/report could be written for the Board or an informal briefing could be given to the Board Members.

- 5.F. **Mr. Willett** - Had nothing.

- 5.G. **Mr. Poulson** - Had nothing.

5.H. **Mr. Tiefenthaler** - Requested that press releases reach the Board Members prior to being published or reaching the public.

5.I. **Chairman Solberg** - Was absent.

6. Special Committees' Reports

There were no Special Committee Reports.

7. Department Secretary's Matters.

7.A. DONATION - from Whitetails Unlimited for a gift of \$6,500 to the Bureau of Wildlife Management for the costs of maintaining small, permanent forest openings in the Northern Highland/American Legion State Forest.

Mr. Willett MOVED, seconded by Mr. Behnke, acceptance of the donation. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

7.B. DONATION - from Whitetails Unlimited for a gift of \$10,000 for education materials and publications related to the eradication and control of Chronic Wasting Disease.

Mr. Willett MOVED, seconded by Mr. Poulson, acceptance of the donation. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

7.C. DONATION - from Whitetails Unlimited for a gift of \$5,500 for maintaining forest openings in the Hoffman Lake/Hay Creek State Wildlife Area, as well as a hunter walking trail.

Mr. Willett MOVED, seconded by Mr. Poulson acceptance of the donation. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

7.D. DONATION - from The Friends of Horicon Marsh International Education Center for a gift of \$6,120 for educational efforts at the Horicon Marsh International Education Center, Wildlife Management Program

Mr. Willett MOVED, seconded by Mr. Poulson, acceptance of the donation. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

7.E. DONATION - from The Wisconsin Off-Road Bicycling Association (WORBA) for a gift of \$5,500 for hiring of LTE staff to provide mountain bike trail improvements and maintenance.

Mr. Willett MOVED, seconded by Mr. Poulson, acceptance of the donation. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

7.F. DONATION - from the Fox Lake Inland Lake Protection and Rehabilitation District for a gift of \$10,322 for conducting fisheries surveys and future northern pike and walleye stocking on Fox Lake.

Mr. Willett MOVED, seconded by Mr. Poulson, acceptance of the donation. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

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The Meeting adjourned at 3:55 p.m.