

Wisconsin Conservation Congress  
Executive Council  
Minutes

The Executive Council of the Wisconsin Conservation Congress met on Friday, September 2, at the Ramada Inn, 1501 North Point Drive, Stevens Point, Wisconsin.

1. Organizational matters:

A. The meeting was called to order at 9:00 a.m. by Chair Rob Bohmann.

B. The following members were present: Joe Weiss, Rich Kirchmeyer, Al Brown, Mike Riggle, Roger Sabota, Kevin Marquette, John Aschenbrenner, Mark Noll, Marc Schultz, Stan Brownell, Dale Maas, Dick Koerner, Dave Miller, Larry Bonde, Lee Fahrney, Mike Rogers, Ken Risley, Al, Phelan, Al Shook, Rob Bohmann, Jim Wrolstad. Absent excused: Dave Hraychuck, Dave Puhl, Andrew Limmer.

C. Agenda repair: Chair Bohmann suggested offering citizen participation between Items 2B and 2C. Motion by Shook, second by Noll to approve. Motion carried.

2. Discussion and Action Items:

A. DNR Bureau of Legal Services Director Tim Andryk presented power point presentation on the administrative rule making process after enactment of Act 21 (See Attachment)

Noll asked who decides if economy is significantly altered.

Andryk: Responded that the agency will be hiring an economist. He/she will work with DNR staff, legal etc. He noted that not a lot of rule proposals will have an economic impact. Deer season might be an exception.

Noll: Asked about the guidelines for making that determination.

Andryk: Governor will generate an executive order to give guidelines. He noted that at one time the Legislature did all legislation/ rule making. Then it was passed on to agencies. Now the legislature apparently feels the agencies have gone too far. He stressed that the move was not directed at Congress.

Weiss: Expressed concern that the Congress is being bypassed and could make us irrelevant.

Andryk: Said it has always been true that it's quicker to get things done through the Legislature. This makes the process longer.

Brownell: Asked if economists are DNR employees.

Andryk: Said one person who will be civil servant will work with staff, e.g., to see if anything has been overlooked.

Riggle: Asked about the impact on emergency rules.

Andryk: Said emergency rules do not apply under this Act. Still has to go to the Governor with scoping statement. EIA (Economic Impact Analysis) is important for migratory bird rule which has always been adopted by NRB. Reiterated that most rules won't have a problem with EIA.

Maas: Asked about commercial fishing.

Andryk: If a change comes up, a list serve will be available to send out proposed change. They have 15, 30 or 60 days to respond. The agency will respond accordingly. Said the process gets longer the greater the economic impact.

Maas: asked about small business people.

Andryk: The agency will have to respond because local businesses are part of the process.

Kirchmeyer: Asked if JCRAR can kill a proposal.

Andryk: Said the rule can be delayed but eventually, the Legislature would have to pass a law to prevent the rule from taking effect. Said the NRB has to approve the scope statement change if someone challenges the rule and makes changes. The scope statements now have to be very comprehensive.

Miller: Asked if Legislature has to do an EIA.

Andryk: Said they have to do an EIA. Asserts the Legislature wants to pull back control and doesn't think a change in political party will change that.

Schultz: Asked if connections with federal agencies were considered with this Act.

Andryk: Said EPA has challenged some of the water rules. They have been told the rule making process is now slower and they have to be tolerant.

Schultz: Asked about the impact on staff time.

Andryk: Said as a tradeoff, there will be fewer rules in the pipeline. Quality will improve. Said the Congress will have to improve quality. Is resolution more or less complex? Does it have an economic impact?

Sabota: Suggested the act centralizes power in governor's office.

Andryk: Reminded the group that we have a constitutional amendment to protect hunting and fishing.

Shook: Wanted to know who determines what is significant.

Andryk: Could be anyone such as a small bait business.

Shook: Would like to know if it is a dollar figure or a percentage of income. Suggests the person affected could go straight to the legislature.

Andryk: Said we have to report on the conflict in EIA.

Marquette: Asked if a WCC resolution would require a scoping statement.

Andryk: Yes

Marquette: Inquires about difference between levels one to three.

Andryk: Level one refers to a substantial impact (\$20 million or more). Level two moderate. Level three is little or no impact.

Noll: Suggests the Legislature has broad brushed all the agencies including the DNR. Opines special interests are going straight to Legislature. Suggests the Legislature will be inundated with change requests.

B. Matt Morony and Scott Gunderson discussed the Governor's charge to the Wisconsin Conservation Congress on rule simplification.

Morony: Summarized the Governor's thoughts by saying the Governor wants a strong partnership with the WCC. This rule is meant to offer greater control over all agencies. Core philosophy will require the state to reach out to the public on rules which will make the rules much more accountable. This approach takes a long look at the economic impact. Stated that the executive order will make this more workable. Said scoping statements must be precise and will require more work. Said we hear that the rules are too complex.

Gunderson: Said we need to keep an open mind. Said he understands the concern but at the same time we have to work within the law.

The legislature is elected by the people and they are accountable. Noted that JCRAR is the second most powerful committee in the Legislature. Noted that now all rules go to them, but that many will pass through without change.

Shook: Said he welcomes emphasis on simplification, e.g., trout fishing and waterfowl which are too complicated. Suggested the charge to simplify makes it a three year period which is too long if the goal is to simplify. Suggested we could do a lot of good things if we got rid of a lot of the regulations. Expressed concern for hunter retention and recruitment.

Morony: Said tier three will go fairly rapidly. Said DNR staff is committed to moving quickly.

Gunderson: Said he didn't think the process will take as long as some believe. Once we get the template set, we should be able to keep things moving. Said this is something we need to take seriously.

Bonde: Said this is an area where we really have to look at the word simplify. We need to use technology.

Weiss: Expressed concern for the environment. Asked if tier one be streamlined. Questioned how well things will proceed with the Legislature doing most of its work the first year.

Riggle: Questions whether it is going to take that long for trout rules?

Morony: Said it depends on what it is.

Schultz: Said we need to simplify things for the public. Suggested it will be difficult trying to mesh science with public opinion.

Morony: Said there are three important things: must follow the law, use science and use common sense.

Schultz: Wondered how the public will be engaged.

Morony: Said the agency will be working on updating the website, but that we will also need a traditional approach.

Gunderson: Added that local businesses will have to be included.

Weiss: Suggested we could use the spring hearings to get input on how rules could be changed. Congress could be used for getting input.

Shook: Agreed. Suggested we invite resolutions to simplify the rules.

Gunderson: Suggested the resolution process sometimes escapes the general public. Perhaps not do it in via resolution, but as ideas.

Riggle: Asks if Governor is willing to veto that which does not make sense from a science standpoint.

Koerner: Inquires as to how natural resources committee members are appointed. Would like to know if all are hunters and fishers.

Gunderson: Responded that the leader of each party caucus appoints committee members.

Shook: Said he would like to see an audience with the Governor.

Brown: Need to work on making rule book smaller.

Kirchmeyer: Said he is looking forward to working at the challenge. Hopes special interests don't have influence.

Brownell: Expressed concern about splitting wildlife and fish into an every-other-year format. Suggested we will lose public participation.

Noll: Expressed concern about the role of congress. Concerned that people will want to go to the legislature and ignore the Congress. Suggested WCC is under attack. Said we're here to do what's best. Said we can work with it.

Rogers: Said we have to keep the spring hearings intact.

Aschenbrenner: Agrees we need spring hearings. Also believes that the rules aren't that complicated, that whatever kind of fishing or hunting is involved, individuals should be familiar with the rules.

Sabota: Need hearings every year, but wants something relevant to come out of them.

Riggie: Looks to having greater participation. Also said we should go on line with voting.

Schultz: Said whatever we do, we need to get delegates to buy into it.

Shook: Said we need to grab the opportunity to keep the Congress going. Inquired about initiating involvement with facebook. Said we need to look to the future. Also agreed that we need to meet every year.

Weiss: Charged with carrying out the law and look at rule simplification. Said that includes an agenda for spring hearings.

Risley: Said people are becoming apathetic, that nobody is listening to them. Said we need to promote a team approach with the public.

Marquette: Said we need to retain annual spring hearings. Pointed out the slowness of process. Suggested that WCC resolutions should be forwarded without being placed on the WCC side of the ballot.

Miller: Said people perceive the regulations as complicated. Also said we need the spring hearings every year. Expressed concern that a resolution might pass at the spring hearings, then dies when the DNR takes it up. Also suggested we invite representatives to spring hearings.

Wrolstad: Said we need spring hearings every year.

Koerner: Thinks we can make this work and that we need spring hearings every year.

Maas: Suggested we need to embrace change, take opportunities and run with them.

Fahrney: Suggested the time was right to move on to the most urgent priority which is to look at what we are going to do next year.

Bonde: Suggested we need to look at this as a difficult task, but that looking at this as the death of Congress, then it will be a self-fulfilling process.

Rob: Broaden scope to handle more than just looking at resolutions. Said we have a charge from the Governor to simplify the rules.

### C. Citizen input.

George Meyer (Wisconsin Wildlife Federation): Suggested the "cure" applies to everyone. Said the Wisconsin Wildlife Federation is a strong supporter of the Congress. Suggested it may be difficult in taking rules off the books; that there may be pushback. Suggested that Act 21 is a threat to the Congress and to hunting and fishing opportunities. Said it will be easier to kill changes to the rules. Warned the Congress not to skip a year.

Bob Chinowski: Expressed disappointment that the DNR would no longer take a position on rules before the legislature and thought that would be a step backwards. Believes the Congress should have taken a stronger stand against Act 21. Expresses reservations about the majority of legislators making decisions on fish and wildlife issues. Concerned that not all legislators are knowledgeable about fish and wildlife issues.

Greg Kazmierski (Natural Resources Board): Said he was encouraged by talk of cleaning up the rules. Offered his services to help in any way possible. Stated he is an advocate for the Congress. Suggested we can get the rules cleaned up through JCRAR. Responded to concerns

about special interest involvement. Notes that everyone is involved with special interests groups.

Miller: Really like to see the Congress work together with the Hunters Rights Coalition. Suggests HRC is antagonistic toward the Congress.

Kazmierski: Expressed hope that the various groups work together. Said it is the charge of the Congress to reach out to those groups. He said there has been a frustration level with not being able to get things done. Suggested that Act 21 will help with the process. Said some rules that have been implemented were opposed by the Congress. Now the Congress will have an opportunity to respond to rules and offer greater input. Emphasized quantity over quality.

Dave Clausen (Natural Resources Board Chair): Board wants to cooperate with the Congress.

Scott Meyer: Encouraged cooperation. Stressed that everyone belongs to a special interest group and the leaders of those groups have to represent the interests of their constituents. Likes Act 21 because it offers oversight. Opined that everyone has the constitutional right to petition the government. Suggested too many resolutions are brought forward.

Maas: Need to work together because there are lots of people who would like to see the hunters and fishers go away.

Ralph Fritsch: Refers to 1978 as a first year delegate. Concerned about Act 21 dragging down the Congress. Suggested that the WCC is in the same boat as others. Each committee could look at simplifying. Suggests asking for input to simplify and recommended that the spring hearings be maintained as a yearly process.

#### D. Alternatives for implementation of Act 21 by DNR.

Loomans: Discussed wildlife management timelines for odd and even years. Noted that January is when Board approves questions for spring hearings and proposals could be ready for the spring hearings.

Phelan: Suggested having advisory questions one year and rule proposals the next.

Strom Hiorns: Reviewed fisheries timeline

11:58 Break for Lunch

12:33 Reconvene

#### E. Brainstorming of ideas for 2012:

Larry: Delivered power point presentation offering options for "off-year" using every other year scenario to include:

- host county or district level forums,
- allow additional time for committees to work on proposals for rule changes and simplification,
- allow time for Congress to work on internal issues,
- work on Youth Conservation Congress
- focus on recruitment and retention efforts,
- address DNR or NRB initiatives, e.g., deer research project,
- other special projects.

Phelan: Need to get in sync with agency, have hearings every year, one year advisory (both DNR and WCC) and the next year as part of a rule hearing. Noted that citizen proposals would not come up until two years later.

Erin Crain: What options do you want the department to take next year?

Marquette: Suggested saving time by bypassing the WCC advisory questions. Said if it passes the Exec council, it could go straight to the DNR. It would not go to a state wide vote until it comes up as a rule.

Weiss: Should have advisory questions every year. Suggested making agenda more interesting to get public involvement.

Noll: Likes people bringing ideas to the spring hearings. Said we need to bring resolutions back for a state wide vote. Recommends against advancing things directly to the DNR.

Shook: Noted that the DNR won't have an official hearing every year.

Wrolstad: Asked if the DNR would still be involved in the spring hearings.

Aschenbrenner: Noted that our part of spring hearing process is separate and that the Congress doesn't need to change anything.

Marquette: Spoke of working on the Youth Conservation Congress as part of the process.

Bonde: Suggested going every other year.

Motion by Phelan, second by Wrolstad to eliminate option two relating to considering fish one year and wildlife the next. Motion carried.

Bonde: Queried what role we would want the Department to play in 2012.

Andryk: Noted that there would be no rule changes from the DNR next spring.

Bonde: Suggested considering the WCC questions, then open it up to discussion in a town hall meeting type format.

Bohmann: Suggested that we could open up the discussion regarding simplification of rules from local organizations. Could be an open house for DNR input on rules. Suggested on odd years the DNR could propose both fish and wildlife.

Tom Hauge: Reiterated the department couldn't get anything to 2012 hearings.

Koerner: Asked if the state convention would still be held every year.

Lee-Zimmermann: Suggested the off year convention would offer a good opportunity to explore internal operations.

Erin Crain: Summarized that the Congress would still have advisory questions and discussion of intent of Act 21.

Miller: Asked if we would still have DNR advisory questions.

Mike Staggs: Asked if it was the intent to put all rule proposals on the spring questionnaire.

Phelan: Said no, not all.

Kirchmeyer: Inquired about the need for a department hearing officer.

Hauge: Said there would be no need for a hearing officer, but affirmed that the state has to ensure that all requirements of an official meeting are met, so the department would have a presence.

Aschenbrenner: Inquired about whether we would have rule proposals every year in the future.

Andryk: Said we wouldn't because it takes two years to get through the system. We could not have one rule in the process of being approved and then generate another one on the same issue.

Phelan: Asked if we need a meeting facilitator for the town hall meeting.

Noll: Expressed belief that we could make input every year.

Maas: Suggested we follow the same process even though it takes longer and that eventually it will even out.

Andryk: If we throw new rules in every year they would have to be different rules. Have to finish up one wildlife rule cycle before starting the next. Said we are amending NR 10 in entirety. The legislature does not review the rules every year.

Erin: What would it do to participation?

Shook: Said there is not enough info for anything beyond 2012. Suggests we focus on next year?

Riggle: We're trying to tell the agency how it must do its business. We have to trust what the agency is doing. Said we have to get 2012 down first. Suggests going to legislators and see what they want us to discuss.

Phelan: Get advisory questions (both fish and wildlife and WCC) down for 2012.

Hauge: Suggests possibility of switching from school night to weekend format?

Brownell: Asked if this would take the place of the deer status meetings?

Hauge: Said there could be a possible new format.

Miller: Said we need to get across to the public that these questions are advisory.

Schultz: Said we need a handout at the 2012 meeting to explain what is happening with Act 21.

Bonde: We should be asking the public how they would like us to accommodate their needs.

Weiss: Suggests advisory questions will not appeal to the public.

Gunderson: Said the agency is looking at changing how the deer status meetings are run.

Kirchmeyer: WCC delegates elections, DNR advisory questions, locally generated questions, WCC advisory questions, then open forum. Topics:

Lee-Zimmermann: Said we need to bring non-hunters in on decisions regarding hunting and fishing rule changes.

Staggs: Suggested reaching out to other organizations and ask them what they want

Kirchmeyer: Questioned how to get these people involved.

Brownell: Asked if this would drive a change in the format?

Fahrney: Suggested staying with traditional issues as much as possible.

Maas: Wants to place equal emphasis on all environmental issues. Said we need to plan for next year and see how it works out.

Shook: Wants to bring in other stakeholders. Suggests we need to do something other than fish and wildlife.

Phelan: Said it depends on which county. Said we need a public relations campaign to get more involvement.

Lee-Zimmermann: Said all county delegates will have to get involved.

Aschenbrenner: Warned to be careful of what you ask for. Hunters and fisherman may become the minority.

Schultz: Read from 1967 letter from the past Chair of the Wisconsin Conservation Commission warning about changes in state government, similar to Act 21.

Phelan; Motion by Phelan second by Weiss to adopt a tentative spring meeting format to include delegate elections, DNR advisory questions, locally generated advisory questions, WCC advisory questions and an open forum to include

Recruitment,

Legislation,

Youth congress

Simplification of rules

Further discussion:

Noll: Said the meeting will take too long.

Riggle: Lot of things under town hall. Agreed it will take too long.

Gunderson: Clarified that there was not a directive from the NRB to WCC to talk about environmental issues, there was encouragement from the NRB Chair to address these issues.

Maas: Said the challenge is to get a consistent product out in all 72 counties. Need a canned presentation. Suggests recruitment and youth congress are not necessary, just a handout. Said we don't need to have the discussion items down today.

Schultz: Agreed we don't need a specific agenda.

Weiss: Suggested we need all aspects of these items

Marquette: Queried if we could we bring items from town hall forum to the deer status meetings. Noted second Saturday won't work because of opening of turkey season.

Bohmann: Said we don't have to include all the items on the town hall forum.

Shook: Recommended having the Governor hold a press conference saying that the spring meetings will not be the same as in the past.

Gunderson: Could talk to the governor about making an announcement saying when the hearings are going to be held on such items as rule simplification.

Maas: Made a friendly amendment that it would be a tentative agenda for the spring hearings.

Friendly amendment accepted by Weiss and Phelan.

Motion carried.

Bonde: Suggested inviting other user groups to the convention.

Weiss: Asked what were the mechanics involved.

Bonde: Have breakout sessions to meet with committees. Current chairs and secretaries meet with various groups.

Bohmann: Link up with non-consumptive groups and invite them to your committees.

Maas: need to get committee chairs and county chairs involved in training. Requests a letter from Executive Council stating what is going to be required regarding the conduct of meetings and preparation of resolutions.

Bohmann: Need to bring creditability back, one page, no more than two from one individual.

Maas: The letter needs to come from the Chair.

Weiss: Suggests delegate training at the convention to deal with such issues as Roberts Rules.

Phelan: Doesn't see any need to change anything at the convention with regard to department involvement.

Weiss: Asked about a report on Act 21. Thinks the presentation given to the council the night before the convention should be given to the entire assembly.

Bohmann: Asks if the department has discussed simplification of rules.

Hauge: Possible to go to a two-year regulation pamphlet. That would save \$150,000.

Maas: What is law enforcement doing with regard to simplification?

Van Haren: Said the department is working on it.

E: Narrow focus: Previously discussed.

Member matters:

Maas: Said we need to drill in that we deliver the same product in all 72 counties. Would like to see a letter to all counties that they will have to do better at the county level.

Marquette: Said we need to speed up the process.

Risley: Said people need to believe that they are involved in the process. Why come to a meeting if nobody listens?

Weiss: Wanted to know who writes press releases. Need a press release to include the discussion about simplification. Need to get excited about changes.

Shook: Said he received a message criticizing the WCC, takes up to five years to get something done.

Riggle: Would like Friends of Congress to give radios to the deer research projects. \$500 for four radios.

Sabota: Expressed gratitude to DNR staff for all their good work.

Aschenbrenner: Concerned with the kind of people we're bringing into the process. Express need to expedite the process.

Rogers: Said we all need to become teachers.

Brownell: Made a motion, second by Schultz to have the Executive Committee rewrite title of spring meetings. Motion carried.

Kirchmeyer: Questioned if minutes are required for district meetings. None required!

Brown: Solicited feedback on Act 21 at district meeting. Read a letter from Mike Reiter saying we need to stay with what we have done in the past.

Phelan: Plans to bring a resolution to the January meeting to do away with barrel length requirements for handguns.

Bonde: Wondered how we can get people to come to meetings. Said the Outreach Committee will be looking at this.

Bohmann: Expressed gratitude for everyone coming to meeting. Explained that those delegates who are unexcused last year were not assigned to committees. Express concern that only 13 members showed up at the Upland Game meeting. Said we need to have representation from each district on all committees.

Motion by Schultz, second by Shook to adjourn the meeting. Motion carried.

Meeting adjourned at 3:14 pm.