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NATURAL RESOURCES BOARD

MINUTES

A Listening Session was held by the Natural Resources Board on Tuesday, September 25, 2012 at the Ramada Inn and Convention Center, Grand Hall, 205 South Barstow Street, Eau Claire Wisconsin. The listening session was called to order at 4:45 p.m. and adjourned at 6:05 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present

Christine Thomas – present

Terry Hilgenberg – present

Greg Kazmierski – present

Preston Cole – present

Jane Wiley – present

David Clausen – present

Chair Clausen stated that each person testifying would be limited to three minutes each.

1. John “Duke” Welter, Eau Claire, representing Trout Unlimited (TU). *Topic:* Water resources issues. He spoke on two of TU’s cold water resource related concerns. 1) Existence of the burgeoning industry in this area of frac sand mining and their concerns about the development of this issue and impacts on cold water resources and ground water resources. They are cooperating with the Chippewa County Study (Dan Masterpole testimony #7). If they see things that are concerns that they would like to bring to the Board, they will do so and ask that a closer look be taken at those impacts on resources. We need to be cognizant that mining is changing the nature of west central Wisconsin. 2) Being at the confluence of the Eau Claire and Chippewa Rivers, they have concerns on nutrients in these waters. A pretty good illustration of the problem with increasing phosphorus loads in these waters is illustrated by lakes over by Menomonie. In Eau Claire, they see hundreds of people floating down the Chippewa River in the summer, right through town. Menomin in Menomonie barely has very much human use any more during the summer when that water is mostly pea soup like. Citizens are not getting a chance to recreate and use them as they should. They should be assets to our communities. He urged the Board to take a stronger stance on protecting those waters from nutrient loads.
2. Patricia Popple, Chippewa Falls, representing self. *Topic:* Frac sand and particulates in the air. She is deeply concerned about the particulate pollution of the air, produced by the multiplying silica sand mining and processing operations and their related transporting and storage systems, spanning across Wisconsin, nation, and even to global destinations. Without DNR treating crystalline silica as the hazardous air pollutant you know it to be, without monitoring for enforcing safe levels of this carcinogen in the air, we remain unprotected. It is imperative the Natural Resources Board supports action on this issue. Air quality experts are needed, to follow up on reports, regulate, and to enforce fines if necessary every time there is a violation of a safe standard and a failure of adequate fugitive dust control. The issues are pretty evident; concern about youth should be foremost. Anything less is asking for health and safety issues. **(Handout)**

Discussion followed on whether the DNR has been authorized by the legislature to be involved, whether there is a standard for silica, what locations are being monitored, whether any sites are exceeding fugitive dust regulations, whether it would require legislative action

for the Board to be able do more with this, whether the department is gathering data, whether it is our state statute to not exceed federal regulations unless there is a specific health reason, what the set process is for rule changes, and whether all these mines have been issued permits and are being monitored.

3. **Jim Holte**, Elk Mound, representing self. *Topic:* Bear management policies, tag availability in different zones, and crop damage and compensation. He requested at reevaluation of black bear policies and strategies, especially related to their impact with agriculture. He stated there has been a steady increase in the black bear numbers. Live trapping and relocation seems to shift the cargo. It is very temporary and the farm community has little confidence in its effectiveness. The damage compensation program is helpful. In each of these programs, the DNR expends considerable staff time and resources while the effect on agriculture escalates. He requested the DNR reevaluate the programs and strategies used to manage the black bear population and hopefully reduce the impact on agriculture. **(Handout)**

Discussion followed on whether the farmers having problems are allowing hunters on their lands.

4. **Ken Schmidt**, Colfax, representing self. *Topic:* Frac sand industry. Since 2008, they have had many questions, many pertaining to environmental and health concerns. Sadly it is four years later and they still have no answers. He firmly believes that this is one of the biggest environmental health concerns the state of Wisconsin has seen in many years. The DNR has hung their head on a theory that if fugitive dust is controlled so is respirable crystalline silica. It is a nice theory, but it does not always work. When it is not controlled, the public is not protected from either the negative health effects or the nuisance effects of silica dust. This is not fugitive dust control. Last week he talked to a farmer about another proposed mine in the area. The farmer described smelling the same odor when the wind was right. He lives two miles due east of the EOG DS mine that the Board toured today. Wisconsin does not require meaningful air monitoring and uses anecdotal information rather than solid scientific. The DNR silica study stated the best way to determine what silica dust impacts are is to conduct monitoring. Wisconsin needs a monitoring program. The DNR only required EOG to have one monitor which runs for 24 hours every 6th day at the plant in Chippewa. It is on the southwest corner of the property. How often do we get northeast winds? He also expressed disappointment that this Board did not at least put on their agenda a discussion for the rules petition submitted last fall.
5. **Crispin Pierce**, Eau Claire, representing University of WI Environmental Health Department. *Topic:* Health risks associated with sand mining and processing. He stated he has been studying the silica issue with student researchers for the last four years. He distributed and discussed the data that they had collected. He concluded that sand mining, transportation and processing releases particles including crystalline silica into the ambient air. MSHA found silica in all 41 samples from Wisconsin sand plants and mines; 3 samples exceeded the safety standard. Limited ambient sampling found silica and particulates at or near public health levels of concern. His recommendations are: 1) Require applicants for sand mining, processing and transporting activities to provide results of all particulate and silica airborne and water testing reports. 2) Require at least two monitors for PM 2.5 and respirable crystalline silica each at all sand mining and processing sites. The only requirement the DNR now has is one PM 10 monitor only at the mine site. 3) Establish a DNR research fund to which qualified organizations can apply to independently measure particulates and silica emissions from sand plants. He then did a quick demo of an air particulate monitor with a bag of frac sand. **(Handout)**

Discussion followed on mining over the past 50 years and whether there has been any monitoring of health at those sites, whether frac sand is the same sand used in sand boxes, and whether there is any data from the local mines from over the years.

Mr. Kazmierski requested that the Board receive a copy of his study.

Dr. Pierce will share data collected with the Board. He will email it to the Board's Liaison at laurie.ross@wisconsin.gov. He stated that it could take years to accumulate all the data. He then stated that Sandbox sand is called *weathered silica* and the crystalline silica produced by sand mines is called *freshly-fractured* sand, which is 2-5 times more toxic.

Discussion followed on whether there is anything that can prevent the DNR from doing more and better monitoring.

Dr. Thomas requested an information item that would include where the plants are in Wisconsin, how many monitors are at each plant, where the monitors are located, what are they looking for, and what are they finding.

6. **Thomas Chisolm**, Chippewa Falls, representing Save Our Hills Alliance. *Topic:* Frac sand industry. He spoke for Mother Earth. He stated there is only 12% of the arable land left. We depend upon the sun for all the energy. We have not been deriving much of the energy from that as we have from fossil fuel. He is a retired army surgeon. He is worried about the world in general. The Earth is not real estate. Our pastoral scenes, vistas, and silence, together with stars that fade in the profusion of secondary light are productive values, not commodities. They are vital to the healthy lives of all our creatures. Those values are not included in reclamation plans. These plans offered by these various mining companies are actually genuine. To restore something after several generations to its original pristine parent is simply impossible. Based on the history of open pit mining including the Iron Range of MN, all you will see is great open pits. Consider the chemicals that are part of the production, noise, heavy equipment, diesel fuel, exhaust, trucks 70,000 pounds loaded, and the roads in constant repair. Global warming is not a myth. The loss of carbon-absorbing forests and flora by ever increasing invasion of frac sand mining and processing plants. Big corporations and the people who sell their land to them have made a Faustian bargain. This is the 50th year since the great Rachel Carson. "...can any civilization wage relentless war on life without destroying itself, and without losing the right to be called civilized." (**Handout**)
7. **Dan Masterpole**, Town of Cleveland, representing Chippewa County Land Conservation & Forest Management *Topic:* Water resource management concerns associated with industrial sand mine expansion, and invitation for DNR to participate in multi-year groundwater monitoring/ research study to evaluate the impacts of non-metallic mining and irrigated agriculture in western Chippewa County. He had the good fortune of working with your professional staff for the last 30 years on all things conservation and environmental in Chippewa County. Your staff is top notch. He informed the Board of a groundwater study that Chippewa County is sponsoring with U.S. Geological Survey (USGS) and the Wisconsin Geological and Natural History Survey (WGNHS) and invited DNR's active participation in that study. There is a rising demand on their local land and water resource base, local demand of food, fiber, and energy are leading to more irrigated agriculture and more agricultural acres being put into production. At the same time, they have the burgeoning demand for frac sand which also is resulting in higher demands of their resource base.

In response to these trends, the public has expressed strong concerns regarding how the expansion of irrigated agriculture and industrial sand mining will affect water resources in western Wisconsin. One of the common themes they heard through the course of the public participation process was, what was the cumulative impacts of these multiple mines in irrigation and how will that affect our groundwater supplies and surface water resources. In response to that concern, Chippewa County with WGNHS and USGS have developed a five year groundwater study to evaluate the impacts. This is a collaborative effort between industry, agriculture, conservation organizations, and public agencies. He then discussed implementation of the project and the systematic gathering of data needed to characterize the geology and hydrologic situation and to develop groundwater modeling used to predict the cumulative impact. Study results will be provided to stakeholders and the general public.

Importantly, they are hoping the study results will be shared with other areas of the state with similar geology and hydrologic conditions. He formally requested that the Board provide its support to this project. He invited the Board and department to actively participate in this study by allocating staff and funding to support resource based monitoring and allocate data collection and modeling efforts. **(Handout)**

Discussion followed as to what they are specifically asking the DNR for, and admiration for the concept of partnerships like this and the strong collaboration with industry.

8. Vaughn Nagahashi, Fairchild, **written comment** on frac sand mining regarding concern that the lack of proper, timely, and consistent inspection of the mines and their operations by appointed agents of the DNR could lead to problems that will seriously affect the health, safety, and well-being of all the citizens who live in communities affected by the silica sand mines.
9. Glory Adams, Eau Claire, **written comment** on frac sand extraction and that the DNR needs to step up to the plate. Between factory farms and sand mines the rural areas of Wisconsin are being industrialized, leaving rural citizens overwhelmed, feeling unresponded to, and taken advantage of. The DNR is to be protecting our natural resources. The industries populating rural areas significantly destroy Wisconsin resources. It should not be up to citizens only to keep track of corporate violations, especially when concerns are pushed aside. The DNR needs to empower itself and help Wisconsin.
10. Bonnie Vance, Fairchild, representing self. *Topic:* M2 Industrial extraction of silica sand and opposition to the potential leveling of the driftless area in West Central WI. She stated that M-2 Industrial extraction of Crystalline Silica Sand = Industrialization of Rural Wisconsin. They hear much discussion that if only “good” and “reliable” mining companies are allowed, and can be confident that mining will be done responsibly. The entire Town of Cleveland potentially could become a mine. Multiply that by 10 towns in Jackson county, and then times all the counties in West Central Wisconsin. This is not your Grandfather’s Sand Pit. The Threat of M-2 industrial extraction of crystalline silica sand is so great that as sand mines encroach on every town; this fragile water shed known as the “Driftless Area” will be forever changed. Inhabitants that thrive in this rural environment will soon become the next endangered species your department historically defends. Her big concern is, even with ordinances, conditional use permits, mining agreements, and reclamation plans, that the magnitude of this will be as if a “Glacier” had swept over West Central Wisconsin. Our “Rural Habitat” will be gone or severely disrupted. Even with reclamation, all what she values will be erased for her lifetime. Once the Hills are gone we will no longer have this sand to filter our water. What will happen to the water? Not just for her and her neighbors but for all that depend on this fragile water shed. **(Handout)**
11. Jessica Fischer, Clayton, **written comment** on Regulation, monitoring, and enforcement concerning frac sand mining. The oil and gas industry behind frac sand mining should be made to step up to the plate by paying for third party studies and monitoring necessary to assure the public that they are safe from mining impacts. The studies need to happen yesterday and moratoriums should be issued until they are complete. Would it be possible to build fees to cover the costs associated with such studies, monitoring and enforcement into permits required by the DNR? This level of protection is costly but the frac sand companies are making incredible amounts of money.
12. Linda Zillmer, Village of Birchwood, representing self. *Topic:* 1) Well head protection; 2) expansion of ATV use on roads vs. trails; 3) phosphorus reduction rules (pollution credit trading). She stated that everything in their life is wrapped around our natural resources. It is their income and their livelihood. We take for granted the clean air and clean water. Many people moved to this area because they appreciate the values in what our natural resources provide. She spoke to the Natural Resources Board in August 2009. She has not seen

progress. As you probably hear from the people living around the Tainter and Menomim lakes, how many years have they come to the Board and department with their concerns about water quality? They are on the headwaters of Red Cedar chain. Water quality there is not very good either but a lot of it has to do with development, not agriculture. What if one hundred years ago we devoted the attention to looking at land uses and water quality? We might not be here today with these concerns. We have that opportunity now with the sand mining industry. She is amazed at what citizens, UW people, and land conservationists have done working together to address this, which is what they thought they could rely on the DNR to do. Because the DNR is underfunded and understaffed, the public is coming out and doing this to help resolve the issues as to water quantity and quality. Some of the issues she talked about in 2009 dealt with groundwater quantity. The state has not progressed in that area. This needs further work. She had hoped the new legislature would make it more of a public participation to help and develop solutions as opposed to representatives of the industry working on the administrative rules. What we hear at listening sessions is not necessarily what comes out in the end. Take your learning's from NR 115 and NR 151, and consider that with regard to the exploding sand mining industry with regard to our air quality and water quantity.

13. **Nancy Weise**, Dallas, representing Hills Angels—Citizens concerned about the impact of frac sand mining on our county (Barron). *Topic*: Frac sand mining. She was not in attendance.

14. **Jeanne Nutter**, Strum, representing self. *Topic*: industrial mining of our rural communities in western Wisconsin. She stated that Trempealeau County has 6 operating mines, 22 conditional use permits granted and several pending and more on the horizon. The pace at which these permits are filed and granted is mind-boggling. It has taken most by surprise and many do not yet know the difference between a sand pit and a frac sand mine. Sand has been mined in Wisconsin for hundreds of years, but this is different. The new mine will be less than 2 miles from her home. It will be placed right in the middle of a township that is almost completely zoned residential. There are at least 15 families within 2 miles of this mine who will feel the impact of 300 trucks going past their homes. This mine will impact wetlands, a stream, as well as the beauty of this part of our community. They will all be impacted by air emissions, fugitive dust, diesel emissions from the equipment used to handle and process sand, and the blasting. Noise pollution not only causes environmental damage, but also has negative impacts on human health. It can cause conditions such as aggression, hypertension, and increased levels, hearing loss, and sleep disturbances. She has seen the dust going across the horizon from a Woodbury, MN mine. Atmospheric discoloration it is called.

Their water is at risk. Most mines say they use about 1.5 million gallons of water per day. With 30 mines in their county, that is a lot of water. Their aquifers are not safe. They have heard some peoples well go dry this summer. We are concerned about contaminated water. There have been two spills and neither of those has been resolved. She is concerned about the lack of oversight for these mines with the DNR. They have one go-to guy. We need more staff. If mining, farming, rural landscapes and our small town way of life are to coexist in Wisconsin, we have to be able to have the person power to regulate the industry. We have to make sure the industry is safe and that the health safety and welfare of the citizens are at the forefront of all elected officials. We must protect our environment, our water, and our lands. If we do not have that, we have nothing. **(Handout)**

15. **Ed Werts**, Town of Sumner, representing self. *Topic*: Concerns of water in his township and the Cameron School Board's concerns for a frac sand loading facility near the Cameron Schools. He stated that sand mining has become one of the most controversial issues their townships have ever faced. He also understands that the DNR has been somewhat demoted. He believes substantial cuts in staff and funding have resulted from this. He believes the DNR has done an excellent job of protecting and maintaining our fish and wildlife populations as well as keeping our air breathable and our water drinkable. However, there are entities that have encroached upon your regulated areas and theirs. Sand mines and plants have entered many townships all over Wisconsin with minimal regulations. In his own Town

of Sumner, they have Barron County zoning in effect as well as comprehensive planning. Their town also developed its own comprehensive plan several years ago to keep its intended use as an agricultural and residential area and not industrial. But, a sand mining company trashed the town and county's comprehensive plans, ignored their moratoriums and ordinance, and proceeded at full speed to clear the land, build berms and ponds, install electrical systems, erect steel buildings for a wet processing plant, and dig 2 high-capacity wells without an impact monitoring test being done first. Residents in this area have every reason to believe that this condition will only worsen if a processing plant operates nearby.

They have contacted several hydrologists and geologists about this problem and have been informed that if all the high-capacity wells at the processing plant and irrigation sites as well as water usage from local farming operations and residential areas, will probably use more water than the aquifer can replenish. His point is if impact monitoring tests are done, that would give some degree of assurance to the areas residents as well as the high-capacity irrigation and mining wells that there would be sufficient water for everyone. He believes the DNR should make this a mandatory test, especially at mines with a wet plant situation. He believes that the DNR should change its priorities as soon as possible to protect and preserve their clean air and water resources from damages due to frac sand mining and process. He understands that the DNR has publicly refused to regulate respirable crystalline silica dust at sand mines and processing plants. It is time to protect our most important natural resource: the human life. **(Handout)**

16. **Sharon Shier**, Village of New Auburn. *Topic:* Living in the village between two sand plants in New Auburn and the problems incurring. She lives one block west of the railroad and has rental property directly facing the Superior Silica Sands entrance. She moved her property to its present location next to the tracks and was assured by the village president that there would be no trains coming through New Auburn because they were going to make it a bike path. Trains are now going through at all times of the day and night. Approximately three years ago, the New Auburn Area Development Committee (NAADC) began to meet with Superior Silica Sands (SSS). SSS purchased property and the sellers had gag orders attached to the purchase. NAADC directly benefitted monetarily because they sold their land to SSS. The Village of New Auburn gave permission to SSS to open up a residential street to truck traffic and also gave them a driveway, even though their plant is located in the Town of Dovre and an entrance could have been developed directly off of SS. This has created several problems for the residents and her specifically. Truck traffic totally deteriorated the residential street that had been opened to the sand plant. They replaced it, but they destroyed it. Trains are hooking up and unhooking – literally sounding like they are derailing in the middle of the night, often at 3 a.m. Recently, intersections were blocked for over 50 minutes even though there is a state law that states intersections cannot be blocked for over 10 minutes.

They had to move their bedroom to the basement so that they can get a decent night's sleep. No more open windows, too much dust. It is not politically correct to complain about the sand plant. If you do, you are labeled a trouble maker. She is glad there is a group of individuals in the Cameron area that have the courage to speak up and request that the sand plant be at least five miles from their schools. There was no one in New Auburn that was in a position of authority to have the best interests of their children in mind when SSS came to town. Their school, grades PK through 12, is located directly east of the plant, a little over a block away. The wind blows usually from the west to the east, directly to the school and playground. Experts in the medical field say that the silica sand dust will not kill adults but could be deadly for younger children that are exposed to it on a daily basis. It could be a killer like asbestos was – mesothelioma – was not found out to be dangerous until years later.

17. **Danie Johnson**, Hale Township, representing self. *Topic:* sand mining. She stated that five days ago an industrial sand mine was placed 1,400 feet from her home. She has three young children and is scared to death. Back in May, it was by chance that they found out that two landowners in Hale wanted to pursue industrial sand mining on approximately 300 acres in a residentially zoned area. The township board's uneducated decision to approve the initial request happened during an open meetings violation in March. The gentlemen walked in,

they changed the zoning, he asked for a sand mine, they walked out with their agreement. After sharing health and environmental issues and our comprehensive Smart Growth Plan with the board, they decided to rescind their letter of support on September 4. Over one hundred petitions were signed by the Hale residents asking to keep sand mines out of their township. But even with the strong public opposition, the townships newly informed position on the matter, and even the DA's involvement, the Trempealeau County Environment and Land Use Committee lead by Tom Bice approved the industrial sand mine, wash plant, dry plant, by a 3 to 2 vote on September 20. Mr. Bice's very biased pro sand mine point of view swayed the board on this vote and on many others that have preceded it. We have been told by Mr. Bice and Paramount Sand LLC that the highest DNR standards will be followed to keep the residents safe. Does the DNR have conclusive evidence that we will not be harmed?

She hopes that 10 years from now the homeowners, many of whom are 2,500 feet or less from the mine and include young children and elderly, will all be safe. How many DNR staff will be supervising the 22 approved permits and the 6 operating mines? There is no amount of reclamation that will ever return the hills and the countless acres of forest and wetlands that will take generations to regenerate if they are able to recover at all. These mines are destroying several of Wisconsin's natural resources. What will be left for the DNR to protect? We need your help. **(Handout)**

18. **Linda Stoffel**, Colfax, representing self. Topic: sand mining. She stated that the Board's tour today which was well organized and scripted of a sand mine and processing plant so you have some idea of how quickly the landscape can change. Within the past year, a group of physicians from the Chippewa area sent the department a request to set a limit on the size of silica dust that would be allowed to blow through their communities. What is being done with this request? Why are sand plants not being independently monitored for air and water quality? How often are these plants being checked to see if they are in compliance? Why is it that citizens cannot get the name of the ingredients that are used in these plants? The public wants answers. Please provide them before it is too late.
19. Fred Harding, Maiden Rock, written comment on frac sand mining. He opposes frac sand mining in the state of Wisconsin. He has concerns regarding the stigmatization of adjacent property values, ground water consumption and pollution, potential for silicosis for those in areas adjacent to mines, deterioration of county and state infrastructure without satisfactory recompense by the offending industries, the fallacy of additional jobs created by this burgeoning industry, and dissatisfaction with inadequate reclamation requirements. He proposed the DNR to 1) stop new sand mining and processing plants along the scenic highway, 2) to make existing facilities only process product from adjacent properties, 3) work to explain the real costs to the region. Become an advocate for the land rather than big business, and 4) In areas that seem appropriate for mining, make sure that the mines pay their fair share to maintain the infrastructure.
20. **Nettie Rosenow**, Cochrane, representing self. *Topic:* sand mining in western Wisconsin and reclamation to agricultural land. She is a dairy farmer on a farm that has been in her husband's family for five generations and they have a compost business. This spring their neighbors formed an LLP called Seven Sands and leased about 1,400 acres to a company called Glacier Sand for frac sand mining, of which they say only 450 acres will be mined. Over 100 acres is on the other side of our line fence. She is opposed to this industry. They have been assured that the DNR is regulating the industry. Her concern is these companies are using the fact that they must obtain a reclamation permit as proof that they will be good neighbors and proof that they should be able to mine where they choose. Citizens are not able to see these permits until after the mine has been approved. Mr. Portale told her that these permits are the most important documents to evaluate the applications. Does the DNR have staff and commitment necessary to evaluate all of these mines? She discussed the handout she distributed on the approved and proposed mines in 10 counties. There are 67 and counting.

Her second concern is that these mines are on agriculture land. Glacier Sand's leased land is almost totally under cultivation; in the heart of the area they call Garden Valley. It is not scrub pine or brush but beautiful, rolling hills planted with alfalfa and corn. The company's propaganda to persuade dubious farmers is that the land can be returned to agriculture. Contemporaneous reclamation they claim will mean we will hardly see their footprint. What does contemporaneous reclamation mean? The frac sand mine in Menomonie has been operating for four years and not one acre has been reclaimed. Each year each county must submit a report to the DNR about how many acres are being mined and how many have been reclaimed. She has asked for this report and has not yet received it. Where is the proof? She is talking of 100's of acres of fertile, productive, functional land in an agricultural district. Is this really possible? **(Handout)**

Chair Clausen closed the listening session. He thanked the speakers for their testimonies and then stated that he appreciates their passion.

The listening session ended at 6:05 p.m.

The regular meeting of the Natural Resources Board was held on Wednesday, September 26, 2012 at Ramada Inn and Convention Center, Grand Hall, 205 South Barstow Street, Eau Claire Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 3:00 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 – present	

Dave Clausen thanked Dan Baumann, West Central Regional Director, and Sue Snyder, Administrative Assistant, for coordinating the tours and meeting logistics. The restaurant last night was very accommodating and the tours were great. This was Sue's first effort at coordinating the regional logistics. She hit a home run.

1.B. Approval of agenda for September 25-26, 2012

Deputy Secretary Moroney requested that item 3.B.7 – *Land Acquisition – Avon Bottoms Wildlife Area – Rock County* and item 8.A.1 – *Update on Wisconsin waterway inventory* be moved to the October 24, 2012 meeting.

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

1.C. Approval of minutes from June 27, 2012 – Moved from August 8, 2012 meeting agenda

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

1.D. Approval of minutes from July 17, 2012

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

- 1.E. Approval of minutes from August 8, 2012

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

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

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

3. Action Items
3.A. Air, Waste, Water, and Enforcement
None

- 3.B. Land Management, Recreation, Fisheries, and Wildlife
3.B.1 Request approval of the Lower Wolf River Bottomlands Natural Resources Area Master Plan

No staff presentation was requested by the Board.

Dr. Thomas MOVED approval, seconded by Mr. Cole.

Public Appearances:

- 1 **Ralph Fritsch**, Townsend, representing the Wisconsin Wildlife Federation (WWF) as Wildlife Committee Chair spoke in support of approval of the Master Plan. They believe the Plan was very well done and thanked the department's Northeast Region and the Bureau of Wildlife Management for their hard work. He then thanked the department for including in the Master Plan the 105 acres plus parking in the Herb Behnke Unit for dog training and trailing. Dog training and trailing continues to be a very popular sport in the state and crucially important for training dogs for hunting game animals. There are very limited dedicated public lands for formal dog training and trailing in Wisconsin.

Mr. Bruins stated that as a responsible landowner, he considers the responsibilities for the land he owns. He does a mental check of the costs that need to be done. He has concerns that the department will not have enough resources to do the work that needs to be done. Moving forward, he would like to see the department work with various groups and flesh this out in future master plans.

Mr. Hilgenberg stated that he has similar concerns that Mr. Bruins expressed. He has a continuing concern about maintenance of state properties. He hit on another one with 85% of the area in this Master Plan being private. What we are going to do to reach out to work in collaboration with these individual property owners. He is familiar with this property in that it is in his backyard. They have a fantastic working relationship with the Navarino Wildlife group which is perhaps a model for the rest of the state to work in collaboration with. He then mentioned that he had an extensive conversation with Herb Behnke about this. Mr. Behnke was thankful and very appreciative of staff and the department's continued efforts to move forward with this project.

The motion carried unanimously.

Kurt Thiede, Land Division Administrator, recognized and thanked Yoyi Steele, Planner. This master plan was one that was orphaned for a long period of time. Over 10 years ago a feasibility study started that established this property. Last year, Yoyi picked it up and did a wonderful job of getting the master plan across the finish line. This is related to our new emphasis in speeding master plans along to make sure we have a plan for the properties that we are managing.

Discussion followed on a written comment regarding the LaSage house and whether staff will contact her regarding her concerns.

3.B.2 Request approval of the Governor Knowles State Forest Master Plan

Teague Prichard, Division of Forestry, State Forest Specialist, and **Mike Wallis**, Division of Forestry, Forester and Acting Superintendent Gov. Knowles State Forest, gave a joint presentation. They gave a background of Governor Knowles State Forest. They then reviewed land management, recreation management, boundary modification, public involvement, and then reviewed current and estimated costs. They requested the Board approve the Governor Knowles State Forest Master Plan. **(PowerPoint)**

Discussion followed on whether ATV's, horse trails, and gun hunting can be managed satisfactorily on the property, the substantial increase in State Natural Area destinations, whether the department did not previously identify as much area that should have been or if the analysis for criteria changed, and how much of the existing boundary is being utilized and what the usage is.

Mr. Kazmierski requested that the department include defined descriptions of what good long-term game habitat is.

Discussion followed on the high use of hunters on this property, species of concern such as red headed woodpeckers, enthusiasm for niche properties such as equestrian campgrounds, and that properties such as this one are clearly creating tourism.

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

Discussion continued on whether the department should obtain the blessing of the local units of government prior to Board approval and concern on how this may impact privately owned lands.

3.B.3 Request approval to rename the Collins Marsh Nature Study Center to commemorate former department employee Leslie "Les" Neustadter

Jeff Pritzl, Wildlife Management Supervisor, spoke in place of Tom Hauge, Wildlife Management Bureau Director. He noted that this request for the name change of the nature center at Collins Marsh did not come internally from the department but from the conservation community in Manitowoc in recognition of the passing of Les. They came forward over one year ago and asked to recognize Les for his contribution. It is his pleasure to request that the Board approve the renaming the nature center to commemorate former department Leslie "Les" Neustadter.

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

3.B.4 Request Approval of the Re-designation of the Sandhill Station Campground from State Wildlife Area to State Park Property and Boundary Expansion for the Glacial Drumlin State Trail

Richard Steffes, Real Estate Director, stated that the intention of this property that was acquired approximately 20 years ago was to continue to use it as a campground for trail users. It has been managed by parks people for 20 years. It has 15 rustic walk-in campsites and a group campsite. About 37,000 youths use this campsite when they are hiking or traveling through the area. There is a boat launch that also is managed by parks. They would like to have this under their prevue so they can sell park stickers. He requested the Board approve the re-designation request.

Discussion followed as to whether this would have any effect on NBOA's, and whether this is a positive for the fiscal note.

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

Discussion continued as to whether a park designation is being used to close off hunting on Stewardship purchases, and from an enforcement standpoint whether you can use the boat launch while transporting your gun.

The motion carried unanimously.

Dr. Thomas MOVED, seconded by Mr. Cole, to approve 3.B.5 - Land Acquisition - Northern Highland/American Legion State Forest - Oneida County; 3.B.6 - Land Acquisition - Kettle Moraine State Forest - Southern Unit - Walworth County; 3.B.8 - Land Acquisition - Governor Knowles State Forest - Polk County; 3.B.9 - Land Acquisition - Buena Vista Wildlife Area - Portage County ; and 3.B.10 - Land Acquisition - White River Fishery Area - Bayfield County.

3.B.5 Land Acquisition - Northern Highland/American Legion State Forest - Oneida County

Discussion followed as to whether there was any other direct access to this property.

3.B.6 Land Acquisition - Kettle Moraine State Forest - Southern Unit - Walworth County

Discussion followed as to why there was such a broad range of values, whether sharecropping would be granted, and what the final price per acre is.

3.B.7 Land Acquisition - Avon Bottoms Wildlife Area - Rock County Moved to October 24, 2012 meeting agenda

3.B.8 Land Acquisition - Governor Knowles State Forest - Polk County

Discussion followed on whether there was any local unit of government support.

3.B.9 Land Acquisition - Buena Vista Wildlife Area - Portage County

No Board discussion took place.

3.B.10 Land Acquisition - White River Fishery Area - Bayfield County

The motion to approve items 3.B.5, 3.B.6, 3.B.8, 3.B.9, and 3.B.10 carried unanimously.

3.B.11 Land Donation - Statewide Natural Areas - Door County

Dr. Thomas MOVED approval, seconded by Ms. Wiley, and to acknowledge the donation.

Discussion followed on whether restrictions will be placed on the deed as to what can be used on this property, what funds were used on the original purchase, management costs, what the rationale is for going beyond the acquisition goal for the statewide natural areas, the department's relationship with land trusts and what the Board has historically done, whether this conversation is sending a message to land trusts that they might not be able to count on the department in the future, whether this is a game played to go beyond the 100% goal in land acquisition, how the legislature distributed Stewardship funds, and the need for being cautious in making decisions that increase the need for operations.

Mr. Thiede stated that land trusts are told in their initial discussions regarding potential donations or Stewardship acquisitions that there is Board approval to accept that donation. The importance of this is so they can go in eyes wide open. The department also is letting the community know and their field staff as well when they start those conversations. They look at what the department's capacity for managing that property is.

Discussion followed on being conscience of operating costs, explanation of tax implications (payment in lieu of taxes - PILT), and whether there is not a net loss.

The motion carried unanimously.

3.B.12 Land Donation - Chippewa River State Trail - Eau Claire County

Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski, and to acknowledge the donation. The motion carried unanimously.

3.C. Scope Statements

3.C.1 Request approval of the statement of scope for Board Order WM-01-13, the 2013 Wildlife Management Spring Hearing rule proposals, including restrictions on training dogs in tracking and trailing wolves and also for emergency dog training rules under ACT 169

Scott Loomans, Wildlife Regulations Specialist stated that this is a rule that the department is planning to discuss with the Board at three meetings – scope approval, hearing authorization which is really the spring hearing agenda approval, and then adoption. He did not go through point-by-point except to talk about dog training. As far as number 11, the permanent part of dog training rules – dogs that will be used to hunt wolves. The department is thinking about something similar to what is in place for bear dog training right now so that would be a restriction on the number of dogs, a seasonal restriction, and dog identification. We are always listening to ideas that have come and will be coming. The department also has provided an option for emergency rule writing for approval of emergency rules that would be in part from this approval and in part from approval of the Act 169 rules that the department already has written that have emergency authority and which the Judge had said should have included dog training regulations. He offered that Tim Andryk, DNR Legal Services Bureau Director, would like to address the Board regarding the wolf Portion of the item. **(Handout)**

Tim Andryk, Legal Services Bureau Director briefly told the Board about the court decision and how it affects this scope statement. On August 31, Judge Peter Anderson, Dane County Circuit Court, enjoined the use of dogs for hunting wolves and for training dogs to hunt wolves. He basically said the department did not adequately consider the concerns regarding dog use and the concerns raised by the plaintiffs in the lawsuit which are in the affidavit. The Judge said that the department needed to go back to the Board to adequately consider that the issues regarding the use of dogs and perhaps impose additional restrictions in the emergency rule. The Judge stated the department did have the authority to include in the emergency rule restrictions on dog training and basically strongly suggested the department do so. He said that even if the Board decides to not make any additional changes or impose any additional restrictions this year to the emergency rule, we would be entitled to due deference in the court if the department and Board considers the concerns of the plaintiffs and address them either through response from department staff and through testimony, we would be entitled to due deference. The Judge said that it was the department and the Board's decision to make whether additional restrictions on the use of dogs were necessary for this year. The department needs to get a record to the judge to show that there was this discussion and it was a discussion on addressing concerns of the plaintiffs. In that regard, the department also has a couple of wardens here who have spent their lives hunting with hounds and have worked closely with the hound hunting community of northern Wisconsin. They are here to answer questions also and to give a background on how people would use hounds to hunt wolves and the risks involved, if the Board is interested in hearing that.

Chair Clausen stated to Attorney Andryk that a correspondence memorandum was handed out last night (Tuesday, September 25, 2012). He asked whether that was meant to be a basis for discussion during the presentation or whether that was to be part of the Board discussion after we hear public testimony.

Attorney Andryk responded either way. It was meant to provide additional background on this scope statement and also add to the record going back to the Judge to say this is our record that the Board considered this and whether to impose additional restrictions or not to impose additional restrictions. This is the information they had before them. This is what the Board considered.

Mr. Bruins MOVED to remove the emergency dog training rules from Board Order WM-01-13 under Act 169, seconded by Mr. Hilgenberg.

Public Appearances:

1. **Rob Bohmann**, Racine, representing WI Conservation Congress as Chair. He stated that he has a 7 year old Labrador retriever (Gander) who is not only his number one hunting buddy, but he is a member of their family. He has spent hundreds and hundreds of hours with him while hunting in the field. Since he brought him home when he was just seven weeks old, he has literally spent thousands and thousands of dollars on him in food, vet bills and training. He received his junior hunt title when he just eight months old, his senior hunt title when he was a year and a half old, and his master hunt title when he was two and a half years old. He is what hunters call a “college graduate.” He comes to work with him from time to time, and he has been to his children’s schools for show and tell. He comes along with them on all of their family trips that they take. When they come home from work or school, he greets them at the door with a kiss. When they are at home sick, he lays at their feet until they are better. More importantly, when he sees him carry his gun case up from the basement, he knows it is time for him to go to work. After all, it is what he was trained to do.

Now, he does know that he is not a hound, and he would not use him for hunting bear or wolves. But, he is just like any other hunter who appreciates hunting over a great dog. You see, it is not about the harvest of an animal or a bird; it is all about the dog performing the way he or she was trained to perform. Whether it is tracking and treeing a bear, flushing a grouse or pheasant, or retrieving a goose or duck from frigid waters, it is about the experience of hunting with a great dog. When they leave home with their dogs for a day’s hunt, they understand there is always a risk involved. The vast majority of hunters who use dogs are ethical and would not put their dogs in harm’s way intentionally. They understand that there is always the possibility that something may happen to their dogs, and when it does, they take full measure to ensure that their dogs are taken care of. When their dogs are accidentally hit by pellets while upland game hunting, they take him to the vet to get the pellets removed. When they step on a piece of glass in the parking lot they get them stitches in their paw. When they get tangled in barb wire fence and rip their chest open, they take them to the vet for treatment. Or, when their dog breaks through the ice while retrieving a duck and struggles to get back on the ice, they go get them before they are drawn under the surface. He can speak on every one of these incidents from experience, because every one of them had happened to his dog, Gander. But the risk does not stop him from hunting with his dog. That is what they do when they hunt with dogs; it is what their dogs are trained to do, what they love to do.

He was here today because of concern regarding the hunting of wolves with dogs from some non-hunting groups. The department has worked tirelessly with hunting groups in establishing this season. The legislation that was passed this past spring which established a wolf season was not developed while sitting on a barstool. It was developed with the countless hours of discussion with many hunting groups throughout the state. They are not barbaric in any means; they are hunters who have a passion for the experience of hunting with a great hunting dog. The Congress is an advisory body to the Natural Resources Board. As Chair of the Congress, he urged the Board to support the approval of the scope statement for a permanent rule at the Spring Hearings. He also urged the Board to not proceed with any restrictions on the use of dogs in the emergency rule at this time.

No Board discussion followed.

2. **Al Lobner**, Milladore, representing WI Bearhunters Association. He stated that in the past they have heard testimony from wolf experts on what will happen when dogs track and trail wolves and what will transpire during the chase. Having worked with, and after following hounds for over 40 years, many times in the last 10 years having also trailed wolves, he has not encountered wolves stopping to fight with a pack of dogs. Although there is documentation on wolves depredating on dogs it is while they are at a bear tree, in someone’s yard, or while out rabbit or bird hunting. We need to ask ourselves “Why does this happen”. From his perspective

and experience it is because the wolf views that dog as food. All of the dogs that are depredated on while bear hunting are usually barking while trailing or treeing a bear. This barking hound is easy for a wolf and her pups to find. Quite honestly they are ambushed and eaten for food because their natural food supply, deer, and whatever, may be limited and they cannot supply their pups with enough to eat at that time. Remember, these wolf pups during bear training season are just starting to travel with the pack and as all young do, can consume enormous amounts of food. They also are not efficient hunters; therefore, they rely on the pack to help supply them with food. Simply put, hounds standing at a tree, treeing on a bear are certainly an easy catch for any female wolf and her pups. Also bear in mind that dogs trailing game move much slower than deer that are trying to escape their predators. Hounds trailing game also are not nearly as aware, as deer that are continually being preyed upon by wolves. Once we get into the fall these wolf pups become better hunters and can contribute to their own well being by catching rabbits, coon, beaver and smaller species of game that they can handle by themselves. They also are faster, stronger and have a much better ability to hunt on their own or with the pack for that matter. Much like our hound pups they are becoming more efficient and can fend for themselves, for the most part, thereby taking pressure off of their parents to supply them with food.

As it gets later into fall and winter these wolf pups will begin to go off on their own for short periods of time. Many times while coyote hunting, dogs will run upon a lone wolf track. The wolf is a larger animal than a coyote therefore it will give off more scent, and because of this increased scent, hounds will many times begin to trail the wolf. It is my observation that wolves will run like other game, coyotes, fox, deer and bear, circling and using the wind, as well as variations in terrain and habitat, to evade the hounds. We know that hounds pursuing game will travel at about 7 miles per hour or less on the average. Wolves can easily sustain a gait of 20 MPH and above for long periods of time, making it highly unlikely for a wolf to be threatened by a pack of hounds. From what I have seen and experienced these wolves run and possess the same habits as a coyote and by using the same tactics that coyote hunters use, hunters will be able to harvest wolves with no adverse effects to their dogs.

Chair Clausen asked Mr. Lobner to wrap up his testimony.

In his experiences, he has never seen a wolf turn to fight with a dog while it is being chased. He has seen and heard of plenty of dogs being ambushed while trailing or treeing other game. However, these wolves that depredate on dogs are simply hungry and trying to survive. Thank you. (**Handout**)

Mr. Kazmierski stated that one of the claims that the plaintiffs made in the lawsuit was that the Humane Societies would incur the cost and expense of taking care of these dogs that are beat up by the wolves. In your experience of a hound hunter, and he knows that hounds get hurt, would you guys dump a dog off at a Humane Society?

Mr. Lobner stated he did not know anyone that had ever done that. Quite frankly, that is news to him.

Dr. Thomas stated she assumed Mr. Lobner's dogs were collared in some way. She asked what kind of collars his dogs specifically wear.

Mr. Lobner stated that along with the main collar, he also runs telemetry collars and GPS collars at the same time.

Dr. Thomas asked whether he is running a GPS collar and also a shock collar on them.

Mr. Lobner corrected, telemetry.

Dr. Thomas asked whether you typically use shock collars like bird hunters do.

Mr. Lobner stated that he does sometimes with his younger dogs but generally the older ones, no.

Chair Clausen stated that he will hold speakers to the three minute limit and would appreciate that speakers do not make him tell them to quit.

2. **Barbara Thomas**, Menomonie, representing the Sierra Club. She thanked the Board for their thoughtful discussion last evening on the sand mining issue. That is huge to them in their town. The Sierra Club is committed to maintaining the world's remaining native ecosystems -- marine, aquatic and terrestrial. This is a moral and ethical obligation that all people share, as all living organisms and their natural ecosystems possess intrinsic, spiritual, and ethical values that cannot be measured in human economic or utilitarian terms. To that end, the John Muir Chapter, Sierra Club has serious concerns regarding the use of dogs in tracking and trailing wolves, which may pose threats to human health and safety, as well as threats to pets, livestock, and wildlife.

The Sierra Club believes lethal management and control of wildlife should be targeted toward individual problem animals and that such methods should discourage and prevent conflict between humans and wildlife. The Sierra Club opposes harvesting techniques that fail to minimize suffering and harassment. Dogs may be indiscriminate in pursuit and attack as to age and number of species, posing unnecessary risk to the young of the year and non-target species, including game animals which are not legal to hunt with dogs. It is impossible to prevent wolf/dog conflict, while dogs are unrestrained and often miles away from handlers. Recent research from the University of Montana Wolf Project indicates that wolves make the defense of young a top priority and will fight to the death in defense of their young. The John Muir Chapter believes it is inappropriate to risk disruption of breeding and depredation of wolf pups by hunting dogs.

In terms of economic scope, the John Muir Chapter feels that depredation payments for hunting dogs which are voluntarily run, off-leash, in known wolf habitat are inappropriate and unsustainable, and they should thus be discontinued. Hunting dog depredations payments, \$44,000 last year alone, have comprised the highest category of depredations cost to the state during wolf recovery. The Sierra Club believes acceptable management approaches include regulated periodic hunting when based on sufficient scientifically valid biological data. Since dogs are allowed to hunt wolves in no other state, the John Muir Chapter has grave concerns about any regulations which the NRB seeks to pass, implement and enforce under an "Emergency Rules" measure. Since wolf hunting will occur in the most remote places of the state, the John Muir Chapter has serious concerns about enforcement. With 40 current warden vacancies, it is unclear whether present WDNR staff can effectively enforce regulations during the upcoming wolf season.

The Sierra Club opposes the use of captive or injured wildlife for sport hunting and the training of hunting dogs. They suspect that this could occur if Act 169 is allowed to proceed in its current form, and this creates grave concerns. They urge the Board to do everything in their power to avoid allowing the use of dogs in wolf hunting this season unless and until the serious concerns detailed above, including breeding season interference, potential wolf/dog conflict, and difficulty with enacting and enforcing effective emergency rules in a very limited timespan, are adequately researched and addressed. **(Handout)**

Mr. Kazmierski asked Barbara Thomas to explain the human health risks with this.

Ms. Thomas stated the danger to the hunters themselves who could be harmed in an attack. As a retired nurse, she can tell you they want no animal attacks on people.

Mr. Kazmierski stated he did not know of any cases of a human being attacked by a wolf and if there is he would like to know that.

Ms. Thomas stated she would follow-up with the Board.

3. **Scott Meyer**, Gleason, representing United Sportsmen of WI. He called to say he was at the wrong Ramada and will arrive late. He asked that the Board hear his testimony when he arrives.
4. **Amy Visger**, Minong, representing self. She called to say she was with Scott Meyer and would arrive late. She asked that the Board hear her testimony when she arrives.

Chair Clausen approved the request of Scott Meyer and Amy Visger. He asked Ms. Ericksen-Pilch to the podium.

5. **Marie Ericksen-Pilch**, Phillips, representing self. She and her husband reside in Price County and they have been co-coordinators and trackers on a volunteer basis for WI DNR since 1999. They co-coordinate region 5 in Price County and surrounding areas. She works in the woods alone from April through October and has a pretty good knowledge of the back roads. She owns a small farm and has a number of animals. She lives in wolf country. She is here today to talk about the training and hunting with wolves with dog. She strongly opposes it. Number one is the cruelty issue to dogs. As it is now, hunters are allowed to train and hunt bear, bobcat, cougar, raccoons, with dogs. When dogs are trained, they chase the animal. During training, the owner can come in and call the dogs off and the dogs are stopped. Wolves do not climb trees and wolves are not coyotes. Coyotes are a separate animal. The wolf pack structure is how it lives. Without the pack, wolves do not live. For a short period of time, they are dispersed. They usually will not survive without the pack structure. The cruelty issue is where it would allow actual canine-dog cruelty by fighting. It will occur. A lone track is not always a lone track. Wolves put out direct distribution which means one track on the land may be one plus animal. It could be two animals. It could be three animals. It is hard to determine that until you follow that trail sometimes for quite a while, one is not certain until you follow for a while. That is an efficiency that they do. In regards to wolves, the cruelty issue in her opinion and an opinion written, is the stress factors on the pack. The timeframe for this hunt is October through February, with dogs starting at November. That would cause a problem on the pack structure by allowing stress to interfere with breeding as it is just hunting without dogs, because wolves breed from January until about the end of February and beginning of March. Wisconsin will have hunting on the landscape as it is which might interfere. An alpha taken from one pack does not just go to another pack and pick up another alpha. It is a system that has fine-tuned the wolf to survive. We (hunters) are going to be in the process of disrupting that. With dogs added, it is going to cause more disruption and more stress on the pack which we do not know right now.

Chair Clausen asked Ms. Ericksen-Pilch to wrap it up.

The hunting and training timeframe would be right in the middle of the deer season which many people (deer hunters) would disagree.

6. **Gregg Brzezinski**, Allenton, representing self. He requested the Board forward the wolf hunting rules as written by the legislature with no additional amendments. There has been a lot of comments from so called wolf experts about the consequences of trailing wolves with hounds. Although these people may be experts on wolf biology and habits, they do not seem to have the experience in the real world of trailing hounds. We have certainly heard all the horror stories of animals being killed and eaten by wolves but this usually happens when people are unaware of wolves in the immediate area. In the real world of hound hunting, hunters will search out game that will be easier to track and trail normally in smaller sections of land. There will be hunters in direct contact with the hounds to help with getting the track jumped. There also will be other hunters in areas of known escape routes. This also helps to keep the dogs within close proximity of the hunters to minimize unnecessary and unwanted situations for the hounds. Another tactic used by hound hunters is to determine the number of animals in given areas and after that determination is made to choose the area that has the least amount of risk and the best chance for success. Having hunted with hounds for years and knowing how long it takes to train a hound to perform to a high level of efficiency he really cannot understand why anyone would put their dog in harm's way. It simply takes too much time to get a hound trained to take that risk. These assumptions made by the wolf experts are just that. They are assumptions of well-meaning but unknowing people. There have been situations in the past where hounds were killed by wolves but these situations happen when hunters are unaware that wolves are in the immediate area. When hound hunters are aware of the number of wolves in an area they can eliminate the unnecessary risks.

Ms. Wiley asked Mr. Brzezinski how you would shoot a wolf if your hounds are pursuing it. It

is not like a pointing dog where they are going to stop.

Mr. Brzezinski stated no, they do not hold it. They get ahead of it. They can bay them like a bear. They can walk them. You can get ahead of them and shoot it just like a bear.

Ms. Wiley asked whether you are using bear hunting techniques.

Mr. Brzezinski responded it would be similar. Every wolf run is different as is every bear run. Sometimes you have to call the situation as it presents itself. Some bears tree and some bears do not. They shoot bears on the ground too.

Mr. Hilgenberg asked Mr. Brzezinski how long he has been hunting with hounds?

Mr. Brzezinski stated about 20 years.

Dr. Thomas stated she has a dog and hunts bird and has never done this. You can help her understand how there will not be necessarily dog and wolf negative interactions at the end of the hunt by telling me the scenario. How will the hunt end? What happens at the end? Her dog will point a bird. She will either flush it or the bird will flush. Sometimes the dog catches the bird. What is likely to happen at the end of the wolf hunt?

Mr. Brzezinski stated that ideally they will bring the wolf up to some of the hunters ahead of the pack of dogs and shoot the wolf ahead of the dogs or like a bear, they would bay it and slow it down enough that you could get there and shoot it.

Dr. Thomas questioned whether there would be a potential for like – standards of drivers?

Mr. Brzezinski stated to some extent, yes.

Dr. Clausen stated to Attorney Andryk that this sounds to him like group hunting. He asked whether Act 169 authorized group hunting for wolves.

Attorney Andryk stated it was silent on group hunting.

Dr. Clausen stated then that it did not authorize group hunting.

Attorney Andryk stated that group hunting is defined by someone being able to shoot a wolf if someone else has a tag. It did not allow for that. There would be under Act 169 no violation if someone is being assisted by someone with hounds to hunt wolves as long as the person who has the license with tag shoots the wolf.

Dr. Clausen asked whether the other people are authorized to carry weapons.

Attorney Andryk stated they can carry weapons for other purposes but not for the purpose of shooting a wolf.

Dr. Clausen confirmed that basically, the only person that is supposed to be shooting that wolf is the person that has the tag.

Attorney Andryk responded absolutely.

Dr. Clausen stated that under that scenario, that sounds like it will be tough to make sure the guy with the tag is in the right spot from his experience.

Attorney Andryk stated they have two wardens here that can address that.

7. **Rad Watkins**, Hazelhurst, representing Timber Wolf Alliance. He was not in attendance.
8. **Larry Murphy**, Butternut, representing self. He was not in attendance.
9. **Jane Belsky**, Necedah, representing self. She was in attendance but did not testify. **(Handout)**
10. ~~**Larry Murphy**, Butternut, representing self~~ duplication
11. **Mike Belsky**, Necedah, representing National Wolfwatcher Coalition. He stated he was at the meeting with his wife Jayne. They are lifetime Wisconsin residents and volunteer wolf trackers since 1998 and are both lifelong hunters. Regarding 3 C1, they are against the approval of this scope statement to enact emergency training regulations and permanent rules for training and using wolf hunting hounds. The Act 169 emergency rule continues to rush headlong into temporary wolf hound hunting/training rules and then wanting to make them permanent. This shows a total disregard for the fact that this will produce deadly and dire consequences for

these hounds. If you allow wolf hunting hounds to go unleashed and set the training period to coincide with bear hound training, you are about to put into motion an unenforceable, socially unacceptable and dangerous scenario.

He asked the Board to sit down with a hunting regulation pamphlet and take a long look at the number of hounds already pursuing a myriad of wild animals in our woods within the same timeframe. You will find it to be almost impossible to enforce any regulations intended to ensure the safety of the wolf hunting/training hounds other than on a leash.

Presently there are 40 DNR warden vacancies in the state and no money to cover overtime. Last year during deer season there were many days when the only people out there were hunters because the wardens were out of funds. This leaves an overburdened wildlife law enforcement contingent to try to enforce complicated laws. With all the overlapping hound seasons, how will they be able to clearly define who is chasing what? Wolf hunting hounds are to be exempt from depredation payment. When the inevitable happens and a hound is killed by wolves the question will be, were they wolf training, bear training, or just hounding coyotes, raccoon, bobcat or fox? The payment for hound depredation must cease. The program is full of holes and is unsustainable by selling the lives of our wolves to pay for it. Maybe it is time to require bear, bobcat and coyote hounds to also be leashed to avoid cruel death and suffering. You allow hunting hounds compensation for death by wolf but do not allow compensation for a pet or even a child caught in a trap which you allowed to be placed on the landscape.

Compensatory equality for all citizens and their animals certainly is not represented by this DNR. It has been made perfectly clear in the past few months that you do have the authority to hold off on hunting with hounds until a full review of all aspects for both training and hunting can be studied in-depth. While you are directed to exercise authority and responsibility in accordance with governing state laws remember those laws also include WI Anti Cruelty Law 951.01 and it defines Cruel as “causing unnecessary and excessive pain or suffering or unjustifiable injury or death”. It is an undeniable fact that wolf hunting hounds will be exposed to that very scenario unless critical protections are put in place. It is your responsibility to see that happens. They would like to see rules become illegal... **(Handout)**

Mr. Kazmierski asked whether Mr. Belsky is suggesting that all dog hunting should be eliminated.

Mr. Belsky stated no sir.

Mr. Kazmierski stated you kind of mentioned that.

Mr. Belsky stated that the DNR Board review hound hunting practices in the state to make sure that it does not impact the anti-cruelty laws and that it can be done in a safe manner and a quick kill as possible on the prey.

Mr. Kazmierski asked that if he was grouse hunting and his dog gets attacked by a wolf, would that be the same kind of cruelty.

Mr. Belsky stated that would be up to the Board to review.

Mr. Kazmierski then questioned Mr. Belsky whether he was familiar with those guard dogs that were being recommended for protecting livestock and whether those dogs were typically leashed.

Mr. Belsky stated no.

Mr. Kazmierski asked how then do they actually guard the flock.

Mr. Belsky stated they have a territory that they stay in.

Mr. Kazmierski stated that in essence, we are presetting up confrontation by the use of those dogs. That is what they are designed to do.

Mr. Belsky stated they are protecting a territory. He believes that the wolves will not come into that territory. They are urinating, marking, and defending their flock which holds the wolves off.

Mr. Kazmierski stated that they are unleashed and left out there 24/7.

Mr. Belsky stated correct but they are not running at large.

Dr. Clausen asked that Mr. Belsky to state exactly what things you said were necessary. Please end at the end of that.

Mr. Belsky listed the rules they would like to see become illegal, as follows:

- A. Training wolf hunting hounds with the use of any live captive wildlife (in roll cages or otherwise).
 - B. The practice of wounding a wolf and allowing the hounds to bite, harass and torment that wolf.
 - C. The use of hounds as decoys or bait animals to draw wolves.
 - D. Train or hunt wolves unless the hounds are on leash.
 - E. The DNR must require that hound hunters FIRST obtain a Dog Training Permit which (1.) confirms and complies with appropriate breed restrictions (scent hounds only), (2.) demonstrates compliance with training programs for dogs AND handlers in pursuit of wolves on leash to ensure no direct contact with a wolf and (3) would rule out the use of disposable shelter dogs.
12. **Kendal Durham**, Neillsville, representing self. He stated that he has owned, raised, and bred trailing hounds for over 30 years so he believes he is qualified as close as experts can be on this. He lives in Clark County and has been on many accidental runs, which he will call them. No problems. The wolves run. It has only been a single wolf. He applied for a wolf license hoping he could run his dogs to harvest a wolf. He did not receive one. He does not see any reason to reinvent the wheel to rush through a rule which in his opinion does not qualify as an emergency. There is no need for further restrictions. The so called expert testimony given in the past is not based on actual hunting experience but emotions and what if scenarios. Real life hunting experiences have known that every time that dog leaves your hand, you take the chance of not getting that dog back. They could get hit by a car, caught on a fence. You never know what is going to happen. He does not care what you are running if it is your beagle, your bird dog. You take that chance with your dog leaving your hand. Nobody who hunts with trailing hounds would intentionally find a large pack of wolves and put their dogs on it. They are going to try to single out that single individual animal to run. He does not need to be training dogs in the summer months on wolves. It is common sense. Why would you do it? They are running bear in the summer which is their main species. To run wolves, they like snow on the ground so you can find the individual track. With no snow in the summer time, how would you know what you are putting on? It is just common sense. Why would you put your dog at risk for no reason? This Board needs to take into consideration that sometimes hunters do not need a bunch of rules to have common sense.

Ms. Wiley asked Mr. Durham when he would recommend training dogs for wolf hunting. What season?

Mr. Durham stated personally for his own self, his training would take place during the season.

Ms. Wiley questioned what if the Board is required by statute to have a training program, when do you think the best time would be to do it.

Mr. Durham stated probably with what the rules are placing now, he guessed, July – August, something like that.

Mr. Cole asked Mr. Durham to put a price on his dogs.

Mr. Durham stated it varies. A good seasoned, experienced hound about \$10,000 to \$15,000. You have generation chances to breed. Maybe a lesser dog \$500, you know, it is the market of supply and demand and the ability of your dog.

Mr. Kazmierski stated that the Board has had expert witnesses testify that are experts on wolves. He is considering you guys the experts on dogs. He asked for a brief background on how much time is spent training dogs, hunting with dogs, and for how long?

Mr. Durham stated that it is basically a year-round activity. Probably 200 days a year. He takes the dogs coon hunting at night after work, the bear training season July and August. It is every Friday, Saturday, Sunday. If you do not put time into these dogs, they will not develop

into a quality dog. You cannot take a bird dog out two times a year to point bird. You have to put time in, lots of time. It is more than a hobby, it is your life.

Ms. Wiley added that it is a passion.

Mr. Durham stated yes.

Mr. Kazmierski asked Mr. Durham that if he had a dog injured, whether he would take it to the Dane County Humane Society for treatment.

Mr. Durham stated no. He has a local vet that sees all his dogs. State law says they have to have rabies shots. All the shots occur, up to date. All through a licensed vet. Most of the hound guys you talk to, their dogs are treated better than their kids. That is what a lot of people say.

Mr. Kazmierski stated they are your kids. He then asked Mr. Durham to explain to the Board the whole scenario that happens when a dog gets on a wolf and what occurs and when the opportunity is to harvest the wolf. They had one person clarify but it should be reiterated.

Mr. Durham stated how it all basically breaks down, your dog is pursuing this wolf. The wolf is running hot. The dogs are running behind it. With the telemetry equipment and the hearing of your dogs, let us say they are going north. They get to the north road or trail or whatever. You get heading them dogs about ½ mile, 400 yards, 500 yards, whatever you can. Your person is going to shoot the wolf. Position yourself so the dogs are coming towards you. If they are coming your way, it is time to load your gun. As that wolf comes through you get a clean shot at it. If not, the race continues on. It is a game of cat and mouse is what they are going through.

Mr. Kazmierski asked whether these wolves are running hell bent for election or how do they move through.

Mr. Durham stated that the runs he has had, the wolves have been two – three minutes ahead of the dogs, up to one mile ahead of the dogs. You do not know. Every animal runs different but he will say they run. They have never stopped to turn, bloodshed. One incident he had last winter running coyotes. He thought they were running coyote. They were running wolf. He got in the woods. That wolf was walking in front of his dogs. They respected the animal. They were back about 10 yards, just baying it, walking behind it. That wolf just walked and did what he wanted. Those dogs just followed that animal and barked at it. He got on the track and got the dogs in between them but the wolf is not scared of people. It comes right by you. You just cut your dogs off and catch them.

Mr. Kazmierski asked since he had some encounters with dogs on wolves, whether he ever felt at risk.

Mr. Durham stated no and the reason he said that is like he said before. It is a chance you take. If he is going to limit his hunting to hunt in an area as a space where there is wolves, he would like someone to show him in the state of Wisconsin where he can do that sport and not encounter wolves.

Dr. Thomas stated that when she hunts her bird dog and the bird flushes and she misses it which is a lot of the time, to get her dog back she either whistles or command over. If he does not pay attention to her then she zaps him with the shock collar so he does not use up all his energy chasing a bird or heading towards a road. When you get to the end game when you want to corral your dogs, how do you control the dogs? How do you get them to come back to you?

Mr. Durham stated for one, if you are going to shoot at the wolf and you miss it, the game goes on. It is a matter of where that wolf crosses the road, crosses the trail, you cut that dog off and you catch him. You might have to run them down and tackle them because a good dog does not quit until the end. He is tired when the game is over.

13. **Patricia Randolph**, Madison, representing self. She was not in attendance.

Chair Clausen asked Scott Meyer to the podium.

3. **Scott Meyer**, Gleason, representing United Sportsmen of Wisconsin. He stated he has owned and trained and bred hounds from 1979 to 2009. In that 30 year time frame he does not recall any former DNR employee ever stepping forward and claiming to be an expert on tracking and trailing hounds as was claimed in the last hearing, not even having owned one. This is a new experience for him. He is an avid hunter and has been fortunate to be able to experience everything Wisconsin has to offer from predator hunting with dogs to duck hunting to deer hunting, trapping, and fishing. In that almost 40 years of hunting experience, he has spent a lot of time trying to figure out animal behavior in a hunting situation as most hunters to including several of you Board members. Saying that he still has not been able to point blank been able to predict if an individual bear, bobcat, raccoon, fox, or wolf will attack, fight, or injure your dog as some here will try to claim it will happen. It is a ridiculous claim which no one can make and still have credibility. These are wild animals which are not predictable. As a dog owner with hunting dogs they make every effort to protect their dogs including non-hunting dogs which several of them own.

There is always a risk of using dogs when you are hunting but that is what they are bred for and trained for. The dogs live to hunt. As a dog owner it is his responsibility to care for that animal. They all have veterinary care whenever they are injured, hurt, and preemptive care such as shots. While there is a claim that these dogs would be taken to an animal shelter if attacked and injured by a wolf he did not know of any hunter, and he has hunted with several hundred dogs, that has ever taken their dog to an animal shelter versus a veterinary clinic. It is a very far-fetched claim. Tracking and trailing hounds have been used for centuries and is not a new thing. People who own hounds have an extreme amount of knowledge of their sport and have practical common sense which far outweighs any rule which you would implement. There needs to be no further restrictions since I do not believe there has been one case of a dog being killed or injured this year training on wolves because common sense as alluded to before tells these guys not to put down on a track until there is snow on a ground to tell you if it is a single wolf rather than a pack. As an owner of trailing hounds, this Board needs to understand that thousands of hours go into the training of these breeds. It is a lifestyle, not a hobby. The rule before you today he believes violates Act 21 and he does not believe this Board has the authority to act on this rule. The legislature was clear on what emergency rule promulgation was to be allowed by the department. He further believes it violates their right to hunt fish and trap constitutional amendment as well and asked this Board not to act on this rule.

Ms. Wiley asked Mr. Meyer whether he said something about training his dogs to track wolves. She asked whether he has done that now or did she misunderstand him.

Mr. Meyer stated that training has been around for about eight months now.

Ms. Wiley stated she could not locate this in Act 169.

Attorney Andryk stated that when wolves were on the federal Endangered Species List, it was prohibited to take them. The definition of take included harass, disturb. You could not lawfully train dogs on hunting wolves while federally listed. There was no state law that prohibited it. When wolves were delisted on January 27, 2012, you could lawfully train dogs on wolves starting January 27, 2012. He did not know how many people knew that and took advantage of that but legally there is no prohibition on training dogs on wolves since January 27, 2012.

Ms. Wiley questioned whether the Board was told this at that time.

Dr. Clausen stated the Board was told they could not deal with that at the May 2012 meeting.

14. **Rodney Helgeson**, Warren, representing self. He stated he supports the ability to hunt wolves with hounds. He is a member of the Bear Hunters Association. In the winter he hunts farm country next to Fort McCoy and the state forests in Jackson County. They have some really big pines that they cast their dogs into for coyotes. Probably the third time they do that and they wind up on a wolf. They will try to catch them as quickly as they can. They have never had dogs injured or not event really close. They are usually out quite ahead of them. Probably run in the last five years to six years, run into about five wolves by accident. They catch the dogs as quick as they can catch them. He has been hunting coyotes for 20 years. He has been with the WI Bear Hunters Association for 30 years and on the Board of Directors

for six years. He has been hunting with hounds for around 30 years. They are his buddies. He would not put them in any harm. He would like the ability to be able to hunt wolves with hounds.

15. **Patricia McConnell**, Black Earth, representing UW-Madison Department of Zoology as Certified Applied Animal Behaviorist and Adjunct Professor. She stated she absolutely understands the hunters when they say that they love their dogs. She gets it. She has working dogs. She has had livestock guard dogs. She has had many, many dogs that have accomplished a difficult task with her. If you have not done it, it is amazing. It is a magical connection that you can have with an animal. She gets it. She also gets the excitement of the chase. She is not a gun hunter but she has been on safaris in Africa. When over the radio someone says there is a lion pride trying to take over a kill from a bunch of cheetahs, you crank the wheel on the land rover and your heart is pounding. It is so exciting. I get the emotions and I get the excitement but emotion and arousal are not good ways to make carefully thought out decisions. That is why every sport has governing boards that act to protect the members of that sport or any individuals involved in it. In this case, all the individuals of Wisconsin are in a way, involved in this sport. Every one of us, because of the laws of the land owns an equal share of every wolf, every coyote, every porcupine, and everything there may be, it is all ours. It is a unique part of our country. It is very, very special. That is why you of the Board, have got to stand up to what is a very small group. It is a very small subset of the hunting population who want to be able to run their dogs on wolves.

Their argument to you today and in times past, that wolves do not kill dogs. Except before wolves were delisted and wrangling for the wolf hunt to occur, they argued that one of the reasons we need to control the wolf population is because wolves kill dogs and they do. We know that. It is indisputable. It also is indisputable, and I think most members of the state of Wisconsin did not know this, that bear hunting dogs are often badly injured by bears. Somebody said they love their dogs more than they love their kids. That is a concern because she would not send her children to go engage with a bear. She drank the Kool-Aid. She used to think that bears always climbed trees but they do not. Hundreds of them end up in that place. She just interviewed a veterinary from the north who said without question over one hundred dogs a year go to a particular vet clinic to be stitched up after being injured by a bear. There are a lot of issues here. This is a Pandora's Box. There is a morass of conflicting and confusing information. Somebody needs to be outside the bubble of emotion and arousal and make some well-considered decisions. **(Handout)**

Mr. Kazmierski asked Ms. McConnell if she believes, as an animal behaviorist, whether a prey animal, in this instance the wolf that is being hunted, is going to act differently then he acts when he is hunting like in the case of wolves attacking bear dogs.

Ms. McConnell stated she thought it was Scott Meyer that said that wild animals are unpredictable. Nobody can say exactly what any individual wolf is going to do. What she suggests is probably clear is that some wolves, as some have, in some context will turn and engage with dogs. Some dogs will attempt to engage with wolves. Go onto www.youtube.com and watch dogs ripping coyotes into shreds. Some wolves have been known to attack dogs. Some dogs have been known to attack wolves. Some dogs are going to run away. The idea, the concept that there is always going to be this carefully structured, managed hunt in which dogs with GPS collars are running after one single wolf and one single wolf only, if you know it is only one single wolf because we only see the tracks of one single wolf so there could not be any other wolf anywhere around. They are going to follow that and then the seas will part and the wolf will stop and the dogs will stop and then the hunter can get there and shoot the wolf. That might happen on occasion. But it is not going to happen all the time. There are going to be violations. There already are violations of the animal. There is a cruelty act in the state of WI. There are laws against unnecessary pain and suffering. They are not frankly being followed now. This will make it worse.

Mr. Bruins stated to Ms. McConnell that based on your testimony you are opposed to using dogs for hunting wolves.

Ms. McConnell stated yes she is.

Mr. Bruins stated that pretty much this is based on your concern of the dogs getting injured or at worse getting killed. He questioned whether it would follow then that you would oppose to hunting bear with dogs?

Ms. McConnell stated in a perfect world, if people could hunt...

Mr. Bruins stated no, not the perfect world stuff. There is not such a thing.

Ms. McConnell stated as so noted and to be, remember, we are talking about the perfect world in using dogs to hunt wolves. She would not have known how to answer that question until lately. Because of this issue, she learned so much. Frankly, she is almost sorry she learned it. She did not know you could put a coyote or a bear cub in a roll cage and let animals attack it. That is legal. She just learned that through this process. Every single person she talked to...

Mr. Bruins stopped her and went back to his question as to whether she would be opposed to hunting bear with dogs.

Ms. McConnell stated she is now based on what she learned so maybe one of the good things that could happen is that light is going to shine on some of the things going on. She did not know. Now she does.

Mr. Hilgenberg asked Ms. McConnell whether she is opposed to hunting.

Ms. McConnell stated absolutely not. She is a biologist. She is a zoologist. She is not in any way opposed to managing a stable population so it is sustainable. She has deer hunters on her own property. She raises lambs. She is not an animal rights activist. She is concerned about animal welfare and the wildlife of the state of Wisconsin.

Mr. Kazmierski questioned Ms. McConnell that as a biologist, whether she sees any upside to using dogs to hunt particular wolves.

Ms. McConnell stated no. The only exception she could imagine is for some reason – well she could not imagine. Basically what seems to be reasonable, and this should come from a wolf biologist. It is just common sense to her, although common sense is not always very common. It seems to be common sense that if there are particular packs that we know are making serious depredations on a particular agricultural enterprise, she has to be fair, she knows what it is like to defend your animals from wild predators. If there is a particular pack that people have tried and tried and tried somehow to eliminate and for some reason no one knows how to track animals anymore, for some reason no one can control the population, then perhaps it could be considered but that would be the only, only possible scenario and she could not imagine that happening.

Mr. Kazmierski stated that it could be used as a potential tool.

Ms. McConnell stated dogs were not tools. Screwdrivers are tools.

Chair Clausen asked Amy Visger to the podium.

4. **Amy Visger**, Minong, representing self. She stated she has owned and hunted with hounds for 16 years and has been listening to so called experts that were former DNR employees and is offended by their comments. As a dog owner, she takes pride in raising and training her dogs. To think that she will put her dogs out on wolves without regard to their safety is simply not true. The fact of the matters is they will put their dogs down on a single track with snow conditions to ensure that their dogs are safe from a pack situation. There has been a lot of misinformation on how tracking and trailing hounds are used. The name actually means just that, they put a dog on a track and they trail it until the wolf is jumped. They then get ahead of the chase to intercept a wolf or bear or bobcat and harvest the animal. To those of them who are the real experts on hunting with hounds this has become a subject, which is much to do about nothing.

They know there is always a risk to their dogs the minute they unsnap their leash, no different than a duck hunter knows there is a risk to the dog drowning or a bird hunters dog getting hit by a car. they minimize these risks by knowing and checking how many wolves are in a section of land and putting out on a single track which is the same thing they do with other predators such as coyotes or bears. Hounds have been used for centuries to hunt predators and

have been bred to track and trail game. No further restrictions are necessary. They, as hound hunters, know what they are doing and to have non-hunting forces trying to dictate how they hunt is ridiculous at best. Therefore, she asked the Board to reject this rule.

Mr. Kazmierski asked Ms. Visger whether her dogs ever got on a wolf track by accident.

Ms. Visger stated during bear season they had their dogs come out to a road. They always check tracks to make sure they are running bear and they found wolf tracks.

Mr. Kazmierski asked whether she was personal at danger as has been asserted by the lawsuit.

Ms. Visger stated no.

16. **Ralph Fritsch**, Townsend, WI Wildlife Federation (WWF) Wildlife Committee Chair testified in support of Board Order WM-01-13, a rule scoping statement which includes rules establishing restrictions on training dogs on tracking and trailing wolves and also emergency dog training rule under Act 169. The WWF includes 17 dog related organizations in the 184 hunting, fishing, trapping and forestry-related groups belonging to the Federation. The Federation has many experienced men and women who hunt with hounds. They firmly believe that training dogs to hunt wolves and the hunting of wolves can be accomplished in a humane manner. Groups that disagree with that position have convinced a Circuit Court Judge that such hunting and training requires the adoption of rules to govern such hunting and training. And that is why we are all here today on this Board Order.

Attached to his testimony is a letter from the WWF sent to Secretary Stepp after the recent court preliminary injunction in which they state "...the Federation is greatly concerned about the affidavit testimony submitted by the plaintiffs in the recent litigation. It is their belief that the affidavits present an inaccurate and unfounded presentation of the consequences of hunting wolves with dogs in the state. WWF and he suspect other hunting organizations are willing to assist the department in presenting a more accurate and balanced perspective on the hunting of wolves with dogs. It appears Judge Anderson would welcome hearing the other side of this issue. Please let WWF know if their help is welcome to advance the other side of the story." They continue to extend their hand to the department and this Board to assist in developing reasonable regulations governing wolf hunting and training with dogs.

Experienced houndsmen in the Federation like Dick Baudhuin and Corky Meyer are willing to share their advice and counsel. They do not question the sincerity or demonize many who oppose hunting wolves with dogs but do seriously question their experience and knowledge of hunting predators with dogs. The Federation is very willing to assist in filling that knowledge gap. **(Handout)**

Mr. Cole asked Mr. Fritsch as to whether WWF surveyed the membership of the WWF.

Mr. Fritsch asked Mr. Cole to clarify as to what issue.

Mr. Cole stated on this particular issue.

Mr. Fritsch clarified, on support?

Mr. Cole stated yes.

Mr. Fritsch stated the support was brought up at their last annual meeting and they stand in support of the proposed Act 169 and they did. It also was supported by the executive board of the WWF.

Ms. Wiley asked Mr. Fritsch whether there was much discussion on hunting with dogs.

Mr. Fritsch stated yes there was. It is a very controversial issue. There are pluses and minuses yet we felt it was their position and they still support their original position to support the act as written.

Chair Clausen asked whether Rad Watkins or Larry Murphy were in attendance. They were not so he continued with Dick Thiel.

17. **Dick Thiel**, Tomah, representing self. He stated that wolves are a wildlife resource and should be treated with the same respect sportspersons apply to other game animals. He appeared today once again to appeal to the Natural Resources Board to incorporate into this wolf hunt

some modicum of respect for this animal. Hound hunting is not crucial to the goals of Act 169 to reduce the Wisconsin wolf population and provide recreational opportunities for hunters and trappers. Use of hounds in hunting and training will result in bodily harm, pain and death to wolves and privately owned hounds precisely because of the unpredictability of the situation. He has reviewed all the DNR's 192 death dog reports and injured dog reports. His judgment of those reports is as follows:

- (A) It is inappropriate to allow training during the pup-rearing season (April through September). Intrusions by hound packs will be challenged by resident wolves not because they eat dogs because they are hungry but because they are territorial and are protecting their pups. This will likely increase injuries to wolves and dogs and may likely lower pup survival rates. Adopting the 365-day coyote training period is far too excessive. Training confined to a one week period immediately following the Deer Gun Season would eliminate these conflicts and would also minimize conflicts with trappers who will likely begin their activities once pelts prime in December – January.
- (B) Specifically to training. The number of hounds used in training should be limited to 6. Individual hounds should not be changed out as this gives unfair advantage to hounds and exhausts wolves. Again, constituting unnecessary harassment of wolves.
- (C) Training should be confined to daylight hours.
- (D) Trainers may not use caged captive wolves, injured wolves for training hounds.
- (E) Hound hunters training or hunting should be required to carry back-tag identification. This is required for other types of dog training trials and for hunting deer.
- (F) Hound hunters should be required to receive certified training. This is not precedence setting. The WI Trappers Association – in cooperation with the DNR – holds mandatory trapper education classes for first-time trappers; it is presently sponsoring voluntary courses for first-time wolf trappers. And throughout the 1980's and 1990's first-time wild turkey hunters attended special training courses.
- (G) Hounds must be confined to leads and/or leashes and controlled by hunters at all times while training or hunting wolves.

It has been demonstrated that the Natural Resources Board does indeed have the authority to impose reasonable restrictions on training on hounds, which are necessary to prevent animal cruelty violations in contravention of the statute's track and trail directive, the Agency will be flying in the face of Dane County Circuit Court Judge Anderson's ruling.

Please recall, if you will, the following. It is something he takes very seriously.

We strive to protect and enhance our natural resources;

To provide a healthy, sustainable environment and a full range of outdoor opportunities.

To ensure the right of all people to use and enjoy these resources in their work and leisure.

To work with people to understand each other's views and to carry out the public will.

And in this partnership consider the future and generations to follow. Reflect on these words

Natural Resources Board Members. It is the Mission Statement of the WI Department of Natural Resources. **(Handout)**

Mr. Kazmierski asked Mr. Thiel as to whether he has ever been in a hound hunt such as bear.

Mr. Thiel stated no but he has been around them.

Mr. Kazmierski clarified that he has never owned or trained them.

Mr. Thiel stated yes.

Mr. Kazmierski stated you were kind of the expert witness for the plaintiff's and he was curious that in his affidavit to the court that says you returned to provide expert consultation for plaintiff's attorneys Habush and Habush during the promulgation of the rules back in July. Were you on retainer at that time?

Mr. Thiel stated no, not then.

Mr. Kazmierski stated that in your sworn statement here it says that at that time you were.

Mr. Thiel stated that probably in July sometime when that first meeting happened. But that was a meeting. Incidentally, he is not making any money on it.

Mr. Kazmierski stated you seem to have a change of heart. Now you are willing to allow the use of dogs for hunting wolves?

Mr. Thiel stated no but I know where you are going.

Mr. Kazmierski stated he is just listening to the testimony that you just presented and it parted there from no dogs at all to hunt wolves.

Mr. Thiel stated that is correct and the reason why is that no one can ---?--- with the Natural Resources Board so he is trying to provide some responsibility.

Dr. Thomas questioned Mr. Thiel as to where the Board is headed, she is not sure herself.

Mr. Thiel stated that is good because everyone is confused. There is a statutory law and you are here today he presumes to figure out hunting and trailing with hounds. If you cannot eliminate that, then he is offering these suggestions.

Mr. Kazmierski stated you also mentioned in your affidavit and it keeps popping up that there is a human threat to allowing the use of dogs. Can you explain what the human threat is?

Mr. Thiel asked Mr. Kazmierski whether he had ever seen a canine fight.

Mr. Kazmierski stated no.

Mr. Thiel stated he knows wolves and he is not an expert or calls himself one. He does not believe in the word expertise. He has spent 40 years of his life working with wolves in the state of Wisconsin. He can tell you that when wolves fight, it is unbelievable. Fighting is different than preying. There are two different things. The mechanism is different. As with coyotes, the tools - the teeth are the same but the motivation is different. Fighting is something that is absolutely unbelievable to witness.

Mr. Kazmierski stated but that is the wolves fighting but he wants to know about the human risk because there is no incidence of humans being attacked by wolves in WI.

Mr. Thiel responded that there are two cases in North America where wolves killed people. It is not a far step from ones imagination that in trying to pull dogs apart from a pack of wolves that someone is going to get hurt. Do we really want to engage people in harms way? He is not saying that people are. The question is public safety. Do we really want to engage in putting people in harms way? We cannot predict the outcome. We can make an assumption that if you have two different canines fighting for possession of something, and in most cases of the wolf it is not food. When they kill something they eat it and there is a good reason for it. Pups are idiots and are hungry all the time. Once mom and dad kill they will leave it for the pups and they can strip it down really quick. It is not the pups to his knowledge killing dogs. It is the adult wolves. You are promoting these kinds of violent conflicts over territory. Wolves are just ferocious in terms of constant turf protecting. You are asking for trouble by putting these two species together.

Mr. Kazmierski stated that also in your affidavit you stated that the time from late December through March are when wolves are really aggressive.

Mr. Thiel stated for a different reason.

Mr. Kazmierski stated because it is breeding season. Statistically, there has only been one dog killed during that time period in the last two years. Most dogs are killed during the summer months. His question to Mr. Thiel was what data did you use to support that that was the timeframe because there are a lot of dogs out there at that time of year with coyote hunting, bobcat.

Mr. Thiel said from wolves on wolves. We know wolves are very aggressive during breeding season. Incidentally, canis lupis is related to canis familiar which is the dog. They do not care if there is a distinction or not. If you are putting dogs into the fray during the peak of breeding season, you are just asking for trouble.

Mr. Kazmierski stated we currently do that now with the coyote season and the bobcat.

Mr. Thiel stated your bear hunters and your coyote hunters explain, they are usually not chasing wolves. Not at that time. Now they will be chased.

Mr. Kazmierski stated the dogs are in the woods at that time, certainly, and we have not had a significant amount of dog depredation during that time period.

Mr. Thiel assumed that once you start chasing at that time, you will see it pick up.

Incidentally, he would hope the Natural Resources Board going forward, makes sure they keep statistics so that they can be evaluated because there are open gaps in this. To do otherwise is absolutely criminal to not collect data on this hunt.

Mr. Cole requested the two wardens approach the podium and state their names.

Chair Clausen then requested Tim Andryk approach the podium.

Pat Novesky, warden out of Three Lakes, stated he covers Forest County and Oneida County.

Andy Dryja, warden out of Langlade County, stated he handles multiple dogs, virtually his whole life. He is 36 years old. He has been in law enforcement full time with the DNR since 1999. He graduated from Stevens Point with a resource management degree. He has been around for a little while.

Mr. Cole asked Warden Dryja to talk to the group about circumstances that may present themselves with dogs on wolf and how a person who is knowledgeable about this practice would react to what they find in the woods knowing that there is a lot of things that could occur at the end of that hunt. He asked to hear the warden's opinion about dogs on wolves.

Warden Dryja stated he would try to think of a best way to present this. There is not that many circumstances that could present themselves. As it is with raccoon hunting, bobcat hunting, coyote hunting, bear hunting, animals are unpredictable. When you use your hounds, you know pretty much what is going to happen for the most part. He stated he would take a step back and talk about what happens. In Langlade County when there is snow, there is not a road that is not checked all winter long. There are hunters out there. They are going to find the track. They are going to let their dogs go. Typically, when he bobcat hunts, he only takes two or three dogs. If he takes too many, it is going to screw up the trail. What he wants to do is let one or two dogs go. He is going to let those dogs cold trail which means somewhere between the start of the hunt and the wolf. It is complicated, but they are going to cold trail this animal until they catch up to it close enough. When they do that it is called jump. They are going to jump that animal, they are going to get it out of its bed, they are going to get it moving around. What the hunters try to do, is in order to harvest that animal they are either going to add dogs to push it faster or in the direction they want and the other thing that is going to happen is the hunters are going to try to get around and cut those dogs off or the animal pursuing. Then it is shot. All right?

The way trailing hounds originally were bred is they bark. They are barking telling the hunter what is going on. Today with technology, telemetry, and GPS collars you do not necessarily have to recognize all those barks because you can look at your handheld GPS and you can see everywhere the dogs went. It actually makes some average hunters some very good hunters now. It is true. A lot of guys used to pride themselves on what their dog sounded like. That is not as important anymore but it is still key because when you hear those dogs coming through the woods, that tells you the direction of the animal and where you need to be to harvest that animal. What is going to happen is the wolves are either going to run, they are going to stop and get bayed up. Depending on where the hunters are, as in a coyote hunt, they are going to cut that wolf off and get a shot at it and if they do not they are either going to pull dogs or add dogs depending on where it goes. If they stop, the hunter is going to try to get in there and shoot that wolf. If they do not, sometimes what will happen is if when you are walking in like a cat, a bear, or a coyote, they know you are coming and they get out of there. They run again. He does not really see where the complications would be coming from. There are not that many outcomes. He could tell you particularly he looked into situations of an actual wolf hunt. We have not had a legal wolf hunt in the state for a long time. What we have had is in Jefferson County and Rock County some individuals who were coyote hunting incidentally ran wolf and did not realize they ran wolf and shot and killed the animal. The wardens thoroughly investigated it. They seized the animal. They documented those cases and guess what? No one else got hurt.

Dr. Thomas stated to Warden Dryja that the Board is sort of in-between a rock and a hard place here. We have legal and popular forces on one side that say we do not have the authority or it is not necessary to do any restrictions on training and trailing with hounds. Then we have legal and popular forces at the other end of the spectrum that say you must do this or the hunting cannot go on or there will be additional challenges. The Board is somewhere there in the middle of this mess. Mr. Thiel presented a list of things that, she is not going to ask you

about all of them because some of them are not in your expertise, but a list of things that are suggested restrictions and with your warden hat on and your houndsman hat on, and feel free, either of you. One of the suggestions is that houndsmen should not be able to change out their hounds during the hunt. What do you think about that?

Warden Dryja stated that basically you have to understand what changing out means. If you use the word changing out. He thinks statutorily they use the word replace in the context of bear hunting. What that means is you can add fresh dogs to a chase up to six dogs bear hunting but you have to catch those other dogs off the chase before you can add. It is not where you can just continue and add in dogs. You have to physically catch those other dogs before you can put new dogs out.

Dr. Thomas questioned whether “replacing” is the common practice in bear hunting.

Warden Dryja stated yes. It is a very common practice in coyote hunting or bobcat hunting.

Dr. Thomas then asked for his comment on training being confined to daylight hours, from a warden standpoint.

Warden Dryja stated to him, it does not have any bearing on what an enforcer would do. You can train day or night on coyotes. You can train day or night on raccoons, you can train day or night on mountain lions right now. A lot of people do not understand that. People do.

Dr. Thomas then asked about hound hunters training or hunting should be required to wear to carry back tag identifications like back tags for deer hunting.

Warden Dryja stated he does not have a specific here but there was a time when the department went having back tags with bear hounds. That rule has since went away and it was always a constant complaint from the hunters to have to wear that back tag. It has went away. He did not really see any consequences either way. It has not hurt law enforcement.

Dr. Thomas then asked, on a couple thoughts she had, as for the potential of asking Houndsmen, in addition to their telemetry and locational collars, to have electric collars that are used for bird hunting on their dogs. It is one thing to locate but another thing to control.

Warden Dryja stated the in the context of hunting wolves?

Dr. Thomas stated yes.

Warden Dryja stated the only time he uses shock collars is when he has a young dog because he wants to straighten him out and make sure he is not going off game. He works with his dogs quite a bit. He knows what they are doing. He puts bells on them in the winter so he can hear them in case they are not barking. He did not think it to be unreasonable to say you have to put a shock collar on a dog. He did not know.

Warden Novesky stated that he did not know what the intent would be of who would want to put a shock collar on a hunt like that if they are thinking the dogs get too close to their quarry that they can shock the dog and call them off. Dogs get wise to shock collars. Some of them are not that good. He does not see any value in something like that.

Dr. Thomas stated the Board is being asked by some forces to look at what are things that will ensure there is not animal cruelty and you know, it is hard for her to image that leashing your dog is an effective way to hunt wolves and she was looking to try to figure out other ways that could demonstrate the hunter was able to control their dogs. Somebody just told them that they tackle the dog in order to call it off.

Warden Novesky stated that dogs are dogs. Everybody has had a dog that is a good dog and comes to you when call and there are other dogs.

Mr. Bruins stated that very little has been said as to the value of using dogs as to how it pertains to the success of the hunt. This department worked hard to get the wolf delisted so that we could control the number of wolves in the state of Wisconsin. He thought they worked very carefully to come up with a harvest quota that was right but based on some of the things he has read as to how the wolf populations have been controlled in other states, if we would disallow the use of dogs in the hunt, what is your best estimate it is as to how successful we would be at reaching quota?

Warden Dryja stated he did not want to speculate. He did not know. But what he can tell you from experience with hunting coyotes which is a similar animal, they get very wise to calling very fast. They also get very wise to trapping very fast you get a missed opportunity in the

harvest. He did not know why we would want to remove an additional harvest tool. It can be extremely selective and extremely efficient and he thought the selective part is very important. When you are calling wolves in and trying to trap them, you are not as selective. The houndsman is the most selective hunter in the world.

Dr. Thomas another question for the wardens. One of the things that the Board has asked the department to do over this next year is to gather a lot of data so we can fill in the gap on things we do not know. You said there has never been a regulated wolf hunt in Wisconsin and clearly not a dog hunt. As hound hunter's from this first season when gathering up data, how would you feel about having a neutral third party accompany the hunter and hounds on a hound hunt to record observations of what happens, whether there are wolf-dog interactions, let's say there may be a cadre of retired wardens that would be willing to volunteer for that activity in the interest of gathering data so that we could go forward to the second season definitively say to people, we went out on ten wolf hunts and there was not a single interaction of a dog and a wolf. We could answer that question if we did that. How would you feel about that?

Warden Novesky stated what he thinks you are getting at is whether the dogs are going to latch on to the wolf. Is the wolf going to latch on to the dogs and vice-versa? They already covered part of that when people bring these carcasses in to get registered because that is part of their job during the registration process is to look over that carcass and make sure that the story they get is actually what they see based on the evidence on the carcass. So if a pack of dogs grab the wolf and stretches it out and kills it, they will notice that during the registration process.

Dr. Thomas stated that if it comes in.

Warden Novesky stated yes, if it comes in.

Dr. Thomas stated you did not exactly answer her question about how he would feel about a neutral third party.

Warden Novesky stated he did not know. Every group is going to be a little different. There is going to be people that say sure, come along, and there are going to be other people that say they do not want anybody along. As far as from a law enforcement standpoint, he did not know if they have an authority to order people to tag along on a wolf hunt.

Dr. Thomas stated we could if we make it part of the rule.

Warden Novesky stated he did not know who would be qualified. These hunts are drawn out. You are talking about a hunt that is drawn out over several miles in wolf country which is pretty rugged terrain. It is going to be hard to have somebody with them to witness everything that happens during the entire hunt and that comes back to what we talked about with the wolves being you know, hunting with dogs, is going to be a good tool. Absolutely it is going to be a good tool if done legally with six dogs and one shooter. It is going to be a challenge in wolf country to get that one person in front of that chase to shoot a wolf. There is not going to be any danger of decimating the wolf population doing this legally.

Warden Dryja stated he understands the process on having someone tag along. He can appreciate that. He is looking at the practical aspects of having a physical person. He usually hunts by himself. He does not want anyone slowing him down. Especially young kids and things like that, he would take anyone anytime and like Pat said, it all depends on the group, the availability, the schedule, the timing, and that would be a very nice volunteer situation or program. He did not know if this should be ordered.

Mr. Hilgenberg asked that based on your area experiences, both as hunters and enforcers, if you had to set this program up, how would you have it set up?

Warden Dryja stated that is a very good question. He will try to tackle it. If he was going to set up a program like this, and a lot of thought and a lot of information has gone into it, and Warden Tom Van Haren has gone through it. He is our law expert and he has looked at this stuff and tried to maybe compromise or set up a best case scenario. He likes the way the season is structured. Their training seasons have been questioned by law enforcement. Not

just for wolf season because the guys do not know a whole lot about what we are talking about but the lack of framework on other animals leaves the door fairly wide open and if we do not establish a training season then it is basically a wide open training season without any restrictions. He does like how the wolf hunt is set up. The training, either we have to figure out we need additional rules on it or do we just allow it like bobcat season training where you can go out and train your dogs year round except for the leash law when in closure at certain times of the year. Same thing with raccoons, coyotes, and same thing with mountain lions. To establish anything further on the wolf training season, he did not think so.

Warden Novesky stated you are asking them to put on two different hats because he has six dogs in my yard that he wants to run as often as he can but at the same time he has to put his warden hat on. When he reads some of these things with training, there has always been loopholes in their dog training system. There are people that take advantage of those. For the most part, people are pretty good but like any, like it is trapping, deer hunting or whatever, they always have those people out there that are going to find loopholes and try to beat them. Guess that is what keeps them in business too, but when he reads some of the training laws he can see where some of those loopholes are going to pop up. He thought you need to regulate that somewhat. He did not have the magic answer for hunting with hounds.

Ms. Wiley stated she was going to ask the hard question, bear in mind you have your uniforms on. You are not here as private citizens, you made the choice to come here and wear your uniforms. Would you propose not hunting with dogs for the first year of the wolf hunting season so we can get a handle on the success rate of hunting and also have a chance to develop some reasonable hunting with dogs activities?

Warden Dryja stated we have reasonable activities now that are listed. He truly does. He is on a fine line here.

Ms. Wiley stated you are in a hard place because you are here wearing your uniforms so you have to speak the department line but you also have said you are both hunt with dogs.

Warden Dryja stated he is not sure what the department line is. He could do a dance here. He does not see the wolf season going forward as being a problem.

Ms. Wiley clarified with or without dogs. Either way.

Warden Dryja stated with trapping, with dogs, with calling, with all measures, legal hunters.

Warden Novesky stated he would agree with Warden Dryja on that. There is a lot of hype building up to this because we have wolf season now which everybody has been talking about for a long time, we have dog season which is one of the first ones in the United States so there is a lot of hype here. After five years, a lot of this might be a non-event. There is a lot of people out there with the impression they are going to grab their five gallon pail and flip it upside down and sit in the woods and shoot a wolf. It is not that simple.

Mr. Cole asked whether Attorney Andryk was available for questions.

Chair Clausen stated he has some questions or two and has been waiting until the end.

Mr. Cole asked whether he had questions for these guys or for Tim.

Chair Clausen stated for these guys and Tim. Last night the Board received a correspondence memorandum from Secretary Stepp. It talked about the dog training and that type of thing. In one of the paragraphs in here it says "as the department..." and before he started this, he stated he has been a lifelong hunter. He had beagles growing up. He spent hundreds if not thousands of hours hunting rabbits. In his youth he did a lot of raccoon hunting with hounds. He thoroughly enjoyed being out in the woods in the night and sometimes coming back the next day to find his dog. He had killed a bobcat using hounds. He has harvested coyotes and fox not using hounds but basically sitting out and calling or trying to walk them up and catch them during the breeding season.

He is not unfamiliar with this type of thing and on another aspect, he has been a veterinarian in northern Wisconsin for 47 years and said he has sewed up at least his share of dogs that had very serious injuries from bear hunting and occasionally those injuries

were fatal. So he had that perspective as a veterinarian. His impression here is, and this is going to get into an edgy area, but when the legislature authorized the use of dogs, they opened a Pandora's Box and brought aspects of things that we sometimes do under scrutiny that it may not have otherwise come in. As the department shared at previous NRB meetings, there is an animal cruelty law that would already apply to those intentionally causing their dogs to kill wolves. Are we authorized to enforce that law or is that a law because it is a 951 thing, is that something that would take a Sheriff or District Attorney to enforce?

Warden Dryja stated what he will explain there is not just a clear cut answer. Wardens have full police powers on state lands. On state lands wardens can enforce any and all laws in the state of Wisconsin. Wardens also have power granted to them called expanded authority. What expanded authority allows wardens to do is anywhere in the state, depending upon whether it is county land or federal land or private land, they see a crime in their presence they can deal with that. They have some protocol that they do, call the Sheriff's department and let them know what is going on, but to give them a badge and a gun and send them around and someone is robbing a Kwik Trip, and we have to stand there like this (twiddling thumbs), does not make any sense. Expanded authority is very important. Depending on the situation, they absolutely could investigate that. If the warden investigated under the statutory rule that says you cannot allow your dogs to kill any free ranging wild animals, we can be there for that. Wardens have to develop an intent of the situation. So if they would look at it, okay, what we thought was unintentional and moved to intentional, we investigated it anyway so why not just turn the file over to the District Attorney's office like we would do anyway.

Chair Clausen stated that this is where he was going. He was going to raise this under Board Members Matters but might just as well do it at this time. The next sentence says "the hunting rule the NRB adopted by emergency rule already makes it illegal to kill any game, including wolves with dogs, even if not intended." How often have you ever written a citation for that?

Warden Dryja stated never.

Chair Clausen said okay. Again, this is something that did not even occur to him. He has been well aware that in places like South Dakota and he knows people out there that do this who basically run down coyotes with their site hounds. That is common in several of the western states. It is not a particularly pretty thing when it happens. As this issue has come about and he has talked with other people. He has talked with two retired wardens from the northern area, both of whom had supervisory experience and are highly respected he believes, and a retired land leader from up there. These guys are all telling him that it is not at all uncommon for when the snow gets a little bit deeper for the hounds to catch and kill coyotes. He realizes he is putting the wardens in a difficult spot here. Have you ever looked at a coyote carcass to determine whether or not it was torn apart or whether it was shot?

Warden Dryja stated no. Coyote carcasses do not get registered.

Chair Clausen stated right.

Warden Dryja stated there is not sight tag. The hunters do not tag them. It is an unlimited species with no requirement for the hunter to bring the animal to the department. They do not look at coyotes.

Chair Clausen asked whether the statements from these two wardens and the land leader are erroneous?

Warden Dryja stated what he would say is with coyotes and with bobcats, if the snow gets extremely deep, your dogs can run down and catch them. That does not mean that they will kill them or shred them apart. It depends on the handler and it depends on the dogs. It depends on where the handler is.

Chair Clausen stated he had only one other question, for Attorney Andryk. Like he said, he thought Pandora's Box has been opened here and we may not have heard the last of this. He is looking here and he is almost thinking back to the day he attended the court hearing. If he goes back here to the page that says "we feel the permanent rule process is adequate to put dog training restrictions on wolves in place. The Judge has determined" Anyway, it says "the department questions the necessity to engage in emergency rules on this topic at this time." If that is the case, why did you even bring it forward?

Attorney Andryk stated the Judge told the department to. The Judge basically said that under

Act 169, the department has authority to promulgate emergency rules on wolves and told us to go back to the Board and consider it. The Judge said the department would be entitled to deference if the Board decides to make no additional changes or to make changes but the department needs to adequately...

Chair Clausen stated that basically, we have created a record here by fact that we discussed this and regardless of what we do on this, we have created that record.

Attorney Andryk stated yes.

Mr. Cole referenced the letter from State Representatives Suder and Moulton that was sent to the Board on the 24th, he asked Attorney Andryk whether they were right in their assertion.

Attorney Andryk stated that is going to be argued at their brief that we do not have authority to promulgate dog training rules in Act 169. The Judge disagreed with that. He felt that within the parameters of Act 169 it was necessary to promulgate rules on training and thus we have authority to promulgate rules for the wolf hunt on dog training on Act 169. So the authors of the Bill have weighed in and said that was not their intent and that the Judge is misinterpreting their intent and that Act.

Dr. Thomas asked whether the Judge's direction constitute an emergency.

Attorney Andryk stated it could.

Chair Clausen stated that like Dr. Thomas had stated earlier, we are between a rock and a hard place. We have a Judge and a public that feel this is a violation of the animal cruelty statutes. We have another group that feels that everything is just fine. His thought is that we are going to have a hard time coming up with any type of a rule that is going to be in any way acceptable to one group or the other. He ran this through his mind considerably and maybe even more than that. To him, it seems like if the legislature created something where there is some type of a conflict between the statutes, he thought it should be up to them to go back and revisit this thing and either alter the humane laws or alter the dog training laws.

Attorney Andryk stated he did not know if there was a real conflict between the human laws and the wolf legislation. Under the animal cruelty statute, as Warden Dryja pointed out, to violate that you have to intentionally release a dog for the purpose of fighting with a wolf or killing a wolf. There has to be intent. That is a criminal statute. There is a prohibition on a dog killing a wolf and again you can check regulations but it is already against the law for the dogs to physically engage the wolves. Under Act 169, dogs are used for tracking and trailing and not for killing and taking the wolf. As long as hound hunters, from testimony from people here and our wardens, are following best management practices as they described, in their opinion there is not going to be a violation of animal cruelty law with Act 169.

Mr. Kazmierski stated that in the Judge's order, he really did not tell us that we had to amend the training rule or not. He just said we had to consider it. He asked whether the Board has met the standard of considering it to this point, do you think?

Attorney Andryk stated that the Board has had a lot of information on this. A lot of testimony.

Mr. Kazmierski thought they were there already.

Attorney Andryk stated they are close. Like he said, the Judge said that it is up to the Board to decide whether or not to impose additional restrictions or not impose any. He said that decision would be entitled to due deference from the court if there was actual consideration as evidenced by the record.

Mr. Kazmierski stated that the reason he is asking, is that some of the written comments we got, one was by Adrian Treves. He said "the scope statement proposing emergency rules for training hounds lacks sufficient time for rule development of science-based rules to avoid violations of animal cruelty laws", so on and so forth. Okay. So it sounds to him like both sides are saying, hey, we need to talk about this and he thinks going the permanent rule route and going through the Congress and maybe getting some of these groups together. He has heard some common ground here today which we did not hear a lot of last time. Let us look at that for the permanent rule. If that still satisfies the Judge's Order, he is just wondering if that

is not a good way to good.

Attorney Andryk stated it could, in his opinion. He could not say which way the Judge would rule. He cannot predict it. He believes they are doing what the Judge told them to do.

Dr. Clausen asked Mr. Bruins to restate his motion.

Mr. Bruins restated his motion: He would like to move to remove from the recommendation to approve the scope statement the language that says “and also for emergency dog training rules under Act 169.”

Dr. Clausen clarified that Mr. Hilgenberg seconded that.

Mr. Hilgenberg stated yes.

Dr. Clausen asked Attorney Andryk to explain to him now, what the difference is between removing this from the language and just defeating the emergency rule portion.

Attorney Andryk stated his understanding of the motion is that you are bifurcating that scope statement. You are pulling out the approval to make additional restrictions to the emergency order, not approving that, but still going forward with the scope statement with a follow-up permanent rule in the permanent rule process. In essence, you would not be proposing additional restrictions for this season but you would be looking down the road in the future with the permanent rule restrictions.

Ms. Wiley asked what the restrictions were on it.

Mr. Cole stated they would need to develop them.

Mr. Bruins stated that is to be developed in the permanent rule.

Ms. Wiley asked whether Mr. Bruins whether he was accepting the emergency rule as is.

Mr. Bruins stated he is proposing to remove the emergency language which would put them back to the recommendation, the way he understood it, of being supportive of working towards the permanent rule and going through due process.

Dr. Thomas stated she understands that you cannot predict what the Judge is going to do. Even if you could, there would be no reason to have two attorneys on every case. Going back to Mr. Kazmierski’s question, have we actually considered this and decided that there is no point in going forward right now because there is not enough time to do an adequate job of going forward. That is one conclusion we might have come to. We could have come to the conclusion that no violation of the animal cruelty is happening under the current situation and that is a different reason for coming to the conclusion of not going forward for emergency rule. Does the Judge care which reason we use or is it only that we had a deliberation?

Attorney Andryk stated he thought the Judge would look at your decision on whether additional restrictions in use of dogs are needed right now and if they are not needed. In the future, the follow-up permanent rule would be appropriate. If you feel they are needed now but you do not go forward, that would probably not be very favorable by the Judge. If you decide they are not needed now, and based on the record before you, you managed consideration of that record, he thought the Judge would be more inclined to give deference to that decision.

Ms. Wiley stated she still does not understand it and asked whether the motion was to vote on the emergency rule.

Dr. Thomas stated the motion is to vote to take it out so there would be no emergency rule.

Mr. Bruins stated it would be removed from consideration.

Ms. Wiley stated that if there is no emergency rule, the Board is allowing the rule to go through as it is with the option of presumably changing it later, correct?

Chair Clausen asked if the Board did that, would that automatically approve WM-01-13 or is a separate vote needed to do that?

Dr. Thomas stated she did not think the Board had not gotten to that yet.

Chair Clausen stated he wanted to make sure the Board did not get to that point yet.

Attorney Andryk stated he thought it was a separate rule. You have to have a motion and a

second first and then vote on the approval of that. If you approve the motion, then you would be pulling out the part of the scope statement dealing with the emergency rule so that you vote on that scope statement, you are just voting on permission to process for the follow-up permanent rule but not for initiating emergency rules.

Ms. Wiley stated to Chair Clausen that she was going to the quick on this and that it can be voted down if you like.

Chair Clausen stated there is one motion already.

Ms. Wiley stated she will suggest an amendment to it.

Chair Clausen said okay.

Ms. Wiley MOVED to amend the emergency rules that no dogs may be used for hunting wolves beginning November 26, 2012, and ending February 28, 2013, so the department has time to carefully access the humane and sensible dog training and dog hunting rules for implementation during the 2014 hunting season.

Mr. Hilgenberg stated this is contrary to the motion.

Ms. Wiley stated that is right. It is indeed. You are accepting the whole thing and I am making an amendment to a portion of it.

Mr. Hilgenberg stated it is contrary to the motion.

Dr. Clausen asked for clarification on Robert's Rules of Order from Attorney Andryk.

Attorney Andryk stated you would have to vote on Ms. Wiley's motion as a separate motion first and then get to Mr. Bruin's motion.

Ms. Wiley called the question.

Chair Clausen asked whether there was a second.

Mr. Bruins asked for clarification of Ms. Wiley's motion.

Ms. Wiley stated it would remove dog hunting from the current hunting season.

Mr. Bruins asked which proposal goes first.

Ms. Wiley stated that the amendment goes first.

Chair Clausen stated that if we have a second, then Ms. Wiley's motion is on the floor.

Ms. Wiley's motion failed due to the lack of a second.

Mr. Bruins clarified that the Board is now back to discussing his motion, correct?

Chair Clausen stated correct.

Mr. Bruins stated that if the Board could take a step back here. The department worked hard to get the wolf delisted so that we could control the wolf numbers in the state of Wisconsin.

Subsequent to that, the legislature acted and gave us a directive to establish a hunt including the use of dogs. In mid-summer, when did we meet, in July?

Mr. Cole stated July 17.

Mr. Bruins stated July 17, after reading hundreds of emails and listening to forty-some different people testify, we had a very good discussion and at that particular time, the Board voted to allow the hunt with parameters that were presented to them by the department. Subsequent to that, some animals rights groups had petitioned the courts to not allow the hunting of dogs. We have a judge's ruling but this whole thing is very fluid, it is not totally through the court process yet. So in his estimation, we are still under the directive of the legislature. That is why he made this motion. He is fully supportive of developing the permanent rule as to how dogs can be utilized in the hunt but to put something in emergency status with how fluid the situation is, he thinks it is foolish for them to go there.

Chair Clausen corrected Mr. Bruins that he should say animal humane organizations.

Mr. Bruins stated animal welfare groups, animal rights groups, however you want to phrase it.

Chair Clausen stated welfare and humane are preferable.

Chair Clausen asked for a roll call vote on Mr. Bruin's motion to remove the emergency dog training rule.

The motion carried on a roll call vote of 6 - 1

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

Chair Clausen stated the Board has made a record and it makes little difference what the Board does on this one way or another on this particular part of it.

Chair Clausen then stated that they are dealing with the main motion. Part of this is not controversial. Part of it is controversial. He would like to take this in two parts. One is the scope statement for WM-01-13 minus the rule proposal for the permanent rules for dog training and then the Board will vote on the dog training part. Otherwise, it will be confusing. He would hate to hold up the scope statement for the first part of it if there is controversy on the second. Unless someone has some serious objections about that, that is the way he would like to do this. Is there a motion to approve WM-01-13 scoping statement for the spring hearing rule proposals minus the restrictions on dog training.

Ms. Wiley MOVED approval, seconded by Dr. Thomas, of the 2013 Wildlife Management Spring Hearing rule proposals. The motion carried unanimously.

Chair Clausen stated the Board has latitude to either turn this down or not take any action on it. The Board can pass this as part of WM-01-13, or the Board can request that it be made part of Act 169 and be considered with the rest of the wolf hunting rules.

Dr. Thomas stated she does not understand the difference.

Chair Clausen stated that the difference is if the Board does this through the spring hearing it will be through the spring hearing process and will be an essentially isolated or separated issue and may not be compatible if we get one result or one answer there and the Act 169 process in developing the permanent rules goes forward on another track. The Board could end up with something that is not compatible. That is the point he raised.

Dr. Thomas asked whether the spring hearing is just one more way to gather public information.

Mr. Bruins stated that if taken under advisement, yes.

Chair Clausen asked whether there is still a chance for other input on this thing. He supposed that before they adopt it, there is.

Attorney Andryk stated yes. There will be public comment on the permanent rule. Obviously we will have to come back to the Board with the request to go to hearing and then when that happens, the public comment period begins, we publish a notice, set up the hearings, and there would be quite a bit of opportunity for public comment.

Chair Clausen asked whether there was a motion to approve this as part of the permanent rule.

Mr. Kazmierski MOVED approval, seconded by Mr. Bruins of the restrictions on dogs in tracking and trailing wolves.

Dr. Thomas stated that what she would like to know is, however, if what is written here, is it broad enough so that this whole list of ideas that have been written out by various people will be considered. In other words, are we going to get to next year and the department is going to tell her, well you did not tell us specifically x, y, or z was in here so now we cannot consider that.

Attorney Andryk stated that Kurt Thiede has been dying to get into this conversation.

Mr. Thiede, Lands Administrator, asked to butt in to the conversation. He stated that part of the way that the Scope Statement has been written has been intentionally broad for wolves. Basically everything that was discussed today is still on the table for consideration that would go into those

rules. The other thing that he would add is for his own clarification, going through the spring hearing process, if that is the decision that is made, typically the spring hearings in addition to the input that is received at those hearings, they also do collect information, and written comments. We also provide that summary to the Board at adoption. He wanted to provide that.

Ms. Wiley stated that if they voted for this, we would be approving it for spring hearings.

Mr. Thiede stated he would need some clarification. Is this your motion, Dave?

Mr. Kazmierski stated he made the motion.

Mr. Thiede stated if you approve that then basically you are including it as part of the spring hearing rule process and then they would be coming back as communicated in December 2012 with the wolf proposal to take to the spring hearings in April 2013.

Chair Clausen asked for further questions, if not, he called the question.

The motion carried on a roll call vote of 6 - 1

William Bruins – Yes

Preston Cole – Yes

Christine Thomas – Yes

Jane Wiley – No

Terry Hilgenberg – Yes

David Clausen – Yes

Greg Kazmierski – Yes

Dr. Thomas stated she would like to make a suggestion. Part of why she voted to take out the emergency rule but to still go forward promulgating the rule, was that she thinks they will learn a lot this year. We have had a lot of testimony that says there are going to make dog-wolf interactions and we have had a lot of testimony that states there is not going to be any dog-wolf interactions. She personally decided to come down on the “we do not have evidence” to tell us for sure there is going to be a problem this year. But, we could know some things next year that we do not know now. When she suggested her crazy idea of a third party going along with whomever has wolf tags who might be hunting with dogs as a voluntary program. She is making a suggestion to both the department and the hound hunters out there that if any of you have or know people that get wolf tags who want to do it this way, it would really help. If we are not worried this is going to be a problem, it would really help if we had some folks who do not have a dog in the hunt who went along. Invite someone to go along and see what happens so that we actually have some documentation next year to fall back on. This is just a suggestion.

Mr. Hilgenberg asked whether it is appropriate for the Board to ask staff to do an automatic survey of all the hunters that are successful.

Mr. Thiede stated they are not done with the wolf topic today. They have an information item later today on the information they will be collecting. The intent is to follow-up with a questionnaire from successful wolf hunters. In addition to the data that we will be collecting upon registration and though phone-in, there will be opportunity to collect information.

Ms. Wiley asked to follow-up on Dr. Thomas’ suggestion, and suggest that she would hope that the hunters would not preselect based on age, sex, sexual orientation if you will, or anything else in terms of who they invite to go hunting. She believes she could stand up and run with anybody.

Dr. Thomas stated this sounds like a volunteer.

Ms. Wiley stated, yes, she is volunteering.

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

Mr. Kazmierski MOVED approval, seconded by Ms. Wiley. The motion carried on a roll call vote of 7 – 0.

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 1:00 p.m. Chair Clausen reported that during the Executive Session no action was taken.

Dr. Clausen MOVED the meeting to agenda item 4.A.

- 4. Citizen Participation
- 4.A. Citizen Recognition
- 4.A.1 Comeback Champs – Karner Blue Butterfly Program

Matt Moroney, Deputy Secretary, stated today he would present the Comeback Champ Award to Robert Welch and posthumously to his wife Debra Martin. These two individuals played a vital and continuing role in the recovery initiative for the Karner blue butterfly, from its listing on the federal register in 1992 right up to the present day. In the early formative stages of the Karner blue butterfly HCP Partnership, long before DNR started a Karner recovery program, Bob and Deb met frequently with Dave Lentz, the HCP Coordinator, DNR biologists and university researchers to evaluate Karner habitat needs and helped define the characteristics of the Karner range in Wisconsin.

Bob, a middle school teacher at Waupaca, used their property as an outdoor laboratory for years, teaching young student scientists about oak and pine barrens communities, and especially about the Karner blue butterflies. Known officially as the Waupaca Biological Field Station, their outdoor classroom hosted hundreds of young scientists over the years. Following Debra's passing in 2010 Bob has continued their lives' work at the Waupaca Biological Field Station. He continues to mentor students in the biological sciences, and he provides advice and assistance to neighbors in restoring barrens and Karner blue habitat in the surrounding area. For their long and outstanding work in promoting and practicing the recovery of the Karner blue butterfly and the restoration of the barrens community in which they live, Robert Welch and Debra Martin have been commended by Governor Scott Walker as the Wisconsin Department of Natural Resources' August 2012 "Comeback Champs".

Dan Baumann, West Central Regional Director accepted the recognition on behalf of Bob Welch. He will find time for the land division, wildlife, to present this to Bob sometime in the next few months. Thank you.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

- 4.B. Citizen Participation
Public Appearances

1. **Kelly Jacobs**, Town of Lincoln, representing Eau Claire County Land Conservation Division. *Topic:* Overview of their efforts in Eau Claire County and their updated Land and Water Resource Management Plan.
She stated they mainly assist private landowners with management to their lands, an important role they play here as well as protection of the natural resources. She reviewed a variety of the programs they manage which she summed up in three sections: land conservation planning aspect to their programming, water quality protection, and land preservation. She invited the Board to join them at the 5:15 p.m. land conservation commission meeting tonight. They are currently in the process of developing and improving their land and water resource management plan. She discussed NR 151 compliance and the performance standards. This is one role they would like to partner with the DNR and DATCP, and other agencies that have an interest in that policy. She was glad the Board took a look at a sand processing plant yesterday and understand the Board heard from residents and citizens in this area about their concerns of frac sand mining. That is one of the land uses they work with. Eau Claire does take a proactive approach to try to prevent any issues before they become issues.
2. **Heather Andersen**, Town of Auburn, representing self. *Topic:* Problems associated with the destruction of our land at the hands of the frac sand mining; giving examples

of the everyday problems we are encountering; the lack of the ability of our DNR agents to address these problems because of the reduction of staff/the implosion of mines; are there solutions to these problems/where does the 'buck' stop or, "Who, really, is in charge of compliance of the regulations on the books?" Follow through by the DNR staff when reporting problems or lack thereof.

She stated that she has worked on sand issues for three years in her township. When mining companies come into an area to convince citizens they will be good neighbors, they often bring someone who has backed the mining operations in a different area. Unfortunately, they have a personal interest in promoting the mining agenda. They do not offer any information on problems facing people living in this area. 13% of their township's land base is in mining. She lives three miles away from two operating mines. There is dust everywhere in her home. She passed around pictures of this dust blowing around the mines. It is the dust you cannot see that is dangerous. This is referred to as respirable crystalline silica. The Board took a carefully orchestrated tour of a sand mine and plant yesterday. You have been exposed to this. It is the dust, the glue that holds the sand together. She then read from the DNR's Best Management Practices of fugitive dust. It states that the standard for fugitive dust emission quantification is by visual observation. If visible dust emissions are observed, they need to be suppressed. This is not happening.

3. **Mike Robers**, Exeland, representing self. *Topic:* wildlife damage program in regards to bear & the problems related to wolves & the wolf hunting season.

He is a Sawyer County dairy farmer. He talked about what a dairy farmer does each day. He stated it is difficult for a farmer to check bear traps each morning. He pointed out that they do this from about mid-July to the end of September and maybe into October. He has about two to three traps on his farm. He and his son have land that is as far as six miles to the north and eight miles to the south. You can easily blow up to one hour and one half checking traps each morning. It is at the harvest time of the year which makes it even more difficult. Along with the gas and their time, this gets to be a pain. He believes that trapping is very inefficient. Most bears come back within several weeks. Back when they were tagging bear, they had a lot of bear come back after several weeks after being moved. They would be shot either on nuisance tags or during bear season. The expense of trapping as far as hiring guys from APHIS is at a phenomenal expense. The farmers in his area feel that money would be better spent paying farmers for their crop damage. Corn is \$8.00 a bushel. Beans are \$16 a bushel. They would sooner get paid for the damage and maybe a little more for their time rather than have these guys running around and not accomplishing a whole lot. He then suggested that more wolves be killed because they are causing lots of damage. The DNR is behind on depredation claims. His solution for the bear problem is they need more crop damage tags and ease to get them. They would also like to see the DNR start the season earlier which might take some of the pressure off their crops. **(Handout)**

Discussion followed on how many acres Mr. Robers farms, the number of bears he trapped and how many he shot, and that trapping on his farm has been ineffective.

4. **Tom Winiarczyk**, Exeland, representing self. *Topic:* wildlife damage program in regards to bear & the problems related to wolves & the wolf hunting season.
He was not in attendance.

Chair Clausen moved the meeting to Agenda item 3.C.2.

- 3.C.2 Request approval of the statement of scope for Board Order WT-17-12, proposed rules affecting the creation of NR 119 related to the development of site-specific numeric phosphorus water quality criteria for lakes, reservoirs, and streams

Ken Johnson, Water Administrator, first recalled where they had been as a department. In July, 2010, this Board approved new statewide phosphorus standards for rivers, lakes, and streams. That action established Wisconsin as a leader in nutrient and phosphorus control. Today, Wisconsin remains the only state in the union that has phosphorus standards for rivers,

lakes, and streams. They are now in the business of implementing that rule. He then discussed what the department could do with implementation such as extended compliance schedules, trading with agriculture, a new concept called adaptive management, economic variances, and lastly, the department could go through site-specific phosphorus. This is already allowed within NR 102 but it is allowed by rule so you can only establish that by specific rule. The department believes that the rule process established in 2010 was based upon best available science and good data around the state. In NR 119, the department is proposing to adopt a standard process that will take them to an endpoint. The process would be laid out before the industries and municipalities. In conjunction with that, there would be public hearings and EPA approval of that site specific standard.

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

Public Appearances:

1. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director. He stated they have a strong interest in phosphorus and are supporting this rule. It is another way of providing a site-specific response. WWF has many fishing groups that belong to the Federation. One reason we came up is to applaud DNR's continuing efforts on this issue in the state. Secretary Stepp has taken a very strong approach. Deputy Secretary Moroney has done some excellent work in protecting the rule. Also to recognize, if you have not read it yet, the economic study that has been done shows the benefit of regulating phosphorus for protecting our lakes, streams, and reservoirs. For every \$1.00 spent in dealing with phosphorus, the benefits are \$23.00. Sportsmen get it.

Dr. Clausen stated that he had an extensive conversation yesterday with Ken Johnson about his concerns. As long as EPA is going to be involved in the process and approve it, he does not have an issue with that itself. He did talk to Mr. Johnson of the fact that 1,000 hours' worth of staff time would be used to do administrative rulemaking to avoid doing administrative rulemaking. He seriously questioned whether or not when our phosphorus rule was conditionally approved by the EPA, that they said it was approved in light of a list of items. One of those things was the anti-degradation or the back-sliding provision. He questioned whether it may have been a better use of staff to put some of that staff time to anti-degradation. He requested that the department report back in a month or so as to where we are with the anti-degradation issue and how we are going to deal with that.

The motion carried unanimously.

- 3.C.3 Request approval of the statement of scope for Board Order FH-18-12, recreational fishing regulations on inland, outlying, and boundary waters

Kate Strom Hiorns, Fisheries Policy Specialist, reviewed the following proposals: allow trolling on all inland waters using 3 hooks, baits, or lures; move the northern bass zone boundary east to Highway 13; restrict the use of lead tackle on Escanaba, Nebish, and Palette lakes in Vilas County; allow taking rough fish within 200' of a fishway, lock, or dam; and propose new language to allow alternate bag or size limits under certain conditions that are set in code. **(PowerPoint)**

Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg.

Discussion followed on whether rough fish could be taken with archery.

The motion carried unanimously.

- 3.C.4 Request approval of the statement of scope for Board Order FH-19-12, housekeeping corrections, clarifications, and updates to outdated code regarding fishing in inland, outlying, and boundary waters

Kate Strom Hiorns, Fisheries Policy Specialist, stated that these changes are mostly corrections in code or making adjustments in response to legislation that has gone through this past year. One

of those being legislative changes to the Natural Waterbody Permit Program. The code is changing to match those changes. She then noted proposed changes to: the WI-MI boundary waters to make it consistent with MI's regulations; changes based on legislative changes to allow a free fishing weekend the 3rd weekend in January; whenever bow and arrow fishing is allowed, you could use a crossbow as well; and added Asian carp to the definition of rough fish. There also were legislative changes to remove the requirement to have a minimum harvest for commercial fishing license in NR 25. She then reviewed additional changes as follows: No possession limit for food distribution services; ice shelter labeling rules same on inland and boundary waters; and to extend an existing fish refuge on Wingra Creek in Dane County. **(PowerPoint)**

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

Mr. Kazmierski asked whether he should make a motion to add an amendment to wherever spearing is allowed for rough fish, it also includes bow fishing.

Mike Staggs, Fisheries Management Bureau Director stated this is a law enforcement issue.

Tom Van Haren, Administrative Warden stated that was discussed with this proposal and was intentionally kept it out. The reason was for safety. Below these dams a lot of people congregate. If we have a lot of people shooting bows and arrows in those concentrated areas, it would be a safety issue. If they allow bow fishing during the day, state law says we have to allow it at night. The department would not have the ability to regulate it as far as the time and day they were shooting bow and arrows.

Mr. Kazmierski clarified that a lot of that would be done in the winter time.

Warden Van Haren stated this proposal was specifically for hand spears. Taking by hand for rough fish is only June, July, and August. The department did that to prevent people from taking fish below dams where they congregate during the spawning seasons. If the department allows bow and arrows, legislation says we also have to allow crossbows.

The motion carried unanimously.

3.D. **Budget**

3.D.1 **Request approval of the Department's 2013 – 2015 Biennial Budget, including Operating, Capital, and Environmental Improvement Fund Components**

Joe Polasek, Management & Budget Bureau Director reviewed the \$561.7 million budget by funding source, by expenditure category, and the 2012-2013 authorized positions by funding source. He then reviewed the Secretary's recommendations, the impact on authorized FTE positions, and modifications by budget change categories. **(PowerPoint)**

Steve Miller, Facilities and Lands Bureau Director, summarized the external review and approval timeline. He then reviewed the six-year facilities plan from 2011-2017, capital budget issues and policies, the priority category system, proposed funding by program, proposed major projects, conservation infrastructure update, and expanded property access. **(PowerPoint)**

Public Appearances:

1. **Ralph Fritsch**, Townsend, Wisconsin Wildlife Federation (WWF) Committee Chair spoke in support of the items listed in today's budget request. They strongly support the request of the Wisconsin Trappers Association to fund a permanent position for the Trapper Education program. Wisconsin trappers are willing to pay for it. They also support the position of the Wisconsin Federation of Great Lakes Sports Fishing Clubs asking that hunting and fishing license fees are not used to subsidize the commercial fishing program in Wisconsin. These funds should come from General Purpose Revenue dollars. Both requests were supported by the WI Conservation Congress. He then requested formal documentation of the services that have been lost to Wisconsin hunters, anglers and trappers during the 2011-2013 biennium and

those that will be lost in the 2013-2015 biennium since there has not been an increase in funding for the Fish and Wildlife account. **(Handout)**

Discussion followed on clarification as to whether WWF was asking for a fee increase.

2. **George Meyer**, Madison, representing Wisconsin Trappers Association (WTA). He stated the trappers in this state, whether they belong to the WTA or not, value a highly qualified permanent position to head the DNR Trapper Education program. Trappers are willing to pay for the half time position by an increase in their trapping license of \$2.00 per year for all adult trapping licenses. The WTA voted virtually unanimously for it at their March 2012 meeting. The WTA counts almost one out of five Wisconsin trappers in their membership. The Conservation Congress 2012 spring hearing approved the \$2.00 increase by a 2098 to 1162 vote. The WTA will strongly support this request before the legislature. If the fee, even if requested by the trappers, is a place where the Board and department cannot go, then they request the Board and department create the position and fund it through the existing Fish and Wildlife account. **(Handout)**

Discussion followed on justification for a ½ time position.

Mr. Kazmierski stated that when looking at this budget, he did not see a breakdown for Pitman-Robinson funds. It is difficult to see how these dollars are prioritized. He requested a review of Pitman-Robinson Funds.

Discussion followed on whether more people are willing to spend more money on a fee increase.

3. **Thom Gulash**, Manitowoc, representing WI Federation of Great Lakes Sport Fishing Clubs. He addressed a concern about a current expenditure from the state Fish and Wildlife account. Approximately \$350,000 of the Fish and Wildlife account is being diverted to pay for regulation and enforcement of commercial fishing in the state. This results in a major subsidy of the commercial fishing industry by sportsmen and women. The \$350,000 comes from the sale of 17,500 resident fishing licenses while commercial fishing licenses contribute only approximately \$13,500 to the account. They recommend that the 2013-2015 budget fund the regulation and enforcement of commercial fishing from funds other than the sale of sports licenses. **(Handout)**

Dr. Thomas MOVED approval, seconded by Mr. Bruins, and to authorize the Secretary to make technical adjustments if necessary.

Discussion followed on how much discretion the Board has in making these requests from the speakers, what the impacts would be, and where the money is coming from to pay for the Deer Czar Report.

Deputy Secretary Moroney stated it is still early in the budget process. The budget goes from here to the Governor and the Department of Administration for their review. There is opportunity to present a white paper on the major initiatives like the Deer Trustee Report. The department is in the process of putting a white paper together to give it to the Governor to consider. Based on instructions the department has, there is not a lot of wiggle room. You can fine tune around the edges and try to identify priorities and try to shift resources together.

Discussion followed on what would happen if the Board advocates a \$2.00 increase in a fee.

Deputy Secretary Moroney stated the department would put together a white paper.

Mr. Polasek stated that the Board has the statutory authority to modify what the Secretary presents.

Discussion followed on how time sensitive this decision is on the budget and whether it is the Board's responsibility to micromanage where the department should add or where the department should subtract.

Ms. Wiley MOVED, seconded by Dr. Thomas for the department to establish a permanent ½ time position for Trapper Education Position and to increase all adult trapping licenses by \$2.00 per year.

Discussion followed on whether the department should take a long-term look at all the license fees and what those fees are used for and have a whole discussion rather than piece meal.

Chair Clausen questioned whether this was a suggestion for the Board to have a legislative agenda that includes this.

Deputy Secretary Moroney stated that the WWF had made a request with the Secretary to do that type of analysis. Staff has been busy getting the budget documents done and have not gotten to that yet. The Board will be copied on this as well. The other thing the department is planning on doing is to invite groups in towards the end of October 2012 to talk about the Fish and Wildlife account and give them a detailed briefing about what it is and how it works so they understand it more clearly. Members of the Board will be invited to attend also.

Dr. Thomas asked that the department have a plan in place between now and prior to the budget address in February for the Board to be able to amend.

Mr. Polasek stated that if the Board wants to look at program needs, they could identify a full menu of program needs. They could identify the costs and how many license dollars it would take to fully fill all of their positions, some of which are being held vacant on purpose; not because the department does not think they should be filled, but because in many ways do not think it is the right time to raise fees to the public.

Dr. Thomas stated that this is still a Board decision and should be part of the discussion that we all have and not someone behind the scenes deciding this is not the time. The idea of a discussion with the user groups and what the needs are that we have, how much of a fee increase would it take to do it, and how much support is out there. Public involvement will tell you whether there is support.

Deputy Secretary Moroney stated that generally from their discussion with some of the groups and to Mr. Kazmierski's point earlier in this discussion is they want to know first how we are spending it. With the technology issues we have, we are not the most transparent in our budget. It is very complex and hard to understand. We are starting initiatives to make it more transparent to the public so people are more informed and feel more comfortable with how the department is spending their money. We could then get the support of the groups.

Ms. Wiley stated that if this is the case and it is in the works, she should withdraw her amendment.

Deputy Secretary Moroney stated yes.

Ms. Wiley and **Dr. Thomas** withdrew their amendment.

Discussion followed on advocating for the Board's more global look at the budget.

Dr. Thomas stated the department has only so many staff positions. There are only two things in the budget: money and positions. You could have the money but not have the position. If the Board starts directing the department on half-time positions, then the department has to cut

someone else. Someone else has to go. If we start this, then we probably should tell the department who has to go, too. You do not want to get into the weeds because once you do, you cannot get out.

Mr. Kazmierski stated that as a Board, the priorities on how the department spends its money should come from the Board.

Dr. Thomas stated that during the last budget process, she had said that what she expected was if the department cut anything that changes policy then the department needs to tell the Board what it is or if something is added that is not currently policy, then the department needs to tell the Board what it is. The Board could get to line-item approval.

Mr. Bruins called the question.

The original motion carried unanimously.

Mr. Cole stated that in his tenure, if he has had ideas with positions, he has had conversations with the Secretary and individual Board members if it was of the magnitude that they would consider it. Other than that, he lets the Secretary and her shop do the business of the Secretary's Office. If there is something egregious that sticks out, the Board will know about it.

Mr. Hilgenberg stated that the Czar Report is pretty pronounced. The Board needs to have some knowledge of how this thing is going to be handled.

Deputy Secretary Moroney stated, so he is clear, that he will invite the Board to the Fish and Wildlife account briefing. Whoever wants to attend, can attend.

5. Board Members' Matters

5.A. Approval of 2013 Meeting Calendar (Tabled from the August 8, 2012 meeting)

Mr. Bruins MOVED approval, seconded by Ms. Wiley, of the standard dates for the 2013 meeting calendar.

Ms. Wiley called the question.

Discussion followed on schedule conflicts.

The motion carried unanimously.

Mr. Bruins requested, on behalf of his farm friends that testified before the Board last night and today, that he would hope the department looks into their bear situation and reports back to the Board on their findings.

Mr. Hilgenberg thanked the two wardens for coming here today for their comments, their work, and willingness to share their experiences with the Board. He does believe the Board came to the right conclusion on the matter but he also challenges the department to do their statistical and information outreach analysis for the Board so they can make the best decisions possible in the permanent rulemaking process (reference to September item 3.C.1).

Ms. Wiley stated that she and Chair Clausen have been discussing the need for some additional listening sessions regarding Act 168 and its impact on our state parks. She also discussed this with Kurt Thiede and Dan Schuller in Parks. They all agree that there is a need for transparency, information, and open discussion particularly on this portion of Act 168.

Having Board members conduct sessions like this is not unprecedented. The Board did so several years prior to reauthorization of Stewardship. After consulting with Kurt and Dan

regarding format and support from regional staff, she anticipates four or five meetings around the state that will be completed by mid-November. The feedback received from citizens on appropriate areas to allow hunting and trapping in parks will provide staff with “boots on the ground” information for accommodating the requirements of Act 168 in parks.

Chair Clausen stated he talked to Kurt Thiede about this at the bat conference and he talked to Matt Moroney about this a few times. Science underlies everything that we do here in the department whether it is environmental or a game and fish thing. He has been looking at some of the environmental integrity policies of various other agencies such as Department of Interior, Fish and Wildlife, and USGS. We already have in the department in the Bureau of Endangered Resources a Scientific Integrity Policy. He would like to enter discussions with the administration on this and at some time bring back a proposal for the Board’s consideration as to whether or not we want to go there and do this type of thing. He is giving a heads-up about going there at some time.

6. Special Committees’ Reports
None

7. Department Secretary’s Matters
7.A. Retirement Resolutions

Deputy Secretary Matt Moroney stated that the department has the best employees. We have Dick Steffes who has been here for a long time, you can ask him any question on a real estate matter and he has the answer. He has a memory like a steel trap. The wardens, Joe Polasek, the briefings that the Board receives - we have a lot of great staff that do a lot of work. It also is on that theme that with sadness, he shared with the Board that Dave Redell, bat man of the department, passed away. He asked for a moment of silence to recognize that. He added that on August 28, the National and Midwest U. S. Fish and Wildlife Service White-Nose Syndrome Coordinators traveled to Madison to personally deliver to Dave the agency’s Silver Eagle Award for his role and accomplishments in bat conservation and white nose syndrome. The award is the region’s most prestigious and is used to recognize citizens for contributions and excellence in natural resource management. Please keep Dave’s wife, who works for the department, in your thoughts and prayers as well. We have tons of great staff people throughout the state. The Board gets to see them quite frequently. The public has great dealings with them as well.

- 7.A.1 Daniel E. Cardinal III
- 7.A.2 Deb Johnson
- 7.A.3 Mark Kubler
- 7.A.4 Billie J. Vanklooster
- 7.A.5 Thomas W. Wrasse

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

- 7.B. Donations
- 7.B.1 The Barbara M. Black Irrevocable Charitable Remainder Unitrust will donate \$26,000 to the Bureau of Endangered Resources for continued support of endangered species priorities

Ms. Wiley MOVED approval and to acknowledge the donation, seconded by Mr. Cole. The motion carried unanimously.

Mr. Cole and Mr. Bruins left the meeting due to scheduling conflicts.

- 8. Information Items
- 8.A. Air, Waste, Water, and Enforcement
- 8.A.1 Update on Wisconsin waterway inventory Moved to October 24, 2012 meeting agenda

8.B. Land Management, Recreation, Fisheries, and Wildlife

8.B.1 Wisconsin wolf management plan timeline for revisions and discussion

Kurt Thiede, Land Administrator, stated he had provided the Board with two memos yesterday and a draft timeline for the Board's review. In their opinion, it allows public input, important social dimensions work, data collections, and information gathering. It also tracks closely with their proposed permanent wolf rule hunting timeline. Nothing is guaranteed but it is their intent that they have a plan approval that would coincide closely with the permanent rule adoption which would occur based on their estimation prior to the 2014 season. The idea is to have two seasons of data collection prior to establishing permanent rules. The timeline would closely track that. The timeline they discussed and provided, he believes, will provide the Board a review that is focused on using at least two seasons, harvest data, experience, human dimension, and research. Stakeholder involvement is the basis for the publicly accepted plan. They will strive to seek the same balance that was struck in the original 1999 wolf management plan. **(Handout)**

Dr. Clausen asked whether there is anything in there that precludes a discussion of what role the wolf will play within our ecosystem.

Mr. Thiede stated from his perspective they will take a holistic look. They plan to open up the plan for discussion. They have not set up any sideboards on it. From their opinion, with the two year timeframe, they may get some push back from staff on whether or not they would be able to meet that timeline. It is important on what was heard from Mr. Cole and other Board members to take a look at the plan.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

8.B.2 Wolf harvest season information gathering

Kurt Thiede, Land Administrator, referenced the memo that was distributed yesterday. He reviewed the highlights in the types of data and information that will be collected on the wolf hunt. Attached to that memo is a list prepared by staff, wildlife management, science services, and customer service. In general, the department will continue to conduct wolf track counts and also have begun assessing and developing a white paper on potential alternative wolf population techniques. He hoped to have that completed within the next month, but nothing that the department may be able to put in place immediately. The idea would be to perhaps even pilot as soon as next spring as alternative techniques to try to take into account cost effectiveness but then also information and data collection that would satisfy the five year federal delisting requirements of monitoring the wolf population. Some highlights on how the department plans on going about collecting that data are as follows: wolf harvest call-in, reporting, and registration by successful hunters and trappers; survey of warden and wildlife manager observations; carcass evaluations; use of weapon/method used; GPS locations-latitude and longitude; wildlife health monitoring review of diseases; USF&WS trapping and removal effort reports; records of wolves dispatched by landowners with or without permits; wolf track surveys; radio telemetry work, and alternative population estimation. They will be happy to keep the Board up to speed on those discussions as more information is gathered. **(Handout)**

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

Chair Clausen requested a motion to adjourn the meeting.

Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg to adjourn the meeting. The motion carried 5 – 0, Mr. Cole and Mr. Bruins had departed previously.

The meeting adjourned at 3:00 p.m.

SEPTEMBER 25-26, 2012

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