

NATURAL RESOURCES BOARD
MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, October 24, 2001, at the Park Plaza Valley Inn, 123 East Wisconsin Avenue, Neenah, Wisconsin. The meeting was called to order at 8:35 a.m. for action on Items 1 and 2. The meeting was recessed at 8:40 a.m. and reconvened at 1:45 p.m.

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

ABSENT: Stephen D. Willett

ORDER OF BUSINESS

1. Minutes to be approved.

1.A. Full Board Minutes of September 26, 2001.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the Full Board Minutes of September 26, 2001, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

Chairman Solberg announced that during lunch break the Board would meet in Executive Session and would report back during Committee of the Whole.

1.B. Agenda for October 24, 2001.

Secretary Bazzell asked that the following changes be made: Item 6.A.4. (Adoption of Order DG-26-01-revision of NR 809, Wis. Adm. Code, pertaining to establishing drinking water standards for radionuclides) be moved after Item 6.A.1. Item 6.A.5. (Authorization for hearing on revisions of Chapters NR 102, 104, and 106, Wis. Adm. Code, pertaining to stream classifications) be deferred to December 2001. Item 6.B.7. (Marsh Wildlife Area land sale - Washington County) added. Item 7.C. (Donation-\$7,260 from Devil's Lake State Park Concession for a new snowmobile and snowmobile trailer to the park) be added.

With those changes, Mr. Poulson MOVED, seconded by Mr. Tiefenthaler, approval of the agenda for October 24, 2001. The motion was carried unanimously by those members present. (Mr. Willett was absent)

2. Ratification of acts of the Department Secretary.

2.A. Real estate transactions.

Mr. O'Brien MOVED, seconded by Ms. Stepp, approval of the real estate transactions, as printed. The motion was carried unanimously by those members present. (Mr. Willett was absent)

3. Committee of the Whole.

Chairman Solberg announced that no action was taken during the Executive Session.

Chairman Solberg - requested a motion on the Resolution of the Proposed Extended Duck Season for the Six Southern States.

Mr. Behnke MOVED, seconded by Mr. Poulson the Resolution on the Proposed Extended Duck Season for the Six Southern States, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

3.A. Citizen Participation.

3.B. INFORMATIONAL ITEM - Update presentation on Sustainable Forest Management Certification.

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

3.C. Approval of final report and recommendations of NRB Special Committee on deer baiting and feeding.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler approval of final report and recommendations of NRB Special committee on deer baiting and feeding. The motion was carried unanimously by those members present. (Mr. Willett was absent)

3.D. DONATION - \$275,000 from American Folklore Theatre for improvements to Peninsula State Park Amphitheater Complex.

Mr. Poulson MOVED, seconded by Mr. Behnke, acceptance of the donation. The motion was carried unanimously by those members present. (Mr. Willett was absent)

3.E. Retirement Resolutions:

- 1) David Brodzinski.
- 2) Bruce Buening.
- 3) Curtis Johnson.

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

Mr. O'Brien MOVED, seconded by Mr. Behnke, approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

4. Board Members' Matters.

This item was presented 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 are no Committee minutes for September 26, 2001 since all agenda items were taken up during the Full Board Meeting.

- 6.A.2. Adoption of Order FH-19-01 - revision of Chapter NR 30, Wis. Adm. Code, pertaining to swim rafts (water trampolines) definitions.

The Committee had difficulty with this, not so much the governing or the giving of guidelines for swim rafts and water trampolines, but had difficulty with the process that someone had to go through to get a permit. It would be like any other Chapter 30 permit in that it would take an average of 60 to 90 days to get a turn around. We sent it back to Mr. Lutz, who gave the presentation, and I would like Secretary Bazzell to comment on this because he made me aware of some restrictions that we have in this particular area. We felt, as a Committee, that we don't mind the guidelines that are being set but we didn't like the procedures that we had to go through to get to it.

Secretary Bazzell - What we would do is go back and take a look and see if there is something that we could do under current law. There are some limitations, some things that we have to adhere to. We allow for public participation. If there is some sort of statutory change that will be appropriate, I am not sure that there is, but we certainly will research this and if there is something that we could respond to the issue that is raised. One issue that I need to mention that wasn't brought up in Committee was that you should be aware that we do actually have some existing authority to regulate these structures of 12 feet or above right now. We don't enforce that, so there is some existing authority that we have. I think it is appropriate not to exercise that authority until we work our way through the rule making process.

Ms. Stepp stated that no action was taken at this time other than to send back for further review by the Department.

- 6.A.3. Adoption of Order AM-38-00 - creation of Chapter NR 464, Wis. Adm. Code, pertaining to federal hazardous air pollutant standard for pulp and paper mills, and revision of Chapters NR 439 and NR 460, Wis. Adm. Code, pertaining to general requirements for facilities subject to federal MACT standards.

The Committee recommended and Ms. Stepp MOVED, seconded by Mr. Poulson adoption of Order AM-38-00 - creation of Chapter NR 464, Wis. Adm. Code, pertaining to federal hazardous air pollutant standard for pulp and paper mills, and revision of Chapters NR 439 and NR 460, Wis. Adm. Code, pertaining to general requirements for facilities subject to federal MACT standards, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

- 6.A.4. Adoption of Order DG-26-01 - revision of NR 809, Wis. Adm. Code, pertaining to establishing drinking water standards for radionuclides.

The Committee recommended and Ms. Stepp MOVED, seconded by Mr. Poulson adoption of Order DG-26-01 - revision of NR 809, Wis. Adm. Code, pertaining to establishing drinking water standards for radionuclides, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

Mr. Tiefenthaler stated that he appreciated the Department's flexibility with Waukesha.

- 6.A.5. Authorization for hearing on revisions of Chapters NR 102, 104, and 106, Wis. Adm. Code, pertaining to stream classifications.

This item was deferred to the December 2001 Board Meeting.

- 6.A.6. Authorization for hearing on revision of Chapters NR 700, 714, 722, 726, and 749, Wis. Adm. Code, pertaining to applying deed restrictions and deed notices to contaminated properties where residual soil contamination remains after site closure.

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

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

6.B.1. Minutes. There are no Committee minutes for September 26, 2001 since all agenda items were taken up during the Full Board Meeting.

6.B.2. Approval of final feasibility study for the Northeast Quadrant of the Milwaukee County Grounds.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler approval of final feasibility study for the Northeast Quadrant of the Milwaukee County Grounds. The motion was carried unanimously by those members present. (Mr. Willett was absent)

6.B.3. Adoption of Order FH-12-01 - revising of Chapters NR 20 and NR 25, Wis. Adm. Code, pertaining to reducing the sport fishing daily bag limit for yellow perch from Green Bay and its tributaries and the total annual commercial harvest limit for yellow perch from commercial fishing zone 1 (southern Green Bay).

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler adoption of Order FH-12-01 - revising of Chapters NR 20 and NR 25, Wis. Adm. Code, pertaining to reducing the sport fishing daily bag limit for yellow perch from Green Bay and its tributaries and the total annual commercial harvest limit for yellow perch from commercial fishing zone 1 (southern Green Bay) with a two year sunset clause, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

6.B.4. Authorization for hearing on revisions of Chapter NR 16, Sub-Chapter II, Wis. Adm. Code, pertaining to the use of natural bodies of water as fish farms.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien authorization for hearing on revisions of Chapter NR 16, Sub-Chapter II, Wis. Adm. Code, pertaining to the use of natural bodies of water as fish farms, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

6.B.5. Authorization for hearing on revision of Chapter NR 18, Wis. Adm. Code, pertaining to falconry.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien authorization for hearing on revision of Chapter NR 18, Wis. Adm. Code, pertaining to falconry, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

6.B.6. Lower Wisconsin State Riverway land donation - Iowa County.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler that the Board approve the land donation of 20 acres in Iowa County from Robert Kubicka and Claire Smith. The motion was carried unanimously by those members present. (Mr. Willett was absent)

6.B.7. Marsh Wildlife Area land sale - Washington County.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler that the Board approve the Wildlife Area land sale in Washington County to Tim and Laura Provencher for \$151,000. The motion was carried unanimously by those members present. (Mr. Willett was absent)

7. Department Secretary's Matters.

7.A. DONATION - \$5,000 from the Friends of High Cliff State Park to High Cliff State Park for the purpose of hiring an educator.

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

7.B. Request by Legislative Committee for proposed Modifications of NR 10, deer season frameworks.

Bill Vander Zouwen, Chief Wildlife and Landscape Ecologist, presented the request by Legislative Committee for proposed Modifications of NR 10, deer season frameworks. With an overhead presentation, Mr. Vander Zouwen addressed the history of NR 10 and the compromises made. That compromise was to have a three year sunset on

the provision for the northern part of the state, the southern part of the state would be permanent. The proposal is simply to make that sunset apply statewide. Mr. Vander Zouwen stated that deer management is extremely complex and affects a lot of interest groups, and deer herd control has become increasingly difficult that is one of the reasons that the Department went to Deer 2000. Presently, we are operating under a deer season, unfortunately, that is decades old basically from 1960 deer season when we had a lot less deer and we were trying to protect them. Now we are trying to harvest deer and we still have this old season in place, which isn't doing the job. Mr. Vander Zouwen reviewed the hearing process and the attendance. He stated that invitations and newsletters were sent to the Association of Wisconsin Snowmobile Clubs, Wisconsin Snowmobile Alliance, Wisconsin Snowmobile Recreation Council, Wisconsin Trails Council, Wisconsin Tourism Federation, and the Department of Tourism. Approximately 16,000 folks became involved in the process. Mr. Vander Zouwen stated that basically the two objections they are hearing are from the legislature, regarding concern among the snow industries, and tourism industry that is affected in the mid-December season. Additionally, there is interest, particularly by Representative Johnsrud and the Assembly Natural Resources Committee, in going earlier and having a 16-day gun season starting the Saturday before Thanksgiving and not having the mid-December season. Some folks don't want this expanded opportunity but right now we have the nine-day season, gun hunters are restricted more than any other outdoor interest group. He stated that the fact is that there is any way the gun season could change without impacting or at least a perception of impacting other interest groups. Mr. Vander Zouwen reviewed public recommendations, compromises, why we keep coming back to the mid-December gun season, and the expected controversy. Mr. Vander Zouwen stated the sunset date of three years for the four-day December antlerless hunt will allow the Department and the Natural Resources Board to gather data to determine if any conflicts arise and evaluate the effectiveness of the hunt. This temporary hunt is intended to provide added hunting opportunities statewide, and at the same time is designed to alleviate the controversy of a permanent December hunt which was a concern for certain winter recreationalists and legislators. This four-day hunt which received the greatest support during the Deer 2000 June statewide review will also add a measure of herd control across the state, which may help keep units from needing special herd control measures, Zone T, and earn-a-buck hunts. An important reason for the December hunt is to increase access to private lands for deer hunting. This was one of the major issues identified by the Deer 2000 process, and Deer 2000 participants felt that landowners were more willing to allow people on their land to hunt antlerless deer after the nine-day gun season. The December hunt would be open only to hunting with unfilled antlerless deer tags in units they are available or valid for. For instance, if there were no hunter's choice, bonus, or Zone-T tags for a particular unit, then that unit would not have a December hunt. Mr. Vander Zouwen stated that despite the obstacles, the Department strongly believes their recommendations are both reasonable and considerate of all of the potential impacts and tradeoffs among various land uses and recreational interests. He stated they also felt a strong sense of duty to not abandon all the public input and long hours of volunteer citizen based policy development that occurred in the past several years including this very small sub-sample of all these people. He further stated they are still trying to get compromises for all folks to accept. The Department does not support giving any recreational group exclusive use of the Wisconsin outdoors. Mr. Vander Zouwen stated that the Department has long encouraged the diverse interest groups to share the natural resources and he feels this is his main message. He further stated this is the message that Wardens bring to every fifth grade school class in Wisconsin, be tolerant of other types of recreations and be willing to share the resource. He stated this policy has been successful where it has been used throughout the state, in state parks, state recreation areas, and state forests without any significant problems. Mr. Vander Zouwen stated that he felt this rule will continue to travel a rough road in the Legislature, but he feels it is the right thing for the Department and the Board to propose. Hunting and other forms of recreation can and should coexist. He stated that he really doesn't think they should be telling landowners that they can't hunt on their own land because someone else wants to use it. He further stated that he felt they should figure out how to use the land together.

Ms. Stepp stated that she had some problems with the weather data presented. The statements that were made that three out of the last 21 years has provided adequate coverage for snowmobiling, that is an incorrect summary statement because on almost every page of the raw data, if you look at page three of the report, the data is incorrect. All the 2000 data is not included which would change your average. From 1980 to 1987 at the Hurley Station, no data is included. So, there are problems with the statistics. Eagle River, a number of the data from the year 2000 is not included, which would change the averages. Park Falls Station, data is missing. If there is information missing, you can't leave years out and you can't leave chunks of information out and draw conclusions from it. 1980 and 1982 there is information missing on Park Falls. Ms. Stepp questioned what the snowfall was in 1980 and 1982 and what was the snowfall for the rest of 2000. I know Park Falls has quite a bit.

Mr. Tiefenthaler, if you look at December of 1980 and 1982 they didn't have any. I would submit that Park Falls is close enough to Eagle River that it would be similar.

Ms. Stepp, my point is that if we are going to draw conclusions from statistics like they want me to believe, then we need all data.

Mr. Tiefenthaler, I take your point, but if you want to draw some inference that at the Eagle River Station in 1980 and 1982 essentially on December 12th there wasn't any snow at all, zero on the ground in 1980 and on December 14th there was zero on the ground.

Ms. Stepp, what I am saying, these are hand picked statistics for us is to take a look at and you can't draw conclusions from this, especially when seven years of one station missing. It isn't fair for me to be able to expect to believe this and that is why I wanted to review this weather data. This happened the last time that we reviewed this issue.

Mr. Vander Zouwen, could I respond to that? One of our assistants looked this up, I can't say for sure what happened here, just from looking at data like this in the past, when I was in research years ago, it is quite possible that at some stations they didn't collect the data. There is nothing hand picked about this. This is just what was available. I think that the point is still there. You see there is not always going to be snow on the ground, but even though there is, there should be a way for trails to both be open and for hunting to occur at the same time.

Mr. Behnke, if you go to the last page regarding Prentice, about 30 miles from Park Falls, there is zero, zero, zero snowfall there and I would guess the same would be true of Park Falls.

Mr. Tiefenthaler, also in Bayfield and Drummond, and they probably didn't have any snow and they didn't submit a report because there wasn't any snow.

Ms. Stepp, that could be but what I am saying that the average statistics aren't accurate. If we are going to use data to draw conclusions to make a point it needs to be fair data. The other thing is that we spoke about, towards the beginning of December for this gun hunt. That is one of the reasons that I originally went along with the sunset clause that we could have it and I stated that we could go north of Highway Eight. I was under the impression that it was going to be at the beginning of December. Maybe that is my fault, but now I am seeing that it is going to be the 12th through the 14th, the middle of the month, which is dramatically going to impact these counties in the northern part of our state. Most notably north of Highway Eight and their snowmobiling economy. One year without snow can put these people out of business, just one year. This is something that we need to be very cognitive of. We have all received notices, I have gotten over 350 letters and cards, over 30 phone calls in the last week, over this issue. Not only from snowmobilers but also from Chamber of Commerces as well. People worrying about the impact of their business. While I know that we cannot entirely rely upon just public input, I can appreciate that, I do remember the Department saying to me, during the dove hunt issue, look at all the cards and letters in support from the public. I am doing that now, and I am saying that we can work together if we can go back to my original idea of compromise north of Highway Eight being excluded from this and having that as having a sunset clause and see how it affects deer management. The other statement, Mr. Vander Zouwen, six inches necessary to open a snowmobile trail. That is true, but the inference there is that without six inches of snow they are going to close it. Me, being a rider, I know that is not the case. A lot of the statements in this report bother me because it tries to draw me down a path that I know isn't like what it is in the real world. That troubles me. The last thing that I would like to say is that when we talked about the safety issue, my family rides so I take my children out there. I am not so concerned about guns being out there, my worry is people getting hit on the trails, I am very worried about that because I know that hunters in the woods aren't always going to go through a foot of snow. They are going to use the trails at the same time the snowmobilers are, to walk to their stands or wherever they are going. I am worried about someone getting killed or hit and hurt. So, if we want to talk about safety issues, yes the guns are a factor somewhat, but I also think it is people being on the trails at the same time. Most notably, my concern is the economy for those counties and all those businesses north of Highway Eight. I am very disturbed about it.

Mr. Vander Zouwen, you folks have already decided on this package before, the only thing before you is to extend the compromise.

Ms. Stepp, I agreed to it though with a different perception.

Mr. Poulson, help me with Ms. Stepp's misunderstanding. Can you tie it to specific dates, how does it change? How is the designation done?

Mr. Vander Zouwen, it would always start as proposed two to three days after Thanksgiving. So, this next year just happens to be the latest year possible. If you look over the next several years, it will gradually get earlier. If we continue beyond three years, at some point it will become December 6th through the 9th, which it is basically this year.

Mr. Behnke, Mr. Vander Zouwen indicated that the three year sunset is the only thing that we need to act on. Do we not need to respond to Representative Johnsrud on his sending back to us the NR 10 requesting some modification? We need to respond to that as well, do we not?

Secretary Bazzell, this is the response.

Ms. Stepp, so there is no chance for me to put my amendment back into NR 10, is there?

Mr. Behnke, we are actually responding to a request from the Legislative Committee to make some modifications.

Chairman Solberg, the Committee didn't ask for that.

Mr. Behnke, then why are we voting on a three year extension statewide, if we are putting that in, why can't we put in Ms. Stepp's amendment.

Mr. Tiefenthaler, we can.

Chairman Solberg called upon Chairman Steve Oestricher of the Conservation Congress.

Chairman Oestricher, Conservation Congress, stated that the Wisconsin Department of Natural Resources, the Natural Resources Board, the Conservation Congress, and the Wisconsin Bow Hunters Association have attempted to work with the snowmobilers and the legislature to work out a compromise that all parties could live with. The Congress and our fellow conservation minded citizens of the state, who participated in Deer 2000, have put too much time and effort into this process to see our work dismantled and delayed by special interests who have not put the time and resources into understanding the complex issues associated with deer season frameworks. He suggested that this was not the time for personal agendas to get in the way of public desires. He stated there were six critical points regarding the December four-day antlerless gun season. One is access to private lands. The public identified access to private lands as one of the major, if not the most important issue, facing the deer hunters and the herd in the State of Wisconsin. The Deer 2000 Herd Size Committee looked closely at this issue after much discussion and research. The Herd Size Committee concluded that the four-day December antlerless season, following the regular nine-day gun season, would best increase the opportunities for hunters to gain access to private lands. Landowners will already have had the chance to harvest deer on their properties and they would not have to worry about bucks being shot on their properties. Landowners and hunters agreed that this was the top rated alternative. Two, it is the increased opportunity for the gun hunters, currently firearm hunters only have nine days to hunt in a state that is known across the nation and around the world for its hunter opportunities. All that Deer 2000 has recommended is an extra four days, at the time of year that has little conflict with the peak seasons of other interest groups. Three, the opportunity to stay out of special herd control seasons by allowing hunters an extra opportunity to harvest antlerless deer in December, it will allow units more opportunity to avoid special herd control hunts which are often unpopular with hunters in following years by increasing the annual harvest. Four, public support. The timing of this permanent statewide antlerless gun season received the most support of the options presented, 59 percent supported, 28 percent opposed. It was supported in all regions of the state in the June Deer 2000 questionnaire. Five, the sunset compromise. In order to address the concerns of critics to this expanded gun hunting opportunity, the Board has recommended that a three year sunset date be instituted statewide. This would allow the Department and the Board to analyze the hunts effectiveness and document any controversy or conflict that may develop with other interest groups. The Congress has indicated their support for this approach. Six, limited conflict. Last years hunt provided an example of the how snowmobilers and gun hunters could coexist across Wisconsin when the state experienced an unusually abundant snowfall. It wasn't until the season was being proposed as becoming permanent did the complaints of conflict and trail closures surface. In addition, by outlining a process for registering complaints experienced during the season, the Department and the Natural Resources Board will effectively be able to analyze the existence of any conflict. We feel that two sports can coexist as archery, muzzle loader deer hunting, and snowmobiling have done for years. On October 5th I received a copy of a letter that was sent out from Mr. Orv Langohr, President, and Mr. Morris Nelson, Chair of the Legislative Committee of the Association of Wisconsin Snowmobile Clubs. It was mailed to the club's Chairs

and State Directors. The first paragraph of the letter states that, "Without prior consultation or any effort at negotiation, Wisconsin Department of Natural Resources staff determined to ask the Natural Resources Board to establish gun deer hunting seasons in all 72 counties of Wisconsin during December of each year". Those first eight words, "without prior consultation or any effort at negotiation" are simply not true at all. Mr. Langohr has also mentioned the Red Light Rally at Mercer in Hurley in early December. He mentioned that folks are not able to get there. Last year, the Iron County Trail System was open, there were some trails in Vilas County that were open so those folks could get there. The Oneida County folks could not get there because the trails were not open and they were not open because the lakes were not froze sufficient enough to allow sleds on them. This did not prohibit anyone from trailering to Hurley to participate in that event. The December T Zone season in Iron County did not prevent those folks from riding because there were only 30 animals harvested in Iron County in the December hunt. So, there were very few people that were out in the woods. Chairman Oestreicher stated that his final comment was, it would be a sad day in Wisconsin when the sportsmen and women and the landowners have to leave the woods just because the ground turns white daily.

Mr. Ladd, Chair of Deer 200 Committee and Chairman of Big Game Study Committee. I feel that Mr. Vander Zouwen made a very good presentation. I would say that we have spent a lot of hours on this. What we are really reaching out for is, I feel, we have the will of the people bringing to the Natural Resource Board what we had outlined in Deer 2000. There has been some compromise since. There probably needed to be. But I do want you to know that we did reach out to everyone, including the snowmobile people, and there were a fair amount of other groups that did come to the table. DADCAP, Farm Bureau, the Governor's Council on Forestry, Quality Deer, Native Americans, and Wisconsin Woodland Owners, just to name a few. I think the main thing with all of this is reasonable and I feel that the Board has done a nice job of putting a three year sunset in this proposal. The December hunt is needed to keep control of the deer herd in Wisconsin.

Chairman Solberg, I know the Red Light Run in Hurley is very important and those units in Iron County are not in the T Zone at all, is that correct?

Chairman Oestreicher, that is correct Mr. Chairman, they were removed on the basis of winter severity. I don't have the exact numbers, I believe they are units 35, 36, 37, 38. All the surrounding units surrounding Hurley are not in the December hunt.

Chairman Solberg, I live in that area so I know, as we were discussing this morning, the snow belt in the south are going to have early snow. Chances are the continental divide, if you get up in an airplane and fly over, the snow usually gets about to Mercer. They are going to get a lot more snow than we are, even to the south of Mercer and that is usually how it is. That Hurley Red Light District, they have no conflicts at all. Last year we had 133 deer units in the state, having 92 units in the T Zone. I spoke to some folks in our area and they had the best snowmobile season they ever had. Now this year, we have 66 units in the T Zone, so we probably have about half of the units in the state in the T Zone, so that tells me that half of the state can be open to snowmobiling, they are not all closed. If we keep going, the way that we should be going, we should have less units in the T Zone and it will keep going down. If we manage this herd the way that we are suppose to, which is our charge to get these deer down to size. Here are the facts, if you have half the units closed, that means half of the state is open to snowmobiling. There aren't any problems with snowmobiling. We need to work on the other half. I know there are conflicts, there is no question about that, but at the same time we don't want conflicts going the other way going against the snowmobilers with some of these landowners. And, I hear there are some problems that way because some are hunters and some aren't. The Department of Natural Resources has a strong background supporting snowmobiling and it is important. There is also a huge economic and strong background in supporting deer hunting and we are here to manage, as best we can, to manage both of these, we have to both live together. But, we need to figure out how to get this herd down to size. As Mr. Behnke pointed out, I think that in a couple years there will be a lot of these units, the T Zone units, that will be earn-a-buck. People are not doing what they should and that will cause more and more units to get out of the T Zone. It is going to be better for all of us to get along together, landowners and everyone. I live in that area, northern Wisconsin. I know that we need to take care of the deer herd and I know we need to have snowmobiling. We can have them both. We can have good seasons. The best thing we can have is more snow. The more snow we have the better it is going to be for snowmobiling and deer hunting. But, I think that we have to do a better job with getting this deer herd down to where it should be.

Ms. Stepp, I hear that and you know I support deer hunting. But, then I hear that only 30 deer were harvested in Iron County anyway. Then why are we taking the chance to dramatically impact those businesses there?

Chairman Solberg, that is closed for this year.

Ms. Stepp, I know for this year it is closed. But, for next year it might be different. We talk about this year Hurley won't be impacted but what about next year? This is my concern. I hear all this talk that we need to manage the deer herd and I am in complete support of that. But, when it comes to a lot of these counties are affected by the December hunt, the perception out there may drive away a lot of the riders. It may be that they won't come to those areas then and we are going to be directly responsible for impacting those peoples businesses and I don't want that responsibility. I agree with you that we can do it all together, I think that north of Highway Eight should be exempted from this.

Chairman Solberg, I talked to some folks in our area and they had the best snowmobile season last year than they ever had and we had and we had the four-day season. In Vilas and Oneida County they shot more deer than ever.

Mr. Behnke, point of order, we are no longer asking questions or seeking information we are now debating. We are debating something we don't have a question to debate on. We need a motion and we can debate all we want.

Chairman Oestreicher, I was going to report to the Board on the special meeting of the Executive Council had with Secretary Bazzell and Mr. Andryk. Mr. Willett requested that report. I will wait until the December Board Meeting as an informational item and will report then.

Mr. Behnke MOVED, Mr. O'Brien seconded that the Natural Resources Board return NR 10 to the Legislative Committee without any changes other than the three year sunset of the December hunt statewide.

Mr. Tiefenthaler, **I have an amendment that I would like to offer. I would like to reinstate the four days before gun season with the provision of the three year sunset** for the following reasons: First, it was objected to because the tradition might be established by the bow hunters that wouldn't be relinquished if we ever wanted to get it back if we wanted to get a 16-day season forward of the traditional nine-day start. With this three year sunset, that would answer that provision. Second, we have had public support for it from beginning to end from the hearings of Deer 2000. Third, the question of whether a lot of bucks will be taken at that time has been researched and we know now that 20 percent of all the deer hunters licensed were for archery. Of the bucks taken, only 21 of all the bucks taken are by archers. So, there is not an over abundance taken during archery particularly in those four days. These four days would, of course, be for three years so they are asking for 12 days of additional opportunity that would not otherwise be allowed. Again, we are talking about parody and fairness and we all know that when deer start hearing gun shots, they dive for the swamp. So the opportunity that is being taken away in this T Zone is four days of being able to shoot doe wearing blaze orange as an archer but I know, as an experienced archer, that for the next five to seven days it disrupts lots of deer activity. So, they are really giving up four days plus an additional five to seven days. They are sacrificing a lot. Finally, only the real dedicated people are going to use those four days ahead of that gun season. Most people are ready for deer season because most hunt during the gun season. It would be used but it would probably be used sparingly. For those reasons, I would like to offer this amendment for the three year period. **Seconded by Mr. O'Brien.**

Mr. Behnke, I object to including this modification. This has been thoroughly debated in the past and I would take the same position now that I took previously. We have heard a lot of having a 16-day deer season. We have heard members of the Board express an intent and actually favoring a 16-day deer season. If we were to, for three years, now grant this to the bow hunters that would mean that instead of next year considering a 16-day season for the fall of 2002, the bow hunters would say no you can't do that because we are going to have this for three years. I think that we should have the flexibility if we are going for the 16-day deer season, to determine whether the extra time should be in the back end, when we conflict with other hunters already there, the muzzle loader season is there. For a long time they have asked for a special season of their own and they finally got it about four or five years ago and now you are going to say they don't count. We are going to go in and put our season in their season again as it has been in the past. What you are proposing would eliminate the possibility of moving ahead with the 16-day deer season. There is a possibility that we would want to start this on a weekday. We haven't come to that bridge to cross yet, as to when would be the best time to have a 16-day deer season. Should it be, for example, a November 15th to 30th, like Michigan does, giving the opportunity for opening day and opening weekend, again Thanksgiving weekend. We have an opportunity for people to engage in, at their discretion, their time, their scheduled time, an opportunity to hunt. The real item of this whole thing is, if we are going to establish a hunting

season to control the deer herd, the four days of bow hunting will do absolutely nothing to reduce the herd that should be reduced and that is the doe. I don't think that I could name one bow hunter that would kill a doe during that four-day season. He is looking for the big buck that the gun hunter says he would like to have a chance at four days later. If we are looking at the opportunity to take more deer, Mr. Vander Zouwen and the Department says that we can't kill enough deer during the nine-day season, we have to do it perhaps ahead of the season. I am not saying that we are going to but we should not give up that option as a decision making Board. We tried an extension in about 1992 I believe, seven days following of the nine days season no one hunted. They were done hunting so that is why I think we need to keep that option open. After we consider the 16-day season next year, maybe we could come to some kind of a compromise that would provide additional hunting opportunity up to that point. But, we may want three or four days ahead of time. That is why I oppose this amendment at this time.

Chairman Solberg, Mr. Andryk, if we had a season like Michigan, if we overlay that next year and say we are going to do it, could we overlay a season over this early bow season?

Mr. Andryk, Department Attorney, yes we would need to take away the bow season from the bow hunters. The Board has the authority to do that.

Mr. Tiefenthaler, I hear your point Mr. Behnke. If we did do that, I would amend the amendment that if we did do that, this four-day extension could be over ridden in the amendment. I think you are mistaken about doe. Most bow hunters stop bow hunting after the early season. If their tags are not filled at the very end, those become very attractive versus bucks in order to put meat in the freezer. I would submit to you that lots of people would start shooting doe on those last couple of days rather than wait for the big buck.

Ms. Stepp, we keep talking about sunsets, what are the quantifiers to decide as to whether or not these are successful options? Whether it be for the bow hunters amendment or whatever. What are we going to be doing at the end of this three years and what is going to be the guideline?

Mr. Vander Zouwen, we will be working with the snowmobilers, if this goes through. Everyone will need to agree on the criteria. We would want reports from the community service snowmobile experts in the regions where they can investigate if. For instance there was not enough snow or the landowner didn't open his land.

Ms. Stepp, would you also have as your criteria the business owners input and how much their business has been impacted?

Mr. Vander Zouwen, yes. Tom Hauge has asked for information from the Department of Revenue on how did sales tax revenue, which is based on economic activity, differ last December in the northern areas than in previous years. With all that is happening in the economy now, I am not sure how we can separate this from deer hunting.

Mr. Andryk, we didn't get one complaint from one business owner when we had the December hunt last year, when there was a lot of snow and quite a bit of snowmobiling of any economic loss because of the December hunt.

Ms. Stepp, not even Hurley? I remember the Hurley people were affected.

Mr. Andryk, I heard that trails were closed because of the December hunt and on the other side of the issue I heard that trails were not closed because of the December hunt, they were closed because of other things. That is way we are proposing a three year sunset so we can get some concrete data, to get beyond the perception that this maybe the cause of a lot of problems that may not happen. Last year we did not have complaints from businesses and there was a lot of snow during the entire month of December.

Mr. Vander Zouwen, we would be happy to come back to the Board with proposed criteria. Our participation during last years December hunt was akin to some of what the muzzle loader hunt. During the muzzle loader hunt trails are typically open for grooming and use. We are looking at that level of participation. If landowners are willing to open trails on their land during muzzle loader hunt then for our December antlerless hunt, we feel that we will be able to work with the landowners to keep those trails open.

The motion on the amendment was lost by a vote of three to three. (Mr. Willett was absent)

<u>Yes</u>	<u>Opposed</u>
Gerald O'Brien	Herb Behnke
Chairman Solberg	Howard Poulson
James Tiefenthaler	Catherine Stepp

Ms. Stepp, I would like to propose an amendment to the order to have the counties north of Highway Eight exempt from the December gun hunt with a three year sunset clause. Somehow worded that if deer management becomes a problem in the interm of this three years, the Department could come back to the Board, address it with us at that time, and we would be allowed to go in and impose a Zone T hunt in the area that is affected. It is a fabulous compromise.

There was no second to Ms. Stepp's proposed amendment, therefore, the proposed amendment died.

Mr. Behnke MOVED, seconded by Mr. O'Brien the request by Legislative Committee for proposed Modifications of NR 10, deer season frameworks. The motion was carried by a vote of five to one by those members present. (Mr. Willett was absent)

<u>Yes</u>	<u>Opposed</u>
Herb Behnke	Catherine Stepp
Gerald O'Brien	
Howard Poulson	
Chairman Solberg	
James Tiefenthaler	

7.C. DONATION - \$7,260 from Devil's Lake State Park Concession for a new snowmobile and snowmobile trailer to the park.

Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, acceptance of the donation. The motion was carried unanimously by those members present. (Mr. Willett was absent)

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The Board Meeting was adjourned at 3:00 p.m.