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NATURAL RESOURCES BOARD

MINUTES

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	

Chair Ela introduced and welcomed the new Department Secretary, Cathy Stepp.

Cathy Stepp, DNR Secretary, stated this was an exciting time for her to be Secretary and looks forward to learning from the Board. She introduced Deputy Secretary Matt Moroney and Executive Assistant Scott Gunderson. She noted that Board members should feel comfortable calling them.

- 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 1. Lead as a Wildlife Conservation Issue

The use of lead by hunters and anglers has recently received state and national attention.. The purpose of this session is to provide factual information regarding lead and its potential impacts on humans and wildlife.

Scott Craven, PhD, UW Department of Forest and Wildlife Ecology

Introductory Remarks: He stated today's seminar was to provide factual information on lead and its impacts on Wisconsin's natural resources. He went over the rules of the seminar and audience questions.

Robert Thiboldeaux, PhD, WI Department of Health and Family Services

Clinical Effects of Lead on Humans.

His presentation was on the past and current uses of lead, the numerous effects of lead on health, public health definitions of lead poisoning, lead poisoning as an environmental health threat, the effects of lead at the cell and molecular level, and lead exposure from hunting. He concluded that a completed exposure pathway exists for the ingestion of lead-contaminated large and small game and that there is a large variation in the amount of lead (and corresponding risk) in consumed game. He recommended avoiding exposure to lead without reducing the hunting experience by hunting technique/shot selection, etc., meat processing and food preparation techniques, and the use of ammunition that minimizes or prevents exposure to lead.

(PowerPoint)

Discussion followed on what partitioning to the bone is and whether there is potential for lead leaching out of pellets into meat when using acid while cooking.

Julie Langenberg, VMD, International Crane Foundation
Clinical Effects of Lead on Animals including Wildlife.

Her presentation was on the effects of lead exposure on animals. She specifically discussed, toxicity of lead in animals, the effects of lead poisoning on wild bird species whether subacute lead toxicity contributes to eagle trauma mortality, and how eagles are exposed. She concluded that lead continues to be a major mortality factor for wild birds in WI, that sources of lead include ammunition and fishing tackle, that secondary lead exposure from ingestion of “lead-harvested” wildlife is a problem for scavenging wildlife, sublethal lead exposure may be a factor in reducing the resiliency of wildlife populations, and that these impacts will continue until the release of Pb into the environment is reduced. **(PowerPoint)**

Discussion followed on whether lead affects animals similarly to humans and whether ruffed grouse are affected by lead.

Milt Friend, PhD, Emeritus Scientist, USGS National Wildlife Health Center
History of the Issue and Future Implications.

His presentation covered an analysis of the arguments of the opposition to non-toxic ammunition and tackle. He also discussed the biological and societal dimensions of lead poisoning in birds in the U.S. He discussed Denmark’s total ban on the use of lead shot shells, states with some lead tackle restrictions, California’s requirements of nontoxic bullet use, the market for nontoxic ammunition. **(PowerPoint and Handouts)**

Discussion followed on the meaning of “x” in table 11 in the PowerPoint related to court cases challenging nontoxic shot use for hunting waterfowl in the U.S., outcome of CIC Workshop in Denmark – Sustainable Hunting Ammunition, whether there are studies on the voluntary or partial limitations on nontoxic shot regulation on wildlife, how long the condor program has been in effect, and whether hunters take advantage of free copper ammunition distributed in California and Arizona.

Dave Clausen, DVM, Wisconsin NRB

The Lead Issue as seen by a Veterinarian and Hunter.

His presentation focused on the debate about the ethical and moral responsibilities that are part and parcel of our right to hunt and fish as protected by the Wisconsin Constitution. He stated that it is hard to claim any high road when a byproduct of our activities includes millions of unnecessary mortalities. He urged the Board, Department, and the public to demonstrate leadership and become part of the solution to an issue that is not going to go away. **(Handout)**

Mr. Craven moved the seminar to the panel discussion.

Panel:

Moderator: Scott Craven

Panel: Robert Thiboldeaux

Julie Langenberg

Milt Friend

Sean Strom, WI Department of Natural Resources Wildlife Biologist

Questions from audience:

- 1) a) What is the timeframe being recommended for this transition? b) And the reasoning for the length of the timeframe? (re European union transition to non-toxic shot)
- 2) Are there suggested practices for land management to prevent “stirring up” lead in the environment left by past hunting and fishing?
- 3) a) What studies are available regarding lead erosion into water supplies, streams, and lakes? b) What effect is this having on wildlife?
- 4) If the mission of the DNR is to protect and enhance our natural resources - our land, air, water, wildlife, fish, and forests - how can we let the lead shot and lead sinkers continue?
- 5) a) In countries (e.g., DIC) where lead ammunition has been banned and replaced by non-toxic more expensive shot, do tax reductions on ammunition cost or other compensation been used to not jeopardize hunting activities? b) Could such strategies be used in the U.S. to promote the use of non-toxic ammunition?
- 6) Comment: I was involved in lead removal from shooting range bunker at Fox Lake Correctional in 2001 or 2001 so state facilities have been active in lead concerns.

- 7) For hunting deer with shotguns: a) Is non-lead ammunition now available? b) Would you need a new gun? c) If you can use your old gun, does it need re-calibration?
- 8) What experience has the panel had with changing the competitive rules for trap, skeet, and sporting clays?

Tim Andryk, Department Attorney, stated that the Department already mandates the use of non-toxic shot on state managed properties for mourning dove hunting. By rule, the Board can adopt non-toxic shot regulations.

Discussion followed on leading by example to gain popular support of non-toxic shot, the possibility of a pilot program that regulates non-toxic ammunition and sinkers on state managed lands, whether voluntary programs work, whether manufacturers have a dog in this fight, using education to change the mindset, moving hunter education towards non-toxic shot, how to push the envelope harder and faster, whether public education aspect should be in the legislative agenda, concept idea to give legislators and public an opportunity to try non-toxic shot, and how to follow-up on ideas.

Chair Ela requested John Welter and David Clausen work with staff to explore education and public information initiatives, and pilot projects on state managed properties, that will move this issue forward.

Chair Ela thanked the presenters. The Board appreciates the time you spent with the Department this afternoon. The seminar will be available on-line at:
<http://dnr.wi.gov/org/nrboard/2011/January/01-11-NRB-Agenda.htm>

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 Stark, Law Enforcement Bureau Director, and **John Pearson**, Shikar Safari Club gave a joint presentation. They recognized **Randy Falstad**, Warden Supervisor, as recipient of the Shikar Safari Club International Wildlife Officer of the Year Award for Wisconsin. They stated that Warden Falstad leads by example in coaching and mentoring staff.

Mr. Falstad thanked Shikar Safari club for this honor. He stated it is a privilege to work with the wardens on his team and under Randy Stark.

Ms. Wiley thanked Warden Falstad for his commitment to Marathon County.

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)

Joseph Hoch, Regional Pollutant and Mobile Source Section Chief, stated that the Department proposes to revise a portion of the state's volatile organic compound (VOC) reasonably available control technology (RACT) rules to address deficiencies identified by the U.S. EPA. Federally approved VOC RACT rules are required by the Clean Air Act and necessary for redesignation of the state's current nonattainment counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha. VOC RACT rules were previously adopted by the Board on March 25, 2009 based on U.S. Environmental Protection Agency (EPA) Control Techniques Guideline (CTG) documents. The Bureau of Air Management understood that these rules would satisfy the federal requirements. However, on April 22, 2010, the U.S. EPA notified the Department of outstanding deficiencies. The U.S. EPA identified these deficiencies based on a comparison of the rules with their CTGs for various RACT categories. He requested the Board to authorize public hearings for Board Order AM-44-10.

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

Discussion followed on whether EPA is on board with this rule and if there were any objections raised on this rule.

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

Dan Schuller, Parks & Recreation Bureau Director, and **Brigit Brown**, State Trails Coordinator gave a joint presentation. They stated that the Bureau of Parks and Recreation recommends promulgating administrative rules that modify a section of s. NR 1.29 related to management of lands purchased for the Ice Age and North Country Trails. Currently, there are no rules to specifically guide the management and development of this classification of land.

These rules would provide property managers and other department staff guidance on the management of lands purchased for the Ice Age and North Country trails. The proposed rules guide and permit some management of these lands such as selective timber harvest, invasive species removal, installation of the Ice Age and North Country trails, and minor support facilities and amenities such as small parking lots and informational kiosks. The Bureau of Parks and Recreation also recommends promulgating administrative rules that modify a section of s. NR 45.10 to allow camping along the Ice Age and North Country Trails for long-distance hikers.

They requested the Board adopt Board Order PR-36-10. **(PowerPoint)**

Discussion followed on the length of time it takes to go from purchase through the master plan process, the backlog of properties waiting for master plans, the value of partnerships in building trails, whether campsites and parking lots will be developed, sanitation concerns, batching properties in groups to speed up the planning process, and why the North Country Trail is less fleshed out than the IAT provisions.

Public Appearances:

1. **Kevin Thusius**, Cross Plains, representing the Ice Age Trail Alliance as Director of Land Conservation spoke in support of the rule. He stated this rule will give the public more areas to experience the IAT for overnight usage. He stated that the IATA prefers that no motorized activities be allowed on SIATAs, except as provided for in limited circumstances under the authority of the National Trail System Act or for property management purposes. **(Handout)**

Discussion followed on the motorized vehicle issue.

2. **Tom Gilbert**, Madison, representing the National Park Service spoke in support of the rule. He stated these lands should be properly managed to provide the outstanding hiking and backpacking experiences that they are intended to provide. The rule authorizing dispersed camping on lands purchased for the Ice Age and North Country National Scenic Trails will help to facilitate enjoyment of the trails by long-distance backpackers which is a category of users that was clearly in the mind of Congress in authorizing these long-distance, continuous trails. **(Handout)**

Discussion followed on whether the North Country trail rules will be parallel to the Ice Age Trail rules.

3. **Dave Caliebe**, Eau Claire, representing himself spoke in support of the rule. He stated he is a long-distance hiker and that it is hard enough hiking the trail but you then have to worry about camping at night. Hikers only need a legal spot to pitch their tent. Opening up overnight dispersed camping would be a great asset. The Department should be taking down hurdles that block hikers that want to experience this. Please adopt this rule. Go Packers!
4. **Dick Jones**, Lodi, representing himself spoke in support of the proposed rule. He stated he is a neighboring property owner and is glad to have this property adjoining his. The proposed rule allows for flexibility from wilderness to residential. Hunting in a residential area is not in the best interest of public safety. **(Handout)**

Discussion followed on the disparity between the two trails, whether there are any trails in state ownership that are not attached to other state lands, and the need for designated North Country Trails.

Mr. Welter MOVED approval, seconded by Ms. Wiley.

Discussion continued as to whether there are operational issues as the number of parcels grow and managing these properties with fewer staff and resources.

The motion carried unanimously.

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

Linda Olver, Assistant Bear Biologist, stated that the Department recommends maintaining the same bear harvest goal for 2011 as was used in 2010. This results in a bear harvest quota of 5,235 and an overall permit level of 9,005 for the 2011 season. In individual management units the recommended 2011 permit levels are: A) 3,465; B) 1,510; C) 2,550; D) 1,480. Following the bear season in 2011, the department will re-evaluate bear population information, population indices, and harvest to develop a population estimate reflecting any changes in 2011. The Conservation Congress Bear Committee has reviewed the permit proposals and supports the recommended quota and harvest permit levels. The DNR bear committee consulted with the Voigt Tribal Task Force through their

representative to the committee when determining these recommendations. The final permit levels will be adjusted if necessary to reflect tribal bear harvest. When the Department receives Tribal harvest declarations, they will be incorporated along with Tribal harvest history into the final permit availability. She requested the Board approve the bear harvest quotas for the 2011 season. **(PowerPoint)**

Discussion followed on comparing Minnesota's system of buying tags, why the majority of eastern states are experiencing an increase in the bear range, and the population model for estimates.

Public Appearances:

1. **Rich Kirchmeyer**, Prentice, representing WI Conservation Congress as Secretary and Chair of the Bear Committee. He stated that the bear quotas and permits were approved by the Bear Committee. However, they expressed two concerns: 1) The availability of good places to place bear baits with the amount of harvest permits being issues and 2) Guiding for bear has become a big business and guides are saturating areas with so many baits that other hunters do not have a place to put out bait and be successful. He is hopeful these concerns will be worked out in the 10 year bear management plan. **(Handout)**

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

Mike Staggs, Fisheries Management and Habitat Bureau Director stated that the Department is proposing 4 changes of statewide significance, and approximately 17 questions of local or regional interest, which affect fishing regulations on individual waters. Among the changes of statewide interest are proposals to: 1. Require the use of a quick-strike rig when fishing with an 8-inch or longer minnow as bait; 2. Implement an 18-inch minimum size restriction for walleye, sauger, and hybrids in 19 southern Wisconsin counties and Lake Michigan tributaries and waters south of a line due east from the eastern terminus of Waldo Boulevard in the City of Manitowoc, excluding certain waters; 3. Increase the statewide minimum size restriction for muskellunge from 34 to 40 inches, excluding certain waters; 4. Establish a continuous hook and line fishing season for cisco (lake herring), whitefish, and hybrids in the Wisconsin-Michigan boundary waters. The rule package includes 17 changes of local interest and significance which involve minor adjustments to Administrative Code. The changes generally involve adjustments to angler daily bag limits and/or rules governing what sizes of fish may be harvested and opening and closing dates for open seasons within individual water bodies. He requested the Board authorize public hearings for Board Order FH-03-11. **(PowerPoint)**

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

SUBJECT: Addendum to FH-03-11 Request for authorization of public hearings on proposed fishing regulation changes for 2011 Spring Fish and Wildlife Rules Hearings –
Department Advisory Question

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

Scott Loomans, Staff Specialist, stated that annually, the department submits rule change proposals relating to hunting, trapping and game management. The statewide Spring Fish and Wildlife hearings are the forum for public involvement. In 2011, the department is proposing the following rule changes:

- Repeal the sunset of trial period with an extended fall turkey hunting season.
- Extend each of the six consecutive spring turkey hunting seasons by two days.
- Extend the archery deer season by nine days that are concurrent with the traditional November firearm season.
- Repeal the requirement that elk hunters must wear blaze orange.

- Establish a September elk season that would run concurrently with the first 30 days of the archery deer season.
- Allow landowners to kill a cougar that is attacking a domestic animal.
- Allow pheasant hunting during normal hunting hours on the weekend at stocked 2:00 p.m. closure properties.
- Require that bear hunters provide carcass tissue samples to the department at registration.
- Allows rifles for deer hunting in Waupaca County.
- Establish firearm and muzzleloader deer seasons at Copper Falls State Park.
- Include Manitowoc, Pierce and St. Croix in the list of counties where the discharge of firearms is prohibited on department lands except while hunting.

He requested the Board authorize public hearings for Board Order WM-01-11. **(PowerPoint)**

Discussion followed on extending each of the spring turkey hunting periods by two days and whether a felon can archery hunt.

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

Discussion followed on the process of staff amending a Department question.

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”.

Discussion followed on the use of crossbows.

The motion carried unanimously.

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

Rob Bohmann spoke in place of **Ed Harvey**, WI Conservation Congress Chair. He presented their 2011 advisory questions to the Natural Resources Board. The questions, which are included in the agenda item packet, had been approved by the Congress Executive Council for inclusion on the Spring Hearing Questionnaire and will be used to gauge public opinion on an array of natural resources issues. The questions will be presented to the public for their input at the joint DNR Spring Hearings and Conservation Congress County Meetings held in each county of the state on Monday, April 11, 2011.

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

Mike Staggs, Fisheries Management Bureau Director, stated that in June of 2010 the fishing gear of a recreational fishing boat became entangled in a commercial trap net buoy line near Sheboygan. The boat capsized and one of the fishermen subsequently died of a heart attack. This incident re-ignited a long-standing controversy regarding where and when commercial trap nets should be allowed in southern Lake Michigan. The Department subsequently received two citizen petitions asking for changes in the regulations governing commercial trap netting. Section 227.12(3), Stats., provides that the Department must either deny the petitions in writing or proceed with the requested rule making. The petitions presented two alternative proposals: 1) trap nets be banned during June 1 through August 31 in all waters of Lake Michigan in the entire southern part of Wisconsin’s waters; and 2) trap nets be banned in Zone 3 from May 31 to Labor Day or that they be banned during June through August within five miles of Two Rivers, Manitowoc, or Sheboygan. Legal counsel found minor legal deficiencies in both petitions, but recommended that both be presented to the Board for - consideration. He requested the Board authorize public hearings on Board Order FH-50-10. **(PowerPoint)**

Discussion followed on whether the commercial fishers will catch fish further out, whether commercial fishers could use more nets or have other tradeoffs, whether there would be a risk factor in sport fishers fishing in the waters farther out, and whether there are any restrictions on sport fishers.

Chris Groth, Warden Team Supervisor, stated that sport fishing was taking place farther out. Their expectations are that small boats are at higher risk and will not go to the farther ends of the zone.

Discussion followed on whether it should be illegal for sport fishers to be within a certain distance from flags, and whether the public hearings could include discussion on alternatives or variations to the draft order.

Peter Flaherty, Volunteer Department Attorney, stated this would depend on the scope of the notice and comfort of the Board. The Board would have discretion to consider changing the rule based on comments.

Discussion followed on adequate public noticing.

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.

Discussion followed on whether a risk analysis will be completed.

Warden Groth stated that funding is not available for a formal risk analysis.

Discussion followed on the submerged object issue.

Public Appearances:

1. **Phil Moy**, Fisheries and Invasive Species Specialist, UW-Sea Grant Institute. He briefed the Board on his January 4, 2011 discussion with sport fishers and commercial fisherman to identify ways to better inform anglers about trap nets. Recommendations from the meeting are: Sea Grant will work with anglers and netters to improve the handouts and posters; The Sheboygan and Two Rivers netters will provide the GPS coordinates and depths for the king, pot and lead buoy to Sea Grant for posting on the web and inclusion in the net maps; the fishing clubs and the commercial fishers agreed to have their logos included on informational handouts and brochures about the nets; and Sea Grant will work with the commercial fishermen to develop an informational video about the trap nets. **(Handout)**

Discussion followed on whether a compromise is possible between the two groups.

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 fishermen 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

No staff presentation was requested by the Board.

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

Public Appearances:

1. **Marsha Cannon**, Madison, representing Madison Audubon Society spoke in support of the land donation and project boundary modification. She stated this is a fine example of how partnerships benefit wildlife and people. **(Handout)**

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 a project that will prohibit two nature-based outdoor activities (NBOA) on non-department land – Jefferson County **ADDED**

Lavane Hessler, Stewardship Local Assistance Grant Manager, stated that the Department proposes to award a Stewardship grant totaling \$270,000 to Jefferson County for the acquisition of the 120 acre Kemmeter tract in the Town of Jefferson. Jefferson County is proposing to prohibit hunting and trapping per County ordinance. The Department has made the determination that, based upon the Jefferson County Parks Ordinance s.8.06, the prohibition of hunting and trapping is necessary to protect public safety. This parcel will be added to an existing County park with the same prohibitions and will be visited by users who have a reasonable expectation of no hunting and trapping in County parks and recreational lands. The Recreation and Safety Warden has reviewed the County's ordinance for compliance with ch. NR 52, Wis. Adm. Code, and has determined that the ordinance is consistent with similar municipal ordinances that have been adopted to protect public safety. She requested the Board ratify the Department's decision to award a grant to Jefferson County for the acquisition of the Kemmeter tract. **(Handout)**

Discussion followed on Jefferson County Parks Committee recommendation to the Jefferson County Board to authorize the Parks Committee to permit hunting or trapping on grant funded park parcels which carried on a 3-0 vote, whether the Kemmeter tract was open to hunting and/or trapping, whether this item should be tabled until February, whether a discussion has been had with the seller to possibly extend the option to purchase, and whether the County Board should act on the Parks Committee recommendation prior to Board approval.

Public Appearances:

1. **Carl Zentner**, Fort Atkinson, representing himself requested that the Board not approve this item. He discussed two concerns: 1) that public dollars are being used to purchase property upon which employees and legislator place rules that prohibit the purchasers (the general public) from using the product that they were forced to purchase in the first place, and 2) a full description of the extensive future financial obligation to taxpayers of Jefferson County was not made available to the general public.
2. **Joe Nehmer**, Jefferson, representing Jefferson County Parks Department stated this is a very important purchase to Jefferson County and southeast WI. This project will allow continuation of partnerships of the Glacier Heritage Area (GHA) which is located midway between Madison and Milwaukee. This is a chance to wisely invest Stewardship dollars next to where people live. This could also bring 1,000 potential jobs to the area and millions annually to Jefferson County's economy. He requested the Board approve this ratification of the Stewardship Grant.

Discussion followed on how long the process would take for the County Board to change the ordinance to permit hunting or trapping on grant funded park parcels.

3. **Steve Nass**, Jefferson, representing Jefferson County Board as Supervisor and Chair of the Planning and Zoning Committee. He stated the Board fully supports the acquisition of the Kemmeter property. The County used due diligence on the public hearing process. The Board made a decision on the good for the whole. This acquisition is supported by their Parks plan, Smart Growth Plan, and the Glacial Heritage Area plan.

Discussion followed on whether there is a possibility the sellers would extend the option again and whether the County would be in breach of contract if this item is not approved by the Board today.

4. **Ron Krueger**, Watertown, representing City of Watertown as Mayor spoke in support of the Stewardship grant. He stated that very conservative estimates have projected that the GHA would generate \$50 to \$100 million in direct travel related spending. He is concerned that if this first major project for the GHA is not approved, the entire GHA proposal could be placed in jeopardy.
5. **Laura Cotting**, Waterloo, representing City of Waterloo as Ward 3 Alderperson spoke in support of the Stewardship grant. She presented to the Board the City of Waterloo Resolution #2009-03 and a letter of support from McKay Nursery Company. **(Handout)**
6. **John Raub**, Fort Atkinson, representing 2 Rivers Bicycle & Outdoor as owner. He spoke in support of the acquisition. He opened his business due to the great trails nearby and the Glacier Heritage Area.
7. **Mary Linton**, Fort Atkinson, representing herself spoke in support of the acquisition. She stated that Rose Lake State Natural Area and associated wetlands are exceptional resources for natural resources and people in Jefferson County. Acquisition of the property will help ensure the continuation of high water quality in Rose Lake with continued upland plant community restoration. **(Handout)**

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

Discussion followed on whether the County Board should act on the hunting and trapping issue prior to Natural Resources Board approval, that this project has been in the works for a long time and has the support of the public, whether this project will set the stage for all other projects, and whether this item should be tabled for one month or if it is important to move forward.

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) 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 and that the Board meeting would reconvene by 1:30 p.m.

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

Public Appearances:

1. **Allan Pribenow**, Port Wing, representing WI Wildlife Federation as Chair of Shooting Range Committee
(Handouts)

Topic: The need to begin a parent-team shooting together program that starts before hunter education. He distributed a packet of information related to rimfire sporter shooting and rifle clinics and spoke on the WI Wildlife Federation's challenge which they would like recognition to run statewide.

2. **Ralph Fritsch**, Townsend, representing WWF Wildlife Committee as Chair **(Handout)**

Topic: The Hall Deer Farm Fence

He stated that in 94 days from today, the Hall Deer Farm fence can legally be taken down by the owner. This farm is the most highly contaminated CWD site in the world. The Federation gives their support for taking definitive action to resolve this issue. He then distributed a resolution that in part requested the Department to purchase and potentially use for research on CWD including the efficacy of any CWD vaccine.

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 reviewed NR 1.41 and suggested the Board look at approving a higher threshold for acquisitions and land donations.

NR 1.41 Land acquisition authorization. (1) The following land transactions of the department shall require board approval:

- (a) Acquisitions where the purchase price is \$150,000 or more.

- (b) Acquisitions where more than 40 acres are outside of an established project boundary.
 - (c) Acquisitions where the purchase price exceeds the highest appraised value.
 - (d) Acquisitions by condemnations of land.
 - (e) Acquisitions by gifts of land to the department.
 - (f) Acquisitions where improvement values exceed 35% of total appraised value.
 - (g) Acquisitions of short tenure with substantial increased value.
 - (h) Sales of state land that are no longer needed for conservation purposes where the value exceeds \$50,000 or where the acreage exceeds 40 acres.
- (2) The secretary may approve all other land transactions.
- (3) The department shall submit to the board a yearly statistical report on the land control program, including an analysis of the program's status in relationship to the state recreational plan.
- (4) The department shall submit to the board at each meeting a report on the status of all options and pending land acquisitions showing the date of each option.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; am. Register, April, 1976, No 244, eff. 5-1-76; r. and recr. Register, November, 1985, No. 359, eff. 12-1-85.

Discussion followed on the dollar amount of a reasonable threshold and whether a study has been completed on past acquisitions and donations.

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

Discussion followed on taking a careful look at past numbers and the status of NR 51 for the grants process.

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.

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 regulation 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 out 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 coming game birds, have been shown to be 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 Protection 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 wetland 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 meetings 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 banning baiting and feeding in counties where it is currently allowed, ~~10 days before and during the 9-day gun deer season~~, 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 ~~and that such a proposal be submitted to the state legislature for their passage in time for the 2011 deer season?~~**

YES _____ NO _____

Discussion followed on the Boards' position on baiting and feeding deer.

Mr. Welter requested that in the 3rd paragraph, 10 days before and during the 9 day gun deer season, be deleted (which is noted in the text above).

Ms. Wiley removed the last portion of the question and that such a proposal be submitted to the state legislature for their passage in time for the 2011 deer season (which is noted in the text above).

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 silviculture. A 75% federal cost share may be available on land acquisition. **(Handout)**

Discussion followed on forestry management practices and the estimated total cost of land acquisitions on 15,000 acres in this part of the state.

- 6. Special Committees' Reports
None

- 7. Department Secretary's Matters

Secretary Stepp

- 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

Bill Horns, Great Lakes Fisheries Coordinator, presented the Board with 1) the function and statutory basis of Commercial Fishing Boards; 2) trends in Great Lakes Fish populations and expected changes in commercial quotas in the next year; and 3) assessment and analysis methods used in the development of commercial quotas. He then invited Charlie Henricksen to speak. **(PowerPoint)**

Public Appearance:

1. **Charlie Henricksen**, Sister Bay, Lake Michigan Commercial Fishing Board (LMCFB)
He was asked by LMCFB Chair Rick Johnson to speak on his behalf. He spoke on the Sport fishers concerns of trap netting in zone 3 and their January 4 meeting with Phil Moy, the dangers of boating on Lake Michigan, ecological changes in Lake Michigan, the status of electronic reporting, and their concerns that trout are not naturally reproducing in Lake Michigan.

Discussion followed on lake trout and limiting walleye stocking.

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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