

SEPTEMBER 25, 2013

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## NATURAL RESOURCES BOARD

### BRIEF OF ACTION

#### **Tuesday, September 24, 2013**

An informal meeting of the Natural Resources Board and members of the Michigan Natural Resources Commission was held on Tuesday September 24, 2013 at The Four Seasons Island Resort, N16800 Shoreline Drive, Miscauno Island, Pembine, Wisconsin. The informal meeting was called to order at 6:00 p.m. to discuss wolf management and aquatic and terrestrial invasive species. No action was taken. The informal meeting adjourned at 7:30 p.m.

#### **ORDER OF BUSINESS**

##### Organizational Matters

##### Calling the roll

William Bruins – present	Gary Zimmer – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	Preston Cole – present
Greg Kazmierski – present	

J.R. Richardson – present  
Louise Klarr – present  
John Madigan – present

#### 1. Aquatic and Terrestrial Invasive Species (**PowerPoint and Handouts**)

**J.R. Richardson**, Michigan Natural Resources Commission Chair, recommended that AIS staff from WI DNR give a presentation at a future Commission meeting and vice versa.

#### **INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

#### 2. Wolf Management in Wisconsin (**PowerPoint**)

#### **INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

\*\*\*The informal meeting adjourned at 7:30 p.m.\*\*\*

**Wednesday, September 25, 2013**

The regular meeting of the Natural Resources Board was held on Wednesday, September 25, 2013 at The Four Seasons Island Resort, N16800 Shoreline Drive, Miscoano Island, Pembine, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-3 and 5-6ws. The meeting adjourned at 1:50 p.m.

**ORDER OF BUSINESS**

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	Gary Zimmer – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	Preston Cole – present
Greg Kazmierski – present	

**Chair Cole** reminded the Board and attendees that the meeting is being broadcast live via Mediasite. He then reviewed viewership from the August 2013 meeting.

1.B. Approval of agenda for September 24-25, 2013

**Mr. Zimmer MOVED approval of the September 24-25, 2013 agenda, seconded by Mr. Kazmierski. The motion carried unanimously.**

**Ted Sauve**, Marinette County Board Member and Chair of Land Information Committee welcomed the WI Natural Resources Board and members of the MI Natural Resources Commission to the Pembine area. He asked the Board Members and meeting attendees to enjoy Marinette County, which is the waterfall capital of the state.

**Chair Cole** then summarized the Tuesday tours and informal dinner with Michigan Natural Resources Commission Members (MI NRC) on wolf management and aquatic and terrestrial invasive species. MI NRC Chair J. R. Richardson and Members John Madigan and Louise Klarr were in attendance. He asked the Michigan Commissioners to stand and be recognized.

**J. R. Richardson**, MI NRC Chair thanked the WI Natural Resources Board and staff for their hospitality. This was an opportunity to do networking which is great for both states. We want to do the right thing for the resource.

1.C. Approval of Brief of Action from August 13-14, 2013

**Mr. Kazmierski MOVED approval of the August 13-14, 2013 Brief of Action, seconded by Mr. Ms. Wiley. The motion carried unanimously.**

**Chair Cole** thanked Northeast Region staff Karen Nelson and Regional Director Jean Romback-Bartels for coordinating tours and meeting logistics. This has been one of their best, most informational meetings in out-state Wisconsin.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

**Ms. Wiley MOVED approval, seconded by Mr. Bruins of the Real Estate Transactions. The motion carried unanimously.**

3. Action Items
- 3.A. Air, Waste, Water, and Enforcement
- 3.A.1 Request that the Board authorize public hearings for Board Order AM-21-12, proposed rules affecting chs. NR 400, 405, 408, and 410 related to consistency with federal major source permit review requirements and clean-up of rules related to the former indirect source permit program

**Mr. Kazmierski** stated he was impressed with the recently distributed AWARE (Air, Waste, Remediation & Development Division) FY 2013 Annual Report and thanked staff for their work.

**Mr. Hilgenberg MOVED approval, seconded by Dr. Thomas of the department's recommendations. The motion carried unanimously.**

- 3.B. Land Management, Recreation, Fisheries, and Wildlife
- 3.B.1 Request adoption of Emergency Board Order WM-22-13(E), proposed rules for state park properties that would prohibit firearm discharge from or across certain trails and require dog-proof traps on dry land

**Public Appearance:**

1. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director spoke in support of the Department's recommendations. **(Handout)**

**Ms. Wiley MOVED approval, seconded by Mr. Zimmer of the department's recommendations.**

Discussion followed on methods the department will use to get this information to the public.

**The motion carried unanimously.**

- 3.B.2 Request that the Board authorize public hearings for Board Order FR-20-12, proposed rules affecting NR 45.045(2)(a) decreasing the distance from which firewood may be brought onto state lands from 25 to 10 miles, deleting NR 45.045(2)(b) and any appropriate housekeeping (PowerPoint)

**Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg of the department's recommendations.**

Discussion followed on the definition of a certified firewood vendor, whether 10 miles is sufficient, whether the 10 mile restriction will reduce the availability of firewood, and whether campers can scrounge through the woods and use wood from the property.

**Mr. Kazmierski** questioned whether campers can use power equipment to harvest downed wood from a state land. The department will look into and respond.

**The motion carried unanimously.**

- 3.B.3 Request that the Board authorize public hearings for Board Order FH-01-12, proposed rules affecting ch. NR 20 related to fishing tournaments (PowerPoint)

Discussion followed on the department's effort to work with tournament organizers in this proposed rule.

**Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski of the department's recommendations.**

Chair Cole stated there may be an opportunity to witness a fishing tournament next year. The Board could engage tournament participants with their concerns and also address Board Member concerns. He would like to see this option included in the tentative 2014 out-state summer tour list.

**The motion carried unanimously.**

- 3.B.4 Request that the Board authorize public hearings for Board Order FH-25-12, proposed rules affecting ch. NR 25 related to the number and placement of trap nets for commercial fishing activity in the Restricted Use Area of Lake Superior (PowerPoint)

Discussion followed on the concern of driving through and over nets.

**Mr. Kazmierski MOVED approval, seconded by Mr. Hilgenberg of the department's recommendations. The motion carried unanimously.**

- 3.B.5 Request approval of High Cliff State Park Master Plan (Moved to October 22-23, 2013 agenda)

- 3.B.6 Request approval of the Cherish Wisconsin Outdoors Funds Memorandum of Agreement between the DNR and Natural Resources Foundation (Video)

Kurt Thiede, Land Division Administrator, offered the following amendment for the Board's consideration from Page 2 of the MOU:

**Purpose. The FUND shall be used for the sole purpose of habitat management and ecological restoration on ~~Wisconsin~~ state owned or managed lands in Wisconsin, which includes..."**

Mr. Hilgenberg stated that the Amendment offered by Mr. Thiede should read "ecological restoration on state of Wisconsin owned or..."

Discussion followed on where the funds raised are going and how the public can easily access this information, whether friends groups should match funds for a particular project, and concern for possible contention and challenges in dispersing the funds.

**Public Appearance:**

1. George Meyer, Madison, representing Wisconsin Wildlife Federation as Executive Director spoke in support. He thanked Bill Cosh, Charlie Luthin, and those that worked on this for their efforts.

**Mr. Hilgenberg** then raised concerns related to allocation of funds for administration and marketing.

Discussion followed on the endowment fund process.

**Mr. Cole** asked for Board Member feedback on whether to amend Mr. Thiede's amendment today or table this item until the October meeting.

**The Board** directed department staff to amend the amendment for Board action today to address Mr. Hilgenberg's concerns.

**Chair Cole** moved the meeting to item 3.B.7.

3.B.7 Request approval of clean-up revisions to previous Board determinations (December 2012, June 2013) under 2011 ACT 168, to clarify that a state park archery hunting opportunity previously offered at Rock Island State Park will continue to be available and to re-instate the previous hunting area available for the nine-day gun deer hunt at Newport State Park

**Mr. Bruins MOVED approval, seconded by Mr. Kazmierski of the department's recommendations. The motion carried unanimously.**

3.B.8 Approval of revisions to illegally held wildlife response procedures for staff (Handout - Wild Deer Registration Authorization)

**Public Appearances:**

1. **Yvonne Wallace Blane**, Lake Geneva, representing Wildlife Rehabilitation Advisory Council to DNR. She was not able to attend but her written testimony supported allowing the rehabilitation of white-tailed deer obtained from CWD-affected areas and included a list of recommendations from the Wildlife Rehabilitation Advisory Council and from Fellow Mortals, Inc. Wildlife Hospital **(Handouts)**
2. **George Meyer**, Madison, representing Wisconsin Wildlife Federation (WWF) as Executive Director. He thanked Governor Walker for his intervention. WWF supports the first portion of the procedures but does not support that the public could keep the deer but pay a fine (privatization). **(Handout – August 29, 2013 WI DNR News Release: Proposals outlined to modify captured wildlife laws and policies)**

**Dr. Thomas** stated that she agrees with Mr. Meyer regarding privatization of wildlife. This might be a violation of the Lacey Act. She is opposed to privatization of wildlife.

**Mr. Zimmer, Mr. Kazmierski, Mr. Hilgenberg,** and **Ms. Wiley** agreed.

Discussion followed on George Meyer's concerns that this may further expose wildlife to disease, what the procedure is for the Board to go on record in opposition, whether the Board should increase the fine or consequence, whether there is an "out" for someone

who removed an animal from the wild and does not want the cost and responsibility of keeping the animal, and the social aspect.

**Dr. Thomas** noted that the Green Sheet does not include privatization of wildlife. This is a separate issue. She asked that the Board deal with the Green Sheet package and the other issue separately. If the department is tending to take proposed legislation forward, that would be a Board issue.

**Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski of the department's recommendations. The motion carried unanimously.**

Discussion followed on whether the Board should pass a Resolution today in opposition to privatization of live deer taken from the wild.

**Chair Cole** directed department staff to draft a Resolution regarding privatization of live deer taken from the wild and have ready for Board review and approval during Agenda Item 7 - Board Members Matters.

Discussion continued with concern that the department and Board be very thoughtful and careful in the content of the Resolution, and concern that nothing constructive has been offered to alleviate any future events.

**Chair Cole** asked Dr. Thomas to take the lead on reviewing the draft Resolution.

3.C. Scope Statements

- 3.C.1 Request that the Board approve the Statement of Scope for Emergency Board Order FH-27-13(E), for proposed rules affecting a new administrative code chapter related to the creation of a competitive grant program for municipal, tribal, and private fish hatcheries to increase their capacity to raise walleye for stocking in Wisconsin waters

Discussion followed on what the department's stocking goal is and how private aquaculture businesses will be utilized in increasing production, whether the department has any data on the carrying capacity of our lakes as walleye stocking increases, and how the department will do a follow-up survey to see if this is working out in the long run.

**Public Appearance:**

1. **Terry Hogan**, Hayward, representing Wisconsin Aquaculture Association as vice-president and Hayward Bait as owner was not in attendance. His written testimony was in support of the grant program to promote aquaculture and increase walleye production in the state. He did not agree with the department's anticipated economic impact of minimal or none. He expects a significantly positive economic impact to aquaculture and tourism. **(Handout)**

**Ms. Wiley MOVED approval, seconded by Mr. Zimmer of the department's recommendations. The motion carried unanimously.**

- 3.C.2 Request that the Board approve the Statement of Scope for Emergency Board Order FH-26-13(E), proposed rules affecting ch. NR 25, related to amending Lake Superior lake trout harvest limits as required by revisions to the State-Tribal Lake Superior Agreement

Discussion followed on whether other states and Ontario, Canada are addressing this issue or whether it is more localized.

**Mr. Zimmer MOVED approval, seconded by Mr. Kazmierski of the department's recommendations. The motion carried unanimously.**

- 3.C.3 Request that the Board approve the Statement of Scope for Emergency Board Order WM-24-13(E) and authorize public hearings on Board Order WM-11-13 related to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee's Report (PowerPoint and staff handout)

**Chair Cole** encouraged Board Members to attend some of the scheduled hearings.

Discussion followed on whether all recommendations that are not in the Green Sheet package from advisory teams and groups will be included in the hearing comment process as well, whether the department's recommendation that goes before the Board in December 2013 is still open for incorporation, why this is an emergency rule and not part of the spring rules process, and the need to reduce barriers and work cooperatively with farmers and private landowners.

**Public Appearance:**

1. **George Meyer**, Madison, representing self and other members of the Deer Trustee Report Science and Research Team. Key leaders of the WWF and Herb Behnke encouraged him to speak their voice today as well. He spoke against the substantial diminishment of the use of the SAK index, the switch to county boundaries with the results of losing the value of the large reservoir of DMU data, the splitting up of habitat types by use of county boundaries rather than DMU boundaries, loss of SAK estimation at a DMU level, totally subjective population estimates instead of numeric goals, and the loss of the only number in SAK you can actually show people with the end of in-person registration. **(Handout)**

Discussion followed on population estimates and use of SAK and the dynamics of the DTR Science and Research Committee meeting.

**Chair Cole** requested Board Member's to maintain decorum.

Discussion followed on the social aspects of deer hunting and whether it would be easier for a farmer to weigh in on a county basis, and the desire to include non-hunters and landowners in this process.

Discussion continued on the county reporting idea and whether it would be efficient for staff, that decisions need to be science based, whether there is a way to not lose the past 50 years of science, whether the department is coming up with a broader based perspective to estimate the size of the deer herd, and a reminder that there are 35 hearings scheduled for public comment.

**Mr. Hilgenberg MOVED approval, seconded by Ms. Wiley of the department's recommendations.**

**Mr. Kazmierski** stated that part of the DTR committee recommendation was to establish science metrics and involve the public with collecting data. He would like to see this taken up at the next Board meeting.

**Mr. Zimmer** suggested bringing in science folks to a Board meeting to hear their concerns about SAK options and combining DMUs.

**Dr. Thomas** requested a briefing prior to this coming back to the Board in December 2013. Sometimes what is said at a hearing might not be rooted in science.

Discussion continued as to whether the Board should call a special meeting.

**Chair Cole** asked for a show of hands to meet on Tuesday, October 22, 2013 to hear from the department and scientists, to include the scientists referred to by George Meyer. **The Board** agreed.

**Kurt Thiede**, Land Administrator, stated his staff will schedule a briefing with each Board Member to review gathered information for the December 2013 meeting.

**The motion carried unanimously.**

4. Listening Session – 11:00 a.m. (*Note: If time permits, Items 5-Information Items, 6-Department Secretary's Matters, and 7-Board Members' Matters may come before the Board prior to Item 4-Citizen Participation at 11:00 a.m.*)

**Public Appearances:**

1. **Lynn Utesch**, Kewaunee, representing self  
*Topic:* Spray irrigation of manure. He talked about the one issue he feels carries the greatest weight of DNR staff: economics/tourism. Spray irrigation is opposite of what they are trying to do. He asked the Board to create a moratorium for additional permits of farms to do this practice until after the workgroup has completed its recommendation and report.
2. **Nancy Utesch**, Kewaunee, representing self  
*Topic:* Spray irrigation of manure. She distributed a large handout of letters to each of the Board Members. She stated the practice of spray irrigation of manure is a hazard to human health, especially to children. The elderly and those with health issues are at high risk. This causes severe quality of health issues and decreases home values. She asked the Board to stop implementation of spray irrigation in WI. (**Handout**)

Discussion followed on what the department's role was in this spray irrigation issue and whether a homeowners main option is a nuisance lawsuit against their neighbors.

**Chair Cole** returned the meeting to agenda item 3.B.6.

- 3.B.6. Request approval of the Cherish Wisconsin Outdoors Funds Memorandum of Agreement between the DNR and Natural Resources Foundation

**Mr. Thiede** distributed the revised amendment to the Board.

**Page 2 of the MOA...**

**2. Purpose.** The FUND shall be used for the sole purpose of habitat management and ecological restoration on ~~Wisconsin~~ state of Wisconsin owned or managed lands in Wisconsin, which includes...

**Page 3 of the MOA...**

iv) ...regarding allocation of the funds to those projects referenced in the list above (Section 7(b)ii).

**Page 4 of the MOA...**

**8. Administrative Fees.** ...by accessing up to 20% of the FUND...

Discussion followed on whether the department has a projection in terms of funds raised in two years.

**Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski of the department's revised amendment. The motion carried unanimously.**

**Mr. Kazmierski MOVED approval, seconded by Mr. Hilgenberg of the department's recommendation as amended. The motion carried unanimously.**

Chair Cole stated he will ask each Natural Resources Board Member to participate in Cherish Wisconsin.

Deputy Secretary Moroney stated he will ask each leadership team member to participate in Cherish Wisconsin.

Chair Cole requested a motion to go into closed session under the authority of s. 19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters.

**MOVED, seconded by. The motion carried on a roll call vote of 7 – 0.**

<b>William Bruins – yes</b>	<b>Gary Zimmer – yes</b>
<b>Christine Thomas – yes</b>	<b>Jane Wiley – yes</b>
<b>Terry Hilgenberg – yes</b>	<b>Preston Cole – yes</b>
<b>Greg Kazmierski – yes</b>	

Chair Cole excused himself from the meeting. Vice-Chair Terry Hilgenberg presided.

Vice-Chair Hilgenberg reconvened the meeting at 1:00 p.m. He reported that during the Executive Session no action was taken.

- 5. Information Items
- 5.A. Air, Waste, Water, and Enforcement
- 5.A.1 Wisconsin Nutrient Reduction Strategy (PowerPoint)

Discussion followed on trades, that Wisconsin is far ahead of the curve on standards, and that we still need to get some lakes to the point where they can be used recreationally.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 5.B. Land Management, Recreation, Fisheries, and Wildlife
- 5.B.1 Department update on the status of the MacKenzie Center Request for Proposals and next steps

**Deputy Secretary Moroney** presented a plaque to George Meyer of the Wisconsin Wildlife Federation in grateful appreciation of their partnership and dedication to providing the citizens of Wisconsin quality outdoor education at the MacKenzie Environmental Education Center.

**George Meyer**, Wisconsin Wildlife Federation Executive Director, accepted the plaque and thanked the department and the Friends group for their great partnerships. He feels they are leaving the Center in very good shape. The department has chosen an excellent person to take this over, J.D. Smith.

He stated their key issue is the employees that are in transition and that hopefully the department will find a place for them. The animals will need caretakers. He thanked the Board for their leadership.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 6. Department Secretary's Matters

**Deputy Secretary Moroney** gave a brief overview on the Sporting Heritage Grant and the Air, Waste, Remediation & Development Division FY 2013 Annual Report.

- 6.A. Retirement Resolutions
- 6.A.1 Robert Kaczmarek
- 6.A.2 Debrah Nelson
- 6.A.3. Wayne R. Ringquist

**Mr. Zimmer MOVED approval, seconded by Dr. Thomas of the retirement resolutions. The motion carried 6 – 0, Chair Cole was absent.**

- 6.B. Donations
- 6.B.1 The Friends of Badger State Trail, the City of Monroe, and Colony Brands will donate approximately \$200,000 in materials and labor for construction of a shelter and restroom building on the Badger State Trail in Monroe

**Dr. Thomas MOVED approval of the department's recommendations and to acknowledge the donation, seconded by Ms. Wiley. The motion carried unanimously.**

- 6.B.2 The Friends of High Cliff State Park will donate up to \$30,000 to be used to repair the roof, door, and masonry of a silo to provide a historic meeting location and "Dark Sky Area" for interpretive programs and local astronomy clubs

**Jeff Samida**, Friends of High Cliff State Park Vice-President gave a brief history of the silo. He also announced an additional \$100,000 donation received from a Friends group member. **(PowerPoint)**

**Ms. Wiley MOVED approval of the department's recommendations and to acknowledge the donation, seconded by Mr. Zimmer. The motion carried unanimously.**

7. Board Members' Matters

**Mr. Bruins** asked that additional information on the October Parks statewide meeting be forwarded to the Board.

**Deputy Secretary Moroney** stated he will look at freeing up Wednesday afternoon by moving some items to Tuesday, October 22, 2013.

**Mr. Thiede** stated he will share the statewide agenda with the Board.

**Dr. Thomas** distributed a resolution of the Board to weigh in on the potential for people to take cervids out of the wild.

**Dr. Thomas MOVED, seconded by Ms. Wiley to approve the Resolution.**

**Natural Resources Board Resolution on Captive Deer  
September 25, 2013 Meeting, Pembine, WI**

**Whereas: The State Legislature may be discussing proposed legislation to address the illegal possession of live deer taken from the wild and held by private citizens in Wisconsin.**

**Whereas: One alternative that may be considered would be to allow citizens to keep an unlawfully obtained live deer after the citizen has paid prescribed penalties and shown they have adequate facilities to possess a live deer in a humane manner that does not facilitate the spread of disease to the wild deer herd.**

**Whereas: the North American Model of Wildlife Management is based on the premise that the wildlife resource is a non-commercial public resource managed in trust by the State for the benefit of the State's citizens.**

**Therefore be it resolved that Natural Resources Board at its meeting on September 25, 2013, adopts this resolution, going on record as opposing any legislation that would allow a private citizen to retain an unlawfully taken live wild deer or cervid, as this constitutes privatization and commercialization of the State's free roaming wild deer.**

**Adopted September 25, 2013**

**Terry Hilgenberg, Presiding  
Vice-Chair  
State Natural Resources Board**

**Mr. Bruins MOVED that the Resolution be tabled until the October 23, 2013 meeting. The motion to table failed due to the lack of a second.**

**The original motion passed on a voice vote of 5-1.**

**Mr. Kazmierski** requested an information item on capacity grants to include grant performance, criteria for reporting, website posting showing how money is being spent, etc. He stated that the department distributes \$1.3 million annually: 50% of the groups getting grants have registered lobbyists, 50% have no reporting requirements, and 50% do not require a match. It is the fiduciary responsibility of the Board to take a closer look at these grants.

**Mr. Bruins MOVED, seconded by Mr. Zimmer to adjourn the meeting. The motion carried unanimously.**

\*\*\*The meeting adjourned at 1:50 p.m.\*\*\*