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## NATURAL RESOURCES BOARD

### BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, December 10, 2014 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 12:30 p.m.

### ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present

Gary Zimmer – absent/excused

Christine Thomas – present

Jane Wiley – present

Terry Hilgenberg – present

Preston Cole – present

Greg Kazmierski – present

1.B. Approval of agenda for December 10, 2014

**Mr. Bruins MOVED approval of the December 10, 2014 agenda, seconded by Mr. Kazmierski. The motion carried unanimously.**

1.C. Approval of Brief of Action from October 29, 2014

**Mr. Kazmierski MOVED approval of the October 29, 2014 Brief of Action, seconded by Mr. Bruins. The motion carried unanimously.**

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

**Ms. Wiley MOVED approval, seconded by Dr. Thomas of the Real Estate Transactions. The motion carried unanimously.**

**Chair Cole** began the meeting with agenda item 5.A.1., which was noticed on the meeting agenda to be taken up by the Board at the beginning of the meeting.

5. Information Items

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

5.A.1. Summary of the Wisconsin Brownfields Study Group 2015 report, consisting of Legislative and Administrative recommendations to create or refine a number of state policies and procedures related to contaminated land remediation and redevelopment PowerPoint

Discussion followed on the Group's next steps and whether the Board should expect a rule package coming before them regarding this in the near future.

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

**Chair Cole** moved the meeting to agenda item 3 – Action Items.

3. Action Items

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

3.A.1. Request adoption of Board Order SS-04-12, proposed rules affecting chapter NR 40 related to Invasive Species Identification, Classification and Control revisions including clarification to the language and changes to the species listed under NR 40.04(2) and NR 40.05(2), Wisconsin's regulated invasive species list

**PowerPoint**

Discussion followed on whether blue stain fungus is infecting standing live trees [A lot of fungi can cause blue stain in lumber. In this case it is transmitted to live trees when infected by the Mountain Pine Beetle.], working with the WI Department of Agriculture and other agencies, the definition of an invasive species [Non-native that does or potentially can cause economic or environmental harm or threat to human health.], the background/documentation for ecological damage and the use of species assessment groups, Japanese Barberry [Not all are invasive species and some could be cultivar exempted.], and on concern the list is so broad you may need to be an academic botanist to comprehend.

**Public Appearances:**

1. **Paul Heinen**, Madison, representing The Nature Conservancy. He spoke in support of the department's recommendation. (Handout)

**Dr. Thomas MOVED approval, seconded by Ms. Wiley of the department's recommendations. The motion carried unanimously.**

3.A.2. Request adoption of Board Order LE-01-14, proposed rules affecting chapter NR 5 related to boat rules and regulations

Discussion followed on how often wardens go through coast guard recertification, and whether harbor refuges that are nationally recognized on Lake Michigan and Lake Superior are regulated by state and or federal agencies [Can be both. If both rules apply, then yes].

**Mr. Kazmierski MOVED approval, seconded by Mr. Bruins of the department's recommendations. The motion carried unanimously.**

- 3.A.3. Request adoption of Board Order CF-12-13, proposed rules affecting chapter NR 166, relating to the Safe Drinking Water Loan Program

**Robin Schmidt**, Environmental Loans Section Chief, requested that the Board consider both rules CF-12-13 and CF-13-13 at the same time.

**Chair Cole** approved that agenda items 3.A.3. (CF-12-13) and 3.A.4. (CF-13-13) be presented and acted on in aggregate.

- 3.A.4. Request adoption of Board Order CF-13-13, proposed rules affecting chapter NR 162, relating to the Clean Water Fund Program

**Mr. Bruins MOVED approval, seconded by Mr. Kazmierski of the department's recommendations to agenda items 3.A.3 Request adoption of Board Order CF-12-13, proposed rules affecting chapter NR 166, relating to the Safe Drinking Water Loan Program and 3.A.4. Request adoption of Board Order CF-13-13, proposed rules affecting chapter NR 162, relating to the Clean Water Fund Program. The motion carried unanimously.**

- 3.A.5. Request authorization for public hearings for Board Order AM-24-12, proposed rules affecting chapters NR 400, 406, 407, and 445 related to simplifying and improving the Air Management permit program

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

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

- 3.B.1. Request adoption of Emergency Board Order FH-16-14(E), proposed rules affecting chapter NR 20 and 25 related to lake trout harvest limits in Lake Superior PowerPoint

Discussion followed on the harvest impact of going with a bag limit of 2 smaller fish or one large and one small, whether the reduction in quota applied equally on a percentage basis with commercial fishers and sport fishers, whether enforcement of quota is adequate [Wardens do the best they can but could always be better.], whether future negotiations have the foresight to remember the 6,000 fish issue from the 2005 contract, whether Chequaumegon is in 1 or 2 [WI 2], input from fishing guides in the Apostle Island portion and the variability of the ice fishing harvest [Last year had good ice with a fish harvest between 2,000 – 3,000; 2012 had a mild winter and a minimal harvest of 49 fish.], concern for the professional guides that the reduced quota will hurt business [This is fair across the board. It is not an ideal or good situation but the department has to do something serious with population numbers.], whether amending the proposed rule to exempt ice fishing (keep current rules) for the upcoming season would effect the fish population [If there is good ice, 50% - 70% of the quota of lake trout could be taken before open water season begins which could potentially shut

down the charter and commercial fisheries.], whether quota has ever filled [Fish population and quota has never been this low so it will not take much to get there. This proposal allows everyone to continue to fish.], and whether the department has done any projections as to recovery of the resource under this proposal [Technical Committee reviews annually.]

**Secretary Cathy Stepp** thanked Terry Margenau, Lake Superior Fisheries Supervisor, for his remarks today. He expressed not just a very sound understanding of biological issues in the lake but also expressed sympathy to user groups. These are difficult decisions. She applauded Mr. Margenau and his team for their fantastic job and for connecting with the different user groups.

**Mr. Kazmierski MOVED approval, seconded by Mr. Hilgenberg of the department's recommendations.**

Discussion followed on concerns from the sport fishing guides and the big impact the emergency rule may have on them.

**Secretary Stepp** stated the department is trying to do their best to treat all users the same. The department needs to do something now.

Discussion continued on the department's challenges of looking at the short term and long term.

**Mr. Bruins** expressed his concern to the department that they make a serious effort to increase enforcement activities to make sure everyone is playing fair and that we get maximum benefit from the emergency order.

**Mr. Kazmierski** stated that this issue reminds him about the deer harvest as well. You cannot have more unless you harvest less. Our responsibility is to look at long term.

**The motion carried unanimously.**

- 3.B.2.a. Report and preliminary results of the 2014 firearm deer season and update on development and implementation of the Deer Management Assistance Program and County Deer Management Advisory Councils **PowerPoint's**

**Mr. Hilgenberg** complimented the Department and all employees for doing an outstanding job. We should be extremely proud of the statistics from Law Enforcement.

**Secretary Stepp** stated staff has done an unbelievably phenomenal job. We cannot be successful without them.

**Mr. Kazmierski** added that he has been attending the December Board meetings for the past 15-18 years. He sees the enthusiasm by today's presenters which is beginning to filter down to the public. He also complimented the IT and communications staff for Facebook, etc. He is really impressed.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 3.B.2.b. Request that the Board authorize public hearings for Board Order WM-11-13 affecting chapters NR 1, 10, 12, 13, 19, and 45 related to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee's Report  
[PowerPoint](#)

Discussion followed on the buck harvest during the holiday hunt and bonus buck.

**Public Appearances:**

1. **Rob Bohmann**, Racine, representing Wisconsin Conservation Congress WCC as Chair. He stated that at the December 8, 2014 Deer and Elk Committee meeting, a motion was made and seconded, that the 2015 antlerless permits for Farmland units provided with the purchase of an archery, crossbow or gun deer license be county specific and private or public land specific. The committee supported this motion.

He thanked staff specialist Kevin Wallenfang for the excellent job he did in presenting information to the committee.

Discussion followed on how this is incorporated into Managed Forest Lands, whether the department is anticipating user conflicts during the optional holiday antlerless season in the central farmland zone, whether there are any issues on registration procedures for registering by 5:00 p.m. the day after harvest [The department is not hearing big problems as hunters can register by telephone, internet, and at registration stations.], and that the department needs to communicate to hunters that they have alternatives when registering their deer.

**Chair Cole** asked Rob Bohmann, WCC, to the podium for an additional comment.

**Mr. Bohmann** requested that the department look at and discuss options to increase the antlerless harvest before hunters can harvest additional bucks.

Discussion followed on whether the proposed rule is contrary to WCC's recommendation [department has flexibility to do either way], disparity amongst the deer herd in zones vs. counties and the importance of working with CDAC's, giving CDAC's the appropriate tools so they can properly manage their backyard, and the need to get as many options to the public so they can comment at the nine public hearings.

**Secretary Stepp** reinforced the department's message that they are 100% behind CDAC's. They are our eyes and ears in the different communities across the state. The department is in no way looking to diminish or undermine their effectiveness.

**Mr. Bruins MOVED approval, seconded by Mr. Hilgenberg of the department's recommendations.**

**Mr. Kazmierski** stated that Board order WM-11-13 establishes that an October antlerless-only firearm deer season may be held in units or subunits where CWD or other disease has been found but only after promulgation of emergency rules pursuant to s. 29.016 (2), Stats. The order establishes that the season shall be held on the four consecutive days beginning on a Thursday and ending on the Sunday nearest, but not later than October 15<sup>th</sup>.

**Mr. Kazmierski MOVED to amend, seconded by Dr. Thomas to repeal reference to this October antlerless-only firearm deer season in administrative code in SECTION 15, NR 10.01 (3) (e) 6. The department's authority to authorize early firearm deer hunting seasons and the process to do so is already established in s. 29.016 (2), Stats. The motion to repeal Section 15, NR 10.01 (3) (e) 6 carried unanimously.**

**Mr. Kazmierski MOVED to amend, seconded by Mr. Bruins, to establish three additional season framework options which the department could implement upon the recommendation of two-thirds of the County Deer Management Advisory Councils in a management zone.**

**Mr. Kazmierski** thanked Scott Loomans, Wildlife Regulation Policy Specialist, for working with him on composing both amendments.

**Mr. Bruins** stated that in a sense this is about establishing criteria for County input and credibility and to make sure going forward in this process that the County Committees have authority and the state recognizes that.

**Mr. Kazmierski** added to **Mr. Bruins comment:** and to stay within a manageable framework/parameters. We cannot function with every county having different recommendations.

Discussion followed on whether the additional options in the amendment applies to management zone vs. county basis [Represents zone wide with 2/3 of county approval to support tools.].

**Secretary Stepp** stated the department is looking at simplifying rules and lessening the size of the regulation handbook, keep it fun, and not difficult to navigate through. The department is open to hearing from the public.

**Chair Cole** stated that the Board is respectful of the viewing public and asked staff to read Mr. Kazmierski's 2nd amendment for the record.

Mr. Loomans read the Amendment in its entirety:

*Analysis*

Board order WM-11-13 establishes county deer management advisory councils which are advisory to the department. The rule establishes a number of deer season framework options which the councils may recommend to department and which can be implemented by the department. Season framework options include modifying the number of free antlerless permits included with the issuance of a bow, crossbow, or firearm deer license, bonus antlerless permit levels, and a holiday firearm season in the central farmland zone,

This amendment would establish three additional season framework options which the department could implement upon the recommendation of two-thirds of the county deer management advisory councils in a management zone. Those options include:

1. An antlerless deer only season framework for all archery or firearm seasons.
2. Restrictions on the harvest of bucks during a holiday season to only those with four antler points on a side and an antler spread that is wider than the spread of the deer's ears in an alert position.
3. The harvest of bucks during the traditional nine-day firearm season, and other deer seasons which are open during that period, could be limited to the first two days of the season.

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1. In SECTION 15, amend NR 10.01 (3) (e) (intro) in the following way:

NR 10.01 (3) (e) *Gun deer season except as established in s 10.01 (3) (ex).*

2. In SECTION 17, amend NR 10.01 (3) (em) (intro) in the following way:

NR 10.01 (3) (em) *Archery deer season except as established in s 10.01 (3) (ex).*

3. In SECTION 17, amend NR 10.01 (3) (ep) (intro) in the following way:

NR 10.01 (3) (ep) *Crossbow deer season for the 2015 and 2016 seasons only except as established in s 10.01 (3) (ex).*

4. Between Sections 22 and Section 23, create a new section which reads:

NR 10.01 (3) (ex) *Deer season framework modifications. The department may modify the deer hunting seasons and bag limits*

established in s. NR 10.01 (3) upon the issuance of an order of the secretary and publication in the official state newspaper. The department may modify the deer season bag limits in the following ways:

1. The bag limit shall be one antlerless deer per antlerless deer permit issued under s. NR 10.104 for all archery or firearm seasons. No person may harvest any buck deer.

2. One buck per buck deer carcass tag during a holiday firearm season. No person may harvest any buck deer unless it has at least four antler points on one side or an antler spread width that is wider than the spread of the deer's ears in an alert position.

3. The bag limit during for a deer season during the period beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for nine consecutive days shall include one buck per buck deer carcass tag and additional antlerless deer as authorized under s. NR 10.104 on the first two days and antlerless deer only on the following seven days.

**Note:** The department shall consider these modifications following a recommendation of two-thirds of the county deer management advisory councils in the management zone.

Discussion followed on the county vs. zone concerns, whether the 2<sup>nd</sup> amendment should be amended to account for either county or management zone [no], should the department receive feedback for county and not by zone but the rule is by zone, can it be changed to county [Yes. The department can specifically ask for input at hearings.].

**Mr. Hilgenberg** requested that both point 2's in the 2<sup>nd</sup> amendment be corrected to read:

**(Analysis) Restrictions on the harvest of bucks during a holiday season to only those with four antler points on a side ~~and~~ or an antler spread that is wider than the spread of the deer's ears in an alert position.**

**and**

**(Rule) One buck per buck deer carcass tag during a holiday firearm season. No person may harvest any buck deer unless it has at least four antler points on one side ~~and~~ or an antler spread width that is wider that the spread of the deer's ears in an alert position.**

**Mr. Kazmierski accepted Mr. Hilgenberg's request as a friendly amendment. The motion to amend to establish three additional season framework options as corrected carried unanimously.**

**The original motion as amended carried unanimously.**

**Chair Cole** returned the meeting to item 3.B.2.a. for an update on the DMAP and CDAC.

Discussion followed on how one DMAP group assisted a hunter with his MFL plans and walked him through the bureaucracy.

3.B.3. Request approval of the Lnglade and Marathon Counties Ice Age Trail Corridor Plans PowerPoint

Discussion followed on whether the department will rely strictly on the friends groups for maintenance on the entire trail [Yes, we have a great core of volunteers].

**Public Appearances:**

1. **Rodney Bartlow**, Slinger, representing Ice Age Trail Alliance. He spoke in support of the department's recommendations. **(Handout)**

Discussion followed on whether there is any requirement or consideration given to making trails handicap accessible [Yes, general policy is to avoid barriers as possible which depends on the natural topography].

2. **Pam Schuler**, Madison, representing National Parks Service as Ice Age Trail Managers. She spoke in support of the department's recommendation. **(Handout)**

**Dr. Thomas MOVED approval, seconded by Ms. Wiley of the department's recommendations. The motion carried unanimously.**

3.B.4. Request approval to initiate a planning process to consider a proposed amendment to the Blue Mound State Park Master Plan for the purpose of establishing recreational trail uses and locations PowerPoint

Discussion followed on whether approval of this item simply allows the department to get feedback from all users [Yes.].

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

3.B.5. Land Acquisition – South Shore Lake Superior Fish and Wildlife Area – Bayfield County

**Mr. Bruins MOVED approval, seconded by Dr. Thomas of the department's recommendations.**

**Mr. Hilgenberg** stated the department needs to be very conscious of other lands to purchase for blocking this area.

**The motion carried unanimously.**

3.B.6. Land Exchange and Sale – Killsnake Wildlife Area, Brillion Wildlife Area – Calumet County

**Ms. Wiley MOVED approval, seconded by Dr. Thomas of the department's recommendations.**

**Mr. Hilgenberg** brought attention to additional properties that the department should keep an eye on to purchase in the Brillion Wildlife Area (page 7 of packet).

**The motion carried unanimously.**

3.C. Scope Statements

3.C.1. Request approval of the Statement of Scope for Board Order WM-01-15 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapters NR 10 and 11 related to hunting and trapping, the 2015 Wildlife Management Spring Hearing Agenda

Discussion followed on the proposal to open turkey season on the third Wednesday in April.

**Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg of the department's recommendations. The motion carried unanimously.**

3.C.2. Request approval of the Statement of Scope for Board Order FH-14-14 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapters NR 20, 21, 22, 23, and 26 related to fishing regulations on inland, outlying and boundary waters that will be proposed at the 2015 Fish and Wildlife Spring Hearings PowerPoint

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

4.A. Citizen Participation  
None

4.B. Citizen Recognition  
~~Presentation of the American Fisheries Society 2014 Sport Fish Restoration Outstanding Project Award for Research and Surveys~~ DELETED (moved to January agenda)  
(~~Jack Sullivan, Science Services Bureau Director~~)

5. Information Items

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

5.B.1. 2014 wolf harvest season update

Discussion followed on the timeframe for the use of dogs compared to last year [2014 opened December 1 and closed on December 5; 2013 opened on December 2 and closed on December 23.], the controversy over the accuracy of last year's population count and whether the department will have a different process that is more transparent and believable going forward, whether the department was too conservative on the quota last year in some of the units that closed in one day or so, what the department could do to slow the harvest to lead to a better experience by hunters, and whether Wisconsin is the only state that allows hunting wolves with dogs [yes].

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

5.B.2. The Cherish Wisconsin Outdoors Fund – An Update on the First Year  
**PowerPoint**

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

6. Department Secretary's Matters

6.A. Retirement Resolutions

6.A.1. James (Jay) Gallagher

6.A.2. Robert Hartshorn

6.A.3. Marjorie Sprecher

6.A.4. Michael Stahl

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

6.B. Donations

6.B.1 Rocky Mountain Elk Foundation will donate 4,000 Browning knives at a value of approximately \$40,000 to highlight Wisconsin's hunting tradition and heritage to new Hunter Education graduates and promote the work of our conservation partners

**Dr. Thomas MOVED approval of the department's recommendations and to acknowledge the donation, seconded by Mr. Hilgenberg. The motion carried unanimously.**

**Secretary Stepp** updated the Board on the public input process for program guidance and shared her 2014 deer hunting story.

She then thanked the Board for a fantastic year in 2014 and noted her appreciation of their lively debates. The department expects the Board to challenge us. On behalf of the department, she wished the Board a blessed holiday and bountiful new year.

7. Board Members' Matters

**Mr. Bruins** shared that his farmer friends are appreciative of the progress being made with bear agriculture tags. They are coming at some point with an idea as to how to make the process more efficient.

**Ms. Wiley and Board** thanked Board Liaison Laurie Ross who does such a spectacular job.

**Dr. Thomas** thanked staff and especially Tom Hauge and Kurt Thiede for holding her hand through the first of the CWD tested deer in their area and how to approach that issue. They were really helpful to her. Again, just another example of going above and beyond in customer (and friend) service.

**Chair Cole** stated that customer service excellence is at the bottom of each DNR professional staff. It is certainly in their DNA.

**Mr. Hilgenberg** congratulated leadership and is glad to see they will be here for another stint.

**Secretary Stepp** stated appreciation for Mr. Hilgenberg's whole-hearted enthusiasm, that announcement has not been made. The Governor obviously has been re-elected and they look forward to another four years with the Walker administration. The Governor will be announcing his selections and we will wait for him to do so. She appreciates his well-wishes and effort.

**Mr. Kazmierski MOVED, seconded by Ms. Wiley to adjourn the meeting. The motion carried unanimously.**

**Chair Cole** wished everyone a Happy Holiday.

\*\*\*The meeting adjourned at 12:30 p.m.\*\*\*

DECEMBER 10, 2014

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