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NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, May 25, 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 2:05 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	Preston Cole – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	David Clausen – present
Greg Kazmierski – arrived late	

1.B. Approval of agenda for May 25, 2011

Ms. Wiley MOVED approval, seconded by Mr. Cole. The motion carried on a voice vote of 6 - 0.

1.C. Approval of minutes from April 27, 2011

Ms. Wiley MOVED approval, seconded by Mr. Cole. The motion carried on a voice vote of 6 - 0.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Ms. Wiley MOVED approval, seconded by Mr. Cole. The motion carried on a voice vote of 6 - 0.

3. Action Items

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

None

Mr. Kazmierski arrived at the meeting.

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

3.B.1 Amended request for adoption of Board Order FH-03-11, fishing regulation changes proposed and supported at the 2011 Spring Fish and Wildlife Rules Hearings

Kate Strom-Hirons, Fisheries Policy Specialist, spoke in place of Mike Staggs, Fisheries Management Bureau Director. She gave an overview of statewide proposals, including requiring the use of quick-strike rigs that anglers immediately attempt to hook in the mouth of a fish or the use of one or more circle hooks when using 8-inch or longer minnow as bait; increasing the statewide minimum size restriction for muskellunge from 34 to 40 inches, excluding certain waters; and establishing a continuous hook and line fishing season for cisco (lake herring), whitefish, and hybrids in the Wisconsin-Michigan boundary waters. She then reviewed local proposals that adjust bag limits, size limits, and open seasons. She requested the board adopt Board Order FH-03-11. **(PowerPoint)**

3.B.2 Request adoption of Board Order WM-01-11, 2011 Wildlife Management Spring Hearing Rules Packages

Scott Loomans, Wildlife Regulations Specialist, gave an overview of modifications to game and hunting and the management of department lands, including repealing the sunset of a two year trial period for the extended fall turkey hunting season so that the December hunt will become permanent; extend each of the six consecutive five day spring turkey hunting seasons by two days, new seasons would run from Wednesday through the following Tuesday; eliminate the archery deer hunting season closure during the traditional November nine day gun deer season; and to allow landowners, lessees, or occupants of private land and other people with permission 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. He then requested the board amend the effective date of section four, related to extending the archery deer hunting season to include and run concurrent with the traditional November nine day gun deer season so that it can be in effect in 2011 instead of 2012. He requested the Board adopt Board Order WM-01-11, as amended. **(PowerPoint)**

Discussion followed on concern for the way the cougar proposal #32 is worded.

Public Appearances:

1. **John Cumming**, Grafton, representing WI Crossbow Federation as President. He stated that he whole heartedly supports proposal #41 - lowering the age from 65 to 55 without a requirement for medical exams. Use of a crossbow is a reasonable accommodation for people to continue to enjoy archery season. Let people choose the weapon of their choice.

Chair Clausen welcomed students from Oshkosh West High School. They are members of the Woods and Water Hunt Club that are at the Board meeting to observe democracy in action.

3.B.3 Congress Matters: Spring Hearing Results

Rob Bohmann, WI Conservation Congress (WCC) Chair, briefed the board on the outcome of the 2011 WCC annual convention. He announced the new Executive Committee, which consists of Larry Bonde (Manitowoc County, Vice-Chair), Lee Fahrney (Iowa County, Secretary) and himself (Rob Bohmann, Racine County, Chair) and thanked the councilors from 2010-11 that will not be returning this year.

He then reviewed the 2011 spring hearings. The Congress voted to support the Department's recommendation to advance 23 proposals that received support at the April 2010 Spring Hearings, and also endorsed the recommendation to not advance questions 4 and 11. The Congress approved the Department's recommendation to advance question 1 with amendments. However, at the Executive Council meeting on May 24, 2011, the Council voted not to support the amendment that included circle hooks. The Congress continues to support the 8 inch minnow amendment.

The WCC supports the Department's decision to not advance questions 39 and 40 relating to prohibiting the discharge of firearms on Department lands in Pierce and St. Croix counties. The WCC did not support the Department's recommendation to advance question 28 (allowing archery deer hunting during the traditional November firearm season). But at the Executive Council meeting on May 24, 2011, the Council voted to support the advancement of question 28 since the county delegates did not vote the way their counties voted and no new information was given. The statewide vote of the public to support the advancement of question 28 is the position of the Congress.

He stated there were 39 Congress advisory proposals presented for public comment at this year's Spring Hearings. Thirty-five of these proposals were approved by the statewide votes, and 34 were recommended for advancement to the Department and Natural Resources Board for consideration.

He then recognized the following DNR employees for their outstanding service. Tom Meier, Wildlife Management, received an award for his dedication to wildlife habitat management and efforts to enhance the educational and recreational opportunities at the Mead Wildlife Area. Retired trout biologist, Larry Claggett, received their fisheries award for his contributions to improving the cold water fisheries of our state. Russ Fell, Barron County, was recognized as WCC's law enforcement officer of the year for his outstanding law enforcement work and community outreach efforts. Mike Riggle, Taylor County, was honored as Congress delegate of the year for his contributions over the past year and the high standard of service which he has set through his outstanding leadership within the Wisconsin Conservation Congress, and his advancement of conservation through his work in wildlife health and deer research.

The Outstanding Local Conservation Club was the Rusk County Wildlife Restoration Association and recognized for outstanding achievement by local conservation club was the Stanley Sportsman's Club. The 2010

Educator of the Year is Christine Jumbeck, Cochrane Fountain City High School's Agri-Science Teacher, who tirelessly engages her students in conservation efforts from raising purple loosestrife eating beetles to assisting in goose banding.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

Chair Clausen asked the Congress to become more involved in environmental issues. He suggested the Congress Environmental Committee review issues related to groundwater (referred to George Kraft April Board presentation) and wetland protection and to come back to the Board with their position and recommendation.

Ms. Wiley MOVED approval, seconded by Mr. Kazmierski on agenda item 3.B.1 - Amended request for adoption of Board Order FH-03-11, fishing regulation changes proposed and supported at the 2011 Spring Fish and Wildlife Rules Hearings.

Discussion followed on why WCC does not support the circle hook question and whether circle hooks were included in a question from 2007.

Ms. Wiley called the question.

The motion carried unanimously.

Discussion followed on making the effective date of archery and deer season concurrent and whether there would be an impact on revenue and harvest.

Ms. Wiley MOVED approval, seconded by Mr. Cole on agenda item 3.B.2 - Request adoption of Board Order WM-01-11, 2011 Wildlife Management Spring Hearing Rules Packages.

Discussion followed on whether Question 34 will disturb hunters and those that want to scout.

Ms. Wiley MOVED, seconded by Dr. Thomas to amend the rule package by removing Question 34 - extending each of the spring turkey hunting periods by two days (2012).

Discussion followed on the status of the turkey population, whether the productivity of the flock will be impacted by the proposed rule, and whether there will be more user conflicts.

Rob Bohmann, WCC Chair, stated that the Congress fought to get question 34 through their committee this year. Legislation one year ago wanted to open this for a whole season. They thought adding two days per period would be a compromise. If you want to get rid of this question, propose a two-year sunset to see how this goes and if it has an affect on the population.

Discussion continued on whether adding two days to each hunting period will add new hunters and what happens towards the end of the season in other states that have continuous turkey season or longer seasons.

The motion to remove question 34 failed on a roll call vote of 1 – 6.

William Bruins – No	Preston Cole – No
Christine Thomas – No	Jane Wiley – Yes
Terry Hilgenberg – No	David Clausen – No
Greg Kazmierski – No	

Dr. Thomas MOVED, seconded by Dr. Clausen to amend Question 34 to sunset in two (2) years (2013).

Discussion followed on whether there is a need for a sun set provision and the rules process timeline for a two year sunset provision.

The motion to add a two year sunset provision to question 34 failed on a roll call vote of 3 – 4.

William Bruins – No	Preston Cole – No
Christine Thomas – Yes	Jane Wiley – Yes
Terry Hilgenberg – No	David Clausen – Yes
Greg Kazmierski – No	

Dr. Thomas MOVED, seconded by Dr. Clausen to amend Question 34 to end the weekly hunting period at noon on Tuesday.

The motion to amend question 34 to end the weekly hunting period at noon on Tuesday failed on a roll call vote of 3 – 4.

William Bruins – No	Preston Cole – No
Christine Thomas – Yes	Jane Wiley – Yes
Terry Hilgenberg – No	David Clausen – Yes
Greg Kazmierski – No	

The original motion carried on a voice vote of 6-1.

Chair Clausen noted that the original motion as approved did not include a Department requested amendment related to extending the archery deer hunting season. He requested Board comment.

Mr. Kazmierski MOVED, seconded by Mr. Cole to amend the effective date of section four, related to extending the archery deer hunting season to include and run concurrent with the traditional November nine day gun deer season, so that it can be in effect in 2011 instead of 2012.

The amendment to the original motion was approved on a voice vote of 6 – 1.

3.B.4 Request authorization for public hearings for Board Orders WM-11-11 and WM-12-11(E), the 2011 Migratory Game Bird Seasons

Kent Van Horn, Migratory Bird Specialist, reviewed the annual process to establish waterfowl seasons, the 5 year periodic process for duck hunting zones, and the US Fish & Wildlife Services new proposal of options: statewide, no zones, allow 2 splits; 2 zones with splits; 3 zones with splits; and 4 zones without splits. The Department has taken extensive input at annual public hearings, meetings, and talks with conservation groups, taken a random mail survey of 1,000 WI waterfowl hunters, and formed standing and ad hoc committees in cooperation with the WI Conservation Congress. They learned from this input to keep the Highway 10 boundary since 55% - 60% of hunters want status quo, that Mississippi River and Lake Michigan hunters do not want to be linked, and that there was no significant change in public opinion with 2/3 of duck hunters favoring status quo and 1/3 not satisfied. In review, the ad hoc committee's compromise did not generate strong support; there is still a desire to provide something to the avid 1/3 beyond the status quo; that change should maintain status quo in much of the state; and recommendation to separate the compromise into options. He closed by giving a status update on the federal process. He requested the Board authorize public hearings for Board orders WM-11-11 and emergency Board Order WM-12-11(E).
(PowerPoint)

Discussion followed on whether there has been any thought to do something similar to what is done between bear hunters and hunting bear with dogs, weather concerns on changing opening day, and the traffic pattern of migrating birds from the beginning of each season.

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

3.B.5 Request authorization for public hearings on Board Order FH-14-11, revisions to ch. NR 25 related to commercial fishing gill nets

Bill Horns, Great Lakes Fisheries Coordinator, spoke in place of Mike Staggs, Fisheries Bureau

Director. He briefed the Board on gill net mesh size and how the mesh size is regulated in Wisconsin. He stated the proposed rule was prompted by a citizen petition requesting 1/8" variance in allowable mesh sizes. This would reduce the minimum gill net mesh size by 1/8 inch for bloater chubs and yellow perch. It would not change enforcement criteria. Bloater chubs are in decline in Lake Michigan. Harvest limits, which are currently 3.5M lbs., are under review. Yellow perch have stabilized at a low level in Lake Michigan. Reducing the minimum mesh size would threaten small yellow perch and bloater chubs. He then offered three options for Board action on Board Order FH-14-11: 1) Approve public hearings on the rule as drafted; 2) Ask the Department to draft an alternative rule; or 3) Deny authorization for public hearings (Department recommendation). **(PowerPoint)**

Discussion followed on the variability of mesh size, how wardens measure and enforce gill net size, whether a mesh size request was before the Board in prior years, defining the commercial end uses of the harvest (market), concern on the inconsistency of manufactured nets, and the number of citations written annually by the Department on mesh size enforcement.

Mr. Cole MOVED to deny authorization for public hearings, seconded by Mr. Bruins. The motion carried unanimously.

3.B.6 ~~Request approval of Wisconsin's sharp-tailed grouse management plan and conservation strategy~~
DELETED

3.B.7 Land Acquisition and Sale - Statewide Fishery Habitat Area - Lincoln County

Discussion followed on the cropland deed restriction.

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

3.B.8 Land Acquisition - Flambeau River State Forest - Sawyer County

Discussion followed on the disparity in appraisals.

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

3.B.9 Land Transfer and Project Boundary Modification - Kickapoo Wildlife Area - Crawford County

Dr. Thomas MOVED approval, seconded by Dr. Clausen.

Discussion followed on whether the Department can sell lands transferred from DOT to the public and an overview on DOT's Highway Expansion Program and DOT's surplus land program.

The motion carried unanimously.

3.B.10 Land Donation - Scattered Wildlife Habitat Program - La Crosse County

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

3.B.11 Land Donation - Swan Lake Wildlife Area - Columbia County

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

Chair Clausen moved the meeting to Item 5 – Board Members Matters.

5. Board Members' Matters
 - A. Election of Vice-Chair

Chair Clausen opened nominations for Vice-Chair.

Dr. Thomas MOVED, seconded by Ms. Wiley to nominate Preston Cole for Vice-Chair of the Natural Resources Board.

Dr. Thomas MOVED, seconded by Ms. Wiley that nominations for Vice-Chair be closed. The motion to elect Preston Cole as Board Vice-Chair carried unanimously.

Chair Clausen appointed Jane Wiley as Issue Coordinator for Land Management, Recreation, Fisheries, and Wildlife. He requested her to work with staff on Stewardship Program legislation and bonding. He appointed Preston Cole as Issue Coordinator for Air, Waste, Water Management, and Enforcement.

Mr. Bruins stated Joint Finance's recent vote to scrap NR 151 is a concern to the agriculture community. The Board needs to be aware of this and to be engaged as the process unfolds.

Dr. Clausen asked Matt Moroney, Deputy Secretary, to bring Mr. Bruins up to speed on NR 151.

Dr. Thomas stated that the process for promulgating rules is changing. She requested a briefing from staff on what it means, process changes as it compares to current, and timing.

Dr. Thomas requested an update on phosphorus and an informational item from Science Services on the potential health affects of blue-green algae to humans and dogs, and issues related to its potential locations in WI. She noted that an eastern state issued a warning to dog owners that certain waters in the state were toxic to dogs. This issue could be linked to phosphorus

Dr. Clausen added to Dr. Thomas's request to invite the Dept. of Health Services to speak during the informational item on blue-green algae.

Mr. Hilgenberg thanked staff for the orientation and the warm welcome.

Mr. Kazmierski thanked staff for the new Board Member briefings.

Mr. Cole requested an update on the charter agency.

Dr. Clausen requested an update from legal regarding our obligations to consult with the Tribes, under the Voigt Ruling, regarding possible impacts on their hunting and fishing rights as we begin the permitting process for mining activities that may result from pending legislation after such legislation is enacted.

6. Special Committees' Reports
None

7. Department Secretary's Matters

Secretary Stepp briefed the Board on the Charter Agency concept including organizational efficiencies, realities of shortages in staff and potential retirements, and fleet management. A charter agency would give the Department internal flexibility.

7.A. Retirement Resolutions

7.A.1 Daniel Adams

7.A.2 Andrew L. Anderson

7.A.3 Kenneth G. Anderson

7.A.4 James E. Baughman

7.A.5 Barb Boettcher

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- 7.A.6 George Boronow
- 7.A.7 Steven S. Crary
- 7.A.8 Genny Fannucchi
- 7.A.9 Lance Green
- 7.A.10 Gary W. Greene
- 7.A.11 Steven L. Klock
- 7.A.12 Todd C. McCourt
- 7.A.13 Michael L. Miller
- 7.A.14 Charles A. Pape
- 7.A.15 Randy L. Schott
- 7.A.16 Steven R. Schuenemann
- 7.A.17 Kevin Shurilla
- 7.A.18 Kenneth Von Ruden
- 7.A.19 Michael J. Wallace

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

7.B. Donations

- 7.B.1 The AT&T Pioneers will donate 10 Eco-boxes and the labor to install them, valued at \$25,000, to provide innovative interpretive opportunities and programs

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

- 7.B.2 The Musky Clubs Alliance of Wisconsin will donate \$20,000 to the Bureau of Fisheries Management for the propagation of muskellunge

Public Appearances:

- 1. Larry Slogoski, Weston, representing The Musky Clubs Alliance of Wisconsin as President. The Alliance raises these funds through their unique “trophy only” Family Catch and Release Musky Tournament held every August at Eagle River. Working with the Department to enhance and protect fishing in Wisconsin is one of the primary goals of the Musky Clubs Alliance of Wisconsin. In addition to today’s donation, the Alliance is also committed to providing an additional \$10,450.00 next year to increase Musky fingerling production with monies for supplemental minnow feed and funds for annual P.I.T. tag cost. **(Handout)**

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

- 7.B.3 The Johnson Family Foundation will donate \$17,000 to provide support for the Trumpeter Swan Program and the Piping Plover Program

Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg. 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 Division of Forestry’s Strategic Direction

Paul DeLong, Chief State Forester and **Wendy McCown**, Forest Business Services Bureau Director, gave a joint presentation. They briefed the Board on why a Strategic Direction is needed, the steps to develop the Strategic Direction, components of the Strategic Direction, the County Program, Fire Protection Program, Forest Health Program, Nursery Program, Private Forestry Program, State Lands Program, Urban & Community Forests Program, Utilization & Marketing Program, and Cross-Program Activities. They then defined the Department’s next

steps which include developing an operations plan to implement the Strategic Direction and engaging partners. Implementation of the Strategic Direction begins in 2012.
(PowerPoint)

Discussion followed on whether the Department has a projected goal on timber sales i.e. aspen regeneration, whether the Department is addressing the regulated communities concerns, whether the Department is under the legislation that requires harvest of between 90% - 100% of available timber on a property, whether there is an opportunity to increase the price of raw material for the forest industry, the Managed Forest Law Program requirement to sell in a specified year even when prices are down, whether the Strategic Direction is driven by staff alignment and retirements, Forestry's plans on education and outreach, and an update on research and development for renewable fuels with forest products.

Mr. Hilgenberg requested a white paper on the benefits of the Department's policy on selling timber from state lands.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

8.B.2 ~~Potential duck hunting zone configurations~~ **DELETED**

Dr. Clausen requested a motion to go into Executive Session under the authority of s.19.85(1)(e) Wisconsin Statutes, for the purpose of discussing potential real estate transactions under the authority of s.19.85(1)(g) Wisconsin Statutes and under the authority of s.19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters.

Mr. Hilgenberg MOVED, seconded by Mr. Cole 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 under the authority of s.19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters.

The motion was carried by a roll call vote.

- | | |
|-------------------------------|----------------------------|
| William Bruins – yes | Preston Cole – yes |
| Christine Thomas – yes | Jane Wiley – yes |
| Terry Hilgenberg – yes | David Clausen – yes |
| Greg Kazmierski – yes | |

Dr. Clausen reconvened the meeting at 1:10 p.m. Chair Clausen reported that during the Executive Session no action was taken.

Dr. Clausen moved the meeting to item 4.A. – Citizen Participation.

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

Public Appearances

1. **Glenn Seger**, Sheboygan, representing self **(Handout)**

Topic: White fish quotas in Lake Michigan

He encouraged the Board to consider mandating Department fisheries staff to use a Target Mortality Rate of 65% in their model of Lake Michigan whitefish quota for all future assessments and asked that an assessment come forward in the next 90 days. He also requested that the Department contact the Chippewa Ottawa Resources Authority in Sault St.

Marie, Michigan and ask their recommendation for personnel from their office who are capable of running the most modern whitefish quota models with the appropriate Target Mortality Rates to work with the Department to achieve a correct harvestable poundage for Lake Michigan whitefish quota. Personnel from their main office have been achieving top level professional results for the past eleven years.

2. **Jay Hoeft**, Beaver Dam, representing Fountain Inn (**Handout**)
Topic: Real Estate complaint
He stated he owns the Fountain Inn and came before the Board to beg the Department to purchase his property in Beaver Dam. His home and business located on Beaver Dam River flooded on June 8, 2008. He has been involved with a three year battle with the city of Beaver Dam and Department which has ruined his life and reputation. His business has been closed for three months due to public safety.
3. **Mike LeClair**, Two Rivers, representing Susie Q Fish Company (**Handout**)
Topic: Incidental catch of Lake Trout in Lake Michigan
He requested the Board direct Department management to research the possibility of an incidental catch of Lake Trout by commercial fishermen. The federal government, with the help of the Department, has been planting Lake Trout for over 50 years with very little harvest. An incidental catch of Lake Trout by commercial fishermen could help with the high cost of fuel used to run their boats. Rules could also be changed like the depth limit for chub fishing, diverters in trawls, and open up traditional chub fishing areas to gill netters that fish chubs.
4. **Patricia Randolph**, Portage, representing self (**Handout**)
Topic: To collect questionnaire and for dialogue on creating an alternative Congress
She requested the Board to set policy for democracy and fair play for the majority non-consumptive citizens of Wisconsin. The current Department funding structure obliterates democracy. A hunter or trapper can purchase a kill license at will, but the majority of citizens have no way to buy a saving license. All of us depend on the natural systems for our existence. It is your sacred charge to represent all of us.
5. **Tom Berg**, Madison, representing self, spoke in place of Barb Eisenberg, Milwaukee, representing self. He was not in attendance.
Topic: A democratic, fair, and transparent election and equal funding opportunities for general public involvement

8.B.3 Changing landscapes in hunting and conservation in Wisconsin
Keith Warnke, Hunting and Shooting Sports Coordinator, gave an overview of the number of hunters in Wisconsin, where the Department's Fish and Wildlife account funds come from and what it pays for. He spoke on the future challenges of maintaining the conservation heritage and land ethic. He then discussed the North American Conservation Model and hunting trends. He reviewed successes from the last century on North American conservation and challenges in maintaining relevance, the behavioral shift, and who will be our future hunters and conservationists.

Discussion followed on what the Department can do to facilitate what is going on in Wisconsin to offset declining hunter numbers in the future and further discussion on creation of a youth congress.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

Mr. Cole MOVED, seconded by Ms. Wiley to adjourn the meeting. The motion carried unanimously.

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The meeting adjourned at 2:05 p.m.

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