

# NATURAL RESOURCES BOARD

## MINUTES

The regular meeting of the Natural Resources Board was held Wednesday, August 25, 1999 at the Country Inn & Suites, Hwy. 27 South, Hayward, Wisconsin. The meeting was called to order at 8:30 a.m.

PRESENT: Trygve A. Solberg, Chair  
Neal W. Schneider, Vice-Chair  
James E. Tiefenthaler, Jr., Secretary  
Herbert F. Behnke  
Stephen D. Willett  
Howard D. Poulson

ABSENT: Francis W. Murphy

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### ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of June 30, 1999.

Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, approval of the minutes as presented. The motion was carried unanimously by those members present.

1.B Agenda for August 25, 1999.

There being no changes to the agenda, Mr. Schneider MOVED, seconded by Mr. Willett, approval of the agenda for August 25, 1999. The motion was carried unanimously by those members present.

2. Ratification of acts of the Department Secretary.

2.A Real estate transactions.

Mr. Willett MOVED, seconded by Mr. Schneider, approval of the real estate transactions as presented. The motion was carried unanimously by those members present.

3. Committee of the Whole.

3.A Recognition to the Hayward Chapter of Whitetails Unlimited.

This item was taken up during the Committee of the Whole meeting.

3.B Citizen participation.

This item was taken up during the Committee of the Whole meeting.

3.C Approval of the timber wolf management plan.

Mr. Tiefenthaler MOVED that the Board defer action on this item until the October Board meeting with the following direction to the Department:

1. That the Department establish a stakeholders group that will assist the Department in the yearly review of the plan, rather than a 5-year public review as indicated in the current plan. The group would include a balanced representation of governments, landowners, organizations---specifically livestock associations, cattlemen's association---individuals, and governments affected by wolf management goals and objectives.
2. The Department shall develop a wolf census method that will allow interested citizens and organizations to participate in developing the annual population estimates.
3. The Department shall work with the Legislature to obtain additional funding for full payment of current and future wolf depredation claims, that is, a budget plan for a sliding scale over a 5-year period or at least for the period of the plan for management, monitoring growth, trapping, translocation, and killing problem wolves throughout the zones 1 through 4 shall be included in the plan. A prompt payment schedule shall be included in the plan.
4. The Department shall develop detailed, draft procedures and rules which would be used to implement a controlled hunting season on wolves, if needed to manage the population at management goals after full federal de-listing. The procedure shall be triggered when the proposed 350 animal population is reached. The procedure shall indicate when the control plan will occur. Control by landowner permit shall exist in zones 1-4.
5. The Department shall report back to the Natural Resources Board in six months on the status of implementing the plan and the progress and additional directions needed for down-listing to federal threatened status.

Mr. Poulson felt very strongly that the Department "makes sure that somewhere we find the funding. We have to either go to some type of 13-10 process or something that creates money for this specific purpose."

Secretary Meyer commented that although this is not coming back until October, he agreed with Mr. Poulson that the Department should go ahead immediately with the 13-10 request to Joint Finance. Secondly, Mr. Meyer said he thought there may be other things brought out during the public testimony that were not included in Mr. Tiefenthaler's motion and that the Department and Board may want to look at those things as well.

When put to a vote, the motion was carried unanimously by those members present.

3.D Approval to conduct public input sessions on elk management; approve development of a Clam lake elk management plan and a protocol for herd expansion in Wisconsin.

Mr. Willett MOVED, seconded by Mr. Behnke, that the Board approve the Department's recommendation. When put to a vote, the motion was carried unanimously.

3.E INFORMATIONAL ITEM - Northern Initiatives annual report.

Due to time constraints, this item was deferred to the September Board agenda.

3.F Retirement resolutions.

1. Elgin Hunter.
2. Gerald Meronk.
3. Dale Overlien.
4. Mary Bell Pratt.
5. Doris Rusch.
6. Larry Stearns.

Secretary Meyer reviewed the careers of the retirees and commended them for their excellent years of service. Mr. Poulson MOVED, seconded by Mr. Tiefenthaler, approval of the resolutions. The motion was carried unanimously by those members present.

At this point, Secretary Meyer recognized several DNR employees for their exemplary efforts during severe storms that occurred in northern Wisconsin in early August. He mentioned the efforts of several employees at Copper Falls State Park who got campers and park users to safety before the storms reached the area. Mr. Meyer said because of those efforts no one was injured, and the park, which was heavily damaged by the storms, was up and running within a week. He said there were similar efforts getting campers to safety at Northern Highland. Mr. Meyer also mentioned the exceptional efforts of staff during the bear incident at Long Lake.

4. Board Members' Matters.4.A Approval of the 2000 Board Meeting Schedule.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the following Board Meeting schedule for 2000:

January	25-26
February	22-23
March	28-29
April	25-26
May	23-24
June	27-28
August	15-16
September	26-27
October	24-25
December	5-6
January	23-24, 2001

Note: There are no meetings scheduled in July and November 2000.

Board meetings are scheduled for the fourth Wednesday of each month and Tuesday afternoon if necessary.

When put to a vote, the motion to approve the 2000 meeting schedule was carried unanimously by those members present.

4.B Status of the management and protection of the East Branch of the Eau Claire River in Langlade County.

This item was brought up during the Committee of the Whole meeting.

4.C Update on the status of the nonpoint program after passage of the Biennial Budget.

This item was brought up during the Committee of the Whole meeting.

5. Special Committees' Reports.

There were no Special Committees' Reports this month.

6. Operating Committees.

6.A Air, Waste and Water/Enforcement Committee.

6.A-1 Minutes.

There were no minutes for June since all agenda business was conducted by the Full Board.

6.A-2 Adoption of Order WT-54-98 - revision of Chapters NR 105, 106, 211 and 215, Wis. Adm. Code, pertaining to regulating the discharge of chloride to surface waters of the state.

Mr. Willett noted that copies of a revised rule had been distributed to the Board, a copy is incorporated in the official Board minutes. He called attention to a new definition of "Target Values" which he said "are not an enforceable limitation under the terms of the permit program, but establish a measure of progress of source reduction activities." The Committee heard testimony from two individuals, both of whom had suggestions which were adopted by the Committee. Therefore, the Committee recommended and Mr. Willett MOVED that the Board adopt Order WT-54-98 with amendments relating to the definition of "target values;" that the Department is directed to provide a guidance package particularly for the establishment of variances; and that the Department report back to the Board in two years on how well this rule is working. Mr. Poulson seconded the motion. When put to a vote, the motion was carried unanimously by those members present.

6.A-3 Adoption of Order RR-18-99 - creation of Chapter NR 169, Wis. Adm. Code, to establish procedures for administration of the Dry Cleaner Environmental Response Program.

The Committee recommended and Mr. Willett MOVED adoption of Order RR-18-99 as presented. Mr. Poulson seconded the motion. The motion was carried unanimously by those members present.

6.A-4 Adoption of Order LE-13-99 - revision of Chapters NR 6, 8 and 64, Wis. Adm. Code, pertaining to snowmobile and ATV trail maintenance.

The Committee recommended and Mr. Willett MOVED adoption of Order LE-13-99 as presented. Mr. Poulson seconded the motion. The motion was carried unanimously by those members present.

6.A-5 Petition from Greg Sowka, et al., for an administrative rule change to allow use of 10mm semi-automatic handguns for big game hunting in Wisconsin.

The Committee recommended and Mr. Willett MOVED that the Board accept the petition and authorize law enforcement to continue to work with the petitioner, the Conservation Congress and Department staff to begin the rule-making process and advance a final recommendation to the Board as a spring conservation hearing question. Mr. Poulson seconded the motion. The motion was carried unanimously by those members present.

6.B Land Management, Recreation and Fisheries/Wildlife Committee.

6.B-1 Minutes.

There were no minutes for June since all agenda business was conducted by the Full Board.

6.B-2 Adoption of Emergency Order WM-4-99(E) and Permanent Order WM-3-99 - revision of Chapter NR 10, Wis. Adm. Code, to establish the 1999 migratory game bird season.

The Committee recommended and Mr. Behnke MOVED adoption of the orders to establish the 1999 waterfowl season. Mr. Tiefenthaler seconded the motion. Mr. Behnke noted that Steve Oestreicher, Chair of the Conservation Congress, expressed the Congress' support of this rule proposal. When put to a vote, the motion was carried unanimously by those members present.

6.B-3 Adoption of Order FH-19-99 - revision of Chapter NR 20, Wis. Adm. Code, to allow bow fishing from sunset to sunrise.

The proposed order extends the hours for rough fish spearing on selected inland lakes during the open rough fish spearing season for a 3-year period. The Bowfishing Association of America (BAA) petitioned the Department for administrative rules to allow bowfishing at all times during the open bowfishing season. The open spearing seasons vary across the state, with a year around season in the south, more restrictive closed seasons in the central portion of the state, and no open season in several counties in the north.. Mr. Behnke noted that the Department's Bureau of Fisheries does not have any biological concerns; however, the Bureau of Law Enforcement expressed concern with the petition because they feel it may provide additional opportunities for illegal activity (i.e., spearing gamefish). In addition, the wardens think it would increase numbers of complaints from lake property owners who are disturbed by night-time activities of bowfishing enthusiasts. Because of these concerns, this proposal was modified after the public hearings to include only selected lakes that are known to have large rough fish populations and the rule would sunset after three years to allow evaluation of potential concerns. Mr. Behnke noted the appearance of Chris Cass, representing the Bowfishing Association of America, who objected to the modified rule.

The Committee recommended and Mr. Behnke MOVED adoption of the Order FH-19-99, as presented. Mr. Schneider seconded the motion. When put to a vote, the motion was carried unanimously by those members present.

6.B-4 Adoption of Order LF-20-99 - revision of Chapters NR 40, 41 and 45, Wis. Adm. Code, pertaining to public use of Department lands.

The Committee recommended and Mr. Behnke MOVED adoption of order LF-20-99 as presented. Mr. Schneider seconded the motion. The motion was carried unanimously by those members present.

- 6.B-5 Adoption of Order PR-3-98 - revision of s. NR 45.10, Wis. Adm. Code, pertaining to camping and the camping reservation system on state parks and forests.

The Committee recommended and Mr. Behnke MOVED adoption of PR-3-98 as presented. Mr. Schneider seconded the motion. When put to a vote, the motion was carried unanimously by those members present.

- 6.B-6 Big Muskego Lake Wildlife Area land acquisition - Waukesha County (102.4 acres from John Lang).

- 6.B-7 Big Muskego Lake Wildlife Area land acquisition - Waukesha County (83.41 acres and a 0.28-acre easement from Richard and Neome Schaumberg).

Mr. Behnke noted that options on both Big Muskego land transactions had expired. The Committee recommended and Mr. Behnke MOVED approval of both land transactions for Big Muskego Lake Wildlife Area and directed the Department to return to the owners and obtain new options with the provision there be no penalty to the state for delaying payment. Mr. Schneider seconded the motion. Mr. Poulson presumed there would be no change in the offer to purchase. Mr. Behnke said that was correct. When put to a vote, the motion was carried unanimously by those members present.

- 6.B-8 Kickapoo Wildlife Area land acquisition - Crawford County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 320 acres for \$230,000. Mr. Schneider seconded the motion. Mr. Behnke noted that if payment is not made by the state to the landowner prior to expiration of the option, the Department is directed to reobtain a new option at the same purchase price. The vote on the motion:

Affirmative - Messrs. Solberg, Schneider, Tiefenthaler, Behnke and Willett.

Negative - Mr. Poulson.

Absent - Mr. Murphy.

The motion was carried..

- 6.B-9 DONATION - \$20 acres from Richard Gohlke and Lawrence Gohlke for the Gift Lands Program.

The Committee recommended and Mr. Behnke MOVED acceptance of the donation. Mr. Schneider seconded the motion. When put to a vote, the motion was carried unanimously by those members present.

7. Department Secretary's Matters.

- 7.A DONATION - \$5,000 from Wisconsin State Council of Pheasants Forever, Inc. for the purchase of a no-till drill to be used to establish warm season grasses throughout southern Wisconsin.

Mr. Tiefenthaler MOVED, seconded by Mr. Schneider, approval of the donation. The motion was carried unanimously by those members present.

- 7.B DONATION - A John Deere GATOR ATV valued at \$7,000 from the Sauk County Chapter of Pheasants Forever, inc. for conducting prescribed burns in Sauk, Iowa and Dane Counties.

Mr. Behnke MOVED, seconded by Mr. Schneider, acceptance of the donation. The motion was carried unanimously by those members present.

7.C DONATION - \$15,000 from the Natural Resources Foundation of Wisconsin, Inc. to be used for the Trumpeter Swan Recovery Program.

Mr. Schneider MOVED, seconded by Mr. Tiefenthaler, acceptance of the donation. When put to a vote, the motion was carried unanimously by those members present.

7.D Request from the Assembly Natural Resources Committee for modifications to Order FH-6-99 pertaining to fishing regulation changes resulting from the 1999 Spring Fish and wildlife hearings (adopted by Board May 1999).

Secretary Meyer reviewed the two changes to the fishing regulation changes from the spring hearings requested by the Assembly Natural Resources Committee. First, the committee recommended that the possession of barbed hooks be allowed during the early catch and release trout season. (The order adopted by the Board in May prohibited the use and possession of barbed hooks during this early trout season.)

Secondly, based on testimony from Iowa County Conservation Congress delegates, the Committee recommended that the description of the fish refuge on Cox Hollow Lake be amended to include the entire south arm of the lake, not just the north shore of the south arm, as originally adopted by the Board.

Mr. Behnke expressed opposition to the barbed hook provision request during the early trout season indicating that the Board discussed it thoroughly and approved it on the recommendation of the Bureaus of Fisheries Management and Law Enforcement.

There being no objection, the Chair divided the question.

Mr. Behnke MOVED that the Board not approve the Assembly Committee's recommendation on the possession of barbed hooks during the early catch and release trout season. Mr. Tiefenthaler seconded the motion. The vote on the motion:

Affirmative - Messrs. Solberg, Tiefenthaler, Behnke, Poulson and Willett.

Negative - Mr. Schneider.

Absent - Mr. Murphy.

The motion was carried.

Mr. Poulson MOVED that the Board approve the Assembly Committee's recommendation to correct the description of the fish refuge on Cox Hollow Lake to "include the entire south arm of the lake, not just the north shore of the south arm." Mr. Behnke seconded the motion. The motion was carried unanimously by those members present.

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The meeting was adjourned at 4:30 p.m.