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NATURAL RESOURCES BOARD

BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, January 23, 2013 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 12:41 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	Preston Cole – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	David Clausen – present
Greg Kazmierski – present	

1.B. Approval of agenda for January 23, 2013

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

1.C. Approval of minutes from December 11-12, 2012

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

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

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

3. Action Items

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

None

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

3.B.1 Request approval to designate a unit of the Bailey's Harbor Boreal Forest and Wetlands State Natural Area, Door County, in honor of Jonathan P. Ela

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

3.B.2 Request authorization for public hearing on the 2013 Wildlife Management Spring Hearing Rule Change package, WM-01-13, and advisory questions

Mr. Loomans distributed pages 7 and 8 of the memo which were inadvertently left out of the green sheet package (as follows).

PAGE 7:

3. 'Winnebago zone' — Beginning on the Saturday nearest October 28

and continuing through March 15.

4. 'Mississippi River zone'— Beginning on the second Monday in November or the day following the close of the open season for ducks as established under sub. (1) (b) 1., whichever occurs first, and continuing through the last day of February.



Do you favor opening the muskrat and mink season statewide beginning on the third Saturday in October and continuing through the Sunday nearest March 7, except that season dates would not change in the Mississippi River Zone?

4. Yes _____ No _____

QUESTION 5. Establish that, when the bear hunting season is open, hunting hours apply to people who are training bear hunting dogs as well as to people who are hunting bears.

Currently, there are no restrictions on the time of day for training dogs used to hunt bears. In the past, training dogs by trailing wild bears was not legal during the hunting season for bears. With the passage

PAGE 8:

of ACT 28, training dogs to pursue wild free-roaming bear is also allowed whenever the season is open for hunting bear with dogs.

This proposal will require that all bear pursuit activities take place only during daylight hours (normal bear hunting hours) when the bear hunting season is open in order to eliminate the need for conservation wardens and others to determine who is hunting and who is only training dogs to pursue bear. Consistent hours for hunting and training activity also addresses fairness concerns between groups of people who are pursuing the same species in the same areas.

Bear dog training typically is done during daylight hours so this will not result in a significant loss of dog training opportunity.

5. Do you favor establishing that, when the bear hunting season is open, it is only legal to train dogs to pursue free-roaming wild bear during the same hours that are legal for hunting bears?

5. Yes _____ No _____

QUESTION 6. Establish that certain traps placed for weasels need to be checked by the trapper every four days instead of daily (2014).

Trappers in Wisconsin normally use enclosures to trap weasels in winter. These enclosures are generally a shoebox sized container with small opening on one end, a body grip trap positioned near the front of the enclosure by the opening, and bait placed in the rear of the enclosure. These trap types were found to meet humane standards, with weasels usually expiring soon after entering the enclosure. Because this is a dry land set, it currently needs to be checked daily. Some trappers would like to have more time to tend these specific types of traps.

Weasels in these enclosed, body grip traps in winter expire quickly, are chilled and preserved, out of sight from the public and unavailable to scavengers. If the enclosure is securely fastened to an immovable object, any non-target species that could reach through the small opening with a front paw could pull it out without harm.

6. Would you support allowing trappers four days to check weasel enclosures if the enclosure meets the following requirements:

- The opening is not larger than 1 3/8 inches diameter (this size restriction would specifically target weasels and effectively eliminate the accidental take of other furbearers including the American marten)
- The enclosure set uses a bodygrip trap
- The enclosure is secured to an immovable object to allow non-target furbearers to self-release without harm?

6. Yes _____ No _____

Ms. Wiley MOVED approval, seconded by Mr. Kazmierski as amended. The motion carried unanimously.

3.B.3 Request authorization for public hearing for Board Order FH-18-12, the Fish and Wildlife Spring Hearing Rule, regarding recreational fishing regulations on inland, outlying, and boundary waters

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

3.B.4 Request authorization for public hearings on Board Order ER-27-11, relating to revision of Chapter NR 27, Wis. Adm. Code, pertaining to the Wisconsin Endangered/Threatened Species List

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

3.B.5 Request approval of bear harvest quotas for the 2013 season

Mr. Hilgenberg asked the department to further study the shooting permit aspect of the bear damage program and come up with a proposal to modify the existing program to help put the tags in the hands of hunters so that one individual will not be allowed to harvest multiple bears while many hunters go 8 years without being able to harvest more than one.

Mr. Kazmierski added that hunting with dogs should be considered in the proposal as well.

Dr. Thomas cautioned that the use of dogs will move bears to neighboring property, onto public lands, hunting on public lands in the ceded territories, hunting when people are recreating, camping. This could open a can of worms.

Mr. Cole asked staff to keep an eye on the product. If successful, the cost of moving bears all over the state will get reduced, damage to agriculture land gets reduced, and subsequently the cost of the state paying out for the damage gets reduced.

Mr. Thiede stated the department would look into Terry's concerns and review the option of using dogs. There is going to be that balance point for tolerable levels of damage. The department will seek out the balance as to what is acceptable because damage is going to occur. It is at what level, that damage is tolerable or at least manageable; as we need to balance recreational hunting opportunities, population management and damage mitigation in our final recommendations. Mr. Thiede also clarified that any early harvest opportunities would be done under the goal of addressing nuisance and damage situations. No early hunting seasons would be considered as part of the proposal.

Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski. The motion carried unanimously.

3.B.6 Request approval of the Ice Age Complex at Cross Plains Master Plan

Mr. Hilgenberg MOVED approval, seconded by Ms. Wiley. The motion carried unanimously.

3.B.7 Land Donation and Project Boundary Modification – Totogatic Wild River – Washburn County

Dr. Thomas MOVED approval and to acknowledge the donation, seconded by Mr. Cole. The motion carried unanimously.

3.B.8 Land Donation – Kinnickinnic River Fishery Area – St. Croix County

Mr. Hilgenberg MOVED approval and to acknowledge the donation, seconded by Dr. Thomas. The motion carried unanimously.

3.B.9 Briefing - Wisconsin Conservation Congress 2013 Spring Hearing Advisory Questions

INFORMATION ITEM – NO ACTION WAS TAKEN

3.C. Scope Statements

3.C.1 Request approval of the statement of scope for Emergency Board Order FH-23-12(E) relating to lake trout harvest limits as required by the State-Tribal Lake Superior Agreement

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

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

None

5. Board Members' Matters

Mr. Bruins asked staff whether they have sufficient direction from the Board on the bear depredation issue and whether it would be helpful to add an advisory question on this year's Spring Hearing Questionnaire.

Mr. Thiede stated that he has received adequate guidance from the Board on their request. They will provide a memo in advance of the February NRB that provides a timeline for returning to the Board with recommendations to help address bear related crop damage issues, including but not limited to dog use, use of licensed bear hunters and an assessment of the effectiveness of moving problem bears. He indicated that the goal would be ready to return to the Board in March with recommendations.

He then expressed concern of submitting an advisory question for the spring hearings on this issue since they did not have time to properly craft one prior to the print deadline date, and because adequate thought had not been given to the appropriate remedy to propose in a question. Further, no outreach had yet occurred with affected user groups.

Mr. Hilgenberg stated that the process by which the Board does things seems to take too long. He thought it would be incumbent upon leadership to look those processes and come up with means and methods by which we can be more effective with what our responsibilities are.

Dr. Thomas asked for those to not take this the wrong way since she is very respectful of the congress tradition, but some of what slows all this down is process visa-vie the congress because you are trying to gather input from all the interested parties in some kind of an orderly way. It is way different now than it was in 1935 when people only got together a couple times a year and that was how you initiated and ended your discussions. There are a lot of ways to gather input from your constituents now that did not exist then. Are there some ways that that whole process could be, not to knock anybody out of the process, be streamlined. The idea that, as an example, you could not hunt turkeys in December even though we all agreed pretty much we wanted to do it for three years because two whole years of voting had to happen before you could get there. Maybe that is not big in the whole grand scheme of things but it is indicative of missed opportunities because we are just plugging along.

Mr. Bruins stated that the process seems to bog us down. Secretary Stepp is also frustrated. She wants to streamline and become more efficient and more responsive. He does not say this literally or lightly, but we have to focus more on prioritizing our efforts. In life, some things are simply more important than others at a particular time. If we are going to streamline absolutely everything, it is going to be much more diluted. We have to become more focused and more prioritized in our efforts.

Mr. Kazmierski commented on his experience with his recent involvement in warden recruitment. He had the pleasure of spending four days last week interviewing warden recruits. It was an interesting experience. The class that we have coming in is unbelievable. Their qualifications, people were flying in from all over the United States, they were prosecutors, had Master's Degrees. It was difficult to actually pick the top 20 candidates they were so good. Wisconsin is still a place people want to come to.

Mr. Cole stated that he thought last year the Secretary gave a year in review update. If that opportunity presents itself again, he requested it be done at the February meeting so that the media and public know the kinds of activities were resolved in 2012. There may be information that the management team are doing that we may not know about that you would like to brag about. This also would be a great opportunity to do so.

Chair Clausen stated the Board received communication sometime in the last few weeks about open burning in garbage cans and that type of thing. He mentioned again that this has been an issue. The department unfortunately does not have citation authority for this and it makes it very awkward to deal with. He finds it a little bit strange that we have very, very strict regulations on our industries in this state with regard to air pollution and such. We have very good enforcement on that. When it comes to what the department admits is probably the largest source of dioxins

going out into the atmosphere which is open burning from a bunch of little burning barrels, we have no enforcement. He asked the department to keep on working to try to get this citation authority because it is a more efficient way to do this than to have to wait until they build up and go to the Department of Justice which takes a huge amount of effort.

5.A. Review of Natural Resources Board Advisory Question(s) for the 2013 Spring Fish and Wildlife Hearings

Greg Kazmierski stated he ran a meeting and brought in a lot of stakeholder groups on the issue of crossbows. This issue has been controversial for a long time. They did get to some common ground at that that meeting. He had numerous legislators call him to ask about the meeting. They stated they need to move forward and suggested he put a question on the spring hearing for the two proposals that came out of that meeting. There was not total consensus but things moved a long way and concerns were addressed from the different groups. He submitted the following two questions to be added to the spring hearing questionnaire:

Crossbow use is currently allowed for anyone during firearm seasons for most species including deer. The use of crossbows for hunting deer outside the firearm deer seasons is limited to persons with certain disabled permits and persons over the age of 65. There has been considerable interest to expand deer hunting opportunity with crossbows outside the firearm deer seasons.

At a recent stakeholder meeting to discuss crossbow expansion there was SIGNIFICANT SUPPORT for expansion of crossbow use for deer hunting outside the firearm seasons. At the meeting there were two proposals put forth with Proposal #1 gaining the greatest consensus.

Policy makers are seeking public input on these two proposals to craft legislation necessary to expand crossbow hunting opportunity.

Proposal #1

This proposal was for full Inclusion; an Archery/Crossbow Season.

- **Crossbow hunting for deer at any legal hunting age and running concurrent with the entire archery season.**
- **An Archery/Crossbow license that includes one buck tag and one antlerless tag that when purchased would identify if the hunter will be hunting with a bow, crossbow, or both.**
- **At the time of registration, harvest would be recorded as a bow or crossbow kill.**
- **The proposal also included “Last in-First out” language, meaning if for biological or social reasons the non-firearm harvest needed to be reduced, restrictions would be placed on crossbow use before any restrictions would be placed on bow use.**

Proposal #2

This proposal was for a defined Crossbow Season and a separate Crossbow License.

- **Crossbow hunting at any legal age with the purchase of a Crossbow License that includes one buck tag and one antlerless tag.**
- **The crossbow hunting season for any age would be limited to the start of the archery season and run thru Sunday of the fourth week.**
- **Persons over the age of 65 and disabled hunters would continue to hunt the entire duration of the archery season.**
- **Only one buck total would be able to be harvested with possession of a crossbow and/or archery tag.**

Do you favor Proposal #1?
YES NO

Do you favor Proposal #2?
YES NO

Dave Clausen stated that this is his 42nd year of being a veterinarian which amounts to over 60% of his total life. You do not do something for that long without having a real feeling for animals. This is something that goes to that. It is his last chance to have a question on the spring hearing and it certainly will be controversial but it is a question being asked out in the public. He submitted the following question:

Hunting wolves with dogs and training dogs to hunt wolves are controversial. In 2012, the state's wolf quotas were quickly and fully reached without the use of dogs.

Question: Would you favor legislation to prohibit the use of dogs to hunt wolves and training dogs to hunt wolves?

Chair Clausen then moved the meeting to item 7 – Secretary's Matters. He stated the Election of Officers will be taken up at the end of the meeting.

6. Special Committees' Reports
None

7. Department Secretary's Matters

Secretary Stepp stated that last week on Wednesday, January 16, Dane County Circuit Court Judge Peter Anderson issued a final written ruling on the wolf hunting with dogs litigation. The Judge lifted his injunction on hunting wolves with dogs, thus allowing hunters to use dogs in the 2013 season. However, the judge retained his injunction, that prohibited training of dogs on wolves until the new rules with restrictions on training dogs to hunt wolves go into effect (likely in 2014).

Judge Anderson though made an additional ruling, in that he remanded back to the NRB to determine whether to undertake further rule-making on hunting wolves with dogs, both through emergency rule and permanent rule. The Board has already approved going forward with permanent rules and not making additional emergency rule changes at both the December and September 2012 meetings. However, in response to the court order, the department will need to have an agenda item re-affirming those earlier decisions at the February Board Meeting.

7.A. Retirement Resolutions

7.A.1 Robin Capen

7.A.2 Don Hoeft

7.A.3 Kerry Isensee

7.A.4 Terry Mace

7.A.5. Patrick McKee

7.A.6 Gregory Pilarski

7.A.7 John Torke

Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg of the retirement resolutions. The motion carried unanimously.

7.B. Donations
None

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- 8. Information Items
- 8.A. Air, Waste, Water, and Enforcement
- 8.A.1 Briefing on New Policy Development Manual Code

Mr. Cole commented that organizationally, the department has to take a look at staff positions that have been dedicated to the continuation of work. As the DNR begins to look at codes, handbooks, and guidance, you also have to look at how staff is organized around these types of activities which may cause a reallocation of staffing and resources within the department.

INFORMATION ITEM – NO ACTION WAS TAKEN

- 8.B. Land Management, Recreation, Fisheries, and Wildlife
- 8.B.1 ~~Developing a 10-year Fisheries and Wildlife Management Plan~~ **DELETED**

Chair Clausen returned the meeting to agenda item 5.B. - Election of Officers

- 5.B. Election of Officers

Chair Clausen opened nominations for officers.

Ms. Wiley MOVED, seconded by Dr. Thomas to nominate Preston Cole for Chair of the Natural Resources Board.

Ms. Wiley MOVED, seconded by Mr. Hilgenberg that nominations for Chair be closed. The motion to elect Preston Cole as Board Chair carried unanimously.

Mr. Kazmierski MOVED, seconded by Mr. Cole to nominate Terry Hilgenberg for Vice-Chair of the Natural Resources Board.

Ms. Wiley MOVED, seconded by Dr. Clausen that nominations for Vice-Chair be closed. The motion to elect Terry Hilgenberg as Vice-Chair carried unanimously.

Mr. Cole MOVED, seconded by Mr. Hilgenberg to nominate Greg Kazmierski for Secretary of the Natural Resources Board.

Dr. Thomas MOVED, seconded by Ms. Wiley that nominations for Secretary be closed. The motion to elect Greg Kazmierski as Secretary carried unanimously.

Dr. Clausen requested a motion to go into Executive Session under the authority of s.19.85(1)(e) Wisconsin Statutes for purposes of discussing potential real estate transactions. He stated that the Board will reconvene at approximately 12:30 p.m.

Mr. Kazmierski MOVED, seconded by Mr. Hilgenberg. The motion carried on a roll call vote of 7 – 0.

William Bruins – yes	Preston Cole – yes
Christine Thomas –yes	Jane Wiley – yes
Terry Hilgenberg – yes	David Clausen – yes
Greg Kazmierski – yes	

Dr. Clausen reconvened the meeting. Chair Clausen reported that during the Executive Session no action was taken.

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Mr. Hilgenberg MOVED, seconded by Mr. Cole to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 12:41 p.m.

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