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## NATURAL RESOURCES BOARD

### BRIEF OF ACTION

A special meeting of the Natural Resources Board was held on Tuesday, October 22, 2013 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 2:30 p.m. for action on item 1. The meeting was recessed at 4:37 p.m.

### ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

|                            |                        |
|----------------------------|------------------------|
| William Bruins – present   | Gary Zimmer – present  |
| Christine Thomas – present | Jane Wiley – present   |
| Terry Hilgenberg – present | Preston Cole – present |
| Greg Kazmierski – present  |                        |

1.B. Approval of agenda for October 22-23, 2013

**Chair Cole** requested that the agenda be amended to replace agenda item 2.B.2 - Deer Management – Discussion on Science invited speaker Scott Craven with Chuck Pils, member of Wisconsin Chapter of Wildlife Society.

**Gary Zimmer moved approval of the October 22-23, 2013 agenda as amended, seconded by Greg Kazmierski. The motion carried unanimously.**

2. Information Items

A. Air, Waste, and Water/Enforcement - None

B. Land Management, Recreation, and Fisheries/Wildlife

1. Overview of ongoing and proposed deer research activities being conducted by the WI DNR Science Service Program and Collaborators (PowerPoint)

Discussion followed on whether the department has thought about going to places where people take their deer, whether it would be of value during electronic registration to determine who brings their harvest in to get processed versus those who process their own deer, whether there is a way to get people to shoot deer in the same proportion as SAK, whether the department should record how deer are shot in addition to what deer are shot, concerns about electronic registration and whether the information reported is true, and whether electronic registration could include an inquiry as to deer habitat from the hunters.

2. Deer Management – Discussion on Science (PowerPoint)

**Chair Cole** requested that the crosswalk matrix be put on the Board's website.

**Invited speakers:**

1. **Chuck Pils**, Wisconsin Chapter of the Wildlife Society Member spoke in place of Scott Craven, President-elect, Wisconsin Chapter of the Wildlife Society. He stated that he believes the Wisconsin deer management program is among the premier programs in the country. He encouraged the department to continue to use scientific methods for deer population estimates and management. He is concerned about how much weight will be given to public perception. He believes public perception should complement scientific analysis and not replace it. Too much public input may lead to increased subjectivity and political influence. He encouraged the state to balance all interests in the deer herd and cautioned the Board that many recommendations of the rule package (September agenda item 3.C.3 <http://dnr.wi.gov/about/nrb/2013/Sept/09-13-3C3.pdf>) might be too qualitative and subjective.
- 2.a. **George Meyer**, Wisconsin Wildlife Federation did not speak. (**Handout**)
  - b. **Tim Van Deelen**, DTR Science and Research Action Team, Associate professor at University Wisconsin, and former DNR biologist. (**PowerPoint and Handouts**)

He stated that science and increased public input are compatible when done rigorously. His concern about the September 25 rule package, agenda item 3.C.3., is that you do not have the same science applied to biological inputs as you do to social inputs. You need to get stakeholder input that is not biased and truly represents the people of Wisconsin. Wisconsin's aggressive antlerless harvest leads to bigger harvests overall and deer management is one of the best in the country. Be careful with changes. He questioned the county advisory board plan if that is the only metric used and whether it is driven by a very small group of vocal opinion makers. Science should be the main tool for getting data on deer biology and stakeholder views.

3. **Rob Bohmann**, Chair, Wisconsin Conservation Congress (WCC) (**Handout**)

He stated he was pleased with the Kroll report, getting citizen input, and the specific recommendation that the WCC have a more active role in deer management. You cannot be afraid to try something different and improve upon the status quo. He supports the DTR and feels it should be implemented in its entirety and not in pieces.

Discussion followed on gathering information by county and the process in which the county committees will be determined.

**Secretary Stepp** stated that the department is trying to actively engage the eyes and the ears and the boots on the ground and the public – hunters, landowners, forestry, birdwatchers, whatever their interest might be – to be partners to help make very good management decisions and to not replace biological data. The department will not replace science but will look at sociology as an important scientific branch as well.

Discussion continued as to who will staff the advisory committee, whether a hunter will be on the committee, what the cost is to the department for the current

registration system and whether it has been evaluated to see how effective it is, the accuracy of the current registration system, what the department's numeric goal actually represents and how the department responds when it is met, whether the department would have more time to get real science if it was not putting so much time into establishing deer herd numbers, whether there is data currently available on habitat info e.g. in Waukesha County, the pluses and minuses of reducing the Deer Management Units or leaving it the same, the process after the groups meet on the rules process, what happens next, and where the Board fits in, whether any group during the spring meetings process has every advocated for fewer deer to be harvested in their unit, whether hard science will still be done if the department is trying to get away from numbers in terms of increase, decrease, and staying the same, how the department is going to avoid establishing numbers in the end, the number of years of data that will be needed to be comfortable with the data, whether the department should continue to have the same units and gather that information but discuss on a county basis – a parallel track, whether it would be difficult to pool data on aging (which is the only data not collected by county), update on Michigan's switch a number of years ago to collecting data on aging by county, and whether there is anything fatal that would give pause that the plan of attack is something that is not flexible, science based, or anything one would especially appreciate about the proposal.

**Chair Cole** stated that we all learned a lot today. Secretary Stepp has said she will shine a light on every corner of the state and engage the public. To the Natural Resources Board, our work is just beginning. There are 35 public hearings scheduled in the next 6 weeks. This information will be coming back to the Board.

**Chair Cole** recessed the meeting until 8:30 a.m. on Wednesday, October 23, 2013.

#### **INFORMATION ITEM – NO ACTION WAS TAKEN**

**The meeting was recessed at 4:37 p.m.**

The regular meeting of the Natural Resources Board was held on Wednesday, October 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 1-3 and 6-7. The meeting adjourned at 1:40 p.m.

## ORDER OF BUSINESS

1. Organizational Matters
- 1.A. Calling the roll

**Chair Cole** returned the meeting from recess. He thanked everyone for yesterday's presentation. He stated that Deputy Secretary Matt Moroney was standing in for Secretary Cathy Stepp.

- 1.B. Approval of Brief of Action from September 24-25, 2013

**Terry Hilgenberg MOVED approval of the September 24-25, 2013 Brief of Action, seconded by Gary Zimmer. The motion carried unanimously.**

2. Ratification of Acts of the Department Secretary
- 2.A. Real Estate Transactions

**Jane Wiley MOVED approval of the Real Estate Transactions, seconded by Greg Kazmierski. The motion carried unanimously.**

3. Action Items
- 3.A. Air, Waste, Water, and Enforcement
- 3.A.1 Request that the Board adopt Board Order OE-46-10, proposed rules affecting Ch. NR 150, Wis. Adm. Code, related to changes in environmental analysis and review procedures for Department actions (PowerPoint)

Discussion followed on what the Board's responsibility is heading forward, whether there is a reason for the delay and timing since a lot has changed since 1987, that streamlining the process and removing the redundancies is a good idea, and how the department will determine which issues have significant environmental impact and which ones will not.

### Public Appearances:

1. **Elizabeth Wheeler**, Madison, representing Clean Wisconsin. She spoke in opposition. They have concerns with the rule revision in that it provides too much discretion for the department and reduces public input opportunities. **(Handout)**
2. **George Meyer**, Madison, representing Wisconsin Wildlife Federation (WWF). He joined in on some of the concerns raised by Clean Wisconsin. WWF is concerned about impacts of large projects like frac sand mining and the resulting reduction of habitat. The strategic analysis is for large scale projects and WWF encourages the department to use a tool to examine things like mining. **(Handout)**
3. **Sarah Williams**, Madison, representing Midwest Environmental Advocates, Inc. She spoke in opposition. It eliminates Environmental Analyses (EAs) and noted that permitting processes are not equivalent. There is also a lost opportunity for public input. It will not consider a full range of environmental effects e.g. WPDES permit process for concentrated animal feeding operations (CAFOs).

Discussion followed that the department is eliminating redundancies within the department, the new process of permitting a CAFO and how it relates to an EA now, what will be required if an EA will not be done, whether there will be certain discharge guidelines as part of the WPDES process, whether this is only a change to the internal process, what the department will do with the policy and whether there are assurances that there are positive things happening, and whether reports will be made to the Board.

**Chair Cole** requested the department to work with Board Members to address their concerns.

Discussion followed on what would happen if problems arose without a strategic analysis, whether this should go to the legislature for a foreseeable change on the horizon, what the tipping point is as to when to hold a hearing, whether the public has an opportunity to request a hearing, and what facts are used to determine whether to have a public hearing when requested.

**Terry Hilgenberg MOVED approval of the department's recommendations, seconded by Jane Wiley. The motion carried unanimously.**

- 3.A.2 Request that the Board authorize public hearings on Board Order DG-02-13, proposed rules for heat exchange drilling, to create a drilling license with requirements for heat exchange authorization, and construction standards for heat exchange drilling to implement 2011 Wisconsin Act 150 modifying chapter 280, Wisconsin Statutes (PowerPoint)

Discussion followed as to whether reporting for these wells is similar to what it is reported for a water well by the driller and whether there is a reporting requirement should there be a fluid leak to the system.

**William Bruins MOVED approval of the department's recommendations, seconded by Christine Thomas. The motion carried unanimously.**

- 3.B. Land Management, Recreation, Fisheries, and Wildlife  
3.B.1 Request adoption of Emergency Board Order FH-27-13(E), proposed rules related to the creation of a competitive grant program for municipal, tribal, and private fish hatcheries to increase their capacity to raise walleye for stocking in Wisconsin waters

Discussion followed on whether there are any assurances that once the production is geared up there will be a market for the increased number of walleyes, whether there will be any evaluations done to matching programs with other organizations, whether a 5-year plan would be a bonus, whether there is funding for staff time for this project, whether we will be getting a good price for the fish due to the grant, whether it is possible for a local fishing club to buy fish and dump them in the lake, and whether the department is taking steps to monitor for the potential for disease.

**Greg Kazmierski MOVED approval of the department's recommendations, seconded by Gary Zimmer. The motion carried unanimously.**

- 3.B.2 Request adoption of Board Order WM-33-13, proposed rules affecting Ch. NR 10 related to muskrat and mink trapping seasons

Discussion followed on whether the department heard from the Trappers Association and whether it would make sense to have a recurring date and not a variable date which is used currently to make it open on a Saturday.

Written Comment was distributed from Ed Harvey, WCC Fur Harvest Committee Chair  
**(Handout)**

**Greg Kazmierski MOVED approval of the department's recommendations, seconded by Jane Wiley. The motion carried unanimously.**

3.B.3 Request approval of the White River Property Group Master Plan and Environmental Assessment (PowerPoint)

**Public Appearances:**

1. **John "Duke" Welter**, Eau Claire, representing Trout Unlimited as Great Lakes Conservation Coordinator. He stated he is a regular user of the White River and appreciates hunting, fishing and recreational opportunities. Trout Unlimited recommends continued department acquisition efforts in the area of the canyon and agrees with culvert replacement. He urged support of the plan. **(Handout)**

**Gary Zimmer MOVED approval of the department's recommendations, seconded by Terry Hilgenberg. The motion carried unanimously.**

3.B.4 Request approval of High Cliff State Park Master Plan (PowerPoint)

Discussion followed as to what the land looks like in the expansion area since there is development and agriculture land close to the lake, that this is the number one growth area of Wisconsin and that demand is strong, and whether the department is doing anything to tackle the significant invasive species problems here as a showcase area.

**Public Appearances:**

1. **Jeff Samida**, Sherwood, representing Friends of High Cliff State Park. He stated that the Master plan is a good outline for the park and spoke in support. This is a step in the right direction and is an economic investment in the future. The park is now used four seasons actively but is running out of room. The Master Plan will allow for healthy development and marina expansion. He offered that the Friends Group is interested in partnering with the department.

Discussion followed on whether hunting would be included in the expansion and that High Cliff State Park is the poster child for making compromises e.g. hunting in state parks.

**Terry Hilgenberg MOVED approval of the department's recommendations, seconded by Jane Wiley. The motion carried unanimously.**

3.B.5 Request approval of the Northern Highland American Legion State Forest and Willow Flowage Master Plan Amendment

**Public Appearances:**

1. **Senator Tom Tiffany**, Hazelhurst, 12<sup>th</sup> Senate District. He stated that in 2000 as part of the original Master Plan, they were told there would be full input from the public.

Local residents are very frustrated. They believe the ultimate product did not reflect their input into this process. He asked that the department go back and re-engage with the towns, consider their land use plans, and find out what they would like to see happen with this property. Locally elected officials feel somewhat shut out that the process is moving forward without their input. He addressed concerns regarding the reduction in timber harvest and wildlife harvest and its impact on local business as well as on the reduction in PILT payments but no reduction in taxes.

He asked that there be a full engagement with local units of government and for the department to get their input into the Master Plan. He then asked for movement for the towns to have access to gravel for road work and not have to go through the variance process. **(Handout)**

Discussion followed on whether any Town of Rice Lake officials attended the open house in July.

**Senator Tiffany** stated he is asking for engagement as a unit of government and did not know whether officials attended the open house.

Discussion followed on whether people are happy with the opening of Iron Gate Road, the topics and outcome of the meeting alluded to by the presenter that took place less than one week ago, and whether an amended motion would include formal review and town input.

2. **Tom Olson**, Madison/Presque Isle, representing Friends of Van Vliet Hemlocks. He spoke in support of the department's recommendation. He added that the Town of Presque Isle and Chamber of Commerce support this approach. Many others wrote in as well. He is pleased with the collaboration with the department that currently exists. He invited the Board to the property for a walk in the woods and a beer to follow. **(Handout)**
3. **Glenn Doering**, Winchester, representing self. He commended the department for listening to the community. There was tremendous community support for this project. The process worked and it worked because the process was transparent and the community supported it, especially the amendment to the original draft.

**Gary Zimmer MOVED to approve, seconded by Terry Hilgenberg decision point #1 – NHAL Master Plan Amendment; and decision point #2 – Willow Flowage Master Plan Amendment for Iron Gate Road as proposed by the Department and then as an alternative to department recommendations on decision points #3 and #4 for the Willow Flowage Scenic Waters Area, that the Department initiate a Master Plan review pursuant to the rules under NR 44 and come back to the Board with their recommendations after the review is completed.**

Discussion continued on how much passive management is going on at our state properties, whether the department has a benchmark to strive for, how the department defines passive management, whether mills and other users of logs are able to get the wood they need to fill their orders, and whether the price is up enough to tempt private landowners to do things.

**Mr. Bruins** stated that Senator Tiffany referred to the reducing the tax revenues to the township when the state purchases property. It may not sound like big bucks to the state,

but to the town that is struggling it is a huge issue. He strongly urged the department to look long and hard at how this issue can be resolved.

Discussion continued as to how much flexibility the department has in terms of situations like this to be good stewards of available hardwoods.

**Mr. Hilgenberg** requested the department provide information on maximizing allowable harvests.

**Dr. Thomas** stated we have to support our forest industry but we also have a lot of private landowners in MFL. We have to be careful not to flood the market with trees from our forests and artificially depress the price creating negative impacts on private landowners.

Discussion continued on how aggressive the department is at enforcing private management plans.

**The motion carried unanimously.**

3.B.6 Request approval of the department's updated streambank easement protection strategy (PowerPoint)

**Public Appearances:**

1. **John "Duke" Welter**, Eau Claire, representing Trout Unlimited and Driftless Area Restoration Effort. He spoke as a Trout Unlimited employee. He works with kids on stream restoration work. He offered to take the Board on a tour of trout streams. He noted that legal public access is very important for stream restoration work. Volunteers and Trout Unlimited are supportive of these acquisition strategies. **(Handout)**

Discussion followed as to what types of issues may be discussed with a landowner who is grazing cattle where a restoration project may take place.

2. **Dave Vetrano**, Bangor, representing self. He stated he is a retired department fisheries biologist. Easements allow angler access and habitat restoration work to occur. Property improvements are a benefit to the landowner. He has also built cattle and machinery crossings. Trout fishing in the driftless area is a \$1.1 billion interest.

**Christine Thomas MOVED approval of the department's recommendations, seconded by Greg Kazmierski. The motion carried unanimously.**

3.B.7 Land Donation – Namekagon Barrens Wildlife Area – Burnett County and Washburn County

**Public Appearances:**

1. **Tom Duffus**, Duluth, MN, and **Bethany Olmstead**, Hillsborough, NC, representing The Conservation Fund spoke in support of the donation. **(Handout)**

**The Board** thanked The Conservation Fund for their efforts.

**Deputy Secretary Moroney** spoke about the importance of partnerships and offered Mr. Duffus and Ms. Olmstead his thanks and a plaque of appreciation.

**Christine Thomas MOVED approval of the department's recommendations and to acknowledge the donation, seconded by Terry Hilgenberg.**

Discussion followed on whether this is habitat for sharp-tailed grouse.

**The motion carried unanimously.**

3.B.8 ~~Land Donation—Turtle Flambeau Scenic Waters Area—Iron County~~ DELETED

**Chair Cole** moved the meeting to agenda item 4.A. – Public Participation.

4. Citizen Participation

4.A. Citizen Participation

**Public Appearances**

1. **Adam Kassulke**, Madison, representing Wisconsin Wolf Front  
*Topic:* Public wolf hunt and conservation concerns. He stated he is part of a statewide citizen organization of 598 members studying wolf population and management. He addressed concerns about training dogs and a student survey that showed 94% of a 10,000+ person sample were opposed to using hunting dogs to track wolves. Those participating in the survey had to prove citizenship and only 2% refused to participate. Approximately 4% were in favor. **(Handouts)**
2. **Karen Wells**, Lake Geneva, representing self  
*Topic:* Wolf hunt. She stated she used to be a supporter of the department but she is upset about wolf hunting and using dogs which she believes constitutes legalized dog fighting. She is very disturbed as to what is going on in Wisconsin today.

**Chair Cole** then asked Susan Shepanek to the podium to give her testimony for item 7.B.

7. Board Members' Matters

7.B. Replacement of Bear Representative to the Sporting Heritage Council

**Public Appearance:**

1. **Susan Shepanek**, Madison, representing self. She recommended that the Board appoint Jeff Traska as bear representative to the Sporting Heritage Council. It is her fervent hope that this man will show Wisconsin people a new paradigm for shoring up the reduction of hunting dollars. **(Handout)**

**Chair Cole** requested a motion to go into closed session under the authority of s. 19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters and under the authority of s. 19.36(1) Wisconsin Statutes for purposes of discussing personnel matters.

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

**William Bruins – yes**

**Gary Zimmer – yes**

**Christine Thomas – yes**

**Jane Wiley – yes**

**Terry Hilgenberg – yes**

**Preston Cole – yes**

**Greg Kazmierski – yes**

**Chair Cole** reconvened the meeting at 1:00 p.m. He reported that during the Executive Session no action was taken regarding litigation matters. The Board did decide on process with regard to a personnel matter relating to the bear representative on the Sporting Heritage Council.

**Chair Cole** moved the meeting to agenda item 7.B.

7. Board Members' Matters

7.B. Replacement of Bear Representative to the Sporting Heritage Council

**Chair Cole** reported that during the Executive Session, the Board agreed to have Christine Thomas and Greg Kazmierski review applications for bear representative to the Sporting Heritage Council and bring recommendations to the Board at the December meeting. As Chair, he gives them full authority to seek any information from the department that they need to render that recommendation.

**Chair Cole** moved the meeting to agenda item 3.B.9.

3.B.9 Land Acquisition – Big Muskego Lake Wildlife Area – Waukesha County  
**(PowerPoint)**

Discussion followed on concerns about the appraised value and cost of the property to the Department.

**Jane Wiley MOVED approval of the department's recommendations, seconded by Greg Kazmierski. The motion carried unanimously.**

3.C. Scope Statements

3.C.1 Request that the Board approve the Statement of Scope for Emergency Board Order AM-29-13(E) and Permanent Board Order AM-28-13 and conditionally approve the public hearing notice and the notice of submittal to the Legislative Council Rules Clearinghouse for the permanent rule, for proposed rules affecting ch. NR 171 related to the development of a grant program for removal of stage 2 vapor recovery equipment  
**(PowerPoint)**

**Terry Hilgenberg MOVED approval of the department's recommendations, seconded by Greg Kazmierski. The motion carried unanimously.**

5. Information Items

5.A. Air, Waste, Water, and Enforcement - None

5.B. Land Management, Recreation, Fisheries, and Wildlife - None

- 5.C. Department-Wide
- 5.C.1. Overview of Capacity Grants (Handout)

Discussion followed on reporting requirements and whether the department could put grant performance on the web site for public scrutiny.

**INFORMATION ITEM – NO ACTION WAS TAKEN**

- 6. Department Secretary's Matters
  - 6.A. Retirement Resolutions
    - 6.A.1. Bill Adamski
    - 6.A.2. Jeffrey Bolte
    - 6.A.3. Scott Fischer
    - 6.A.4. Kim F. Lemke

**Terry Hilgenberg MOVED approval of the retirement resolutions, seconded by Gary Zimmer. The motion carried unanimously.**

- 6.B. Donations - None

**Deputy Secretary Moroney** highlighted Secretary Stepp's mine site tour at Flambeau in Minnesota and the success of that mine. The trip was very informative and educational. He offered that this would be a really good field trip for the Board. This is a good partnership with Minnesota.

He noted that the department's Facebook followers went over 24,000 today. This is good positive outreach.

He then asked Tom Hauge, Wildlife Management Bureau Director, to give an update on the wolf hunt.

Discussion followed regarding the wolf hunt on whether Zone 2 closed faster than last year.

**Dr. Thomas** asked that the Board receive a daily update on the wolf hunt.

**Deputy Secretary Moroney** then asked Eric Lobner, Wildlife Southern District Supervisor, to give an update on last night's Deer Trustee Report hearings. **(Handout)**

- 7. Board Members' Matters
  - 7.A. Request approval of Manual Code 1103.1 – Organization and Operation of the Natural Resources Board

**Dr. Thomas** thanked staff for their work. The matrix was extremely helpful.

**Dr. Thomas MOVED approval, seconded by Terry Hilgenberg, of the department's recommendation with the following changes: 1) to add the following language to Item 2 on page 1 (MC IV. (A)(3): In the event of failure of technology, the Chair has authority to continue meeting rather than stop it; 2) in lieu of Item 10.H. on page 5 (MC V.H.) and Item 11.F. on page 6 (MC VI.F.) direct staff to draft protocol for**

**allowing citizens to appear at Board meetings via Live Meeting or other technology from DNR offices when appropriate technology and staffing are available to include how it would work, implementation, participation limit, and security; and 3) meetings will be broadcast live whenever possible.**

**Mr. Bruins** asked that the Board sleep on the remote testimony issue (item 2 in motion) and bring it back to next meeting.

**The motion carried unanimously.**

7.B. Replacement of Bear Representative to the Sporting Heritage Council

Refer to pages 9 and 10 of October 22-23, 2013 Brief of Action.

**Board Members Matters**

**Dr. Thomas** stated that Michigan has on its website a tool for grouse hunters with maps with cuts, prescriptions, age of stands, etc. which could be a valuable tool for us. She asked the department to look into this for Wisconsin.

**Mr. Kazmierski** asked that the department post the performance of capacity grants on the website and asked that this be added to the next Board meeting agenda. We have a responsibility to make sure this money is spent correctly.

**Gary Zimmer MOVED, seconded by Jane Wiley to adjourn the meeting. The motion carried unanimously.**

\*\*\*The meeting adjourned at 1:40 p.m.\*\*\*

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