

View Natural Resources Board meeting agendas, minutes and other meeting materials online at:  
<http://dnr.wi.gov/about/nrb/agenda.html>

## NATURAL RESOURCES BOARD

### MINUTES

A special meeting of the Natural Resources Board was held on Tuesday, January 26, 2010 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 12:30 p.m. for action on items 1-3. The meeting adjourned at 5:35 p.m.

#### ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

David Clausen – present	Preston Cole – present
Jonathan Ela – present	Gary Rohde – present
John Welter – present	Christine Thomas – present
Jane Wiley – present	

1.B. Approval of agenda for January 26-27, 2010

**Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.**

2. Information Items

2.B. Land Management, Recreation, and Fisheries/Wildlife

2.B.1 Report and preliminary results of the 2009 firearm deer season

**Diane Brookbank**, Customer Service Bureau Director, briefed the Board on License Sales and Outreach Services. **(POWERPOINT)**

**Randy Stark**, Chief Warden, presented the Law Enforcement report and focused on pre-season efforts, hunting related shooting incidents, types of firearms used, the mentored hunting program, user conflicts, violations, public safety issues, and search and rescue efforts. **(POWERPOINT and HANDOUTS)**

Discussion followed on the increase in violations for hunting and fishing without a license.

**Dr. Thomas** asked the Department to figure out if some of these violations were due to lack of money. If this is the case, could sports clubs help pay for the license fees?

**Keith Warnke**, Big Game Specialist, presented the 2009 deer hunt results which included harvest totals, opening day results, deer hunter web survey, weather conditions, season structure results, the deer donation program, and planning for 2010. **(POWERPOINT)**

Discussion followed on predator impacts and how much the weather contributes to a successful harvest.

#### INFORMATION ITEM – NO ACTION WAS TAKEN

2.B.2 Report on Deer Data Improvement Plan Removed from Agenda

3. Action Items

3.B. Land Management, Recreation, and Fisheries/Wildlife

3.B.1 Updated Request for Adoption of Board Order LF-08-09, to revise NR 52 relating to the Public Use of Lands Acquired under the Knowles-Nelson Stewardship Program

**Pat Henderson**, Deputy Secretary, and **Doug Haag**, Real Estate Section Chief, gave a joint presentation on the background of Stewardship, partnership successes, and a summary of the rule.

The rule summary included definitions, general provisions, public notice and comment, public safety, the protection of unique plant and animal communities, usership patterns, and clearing house review. They asked the Board to adopt the updated Board Order LF-08-09.

**(POWERPOINT)**

**Dr. Thomas** added that the Board also had its own public involvement from the beginning. The Board's Stewardship Subcommittee held listening sessions around the state. This is unprecedented public involvement since she has been on the Board.

**Public Appearances:**

1. **Senator Dan Kapanke**, La Crosse, 32<sup>nd</sup> Senate District asked for consistency with the rule in the definition of what nature based outdoor activity (NBOA) includes. He was concerned that bicycling was not included and wanted to make sure bicyclists were not kept out.

Discussion followed on the five (5) statutory NBOAs.

**Senator Kapanke** requested that bicycling be included as the sixth NBOA.

**Mr. Welter** stated that the Board was concerned today with the five NBOAs that were part of this rule process and could not designate another activity today. This was the recommendation of the Stewardship Advisory Committee and the Board's Stewardship Subcommittee. This does not rule out future requests to the Department to add an activity.

Discussion followed on other activities that had been considered to be added to the list, the increasing popularity of bicycling, and the process of modifying a rule.

**Dr. Thomas** thanked Senator Kapanke for taking the time to come over and talk to the Board.

2. **Don Baloun**, Beaver Dam, representing the Natural Resources Conservation Service (NRCS), United States Department of Agriculture (USDA) has partnered with the Department with easement programs to work to protect farmland. He urged the Board to keep the easement exemption in the current rule so they can maintain flexibility and continue partnering.
3. **Ed Harvey**, Waldo, representing WI Conservation Congress as Chair requested that the Board adhere to the language of the Stewardship reauthorization legislation and the intent of that legislation. He asked that 1) Subdivisions 52.05(1)(c)2. and 5. be removed from the rule, 2) that authority over public use of lands purchased with Stewardship funds remain with the Board, 3) NGOs and LUG must allow hunting, fishing, and trapping if no bona fide safety issues, 4) and that the term "affected party" be clearly defined or removed in the rule.  
**(HANDOUT)**
4. **Shawn Graff**, Slinger, representing the Ozaukee Washington Land Trust, Inc., The Mid-Kettle Moraine Partnership Group, and the Stewardship Advisory Council. They support the proposed rules but have concerns about the inconsistencies with existing laws and policies that have governed the creation and acquisition of park and conservation land for the first 19 years of the Stewardship Program. **(HANDOUT)**
5. **Ralph Fritsch**, Townsend, representing WI Wildlife Federation stated their disappointment in the Department's decisions on grant applications that have used poor rationales to prohibit hunting and trapping on some nonprofit grant funded purchases. WWF requested the definition of "unique animal community" be limited and that all requests prohibiting hunting and trapping be signed off on by Wildlife Management. **(HANDOUT)**
6. **Curt Witynski**, Madison, representing the League of Wisconsin Municipalities as Assistant Director stated that they are pleased with the rule but asked that language be added recognizing that local government determinations about the need to protect public safety and establishing

usership patterns are a controlling factor in prohibiting hunting on municipal lands and that communities remain eligible for Stewardship grants if they ban the use of firearms and hunting in municipal parks to protect public safety or to manage competing parkland uses.

**(HANDOUT)**

Discussion followed on local ordinances banning hunting.

7. **Jeff Nania**, Portage, representing WI Waterfowl Association as Special Projects Coordinator requested that that the Board follow the letter of the law and stop prohibitions on hunting and trapping. Their right to hunt is constitutionally protected. He stated that it is critical that the criteria used to determine which NBOA's will be allowed or prohibited be as clear as possible. **(HANDOUT)**
8. **Casey Eggleston**, Madison, representing The Nature Conservancy spoke in favor of the rule before the Board. They are a strong partner and have protected over 140,000 acres. Even though this rule is a reasonable compromise, they have the following concerns: 1) the broad definition of what constitutes a prohibition, 2) the lack of protection that they see afforded to State Natural Areas, and 3) the length of time it takes to award a grant. **(HANDOUT)**
9. **Bob Welch**, Red Granite, representing Hunters Rights Coalition stated the rule needs to be strengthened. If they see an erosion in access to lands, the hunting community will go the other way.

Discussion followed on if whether there has been a decrease in land access to fish and hunt.

10. **Mike Carlson**, Madison, representing Gathering Waters Conservancy stated they had asked for flexibility from the beginning. The overall rule represents a compromise. Except for one revision, they approve the rule as written. Sec 53.05 to determine when properties can be closed should be left intact. He asked that definition section 52.02 sub 10 be removed since it did not show up in previous draft rules, no outside organization asked for it to be added, and because it is redundant.

Discussion followed clarifying Mr. Carlson's request.

11. **Virgil Schroeder**, Cottage Grove, representing the WI Trappers Association as President was not in attendance.
12. **John Reinemann**, Madison, representing the WI Counties Association supports the proposed rule as drafted. They support the proposed process for Department prohibition of potential uses of Stewardship land, including the opportunities for comment and possible appeal. It is the County Government's desire to maintain prerogatives in the area of local ordinances and to do so while continuing our eligibility to receive future Stewardship grant funding. **(HANDOUT)**
13. **George Meyer**, Madison, representing WI Wildlife Federation as Executive Director focused his remarks on the process to review the decisions that are made by the Department for public access on lands purchased by non-department organizations. Section 23.0916 (2), Wisconsin Statutes, requires the Board to make a determination in each individual case that public access is not necessary for a specific NBOA. He stated the Department's legal analysis of this issue is in error. He then highlighted their reasoning. **(HANDOUT)**

Discussion followed on the number of objections to date in the grant process.

14. **Ellen Gennrich**, Brookfield, representing Waukesha County Land Conservancy asked for more flexibility to this rule so non-profits in populated areas can raise the money to match Stewardship grants with private funds and can find landowners willing to work with them to preserve

land. She asked that item #10 on page 5 be removed and additional language be added to 4(c) on page 8. **(HANDOUT)**

15. **Dean Hamilton**, Waunakee, representing the WI State Chapter of the Wild Turkey Federation requested that the decision-making remain with the Board. He asked the Board to be fair and to enforce the rule.
16. **Dr. Joy Zedler**, Oregon, representing Natural Areas Preservation Council asked that State Natural Areas be exempted from the rule. That would maximize compatible users and uses and allow experienced scientists within the Department to determine the appropriateness of human use on a case-by-case basis. **(HANDOUT)**
17. **Dick Baudhuin**, Sturgeon Bay, representing self. He stated his disappointment with the rule before the Board and commented on two specific changes he requested. He asked that Section NR 52.05(1)(c)(5) be amended to delete the language which allows the grant applicant and the Department to prohibit hunting, fishing and trapping on a proposed parcel because of the use of other nearby public lands which may or may not have been funded with Stewardship funds. He then asked to add language providing that there should not be a prohibition on hunting, fishing, and trapping on property purchased with Stewardship Funds because it is being added to another parcel or parcels where the grant applicant has prohibited or severely restricted hunting, fishing, or trapping on the previously purchased lands. **(HANDOUT)**
18. **Don Hammes**, Middleton, representing The Dane County Conservation League as past-President asked for two changes to the rule: 1) deletion of the language in Section NR 52.05(1)(c)(2) which places as a factor to determine what is a usership pattern and thereby limit public hunting and trapping, the phrase "...Nature Based Outdoor Activities" available at the locaton of the acquisition at the time of the purchase or that existed previously, if any..."; and 2) deletion of the language in Section NR 52.05(1)(b)(4) that creates criteria for the "usership pattern" exception which can be used to deny access for hunting, fish, and trapping. **(HANDOUT)**
19. **Steven Schmuki**, Town of Waukesha, representing the Waukesha County Environmental Action League, Inc. (WEAL) stated they are not an anti-hunting organization and take no position regarding hunting as an NBOA. They oppose NR 52 outright and asked the Board to not adopt the rule because 1) creation of rule panders to vocal minority and mandates all hunting; 2) diminishes the intent of the Knowles – Nelson Stewardship fund; and 3) many asked for rule to be written with more flexibility and instead, it includes more regulations. **(HANDOUT)**
20. **Mike Arrowood**, Oakfield, representing WinnebagoLand Conservation Alliance. They are concerned about the ability of municipalities, counties, and townships to set rules pertaining to the use of lands purchased using Stewardship funding, irrespective of statewide standards applied to others. Safety is a matter of perception. Safety is subjective and they feel that allowing local units of government to set use rules is not in the best interest of hunters and trappers. **(HANDOUT)**
21. **Dennis Block**, West Bend, representing Girl Scouts of Wisconsin Southeast, Inc. Their legacy properties have linked girls to the land for nearly nine decades. He asked for flexibility in granting NBOA prohibitions which is essential to agencies such as the Girl Scouts. Also, especially in Southeastern Wisconsin where large camp land tracts hug urban and suburban areas, compatible use will dictate support of stewardship acquisitions. **(HANDOUT)**
22. **Greg Kazmierski**, Waukesha, representing Safari Club Chapters of Wisconsin spoke about the limitations, prohibitions and restrictions on hunting. They are not asking for restrictions on hiking, bird watching, etc. They are just asking to do hunting activities on the same lands.

23. **Peter Cannon**, Madison, representing Madison Audubon Society (MAS). He stated they have many endangered plant species on their prairies and would have no idea what would happen to these areas if they have to be open to hunting, hiking, and fishing. Their last several purchases have been more than \$500,000, either by member donations or Stewardship. Lands open to all hunting will offer less wildlife protection.
24. **Carl Shatel**, Neosho, WI Bear Hunters Association as Vice-President was not in attendance.
25. **Dale Shaver**, Town of Genesee, representing Waukesha County requested the Board adopt the rule as proposed. Any desired adjustments to the rule should utilize the same advisory committee format that led to the development of this rule. **(HANDOUT)**
26. **Angela Curtes**, West Bend, representing Mid-Kettle Moraine Partners Group as Co-Chair stated flexible Stewardship funding will be critical to their member's future successes to preserve additional environmentally significant land in the Mid-Kettle Moraine. The proposed rule will compromise the effectiveness of the grants program, especially in protecting Southeast Wisconsin's diminishing natural resources and is therefore opposed to the rule as written. **(HANDOUT)**
27. **Kevin Hardman**, Wauwatosa, representing Bicycle Federation of Wisconsin as Executive Director. Wisconsin's trail system is among the nation's best. He asked that bikes be given equal rules in NR52 in the renewed Stewardship program.
28. **Sandy Heidel**, Onalaska, representing self. She does not believe that this rule clarifies when prohibitions can be made on Stewardship funded lands and asked the Board to send this rule back for modification and bring forward a rule that secures public access for hunting, fishing, and trapping. **(HANDOUT)**
29. **William Lecker**, Appleton, representing WI Park and Recreation Association. He encouraged The Board to revise NR 52 and provide the flexibility needed to allow all local units of government and NCO's to access Stewardship Funds for land acquisition and development of outdoor recreation activities. **(HANDOUT)**
30. **Dave Ladd**, Dodgeville, representing self, was not in attendance.
31. **Marlin Johnson**, Oconomowoc, representing Waukesha County Land Conservancy stated that they need the flexibility to decide what recreational activities are ecologically appropriate on their sites, which are mainly natural areas. He fears the consequences of this rule will be that the only true natural areas will be on private lands where the public is excluded. **(HANDOUT)**
32. **Jim Welsh**, Madison, Natural Heritage Land Trust supports the proposed rule and believes it maintains a proven mechanism for funding important land acquisitions while providing flexibility to selectively limit some nature-based recreation activities consistent with the conservation resources and location of the property. The rule creates a dependable decision-making process that gives us the certainty we need to successfully negotiate land transactions with willing landowners. **(HANDOUT)**
33. **Gene Roberts**, La Crosse, representing Human Powered Trails, Inc. He stated that although bicycling is not specifically prohibited on Stewardship lands, it is not specifically allowed. He asked that this rule is written to include bicycling into the implement language of the Administrative Code before it goes to the legislature. **(HANDOUT)**
34. **Marvin Wanders**, La Crosse, representing Human Powered Trails, Inc. was not in attendance. **(HANDOUT)**

35. **Tim Keneipp**, La Crosse, representing Driftless Region Bicycle Coalition. He asked the Board to look beyond the traditional NBOAs and to include bicycling.

Discussion continued on the opportunity of listing bicycling as an NBOA and if there have been any user conflicts in the past.

36. **Dan Novak**, Onalaska or **Ed West**, La Crosse, representing Driftless Region Bicycle Coalition withdrew their request to speak.

**Dr. Clausen MOVED approval, seconded by Mr. Ela.**

Discussion followed on the legislative intent of the rule, the process the Department goes through in determining how an acquired property will be used in the future, and if Wildlife Management signs off on all transactions as part of the process.

**Secretary Frank** stated that if the Board adopts this rule, the Department will make sure they have an internal administrative process in place to get it done. The Board's point of having Lands and Wildlife Management involved is well taken.

Discussion continued on the Board's involvement and responsibility into the future.

**Mr. Henderson** stated a report would be provided to the Board to review how it is implemented.

Discussion continued on restrictions to keep a conservation group from acquiring land through Stewardship and transferring it to a local unit of government, if the Department can challenge a local ordinance, if any Bureau has veto rights on a grant or if it is a collaborative effort, public trust doctrine concerns, public objection rights through chapter 227, what the Department's report to the Board would include, if the Board should appoint an Appeals Subcommittee, concern that the Board's role would change from policy-making to quasi-judicial body, and how the appeals process has worked to-date.

**Secretary Frank** stated the process has improved. This rule before the Board now is stronger for transparency and accountability. The Department has made process and hope they are not measured through the interim protocol. This rule has more teeth.

**The motion carried unanimously.**

4. **Special Committees' Reports**

4.A. **CWD Subcommittee**

**Dr. Clausen**, CWD Subcommittee Chair, distributed their report to the Board. He gave an overview of CWD, how it has spread, the increase in the prevalence rate, and noted that hunters are frustrated and angry. This is really an unfortunate situation. The review panel gave two options: watch the disease spread or try to do something to slow it down. The Subcommittee would like to slow the spread of this disease in the free ranging wildlife population. The report does not take anything off the table. The Subcommittee wanted the Department to have a full range of options to go forward to keep CWD from going north. No decisions have been made on this but we did not want to limit options. The report is frank and prescriptive. **(HANDOUT)**

Discussion followed on the report being very succinct, and the importance of citizen acceptance.

**Mr. Ela** thanked Dr. Clausen, Ms. Wiley, and Mr. Welter for their work on the Subcommittee.

Discussion continued on the timetable and process for the proposed plan to come back to the Board.

**Secretary Frank** stated his appreciation to the Subcommittee and the peer review panel. At this juncture, staff has not had time to fully review the peer review recommendations and come back to the Board. The Department has other big deer issues pending: population goals, returned rule from the legislative committee, and the population estimating system. In realizing the Department has many things to look at, he asked for additional time to bring this back. The process works best with thoughtful staff involvement.

**The Board** appreciates the Department workload issue and asked to be kept informed.

**INFORMATION ITEM – NO ACTION WAS TAKEN**

**Mr. Cole MOVED, seconded by Dr. Clausen, to adjourn the meeting. The motion carried unanimously.**

The meeting adjourned at 5:35 p.m.

The regular meeting of the Natural Resources Board was held on Wednesday, January 27, 2010 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:35 a.m. for action on items 1-7. The meeting adjourned at 2:40 p.m.

**ORDER OF BUSINESS**

1. Organizational Matters

1.C. Calling the roll

David Clausen – present	Preston Cole – present
Jonathan Ela – present	Gary Rohde – present
John Welter – present	Christine Thomas – present
Jane Wiley – present	

1.D. Approval of minutes from December 14, 2009

**Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.**

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

**Mr. Ela MOVED approval, seconded by Mr. Welter. The motion carried unanimously.**

3. Action Items

3.A. Air, Waste, and Water/Enforcement

3.A.1 Request Adoption of germane modification to Board Order WT-36-07, revisions to NR 102 & NR 106 relating to water quality standards for heat calculation of point source effluent limitations

**Russ Rasmussen**, Watershed Management Bureau Director stated that the Board adopted this rule in May 2009. These germane modifications are the Department's response to the U.S. Environmental Protection Agency's (EPA's) concerns over certain provisions which are highlighted in the rule package. He requested the Board adopt the germane modifications to Board Order WT-36-07.

**Dr. Clausen MOVED approval, seconded by Mr. Ela.**

**Public Appearances:**

1. **Paul Kent**, Madison, representing Municipal Environmental Group – Wastewater

Division stated that actual adverse thermal impacts from municipal facilities, if they exist at all, will be rare. We need to have a rule that can address those few theoretical cases without casting such a broad net that hundreds of municipal facilities are subject to unnecessary and very costly regulation. These changes at least reduce the extent of such costs. On that basis, we support these changes. **(HANDOUT)**

**The motion carried unanimously.**

- 3.A.2 Request Authorization for Public Hearing on Board Order AM-27-09, proposed rules affecting NR 400 pertaining to the definition of volatile organic compound (VOC) compounds in s.NR 400.02(162)(a), Wis. Adm. Code

**Larry Bruss**, Regional Pollutant and Mobile Source Section Chief stated the Department is proposing to add dimethyl carbonate and propylene carbonate to the list of those compounds excluded from the VOC definition in s. NR 400.02(162)(a), Wis. Adm. Code. The proposed rule amendment may create an incentive for certain entities to use these compounds in place of other highly reactive organic compounds thereby potentially reducing ground-level ozone concentrations. He requested the Board authorize public hearings on Board Order AM-27-09.

**Mr. Ela MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.**

- 3.B. Land Management, Recreation, and Fisheries/Wildlife  
3.B.2 Request Adoption of Board Order FR-25-09, repeal of NR45.04(1)(g) and creation of NR 45.045, regulating firewood that may be brought onto state lands

**Andrea Diss-Torrance**, Plant Pest and Disease Specialist, stated that the repeal of NR 45.04(1)(g) and creation of NR 45.045 includes 1) reducing the distance from which allowable firewood may originate from 50 to 25 miles from the state campground or property to which it is transported; 2) prohibiting firewood from areas quarantined or declared zones of infestation from entering state properties not within the quarantine or infested zone; 3) defining firewood to include all raw wood used for any purpose; and 4) defining wood that is not prohibited regardless of location of origin: wood from DATCP certified vendors, dimensional lumber scraps, and artificial fireplace logs. She requested the Board adopt Board Order FR-25-09. **(POWERPOINT AND HANDOUT)**

Discussion followed on the definition of Declaration of Zone Infestation, if the state parks are encouraging parks to get firewood from local dealers, the process of becoming a certified wood vendor, what the big box stores and gas stations are doing, how a state park can detect where a camper's firewood came from, and when it would be confiscated.

**Secretary Frank** stated Wisconsin is among the leaders in the U.S. looking at this issue. As much as the Department has done on aquatic invasives from other states, we need to do the same with wood. U.S. Department of Agriculture Secretary Vilsack convened a nationwide taskforce to look at this issue. They are possibly looking at USDA national certification. Wal-Mart is moving towards sustainability standards. The Department is looking for the big box stores to voluntarily impose those guidelines on their suppliers. We need a system in place that does that.

Discussion continued on county and private parks to come up with similar firewood policies and if there is a formal program to encourage this.

**Public Appearances:**

1. **Harald Norslien**, Black Earth, representing Norske Woodworks requested that the Board reduce the distance from which allowable firewood may originate from 50 to zero (0) miles from a state park or property and that it comes from a certified wood dealer. **(HANDOUT)**
2. **Dennis Grohn**, Elk Mound, representing Monarch Renewables, Inc. spoke in place of **Chris LaVine**, Plymouth. He stated his company would have no problem supplying state park and/or state property needs right now if the distance was reduced and that a requirement that all

firewood must come from a certified wood dealer be imposed. The right thing to do is to require certified wood.

Discussion followed on where Monarch Renewables is located and how far they transport their product, their average pricing per bundle, and how much waste is involved in their raw materials to firewood process.

**Secretary Frank** stated the Department is very interested in working with Mr. Grohn and would like to sit down and talk with him.

Discussion followed on their wholesale firewood.

3. **John Schlesner**, Westby, representing Alpha Firewood was not in attendance.

**Ms. Wiley MOVED approval, seconded by Dr. Clausen.**

**Mr. Ela** encouraged staff to continue working on this issue, and to report back within a year on whether further movement restrictions would be possible.

**Dr. Thomas** requested staff begin the process to go out to public hearing to tighten this further to 10% or 0%.

Discussion followed on making sure that the “mom and pop” wood dealers are represented at the table and are given consideration should future changes be needed, frustration over only being able to restrict state properties but not private lands, and the need to demonstrate leadership and bring the issue to the public, one camper at a time.

**The motion carried unanimously.**

- 3.B.3 Request Approval of bear harvest quotas for the 2010 season

**Keith Warnke**, Big Game Specialist, stated the Department recommends a statewide bear harvest quota of 5,235 and 8,910 permits for the 2010 season. The bear harvest quotas and permit levels in each Bear Management Zone are listed on page 1 of the rule memorandum. He requested the Board approve the 2010 season bear harvest quotas. **(POWERPOINT)**

Discussion followed on the opportunity for the tribal participation, how often the Department should do tetracycline studies to avoid over exploitation, if this the best way to measure, why the bear population is on this upward trajectory, how the Department plans on managing the success of hunters when the success rate is 1 in 3, and the Department’s confidence in the bear population numbers.

**Public Appearances:**

1. **Richard Kirchmeyer**, Prentice, representing WI Conservation Congress as Bear Committee Chair . He stated they support the harvest quotas and permit levels for the 2010 bear season. **(HANDOUT)**
2. **Ralph Fritsch**, Townsend, representing Wisconsin Wildlife Federation did not speak.

**Dr. Clausen MOVED approval, seconded by Mr. Welter. The motion carried unanimously.**

- 3.B.4 Request Authorization for Public Hearing on Board Order IS-07-10, housekeeping revisions to ch. NR 40, Invasive Species Identification, Classification, and Control

**Peter Flaherty**, Department Attorney stated the proposed rule makes several housekeeping changes to ch. NR 40. These changes should be made in order to better communicate the Department’s intent and purpose in adopting the chapter. The proposed rule creates no new requirements. He requested the Board authorize public hearings on Board Order IS-07-10.

Discussion followed on Act 55 and how it could relate to the transport of firewood.

**Mr. Ela MOVED approval, seconded by Ms. Wiley. The motion carried unanimously.**

**Dr. Thomas** requested that voting not take place on 3.B.5 and 3.B.6 until after 3.B.7 – Congress Matters.

3.B.5 Request Authorization for Public Hearing on Board Order WM-01-10, 2010 Wildlife Management Spring Hearing Rule Change proposals

**Scott Loomans**, Wildlife Regulation Policy Specialist stated the Department is recommending modifications to chapters NR 10, 11, 12, and 19, Wis. Adm. Code, relating to hunting, trapping, closed areas, and game refuges. He summarized these rule changes that are proposed for inclusion in the 2010 Spring Hearing questionnaire. He requested the Board authorize public hearings on Board Order WM-01-10. **(POWERPOINT)**

Discussion followed on any foreseen enforcement problems with question #10 – transportation of deer carcasses.

3.B.6 Request Authorization for Public Hearings on Board Order FH-03-10, proposed fishing regulation changes for 2010 Spring Fish and Wildlife Rules Hearings

**Mike Staggs**, Fisheries Management Bureau Director stated the Department is proposing four changes on a number of changes to rules related to recreational fishing in the inland and boundary waters of Wisconsin. He summarized the Department's proposed four changes of statewide significance, a broad approach to address walleye population concerns on 21 selected waters, and nine questions of local or regional interest. He requested the Board authorize public hearings on Board Order FH-03-10. **(POWERPOINT)**

Discussion followed on the northern bass experimental program, and if any lakes may be added to the Walleye recruitment restoration effort in select northwest Wisconsin lakes.

3.B.7 Congress Matters: Wisconsin Conservation Congress 2010 Spring Hearing Advisory Questions

**Ed Harvey**, Conservation Congress Chair presented their 2010 Advisory questions and corrected question 15 by removing any reference to bobcat. He requested the Board add a question to allow bow hunting during the 9-day deer gun season to the Department's Wildlife Management questionnaire.

Discussion followed on edits to several Congress questions.

**Mr. Welter** complimented the Congress in providing more supporting information to their questions. He is concerned that some questions are unclear as to whether or not they are based on scientific fact or are of someone's opinion. He requested that the Congress obtain and include all information that would better inform spring hearing participants.

**Dr. Thomas** requested a motion on both Board Order's WM-01-10 and FH-03-10.

**Dr. Clausen MOVED approval, seconded by Mr. Ela on 3.B.5- Request Authorization for Public Hearing on Board Order WM-01-09, 2010 Wildlife Management Spring Hearing Rule Change proposals and 3.B.6- Request Authorization for Public Hearings on Board Order FH-03-10, proposed fishing regulation changes for 2010 Spring Fish and Wildlife Rules Hearings.**

**Ms. Wiley MOVED to amend FH-03-10 to add the following two questions:**

- (1) **Three Lakes Chain Walleye Regulation – The current 14 to 18 inch protected slot length limit has produced minimal improvements in the size-structure of the walleye population relative to no minimum length limit, despite having been in place for 12**

years. It is more restrictive than no minimum length limit because it requires anglers to release walleyes from 14 to 18 inches in length. However, a more appropriate regulation for waters like the Three Lakes Chain, with abundant, slow growing walleye is “no minimum length limit on walleye but only one fish over 14 inches is allowed”. The “one-over 14” regulation will increase opportunities for walleye harvest and should maintain a moderate number of 14” and larger walleyes in the population. Public comments favored this rule change at two meetings in Three Lakes.

Do you favor replacing the current “no minimum length limit and 14 to 18 inch protected slot” with “no minimum length limit but only one walleye over 14” allowed” and increasing the daily bag limit from 3 to 5 walleye in total on the Three Lakes Chain, Oneida County?

- (2) Sevenmile Lake (Oneida and Forest Counties) walleye regulation – Walleye in Sevenmile Lake recruited strongly in early 1990s, but have shown poor natural recruitment for the last decade. The population declined from an estimated 2.7 adults per acre in 1997 to 1.3 adult walleye per acre in 2008 and is now supported by stocking. The current no minimum length limit with only one fish over 14 inches allowed is inappropriate for lakes with poor recruitment. Protection of the few fish which are naturally produced or stocked with a minimum length limit is needed to bolster the sagging walleye population, so a change to the statewide 15” minimum length limit is proposed. The bag limit is 5 fish per day under either regulation.

Do you favor replacing the current rule of no minimum length limit but only one walleye over 14 inches allowed with the statewide 15” minimum length limit for walleye on Sevenmile Lake, Oneida and Forest Counties?

Dr. Clausen and Mr. Ela accepted as a friendly amendment.

Discussion followed to add Mr. Harvey’s request to allow bow hunting during the 9-day deer gun season to the Department’s Wildlife Management questionnaire, and when the full deer package will come before the Board for hearing authorization,

Dr. Thomas MOVED, seconded by Ms. Wiley to amend WM-01-10 to add the following question:

Allow Bow Hunting During the 9-Day Deer Gun Season - Currently, the DNR allows bow hunting for deer during the October and December antlerless gun seasons, the muzzleloader season, and all firearm seasons in the CWD zone. There are areas within the state that do not allow use of firearms and there are some hunters who only hunt with a bow. The 9-day traditional gun season is the only season closed to bow hunting and if opened could provide additional harvest in firearm restricted areas and additional recreational opportunities for bow only hunters.

Would you support bow hunting during the 9-day traditional gun season using a bow license?

The Thomas amendment failed in a roll call vote of 3-4.

David Clausen – no

Preston Cole – yes

Jonathan Ela – no

Gary Rohde – no

John Welter – no

Christine Thomas – yes

Jane Wiley – yes

Original motion with Wiley amendment passed unanimously.

- 3.B.8 Request Approval of the Black River State Forest Master Plan  
**Peter Bakken**, State Forest Superintendent stated the plan provides a vision and framework for the use, development, management, and acquisition of the forest well in to the future with an emphasis on the next 15 years. His presentation gave an overview of the Black River State Forest, land management, boundary expansion, and non-motorized and motorized recreation management. He requested the Board approve the Black River State Forest Master Plan. **(POWERPOINT)**

Discussion followed on the Town of Millstone swimming beach and other beaches.

**The Board** complimented Mr. Bakken for a very interesting plan which was easy to navigate.

**Mel Vollbrecht**, Executive Assistant, stated that the Department raised the Wildcat Trail relocation issue with Department of Transportation Secretary Busalacchi in order to try to make this work out as quickly as possible.

**Public Appearances:**

1. **Rob McConnell**, Madison, representing Wisconsin All-Terrain Vehicle Association. He stated they support properly managed ATV trail systems. They look forward to partnering with the Department in a cooperative effort to connect the Jackson County ATV trails with the BRSF trails through the community of Millston and look forward to attaining a positive result. **(HANDOUT)**

**Mr. Ela MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.**

**Mr. Cole** requested the land items be taken in aggregate.

- 3.B.9 Land Acquisition – Kettle Moraine State Forest-Northern Unit – Sheboygan County
- 3.B.10 Land Acquisition & Project Boundary Modification - Brunet Island State Park - Chippewa County
- 3.B.11 Land Donation - White River Fishery Area - Bayfield County
- 3.B.12 Land Donation - Statewide Natural Area - Portage County
- 3.B.13 Land Donation - Statewide Wildlife Habitat Area - Rock County

**Mr. Cole MOVED approval, seconded by Dr. Clausen on 3.B.9- Land Acquisition – Kettle Moraine State Forest-Northern Unit – Sheboygan County, 3.B.10-Land Acquisition & Project Boundary Modification - Brunet Island State Park - Chippewa County, 3.B.11-Land Donation - White River Fishery Area - Bayfield County, 3.B.12-Land Donation - Statewide Natural Area - Portage County, and 3.B.13-Land Donation - Statewide Wildlife Habitat Area - Rock County**

Discussion followed on access to the parcel donated in item 3B11-Bayfield County, and if all items in green on page 7 of item 3B13 – Rock County are available to hunting.

**The motion carried unanimously.**

**Dr. Thomas** thanked Susan Mead and the Mead Witter foundation for their donation today and for their history of generosity in central Wisconsin.

**Ms. Mead** thanked the Board for these wonderful opportunities.

4. Citizen Participation – 1:00 p.m.
- 4.A. Citizen Recognition
- 4.A.1 Rebecca Wallace Award (moved from December 2009 agenda)

**Secretary Frank** presented the 2009 Rebecca Wallace Award to Sandra Manthei, Environmental Grants Specialist for the Southeast Region. Becky Wallace's son Mitch was in attendance.

**Sandra Manthei** thanked her family and co-workers for their support.

4.B.1 Citizen Participation  
None

5. Board Members' Matters

**Mr. Welter** requested that the Stewardship access rule approved by the Board on January 26, 2010 come back before the Board in the form of an information item with a six (6) month synopsis. Public comment would be appropriate.

**Mr. Cole** requested an update on Senator Decker's letter regarding using a portion of the Pittman-Robertson fund to pay for a study to recalculate the current deer population.

Discussion followed on the background of the Pittman-Robertson fund, if Senator Decker's request duplicates the SAK audit completed four years ago, and other uses for this fund.

**Secretary Frank** stated that if any Board Members have any ideas of how to use the excess funding from the Pittman-Robertson fund to contact him.

Discussion followed on if the Wisconsin Conservation Congress was involved with Senator Decker's request or if they had heard any discussions on this from sport groups or if this is a trust issue between sport groups and the Department.

**Secretary Frank** stated the Department does not manipulate numbers. If there is a need for outside proof, he saw no problem in that.

**Dr. Thomas** directed Board staff to draft a response to Senator Decker to summarize the Board's approach on this item.

**Mr. Cole** requested the Department look into using a portion of the Pittman-Robertson funds to form a youth congress.

5.A. Election of Officers

**Dr. Thomas** opened nominations for officers.

**Dr. Clausen MOVED, seconded by Mr. Rohde to nominate Jonathan Ela for Chair of the Natural Resources Board.**

**Ms. Wiley MOVED, seconded by Dr. Clausen that nominations for Chair be closed. The motion to elect Jonathan Ela as Board Chair carried unanimously.**

**Mr. Rohde MOVED, seconded by Dr. Clausen to nominate John Welter for Vice-Chair of the Natural Resources Board.**

**Ms. Wiley MOVED, seconded by Mr. Rohde that nominations for Vice-Chair be closed. The motion to elect John Welter as Vice-Chair carried unanimously.**

**Mr. Rohde MOVED, seconded by Mr. Welter to nominate Dave Clausen for Secretary of the Natural Resources Board.**

**Ms. Wiley MOVED, seconded by Mr. Ela that nominations for Secretary be closed. The motion to elect David Clausen as Secretary carried unanimously.**

**Mr. Ela** requested Board members consider at the February meeting to terminate the Board Operating Committees Air, Waste, and Water Management/Enforcement Committee and the Land Management, Recreation and Fisheries/Wildlife Committee due to lack of use. In place of the operating committees, the Board could instead set up special committees on an as-needed basis. An arrangement would also be made that two Board members would have ongoing oversight over the two general areas of activity.

6. Special Committees' Reports

None

7. Department Secretary's Matters

**Secretary Frank** thanked Dr. Thomas, and said that the Department really appreciates her service as Chair of the Natural Resources Board.

**Dr. Thomas** thanked everyone on the Board, staff, and community. She said that it has been an honor to be Board Chair. She thanked Laurie Ross who came to work for the Board virtually on the same day with no plan, no process, and no equipment. We went through many Secretary's office staff changes in one year. She has just been great. She also thanked Winston Piotrkowski and Kurt Thiede. They are a great team and have always been so good to her, respectful, and considerate. Mel Vollbrecht has been really great to work with and we have done a great job of keeping the train on the track. Thanks to everyone for that.

**Secretary Frank** added a thank you for not only your outstanding leadership but we also look forward to working with Jonathan Ela as the new Board Chair and know that he will do a fantastic job, along with newly elected officers John Welter and David Clausen.

**Secretary Frank** gave a quick update on pending legislation. The Clean Energy jobs bill was finally introduced. This is an important bill that has implications for the environment and economy. There are a number of hunting bills moving through the houses including AB 548 - Road Kill Equity Act; AB 365 - the 3 day waiting period for archers will soon be eliminated; and SB 119 - safe burning in burn barrels will happen if companion bill AB 114 passes the full senate.

He then gave an update on White-Nose Syndrome in Bats. In early December, the U.S. Fish & Wildlife Service gave states a set of recommended actions to prevent and respond to this Disease. The Department is currently working on a state response plan with public property managers, private landowners, and recreational cavers.

He invited Members of the Board to attend the Hunting Heritage Conference the Department is sponsoring on February 19 and 20 in Rothschild with a goal in increasing participation in hunting and conservation. He thanked Law Enforcement and Wildlife Management staff for pulling this conference together.

Asian Carp: The Attorney's General from various states filed a lawsuit with the U.S. Supreme Court. The Court recently denied the request for injunctive relief that was originally filed by Michigan that Wisconsin and other states joined in on. Since then, a summit was proposed to the White House on Asian Carp and they responded favorably that they are willing to meet with the governors on this issue.

The President in his budget set aside for the Great Lakes Restoration Initiative over \$475 million. Department applications will be going in at the end of this week. We are optimistic and expect to hear sometime this spring. There will be another round, which we will reapply for, later in the year.

Finally, he received a call last week that Cornell University has been doing research on Viral Hemorrhagic Septicemia (VHS) in our Great Lakes. Cornell has done studies of DNR virus

in fish. They are announcing the confirmation of VHS in Lake Superior today. This research is not complete and we are not aware of any fish mortality in Lake Superior or any symptomatic signs of VHS in the fish. The interesting question is if the fish are carrying this virus, why are they not dying and why are they not sick?

Discussion followed on the DNA detection of Asian Carp that is taking place in the Chicago canal.

**Ms. Wiley** requested a seminar from Science Services on the science of DNA (Deoxyribonucleic acid).

**Mr. Ela** stated this could be done as part of a tour at their facility that he had requested at an earlier meeting.

- 7.A. Retirement Resolutions
- 7.A.1 Signe Holtz
- 7.A.2 Barbara J. Zellmer
- 7.A.3 Judith A. Roth
- 7.A.4 Steven P. Fauver
- 7.A.5 Ronald F. Curtis

**Secretary Frank** recognized Signe Holtz, a true professional. She ran a program with tenuous funding. She has done a tremendous job and he has learned a lot from her.

**Mr. Ela MOVED approval, seconded by Dr. Clausen of the retirement resolutions. The motion carried unanimously.**

- 7.B. Donations
- 7.B.1 The Northern Kettle Moraine Nordic Ski Club will donate a lighting project valued at \$60,000 on the Greenbush Trails

**Dr. Clausen MOVED approval, seconded by Mr. Ela. The motion carried unanimously.**

- 7.B.2 The Paul E. Stry Foundation, Inc. will donate \$25,000 to the Bureau of Endangered Resources in support of Natural Areas Management

**Dr. Clausen MOVED approval, seconded by Mr. Ela. The motion carried unanimously.**

- 7.B.3 The Natural Resources Foundation will donate \$21,780 in support of the Chiwaukee Prairie State Natural Area and the Migratory Bird Stopover project

**Ms. Wiley MOVED approval, seconded by Mr. Ela. The motion carried unanimously.**

- 7.B.4 The Johnson Family Foundation will donate \$17,000 to the Bureau of Endangered Resources in support of the Trumpeter Swan and Piping Plover monitoring activities

**Mr. Welter MOVED approval, seconded by Mr. Ela. The motion carried unanimously.**

- 8. Information Items
- 8.A. Air, Waste, and Water/Enforcement
- 8.A.1 Update on Ballast Water Permitting

**Russ Rasmussen**, Watershed Management Bureau Director stated that the VHS spread in Lake Superior is most likely brought into the Great Lakes through ballast water. Ballast water is not the sole vector but the primary vector for the introduction of aquatic invasives species into the Great Lakes. He briefed the Board on the history of the ballast water issue.

The Ballast Water Permit has to go through public hearing, etc. The Department finally issued it in final form on November 18, 2009 for vessels discharging into Wisconsin Great Lakes. It is based on using International Maritime Organization Ballast Water Standards (IMO). The Department does not believe the IMO standard in itself is adequate to protect Wisconsin waters

JANUARY 26-27, 2010

nor does the Department feel the Environmental Protection Agency (EPA) permit is adequate. He then reviewed the comparative standards. He then spoke on the concern by the shipping industry that there might not be technology available to treat Ballast Water to standards.

He then stated the Department was asked to do a contested case hearing by the National Wildlife Federation and others which had been a surprise because those same groups when we first issued the permit were very much in favor of it but have apparently changed their minds. The Department is still reviewing their request. In the meantime, the Department intends to move the Ballast Water Permit forward. It takes effect on February 1, 2010. **(HANDOUT)**

Discussion followed on how Wisconsin's standard compares with other Great Lakes states, if the Department directs techniques to meet these standards, and the status of on-shore treatment.

**Secretary Frank** stated we need Federal action and Wisconsin will continue to push this.

**INFORMATION ITEM – NO ACTION WAS TAKEN**

**Mr. Ela MOVED, seconded by Mr. Rohde to adjourn the meeting. The motion carried unanimously.**

\*\*\*The meeting adjourned at 2:40 p.m.\*\*\*

**NOTE: Each Natural Resources Board meeting is recorded. Tapes of each meeting are available for purchase by contacting the Natural Resources Board at 608-267-7420. The following resources are also available: Agenda Item Packets (green sheets), supporting documents, and public comment.**