

**NATURAL RESOURCES BOARD**  
**MINUTES**

The regular meeting of the Natural Resources Board was held Wednesday, April 25, 2001, in Room 027 of the State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:30 a.m. for action on Items 1 and 2. The meeting was recessed at 8:38 a.m. and reconvened at 11:44 a.m.

PRESENT:        Trygve A. Solberg, Chair  
                  James E. Tiefenthaler, Vice Chair  
                  Gerald W. O'Brien, Secretary  
                  Herbert F. Behnke (arrived at 9:45 a.m.)  
                  Howard D. Poulson  
                  Catherine Stepp  
                  Stephen D. Willett

ORDER OF BUSINESS

1.        Minutes to be approved.

1.A.     Full Board Minutes of March 28, 2001.

Mr. Poulson MOVED, seconded by Mr. O'Brien, approval of the Full Board Minutes of March 28, 2001 as presented. The motion was carried unanimously by those members present.

1.B.     Agenda for April 25, 2001.

Secretary Bazzell stated there were no changes to the agenda. Secretary Bazzell passed out the Second Annual copy of the State of Wisconsin's Natural Resources Report. Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the agenda for April 25, 2001. The motion was carried unanimously by those members present. (Mr. Behnke was absent)

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 by those members present. (Mr. Behnke was absent)

3.        Committee of the Whole.

3.A.     DONATION - \$35,500 from the Friends of Whitefish Dunes State Park for construction of the shelter building at Whitefish Dunes State Park near Sturgeon Bay, Door County.

Mr. O'Brien MOVED, seconded by Mr. Willett, acceptance of the donation. The motion was carried unanimously by those members present.

3.B.     INFORMATIONAL ITEM – Update on Sandhill Outdoor Skills Center High School Independent Studies Project.

This item was presented during the Committee of the Whole meeting.

3.C. Retirement Resolutions:

1. Charles Dube.
2. Raymond Larsen.
3. Michael Rindfleisch.
4. Bruce Swanson.
5. John Wetzel.
6. Jeffrey Wilson.

This item was presented during the Committee of the Whole meeting.

Mr. Willett MOVED, seconded by Mr. Poulson, approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present.

4. Board Members' Matters.

This item was presented during the Committee of the Whole meeting.

5. Special Committees' Reports.

There were no Special Committee's Reports this month.

6. Operating Committees.

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

6.A.1. Minutes. There are no Committee minutes for March 2001 since all agenda items were taken up during the Full Board Meeting.

6.A.2. Adoption of Order AM-37-00– revision of Chapters NR 422, 460, 465 and 484, Wis. Adm. Code, pertaining to national emission standards for hazardous air pollutants for wood furniture manufacturing operations.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson the motion of the Adoption of Order AM-37-00– revision of Chapters NR 422, 460, 465 and 484, Wis. Adm. Code, pertaining to national emission standards for hazardous air pollutants for wood furniture manufacturing operations, as presented. The motion was carried unanimously by those members present.

6.A.3. Adoption of Order AM-43-00 – revision of Chapters NR 422 and 439, Wis. Adm. Code, pertaining to the control of VOC emissions from plastic parts coating operations.

The Committee recommended and Mr. Willett MOVED, seconded by Ms. Stepp the motion of the Adoption of Order AM-43-00 – revision of Chapters NR 422 and 439, Wis. Adm. Code, pertaining to the control of VOC emissions from plastic parts coating operations, as presented. The motion was carried unanimously by those members present.

6.A.4. Authorization for hearing on revision of s. NR 410.05(3)(c), Wis. Adm. Code, pertaining to Asbestos Inspection Fees.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson that the Board authorize public hearing. The motion was carried unanimously by those members present.

6.A.5. Authorization for hearing on revision of Chapter NR 166, Wis. Adm. Code, pertaining to Safe Drinking Water Loan Program

The Committee recommended and Mr. Willett MOVED, seconded by Ms. Stepp that the Board authorize public hearing. The motion was carried unanimously by those members present.

6.A.6. Authorization for hearing on revision of Chapter NR 326, Wis. Adm. Code, pertaining clarification to determine whether water trampolines should be regulated in the same manner as swim rafts.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson that the Board authorize public hearing.

Discussion

Chairman Solberg: I would like to make one comment on this. I saw Mike Cain earlier this morning and I mentioned to him that this was one of the other things that slipped through the cracks, with regard to the regular swimming rafts that are metal. I think the code states they can go out no further than 200 feet from the pier. However, it has been brought to my attention that some people are thinking about putting these real close to the pier and extending on their piers, because of our pier planner situation. We probably have no protection against that and I don't think that is exactly what we wanted. Mr. Cain said they would be looking into this. I think there is going to be a problem if that starts coming about. If we can take care of it before it happens that would be good.

Ms. Stepp: I voted against this in committee because I sometimes feel a little nervous about DNR regulating people's fun so much. I am not saying that some of these might not be a problem but my question is, because it is on a waterway does DNR regulate this particular aspect or can this be left up to local municipalities to regulate it? Let the people that live there and use the waterways make the decision. Generally speaking, they don't have a problem with a 20 foot trampoline that their kids can play on. Maybe they can require this be brought in at dusk. Is this something that can be handled more locally instead of us? Again, reaching out and saying okay everyone in Wisconsin can't have your water trampoline without permits.

Chairman Solberg: I think part of that is that water is a public trust for every citizen in the state, whether you live there or not. I think it is probably wise and I feel that it will go to public hearing, that the Department issue a rule. However, if a local municipality would like to make it more restrictive and take those in, they certainly can. But, I think at some point this Department should do something about what is out on those waters because we really do have control of them, they are our statutory responsibility.

Ms. Stepp: I just like to think of us more worrying about fisheries, the quality of waters, environmental type things instead of wrecking everyone's fun.

Mr. Behnke: I am sure that point will be made at the public hearing.

Ms. Stepp: Yes, I just wanted to say it.

Chairman Solberg: I think what is happening, you have those lake associations and they want to be more restrictive. You don't want these lakes filled up with everything. I think locally they can take care of those problems.

Mr. Tiefenthaler: I saw a 100 square feet or something like that in the package. But, what about the color?

The motion was carried by a vote of six to one, with Ms. Stepp opposing, by those members present.

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

6.B.1. Minutes. There are no Committee minutes for March 2001 since all agenda items were taken up during the Full Board Meeting.

6.B.2. Approval of Feasibility Study and Environmental Assessment for the Joel Marsh Wildlife Area in Polk County, 523.6 acre boundary expansion.

The Committee recommended and Mr. Tiefenthaler MOVED, seconded by Mr. Behnke approval of the Feasibility Study and Environmental Assessment for the Joel Marsh Wildlife Area in Polk County, 523.6 acre boundary expansion. The motion was carried unanimously by those members present.

6.B.3. Adoption of Order WM-03-01 - revision of Chapters NR 10,12 and 19, Wis. Adm. Code, pertaining to wildlife housekeeping changes for 2001.

The Committee recommended and Mr. Tiefenthaler MOVED, seconded by Mr. Behnke the motion of the Adoption of Order WM-03-01 - revision of Chapters NR 10,12 and 19, Wis. Adm. Code, pertaining to wildlife housekeeping changes for 2001, as presented. The motion was carried unanimously by those members present.

6.B.4. Adoption of Order FH-44-00 - revision of s. NR 1.95, Wis. Adm. Code, pertaining to wetlands preservation, protection and management.

The Committee recommended and Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien the motion of the Adoption of Order FH-44-00 - revision of s. NR 1.95, Wis. Adm. Code, pertaining to wetlands preservation, protection and management, as presented. The motion was carried unanimously by those members present.

6.B.5. Adoption of Emergency Order WM-15-01(E) - revision of Chapter NR 10, Wis. Adm. Code, pertaining to a special deer herd control hunt in forest deer management units.

The Committee recommended and Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien the motion of the Adoption of Emergency Order WM-15-01(E) - revision of Chapter NR 10, Wis. Adm. Code, pertaining to a special deer herd control hunt in forest deer management units, as amended.

Amendment #1: We remove from the T Zone for the year Deer Management Units 28, 34, 71, 74A, 74B and 75A.

Amendment #2: We add the four day December hunt antlerless season framework to the northern deer management units 28 and 34 and also to remove from those T Zones.

Discussion

Mr. Poulson: Are we going to be done with this now? Seriously, are we going to be done now or are we going to come back next month and take some more out? Because I want to know how long we are going to peck away at this until we have ruined what Deer 2000 was going to do.

Chairman Solberg: This is done for the year. We won't consider anything more.

Mr. Poulson: I will be violently opposed if we take up any portion of this again.

Mr. Behnke: I have had about enough of this hammering back and forth on this deer issue. That is why we wanted to have a long range program. Obviously, when you have a program like this, there are going to be a variation of minor adjustments that need to be done until we get it into place. I agree with you, it is time that we put it to rest.

Mr. Tiefenthaler: We have to clarify that we are going to have a meeting with the legislators.

Chairman Solberg: What you are talking about are the units tied to Deer 2000.

Mr. Behnke: What will happen here on out will not be for this year. What the legislature has objected to has no bearing on what we are doing here today with Deer 2000.

Steve Miller, Administrator, Division of Land, responded: Just to clarify what Mr. Behnke said, as far as Deer 2000, the rule changes will need to come back to Committee and to the Full Board and we will need to respond to the legislative questions that anyone has. The Zone T for this year will be done.

Mr. Willett: As you pointed out, Mr. Chairman, most of sat here for at least ten years and we have seen the deer herd continue to rise and the social issues related to them continue to rise. I personally feel, and I think I speak for the majority of the Board, that the Department has been very responsible in responding to both social and the biological needs. I am not opposed to these changes based on some of the concerns. But, I am

somewhat concerned about the fact that some people would like to manage a deer population by vote. Our obligation of this Board is to take the science and do what is best for the resource and not because someone wants to shoot more or less deer. I would like to say that I think the Department has done a great job in its overwhelming task. I think the proof is that last year was the largest hunt in history of civilization. The second largest hunt was 100,000 deer less, that was Texas in 1995. To put that into perspective, as the largest hunt in the history of civilization. What is the result of that? Our deer herd decline. That says volumes about the quality of this Department and this Board for its work. I want to make sure this goes on the record that I support this.

Chairman Solberg: As everyone stated this morning that testified here today, even though they weren't happy with everything, they certainly could not say enough about how well we worked with everyone.

Tom Hauge, Director of Wildlife Management, responded: I want to thank Mr. Willett and the Board for their kind words. At sometime, not at this Board meeting, but it would be helpful to me to get some advice from you as to how the managers in these affected units might have done things differently. I understand the Board's desire to be responsive to the systems that appeared here today. But, I will walk out of this room and face a much different crowd who won't understand how they could have done their job any better than they did.

Chairman Solberg: One comment that was brought up here today about putting that muck fawn count into the equation. Does that make any sense?

Bill Mytton, Deer and Bear Ecologist, responded: It actually doesn't, we have done that in the past and we get misinformation that they shot a buck fawn so they put it in as an adult doe. Unless you have someone that can check it. The bigger issue is that even if we do it what are we going to change to kill antlerless deer.

Chairman Solberg: I understand that, but I just wondered if the fact was that if it is a buck fawn and if that went into the equation if that would make a difference.

Mr. Mytton: We factor all that in and that is why I say that our aging data is the best and gives us much more than filling out a slip. The difficulty now is that we go to ALIS in electronics, and you simply cannot create a questionnaire on the little machine that can only take so much information. That is where we are headed.

Mr. Tiefenthaler: What about private and public land?

Mr. Mytton: We are already doing that within our questionnaire where we can make sure we are getting at what someone is really talking about. There is a lot of our public that view MSL lands and managed forests lands that are private and public lands. We find that we are increasing the survey numbers from 10,000 to 20,000 in some cases. We don't want to ask for information and get bad information. That is why we would contend that there are other vehicles that we can use to get at that.

Chairman Solberg: Someone mentioned that Michigan does some different things, that are similar to what you are talking about.

Mr. Miller: It is always difficult for the Board to weight a recommendation of the managers in the program. I know, Mr. Behnke in particular, has done this for many years as all of you have. It is a tough decision. I think that the folks representing this part of the state that have come up here today, there has been a bit of a continuing dialog on what is the right number for bow and what the right harvest is. It is a continuing dialogue and it is obviously not settled. With some of the efforts that we have going on now with verifying kill and using helicopter survey will help. I think from the comments that the folks made, generally they feel very complimentary and they want to work with the Wildlife Program in a very positive way. If this is the year to do that, I think we can. For the long term, we need to still work on getting this herd down. The issues are still out there.

Chairman Solberg: I think it looks like the sentiment of this will pass us by, I don't know what the vote is. When you are worried that there are seven speakers this time, maybe there will be 14 people coming in next time to comment. I think we should take a look at these seven units and see what happens next year. Reporting back to the Board. What actually had happened on these units.

Mr. Behnke: Everyone here knows that I have been very supportive of the science and biology that needs to be involved. In fact I have gotten nothing but the best in that regard from the Department. That is your responsibility. On the other hand, you are victims of the system that we have here in Wisconsin because we do involve the citizens in our decision making. We have a Conservation Congress, we have a Natural Resources Board and so we have a lot of citizens involved in the social aspects of the biological and scientific approach to game management. If you want to go to Minnesota and run the DNR like they do, the public doesn't get involved. I think we have a good system but in the end it becomes the responsibility of this Board to say we know what you are saying we know the science, we believe your biology but will the people accept it? When you get overwhelming opposition from the public then the Board needs to make a decision and I think that is okay. In the process, I agree with Mr. Miller and I want him to know, that we do appreciate what you are doing.

Ms. Stepp: I don't put the emotion of the public appearance as having factored in my decision. I know this is an emotional issue. I look at the scientific data but I also was struck by the public appearances today because of their responses and some of the handouts they gave us. These handouts indicated that there are over ten times the amount of people that were against having the T Zone or for having the T Zone. These are people that live there and work the land. They are the ones that are really paying attention to these things. It is not really not so much that people don't want hunting going on, they really made their case with me today on that they have been really watching for this and also that it was the one year. That was the deciding factor for me. I want to let you know that your science and your input play a large part in my decisions.

Mr. Mytton: The one thing that was good about all this is we knew that all these folks were coming, we met with them all. I think we had an excellent meeting with them. Some of these folks questioned me as to whether they should come today, I said yes. I told them this was their opportunity to go before the Board and voice their concerns. That is what the Board is about. Let them make a decision, you make your case. It is not a win lose, we will need to answer to managers who will be frustrated. I always view this as positive. We have dealt with these folks in good faith.

The motion was carried unanimously by those members present.

6.B.6. Nicolet State Trail land acquisition - Florence and Forest Counties.

The Committee recommended and Mr. Tiefenthaler MOVED that the Board approve the purchase from the Wisconsin Department of Transportation to transfer a railroad grade that runs from Wabeno, in Forest County to Tippler, in Florence County. The abandoned railroad will be acquired for the Nicolet State Trail at a cost of \$1.00. Mr. Behnke seconded the motion. The motion was carried unanimously by those members present.

6.B.7. Governor Dodge State Park and Streambank Protection land acquisition - Iowa County.

The Committee recommended and Mr. Tiefenthaler MOVED that the Board approve the purchase of 169 acres of land from Michael and Sandra Cassidy for \$335,000 for Governor Dodge State Park and adjoining Cox Hollow Streambank Protection Area in Iowa County. Mr. Behnke seconded the motion. The motion was carried unanimously by those members present.

6.B.8. Statewide Natural Area land acquisition - Buffalo County.

The Committee recommended and Mr. Tiefenthaler MOVED that the Board approve the purchase of 345.4 acres of land from Wicka Farms for \$260,100 for the Statewide Natural Area in Buffalo County. Mr. Behnke seconded the motion. The motion was carried unanimously by those members present.

6.B.9. Lower Chippewa River State Natural Area land acquisition and partial donation - Pepin County.

The Committee recommended and Mr. Tiefenthaler MOVED that the Board approve the purchase of 95 acres of land in fee and 49.28 acres of land in easement from the Diocese of La Crosse for \$350,000 for the Lower Chippewa River State Natural Area in Pepin County. Mr. Behnke seconded the motion. The motion was carried by a vote of six to one, with Mr. Poulson opposing, by those members present.

6.B.10. Statewide Natural Area land acquisition and partial donation - Crawford County.

The Committee recommended and Mr. Tiefenthaler MOVED that the Board approve the purchase of 184.76 acres of land from Lowell Ahrens for \$400,000 for the Statewide Natural Area in Crawford County. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present.

6.B.11. Statewide Natural Area land acquisition and partial donation - Lafayette County.

The Committee recommended and Mr. Tiefenthaler MOVED that the Board approve the purchase of 51.67 acres of land from Weir Woodland Trust for \$85,000 for the Statewide Natural Area in Lafayette County. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present.

6.B.12. Mecan River System Fishing Area land acquisition - Marquette County.

The Committee recommended and Mr. Tiefenthaler MOVED that the Board approve the purchase of 80 acres of land from David and Marian Floeter for \$160,000 for the Mecan River Fishery Area in Marquette County. Mr. Behnke seconded the motion. The motion was carried unanimously by those members present.

7. Department Secretary's Matters.7.A. DONATION - \$5,500 from the Flambeau Chapter of Whitetails Unlimited to be used for Hay Creek-Hoffman Lake Wildlife Area in Ashland and Iron Counties for upgrading the trail in the wildlife area.

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

7.B. DONATION - \$100,000 from Count Giovanni Auletta Armenise of Italy to be used for implementation of the Green Bay Basin Lake Sturgeon Recovery Project.

Ronald Fassbender, Lakeshore Team Supervisor, presented the background information regarding the donation of \$100,000 from Count Giovanni Auletta Armenise from Rome. Another \$100,000 will be coming for the Green Bay Basin Lake Sturgeon Recovery Project. Count Armenise is an international banker and businessman from Rome. He was having a boat built in Sturgeon Bay, Wisconsin and became friends with Bill and Betty Parsons, co-owners of the boat company. Mr. Fassbender received a call from Betty Parsons. Ms. Parsons asked if Mr. Fassbender would meet with the Count and talk to him as to why Sturgeon Bay got its name. The Count is fascinated with sturgeon. Fishery biologist, Paul Peters and Mr. Fassbender met him for lunch with Betty Parsons. The Count is interested in sharing scientific data of all kinds around the world. He is very interested in mankind. He was told about the sturgeon and the work that had been done for a number of years on Lake Winnebago and because of that work, that population is one of the most stable production sturgeon fisheries in the world. The Count was very impressed. The Count wanted to know how many sturgeon were in Sturgeon Bay. Mr. Fassbender informed the Count that the sturgeon were quite low and it was explained why (water quality, over harvest in the mid to late 1800's, the fact that habitat has been destroyed primarily of dams being built on many of the rivers). The Count asked if there was anything he could do to insure that sturgeon would stay in Sturgeon Bay. We said probably but we can't tell you that right now. One of the things that we immediately did was assemble a group of fishery biologists who had been working on various aspects of the sturgeon fishery on the Winnebago system, Green Bay and other places. That group met several times and put together a draft Green Bay sturgeon recovery plan. The Count endowed the Harvard Foundation with \$100,000,000 which is currently a medical research facility. He is supporting four different institutes associated with Harvard Medical School in Boston and three additional ones in Italy. He is very interested in agriculture, sharing knowledge and research. Our proposal was sent to Harvard. Several months later they requested a detailed scientific project covering two years that the Count would be willing to fund at \$100,000 a year. This study was sent off to Harvard. Harvard sent the study off to biologists all over the world coming back with a favorable response. After one year of negotiations back and forth with Harvard, we received a call from Poland, one of the Directors of the Foundation, stating that the check was in the mail. In March it arrived in Sturgeon Bay. The first \$100,000 has been received. The project that we are going to be doing is basic biological work on the sturgeon population of the Green Bay basin. We want to get a handle on the population levels, the genetics of that population so we can determine what strains are out

there, their behavior depends on strains. We are also going to do some movement monitoring to get a better handle on habitat needs. We are going to use a small portion of this money for scholarships for six Italian scientists to come to the Fourth International Sturgeon Symposium that will be held in Oshkosh this summer. Following the Symposium, Mr. Fassbender stated they will be giving a tour of the sturgeon work that we are doing in northeast Wisconsin, Winnebago System, Menominee Green Bay area and our hatchery techniques to this group of Italian scientists. Mr. Fassbender stated that he would like the record to truly reflect the effort of Bill and Betty Parsons. They know the Count quite personally, they have a business relationship and they are friends with the Count. Betty Parsons is a very tenacious lady. She never let the Count forget that he had made a commitment the day that we had lunch with him. Every opportunity she had to talk to him, write to him or meet with him she reminded him.

Mr. Tiefenthaler: I had read this story as a write up in the paper. We as a Board should send a letter to the Parsons thanking them for their tenacity and their contribution to this. From what I am hearing here and from what I read, this would not have happened without her.

Mr. Fassbender: We are planning a little reception for the Count following the sturgeon conference on the last day in Sturgeon Bay. When looking for ways to fund this reception the Parsons said they would put in \$1000 as a contribution to help with some of the expenses associated with the Count.

Mr. O'Brien MOVED, seconded by Ms. Stepp, acceptance of the donation. The motion was carried unanimously by those members present.

7.C. Approval to name a 200-acre flowage on the Horicon Marsh the "Bachhuber Flowage" as a memorial for Ted and Grace Bachhuber who substantially funded this wetland restoration project through their foundation.

Mr. Behnke MOVED, seconded by Mr. Poulson, approval to name a 200-acre flowage on the Horicon Marsh the "Bachhuber Flowage" as a memorial for Ted and Grace Bachhuber who substantially funded this wetland restoration project through their foundation. The motion was carried unanimously by those members present.

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The Board Meeting was adjourned at 12:30 p.m.