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WISCONSIN NATURAL RESOURCES BOARD

DRAFT BRIEF OF ACTION (rev. 05/07/18)

The regular meeting of the Wisconsin Natural Resources Board was held on Wednesday, April 11, 2018 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 1-2 and 5-6. The meeting adjourned at 2:35 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	Gary Zimmer – present
Julie Anderson – absent/excused	Preston Cole – present
Dr. Prehn – present	Terry Hilgenberg – present
Greg Kazmierski – present	

Chair Hilgenberg and Board Members sent prayers to Julie Anderson for a quick recovery and wishes that all goes well for her.

1.B. Approval of agenda for April 11, 2018

Mr. Zimmer MOVED, seconded by Dr. Prehn, approval of the April 11, 2018 agenda. The motion carried on a voice vote of 6 – 0. Julie Anderson was absent/excused.

1.C. Approval of Brief of Action from February 28, 2018

Dr. Prehn MOVED, seconded by Mr. Kazmierski, approval of the February 28, 2018 Brief of Action. The motion carried unanimously.

2. Action Items

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

2.A.1. Presentation of the 2018 Registered Laboratory of the Year **PowerPoint**

2018 Recipient: Alliant Energy Edgewater Generating Station in Sheboygan.
Representing Alliant Energy: David de Leon, Jeff Hanson, Bill Skalitzky, Dave Galarowicz, Brian Gollhardt, Paula Czekala, and Chris Swoverland

Brian Gollhardt acknowledged and thanked those who made this award possible.

2.A.2. Request approval of department recommendations for the FY 2019 Laboratory Certification and Registration Program Fee Adjustment **PowerPoint**

No Board discussion.

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

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

2.B.1. Request adoption of Emergency Board Order WM-18-17(E), proposed rules affecting chapter NR 10 related to establishing the 2018 migratory bird season framework and regulations **PowerPoint**

Discussion on the meaning of “wetlands above average” in slide 3, when this survey was taken [Last year at about this time.], federal level change to Ontario nesting Canada geese monitoring, continental wetland conditions out west and in Canada, and the management of Horicon marsh for habitat and concern about the 10' high cattails [The department is doing controlled burns in the winter and managing for many species.].

Dr. Prehn thanked Taylor Finger, Migratory Bird Specialist and staff for the excellent, data driven, transparent report that included public involvement. This is a success that is because of WI Ducks Unlimited, WI Waterfowl Association, North Dakota, and Ontario. Nature has helped us but we also have done a good job of taking care of the resources.

Discussion on Mississippi River Zone and the longer split, pintail bag limit of 2 and whether the population can support a 2-bag limit [Yes.], later hunting opportunities, simplifying regulations [Per federal regulations, department can evaluate rules every five years for zone structures.], reasoning of early teal from sunrise to sunset [Identification and enforcement issue.] and whether the department can petition the U.S. Fish & Wildlife Service on this.

Dr. Prehn then requested that the Board be kept apprised of the discussion in opening the north one week later to extend the season and reduce opening day pressure.

Discussion on whether department staff can discuss changing shooting hours to 30 minutes before sunset on [early teal] as Canada goose is 30 minutes prior to sunrise.

Public Appearances:

1. **Todd Cook**, Beaver Dam, representing Wisconsin Conservation Congress (WCC) as Migratory Bird Committee Co-Chair **(Handout)**

The Board wished WCC Migratory Bird Committee Co-Chair Al Shook, who was scheduled to have an operation today, the best.

2. **Don Kirby**, Green Bay, representing Wisconsin Waterfowl Association **(Handout)**
3. **Mark Kakatsch**, Oconomowoc, representing Wisconsin Wildlife Federation as Migratory Committee Chair **(Handout)**

Mr. Zimmer encouraged staff to have more dove and woodcock data in their presentation next year.

Discussion on whether the department manages habitat for woodcock.

Mr. Cole MOVED, seconded by Mr. Zimmer, approval of the department's recommendations. The motion carried unanimously.

Secretary Meyer recognized Scott Loomans as the department's new Fish, Wildlife, and Parks Policy Initiatives Advisor.

- 2.B.2. Request adoption of the germane modification of Board Order WM-10-13, proposed rules affecting Ch. NR 19 related to the rehabilitation of wild animals

No Board discussion.

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

- 2.B.3. Request approval of the Pierce County Islands Wildlife Area Tier 3 Management Plan
PowerPoint

No Board discussion.

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

- 2.B.4. a. Land Sale – James J. Rule Timber Demonstration Forest – Iowa County; b. Land Sale – Stower Seven Lakes State Trail – Polk County; c. Land Sale – Medford Ranger Station Northern Region – Taylor County; and d. Land Exchange – Ice Age Trail – Marathon County

Discussion on where land sale funds are allocated [Medford ranger station funds will go back to forestry and others will go back into department surplus account], defining “encroachment” and adverse possession, and fair market value.

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

- 2.B.5. Land and Improvements Acquisition – Southeastern Region Headquarters – Milwaukee County **PowerPoint**

Discussion on length of time to remodel building [Approximately 2.5 years.], that the process of remodeling should be sped up, whether the existing parcel can be expanded [Yes, the building can be expanded to a third floor.], whether the current property has an appraisal [No appraisal has been ordered for the existing property but discussions are taking place with local authorities.], and that this is a win-win.

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

2.C. Scope Statements

- 2.C.1. Request approval of the Statement of Scope for Board Order WA-06-18 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse for proposed rules affecting chapter 514 related to research, development, and demonstration plans at municipal solid waste landfills **PowerPoint**

Discussion on whether Waste & Materials Management program staff are working with Wildlife Management program staff on disposal of Chronic Wasting Disease (CWD) infected deer [Yes, this is an issue of concern with their program and they are working with Wildlife Management.].

Mr. Zimmer MOVED, seconded by Dr. Prehn, approval of the department's recommendations. The motion carried unanimously.

- 2.C.2. Request approval of the Statement of Scope for Emergency Board Order FH-01-18(E) and Board Order FH-02-18 and conditionally approve the public hearing notice FH-02-18 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse for proposed rules affecting Ch. NR 20 and 25 related to harvest management regulations in the Lake Superior fishery

No Board discussion.

Mr. Cole MOVED, seconded by Dr. Prehn, approval of the department's recommendations. The motion carried unanimously.

2.D. Department Wide - None

3. Citizen Participation

- 3.A. Citizen Appearances - at approximately 10:30 a.m.

Representative James Edming, 87th Assembly District addressed the Board with the following topics: 1) Bear and animal damage in his district, 2) Personalized license plates for boats, and 3) Development of marshland on the south side City of Ladysmith.

Discussion on wetlands development, and personalized plates being a legislative issue.

[Note: Mike Robers spoke first with Jim VandenBrook speaking second.]

2. **Mike Robers**, Exeland, representing self
Topic: bear damage (Handout)

Discussion on the number of years Mr. Robers has dealt with bear damage [Since the early 1990's.], number of tillable acres he farms [700 total; 500 in corn where the damage is being done.], accusations from bear hunters that farmers are planting crops to get bear tags [Not a factor statement. Mr. Robers knows of no farmer charging

money for bear or wildlife tags. They would lose their reimbursement.], that bear traps have not been effective, relocating trapped bears, checklist from Mr. Robers and streamlining the process, difficulty in obtaining permission in obtaining kill tags from landowner if farming leased land, crop damage tags and getting monitors on traps to save time, and that there is no reimbursement on land set aside for vehicle access for U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS).

1. **Jim VandenBrook**, Madison, representing Wisconsin Land and Water Conservation Association
Topic: Implementing the NR 151 agricultural nonpoint standards (**Handout**)

Discussion on a report to the Board on NR 151 coming back after January 1, 2019.

3. **Dale Beissel**, Winter, representing self
Topic: bear damage (**Handout**)

Discussion on net loss from bear and animal damage [He can live with a 4-5% loss but cannot live with a 22% loss.], timing as to when this damage takes place [From the milk stage through harvest.], dangers of bear dens located in fields, process of working with local and state government, financial reimbursement and cap at \$10,000, rotational planting, the process of getting an ag tag in season, landowners that rent out ag land are not cooperating with farmers (renters) to obtain permits, use of DMAP (Deer Management Assistance Program), and farming up north.

4. **Andy Winiarczyk**, Ojibwa, representing self
Topic: bear damage

Discussion on rezoning the four or five county area, the need to issue more permits, size of bears and how long it takes for a cub to grow to a 600 pound bear [600 pound bears are rare. Average bear is around 400 pounds which usually takes from five to ten years.], and discussing this further with department staff.

5. **Terry DuSell**, Ladysmith, representing self
Topic: bear damage

Discussion that kill tags are being denied by landowners [Landowners want to control who is on their property and will not open up their land to the public. Some landowners may be open to kill tags for mentored youth hunts.], concern that the department is posting on their Wildlife Damage and Abatement Claims Program (WDACP) website a list of people who receive kill tags [This creates animosity between farmers, landowners, and hunters. Tags can take three weeks to receive and they start getting calls from hunters right away.], whether Mr. DuSell is satisfied with response he is receiving from staff [No. \$10,000 cap needs to be adjusted for amount of loss. Farmers with over \$70,000 in damage are receiving only \$10,000. This needs to be more fair.], that this needs to be rectified before farmers take care of the problem themselves, and the need to restructure the cap and rezone the hotspot.

6. **Bob Welch**, Madison, representing the Wisconsin Bear Hunters Association
Topic: Ag crop damage. He was not in attendance but sent regrets along with his talking points. (Handout)

7. **Shawn Seger**, Sheboygan, representing self
Topic: Large mesh gillnet study (Handout)

No Board discussion.

8. **Russ Kleeman**, Sheboygan, representing self
Topic: Large mesh gillnet study in zone 3

Discussion on location of buoys and whether more can be installed [Adding more buoys would be tough to do. Buoys can be located approximately ½ mile away using GPS.]

9. **Scott Poth**, Sheboygan, representing self
Topic: Zone 3 gillnet study

No Board discussion.

10. **Timothy Prisland**, Sheboygan, representing self
Topic: Zone 3 gillnet study

No Board discussion.

11. **Jean Seger**, Sheboygan, representing self
Topic: Gill Nets in Zone 3

No Board discussion.

12. **Dr. Nicholas Mayer**, Horicon, representing self
Topic: Zone 3 gillnet study

No Board discussion.

13. **Nicholas Pelzel**, Cleveland, representing Great Lakes Fish Company
Topic: Zone 3 large mesh gillnet study

Discussion on by-catch of lake trout and whether Mr. Pelzel has an opinion on “over the side dead or alive” [If alive, fish should be released over the side. If dead, why not let it feed hungry people?].

14. **Dolores Ruppel**, Sheboygan, representing self
Topic: Zone 3 gillnet study

No Board discussion.

15. **Glen Seger**, Sheboygan, representing self
Topic: Large mesh gillnet study

No Board discussion.

16. **Marie Seger**, Sheboygan, representing self
Topic: Zone 3 gillnet study

Mr. Zimmer commented that he was led to believe that progress was being made for the large mesh gillnet survey and shared his disappointment it has not moved forward. He is a biologist and would not make a decision long term until he has data. He has been told it will have a major impact on some of our sport fishery. He wants to see this. He cannot imagine that two commercial fishermen on hundreds of miles of shoreline can deplete a resource during one study. He is a sport fisherman but he cannot see a reason for not moving forward with something that makes a lot of sense.

Chair Hilgenberg requested a motion to convene into closed session 1) under the authority of s. 19.85(1)(e) Wisconsin Statutes to discuss the Department's competitive bargaining and negotiation position with respect to a potential real estate transaction in Northern Wisconsin, and 2) under the authority of s. 19.85(1)(c) Wisconsin Statutes to discuss the responsibility of department employees to provide information to Board members in a timely manner.

Mr. Cole MOVED, seconded by Mr. Zimmer that the Board convene into Closed Session 1) under the authority of s. 19.85(1)(e) Wisconsin Statutes to discuss the Department's competitive bargaining and negotiation position with respect to a potential real estate transaction in Northern Wisconsin, and 2) under the authority of s. 19.85(1)(c) Wisconsin Statutes to discuss the responsibility of department employees to provide information to Board members in a timely manner. The motion carried on a roll call vote.

William Bruins – yes

Gary Zimmer – yes

Julie Anderson – absent

Preston Cole – yes

Dr. Frederick Prehn – yes

Terry Hilgenberg – yes

Greg Kazmierski – yes

Chair Hilgenberg reconvened the meeting at 1:10 p.m. and reported that during the closed session, no action was taken.

Chair Hilgenberg then moved the meeting to agenda item 4 – information items.

4. Information Items

4.A. Air, Waste, Water, and Enforcement – None

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

4.B.1. Update on the elk management plan and information regarding the 2018 elk hunt

PowerPoint

Discussion on the life expectancy of elk [Wisconsin still has original animal from 23 years ago. Many bulls are 15 plus years old.], what would happen if the elk population does not get to 200 animals [Hunt would be revisited.], whether department staff would accompany each hunter [No. Kentucky DNR recommended that Wisconsin DNR did not accompany hunter.], and what would happen if hunter could not locate a wounded elk.

Dr. Prehn questioned what would happen if a hunter wounded an elk and could not locate it. Can the hunter use dogs to track and whether there is a rule in place for this.

Discussion on whether the application fee is refundable [No.] and whether do these funds go [Portion goes to elk management.].

Chair Hilgenberg requested a detailed report following the hunt.

Discussion on the Flambeau River State Forest portion of the herd.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

4.B.2. Presentation on the Dead Pike Lake Management Plan developed in cooperation with the Dead Pike Lake Association and the Town of Manitowish Waters **PowerPoint**

Discussion on what happens to the (oxyhydroxide) floc and how deposits are removed from the lake.

Mr. Zimmer stated this is not the final celebration but this project is at a point to give accolades to Dan Helsel, DNR Field Integration Leader, and Steve Apfelbaum, Applied Ecological Services Chair, and their respective staff, and to the Town of Manitowish Waters (John Hanson) and the Dead Pike Lake Association (Gale Wolf) who have worked tirelessly. He has been pleased to have worked with these folks. He is looking forward to seeing the positive results of this.

Chair Hilgenberg asked Gale Wolf and John Hanson to stand and be recognized.

Chair Hilgenberg then asked Senator Tiffany to the podium.

Senator Thomas Tiffany, Senate District 12. He thanked those for the work that has been done here. He requested the department work expeditiously for permitting and funding this problem which was caused by the precursor of DNR, the Conservation Department, in the 1950's. He noted that Pittman-Robertson dollars were used back in the 1950's and should be looked at now.

Dr. Prehn applauded the department and stakeholders. It is exciting that this problem is fixable. He echoed what the Senator said. He questioned funding and what the estimated cost is to do this over how many years. Would like to see this happening in all lakes for Wisconsin. [Funding is still being discussed. Department staff are working on this and will look at Pittman-Robertson. Conceptual plans this summer will allow department to know approximate costs. Could be a \$20,000 job if only a fish spawning ripple is needed instead of a dam]. This will take public dollars to fix.

Dr. Prehn MOVED, seconded by Mr. Zimmer, to have a status update presentation at the January 23, 2019 Board meeting.

Discussion on whether the railroad exposed some of the iron [No, the precursor to DNR altered the initial ditches. Powell Marsh Master Plan budget includes costs and funding for some of the work in the marsh.].

The motion carried unanimously

Chair Hilgenberg thanked those involved. This Board has been very appreciative of the department's stance of working through problems and the progress moving forward.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

- 4.C. Department-Wide - None
- 5. Department Secretary's Matters
 - 5.A. Retirement Resolutions
 - 5.A.1. Mike Foy
 - 5.A.2. Tom Isaac
 - 5.A.3. Neal R. Kutchery
 - 5.A.4. David A. Oginski
 - 5.A.5. Jeffrey L. Weatherly
 - 5.A.6. John Welke

Mr. Zimmer MOVED, seconded by Mr. Cole, approval of the retirement resolutions.

Chair Hilgenberg noted that in his early career of real estate he had the privilege of working with Neal Kutchery. He was an outstanding representative of the department.

The motion carried unanimously.

- 5.B. Donations - None
- 5.C. Department Secretary's Matters
 - 5.C.1. Acts of the Department Secretary – Real Estate Transactions

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

- 5.C.2. Department Secretary's Matters
 - 5.C.2.a. Fishing opener

Chair Hilgenberg applauded the department, Governor Walker, and legislators on moving forward with all of the fish stockings. This is a fantastic opportunity for citizens and visitors. This is a good thing.

Dr. Prehn noted that he spoke with many ice fishers on Minocqua and they are catching a ton of young walleye when fishing for perch. It has been closed for 5 years. This is year 3. Neat experience.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

5.C.2.b. Turkey season

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

Chair Hilgenberg wished all hunters success and a safe hunt.

6. Board Members' Matters

Mr. Bruins requested, in consideration of this morning's bear agriculture damage discussion during 3A-Citizen Participation, that the department come up with a plan and present it at the May 23, 2018 Board meeting.

Dr. Prehn requested 1) a plan for remote testimony at the May 23, 2018 meeting and 2) a report on the status of the prairie chicken management plan.

Mr. Cole requested that Larry Bonde and Rob Bohmann from the Wisconsin Conservation Congress (WCC) give an update on the Youth Conservation Congress at the May 23, 2018 Board meeting.

Dr. Prehn added to Mr. Cole's WCC request that they include a status update on alternatives of voting.

6.A. Crossbow season for deer hunting (Kazmierski) **PowerPoint**

Mr. Kazmierski stated that the department put out a "Weapon Use by Wisconsin Deer Hunters" report relative to doing what the legislature had asked the department to do in the crossbow bill. He had concerns with how information was presented in this report and the resulting reporting from the public at the spring hearings on April 9. He went through trends in deer license sales from 2010 – 2017, weapon use by Wisconsin deer hunters from 2014 – 2017, comparative of license data of hunter success, and hunter success percentage on antlered bucks from 2010 – 2017 by weapon type.

He clarified his revenue from crossbow sales and archery sales and his need to watch trends as a business owner and for health of deer hunting season. This is not a crossbow vs. bowhunting issue. The archery association has supported the bill for crossbows. They supported the original bill allowing the disabled to hunt with crossbows years ago, and archers went to Madison and got group bagging removed from archery. Looking at the big picture, data does not lie. There is a difference in success rates and an unfair advantage adds to the shift from gun to crossbows.

Dr. Prehn added in that hunters may quit gun hunting.

Mr. Kazmierski continued that this was supposed to be a trial season to collect data. Wisconsin is the only state that separated out the data by license, the season as two

separate seasons so they could be managed independently, and monitor this data to get ahead of a big problem rather than playing catch-up.

Mr. Cole asked what he wanted from the department such as research or to change the season.

Mr. Kazmierski stated the need for discussions.

Dr. Prehn asked whether it is prudent for the department to come back with a recommendation of the season. He asked what the legislators have said.

Mr. Kazmierski responded that they said the season would run concurrent for two years and after that, the department was charged with authority to manage that season.

Jake Curtis, Legal Services Bureau Director, stated that Mr. Kazmierski can certainly request the department to provide information. He suggested the Board take no vote.

Mr. Cole asked that the request be clear and detailed so there are no misunderstandings. Be very pointed in your request so the department can be successful in delivering it to you.

Mr. Kazmierski requested department staff investigate potential season options that would result in crossbow buck harvest rates that are commensurate with archery and firearm buck harvest rates and would retain the current season for the elderly and disabled, and report back to the Board.

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

The meeting adjourned at 2:35 p.m.

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