

NATURAL RESOURCES BOARD

BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, August 12, 2009 at the Flat Creek Inn & Suites, 10290 Highway 27 S., Hayward, Wisconsin. The meeting was called to order at 8:40 a.m. for action on items 1-7. The meeting adjourned at 5:45 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

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

1.B. Approval of agenda for August 12, 2009

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

1.C. Approval of minutes from May 26-27, 2009 (deferred from June 23-24 meeting)

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

1.D. Approval of minutes from June 23-24, 2009

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

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

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

3. Action Items

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

3.A.1 Presentation of the 2008 Wisconsin Ethical Hunter Award

INFORMATION ITEM - NO ACTION TAKEN

3.A.2 Request Adoption of Emergency Board Order WT-22-09(E), revisions to ch. NR 335 - Dam Maintenance, Repair, Modification, Abandonment and Removal Aid Program and ch. NR 336 - Small and Abandoned Dam Removal Grant Program

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

3.A.3 Request Authorization for Public Hearings for Board Order DG-19-09 Repealing and Recreating Chapters NR 809 and NR 811; and Creation of NR 810 all pertaining to public drinking water systems

Mr. Cole requested from staff a list of municipalities that do not disinfect their water.

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

- 3.B. Land Management, Recreation, and Fisheries/Wildlife
- 3.B.1 Request Adoption of Board Order WM-03-09, the 2009 Wildlife Management Housekeeping Rules Package

Mr. Rohde MOVED approval, seconded by Ms. Wiley to include the following amendments:

Section 1. NR 10.001(1) is amended to read:

NR 10.001 (1) "Accompanied by", for the purposes of s. 29.304, Stats., and s. NR 10.01 means within sight and voice contact, without the aid of any mechanical or electronic amplifying device other than a hearing aid.

Section 2. NR 10.01(3)(ev) is amended to read:

NR 10.01(3)(ev) *Special youth gun deer hunt event.* Persons ~~12 years of age or older but under the age of 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province,~~ may hunt deer with a firearm for 2 consecutive days beginning on the Saturday nearest October 8 in all deer management units, except state park units and deer management unit 48. Allowable types of firearms are those authorized on the first day of the regular gun deer season under par. (e) or (et). The bag limit is one buck deer per valid gun deer carcass tag and additional antlerless deer per valid antlerless deer carcass tags issued under par. (ed) or s. NR 10.104 (8). Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province. ~~and all~~ All other hunting regulations apply. Blaze orange requirements under s. 29.301 (2), Stats., apply to all hunters on these days except waterfowl hunters. Earn-a-buck requirements do not apply to youth hunters hunting in CWD zones identified in s. NR 10.28 (3) or non-CWD earn-a-buck units when using their regular gun buck deer carcass tag. Youth hunters may harvest and tag bucks or antlerless deer in CWD zones as authorized by CWD tags under s. NR 10.104 (11) or CWD landowner permit tags issued pursuant to s. NR 10.41 (3).

Section 3. NR 10.01(2)(f)4.a. is amended to read:

NR 10.01(2)(f)4.a. Persons under the age of 16 years of age who possess a ~~certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province,~~ a valid carcass tag issued for the current license year, and all necessary ch. 29, Stats., approvals may hunt turkeys for 2 consecutive days starting on the Saturday immediately preceding the beginning of the spring turkey hunting season established in subd. 1. in the turkey management zone for which the carcass tag was issued. Only one male or bearded turkey may be killed and shall be tagged immediately with a valid carcass tag for that zone pursuant to s. NR 10.25 (2). Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province. All other spring turkey hunting regulations apply.

Section 4. NR 10.102(4m)(c)2. is amended to read:

NR 10.102(4m)(c)2. The person turns ~~±~~ 10 years of age during the open season for hunting bear.

Section 5. Effective Dates. This amendment and the rule will not be published and in effect until enactment of Senate Bill 167.

The motion with amendments carried unanimously.

3.B.2 Request Adoption of Board Orders WM-13-09 and WM-14-09(E), 2009 migratory game bird seasons

Dr. Thomas requested the Department contact the U.S. Fish & Wildlife Service (USF&WS) to argue that Wisconsin be treated as a special case in order to obtain additional options.

Ms. Wiley MOVED approval, seconded by Mr. Welter to include the following amendments:

Board Order WM-13-09

Section 1. NR 10.01(1)(v) is amended to read:

NR 10.01(1)(v) *Special youth waterfowl hunt event.* ~~Persons 12 years of age or older but~~ under 16 years of age ~~who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province,~~ may hunt all species of wild duck, mergansers, geese, coots, and moorhens for 2 consecutive days starting on September ~~20~~ 19. Approvals under ch. 29, Stats., are not required pursuant to s. 29.197 (1), Stats., except for registration in the harvest information program under s. NR 10.12 (11) and a Canada goose hunting permit for the season or zone where goose hunting, as listed in par. (g) 1., if hunting Canada geese. Daily bag limits are those described under pars. (b), (c) and (g), except that the daily bag limit for the zone or sub zone being hunted as listed in par. (g)1.a. to j., on that date shall apply to Canada geese, and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province.

Section 2. Effective Dates. This amendment and the rule will not be published and in effect until enactment of Senate Bill 167.

Board Order WM-14-09(E)

Section 1. NR 10.001(1) is amended to read:

NR 10.001 (1) "Accompanied by", for the purposes of s. 29.304, Stats., and s. NR 10.01 means within sight and voice contact, without the aid of any mechanical or electronic amplifying device other than a hearing aid.

Section 2. NR 10.01(1)(v) is amended to read:

NR 10.01(1)(v) *Special youth waterfowl hunt event.* ~~Persons 12 years of age or older but~~ under 16 years of age ~~who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province,~~ may hunt all species of wild duck, mergansers, geese, coots, and moorhens for 2 consecutive days starting on September 19. Approvals under ch. 29, Stats., are not required pursuant to s. 29.197 (1), Stats., except for registration in the harvest information program under s. NR 10.12 (11) and a Canada goose hunting permit for the season or zone where goose hunting, as listed in par. (g) 1., if hunting Canada geese. Daily bag limits are those described under pars. (b), (c) and (g), except that the daily bag limit for the zone or sub zone being hunted as listed in par. (g)1.a. to j., on that date shall apply to Canada geese, and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province.

Section 3. NR 10.01(3)(ev) is amended to read:

NR 10.01(3)(ev) *Special youth gun deer hunt event.* Persons ~~12 years of age or older but~~ under the age of 16 years of age who ~~possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province,~~ may hunt deer with a firearm for 2 consecutive days beginning on the Saturday nearest October 8 in all deer management units, except state park units and deer management unit 48. Allowable types of firearms are those authorized on the first day of the regular gun deer season under par. (e) or (et). The bag limit is one buck deer per valid gun deer carcass tag and additional antlerless deer per valid antlerless deer carcass tags issued under par. (ed) or s. NR 10.104 (8). Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province. ~~and all~~ All other hunting regulations apply. Blaze orange requirements under s. 29.301 (2), Stats., apply to all hunters on these days except waterfowl hunters. Earn-a-buck requirements do not apply to youth hunters hunting in CWD zones identified in s. NR 10.28 (3) or non-CWD earn-a-buck units when using their regular gun buck deer carcass tag. Youth hunters may harvest and tag bucks or antlerless deer in CWD zones as authorized by CWD tags under s. NR 10.104 (11) or CWD landowner permit tags issued pursuant to s. NR 10.41 (3).

Section 4. NR 10.01(2)(f)4.a. is amended to read:

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Section 5. NR 10.102(4m)(c)2. is amended to read:

NR 10.102(4m)(c)2. The person turns ~~12~~ 10 years of age during the open season for hunting bear.

Section 6. Effective Dates. This amendment and the rule will not be published and in effect until enactment of Senate Bill 167.

The motion with amendments carried unanimously.

3.B.3 Request Adoption of Board Order FH-21-08, amend Ch. NR 25 relating to commercial fishing on the Great Lakes

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

The motion carried unanimously on a roll call vote:

David Clausen – yes

Preston Cole – yes

Jonathan Ela – yes

Gary Rohde – yes

John Welter – yes

Christine Thomas – yes

Jane Wiley – yes

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- 3.B.4 Request Authorization for Public Hearing on Board Order FH-23-09 to amend Ch. NR 25 relating to the total allowable commercial harvest of whitefish in Lake Michigan

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

- 3.B.5 Request Authorization for Public Hearing on Board Order LF-08-09 creating CH. NR 52 regarding public use of lands acquired under the Knowles Nelson Stewardship Program

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

- 3.B.6 Request Approval of the Straight Lake State Park and Wildlife Area Master Plan

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

- 3.B.7 Request Approval of a management plan for the control of chronic wasting disease (CWD) in white tailed deer

Mr. Ela MOVED, seconded by Mr. Welter to table adoption of “A Plan for Managing Chronic Wasting Disease (CWD) in Wisconsin: The Next Five Years” until the following measures have been taken:

- 1. A special Natural Resources Board Committee is established to oversee a peer review process of the plan. The committee will consist of Dr. David Clausen as Chair, John Welter, and Jane Wiley. The purpose of the peer review will be to determine if the actions contained within the plan are appropriate and sufficient to meet the goal of “minimizing the area of Wisconsin where CWD occurs and the number of affected deer in the state.”**
- 2. The Committee will identify those portions of the plan that in its judgment are suitable for peer review.**
- 3. The Committee will identify and enlist independent experts in animal diseases and other fields to undertake a peer review process, either working together as a panel or by submitting separate comments.**
- 4. The Committee will work with Department staff to modify the plan to accommodate peer review comments as appropriate, and to resubmit the plan to the Natural Resources Board for approval.**

Mr. Welter recommended a 90 day timeline with the interim report to be given at the October meeting and the request for plan approval at the December meeting.

The motion to table with Board directives carried unanimously.

- 3.B.8 Land Acquisition - Statewide Natural Areas - Sawyer County

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

Mr. Cole requested the Board vote on all real estate items as one package with separate discussion on each item.

Mr. Cole MOVED approval, seconded by Dr. Clausen on 3.B.9 Land Acquisition - North Branch Milwaukee River Wildlife & Farm Heritage Area - Ozaukee County; 3.B.10 Land Acquisition & Project Boundary Modifications - Statewide Natural Areas - Monroe County; 3.B.11 Land Acquisition - Baraboo Hills Recreation Area - Columbia County; 3.B.12 Land Acquisition - Wild Rose Hatchery - Waushara County; and 3.B.13 Land Donation & Project

**Boundary Modification - Chippewa Moraine State Recreation Area - Chippewa County.
The motion carried unanimously.**

- 3.B.9 Land Acquisition - North Branch Milwaukee River Wildlife & Farm Heritage Area - Ozaukee County
- 3.B.10 Land Acquisition & Project Boundary Modifications - Statewide Natural Areas - Monroe County
- 3.B.11 Land Acquisition - Baraboo Hills Recreation Area - Columbia County
- 3.B.12 Land Acquisition - Wild Rose Hatchery - Waushara County
- 3.B.13 Land Donation & Project Boundary Modification - Chippewa Moraine State Recreation Area - Chippewa County
- 4. Citizen Participation – 1:00 p.m.
- 4.A. Citizen Recognition
- 4.A.1 Presentation of North American Wildlife Enforcement Officers Association 2009 Torch Award to Warden Chris Spaight

INFORMATION ITEM – NO ACTION WAS TAKEN

- 4.B. Citizen Participation

Mr. Ela requested the Department report back to the Board on 4B6-Art Malin topic “Treatment of Small and Large Mouth Bass as Separate Species”.

- 5. Board Members’ Matters

Mr. Welter requested a Board discussion with Department attorney Peter Flaherty at the September meeting regarding options available to the Lake Michigan Commercial Fishing Board regarding the Government Accountability Board’s opinion.

Mr. Cole requested a timeline and updates from staff regarding rule development to implement the provisions of the Great Lakes Compact dealing with inter-basin water diversions

Dr. Thomas requested an information item at a future Board meeting on user conflict and safety issues on the Wolf River near Freemont.

- 5.A. Approval of the 2010 Natural Resources Board Meeting Dates

Dr. Thomas requested the Board look at moving its March meeting to the week of March 22, 2010 to Milwaukee so interested Board Members could also attend the North American Wildlife and Natural Resources Conference and Association of Fish and Wildlife Agencies meeting.

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

- 6. Special Committees’ Reports
- 6.A. Earn-A-Buck (EAB) Alternatives Committee Report

Dr. Thomas requested as a timeline that this come back to the Board with recommendation to EAB alternatives for hearing authorization at their September meeting in Sturgeon Bay and come back to the Board for rule adoption in time for the next deer season.

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- 7. Department Secretary's Matters
- 7.A. Retirement Resolutions
- 7.A.1 Dean Farr
- 7.A.2 Jeffrey J. Haack
- 7.A.3 Duane Lahti
- 7.A.4 Richard K. Van Osch
- 7.A.5 Marie Stewart
- 7.A.6 Calvin Doering
- 7.A.7 Richard E. Evans
- 7.A.8 Linda L. Evans
- 7.A.9 William J. Mitchell
- 7.A.10 Ronald R. Preder
- 7.A.11 Michael P. Russo
- 7.A.12 C. Randy Case
- 7.A.13 Suzan B. Acre

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

- 7.B. Donations
- 7.B.1 Polar Bears International will donate \$75,000 for Tree Planting for Climate Change Initiative

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

- 7.B.2 The Andrew F. Bell and Edith M. Bell Charitable Trust will donate \$48,494, with \$24,247 going to the Endangered Resources Fund and \$24,247 to the Wildlife Management Wetland Program

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

- 7.B.3 The Kiap TU Wish Chapter of Trout Unlimited will donate \$14,900 to habitat restoration on Pine Creek, Pierce County

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

- 7.B.4 Windway Foundation, Inc. will donate \$10,000 to the Endangered Resources Trumpeter Swan Program

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

- 7.B.5 The Friends of Big Foot Beach State Park will donate \$9,125 to purchase a Polaris utility Mule for park maintenance and upkeep

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

- 8. Information Items
- 8.A. Air, Waste, and Water/Enforcement
None

- 8.B. Land Management, Recreation, and Fisheries/Wildlife
- 8.B.1 2009 – 2011 budget update and its impact on the Department

DEFERRED TO SEPTEMBER MEETING

August 11-12, 2009

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

The meeting adjourned at 5:45 p.m.

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