

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held Tuesday and Wednesday, May 23-24, 2000, in the Conference Room of the Shawano City Hall, 125 South Sawyer Street, Shawano, Wisconsin. The meeting was called to order at 8:30 a.m. for action on Items 1 and 2. The meeting was recessed at 8:35 a.m. and reconvened at 3:45 p.m.

PRESENT: Trygve A. Solberg, Chair
James E. Tiefenthaler, Jr., Vice Chair
Gerald W. O'Brien, Secretary
Herbert F. Behnke
Howard D. Poulson
Catherine L. Stepp
Stephen D. Willett

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ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of April 26, 2000.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the Full Board minutes of April 26, 2000, as written. The motion was carried unanimously.

Committee of the Whole Minutes of April 26, 2000.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the Committee of the Whole minutes of April 26, 2000, as written. The motion was carried unanimously.

1.B Agenda for May 23-24, 2000.

There being no changes, Mr. Poulson MOVED, seconded by Mr. O'Brien, approval of the agenda for May 23-24, 2000. The motion was carried unanimously.

2. Ratification of acts of the Department Secretary.

2.A Real estate transactions.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the real estate transactions, as printed. The motion was carried unanimously.

3. Committee of the Whole.

3.A Approval of the Joint Agency Management Plan for the Chippewa Flowage.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of the Joint Agency Management Plan for the Chippewa Flowage. The motion was carried unanimously.

3.B Retirement resolutions.

1. Harland Carlson.
2. Terrance Hupf.
3. Ronald Theis.
4. Paul Willihnganz.

Mr. Willett MOVED, seconded by Mr. Behnke, approval of the retirement resolutions, as presented. The motion was carried unanimously.

3.C Adoption of Order WM-1-00(b) – revision of Chapter NR 10, Wis. Adm. Code, pertaining to establishing a season on mourning doves, resulting from the 2000 Spring Fish and Wildlife Hearings.

Keith Warnke, Upland Wildlife/Outdoor Heritage Specialist, Bureau of Wildlife Management, presented the Department's proposal and justification to establish a season to hunt mourning doves in Wisconsin. He summarized public input the Department has received, presented a brief overview of dove biology, outlined the rule proposal and addressed some of the issues that would be presented during public testimony.

The DNR held public hearings on the season proposal in all 72 counties on April 10. Final attendance at the spring conservation hearings was 30,785 persons. The vote was 21,167 in favor of the proposed season to 6,036 in opposition to the proposal. Over six thousand written comments were received during the written comment period which closed April 14. Additionally, the Department received more than 3 dozen valid written comments from individuals who were turned away at the public hearings due to overcrowding of meeting rooms or absence of ballots, and were given an additional week to submit comments. The total was 3,106 written comments in favor and 2,959 comments in opposition. Mr. Warnke indicated that phone calls and E-mails were not tabulated as part of the hearing record; however, individuals were advised to submit written comments.

Mr. Warnke presented slides depicting population and abundance of mourning doves. He indicated that the U.S. Fish and Wildlife Service (USFWS) call count survey, the breeding bird survey, and banding and harvest data are used to track the dove population. The current continent-wide population estimate is over 400 million in the fall migration. Estimates indicate that 5.2 million doves migrate from Wisconsin each fall.

Mr. Willett inquired about call count surveys conducted north of Highway 10. Mr. Warnke presented a slide on breeding bird survey routes throughout Wisconsin. He indicated that dove populations are monitored along 71 breeding bird survey routes annually. The breeding bird survey annually records numbers of various birds, including mourning doves, observed along the survey routes. According to U.S. Fish and Wildlife Service estimates, there are more mourning doves in Wisconsin in the Wisconsin fall population estimate than there are in many other states including Louisiana, Florida and Pennsylvania. This population estimate ranks Wisconsin 14 in estimated number of doves within the 27-state Eastern Management Unit.

According to data collected by the North American Breeding Bird Survey, Mr. Warnke continued, the Wisconsin dove population has shown an increasing trend of 1 percent per year over the past 33 years (USFWS 1999). The trend over the past 10 years shows a slight decrease.

Mr. Warnke stated that the Department does not expect that mourning dove hunting will result in an increase in the number of licenses sold, nor is it expected that the dove harvest will be at the level of states to the south. Using a rough estimate that approximately 20,000-30,000 people may choose to hunt doves and harvest an average of 5 doves per hunter, the resulting harvest prediction is 100,000-150,000 doves from the fall population. After adjusting for the documented crippling rate, the estimate is 130,000-200,000 doves annually. Mr. Warnke said this figure would be well below the 12-18 percent of the population harvested nation-wide each year.

The mourning dove season proposal and rule change follows one of the options offered by the USFWS through the Federal Migratory Game Bird framework in 1999. The Department has selected a season framework of 60 days with a daily bag limit of 15 birds and a possession limit of 30 birds. Also contained in the rule is a provision to allow only the use of non-toxic shot for mourning dove hunting. Mr. Warnke assured the Board that the Department has sufficient knowledge and management specifications in place to protect the mourning dove resource, which he said is the Department's first priority.

In conclusion, Mr. Warnke stated that hunting doves in Wisconsin will not negatively impact the population, nor will it have a negative impact on the continental mourning dove population. In addition, he indicated that the legal authority to hunt mourning doves has been thoroughly investigated by both Department and Legislative Council attorneys and they are in agreement that the Department's legal authority to establish a season clearly exists.

Mr. Willett noted the protected species designation of the mourning dove in Wisconsin and asked if the Department was required to remove the bird from the protected species list and designate it a game species

prior to establishing a season. Tim Andryk, Attorney with the Department's Bureau of Legal Services, responded: "All birds in Wisconsin are protected from hunting by administrative rules unless we list them as a hunted species and have a season established for them, or if we list them as unprotected. When we opened the season on wild turkeys, we removed them from the protected species list and set the season dates in the administrative rules. We did the same thing with the dove rule package. One part of the rule is to remove them from the "protected from hunting" list; the second part of the rule establishes the season and bag limits; and the third part of the rule requires nontoxic shot for hunting. It's all part of the rule package that went out to the spring hearings. It was in the hearing notice that we were removing them from the "protected from hunting" list in the administrative code and it was in the rule package that was approved by the Board in January." It was Mr. Willett's opinion that the Department did not conduct a hearing on removing the mourning dove from the protected species list nor was there a question on the spring questionnaire asking the public if the mourning dove should be removed from the protected species list. Mr. Andryk stated that the Department considered it the same issue and noted that it was contained in the hearing notice as well as the rule package, but that the question did not specifically state that it was a protected species. Since the mourning dove is statutorily designated as the state's bird of peace, it was Mr. Willett's opinion that the Department would first be required to have that designation removed by statute. Mr. Andryk stated that it would still remain as the state's bird of peace, even though a hunting season is being proposed.

Mr. Behnke asked why the Department has proposed the use of non-toxic shot for hunting mourning doves. Mr. Warnke indicated that evidence shows that mourning doves consume lead shot and are impacted by its consumption. Mr. Behnke asked if the non-toxic shot was a Federal requirement. Mr. Warnke said it was not. In response to further questions by Mr. Behnke, Mr. Warnke presented information on where and how to hunt mourning doves.

Mr. Willett asked if Department staff had contacted disabled Americans, or the VFW for their position on the proposal to hunt mourning doves. Mr. Warnke stated they did not.

David Doulton, Wildlife Biologist with the U.S. Fish & Wildlife Service, stated that the USFWS is responsible for coordinating the call-count survey, analyzing the data and preparing status reports. He distributed copies of the "*Mourning Dove Breeding Population Status, 1999*" report for the Board's review. USFWS management experience suggests a dove hunting season in Wisconsin is viable. Dove harvest will be monitored through the nation-wide harvest information program. If exploitation levels are too great, then the management community will respond with restrictions to reduce harvest consistent with dove population status.

In summary, Mr. Doulton stated that the mourning dove is considered a legitimate game species in international migratory bird treaties. Through the authority of the U.S. Fish & Wildlife Service, Wisconsin may choose to select a mourning dove season. When properly regulated, he said, mourning dove hunting has not been shown to have a significant effect on breeding population levels of doves in the Eastern Management Unit. An important aspect of the regulations process is that any state may always be more restrictive than federal regulations allow. "From the information available to me, I conclude that the hunting of mourning doves in Wisconsin would not be detrimental to the population of doves in the state or in the Eastern Management Unit. Monitoring programs should be able to detect a significant change in the population if it occurs. Finally, the regulatory mechanisms are in place, both federally and in-state, to lessen the harvest through restrictive regulations if such a need were to arise in the future."

In response to questions from Ms. Stepp, Mr. Doulton explained the difference between the call-count survey and the breeding bird survey, and advised Ms. Stepp there is no monetary or profit gains if a dove season is established in Wisconsin.

Mr. Behnke asked if planting a field of sunflowers for the purpose of attracting mourning doves was considered baiting and if baiting was legal. Mr. Doulton stated that baiting mourning doves was illegal; however, he said "crop manipulation.....is legal for mourning doves. Landowners can plant sunflowers, millet, whatever, mow the crop and hunt over the seeds that have fallen to the ground."

Mr. O'Brien asked if other states experienced a similar situation to Wisconsin's when proposing a dove season. Mr. Doulton said yes and gave a few examples. The state of Vermont opted to not have a season after intense opposition, while other states such as North and South Dakota approved a season. He added that opposition in the Dakotas evaporated once people discovered that harvest numbers were not high.

There was considerable discussion about the population decline over the past 10 years, as indicated in the USFWS “*Mourning Dove Breeding Population Status, 1999*” report. Mr. Doulton indicated there are factors other than hunting for the decline such as clean farming practices, changes in crops, timing of crops, expansion of urban areas, backyard bird feeders, etc.

Mike Budzig, Chief, Division of Wildlife, Ohio Department of Natural Resources, presented information on the process the State of Ohio followed to establish a dove hunting season in 1994. Mr. Budzig shared population estimates in recent years: Ohio’s estimated fall population equals or exceeds 4 million birds; the 1999 population index increased less than 1 percent from 1998; 1998 population index increased 17.1 percent compared to 1997; 1997 population index up 5.2 percent compared to 1996. Overall, he said, the dove population in Ohio has increased. Mr. Budzig added there was no backlash from establishing the dove season; in fact, he said the issue strengthened the Division of Wildlife’s image and enhanced the Division’s credibility with most of its constituent groups.

Mr. Willett noted a discrepancy in Ohio’s population numbers since the season was established. While Mr. Budzik indicated that the population had increased, the USFWS document indicated a downward trend in population in both the 34-year trend and the 10-year trend. Mr. Doulton of the USFWS responded: “There is no 10-year decline evident; it’s got a minus, but again because of the statistical significance we cannot say with certainty that there is a decline. There appears to be a tendency toward a decline, but you will notice by the stars in the 34-year, I mean that’s a minor point but I wanted to correct what you were saying there. Yes, there is a decline over 34 years but there is no trend indicated over the most recent 10 years because there are no stars by it which indicates statistical significance.”

Mr. Willett read from the USFWS report: “On page 5, it’s very clear.... It says, ‘Between 1966 and 1999, a downward trend is noted in Ohio.’” Mr. Budzik indicated that he would have Ohio’s Upland Research Biologist check this out and forward the information to Secretary Meyer with copies to the Board. Mr. Doulton indicated that the USFWS is currently embarking on a research project which involves most of the states in the Eastern Management Unit, including Wisconsin, to develop dove population models. The purpose of the study, he said, is to give the Fish & Wildlife Service a better understanding of dove population dynamics and to help do a better job of managing harvest levels. Mr. Doulton stated that the study would be initiated later this year with a final report anticipated in 2002.

Brent Manning, Director, Illinois Department of Natural Resources, (also member of the International Association of Fish and Wildlife Agencies’ Executive Committee and Chair of the Board of Natural Resources and Conservation in the State of Illinois) discussed the State of Illinois’ sport harvest and encouraged Wisconsin to establish a season on mourning doves. In response Mr. Willett, Mr. Manning stated that the mourning dove had never been a protected species in the State of Illinois.

Dave Ladd, Dodgeville, Wisconsin Conservation Congress, did not make a formal presentation but stated his support for the establishment of a dove hunting season.

Steve Oestreicher, Chair, Wisconsin Conservation Congress, expressed support for the dove season. He indicated that the spring Conservation Congress hearings demonstrated that “not only did the mourning dove win, the vote was a vote for hunting in general. ...If you choose to go against this voice, you will effectively demolish the DNR spring hearing process. I would not want to be remembered as a part of the Natural Resources Board that chose to ignore our citizens when they spoke and in doing so, successfully destroyed the spring hearing process.” In response to Chairman Solberg, Mr. Oestreicher reviewed the Conservation Congress’ intentions to form an ad hoc committee to review the spring hearing process, including scheduling larger meeting rooms, reviewing the ballot system used in Dane County to see if it can be used in other counties that anticipate large audiences, setting up a training session for the 72-county chairs, etc.

Jim Weix, Mukwonago, Wisconsin Dove Hunters Association, stated the Association’s support for the dove hunt. In response to Mr. O’Brien, Mr. Weix stated there are approximately 1100 members in his organization.

Gen Ebert, Mukwonago, President of AWARE (A Wisconsin Alliance for Resources and the Environment), said she conducted a survey asking women for their input and said women were not opposed to dove hunting as long as there are rules and regulations. In response to Mr. Willett’s question about

polling veterans for their opinion, Ms. Ebert read the following excerpt from a statement prepared by her father: “I’m an 80-year old man now and I left our family farm as a young man who went to war. I landed on a place called Okinawa Beach. You know the story. Somehow I made it home, but I must say there were two dreams that kept me going. One was to plow the fields at home and the other was to take my gun and to hunt. And I have done both. I do know there are doves of peace, but they’re buried on foreign land and they will never come back to hunt again. So, I have done my job. Gentlemen, do yours and allow the boys to hunt.”

Jerry Knuth, Plover, Second Vice-President of the Wisconsin Wildlife Federation, stated support for the dove hunting proposal, indicating that more birds die of natural causes than numbers harvested. In response to Mr. Tiefenthaler, Mr. Knuth stated there are about 9000 members in the Wisconsin Wildlife Federation.

Rob Kieckhefer, Milwaukee, Wisconsin Waterfowl Association, stated the Association’s support for a dove hunt. He conducted a survey within the Association, which resulted in a ratio of 5-1 in favor. He felt the Board should go along with the vote of the Conservation Congress spring hearing vote. In response to Ms. Stepp, Mr. Kieckhefer stated that approximately 2000 were in attendance at the Milwaukee County hearing. In 1999, he thought attendance was between 300-400 persons. He added that the dove issue was the 142nd issue on the agenda and the vote took place at about midnight.

Rachel Jordon, Dodgeville, stated her support for a dove season in Wisconsin. She reported on the mourning vote in Iowa County in which 221 voted in favor of a season. She indicated that 22 percent of attendees left after the dove vote.

Arnold Baer, representing The Humane Society, felt the proposal before the Board was not about mourning doves, but rather about hunters thinking their hunting rights were being taken away. He termed that “hollow” thinking. He asked the Board to consider making the dove issue a ballot question and play by general election rules and have the polls remain open between 9 a.m. and 8 p.m. to allow senior citizens and others the opportunity to vote. He asked the Board to vote no to a dove hunt in Wisconsin. (A copy of Mr. Baer’s statement is incorporated in the official Board minutes.) In response to Mr. Tiefenthaler, Mr. Baer discussed his organization’s activities in Wisconsin. Although Mr. Baer said he and his organization are against hunting, they would not oppose the harvest of animals that are a nuisance or affect public safety.

Mr. Behnke made the following statement to clarify the rules under which the Natural Resources Board functions: “This is not an issue that is decided by a popular vote. This has been designated by the Legislature to be handled by a citizen board - the Natural Resources Board. Therefore, it is solely within the jurisdiction of the Natural Resources Board to make this decision with oversight from the Legislature. The Legislature is obviously elected by the public and if they see fit to override any decision by the Natural Resources Board on an administrative rule, they will do so.”

Keith Olson, Harshaw, stated his support for a dove season in Wisconsin. He asked that the issue of nontoxic shot be looked at, indicating that the availability of nontoxic shot in the appropriate shot size is minimal.

Donna Liljegren, Campbellsport, former Conservation Congress delegate, spoke in support for the dove hunt. As a responsible hunter, Ms. Liljegren said she practice shoots on clay targets rather than sparrows or bluebirds, so that her shot is accurate and the animal will not suffer. She added that the “practice of hunting mourning doves in 37 other states buttresses the fact they can thrive in a controlled hunting atmosphere.”

Dan Small, Belgium, urged the Board to support the mourning dove season.

Noel Cutright, Milwaukee, Wisconsin Society for Ornithology (WSO), said he would have liked to have heard from the Iowa DNR. The State of Iowa has decided not to establish a hunt, as did the State of Michigan. A survey of WSO members indicated approximately 90 percent in opposition. He indicated that WSO opposes a mourning dove hunting season, but pointed out the organization is not anti-hunting. He felt there were too many unanswered questions including declining population numbers, productivity of Wisconsin’s population, varying population estimates, also felt that a mourning dove season will harm relationships with various groups. He urged the Board not to approve the Department’s recommendation.

Ann Frisch, Professor at UW-Oshkosh, spoke in opposition to a dove season in Wisconsin.

Frank Zuern, Oshkosh, spoke in support for a 3-year study prior to establishing a dove season.

Charles Burke, Westby, spoke in support for a dove season.

Steve Williams, Waukesha, Wern Valley Sportsmen's Club, spoke in support for a dove season.

Dan Dessecker, Senior Biologist for the Ruffed Grouse Society, spoke in support for a mourning dove season.

Ed Frank, Madison, spoke in support for a mourning dove season.

Richard Shepard, Oshkosh Bird Club, spoke in opposition to a mourning dove season.

Scott Slajus, representing the National Wild Turkey Federation, spoke in support for a dove season.

Craig Johnson, Hudson, Wildlife Legislative Fund of America, spoke in support for a dove season.

Neal Niemuth, Professor of Wildlife, UW-Stevens Point, spoke in support for a dove season.

Pat Fisher, New London, spoke in opposition to a dove season.

John Wieneke, New London, Wisconsin Citizens Concerned for Cranes and Doves, spoke in opposition to a dove season; signed a petition with 23,000 other people in the state who are opposed to a dove season who are not anti-hunters; did not agree with the Department's legal interpretation with regard to the definition of "protected" and "game" birds in Chapter 29, Wis. Stats. He suggested that the Department "look for ways to reach out to the rest of the nature loving public – the animal lovers, the birdwatchers, the hikers – find a way to include them in your decision-making process. They are ready, willing and able to pay their way too." In response to Ms. Stepp, Mr. Wieneke stated that the question on the petition included both cranes and doves.

Jeannie Lord, Fredonia, spoke in opposition to a dove season.

Don Cash, New London, spoke in opposition to a dove season.

Chuck Zorn, Elkhart Lake, President of the National Wild Turkey Federation, spoke in support for a dove season in Wisconsin.

Rick Young, River Falls, representing Pheasants Forever, spoke in support for a dove season.

Barbara Klug, Wausau, spoke in opposition, but indicated she was not in agreement with PETA or any other extreme anti-hunting group and was not opposed to hunting.

Eldon McLaury, Madison, representing the Wisconsin Chapter of the Wildlife Society, spoke in support for a dove season.

Tina Kaske, Madison, representing the Alliance for Animals, spoke in opposition to the dove season. In response to Mr. Tiefenthaler, Ms. Kaske stated that the Alliance for Animals has between 1200 and 1500 members statewide. Ms. Kaske indicated that her group would be interested in serving on the task force to review the Conservation Congress process.

Susan Fuller, Madison, Wisconsin Wildlife Coalition, was not present, but Tina Kaske indicated she was opposed to a dove season.

Dave Miller, West Bend, spoke in support for a dove season.

Chuck Sauer, Marathon, retired wildlife biologist, spoke in support for a dove season.

Lynn Dreissen, Appleton, spoke in opposition to a dove season. In response to Mr. Tiefenthaler, Ms. Dreissen stated the following reasons for the Board not approving a dove season - decline in the mourning

dove population; additional pressure of hunting to a bird that already has a high mortality rate; and the small amount of meat on the mourning dove. Ms. Stepp: “I’m just a little—insulted is probably too strong a word --- it concerns me that you feel that it is a done deal and that no one is listening to your side. I know I’ve received easily over 150 letters and I was going to say 100,000 calls but that would be joking, but it felt like that, but I do want to stress that we all have a great deal of respect for everyone on both sides of the issue. That’s how I feel about it. We do understand that the DNR is in favor of this and they have given us a lot of science and I’ve received a lot of science from outside sources as well that we all will be taking into consideration. I just wanted to make sure that that statement was out there.” Ms. Dreissen said she has been attending the Conservation Congress hearings for the past several years and feels shut out of the process and in particular this year and has experienced quite a bit of hostility. She hesitates speaking out at the hearings because “I’m not listened to and basically shouted down when I do express my views and they’re not radical ones and I am not an anti-hunter. I just want to make that clear.”

Wendy Auphaus, Appleton, expressed opposition to the dove proposal. She felt the views of the nonhunting public were not being heard. She indicated she was turned away at the Outagamie County Conservation Congress hearing.

Cathy Wiesman, Appleton, stated her opposition to the dove proposal and indicated that she too was turned away at the Outagamie County hearing. In response to Ms. Stepp, Ms. Wiesman indicated that the hearing room was not large enough to accommodate all those attending the Outagamie County hearing. Ms. Stepp asked if Ms. Wiesman submitted written comments to which she responded no, that she didn’t think it would do any good. Ms. Stepp said it was her understanding that the written comment period was extended to accommodate all those who were turned away at the various county hearings. Secretary Meyer said that was correct. Ms. Stepp added that the Board received copies of all the letters, both for and against, that were mailed to the Department’s address from Judy Scullion, the Board’s Secretary.

Jan Modenhauer, Oshkosh, spoke in opposition to the dove proposal.

Karin EtterHale, representing the Madison Audubon Society, stated her opposition to the dove proposal; felt the issue has “taken up many individuals valuable time which could have been spent working on common goals toward habitat protection for all species, both game and nongame species alike;” feels the general public is very much opposed to a dove hunting season in Wisconsin. She indicated that the “Audubon Society has not typically opposed or promoted hunting. We try to pick our issues. I was hoping to maybe not take a position on this, but I didn’t think that was possible and I tried to write an article for a newsletter that brought out a lot of the different viewpoints on the issue, a lot of information on it, trying not to be judgmental and then because I really wasn’t sure---so we took a poll and those results showed that 86 percent of our members did not support a hunting season on doves. Seven percent said yes and seven percent said they were neutral or undecided. The other thing I did was to ask if people wanted to say if they were nonhunters, anti-hunters or hunters because I knew we had all three in our membership. Fifty-five percent said they were nonhunters; 10 percent said they were anti-hunters and 33 percent characterized themselves as hunters. Some of them put down two different things. But 67 percent of hunters who voted said they were opposed to a season and I think that points to what the general public believes also.

“I don’t believe that the vote would have been the same if it had been either a closed vote or if this had not been such an anti-hunter/hunters’ rights issue. I think under more normal circumstances that a lot of those hunters who came to the meetings would have voted against hunting doves.”

Ms. EtterHale concluded her presentation by quoting from an article that Jay Reed wrote in 1971: “There is no good and sufficient reason why Wisconsin should not have a mourning dove hunt. None. But to obtain it would require going to war with those who oppose hunting, as well as with nonhunters, bird fanciers and a bunch of plainly, good people who would turn against hunters and hunting. Maybe you could win the battle, but you would lose the war for certain. Mourning dove hunting plainly and simply is not worth it.”

Mr. Tiefenthaler stated that Jay Reed subsequently followed with an article within approximately 4 to 6 weeks later and he said, “I now understand that there are a bunch of anti-hunter people behind this and every hunter in this state should come to these hearings and should have their voice heard and better damn well do it because it’s the right thing to do for hunting.”

Dick Koerner, Neenah, Migratory Study Committee, spoke in support for the dove season proposal.

Art Seidel, Waukesha, Waukesha County Conservation Alliance, spoke in support for the dove season.

Len Wurman, Wausau, spoke in support for the dove season.

Mitch Bent, Antigo, discussed the Conservation Congress hearing in Langlade County where the vote on the dove proposal was very close and “I can say with surety that the majority of the people who voted against were not anti-hunting, but they had a feeling about it. I didn’t agree with that feeling, but I have a right and a duty to respect those feelings. When you make your decision, if you make your decision one way or the other I can live with it. I kind of would like the opportunity to hunt doves. My world is not going to end if you decide not to, but when you make your decision think of those people who have come before us and created this heritage that we have. If you vote yes on it based upon that, fine. If you vote no on it based on that heritage and what those people have done, I, as a writer will applaud you too either way provided that it’s a predicate that you use. ...” He asked the Board to approve the use of nontoxic shot if the vote is affirmative on the dove season proposal.

Marge Mundigler, Shawano, spoke in opposition to the dove season proposal.

Paul Busch, Appleton, spoke in support for a dove season.

Marge Gibson, Antigo, spoke in opposition to the dove season.

Don Gibson, Antigo, spoke in opposition to the dove season.

Mr. Tiefenthaler MOVED, seconded by Ms. Stepp, that the Board approve Order WM-1-00(b) to establish a mourning dove season in Wisconsin, as recommended by the Department.

Mr. Behnke MOVED an amendment to eliminate the use of nontoxic shot requirement in the green sheet proposal. Mr. Tiefenthaler seconded the motion. The vote on the amendment:

Affirmative – Messrs. Solberg, Tiefenthaler, O’Brien, Behnke and Ms. Stepp.

Negative – Messrs. Poulson and Willett.

The motion was carried.

Mr. Behnke: First of all, I would like to compliment the Board for the courtesy that you have shown today to all of these people who took the time and the expense and drove a long way to be here to give us their honest opinion on what we ought to hear from them. This is the third time that I have gone through the mourning dove issue. I was on the Natural Resources Board back in 1971 at the time this bird was made the symbol of peace, a bill introduced by Senator LeFave at that time. I would just like to address the fluff that is connected with this issue at this time. The Natural Resources Board has a decision to make relative to a single issue and that is, whether we hunt or not hunt mourning doves in Wisconsin. Philosophically, I have been opposed to a mourning dove season and primarily, for a number of reasons not the least of which is the emotional turmoil---and this erupts each time it is proposed. As I indicated in 1971, it got so bad that the State Legislature got involved. Mourning dove hunting in other states may be a gigantic event, but I doubt that would ever be true in Wisconsin, and at best it may be equal to a crow season, about which one-half of one percent of all the people who buy a small game license participate in each year. The number of doves killed in Wisconsin by hunters would probably be far less than the number killed each year by domestic house cats. Recent research suggests, and I have a pamphlet here by John Coleman, Stanley Temple and Scott Craven, that talks about the cat as a predator on wildlife. This suggests that rural, free-ranging domestic cats in Wisconsin may be killing 39 million birds in the state each year and many of them are bound to be mourning doves.

“A dove hunting season was shot down by the Natural Resources Board and the Legislature in 1971 and again in 1989. The DNR resurrected it yet again in 1999, but instead of justifying the rule by supplying the public, the Conservation Congress and the Natural Resources Board with a basic science and biology that would support a hunting season, they mounted it into a political type campaign. The campaign headquarters took on a ‘future of hunting’ flavor. Their propaganda machine motivated a record attendance at this year’s Conservation Congress meetings on April 10 not to vote on a dove season but to protect their right to hunt. Secretary Meyer put on his political hat on May 12 when he told 350 delegates at the

Conservation Congress meeting, ‘each of you should let the Natural Resources Board know that 21,067 who took a night out of their life to stand up for the future of hunting should not be ignored.’ Still quoting, ‘you will notice I didn’t say the future of dove hunting, I said the future of hunting.’ And I resent the fact that the Secretary would sic a number of people on the Board to say you better vote the way we want you to. We’re voting today gentlemen and ladies on the mourning dove season, not the future of hunting. Now as a member of the Board, I expect the DNR to provide the scientific and biological facts and it is the Board’s responsibility to make policy decisions based on those factors, after gauging honest citizen feedback from the public hearing process. Obviously, the Congress was misled on the mourning dove issue which prompted record attendance at the county hearings to vote on the right to hunt. This kind of activity by proponents and the DNR added to my philosophical opposition to hunting mourning doves and that was reinforced each day as I received a new batch of the yellow cards in the mail. Jerry O’Brien got 2000 of them and I got about the same amount. Now contrast this, ‘sign and drop in the mail concept’ with the many hundreds of individuals messages from throughout the state that came from the heart. This was not a form letter that I got. Each person sat down and wrote out their thoughts to me. Some of them said the same thing, ‘we don’t think you ought to hunt them.’ But these were individual letters that came to me and they mean a lot more to me than a petition or a preprinted card or a form letter.

“I kind of had my mind made up to vote no on this until last Saturday and Mr. Seidel kind of talked about the same thing when the “Journal-Sentinel” reported PETA’s new anti-milk add campaign aimed at teens showing a greasy, haired kid with pimples, which they claim was caused by drinking milk. I really sympathize with these people who don’t want you to shoot their backyard bird feeder pets. On the other hand I also don’t like the people who also join in and say look what we did; we shot down hunting. So I think I’m inclined to vote yes on this issue today.”

Mr. O’Brien: I don’t want to repeat what Herb said, but I have a lot of the same feelings that he just expressed and I would second most of them but I think I do want to make remarks based upon the fact that Herb said I received lots of letters. I received lots of phone calls and I received lots of yellow cards and I have to respond to that. I was really dismayed—if in fact the anti-hunters used this as an opportunity to try and polarize the hunting versus anti-hunting and stop hunting in general. I am dismayed with them, but by the same token I know for a fact that the hunting groups overreacted in trying to believe in a very, paranoid way that their rights to hunt everything in the world was going to be cut off. My vote is not going to be based at all on either one. I am not worried that the anti-hunters are going to stop hunting and I’m not worried that anything is going to happen to our great hunting tradition that we have. I, like so many, don’t know why anybody would want to hunt doves. I wouldn’t. The people who are opposed to dove hunting just don’t include anti-hunters. I’ve talked to many, many hunters who say they don’t want to see dove hunting, one because they’re not interested in hunting doves themselves and two, they were very upset about the polarization that developed over this thing and the battle between the parties. They said all this is going to get is black eye on the hunters and on the DNR itself. I’m going to put all this aside when voting. I am going to vote strictly on the dove hunting issue itself. If we’re told that biologically we can sustain it, and I don’t have a doubt in my mind but that we can. Nobody has told us today that we can’t. I think we have a situation that both parties can have what they want. People can still have their backyard doves and hunters can still have the opportunity to hunt them, so my vote will be based upon that alone.”

Secretary Meyer: A couple of comments were made today---yes, I am pro-hunting. And I am a hunter, but in terms of any recommendations I’ve made during this whole decision-making process, I have to take that out of the equation. Let me just make sure the record is clear. There was a large turnout at the spring hearings that was not generated by the Department of Natural Resources or any of its employees. We knew there would be a large turnout and we tried to serve that. I did not take a public position on this until after the vote of the Conservation Congress. I hold two things in great esteem in terms of conservation in this state. They’re reflective, as was mentioned by Mr. Gibson from California, the great concern of citizens for conservation on all sides of this issue. They become reflected in terms of policy in the state on two institutions – the Conservation Congress and this Natural Resources Board. And I have had great respect for both those organizations throughout my career and I respect them today making these difficult decisions.

“When I first took a position publicly on this issue was after the Conservation Congress hearings when 21,000 against 6000 votes were taken. At that point in time, I felt it very important to speak out loudly and strongly on this because my great fear was that those 21,000 votes would not be recognized by this Board because if they had not, I can’t imagine hunters and anglers or any citizen from the state coming forward in future Conservation Congress hearings. And that is such a dramatic vote. If that vote had been close or

against, I would have recommended to you not to have a dove season. But I do not want to see the wonderful institution that's been created in this state, the Conservation Congress. And that's why I've taken the actions I have. It's not out of disrespect for this Board. It's out of respect for the overall process of governing conservation in the state."

Mr. Poulson: I'm going to vote no. It has nothing to do with hunting privileges of anyone. I'm not a hunter, but I allow hunting on my land. I just don't quite understand why you would want to hunt doves; we hunt 40 species already and one more I just don't quite see it. My bigger concern in all of this is that I hope no one closes their land because of this. We need all of the land we can get to hunt on and I don't want to see divisiveness grow to the point where we don't allow hunting because of something of this type and emotion. My farm will be open to hunting and when my sons have gotten their game, it will be open to the next guy."

Mr. Willett: With all due respect to Secretary Meyer, I don't agree that the Department has been fair in this instance and I think that they in this instance have done a disfavor to the State of Wisconsin. When it first came up a year ago, I told you that I felt this was going to be an extremely divisive issue, that the history of the State of Wisconsin was one of stewardship, one of trust and belief in each other and that the Department has had a long-standing history of being responsible and being a representative of all peoples. And that this one sole issue could in fact divide the house---and in fact, it has divided the house. It has divided it to the point where I'm concerned. We had a couple of presentations that said it more eloquently than I can---that there is a middle group of people who in fact trust us, believe in us and allow us to hunt even though they don't. They allow us to hunt because we have done so responsibly and we have done so respecting them. You can play down all you want the fact that the dove is a symbol, but it is a symbol to some people. Some people have passionately talked about dying for that symbol and it doesn't seem to me to be worth alienating those people to hunt mourning doves. We can talk about the issue of the role of the Department. I have a number of questions concerning the role of the Department. In the first instance, I'm not sure it's legal to do what we do. I'm not sure that the Legislature doesn't need to reclassify the dove. I'm not sure that the question put to the Conservation Congress, which I think is a wonderful organization, and I am very proud to be associated with them, but I'm not sure the Department was fair with them because the first question would have been, do we change the classification? And I also feel the Department has made it a divisive issue. Unfortunately, this issue has become a hunter versus the anti-hunters. And I feel extremely sad about that because I am a hunter. I am a sixth generation member of this state and I think this state has been built on true love and concern for our environment and the ethics by which we live. I think that those all have now needlessly been called into question.

"It is my belief that the Legislature will take this up and carry on the debate. And it is also my belief that we will now have needlessly exposed ourselves to them stepping into areas where they need not. And once they get a hold of it, who knows where they're going to go. Who knows what further restrictions some of them can come up with. And I am going to vote against this because I think we were wrong and irresponsible by bringing it forth and creating a controversy where we didn't need to."

Chairman Solberg called for vote on the motion, as amended, to approve Order WM-1-00 (b) to establish a dove-hunting season in Wisconsin. The vote on the motion:

Affirmative – Messrs. Solberg, Tiefenthaler, O'Brien, Behnke and Ms. Stepp.
 Negative – Messrs. Poulson and Willett.
 The motion was carried.

4. Board Members' Matters.

4.A Rattlesnake experiment at the Necedah Refuge Wildlife Area.

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 of April 26, 2000.

The minutes were approved as written.

6.A-2 Adoption of Order SW-18-95 – creation of Chapter NR 135, Wis. Adm. Code, pertaining to nonmetallic mining reclamation. (Items 3.C, Min. of September 23, 1998; 3.C, Min. of October 28, 1998; 3.B, Min. of October 27, 1999; and 3.B, Min. of December 8, 1999).

The Committee recommended and Mr. Willett MOVED adoption of Order SW-18-00, as presented. Mr. Poulson seconded the motion. The motion was carried unanimously.

6.A-3 Adoption of Emergency Order CF-29-00(E) and authorization for hearing on permanent rules to create Chapter NR 168, Wis. Adm. Code, pertaining to the brownfield site assessment grant program.

The Committee recommended and Willett MOVED adoption of Emergency Order CF-29-00(E) and hearing authorization on permanent rules, as presented. Mr. Poulson seconded the motion. The motion was carried unanimously.

6.A-4 Adoption of Order AM-30-99 – revision of Chapters NR 216, 300 and 406, Wis. Adm. Code, which would require the Department to refund license or approval fees if it fails to make a determination on an application within specified time limits.

The Committee recommended and Mr. Willett MOVED adoption of Order AM-30-00, as presented. Mr. Poulson seconded the motion.

Mr. Behnke asked if the Committee was confident the Department would follow through within specified time limits. Mr. Willett indicated that the Association of Wisconsin Manufacturers and Commerce, whose members are WPDES permit holders, would monitor this program closely. Ms. Stepp added that the Committee asked that the Department report back in one year on how the rule is working and on the Department's progress in issuing permits.

When put to a vote, the motion was carried unanimously.

6.A-5 Authorization for hearing on revision of Chapters NR 406, 407 and 422, Wis. Adm. Code, pertaining to auto body refinishing operations.

The Committee recommended and Mr. Willett MOVED that the Board authorize public hearings. Mr. Poulson seconded the motion. The motion was carried unanimously.

6.A-6 Authorization for hearing on revision of Chapters NR 400, 410, 429-425, 428, 439 and 485, Wis. Adm. Code, pertaining to nitrogen oxide and volatile organic compound emission reductions to address a comprehensive and federally-enforceable State Implementation Plan (SIP) to ensure one-hour ozone attainment in Wisconsin.

The Committee recommended and Mr. Willett MOVED that the Board authorize public hearings. Ms. Stepp seconded the motion.

Mr. Willett reported on the Committee's discussion of this item. The proposed rules contain provisions to achieve reductions in emissions of volatile organic compounds (VOC) and nitrogen oxides (Nox) from various categories of sources. Controversies regarding the proposed plan involve the need for the degree of, and location of Nox controls to attain the 1-hour ozone standard in Wisconsin. The proposed plan to be taken to public hearing includes several options for dealing with these controversies. The schedule for finalizing the plan and related rule revisions includes a series of public hearings and workshops in June, followed by adoption of the plan at the September Board meeting and completion of legislative review before December, to meet the submittal deadline of December 31, 2000.

Mr. Willett stated that the Committee asked for a legal opinion before final Board approval because of questions raised about the applicability of the rate of progress requirements as they apply to southeastern Wisconsin, if modeling shows that upwind states' reductions of Nox in response to federal requirements will bring Wisconsin into attainment.

Mr. O'Brien asked if the regulations, as currently drafted, require controls in the ozone maintenance region as well as in the primary ozone control region. Lloyd Eagan, Director, Bureau of Air Management, stated that the Department has proposed minimum performance standards for new industrial facilities in the ozone maintenance region which will become a comprehensive requirement in 2007. Between 2001 – 2006, these requirements would be proposed as targets to new facilities in the ozone maintenance region but not strictly required. In the secondary ozone control region, the Department has proposed one to one offsets for major Nox sources and minimum performance standards for new facilities starting in 2001. (The New Source Performance Standard would apply to facilities that are not already covered by existing regulations.) She added that the "big difference between the primary and the secondary ozone control areas is that the primary area also requires reductions from existing sources." Mr. O'Brien asked if there were reductions required in the secondary and the maintenance ozone. Ms. Eagan indicated there is no rate of progress reduction requirement in the secondary ozone area or in the ozone control maintenance region area.

When put to a vote, the motion was carried unanimously.

6.A-7 Establishment of the Turtle Valley Wildlife Area in Walworth County, with an acreage goal of 5,550 acres.

The Committee recommended and Mr. Willett MOVED that the Board approve the Feasibility Study and Environmental Analysis to establish the Turtle Valley Wildlife Area in Walworth County, including an acquisition goal of 5,550 acres. Mr. Poulson seconded the motion.

Mr. Willett explained the Committee's concerns over this proposed project, including impacts, if any, to area landowners and placing a boundary around agricultural lands. He indicated the Committee also had concerns about the Department's process—that the Committee was being asked to approve a boundary it did not authorize. The Department agreed that it would review and formalize a process for involving the Board in establishing boundaries for Department projects.

When put to a vote, the motion was carried unanimously.

6.A-8 Turtle Valley Wildlife Area land acquisition – Walworth County.

The Committee recommended and Mr. Willett MOVED that the Board approve the purchase of 1,728 acres from VanderVeen Farms, Inc. for \$934,500. Mr. Poulson seconded the motion. The motion was carried unanimously.

6.A-9 DONATION – 101.5 acres from the Kinnickinnic River Land Trust, Inc. for the Streambank Protection Program (Kinnickinnic River) in St. Croix County.

The Committee recommended and Mr. Willett MOVED that the Board accept the donation. Ms. Stepp seconded the motion. The motion was carried unanimously.

6.A-10 DONATION – 96.7 acres from Pheasants Forever for the Statewide Wildlife Habitat Program in St. Croix and Pierce Counties.

The Committee recommended and Mr. Willett MOVED that the Board accept the donation. Mr. Poulson seconded the motion. The motion was carried unanimously.

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

6.B-1 Minutes of April 26, 2000.

The minutes were approved as written.

6.B-2 Adoption of Order WM-1-00(a) – proposed wildlife regulation changes resulting from the 2000 Spring Fish and Wildlife Hearings (all rule proposals except for mourning dove proposal).

The Committee recommended and Mr. Behnke MOVED approval of Order WM-1-00(a), as presented. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously.

6.B-3 Adoption of Order FH-3-00 – proposed fishing regulation changes resulting from the 2000 Spring Fish and Wildlife Hearings.

The Committee recommended and Mr. Behnke MOVED that the Board approve Order FH-3-00 with the following changes: (1) The opening date for the special early catch and release trout season was modified after the hearings, from March 1 to the first Saturday in March, to ensure compliance with s. 29.053(1), Wisconsin Statutes; (2) NR 20.15(b)(2) No person may use ~~or possess~~ any hooks, baits or lures other than artificial lures with barbless hooks while fishing for any species of fish on trout streams specified in para. (a). **(Drafter's Note: The words "or possess" are included in this draft because s. NR 20.15 is being repealed and recreated. If 1999 Assembly Bill 561 is passed and signed into law, the words will be deleted from this paragraph.)**

Mr. Tiefenthaler seconded the motion. The motion was carried unanimously.

6.B-4 Authorization for hearing on the revision of Chapter NR 10, Wis. Adm. Code, to establish the 2000 migratory game bird season.

The Committee recommended and Mr. Behnke MOVED that the Board authorize public hearings. Mr. O'Brien seconded the motion. The motion was carried unanimously.

6.B-5 Authorization for hearing on revision of Chapter NR 25, Wis. Adm. Code, to expand areas open to chub fishing during the winter period (January 16 through the end of February every year).

The Committee recommended and Mr. Behnke MOVED that the Board authorize public hearings. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously.

6.B-6 Statewide Public Access Program land acquisition – Oconto County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 0.58 acre on the Pensaukee River in Oconto County from Donna Lipp for \$209,000. Mr. O'Brien seconded the motion. The motion was carried unanimously.

6.B-7 Kickapoo Wildlife Area/Lower Wisconsin State Riverway land acquisition – Crawford County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 281.34 acres from Donald Preston for \$253,200. Mr. O'Brien seconded the motion. The motion was carried unanimously.

6.B-8 Streambank Protection Program land acquisition – Dane County; and acceptance and recognition to Dane County for its donation of \$100,000 to be used toward the purchase.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 197.69 acres from Porter Sibs Enterprises, LLC for \$750,000 for the Streambank Protection Fee Program and recognize Dane County for contributing \$100,000 of that cost. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously.

6.B-9 Approval to purchase 16.04 acres from the Pamperin Trust for \$455,000 for replacement location of the Northeast Region Headquarters in Brown County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 16.04 acres from Elizabeth S. Pamperin Trust for \$455,000. Mr. O'Brien seconded the motion. It was noted that the item will be submitted to the State Building Commission in June. When put to a vote, the motion was carried unanimously.

6.B-10 Streambank Protection Program (Onion River) land acquisition – Sheboygan County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 59 acres from the Abraham Estate for \$200,600. Mr. O'Brien seconded the motion. The motion was carried unanimously.

6.B-11 Nevin Fish Hatchery land exchange – Dane County.

The Committee recommended and Mr. Behnke MOVED the exchange of a 78.07-acre state tract no longer needed for conservation purposes for 78.07 acres of land from the Wisconsin Alumni Research Foundation. (This will be an even trade and there is no net value difference to be paid by either party.) Mr. Tiefenthaler seconded the motion. The motion was carried unanimously.

6.B-12 Approval to establish the Brillion to Forest Junction State Trail in Calumet County, with an acreage goal of 60 acres.

The Committee recommended and Mr. Behnke MOVED that the Board approve the Brillion to Forest Junction State Trail as a new project with an acreage goal of 60 acres. Mr. O'Brien seconded the motion. The motion was carried unanimously.

7. Department Secretary's Matters.

7.A DONATION – \$5,000 from the R.K. Mellon Family Foundation to be used toward the publication of a book titled, "Sandhill Whitetails: Providing New Perspectives for Deer Management."

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, acceptance of the donation. When put to a vote, the motion was carried unanimously.

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The Board Meeting was recessed at 12:05 p.m.