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NATURAL RESOURCES BOARD

BRIEF OF ACTION

The Natural Resources Board convened for a seminar on Tuesday, January 25, 2011 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The seminar was called to order at 1:00 p.m. The seminar ended at 4:30 p.m.

ORDER OF BUSINESS

1. Organizational Matters
- 1.A. Calling the roll

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

- 1.B. Approval of agenda for January 25-26, 2011

Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried 6-0.

2. Information Items
- 2.A. Seminar
- 2.A.1 Lead as a Wildlife Conservation Issue

Chair Ela requested John Welter and David Clausen work with staff to explore education and public information initiatives that will move this issue forward.

INFORMATION ITEM – NO ACTION WAS TAKEN

Mr. Ela MOVED, seconded by Dr. Clausen to adjourn. The motion carried 6-0.

The seminar ended at 4:30 p.m.

The regular meeting of the Natural Resources Board was held on Wednesday, January 26, 2011 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 2:50 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 minutes from December 7-8, 2010

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

- 1.C. Approval of minutes from December 22, 2010

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

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

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

3. Action Items
3.A. Air, Waste, and Water/Enforcement
3.A.1 Presentation of the Shikar Safari Club International Wildlife Officer of the Year Award for Wisconsin

Randy Falstad, Warden Supervisor, was recipient of the Shikar Safari Club International Wildlife Officer of the Year Award for Wisconsin.

INFORMATION ITEM – NO ACTION TAKEN

- 3.A.2 Request authorization for public hearing for Board Order AM-44-10, proposed rules affecting NR 400, 419, 421, 422, 423, and 439 pertaining to the correction of deficiencies identified by the U.S. Environmental Protection Agency (EPA)

Dr. Thomas MOVED approval, seconded by Ms. Wiley. The motion carried unanimously.

- 3.B. Land Management, Recreation, and Fisheries/Wildlife
3.B.1 Request adoption of Board Order PR-36-10, revisions to NR 1.29 & NR 45.10 relating to management of department lands for the Ice Age and North Country trails

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

- 3.B.2 Request approval of bear harvest quotas for the 2011 season

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

- 3.B.3 Request authorization for public hearings on Board Order FH-03-11, proposed fishing regulation changes which would be presented at the 2011 Spring Fish and Wildlife Rules Hearings

Mr. Staggs introduced and distributed an additional Department Advisory question as follows:

Minnow harvest regulations to control the spread of fish diseases and invasive species on the Mississippi River

Since 2008, it has been illegal for anyone to use nets or traps to collect minnows in any waters known to be infected with the fish disease Viral Hemorrhagic Septicemia (VHS), or in any connected waters not separated by a barrier that is impassable to fish. VHS has been positively identified in Lake Michigan, Lake Superior and Lake Winnebago, and the Mississippi River is connected to Lake Michigan via the Chicago Ship Canal which does not have a barrier that is impassable to fish.

The current rules are a compromise that came out of nearly a year of debate and negotiation among the Natural Resources Board, Legislature and public on the best way to deal with the discovery of VHS in Wisconsin. The goal was to find reasonable ways to minimize the primary risks of spreading VHS, which are movement of infected fish and significant quantities of water containing the virus. The rules first proposed were simple: live fish could not be taken away from the water, and all water had to be drained

from boating and fishing equipment when leaving the waterbody. These proposed rules were simple and enforceable at the landing by wardens.

To address concerns from some anglers who wanted to take home “unused” minnows for later use, provisions were later added that allow anglers to take home minnows if they were originally bought at a WI bait dealer and either were not exposed to any external water or would only be used again on the same water body. These new provisions, however, are very difficult to enforce, so the compromise also included a prohibition on the collection of any minnows from any VHS affected water. This provision allows wardens to make sure that no potentially infected minnows are moved to other waters where they could spread VHS.

At the 2010 Spring Hearings, the Conservation Congress requested that the Department revisit this rule with the intent of allowing personal, day-use minnow collections on the Mississippi River. The Department agrees that a rule allowing trapping, using, and disposing of bait minnows before leaving the water on the Mississippi River and its tributaries is an option – but only if the rule allowing taking home “unused” minnows under certain conditions be rescinded. Changing this rule at this time may also be a good idea to protect against the spread of invasive species. Asian Carp have now been observed at several locations in Wisconsin’s waters of the Mississippi River, and small Asian Carp are very difficult to distinguish from golden shiners and several other native minnow species. The best way to protect against the spread of VHS, Asian Carp and other diseases and invasive species from the Mississippi River may be to simply prohibit the movement of any live fish (including all minnows) away from the water. NOTE: This will create an inconsistency with Minnesota’s rules on the Wisconsin-Minnesota border waters where minnow harvest is not allowed due to the presence of zebra mussels.

This rule change would allow personal collection and use of minnows on the Mississippi River, but no live minnows could be transported away from the Mississippi River.

Do you favor changing the rules regarding minnow harvest on the Mississippi River and all tributaries upstream to the first barrier impassable to fish so that:

- a. Minnows may be collected for use as bait using seines, dip nets, and traps or other legal methods.
- b. No fish including minnows may be taken away from the water alive.
- c. Commercial harvest is not allowed.

YES _____ NO _____

Mr. Welter MOVED approval of the spring hearing fishing questions, seconded by Dr. Clausen including the added question from staff “Do you favor changing the rules regarding minnow harvest on the Mississippi River and all tributaries upstream to the first barrier impassable to fish so that: a. Minnows may be collected for use as bait using seines, dip nets, and traps or other legal methods; b. No fish including minnows may be taken away from the water alive; c. Commercial harvest is not allowed”. The motion carried unanimously.

3.B.4 Request authorization for public hearings on Board Order WM-01-11, the 2011 Wildlife Management Spring Hearing Rules package

Mr. Loomans introduced an amendment to Department advisory question 6 extending the authority to shoot a depredating cougar on private land, to include “or any other person with permission of the landowner, lessee or occupant...”

Mr. Welter MOVED approval of the spring hearing wildlife questions, seconded by Mr. Rohde, including the amendment to question 6 “Allow landowners, their employees, family members, lessees or occupants of private land, or any other person with permission of the landowner, lessee or occupant to shoot a cougar that is in the act of killing, wounding, or biting a domestic animal and require that the carcass of the cougar be turned over to the department”. The motion carried unanimously.

3.B.5 Congress Matters: Wisconsin Conservation Congress 2011 Spring Hearing Questions

INFORMATION ITEM – NO ACTION TAKEN

- 3.B.6 Request authorization for public hearings on Board Order FH-50-10, related to commercial fishing trap net usage in outlying waters

Dr. Thomas requested that the hearing notice reflect all possible alternatives and variations to modifying behavior of the commercial fisherman as well as the sport fishers.

Dr. Clausen MOVED approval, seconded by Mr. Welter, and to include a directive to staff that the hearing notice reflect all possible alternatives and variations to modifying behavior of the commercial fisherman as well as the sport fishers. The motion carried unanimously.

- 3.B.7 Request authorization for public hearings on Board Order FR-45-10, changes to NR 46 regarding administration of the Managed Forest Law program

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

- 3.B.8 Land acquisition and project boundary modification – Lima Marsh Wildlife Area – Rock County

Dr. Clausen MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.

- 3.B.9 Land acquisition and project boundary modification – South Shore Lake Superior Fish & Wildlife Area – Bayfield County

Mr. Welter MOVED approval to include the project boundary modification, seconded by Dr. Thomas. The motion carried unanimously.

- 3.B.10 Land Donation and project boundary modification – Statewide Natural Area – Green Lake County

Dr. Thomas MOVED approval for the donation and project boundary modification, seconded by Dr. Clausen. The motion carried unanimously.

- 3.B.11 Ratification of Department decision to issue Stewardship grant for project that will prohibit two nature-based outdoor activities (NBOA) on non-department land – Jefferson County **ADDED**

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

Mr. Welter MOVED, seconded by Mr. Rohde to table this item until the February 23, 2011 meeting to 1) allow time for the Jefferson County Board to take up the January 19, 2011 Jefferson County Park’s Committee recommendation to permit hunting or trapping on grant funded park parcels, and 2) to direct staff to work with the County to obtain an extension to close on the Kemmeter parcel.

The motion to table failed 3-4 on a roll call vote.

David Clausen – no	Preston Cole – yes
Jonathan Ela – no	Gary Rohde – yes
John Welter – yes	Christine Thomas – no
Jane Wiley – no	

The original motion carried 4-3 on a roll call vote.

David Clausen – yes	Preston Cole – no
Jonathan Ela – yes	Gary Rohde – no
John Welter – no	Christine Thomas – yes
Jane Wiley – yes	

Chair Ela requested a motion to go into Executive Session.

Mr. Welter MOVED, seconded by Dr. Clausen that the Board convene into Executive Session under the authority of s.19.85(1)(e) Wisconsin Statutes, for the purpose of discussing potential real estate transactions and under the authority of s.19.85(1)(g) Wisconsin Statutes for the purpose of discussing litigation matters. The motion was carried by a roll call vote.

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

Chair Ela reported that during the Executive Session, no action was taken.

- 4. Citizen Participation – 1:30 p.m.
- 4.A. Citizen Participation

- 5. Board Members' Matters
- 5.A. Election of Officers

Chair Ela opened nominations for officers.

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

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

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

Mr. Welter MOVED, seconded by Mr. Rohde that nominations for Vice-Chair be closed. The motion to elect David Clausen as Vice-Chair carried unanimously.

Dr. Clausen MOVED, seconded by Ms. Wiley to nominate Christine Thomas for Secretary of the Natural Resources Board.

Dr. Clausen MOVED, seconded by Ms. Wiley that nominations for Secretary be closed. The motion to elect Christine Thomas as Secretary carried unanimously.

The Board agreed to the general understanding that if Chair Ela steps down, Vice-Chair Clausen would become Chair.

- 5.B. Change in criteria for land transactions on agenda for Board Approval, revisions to NR 1.41

Mr. Ela requested a written report from the Department with threshold recommendations for land transactions and land donations.

Dr. Clausen MOVED, seconded by Dr. Thomas to authorize staff to begin the rules process to alter the threshold for requirement of Board authorization on land acquisitions and land donations.

Board Members' Matters - continued

NRB Advisory Questions

Dr. Clausen presented the following question:

Use of non-toxic shot on Department lands

Wisconsin was an early leader in adopting non-toxic shot regulations for waterfowl, and has implemented non-toxic shot regulations for dove hunting on Wisconsin Department of Natural Resources (DNR) properties. Lead continues to be used, however, for hunting other upland game species on DNR properties. Being popular hunting destinations, these areas enjoy heavy use by our sporting public. But a consequence of their popularity is the heavy burden of lead shot being deposited on DNR-managed lands, resulting in continued contamination of these sites and the predictable negative consequences for our waterfowl, game birds and other wildlife.

Toxic effects of lead shot on waterfowl are well documented. Additionally, over a hundred species of birds, including many common game birds, have been shown to be impacted by lead. Waterfowl, upland game, and other bird species ingest lead shot, either mistaking it for grit, or incidentally when feeding. Relatively small amounts of lead can poison birds; two or three pellets are fatal in some species. And in cases where lead poisoning itself is not fatal, behavioral changes can influence susceptibility to predation and infectious disease, increasing the probability of death. Because wildlife affected by lead toxicity tend to seek isolation and protective cover, they may not be readily apparent. The true "picture" of lead in wildlife is an insidious disease of attrition rather than of large-scale mortality events. Chronic losses with carcasses removed by scavengers (who may be secondarily poisoned themselves) make lead poisoning somewhat of an "invisible disease."

Championed by members of the Conservation Congress, Wisconsin adopted non-toxic shot regulations for waterfowl hunting in 1986 - well ahead of the 1991 nationwide ban. The state again demonstrated leadership by implementing non-toxic shot regulations for dove hunting on DNR properties in 2008. Non-toxic shot is required for all upland bird hunting on Federal Wildlife Refuges and Waterfowl Production Areas. Twenty-six states, including all of Wisconsin's neighboring states, have non-toxic requirements more restrictive than the federal rules. Lead shot is still allowed, however, for upland bird hunting on DNR-managed properties. Significant amounts of lead shot are deposited each year in wetlands and uplands alike; lead continues to pose a risk to numerous species of Wisconsin wildlife.

Because of concerns about the continuing effects of lead shot on wild game and non-game birds in Wisconsin, do you favor requiring the use of non-toxic shotgun ammunition for all hunting/shooting activities, with the exception of department approved shooting ranges, on department-managed lands? This proposal would not apply to any form of hunting with rifles or slugs and would not be implemented until 2015 to allow a transition period for retailers and hunters.

YES ___ NO ___

Ms. Wiley presented the following question:

Restrict deer baiting and feeding ten days before and during the traditional 9-day firearm season

We have heard hunters talk at many meeting and hearings in recent years and they say that feeding and baiting affects deer distribution and natural daytime movement. When deer need to move less to find food, and are concentrated in areas where access and/or hunting are restricted, the quality of the hunt is reduced. For the Department, this makes managing the herd difficult and it contributes to the debate about the accuracy of deer numbers.

In 2006 and 2008, Conservation Congress spring meeting attendees voted in favor of banning baiting for deer hunting by 56% and 54%. Another question in 2006, which proposed banning both baiting and feeding just 10 days prior to and during the traditional 9-day firearm season, had a greater level of support with 62% voting in favor. These votes have not led to any changes. The Natural Resources Board feels baiting and feeding in counties where it is currently allowed will encourage deer movement during shooting hours and result in a more even distribution of deer available to hunters on both public and private lands.

Baiting and feeding would still be allowed at other times of the year. This compromise would still allow those who believe they need to hunt with bait to do so during most of the archery and some firearm seasons. This compromise is not ideal for reducing disease transmission risks associated with baiting and feeding, however, it would result in less deer feed being placed on the landscape at a time of the year when much food is currently placed.

The DNR is not able to modify baiting and feeding regulations by administrative rule. Changes to baiting and feeding regulations must be made in state statute by the legislature.

Would you support legislation to authorize banning deer baiting and feeding statewide 10 days before and during the 9-day gun deer season?

YES _____ NO _____

Mr. Ela requested the Department conduct a feasibility study on the state acquiring and managing 15,032 acres in Adams County to protect Kirtland Warbler and Karner Blue Butterfly habitat, assure the perpetual continuation of hunting and other outdoor activities, and provide for continuing commercial silviculture. A 75% federal cost share may be available on land acquisition. **(Handout)**

6. Special Committees' Reports
None

7. Department Secretary's Matters
7.A. Retirement Resolutions
7.A.1 Ronald H. Jones
7.A.2 Joan M. LeClerc
7.A.3 Susan J. Brisk
7.A.4 Alice Miramontes
7.A.5 Sheree L. Vande Brink
7.A.6 Paul J. Peeters
7.A.7 Dennis A. Schenborn

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

- 7.B. Donations
7.B.1 The Paul E. Stry Foundation, Inc. will donate \$20,000 to the Bureau of Endangered Resources in support of the management of state natural areas in the LaCrosse area

Mr. Welter MOVED approval, seconded by Ms. Wiley of the retirement resolutions. The motion carried unanimously.

8. Information Items
8.A. Air, Waste, and Water/Enforcement
None

- 8.B. Land Management, Recreation, and Fisheries/Wildlife
8.B.1 Overview of commercial fishing quotas with commercial fishing boards' comment

INFORMATION ITEM – NO ACTION WAS TAKEN

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

The meeting adjourned at 2:50 p.m.

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