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NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, September 23, 2009, at the Stone Harbor Resort, Europe Bay Room, 107 North First Avenue, Sturgeon Bay, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 2:00 p.m.

Dr. Thomas thanked Northeast region staff for the great information, tours, and food.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

David Clausen – present
Jonathan Ela – present
John Welter – present
Jane Wiley – present
Preston Cole – present
Gary Rohde – present
Christine Thomas – present

1.B. Approval of agenda for September 23, 2009

Mr. Ela MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.

1.C. Approval of minutes from August 12, 2009

Mr. Ela MOVED approval, seconded by Mr. Welter. The motion carried unanimously.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Ela MOVED approval, seconded by Mr. Welter. The motion carried unanimously.

3. Action Items

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

3.A.1 Request Adoption of Board Order AM-05-09, proposed rules affecting chs. NR 406, 407, 409, 419, 439 and 484 pertaining to updating permit language relating to federal Generally Available Control Technology (GACT) rules for hazardous air pollutants, and rule consistency and other changes of a non-substantive nature

Andrew Stewart, Permits and Stationary Source Modeling Section Chief stated that the proposed rule would update permit language in chs. NR 406 and 407 regarding federal Generally Available Control Technology (GACT) rules for hazardous air pollutants. Current state rules do not exempt certain source categories from the need to obtain a construction or operation permit as is done on the federal level. Sources in Wisconsin potentially affected by this rule are bulk gasoline terminals, bulk gasoline plants, gasoline dispensing facilities (gas stations), pipeline facilities and wood preserving facilities.

Rules are also proposed that add biodiesel fuel, by definition, as an alternative clean fuel. Currently a permit modification for existing sources, or a construction permit for new sources, is required in order to burn it.

This proposal would also amend the time frame for submittal of operation permit renewal applications. Current rules require the application be submitted 12-18 months prior to the expiration of the operation permit. The Department proposes to change this deadline to no later than six months prior to the expiration of the operation permit to reflect updated statutory requirements in s. 285.66(3)(a), Stats. The only exception to this is that 40 CFR 70.5(a)(1)(iii)

requires submittal to be in a 6-18 month window. Since the statutory change is different than this, a note will be added that refers to the Federal time frame.

Currently only selected portions of our rules require submittal of two copies of permit applications and related materials. The proposed rule would correct this inconsistency so that two copies are required in all cases. Additionally, language will be added to allow for electronic copies. Two copies are required as one is retained by the central office and one copy is sent to the appropriate regional office.

Other non-substantive changes are being proposed for consistency, to update outdated rule language and to provide clarification where needed. He requested the Board adopt Board Order AM-05-09.

Discussion followed on the biodiesel provision and if this rule follows the federal rule from last year.

Dr. Clausen MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

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

3.B.1 Request Adoption of Board Order FH-18-09, fisheries housekeeping rule revisions

Mike Staggs, Fisheries Management Bureau Director spoke in place of **Joe Hennessy**, Fisheries Management Staff Specialist. He stated these proposals were suggested by the Bureaus of Fisheries Management and Law Enforcement to address fisheries management and law enforcement issues related to management of recreational fishing on Wisconsin's outlying, inland, and boundary waters. The proposals were developed with input from the Bureau of Legal Services, and are limited to clarifications of existing code or changes to pieces of code which do not accurately reflect the intent of rules previously adopted by the Board. These clarifications and corrections relate to catfish season in Winnebago system, placement of turtle traps, possession limits for inland trout and catfish, tagging fish, bowfishing, allowable times for dipnetting in several lakes, Ceded Territory bag limit readjustments, and boundary water license requirements and sturgeon registration. He requested the Board adopt Board Order FH-18-09.

Mr. Welter MOVED approval, seconded by Mr. Cole. The motion carried unanimously.

3.B.2 Request Authorization for Hearings of Board Order WM-20-09 to establish alternatives to earn-a-buck (EAB) deer hunting regulations

Keith Warnke, Big Game Biologist stated that the Department requests approval to hold hearings on proposed changes to the deer season structure. We recommend the proposed changes be tried as an earn-a-buck requirement replacement for two years and evaluated for effectiveness:

1) November firearm season Statewide, including CWD zones, 16-day season beginning two Saturdays prior to the Thanksgiving holiday.
2) Archery season Opens on the Saturday nearest September 15 and continues through the 2nd Sunday in January except closed on the Friday before the 16-day firearm season. In herd-control units, the archery season would continue through January 31.
3) Youth season Statewide 5-day, either-sex season beginning the 2nd Saturday in October.
4) Early Muzzleloader season - Statewide 5-day, antlerless-only by permit beginning the 2nd Saturday in October.
5) October herd control season - Herd control units only. 5-day, antlerless-only season beginning the 2nd Saturday in October. CWD October season would use same dates.
6) Late muzzleloader season - Statewide 7-day season beginning the Monday after the 16-day firearm season.
7) December firearm season - Central Forest & Farmland zones. 4-day, antlerless-only season beginning the Thursday immediately following the late muzzleloader season.
8) Holiday gun hunt Central Forest & Farmland zone, herd control units only, 10-day antlerless season beginning December 26th. CWD zone would use same dates.
9) Bonus buck incentive Harvest of an antlerless deer in herd control units beginning December 26 firearm authorizes harvest of an additional buck.

He then distributed an amendment which corrects a drafting error and updates the definition of group hunting for deer as it applies in mentored hunting situations:
Section 1 corrects a drafting error so that, rather than the entire management unit, only public lands within the Kettle Morraine State Forest will have a firearm season that occurs later in October. In order to avoid user conflicts, the hunt would begin on the Thursday nearest October 27 on public lands in the Kettle Moraine State Forest. In the rest of the state, during the October youth hunt, muzzleloader hunt, and antlerless firearm hunt when a unit is in herd control status, the October hunt begins on the second Saturday in October.
Section 2 clarifies that a person who may only hunt with a mentor, and the mentor with whom they are hunting, can group hunt for deer even though they are only allowed to possess or control one firearm jointly. The season must be open for both hunters, they must be hunting within arms reach of one another, and both must possess the proper licenses and permits. This is consistent with s. 29.324, Stats., related to group hunting and simplifies the explanation of how this law applies during a mentored hunt.

He requested the Board adopt Board Order WM-20-09 as amended.

Discussion followed on if the EAB committee unanimously favored the 16 day hunt, definition of "bucks plus quota", the number of muzzleloader hunters in the current season, how the Public Land Tags incentive works, the percentage of bucks harvested by bow hunters, the public hearing process and the use of random and Internet surveys, if today's PowerPoint presentation will be used at all the public hearings, Minnesota's deer season timeline, and the Department's communication strategy.

Discussion followed on harvest goals.

Dr. Clausen MOVED approval, seconded by Ms. Wiley.

Mr. Welter MOVED to include the following Amendment to correct a drafting error and to update the definition of group hunting for deer as it applies in mentored hunting situations:

Section 1. NR 10.01(3)(e), as amended by CR 09-024, is repealed and recreated to read:

Kind of animal and locality		Open season (all dates inclusive)	Limit
NR 10.01(3)(e)1.			
f.	~~In unit 77C~~ On lands which comprise the Kettle Moraine State Forest in Sheboygan, Fond du Lac, Washington and Waukesha counties, this season may be implemented when the criteria established in par. (ed) 2. are met, if the harvest resulting	Firearm season beginning on the Thursday nearest October 27 and continuing for 5 consecutive days. The firearm type is the same as authorized during the seasons listed in subdivision paragraphs a. and b.	One antlerless deer per antlerless deer permit issued under s. NR 10.104.

	from the permit issuance procedures established in par. (ed) 1. a. in a deer management region does not meet the performance measures established in par. (ef).		

Section 2. Section 9. NR 10.01(3)(et)1. is amended to read:

NR 10.01(3)(et) Special disease control hunts.			
1. Disease management zone.			
		2. Early firearm season. A firearm deer hunt beginning on the ~~Thursday nearest October 15~~ second Saturday in October and continuing for ~~4~~ 5 consecutive days~~.~~ except on lands which comprise the Kettle Moraine State Forest in Jefferson, Walworth and Waukesha counties where the season begins on the Thursday nearest October 27 and continues for 5 consecutive days.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104 (11).

Section 3. NR 10.001 (28) is created to read:

NR 10.001 (28) "Using firearms" for the purpose of s. 29.324, Stats. means being in possession or control of a separate, individual firearm except that a mentor and the person for whom they are serving as a mentor as required under s. 29.592(3), Stats., who jointly possess only one firearm, shall each be considered to be using a firearm.

Dr. Clausen and Ms. Wiley accepted as a friendly amendment.

Mr. Cole requested that a public hearing also be held in Milwaukee, Kenosha, or Racine County.

Discussion followed on if the Natural Resources Committee had received the EAB Alternatives Committee Report.

Dr. Thomas requested the Department provide the Natural Resources Committee with a copy of the final Earn-A-Buck Alternatives Report.

The original motion as amended carried unanimously.

3.B.3 Land Acquisition- Lower Wisconsin State Riverway- Iowa County

Dr. Clausen MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

3.B.4 Land Acquisition - Western Prairie Habitat Restoration Area- St. Croix County

Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.

3.B.5 Land Acquisition -Black River State Forest – Jackson County

Mr. Cole MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

3.B.6 Land Donation - Statewide Natural Area Program – Chippewa County

Discussion followed on deer hunting and waterfowl opportunities on this property.

Mr. Welter MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

3.B.7 Land Donation - Western Prairie Habitat Restoration Area- St. Croix County

Discussion followed on the Kinnickinnic Land Trust's upcoming award.

Dr. Clausen MOVED approval, seconded by Ms. Wiley. The motion carried unanimously.

Dr. Thomas continued the meeting with agenda item 5.

5. Board Members' Matters

Mr. Welter stated he was pleased that the Department will begin a study on silica sand impacts on air quality and human health and that the Department will make a recommendation to the Board for regulatory framework. Timeframe for completion of this report is one year.

Mr. Welter stated that due to pending legal proceedings, the Department is taking an appropriate position on the Marinette County land complaint. Let the legal process play out.

6. Special Committees' Reports
None

7. Department Secretary's Matters
Pat Henderson, Deputy Secretary, spoke in place of **Secretary Frank**. He gave an update on American Recovery and Reinvestment Act. The Department team, led by Barb Zellmer, is doing a tremendous job. Department employees Lance Potter and Paul Newman have been "borrowed" from their programs to assist in tracking all opportunities for stimulus dollars and for distributing in a timely fashion. To date, the Department has been awarded all monies it applied for and was eligible to receive – over $150 million. The Department is able to do projects that otherwise would not have occurred.

The Department is continuing to close the gap on deer fences and is working with the Department of Agriculture, Trade and Consumer Protection to get this to the legislature. 80% of the deer at the Hall farm had CWD. The Hall farm deer fences will come down in 2011 without legislation.

Senate news: The senate unanimously confirmed (32-0) Jane Wiley and Chris Thomas's appointments for an additional 6 year term each to the Natural Resources Board. The Senate and Assembly both passed the mercury reduction bill (Danou's AB 299 and Jauch's SB 200) which bans mercury from a number of different products in Wisconsin. The Senate also passed Hubler's

Assembly Bill 86 to allow non residents age 65 and over to use crossbows. The Assembly passed Holperin's Senate Bill 241 to allow ATV's to be 50" instead of 48" on state trails. The Assembly passed Millers Senate Bill 107 on e-waste. The Assembly also passed Jauch's Senate Bill 123 on Aquatics Invasives enforcement.

Discussion followed on the provisions of the invasives enforcement bill.

Mr. Henderson stated the Assembly also passed Black's Assembly Bill 138, Board appointment of the DNR secretary on a 61-32 vote. The Global Warming Task Force scheduled five additional meetings with the drafting group which includes the chairs of all legislative committees. A Bill may be introduced at the end of these meetings. The plan would then be to take it out for public hearings with the hope of having it on the floor of both houses after the holidays. Representative Black and Senator Miller are working on ideas to strengthen the Groundwater law and may introduce legislation later this session.

Discussion followed on when the legislature meets during even and odd years.

Mr. Henderson stated that NR 115 - shoreland zoning regulations is going through legislative review. The Committee sent it back to the Department asking for unspecified modifications. He is working with Chair Black on what those modifications may be. The Department will send a response noting they will consider modifications. This will enable the Department to get another vote in committee.

Discussion followed on what the specific objections were.

Mr. Welter requested a report be given at the October 2009 meeting regarding the Little Plover River.

7.A. Retirement Resolutions
7.A.1 Steven J. Michalko
7.A.2 Scott Retallick
7.A.3 Greg Delwiche
7.A.4 George W. Osipoff
7.A.5 Gene Mitchell

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

7.B. Donations
7.B.1 The Friends of Horicon International Education Center will donate up to $1,910,000 for the Horicon Marsh building construction

Jerry Voy, Horicon Marsh International Education Center President, stated they love the partnership with the Department and are proud of it. They look forward to many years of cooperation.

Discussion followed on how their organization raised this large sum of money.

Mr. Ela MOVED approval, seconded by Mr. Welter. The motion carried unanimously.

7.B.2 Peninsula Golf Associates will donate $212,077 for the renovation of the Peninsula State Park Golf Course Clubhouse

Dr. Clausen MOVED approval, seconded by Mr. Cole. The motion carried unanimously.

7.B.3 The Natural Resources Foundation will donate $28,150 to the Bureau of Endangered Resources: $16,150 in support of raptor monitoring and $12,000 in support of bat monitoring

Ms. Wiley MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.

7.B.4 The Friends of Hartman Creek State Park will donate $19,386 towards the purchase of a Bobcat Tractor

Dr. Thomas MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.

7.B.5 The Ox-Bow Sportman's Club will donate $10,000 to be used towards the Aders Creek Restoration Project on Brillion Wildlife Area

Mr. Welter MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

7.B.6 The Ken Holmes family will donate $5,000 to be used towards displays in the Wild Rose Fish Hatchery Visitor and Aquatic Education Center

Mr. Welter MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.

8. Information Items

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

None

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

8.B.1 Great Lakes Commercial Fishing Annual Overview

William Horns, Great Lakes Fisheries Specialist stated this overview provides an opportunity for Department staff to describe methods used to determine harvest limits and to give the Board some advance notice about possible changes or controversies. The Chairs of the two commercial fishing Boards were invited to comment separately to you today or in writing. He spoke on the function and statutory basis of Commercial Fishing Boards, trends in Great lakes fish populations and expected changes in commercial quotas in the next year, and reviewed assessment and analysis methods used in the development of commercial quotas.

Discussion followed on potential conflict of interest issues of the Commercial Fishing Board members.

Peter Flaherty, DNR Attorney, stated each commercial fisher on the Commercial Fishing Board has to be mindful as to how their operations are configured and how their business could be affected. They can get a personal advisory opinion from the Governmental Accountability Board. Generally, the question is, do they have a substantial interest in the outcome of a rule. If they receive a “yes” opinion they need to take it to heart. If a “no” response they can proceed in the voting. Most have a good sense of it. Each Commercial Fishing Board member needs to consider their role to be on behalf of industry as a whole and not that of a personal business opportunity.

Discussion followed on whitefish quotas and that most members would seem to have an interest.

Mr. Flaherty stated Board membership is more diverse. For the Lake Michigan Board, two represent south Green Bay and then three come from north Green Bay and Lake Michigan proper. There is also a fish dealer and public member on the Board. The Board historically has been able to reach recommendations. Members need to be careful and should not participate in a vote if they have a substantial financial interest in the outcome.

Discussion followed if this rule against conflict of interest is a problem that these LMCFB members are experiencing and whether it should become part of the legislative agenda.

Mr. Flaherty stated conflicts have arisen two times in the last 30 years, which is not much. They meet two – three times each year. Giving advice is only part of their job. He distributed an overview of the Lake Superior and Lake Michigan Commercial Fishing Boards' Composition, Duties and Authority. **(Handout)**

Discussion followed on what value advice from the Commercial Fishing Boards has if their decisions are made by 3 out of 7 members, what options the Commercial Fishing Boards may have to rectify this issue, and the approximate cost of purchasing a license.

Public Participation:

1. **Charlie Henriksen**, Sister Bay, representing the Lake Michigan Commercial Fishing Board. He welcomed the Board to Door County. He stated that as an advisory body, the Commercial Fishing Board needs a better way to communicate. No communication leads to frustration. Once they mail a recommendation or motion to the Department, they would appreciate a response back from the Department. He requested the Board give direction to staff on this. He noted that the Department's Commercial Fishing Liaison, Al Blizel, does a great job.

   He read and stated his agreement with Mr. Flaherty's memo. He noted most decisions of the Commercial Fishing Board are unanimous. Their decisions should be based on the public good. Their Board had made a recommendation to re-open the Lake Michigan perch harvest. Some sport fishers would like to see an increase in the bag limit. They made this recommendation at the same meeting the whitefish vote was made. Mike Staggs stated the Department would follow up on this. The whitefish quota increase that the Board will be voting on at their special meeting on September 28 should be allocated equally among the three fishing zones but individually by the current allocation formula.

   Discussion followed on the recommendation of increasing each zones quota equally and the LMCFB's concern of whitefish sport fishing in zone 1, and damage to the fishery from invasive species.

   Mr. Hendrickson expressed his concerns over the U.S. Fish & Wildlife Service's (US F&WS) plans to plant more lake trout, which is not a native species, into Lake Michigan. Wisconsin biologists are the only dissenting group on the Lake Michigan committee. The US F&WS should be told to hold the line.

   He updated the Board on the wholesale commercial fishing reporting package. He then stated that due to the state's budget problems, the Department should not be buying a new boat and that there are other avenues for research. The fishers could be contracted to assist with the Department's work.

   Discussion followed on the Commercial Fishing Board's communication concerns with the Department.

   Dr. Thomas clarified that when a Commercial Fishing Board makes a recommendation to the Natural Resources Board (NRB), they would need to direct their communication to the NRB. They would then receive a response from the NRB that it was received and is being looked at. A formal response comes by a motion and vote at an NRB meeting. If the Commercial Fishing Board makes a recommendation to staff, then they should send it to the Department with the NRB listed as a "cc". Staff would send their response to the Commercial Fishing Board with a copy to the NRB.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

8.B.2 2009 – 2011 Budget update and its impact on the Department

DEFERRED FROM AUGUST 12, 2009 MEETING

Joe Polasek, Management and Budget Bureau Director gave an update on the status of the recently passed two-year budget - $576.0 million for 2009-2010 and $567.6 million for 2010-2011

and includes a net decrease of $22.3 million compared to the 2007-2009 Biennial Budget. This reduction includes ongoing base reductions of about $15.4 million annually. He highlighted items from Outdoors and Recreation, Great Lakes Protection Initiatives, Clean Water and Environmental Cleanup, and User Fee Increases.

Discussion followed on fee increases charged to the DNR from the Department of Administration (DOA).

Mr. Welter requested a report on additional expenses incurred by the Department through the Department of Administration, such as rate increases on operating equipment, fleet, and buildings.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

8.B.3 White-nose Syndrome Briefing

Signe Holtz. Endangered Resources Bureau Director, introduced Erin Crain, Endangered Resources Section Chief and **David Redell**, Bat Ecologist/Biologist and Midwest Chair of White-nose Syndrome Committee. Mr. Redell and Ms. Crain gave a joint presentation. White-nose Syndrome (WNS) is a devastating disease of hibernating bats that has caused the most precipitous decline of North American wildlife in recorded history. Since it was first discovered in 2006, WNS has infected six species of insect-eating bats in the northeastern and southern U.S., causing declines approaching 100% in some populations; estimated losses have exceeded one million bats over the past three years. Clinical signs of WNS are a white fungus evident on the nose, ears, or wings of most affected animals, wing damage, and depleted body fat. Abnormal behavior includes bats flying outside in daylight and dead bats near cave entrances or on the landscape. The WNS fungus requires cold for growth. The Fungus grows optimally at about the same temperature as hibernating bats (5ºC and 10ºC). No bacterial infection has been found. There are no known viral pathogens or disease-causing parasites. There is no known affect on humans or domestic animals. It is believed that the fungus is not just a symptom but the cause, which should be confirmed in the near future. If the fungus is the problem, tree bats should be relatively safe.

In general, bats are susceptible to decline because of their low reproductive rate and the species aggregate at a few locations during critical states of the natural history cycle (hibernacula and maternity colonies). These concentration areas make bats susceptible to catastrophic losses affecting 1,000's of square miles over their summer range.

If the spread of WNS is not slowed or halted, further losses could lead to the extinction of entire species and could more than quadruple those that are federally listed as endangered in the U.S. Such losses alone are expected to have unprecedented consequences on ecosystem health throughout North America, with unknown consequences. It could affect agriculture, forestry, human and avian health, and cave ecosystems. For every 1 million bats lost from WNS, 700,000 tons of insects were not eaten this summer.

U.S. F&WS is working with state agencies to develop an interim response plan to identify this winter's management options. A regional plan is being developed by APHIS for Indiana as a template for states to draw from for our individual response. Cave Best Management Practices (BMP's) are also being developed. At the state level, baseline data is being gathered, hibernacula are being identifying and monitored, staff are working across programs for response planning, research, and surveillance. The Department will establish stakeholder and science teams, develop decision-making structure, develop a WI/regional response plan, continue with Regional and National planning, and analyze current regulation, code, surveillance, and habitat management changes.

Discussion followed on what regulations currently cover bats, what action the Department will take on this fungus and when, who owns most of the WI caves where bats congregate, and what is being done to stop the decline.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

Dr. Thomas moved the meeting to agenda item 4.A. – Public Appearances.

4. Citizen Participation – 1:00 p.m.
4.A. Citizen Participation
Public Appearances
1. **Keith Waloway**, Marinette, representing Marinette Great Lakes Sport Fisherman Club
Topic: Poor brown trout fishery in Green Bay. He was not in attendance.

Pat Henderson, Deputy Secretary stated that Julie Holmes, the widow of Ken Holmes, (agenda item 7.B.6), was now in attendance. He thanked her for their generous donation to the Wild Rose Fish Hatchery Visitor and Aquatic Education Center.

2. **Mike LeClair**, Two Rivers, representing the Lake MI Commercial Fishing Board (LMCFB)
Topic: Changing the chub mesh size low from 2 3/8" to 2 ¼" and to changing lifting requirements for chub fishing from 5 nights to 8 nights. He stated he was representing 19 chub fisherman from Zone 3 to get the law changed. Chub fishermen in zone 3 have difficulty in catching chubs due to invasive species. He believes the mussel population increased which took away the food source from chub. The chub fishermen need help. The mesh size has no effect on the chub population and therefore should be changed. The number of nights the chub nets must be lifted in also have no effect on the chub population and therefore should be increased. They would at least like to see a public hearing on this. **(Handout**)

Discussion followed on the LMCFB's motion on July 22, 2009 and the Department's response or recommendation, if any.

Mr. Ela requested that the Board be copied on the Department's formal recommendations/ response to all motions from the Lake Michigan Commercial Fishing Board and the Lake Superior Commercial Fishing Board.

Discussion continued on if changing the 5 night requirement to 8 nights would be year-round or winter only and where zone 3 is located.

3. **Rod Heller**, McFarland, representing self. *Topic:* DNR Complaint System
He requested the Board open an investigation of his complaint. His son was issued a citation. He believes numerous false statements were made by the Department. Chief Warden Stark, after a thorough investigation was completed, had stated Mr. Heller's complaints were baseless even though not one of his 13 witnesses was contacted by the Department. He requested the Board open an independent investigation. **(Handout)**

Discussion followed on the citation and the Department's guide license regulation.

4. **Glenn Seger**, Sheboyan representing self *Topic:* Fish migration in Lake Michigan
He stated he is a zone 3 commercial fisherman. He stated that fish tagged by the Chippewa Ottawa Resource Authority in the state of Michigan in the waters of Big Bay De Noc were recaptured in his commercial fishing nets at Sheboygan, WI. These fish traveled over 200 miles in the ake and are part of the Big Bay De Noc spawning stock of Whitefish which they have been catching the past five years. These fish make up part of their harvestable limit of whitefish each year. He displayed some of the tagged fish and stayed they appeared to be headed for death due to the lack of food as evidenced by their thinning bodies which is especially noticeable in the back area. These fish if in healthy condition would probably weigh three times their current weight. He stated there are lots of whitefish trying to live on minimal amounts of food in Zone 3 of Lake Michigan due in part to multiple stocks of whitefish converging in this zone. Fish, as evidenced by tagging surveys, utilize the whole lake for survival. **(Handout)**

Discussion followed on the tagging process and taking more fish out of the lake through increased quotas.

Dr. Thomas gave a brief overview of how the Board receives and responds to correspondence and suggested that all members do the same. All correspondence goes to the Board Liaison for distribution to the full Board with confirmation of receipt to the writer and staff follow-up, if necessary. All members of the Board should see what the citizens are saying. The public is encouraged to write and mail their comments to the Board.

Dr. Thomas noted that she will not be attending the October Board meeting and that Jonathan Ela agreed to sit in as Chair.

Dr. Clausen MOVED approval, seconded by Mr. Ela to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 2:00 p.m.

NOTE: Each Natural Resources Board meeting is recorded. Tapes of each meeting are available for purchase by contacting the Natural Resources Board at 608-267-7420. The following resources are also available: Agenda Item Packets (green sheets), supporting documents, and public comment.