

NATURAL RESOURCES BOARD

MINUTES rev 8/6/07

The regular meeting of the Natural Resources Board was held on Wednesday, May 23, 2007 at Sleep Inn & Suites/29 Pines, Eau Claire, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 1:10 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

Gerald O'Brien – present	Dan Poulson - present
Jonathan Ela – present	Dave Clausen - present
John Welter – present	Christine Thomas – absent
Jane Wiley – present	

1.B. Approval of minutes from March 27-28, 2007.

Mr. Welter MOVED, seconded by Mr. Poulson approval of the minutes as presented. The motion carried unanimously by all members present. Dr. Thomas was absent.

1.C. Approval of agenda for May 23, 2007

Mr. Ela requested the agenda be amended. Items to be moved are as follows: 3.A.5 to be moved to 3.A.1; 3.A.1 moved to 3.A.2; 3.A.2 moved to 3.A.3; 3.A.3 moved to 3.A.4; and 3.A.4 moved to 3.A.5.

Dr. Clausen MOVED, seconded by Mr. Welter approval of the agenda as amended for May 23, 2007. The motion carried unanimously by all members present.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Poulson MOVED, seconded by Mr. Welter approval of the real estate transactions.

Mr. Ela asked why the easement in Sauk County from the Nature Conservancy that was sent to the Governor in October 2006 has not been approved.

Mr. Steffes, Real Estate Director, stated it is pending approval at the Governor's office.

Mr. Ela asked if there is a problem.

Mr. Steffes suggested that the Governor's office prioritizes its workload based on the risk of a landowner changing his or her mind if things take too long. He did not think there were any questions. This is not considered an urgent matter and it would be looked at when they have time. He visited with Governor's office staff a few weeks ago and that was the situation.

Ms. Wiley stated the same concern as Mr. Ela but in relation to the Town of Presque Isle's title problems.

Mr. Steffes stated there was a question at the last meeting as to why the state is conveying this land. This was a rearing pond that in 1946 the Town of Presque Isle donated to the Conservation Commission for purposes of a fish rearing pond. There is a deed reverter on that land that if it is no longer needed by the state, it reverts to the town. The title problem is that since there is a dam on this property, it is not a simple matter of the Secretary signing a Quit-Claim Deed after revocation which we would have done already. When you have a dam, you have to have it inspected and if there is any maintenance that is needed before it is transferred, those improvements need to be made. This dam is okay. It is not a Title, Warranty, or Quit-Claim Deed. It is a Dam Transfer Approval. Department staff has prepared the application to be conveyed to the town of Presque Isle. That paperwork has taken some time and is forthcoming.

When that paperwork is done, the town will receive the deed and the new license to the dam. The town is on board with this.

The motion carried unanimously.

3. Action Items

3.A. Air, Waste, and Water/Enforcement

- 3.A.1. Previously listed as 3.A.5 Adoption of Order AM-17-05, germane modifications to the NO_x RACT rules in Chap. NR 428 pursuant to s. 227.19(4)(b)3., Stats
Tom Steidl, DNR attorney stated the Clean Air Act requires the implementation of reasonably available control technology (RACT) on major sources of NO_x emissions in the moderate non-attainment counties by 2009. The Board adopted NO_x RACT rules at the April 2007 Board meeting. This item proposes two germane modifications to the adopted rule which are consistent with the rule intent and which streamline compliance requirements. Neither modification will significantly affect emission reductions achieved by the rule.

At the April Board meeting stakeholder testimony highlighted the concern that the RACT rules result in an unnecessary compliance burden for newer reciprocating combustion engines that are manufactured and certified to meet Federal Tier emission standards. For the RACT affected engine classes, the initial Federal Tier 1 standards were in place by 2000 with more stringent limits being phased in on an ongoing basis for newly manufactured units (Tier 2, 3, 4, etc...). The EPA certified engines are manufactured to be inherently lower emitting units.

After further review the Department has concluded that certain engines meeting the Tier standards would meet the exemption criteria for well-controlled units, but are not eligible for an exemption from NO_x RACT under the rule adopted by the Board. The Department has also concluded that the compliance monitoring and demonstration required under the RACT rule results in an unnecessary regulatory burden and monitoring costs for those EPA Tier certified engines.

In addition, stakeholder discussions have identified an issue of the clarity and intent of s. NR 428.21(3) ("Other Regulated Units") as adopted by the Board. After further review, the Department has concluded that the language requires clarification to achieve its intent. The proposed modification does not change the original intent of this subsection. He asked the Board to adopt the proposed germane modifications.

Mr. Ela asked what a reciprocating engine is.

Mr. Steidl stated that the reciprocation refers to the operation of the engine itself.

Mr. O'Brien MOVED, seconded by Mr. Welter Adoption of Order AM-17-05, germane modifications to the NO_x RACT rules in Chap. NR 428 pursuant to s. 227.19(4)(b)3., Stats. The motion carried unanimously.

- 3.A.2. Previously listed as 3.A.1 Presentation of Shikar-Safari Club International Wildlife Officer of the Year Award for Wisconsin

Amy Smith, Enforcement and Science Services Administrator spoke on behalf of Randy Stark. She stated that the Shikar-Safari Club International Wildlife Officer of the Year award winners have shown exemplary performance of their duties in the protection of wildlife, enforcement of game laws and implementation of conservation and game laws. Dave Zebro continuously uses his leadership abilities in pursuit of goals that benefit the public, his team, the warden service, and the Department overall. Dave is intricately involved in the recruitment, hiring and training of new wardens. He was one of the supervisors who led the Snowmobile Accident Reduction Team this past winter to reduce snowmobile fatalities. Dave works with other program staff to identify and resolve issues and accomplish goals of local, regional and statewide importance. Ms. Smith then introduced John Pierson from the Safari Club.

John Pierson, Safari Club, stated he has given this award for approximately 22 years. This award is given in every state and province in North America. Wisconsin is very special because of the number of wardens. It is an honor to be selected. Wisconsin recipients are all outstanding people. Their biographies indicate why they win it and it is no wonder why. He then invited David Zebro

to accept his award and have his photo taken. The photo and write-up will be included in their Conservation Magazine in the next year.

David Zebro, award recipient and Warden Team Supervisor, gave credit to the wardens and other staff he works with in Northern region. He said look at the Department objectives and goals and do an outstanding job for the Department, and are the ambassadors of this Department and our resources. He gave credit to his family as well as his co-workers. He gets to go to work each day to a job he loves and his family is neglected because of it. He just cannot get enough of this job and his wife allows him to have the freedom to do this job the only way he knows how and that is giving it all he has. His team, family, and other leaders are the reason he is here today.

3.A.3. Previously listed as 3.A.2 Request authorization for public hearing for Board Order LE-07-07, revisions to NR 8, Wis. Adm. Code, pertaining to procedures for implementation of the wildlife violators compact.

Tom Van Haren, Natural Resources Policy Officer, Law Enforcement Bureau stated that the Department of Natural Resources has been authorized by the legislature under 2005 Wis. Act 282 to enter into a Wildlife Violator Compact with other states. Under the compact, convictions for violations of law wildlife law resulting in revocation of license privileges that occur in any member state are treated as if they occurred in all member states. Before the Department can formally become member state, rules need to be promulgated which establish procedures to:

1. Assure all violators receive notification when their license privileges and approvals have been revoked by this state or any other member state,
2. Assure the exchange of information between the Department, the district attorneys and the clerks of court, and
3. Provide an administrative appeal process by which the department can establish whether sufficient grounds exist to deny a person's application for an approval of the revocation of their existing approvals.

These new rules are required pursuant to 2005 Wisconsin Act 282 which created s. 29.03, Wis. Stats., titled Wildlife Violators Compact, and s. 29.972, Wis. Stats., which requires the Department to revoke all hunting, fishing or trapping license privileges and approvals from, or deny new applications for approvals to, any person who fails to respond to a summons or warrant, fails to appear on his or her court date without having made a deposit, or fails to appear before the court and is subject to a bench warrant. These rules are also required to ensure that due process is accorded to individuals subject to revocation in this state or who are revoked in another member state. These rules are also necessary to assure records and information on revocations are shared with the clerks of court in the counties where the violation occurs. Once the new rules and procedures are in place, the department will apply to become a member state.

Dr. Clausen asked if the appeal process would apply only to the issue of whether or not the person actually did or did not appear. Would there not be another hearing on whether he did or did not violate?

Mr. Van Haren stated yes. The rule clarifies that this is not a question of whether they were guilty or innocent of the charge at hand. It is whether or not they did or did not appear on their court date or pay the penalty as they were required to do.

Mr. Welter asked if there is a centralized office that compiles this information or is it a decentralized web that has no central hub that collects, gathers, and disseminates information.

Mr. Van Haren stated he is uncertain on parts of that. As he understands it there is a central database that all the member states use to share the revocation information on individuals from their home states. Information of who is revoked is accessible to all the other 24 member states. The Department's plan is to upload this information into the Automated License Issuance System (ALIS) to ensure people whose privileges have been revoked in other states cannot obtain licensing for hunting, fishing, or trapping in Wisconsin. This is shared through the database with these other states.

Mr. Welter asked if this process would be in place by next year.

Mr. Van Haren stated that in the current budget there is a position being created, which he believed had passed Joint Finance, to administer this program. The Department would need first

to go to public hearing and come back for adoption of final rules. There is a 60 day time period from the day a state applies to enter into the compact with the other member states. The Department can specify the start date. He anticipated Wisconsin being a member of the compact and these rules kicking in after the first of the year, at the earliest.

Mr. Welter inquired if this would then only apply to offenses and convictions that took place after Wisconsin became a part of the compact.

Mr. Van Haren stated correct. A person convicted today and who had privileges revoked in Wisconsin would not have privileges revoked in the other member states.

This is basically a due process issues. When that conviction occurred Wisconsin was not a member of the compact and violators did not have the opportunity to know that revocation would take place in the 24 other states.

Mr. Poulson asked if Wisconsin is helping to form a compact or is Wisconsin becoming part of the compact.

Mr. Van Haren stated Wisconsin would be becoming part of the existing compact that has been in existence for quite a few years.

Mr. Ela stated this covers Wisconsin residents who have violations in other states and other states' residents who have violations in Wisconsin. Is there also a database for third party violations? That is if someone from North Dakota has a violation in Wyoming and wants to hunt in Wisconsin, is that person included in this system?

Mr. Van Haren stated yes. That would get back to the central database. If a person from North Dakota, which is in the compact, violates in California and gets revoked because he or she did not pay or appear in court, that information would be in the central database. It is shared with all other member states. Wisconsin would treat that person as revoked in this state as well. The conviction in that state would be counted as if that conviction occurred in Wisconsin as well. The only thing not included would be a person who has a conviction outside of a member state: this information would not be shared in the compact.

Mr. Welter MOVED, seconded by Dr. Clausen adoption of the request for authorization for public hearing for Board Order LE-07-07, revisions to NR 8, Wis. Adm. Code, pertaining to procedures for implementation of the wildlife violators compact. The motion carried unanimously.

3.A.4. Previously listed as 3.A.3 Request authorization for public hearings on Chapter NR 115, Wis. Adm. Code, pertaining to Wisconsin's Shoreland Protection Program

Russ Rasmussen, Watershed Management Bureau Director, stated that the Department, with assistance from the NR 115 Advisory Committee, drafted revisions to ch. NR 115 to meet the statutory objectives of the program, while providing certainty and flexibility to counties and property owners. Changes include adding definitions to the rule for clarity; requiring counties to set standards for multi-unit development, mobile home parks, and campgrounds; providing exemptions for certain activities from shoreland setback and shoreland vegetation standards; and establishing impervious surface standards to replace the regulation of nonconforming structures with a standard based on the size and location of structures. These changes will significantly decrease the number of variances granted by counties, allowing certain activities to be allowed with a simple administrative permit by the county.

The proposed revisions to NR 115 are consistent with past Department policy and guidance, and Wisconsin case law. In many instances, the changes codify past guidance to counties. One major shift is present in the department's decision to regulate structures based on impervious surfaces. This shift in policy eliminates the traditional nonconforming regulations and is based on past concerns raised by counties, comments received by the public at listening sessions and public hearings, and direction received from the Natural Resources Board when the related ch. NR 118 was approved.

Past Department policy, was that the goal of regulating nonconforming structures was to bring about ultimate compliance with the shoreland zoning ordinance. In most instances, this would require the removal of existing structures within 75 feet of the ordinary high-water mark. This proposal recognizes that these structures usually were built in compliance with the standards in place at the time of construction, and property owners may have substantial investments in the

improvements on their property. This proposal still has the goal of ultimate compliance, but recognizes that the timeline for compliance has been extended.

Mr. O'Brien asked for a definition of an open sided structure.

Mr. Rasmussen stated a gazebo, which is a structure with no sides but it can be screened in.

Mr. Welter asked that if someone wanted a walk-way or stairway system that had landings and other things on it, would the Department look at the effect of that structure before granting approval.

Mr. Rasmussen stated depending on how it was structured, it could be constructed so it is impervious. If it is impervious then it would count toward the impervious structure percentage limits. In some circumstances the landowner might need to mitigate or reduce impervious surfaces elsewhere on the property in compensation.

Mr. O'Brien asked what the impervious surface cap meant.

Mr. Rasmussen gave an example of a 10,000 square foot lot with 1,200 square feet of impervious surfaces – 12% of the property. If the owner wished to add a 600 square foot patio, that percentage would rise to 18% of the property, which is above the 15% mitigation trigger. The owner would need to do something to offset the impact of adding that impervious surface, such as a rain garden, or a number of other things he or she could choose to do to mitigate. But the owner would not be able to increase impervious surface to 21% even with mitigation, as there is a 20% cap.

Mr. Ela asked for clarification that this is for proposed changes and does not affect existing structures.

Mr. Rasmussen stated yes. If the rule is adopted there would be many properties that would exceed the cap. The department would not make people take things out.

Ms. Wiley stated unless they decide to remodel.

Mr. Rasmussen stated unless they decide to change something.

Mr. Ela asked what would apply if they change on the same footprint.

Mr. Rasmussen stated they could still do that and there is no 50% limitation.

Mr. O'Brien asked if these are regulations the Department requires the county to pass or are these state regulations and then the counties supplement them.

Mr. Rasmussen stated the Department is required by statute to establish minimum standards for shoreland zoning for counties to adopt. Rules may be stricter at the county level: the rules are supposed to try to accomplish three major policy goals: 1) protect water quality; 2) protect natural habitat; and 3) protect natural scenic beauty.

Mr. O'Brien asked whether these rules would apply if the county does not have any standards.

Mr. Rasmussen replied that if the county refuses to pass an ordinance that does not meet the minimum standards, the Department's option is to over promulgate their ordinance. The Department would need to promulgate an ordinance which would come before the Board.

Mr. O'Brien clarified that essentially the Department tells the counties they have to adopt at least these standards. This is really not a state regulation but a county regulation.

Mr. Rasmussen stated yes. The Department establishes minimum state standards that the counties have to adopt.

Mr. O'Brien asked how long it typically takes, once this is passed after the public hearings process and Board approval, for the counties to get their rules passed.

Mr. Rasmussen stated the rule allows the county two years to do this. He said that this is similar to NR 118, which is for the St. Croix: as long as the County is making a good faith effort to get it done, the Department will not hold them to the two year deadline, but most of the counties will have passed their rules within that timeframe. Some counties will have minimum changes and others will be rather extensive.

Mr. O'Brien asked if, in other words, these may not become effective even if the Board passes them for at least another two years after that.

Mr. Rasmussen stated correct.

Mr. Ela stated that the current ordinances still apply.

Mr. Rasmussen stated yes.

Ms. Wiley thanked Ms. Herkert for taking the time to drive to Wausau to brief her on this issue. She was impressed as to how much time Ms. Herkert has spent on this, around 5 years. She

mentioned that there are county regulations that will go into effect for county operated and private campgrounds. She thought it would be worthwhile as the Department goes through changes in their state master plans for new or existing campgrounds, that the Department also use these same standards as much as practicable for new campgrounds in the master plans that come up. This would mean the Bureau of Parks would have to work with the Shoreland staff to do this. There should be the same standard for state campgrounds as we expect the private ones to have.

Mr. Rasmussen stated the question involved more than one division of DNR, and asked Secretary Hassett for his response.

Secretary Hassett agreed. The Department would certainly want every new project to be in compliance with the law but would like to go even further. The Department would like to attain Best Management Practices even where not required.

Mr. Ela asked what kind of quality control the Department retains to make sure that the counties do an adequate job, for example in enacting rules for condominiums and campgrounds.

Mr. Rasmussen said there are several places where the Department has that opportunity. The counties would need to submit their ordinances to the Department for review and approval. The Department does have some mechanism to review the county ordinance and overall policy they are going to adopt. The Department looks for consistency across the state and accuracy. If the county just tries to punt on a particular issue, the Department does not want to over promulgate, but the Department will work with them to get to a place that is comfortable.

Mr. Ela asked if the rule provides the Department with the authority to reject a local ordinance.

Mr. Rasmussen stated yes. The Department has review and approval authority.

Mr. Ela asked for clarified that even where a standard is not specified, the Department has the authority to reject, if necessary.

Mr. Rasmussen stated the county has the flexibility to establish its own standard. It does not give a county the option of doing it or not. The counties have to do something. The Department has the opportunity to review to determine the adequacy of their rules.

Mr. Ela asked if the Department is developing guidance or a model rule.

Mr. Rasmussen said yes, the Department is going to write a model ordinance. Until we know pretty much what the rule is going to say, it is premature at the moment.

Dr. Clausen MOVED, seconded by Ms. Wiley, adoption of the request for authorization for public hearings on Chapter NR 115, Wis. Adm. Code, pertaining to Wisconsin's Shoreland Protection Program. The motion carried unanimously.

3.A.5 Previously listed as 3.A.4. Adoption of Emergency order to revise ch. NR 345 relating to dredging in navigable waterways.

Martin Griffin, Water Regulations and Zoning Specialist, Watershed Management Bureau, stated that the department is proposing revised emergency rules for Wisconsin Administrative Code ch. NR 345- Dredging in Navigable Waterways to create a general permit for dredging, including operation of a motor vehicle, on the beds of outlying navigable waters (as defined in s. 29.001 (63), Stats.) to remove algae, mussels, dead fish and similar large plant and animal nuisance deposits.

The operation of motor vehicles and the removal or disturbance of materials on the beds of navigable waterways (also know as dredging) is regulated by Wis. Stats. Chapter 30 and Wis. Admin. Code ch. NR 345. The statutes and current rule allows riparians to apply for an individual permit to use mechanized methods to remove plant and animal nuisance deposits. However, individual permits require a \$500 application fee and a 30 day public comment period before the permit can be issued.

Considering the changing lakeshore due to decreased water levels and the abundance of invasive species, the Department proposes to revise ch. NR 345 to create a general permit. The general permit would permit lakefront property owners to remove plant and animal nuisance deposits (Cladophora, Zebra mussels, dead fish, etc.) on the beds of outlying waters more efficiently while complying with general permit conditions created to protect the public interest in the lakebed. The general permit has a \$50 application fee and is processed in 30 days. A permanent rule will be developed after internal and external feedback evaluation.

Emergency administrative rules are necessary to establish procedures, clarify the scope of the general permit and to assure that their application will not erode public trust protections. Article IX, Section I of Wisconsin's Constitution and a large body of case law form the Public Trust Doctrine, which requires that the public interest in these waters be protected. To meet the stated goals of the Legislature and Governor in Act 118 - to streamline permit processes and not diminish public trust protections - the Department must adopt emergency rules to establish definitions and standards necessary for the administration of general permits under chapter 30, Stats.

Mr. Welter asked how long has this confluence of Cladophora, Zebra mussels, and Quagga mussels been creating this problem along the eastern shorelines.

Mr. Griffin stated that in the last five years, this problem has become more pronounced. Letters from the public and report from Department beach managers from some of the state parks have said these conditions affect what they have been doing. The last five years have been among the lowest water levels seen. For the last 10 years the water level has been low but now because of the influence of the Quagga mussels, the last five years have been very pronounced.

Mr. Welter inquired as to why an emergency rule now.

Mr. Griffin stated people would apply for an individual permit to clean up the beach. They do as much by hand and what they cannot do by hand they apply for an individual permit. By the time they obtain the permit, maybe some of the deposits had left or the people might have used a technique that was not quite what the Department wants to see. For example, the person brings their pick-up truck and drives it down to the beach. This gives the Department more guidelines and standards for when people do want to use machinery to aid in clean-up.

Mr. Welter asked Secretary Hassett the same question. What we are hearing here is justification for a rule, certainly. Obviously, the emergency rule process is intended to handle circumstances where we have not had the advance notice or problem of significant duration and what the Board does is being asked to adopt a rule without effectively going to public hearings other than the communications with some shoreline owners. Why an emergency rule rather than a general rule?

Secretary Hassett asked Mr. Rasmussen to expand on this but suspects it is partly related to complaints the Department has been receiving that have been building up. The Department would like to get something in place this summer to deal with this issue and follow it up with a permanent rule.

Mr. Rasmussen stated that it has become apparent that the problems have expanded and have gotten worse. What was originally thought of several years ago as isolated pockets, has become much more widespread than previously believed. There are people who are taking matters into their own hands because there are no standards. They are doing damage to the shoreline that the Department wants to prevent. There are health problems related to bacteria levels at beaches. The Department wants to create a regular rule that will address this. The Department does not have time to do this in time for this beach season. Standards need to be established now so the Department has some control over what people are doing and how they are addressing this issue. This is a problem for riparian owners where you have knee deep muck from Cladophora, Zebra mussel shells and what have you. The Department would like to enable those people to clean up in a reasonable fashion as well. The Department wants to get a rule in place for this summer so there are standards and controls in place to minimize damage to the beaches that we have seen going on previously.

Mr. Welter asked if the Department would anticipate having a permanent rule proposal before next season.

Mr. Rasmussen stated yes.

Mr. Ela noted that it was his understanding that this rule is sort of an experiment.

Mr. Griffin stated yes. The Department intends to have a hearing on the emergency rule packet at the end of the summer and will take input that will help the Department tailor the permanent rule.

Dr. Clausen asked if there is anything in the emergency rule as far as disposal.

Mr. Griffin stated right now there are some standards for disposal. In the past, people have been putting the deposits in their gardens as mulch or fertilizer. They also put these deposits in a garbage bag for landfills. If it is in an area where there may be some metals or contaminants noted, they do have to follow procedures the Department has in place for disposal. The contaminant will need to be marked as such. This is one area the Department needs more

information and is hoping this summer there will be testing of samples that wash up on the beach for contaminants. He is hopeful this information would be available in time for the permanent rule in order to pass specifics for Board approval.

Dr. Clausen stated that often when he talks about his cabin he talks about his lake and he noticed that he should refer to the lake on which he owns a cabin. He reminded staff that people are actually removing deposits not from their property but from the bed of a state owned lake.

Ms. Wiley asked what kind of equipment does one use to remove these deposits without damaging the lakebed.

Mr. Griffin stated that traditionally people would use back hoes. He was told by field staff that the operators are very adept at only scraping the top and getting minimal amount of bed material. Also in this rule are standards for the way you approach the beach area. You would come in one track. If there is a boat landing, you would use that to minimize the amount of time you are actually churning up the sand.

Ms. Wiley stated that the homeowner would have some expense.

Mr. Griffin stated some neighboring landowners will combine for a general permit and hire one contractor to do the work.

Mr. Ela stated there are a huge number of cases where there will be no opportunity for access. They would then have to live with it.

Mr. Griffin stated if that is the case that is true.

Mr. Poulson asked whether if these deposits are going to be disposed of by land spreading, the Department would ask for an analysis of the material. This is done for other types of land spreading rules.

Mr. Griffin stated an analysis of the material is part of the whole general permit standards. For dredging if you are going to land spread you do have to have an analysis if an analysis has not already done for that area within a certain number of years.

Mr. Welter MOVED, seconded by Mr. O'Brien, Adoption of Emergency order to revise ch. NR 345 relating to dredging in navigable waterways. The motion carried unanimously.

3.B. Land Management, Recreation, and Fisheries/Wildlife

3.B.1 Adoption of Board Order WM-14-07, annual Wildlife Management Spring Hearing rule changes
Scott Loomans, Staff Specialist, Wildlife Management Bureau stated the department recommends adoption of the following proposals:

- Reduce the number of Turkey Management Zones from the current 46 to seven.
- Rename Bear Hunting Zone A1 as Zone D.
- Eliminate the open season for jackrabbits.
- Establish a non-resident trapping season for raccoons that begins two weeks after the start of the resident trapping season.
- Legalize the use of shotgun slugs for hunting certain species other than game birds.
- Allow the use of buckshot for hunting bobcat at all times during that season.
- Require the display of blaze orange on ground blinds used on department lands and a customer identification number.
- Prohibit deer feeding near dwellings and businesses when feed is being used by bear or elk.
- Expand the time when cable restraints may be used for coyote and fox and allow use for a portion of the bobcat season.
- Relax the cable size standards for cable restraints.
- Establish a fee for the course of instruction under the trapper education program.
- Apply the existing trap size, type, and placement regulations to licensed wild fur farms.
- Create an archery season for deer and special tags in Unit 79, Apostle Islands National Lakeshore.
- Create a nine-day, shotgun-only deer hunting season at Lake Wissota State Park and create Deer Management Unit 59E.
- Eliminate the 19-day muzzleloader-only season at Brunet Island State Park and create a nine-day, shotgun deer season.
- Establish 2:00 p.m. closing time for pheasant hunting at Mud Lake and Pine Island Wildlife

Areas, Sauk/Columbia Co.

- Create a pilot program to allow fall turkey hunting with the aid of dogs in seven counties.

Dr. Clausen asked if buckshot can be used for anything in the state now.

Mr. Loomans stated the rule would allow its use from the period outside of June 1 through the last deer season. You would be able to use it for unprotected species outside of that period. This is a very old rule that goes back to a different time when we were concerned about buckshot.

Mr. Ela asked if the Department would propose going with the existing regulations on the Mississippi River even if the federal government maintained their position for this season.

Mr. Loomans stated yes. That is what will happen if the proposed rules changes are not adopted.

Dr. Clausen stated he realized that some of these changes on the areas that the federal are going to close and going to open do not occur until future years. Is there a situation that if the Department maintains its closed areas that are currently in statute and then the federal people close additional areas that the duck hunting opportunities will be greatly curtailed?

Mr. Loomans stated the Department has been debating that. The current rule states as posted by Fish and Wildlife Service signs. The Department might actually be able to allow waterfowl hunting on stated closed areas if the service eliminates their closed area regulations and do not post them as closed. It is something the Department will follow closely because it is a delicate situation having inconsistent regulations

Mr. Ela asked when the federal changes are scheduled to take place.

Mr. Loomans stated that the changes that are consistent with the Department's original proposed rule are all to take place this fall. The changes mentioned for pool 4 are still being worked on by the Fish and Wildlife Service. They may take place in 2008.

Mr. Ela asked what a wild fur farm is.

Mr. Loomans stated it is an old regulation that is part of the old game farm law that is still on books. It allows people to trap without regard to regulation, seasons, and bag limits on private land if you enroll in a fur farm similar to what people do at game farms. Often the people who do this are fish farmers who have dikes and structures that they want to protect from muskrats. Some people do this in order to trap year-round but the Department has taken bobcat, fisher, and otter off the fur farm license so there is no reason to have a wild fur farm any longer. There are a couple hundred fur farms in Wisconsin.

Mr. Ela clarified that these wild fur farm areas are not fenced in.

Mr. Loomans stated they are not. That is why the Department is interested in having recurring closures on account of these regulations which are designed to prevent capture of non-targeted species.

Mr. Welter asked if the Department anticipates these two seasons would require a special permit to hunt those parts at Brunet Island State Park that would need to be drawn for.

Mr. Loomans stated yes. It is something you would buy through the Park's Reserve America system. Hunter numbers are limited.

Mr. O'Brien asked how long it is in effect for if it is an experiment and what will happen next. Will it come before the Board?

Mr. Loomans stated it is in effect for two years. Yes, the Department would anticipate doing this and would probably start with that process as soon as this fall season is done so if it is successful it could continue uninterrupted. The season would be for fall only.

Mr. Loomans requested two amendments be added to this rule package: 1) change the effective date of the creation of bear zone D from 2009 to 2008; and 2) Restore Sauk and Richland counties to the experimental fall turkey hunting with dogs season.

Mr. Ela asked for Mr. Loomans to elaborate more on the discharge of firearms on public lands.

Mr. Loomans stated in the current rule there are many different users in the summer and in the fall on public lands. The Department addresses littering problems so clay targets are not allowed. It is basically a public use type of rule. There is within the Department some support for expanding it among the people who have to clean up the parking lots and do that type of work. It

was supported in enough counties that it probably would be worth looking into expanding at least in those counties.

Mr. Ela asked if this would also address the paintball issue which is becoming more and more of a problem in public lands.

Mr. Loomans stated this question was not designed specifically for paintball. Just by chance it does affect some areas. There are spring powered paint ball guns also and that would not qualify as a firearm under these rules. To get specifically at paint ball guns, there is a Congress Advisory Question that Ed Harvey would tell you about that would specifically address the paint ball issue. The Congress did pass their advisory question.

Mr. Ela stated it strikes him as a reasonable proposal. He would like to see this not be dropped just because it received 47% approval rather than 51% approval.

Mr. Loomans stated there is definite interest in expanding counties and the Department may address paint balls in another way as well.

Mr. Welter stated that the availability of public ranges in those areas can be a factor. If that comes back to the Board, we would want to see what opportunities people have to do hunting or target shooting. Also what law enforcement and lands are experiencing in terms of clean-up problems or enforcement problems. If that comes back, those issues need to be addressed.

Public Appearances

1. **Ed Harvey**, Waldo, Wisconsin Conservation Congress (WCC) gave an overview of the Congress' statewide conference in Cable. He reported Christine Thomas gave a presentation that focused on the history of the WCC and who introduced Jonathan Ela, who endured the lengthy day of meetings. Regarding the proposed rule changes, the only other thing that came across in the vote was that Sauk and Richland counties both asked to be included in the experimental dog season for fall turkey hunting, and that passed on the floor. WCC asks that this be added.

Another issue is the effective year for the Zone D for bear hunting. WCC had originally anticipated that it would be a 2008 effective date. They were surprised when it became a 2009 effective date. WCC has no problem with a 2008 effective date. WCC traditionally has a short window of time between when the bear numbers are available and when the quotas are set. He asked the Board a few months ago for an extra month, which would be the month of November. The WCC is supportive of that.

WCC also had 16 questions having to do with a range of issues. Question 69 dealt with the transfer of bear permits; Question 70 was the Mukwonago River being an outstanding resource water; 71 was the elimination of CWD sharp shooters. Notwithstanding the vote, the public had told WCC they want to see the elimination of CWD sharpshooters in the CWD area. On May 22, the Executive council voted to support this in letters to the Joint Finance Committee has recommended as far as the CWD program. Letters will be going out to that effect shortly to the appropriate people.

Questions 72 and 73 have to do with licenses for armed forces. There has been a lot of legislative activity in the last few months and they might not be quite as germane as it was at the time these questions were written. We are asking to go forward with those as well. Questions 74 and 75 deal with deer farms and the fencing authority being returned to the Department and liability for escapes.

Question 76 has to do simply with WCC and the Department working together on some migratory season framework. Question 77 relates to goose season having a split through gun-deer season and extending it on the back end. Access to lands/incentives for access to public and private lands was #78. Question 79 was Outfitter licensing. Question 80 is the paintball issue that Mr. Loomans was talking about. That was supported statewide. WCC would like to see this advance. A couple years ago, there was legislation proposed by Senator Kedzie. Question 81 deals with the sale of turkey parts and 82 is the Wisconsin River Musky limits. Catfish season was question 83 and Winnebago Pike limits was Question 84. All of these passed, mostly by substantial margins. WCC would request the Board approve them so they can be considered as proposed rule changes next year.

Mr. Welter asked Mr. Harvey for clarification on Question 38 - background checks on angler

education instructors. How did the WCC as a whole act on this?

Mr. Harvey stated the Executive Council met in Cable and supported it.

Mr. Welter asked if it came up on the floor as well.

Kurt Thiede, Conservation Congress Liaison stated the recommendation came up at Executive Council and it was referred to the floor. It did pass on the floor.

2. George Meyer, Madison, Wisconsin Wildlife Federation did not appear.

Mr. O'Brien MOVED, seconded by Dr. Clausen, Adoption of Board Order WM-14-07, annual Wildlife Management Spring Hearing rule changes.

Mr. Welter inquired as to the turkey season with dogs in Richland and Sauk counties where they had a fairly close vote and now WCC has asked those two counties be added back in to make it nine instead of seven counties. In light of a close vote at the hearings, he understood that it is going to be a pilot program and that WCC is going to hear from people who were involved and about user conflicts. He believes those are going to be in the same turkey management zone when we get around to changing the management zones so people will have the opportunity to hunt in any of those counties with a Unit 1 permit. People would have the option to hunt with dogs in all but Wood County. Part of Wood County will be in Unit 3. He is okay with expanding to nine counties and giving it a try and to gather experience to see what happens.

Mr. O'Brien asked what the vote was on those two counties.

Mr. Welter stated one was 10-13 and the other was 37-38. They were narrow votes in those counties. WCC has asked to add those back in and he appreciates that. He is willing to do that on that basis it is a pilot program too. He could support expanding that to nine counties based on that request.

Mr. Welter MOVED, seconded by Dr. Clausen to amend the original motion to include changing the effective date of the creation of bear zone D from 2009 to 2008 and to restore Sauk and Richland counties to the experimental fall turkey hunting with dogs season.

Mr. O'Brien asked why the question did not pass in those two counties. What was the debate?

Tom Hauge, Director, Wildlife Management Bureau, stated he was at the meeting and debate would be too strong of a term. This turkey hunting question has been cycling through the Spring Hearing Process for three years. In Sauk County, there were no new arguments that came up. Those 20 plus votes that accounted for this question represent less than 50% of the people who were in attendance. A lot of the attendees did not even answer the question. It was not a passionate debate in the county. The people that spoke against it were worried about hunters shooting at birds in the blind and wounding them. This argument has been going around for a number of years.

Mr. Welter stated that in Sauk County, it was a 37 yes and 38 no vote.

Mr. Hauge stated that most did vote. There was an advocate for and an advocate against that spoke. Most of this was in the form of a very short discussion. The arguments they brought forward were the same as in previous years. The arguments in support were that this is a traditional form of turkey hunting in many states and can be done without harming populations. It is another opportunity for people who enjoy dogs to use them in this particular way. In some cases, people thought it would be helpful for the dogs to retrieve wounded birds. It was a replay of the last two years.

O'Brien stated it was nothing unique to those counties then.

Mr. Hauge stated that is correct. He then pointed out that as the Department drafted this, they deferred to those local votes in Sauk County but Sauk and Richland counties are destination turkey hunting locations. The statewide vote was clearly in favor of the use of this for all nine counties and that is because there are an awful lot of hunters that do come from Dane county and other parts to hunt in these counties for turkeys.

Mr. Welter asked if those counties are both primarily where turkey hunting is done on private land and has relatively low density for the fall hunt.

Mr. Hauge stated yes.

Mr. Welter asked if these counties have the tendency to be places where they would not expect a whole lot of user conflict with other hunting opportunities.

Mr. Loomans stated yes.

Mr. Poulson asked if we lessen our ability to get a feeling for how it is going to go if we do not include these two counties. Is seven counties a good enough barometer?

Mr. Welter stated it might be interesting to see what the fall harvest rate is.

Mr. Hauge pointed out that one year ago these two counties passed which is why they were included in this pilot to begin with.

Mr. Ela asked if that was how these nine counties were selected, for their strong popular support the year before.

Mr. Hauge stated yes.

Roll call was taken.

Dave Clausen – yes

Jane Wiley – yes

Jonathan Ela – yes

Howard Poulson – no

John Welter – yes

Gerald O'Brien – no

Dr. Thomas – absent

The amendment carried with four in favor, two against, and one absent.

The original motion as amended carried unanimously by all members present.

3.B.2. ~~DELETED from Agenda. Request authorization to hold public hearings on non-substantive housekeeping changes to sections of Administrative Code relating to regulation of sportfishing seasons.~~

3.B.3. Request authorization of public hearings for Board Orders WM-19-07 and WM-20-07(E), 2007 migratory game bird seasons.

Kent Van Horn, Migratory Bird Staff Specialist, Wildlife Management Bureau stated that the proposed rules establish the regulations for the 2007 migratory game bird season. The significant regulations are:

Ducks - The state is divided into two zones each with 60-day seasons. The daily bag limit is expected to be 6 ducks including no more than: 4 mallards, of which only one may be a hen, one black duck, one pintail, 2 wood ducks, 2 redheads and 3 scaup.

Canada geese - The state is apportioned into three goose hunting zones: Horicon, Collins, and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, Rock Prairie and the Mississippi River. Season lengths are expected to be as follows:

- Collins Zone - 62 days - Horicon Zone - 92 days
- Exterior Zone - 85 days - Mississippi River Subzone - 70 days

In addition to these annual regulatory issues we will propose:

- 1) Requiring the use of non-toxic shot for rail, snipe, and moorhen statewide
- 2) Requiring the use of non-toxic shot for mourning doves on department managed lands only beginning in 2008.
- 3) Allowing the placement of decoys and shooting at birds that are within a 75 yard area around the boundary of the Horicon National Wildlife Refuge as long as the hunter is more than 75 yards from the boundary.
- 4) Relaxing Canada goose nuisance control requirements for airports.

Mr. Welter asked about the five year stable goose season. Does that include what you would be recommending as far as early Canada Goose season goes?

Mr. Van Horn stated the main September Goose season is not affected by that rule. It remains the same. The Fish and Wildlife Service (FWS) approves the early September Canada Goose seasons because the Department has proven that 90% harvested were resident Canada geese. It would remain the same.

Mr. Welter stated that usually starts Labor Day weekend.

Mr. Van Horn stated it ran September 1 through September 15 which is the maximum the Department can do. The Department includes the holiday weekend.

Mr. Welter stated the FWS gives the Department a framework by August 3 and then the Department adopts it in mid-August and it starts two weeks later.

Mr. Van Horn stated the framework on that could potentially change over the years. The Department has received no indication it would.

Mr. Welter stated the Department would stay with that. It is a quick trigger kind of situation.

Mr. Van Horn stated yes. It has been an effective tool for the Department. More and more hunters have adapted to the difference from what you have to do in early September to what you do in October. The harvest during that period has been increasing. Last year was the highest harvest in those two weeks of approximately 20,000 Canada geese. For comparison, 60,000 were harvested in the regular season. That was a very substantial harvest. The Department's management strategy for managing a resident Canada Goose population is two pronged. 1) To have these hunting seasons that keep the overall population in check, and 2) To have site specific programs to deal with problems in parks and municipalities. The Department has a cooperative agreement with USDA where the USDA goes out to look at the situation and advises the Department on a variety of techniques to deal with the problem.

Ms. Wiley asked if the bag limits are two per day for the early season like they are for the regular season.

Mr. Van Horn stated it is 5 per day. This is because the Department was able to prove this season was targeting the resident population.

Mr. Ela asked Mr. Van Horn to walk through how the five year stable goose season would work and why it would increase the number of resident geese harvested.

Mr. Van Horn stated the Mississippi Valley geese population Canada Geese breed along the Hudson Bay and Northern Ontario. Based primarily on weather, the Department sees the population going up and down. On a down year, the Department would shorten the season length and bag limits for a lesser harvest. What that actually does is it harvests fewer resident Canada geese because it takes the harvest pressure off. In theory, the Department would test this and keep the season up there instead of dropping the season length and reducing pressure.

Mr. Ela stated it makes sense but it could have a corresponding overpressure on the migrating geese and that would seem to be the downside.

Mr. Van Horn stated exactly. What the Department has is a cooperative project with the states that harvest that species. The Department does an annual spring survey. They do nest, brood, and banding work in July. With the combined data the Department receives from this they would monitor not only the population level but the harvest rate among that population. The new plan developed for this five year period has a bottom level so that if the spring breeding population drops below that level and the Department sees that the harvest rate is significantly increased, they will revise.

Dr. Clausen asked if the Greater Mississippi Valley (GMV) population stop in Wisconsin or continue on.

Mr. Van Horn stated historically southern Illinois was the goose hunting capital and the GMV geese would migrate there. What the Department is seeing is that in southern Illinois, Canada Goose hunting has dried up. In these warm winters essentially there have been some years where central Illinois gets these Canada geese and most years these geese hang out in central Wisconsin and northern Illinois.

Dr. Clausen asked when these geese are down in Wisconsin, what is the population estimate? After migration, what percent are GMV geese and what percent are local geese?

Mr. Van Horn stated there have been no studies done to directly determine this. A rough idea based on some of the banding, some based on harvest that is currently in December for example, it is still as much as 40% of that harvest is the migrant Canada geese. There are some hunters who believe by January most of the migrating Canada geese are gone and we only have resident Canada geese here. Based on what the Department sees going on in Illinois when birds are moving in and moving out and what is seen based on population levels of Canada geese in southern Wisconsin throughout the mild winter, he is pretty confident that migrant geese are here all winter if the winter is mild.

Mr. Poulson stated he has probably had more geese on his farm in southeast Wisconsin this year on a regular basis than he has ever had. They are living in his oat field. The population is strong. **Mr. Van Horn** stated this year in particular Wisconsin had a milder start to spring. The resident Canada geese got an early start on nesting. The Department had reports of goslings out much earlier this year than in past.

Dr. Clausen asked if the geese in Mr. Poulson's field and the 25-30 that come in to his field are primarily non-breeders when they come in big flocks like that.

Mr. Van Horn stated yes, that time of year.

Dr. Clausen asked if they would eventually migrate north in another few weeks.

Mr. Van Horn stated that for geese it takes a couple years. They are not like ducks. They do not jump out there at a young age. The Department sees some interesting molt migrations based on some of the studies that have been conducted. Some are non-breeders that go to Hudson Bay Coast to hang out and molt. The banders can distinguish between both. Alternatively, they have seen some non-breeders from some of the northern populations that would migrate to places near the Great Lakes like Green Bay to hang out for the molt migration. The young birds do not follow tradition as strongly as the adults do.

Mr. Welter MOVED, seconded by Mr. Poulson approval of the request for authorization of public hearings for Board Orders WM-19-07 and WM-20-07(E), 2007 migratory game bird seasons. The motion carried unanimously.

3.B.4. Deleted from Agenda. Request authorization to hold public hearings on Board Order FH-07-07, revisions to NR 25,

3.B.5. Land Acquisition – Governor Thompson State Park, Marinette County

Mr. O'Brien MOVED, seconded by Ms. Wiley approval of Land Acquisition – Governor Thompson State Park, Marinette County.

Mr. Welter asked if the Department anticipates that this property has some value as an access site to the southwest part of the park.

Richard Steffes, Real Estate Director stated it gives the state another town road access. The primary access is to the east on Paust Lane. While there is no development yet at this park that is where he thought the primary development would be. Certainly this helps to have access and perhaps a parking lot and some walk in access. He did not foresee a major road built off Paust Lane simply because there is a creek that flows through that area.

Mr. Welter asked if there is much development in the unpurchased southwest corner by Ranch Road and east of Caldron Falls Road.

Mr. Steffes stated there was not too much over there yet. There is a house on the parcel to the west that was purchased by the state less than one year ago. The state did not buy that full parcel but took a notch out of it. There are a couple houses along there. The primary development is towards the east near High Falls Flowage. There are quite a few 1 ½ acre lots. They are not high value improvements but they are still costly. Parkway Road, which comes along the east side of the property and extends north past the east side of Caldron Falls, is getting quite a bit of development.

Mr. Ela asked if there was any commercial development.

Mr. Steffes stated there was some.

Mr. O'Brien asked if there were any plans in the future to develop this park.

Mr. Steffes stated this property would be developed. Marinette County is really interested in seeing some development. He could not speak to the timing of it. It is a matter of getting through budgetary matters and then through the Department of Administration on development.

Laurie Osterndorf, Land Administrator responded back to Mr. Welter's question on access. She did not have the master plan in front of her but if the question was in regards to access into the park, it is the Department's policy to have one single access into each park for safety reasons and for fee collection. It would be highly unlikely there would be a second entrance to the park. For future development of this park, the Department is phasing in the development with electrical sites

and group sites as well. Since the electrical sites are more revenue generating, the Department would work with that first.

Mr. O'Brien asked approximately if it would be this year, next year, or ten years from now.

Ms. Osterndorf stated it is in the budget.

Mr. Ela stated as he recalled from the Master Plan there really is not much development along Ranch Road and the hope was to be able to acquire all of those properties and relocate a snowmobile trail closer to the road so that there was more of a quiet zone for cross-country skiing. It is an important parcel.

Mr. O'Brien stated he had an opportunity to tour on a boat trip around the lake. It is a wonderful property.

The motion carried unanimously.

3.B.6 Land Acquisition – Rush Creek State Natural Area – Crawford County

Dr. Clausen MOVED, seconded by Mr. Welter approval of Land Acquisition – Rush Creek State Natural Area – Crawford County.

Ms. Wiley asked if there would be hunting on this property.

Mr. Steffes stated yes.

The motion carried unanimously.

3.B.7 Land Donation & Project Boundary Modification – Mead Wildlife Area – Portage County

Mr. Welter MOVED, seconded by Dr. Clausen approval of Land Donation & Project Boundary Modification – Mead Wildlife Area – Portage County. The motion carried unanimously.

Mr. Welter asked whether, now that the Department has expanded the boundaries, to include that 80 acres, is the Department expanding the boundary to include the 80 acres to the north.

Mr. Steffes stated there has been no contact with that landowner and as a courtesy would want to touch base with them on the boundary. At this point, the Department is asking only for the 80 acres.

3.B.8 Land Donation and Project Boundary Modification – Pattison State Park – Douglas County

Dr. Clausen MOVED, seconded by Mr. Welter approval of Land Donation and Project Boundary Modification – Pattison State Park – Douglas County. The motion carried unanimously.

3.B.9 Land Donation – Ice Age Trail – Columbia County

Dr. Clausen asked how much development is in this park.

Mr. Steffes stated there is a drive that goes pretty much to the bottom but it is gated. It is pretty much undeveloped.

Mr. Ela stated this is a popular area and as he remembers part of the reason for the donation resulted from the county finding that the administrative and management costs were excessive. Is this a burden that will be passed on to the Department?

Mr. Steffes stated there are management obligations with it, primarily safety and law enforcement. That comes with the territory. What the Department planned to do with Board acceptance is to add it to the Ice Age Trail project so that people could visit this unique spot. There is some natural area value on the southwest facing area. There is a very sheer cliff that comes down to a bog so there is some unusual habitat. While management is a burden, it is something that the Department should take.

Ms. Wiley stated that the dots at the bottom of the map denote the Ice Age Trail. Would the Ice

Age Trail manager actually start a portion of the trail through this property or just keep an eye on it?

Mr. Steffes stated there are other connections that need to be made to get the trail to this property. Right now they get off the trail onto town roads like County Highway J. This would be if the trail bypassed this property there would be a spur into it. The trail is 1,000 miles long and you cannot buy 40 and 80 acre parcels for the whole length. The Department is trying to do as many easements as possible. The Department will try to get some ownership along with the Department's partners to try to protect some of those fairly scenic areas.

Ms. Wiley asked if this might promote easements on either side.

Mr. Steffes stated yes.

Mr. Welter MOVED, seconded by Mr. Poulson approval of Land Donation – Ice Age Trail – Columbia County. The motion carried unanimously.

3.B.10 Acreage Goal Modification – Glacial Habitat Restoration Area – Fond du Lac, Winnebago, Dodge & Columbia Counties

Mr. Ela asked if the Department would cease to draw a line between fee title acreage goals and easement acreage goals and use whatever tool that works that is available.

Mr. Steffes stated the Department is looking hard at the easements. They are still putting some easements here. To come in with a multi-hundred acre easement with no public access the Department would probably not do that. If there was a 40 acre parcel that was key habitat and an easement was offered, the Department would do that. The Department is doing easements but is being cautious about it.

Mr. Ela stated this makes a lot of sense. He detects a trend within the Department to downplay the usefulness of easements for conservation purposes and he thought easements are a potentially valuable tool.

Mr. Steffes stated easements are still used for trout streams, Forest Legacy easements, and these types of easements. The Department has always been cautious in using them. This Department has easement experience going back to the early 1960's.

Mr. Poulson stated he has had concerns about this from the standpoint that this is in a very strong agricultural area. This gives this parcel an opportunity to stay in agriculture. Agriculture really helps with the mosaic and provides a good surrounding for habitat. Keep as much of the agriculture land alive as possible and do it in this manner.

Ms. Wiley asked which of the various land acquisitions does glacial habitat come out of.

Mr. Steffes stated Wildlife.

Mr. Welter MOVED, seconded by Mr. Poulson approval of Acreage Goal Modification – Glacial Habitat Restoration Area – Fond du Lac, Winnebago, Dodge & Columbia Counties. The motion carried unanimously.

Mr. Ela continued the meeting with Item 5. Board Members Matters.

5. Board Members' Matters

Mr. Welter stated he proposed a question to be asked at the Spring Rules Hearing about whether or not angler education instructors that are certified by the Department should be required, like hunter safety instructors, to have a background check. That question went out statewide and was supported better than 10-1 by the people around the state. It was supported by the Wisconsin Conservation Congress Executive Council and the WCC at its annual meeting. Other people agree that this is a good idea. He asked the Department to promulgate rules and bring them to the Board as soon as possible for the rule change to require background checks for angler education. If there are other issues that arise that are pertinent to certified angler education that may require statutory changes that the Department feels the Board should consider as part of the legislative program, then he would like staff to bring those back to the Board as well.

Secretary Hassett stated his agreement.

Mr. Poulson stated the Board has not heard anything on the Elk issue up north.

Secretary Hassett stated the legislature did not approve the license fee for Elk. He has not heard anything more with issues with Elk being run over on their way to bait piles and feed piles. There have been significant losses there. The Department was able to get some very good voluntary compliance with people in the area which meant the Department did not have to pass emergency rules or anything like that at the time. It has quieted down. For herd status, he asked Mr. Hauge for further details.

Mr. Hauge, Director, Wildlife Management Bureau stated that hopefully each and every day right now they are adding a few more if biology is staying consistent. Going into the calving season, he thought it was somewhere in the number of about 115 or so animals. The herd overwintered pretty well. There were not as many animals involved in collisions this year. They cannot completely attribute it to the new warning flashing light that is out there but certainly think the awareness grew and that helped. Similarly, the Department received a very good voluntary compliance with baiting and feeding concerns. The Department thought baiting and feeding was leading to health issues as well and causing animals to travel into hazardous areas to get to the feed. The Department is expecting upwards of 35-40 calves this spring if all goes well. Staff are in the midst of doing daily searches for calves and are trying to monitor that. The Department is hopeful it will be a good year for the Elk.

Ms. Wiley asked what the population of Elk is.

Mr. Hauge stated with calves and if they survive to fall 2007, it would be around 150 some animals but some will be lost.

Mr. Ela asked whether it was true that there had been a couple not very encouraging years but things are on the rebound.

Mr. Hauge stated yes.

Mr. Welter asked if anything is going forward in relation to the proposed Jackson County reintroduction effort.

Mr. Hauge stated the Jackson County project was approved by the Board to go forward. What the Department immediately ran into following that was the discovery of Chronic Wasting Disease (CWD). The original source population at the time, Elk Island National Park in Alberta, Canada, became unavailable to the Department. There was no transfer or crossing the US-Canadian borders. This has been the case for quite a while. The ban was lifted. The Department put themselves back on the waiting list for any surplus Elk. Another state, Tennessee, was also on the waiting list and their name came up first. There was actually a USDA ruling indicating that the Elk Island herd did not meet USDA health monitoring requirements and are no longer available to Wisconsin. This now puts all of our marbles on the Clam Lake herd. Plan B was to grow the Clam Lake herd to a point to where it could be used as the source population for the Black River State Forest herd. It will take a while for that herd to grow.

Mr. Welter inquired if there would be a herd of up around of 200 or more Elk before this could be done.

Mr. Hauge stated yes.

Mr. Welter asked if anything else is going in relation to the Jackson County part of the project.

Mr. Hauge stated there is a Jackson County Wildlife Federation, there is the Ho-Chunk Tribe, and the Department staff are trying to stay very patient. They have been at this for quite some time. It seems like one thing happens after another which has sort of slowed the project down. The Department remains very enthusiastic about the project and if the fecundity of the Clam Lake herd could be doubled in some way, they would do it.

Mr. Poulson stated there has been some concern by some residents of the state concerned about the move of the Plum Island Lab to Wisconsin. He supports it. The state can prosper from what that lab does for this country. If it wants to come to Wisconsin, he hoped the Department could support them. As he looks at CWD and some of the other things the Department has dealt with, it would have been nice to have had Plum Island right in our backyard.

Mr. Hauge stated he was not sure if everyone caught the reference that Mr. Poulson made, but the USDA is looking to site another national facility for diseases they label as foreign diseases.

Mr. Poulson stated like hoof and mouth.

Mr. Hauge stated these diseases have a harmful impact on agricultural operations or for that matter, even human health and homeland security type of situations. He thought one of the sites in the running is south of Madison. Since 2002, his eyes have really been opened to all of the disease issues. There is no question in his mind that having the National Wildlife Health Center located in Madison that we have benefited as a state by all the disease expertise that is located at that facility. Similarly, the state would reap some benefits by having a world class laboratory in Wisconsin.

4. Citizen Participation
4.A. Public Appearances

1. **Barbara Thomas**, Menomonie, representing the Chippewa Valley Group of Sierra Club commended the Board today for the many special places in Wisconsin that the Board has helped to preserve for future generations. As our population continues to grow, as other people want to share in the wonderful natural attributes we offer here, these special places become even more treasured. Recently in Eau Claire, a wonderful property along the Chippewa River was protected by funds from the Stewardship Program, the city of Eau Claire, and by private local gifts. They came together to provide funds to protect and create the park. It will continue to be a special, secluded space amidst the bustle of a busy community for future generations. Thank you once again for your continuing support of Wisconsin's special places.

Mr. Ela requested the Board adjourn for lunch and for an executive session at 11:45 a.m.

Mr. Poulson MOVED, seconded by Mr. Welter to adjourn into executive session under the authority of s.19.85(1)(e) Wisconsin Statutes, for the purpose of discussing potential real estate transactions. A roll call vote was taken.

Dave Clausen – yes	Jane Wiley – yes
Jonathan Ela – yes	Howard Poulson – yes
John Welter – yes	Gerald O'Brien – yes
Dr. Thomas – absent	

Mr. Ela reconvened the meeting 12:55 p.m. and reported that the Natural Resources Board met in closed session for the purposes of discussing potential real estate transactions and did not take action at the executive session. Mr. Ela opened the meeting with the Department Secretary's Matters - Retirement Resolutions.

7. Department Secretary's Matters

- 7.A. Retirement Resolutions
7.A.1 Thomas M. Bahti
7.A.2 Kenneth Lee Hollenzer
7.A.3 Richard E. Wedepohl
7.A.4 Jon Heinrich

Mr. Welter MOVED, seconded by Mr. O'Brien approval of the retirement resolutions. The motion carried unanimously.

7.B. Donations

- 7.B.1. Terry and Mary Kohler will donate \$5,000 to the Endangered Resources Bureau in support of the Wisconsin Trumpeter Swan Recovery program

Mr. O'Brien MOVED, seconded by Mr. Welter approval of the Terry and Mary Kohler donation of \$5,000 to the Endangered Resources Bureau in support of the Wisconsin Trumpeter Swan Recovery program. The motion carried unanimously.

- 7.B.2. Compensation amount of \$28,842.14 to be donated by the City of Wisconsin Dells to the Dells State Natural Area as identified by the 2005 Annexation Agreement

Ms. Wiley MOVED, seconded by Dr. Clausen approval of the Compensation amount of \$28,842.14 donation by the City of Wisconsin Dells to the Dells State Natural Area as identified by the 2005 Annexation Agreement. The motion carried unanimously by all members present. Mr. O'Brien was absent.

7.B.3. Safari Club International, NE Chapter will donate \$500.00 for Sturgeon Guard 2007.

Mr. O'Brien MOVED, seconded by Mr. Poulson approval of the Safari Club International, NE Chapter donation of \$500.00 for Sturgeon Guard 2007. The motion carried unanimously.

Mr. Ela returned the meeting to Item 4.A.2 – Public Appearances.

4.A. Public Appearances

2. **Sandy Heidel**, Onalaska, representing herself, re: Stewardship reauthorization and comment on policy revision on how DNR reviews federal management plans. She stated that the planning process for the Upper Mississippi Refuge has been a difficult one for all of us. The Department felt the large boot of the public when its proposed rules to expand closing areas to hunting were voted out the door during the spring hearings. The Department could have had more support than opposition to the proposed rules if the Department consulted and represented the public from the beginning. It is impossible for the Department to respect the public without asking for public opinion. She requested the Department must represent the vote from the Spring hearings and do whatever necessary to keep the federal rules from going forward and secondly the Department must return to planning with the public on a pool by pool basis.

She then offered a resolution in support of the Knowles-Nelson Stewardship fund with the following conditions: 1) Expand hunting, fishing and trapping opportunities on all Stewardship funded lands by reviewing current and future properties to see which can be safely opened to hunting, fishing and trapping; 2) Create a review process to increase public input on Stewardship land purchases; 3) Restore wildlife habitat on lands the state already owns using Stewardship funds; and 4) Post signs and publish a directory of all Stewardship funded lands including all public access information.

3. **Jeff Nania**, Portage, Executive Director of the Wisconsin Waterfowl Association, re: Stewardship reauthorization and conservation wetlands permitting. He stated wetlands and wetland restoration are good for Wisconsin. No one disputes that. He has been involved in writing a new rule called NR 353 that would allow the rapid permitting of wetland conservation projects. Unfortunately, NR 353 is not nearly as effective as it could or should be. As a result, some of their very important partners who are on the landscape doing these projects including the Fish and Wildlife Service and the Natural Resources Conservation Service are struggling with permitting projects. It is causing a loss of revenue to our state because the more projects we build, the more money we get to build. That is causing an unnecessary delay. Segmentation of these properties once they are converted and no longer a wetlands has caused them to lose restoration potential in many of these sites. He hoped the Board would do everything in their power to make certain that wetland conservation and restoration activities be rapidly permitted.

He then distributed a letter endorsed by 162 groups in Wisconsin. Hunting and fishing access is an issue that is really close to the heart of people that hunt, fish, and trap in Wisconsin. If you want hunting, fishing, and trapping to go away, limit access. If you want to recruit new hunters, give them a place to go for a quality experience close to home. He had previously corresponded with the Board and the Department regarding two issues that are very germane. 1) The Upper Mississippi National Wildlife area where thousands of acres of land were lost currently open to hunting and we asked the Department to stand with us on that to protect the public trust doctrine and allow local public comment to protect those lands. Once

May 22-23, 2007

land is closed to hunting and fishing, it is never reopened. 2) They are soundly in support of reauthorization Stewardship at \$105 million. They recognize that statistically most of the land in the Stewardship program is open to public hunting. He sees a trend in the lower two-thirds of the state to close these properties and to limit hunting. He requested a discussion in order to weigh in and to work in a substantive way determining what the land use is going to be for these public lands in the Stewardship program.

6. Special Committees' Reports
None

8. Information Items

8.A. Air, Waste, and Water/Enforcement
NONE

8.B. Land Management, Recreation, and Fisheries/Wildlife
NONE

Mr. Ela asked if there was any further business to be brought forward before this Board. Hearing none, the meeting adjourned.

***The meeting adjourned at 1:10 p.m. ***