

NATURAL RESOURCES BOARD

Conference Call Minutes

A special meeting of the Natural Resources Board via telephone conference call was held Friday, August 29, 2003, in Room 774B of the State Natural Resources Building (GEF 2), 101 South Webster Street, Madison, Wisconsin.

The meeting was called to order by Chairman Trygve Solberg at 1:00 p.m.

Participating Board Members:

Trygve A. Solberg, Chair (Minocqua)
James E. Tiefenthaler, Vice-Chair (Waukesha)
Gerald M. O'Brien (Canada)
Herbert F. Behnke (Shawano)
Jonathan P. Ela (Ellison Bay)
Howard D. Poulson (Madison)
Stephen D. Willett (Phillips)

ORDER OF BUSINESS

1. Request from the Joint Committee for Review of Administrative Rules for Modification to Order WM-09-03 - revision of Chapters NR 10 and NR 19, Wis. Adm. Code, pertaining to the regulation of deer feeding and baiting. (Adopted April 23, 2003, Item 3.E., Minutes of April 23, 2003; failed to Modify June 25, 2003, Item 7.A., Minutes of June 25, 2003).

Tom Hauge, Wildlife Management Director, presented the Joint Committee for Review of Administrative Rules (JCRAR) request for modification and reviewed the past history of chronic wasting disease rule order WM-09-03. The Department believes that a multiyear, statewide ban on baiting and feeding deer provides the best protection from the possible spread, establishment and persistence of CWD, tuberculosis, and other transmissible diseases that could negatively impact the state's deer herd. However, a 10-month statewide prohibition, as offered by the JCRAR is preferable over having no prohibition in place. Given this choice, the Department recommends that the Board accept the first modification requested by the JCRAR, which was to request a June 30, 2004 end date for rule provisions on deer baiting and feeding. This provision will require that the Department begin promulgation of a replacement rule in late winter in order to have a new rule in place for fall 2004.

After considering the potential long-term impacts of CWD the Department recommended that the Board respectfully decline to make the second modification to the rule, as indicated in the green sheet. Their reasons for this recommendation have not changed from when other Legislative committees proposed similar compromises in May. Baiting and feeding concentrates deer and risk transmission of this and other significant transmissible diseases such as TB, and is not in the best interest of the deer herd or the citizens and hunters of Wisconsin. The recent discovery of a CWD positive deer in Walworth County shows that surveillance efforts are not sufficient to guarantee detection of all cases of CWD. The numerous escapes from deer farms throughout the state demonstrate that real disease risks are present statewide.

The Natural Resources Board and the Department have a leadership responsibility for Wisconsin's natural resources. The Department accepts the scientific community's assessment that the risk of disease transmission associated with baiting and feeding is very real. The disease impacts to our state outweigh the inconvenience to hunters and wildlife watchers. The Department regrets the real and painful economic losses to those small businesses that sell deer bait and feed. However, the Department must base their decision on what they believe is best for all of Wisconsin. A ban on deer baiting and feeding will reduce the risk of transmitting CWD, tuberculosis and other diseases in

Wisconsin's deer population. The ban not only reduces the frequency of close contact among individual deer and different family groups of deer, but also reduces the potential for disease contaminated food sites.

Mr. Tiefenthaler asked, you tested 40,000 deer last year. And at the time that Mr. Hauge was telling us about this test he (Mr. Hauge) said that we would be able to determine within less than one percent accuracy or with more than 99 percent accuracy on the other hand that CWD would not exist in those areas that were tested thoroughly. Mr. Tiefenthaler asked Mr. Hauge if that were not true.

Mr. Hauge responded, that is exactly what we were trying to achieve from a statistical perspective. If the disease is randomly distributed across the landscape, which is the question. Certainly, this disease does not look to be random it looks to be very much like a disease that is clumped. But, we were trying to achieve a 90 percent plus level of detection if the disease was present at one percent of deer herd or at Mt. Horeb levels.

Mr. Tiefenthaler responded, what we are talking about baiting and feeding, what JCRAR is looking at is reverting back basically to no control whatsoever and a ten gallon limit on baiting. I don't think we really want to do that and I don't think that we should do it. Whereas a compromise that has been offered, time and time again, is a very reasonable risk tolerance that would be doable and achievable, based on the 40,000 deer tested. At that time, statistically depending on where it was or where we know it is, we found no CWD. If there is no CWD with 99 percent accuracy, I cannot understand why anyone would say that baiting and feeding could be within a reasonable risk. I understand that it takes awhile to be detected but if it does, it is already on the ground anyway. Overpopulation in this state is and continues to be a huge problem and it has already created a breeding ground for disease as we have seen in the Dodgeville area. What is this about. This is not only about CWD. It is about public versus private hunters. It is about credibility with a 90 percent confidence factor. It is about deer and elk farms and DATCP and their responsibility to enforce rules, records, restricting, and tracing animals. It is about TB and brucellosis. Finally, it is about minimal and reasonable risks.

Mr. Tiefenthaler proposed to accept JCRAR's modifications of two-gallon limits per hunter per site on public land, two sites on a 40 acre parcel, with a season beginning October 15 and ending February 15.

Mr. Behnke responded, what is being overlooked in Board Member Tiefenthaler's proposal is that, even though CWD has not been found in the wild in other parts of the state, it has been found in Manitowoc County since the testing took place. It has been found on elk farms scattered throughout the entire State of Wisconsin. We know that animals have moved freely between these farms. We don't know what is out there. We also know that animals are escaping frequently, almost on a weekly basis, from these farms and mingling with the wild. Mr. Behnke stated that this is reason enough to believe that CWD is known to exist in some of these areas that have been found and have closed farms because of it and that the Board is not going along with a compromised proposal at this time.

Chairman Solberg responded, that the greatest part of the risk are deer farms. Hopefully, now that DATCP is involved something will be done with these farms. The deer population is more than what is needed in the State of Wisconsin. Last year the deer kill was down and he feels that, without baiting, the deer population will be overwhelming.

Chairman Solberg asked for a motion.

Mr. Behnke MOVED to follow the Department's recommendation, seconded by Mr. Poulson.

Mr. Ela asked for clarification on Mr. Behnke's motion.

Mr. Behnke stated that his motion was to accept the Department's recommendation as stated in the green sheet.

Mr. O'Brien asked to move the question.

Chairman Solberg called for a vote on the motion, as presented on the green sheet. The motion was passed by a vote of four to three.

AFFIRMATIVE

Mr. Behnke
Mr. Ela
Mr. O'Brien
Mr. Poulson

NEGATIVE

Mr. Willett
Mr. Tiefenthaler
Chairman Solberg

Chairman Solberg asked if there was any other business to come before the meeting.

Mr. Ela asked whether it would be a good idea to draft a letter to the Committee explaining the Board's decision.

Chairman Solberg respectively stated that the Committee is well aware of the situation and he felt, as Chairman of this Board, it wasn't necessary. The results need to be presented to JCRAR by 5:00 p.m. today, August 29, 2003.

Mr. Smith responded, the Board's decision would be delivered to the Joint Committee for Review Administrative Rules by 5:00 p.m., August 29, 2003

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The meeting adjourned at 1:16 p.m.