

Wisconsin Conservation Congress  
Ex. Council Minutes  
May 25, 2010  
Lake Geneva, Wi.

Meeting was called to order by Chr. Ed Harvey at 10:04 A.M. Sec Kirchmeyer took the roll call with 23 of the 24 Ex. Councilmen present. Those present were Richard Kirchmeyer, Joe Weiss, Al Brown, Dave Hraychuck, Mike Riggle, Roger Sabota, Kevin Marquette, Bruce Thomae, Mark Noll, Stan Brownell, Dave Puhl, Dale Mass, Dick Koerner, Dave Miller, Edgar Harvey, Lee Farney, Mike Rogers, Ken Risley, Al Phelan, Al Shook, Robert Bohmann, Jim Wrolstad, Ann Marie Kutzke. Excused but absent was Mark Schultz.

DNR personnel present: Scott Loomans, Tom Hauge, and Randy Stark.

There were 4 authors of resolutions present: Mike Henke, Larry Vander Hoof, Dennis McKernan, and Warren Schmidt.

Chr. Harvey asked that the agenda be changed being that an author for one of the resolutions was present and had to leave. Motion by Mass 2<sup>nd</sup> by Shook to repair the agenda and advance item 3f forward for immediate attention. MOTION CARRIED.

Resolution # 590310- Increase rifle hunting area in Shawano Co. Author- Warren Schmidt.

Authors comments: Has hunted for nearly 70 years, has hunted up north, the area being proposed for rifle use is not heavily populated, wants people to have the choice of either using a rifle or shotgun, ammo for a rifle is a lot cheaper than for a shotgun, and rifles are noted for having less accidents than shotguns.

Motion by Puhl 2<sup>nd</sup> by Noll to AVANCE TO THE 2011 SPRING HEARING.

Mass- Was this supported in all of Shawano Co.?

Author- No that is why I am only proposing it in a portion of the county.

Weiss- Does LE approve of this resolution?

Author- Yes Warden John Horne

Chr. Harvey- This does not include all of Shawano Co. it leaves out the SE corner. Will this or does this split DMU's where a portion of a DMU will be shotgun and the rest rifle?

Farney- How long has this area been restricted to shotgun use only?

Author-40-50 years or so, some of the area north of HWY 29 is already rifle.

Noll- 25 years ago Buffalo Co. was a shotgun only zone now it has rifle use and now there are less accidents.

Miller- The majority of accidents happen when loading or unloading a firearm or within the same hunting party.

Andryk- There are less accidents when rifle are used, it seems that rifle handlers are more careful than shotgun handlers, also shot gunners usually shoot more multiple shots than

rifle users.

Koerner- Supports the resolution, He has hunted for 51 years(hunted with an atlatl in earlier times) many hunters now hunt from elevated stands so they can see more now and also are shooting at the ground.

Andryk- If you approve this resolution maybe some time in the future all of Shawano Co. will have the capability to use rifles.

Chr. Harvey- This question will end up having to pass 3 times in Shawano Co. before rifle use would become legal.

Phelan- When the DNR held a hearing dealing with the Tigerton properties, Tigerton didn't want rifle use because success rates would go up, because of a rifles capabilities to shoot farther, they thought that this would help make the area a trophy area because bucks were able to get older.

Farney- Do the local towns and the county support such a proposal?

Author- No problem with town, local governments supporting, and also the Shawano Co Sherriff supports.

Koerner- Who makes the decision on which counties will have the ability to use rifles?

Chr. Harvey- The people of the county bring a resolution before the spring hearing attendees and approve or disapprove the resolution.

Loomans- will be a DNR question next year .

MOTION CARRIED.

Agenda Item 2A Sec. Kirchmeyer gave a report on the WCC delegations votes on the DNR 2010 spring hearing questions.

Agenda Item 2B Sec. Kirchmeyer gave a report on the WCC delegates votes on the congress advisory questions from the 2010 spring hearing.

Agenda Item 2C Code of procedure discussion and possible changes.

Motion by Shook 2<sup>nd</sup> by Mass to approve all 3 proposals and make the changes in our code of procedure manual immediately.

#1) Sec. VII.A.15 Clearly define a delegate's term

15. Created to read: A delegate's annual term will begin and end at the start of the convention.

Note: Delegates whose term has expired in accordance with VII.15. May appear at the annual convention, or study committee meetings, at the request of the Ex. Committee. However, in accordance with VII.A.15 they would not have voting rights.

#2) Section VII.C.16 Delegates eligibility to be elected to the Ex.Council.

16. Created to read; Only delegates that have been elected by the citizens of their county to serve as a county delegate by popular vote are eligible to serve on the Ex. Council.

#3) Section VII.A.9 Personal data questionnaires.

9 Amended to read; On the evening of the Spring Hearings, complete the personal data questionnaire and turn it into your county chair. The Questionnaires, along with the recommendations from your District Councilors, which are collected during the annual convention, will be used to assign advisory committees.

Weiss- It only states that you can turn in your PDQ's at the spring hearings and not through the internet.

Mass- Does this mean that after the spring hearing no PDQ's can be accepted or turned in to the DNR liaison?

Kari- The internet is the easiest way to update PDQ's, with hard copies you have to enter every thing by hand which takes quite a bit of time, there is not enough time to update the file before the annual convention.

Chr. Harvey- How or when we make the change on the first 2 proposed code of procedure changes doesn't really matter because the public was properly notified, the third code of procedure change which is being proposed would be advantageous to change at this time because not all congress delegates turn in PDQ's and the way the code reads now they could not be appointed to a committee. Chr. Harvey asked Andryk how much can we change the wording on the third proposal and not violate our authority.

Andryk- Some minor word changes is considered house cleaning.

Thomae- When will the deadline be for turning in PDQ's?

Rogers- Maybe we could set the date a week after the convention. What happens when a delegate fills out the PDQ and the hearing officer doesn't send it in?

Weiss- We could have it done at the convention; this is where the new delegates usually find out what committees are available.

Riggle- Lets make it possible to fill out the PDQ's at the spring hearing, online, and at the convention and all PDQ's must be in Madison by June 1<sup>st</sup>.

Phelan- Asked Kari if she receives some PDQ's from single people sending them in by mail.

Kari- Yes

Shook- Are we trying to change this code of procedure more than already were being proposed by adding dates and the possibility of filling them out on the internet?

Kutzke- I don't think we can make too many changes from the original proposal.

Noll- Some of my delegates say they will be filling out the PDQ on line so I really don't know if they filled them out or not for sure.

Thomae- As long as a time line is set it really doesn't matter when the PDQ's are received.

Kirchmeyer- We have to set a certain date early enough so as the DNR liaison has the time and can make sure all data is available for the Ex. Committee to be able to make committee appointments in June.

Mass- Asked the Lawyer of the Year if the Ex. Council was over stepping its authority.

Andryk- As stated before if you only make small word changes it is considered house cleaning.

Weiss made a motion to amend 2<sup>nd</sup> by Wrolstad Sec. VII.A.9 will read as follows: PDQ questionnaires, or recommendations from district councilors, which are collected during the annual convention, will be used to assign advisory committees.

Puhl- Asked Kari where she gets info from for new or old delegates?

Kari- All info is collected from PDQ's, some data forms are not legible so for this reason the online process is better and she then doesn't have to put the ones received by hard copy into the data system by hand.

Brownell- We have 2 issues here. How to get delegates on committees and how to keep delegates informed. MOTION TO AMEND CARRIED. ORIGINAL MOTION THEN APPROVED.

Kirchmeyer would like either the Rules and Resolutions comm. or the Out Reach comm. look into defining when an Ex. Councilors term expires and also when an Ex. Committee member's term expires.

DNR has problems receiving information from hearing officers.

Weiss- Isn't on line a more efficient and effective way of filling out PDQ's?

Kari- Using the online way was a trial this year and seemed to work okay.

Riggle- Maybe at the spring hearing we could use the hearing officers lap top and fill the PDQ's at that time.

Shook- Hearing officers may need some type of proof of whether or nor a delegate filled out the PDQ.

Rogers- Can a delegate that is not reelected or doesn't run for reelection attend the annual meeting?

Chr. Harvey Yes but has no voting rights on privileges.

Weiss made a motion to reconsider amending the agenda repair motion and to move member matters to this time in the meeting. 2<sup>nd</sup> by Farney. Motion to amend Weiss 2<sup>nd</sup> was made by Farney to take up members matters till 12:00 P.M. MOTION TO AMEND CARRIED. ORIGINAL MOTION TO TAKE UP MEMBERS MATTERS NOW CARRIED.

#### Ex. Council Member Matters

Shook- Has received many phone calls about the DNR partnering with the HSUS. Some people are very upset with this partnership.

Puhl- His county is dealing with a cougar which is causing people to be concerned about their safety and loss of livestock.

Sabota- Is deeply concerned about the alliance between the DNR and the HSUS.

Riggle- Will be heading the research team and volunteers in the study area in the north, hoping to have the first meeting of volunteers and DNR personnel around the first week of June.

Chr. Harvey is hoping that someone in the Waupaca area will take charge and start things going on the research project. Keith Warnke is now working with the Endangered resources portion of the DNR, Jason Fleener will temporarily taking Keiths spot as deer manager.

Hraychuck- A Whitetail deer study is going on in the U.P. of Michigan, he has some information that he will mail out to the Ex.Council.

Koerner- The OutDoor News gave a notice about the 3 public hearings dealing with Archery deer hunting. He also wondered why there wasn't more publicity done on these 3 hearings. Many people probably would have went if they knew about it, wondering how people can have input if they are not informed of such hearings.

Chr. Harvey- The WCC supports the concept but would like implementation delayed for one year so as it could go through the spring hearing process.

Mass- We need to look at the annual meeting agenda more closely some delegates are complaining nothing productive gets done till the afternoon on Friday, many delegates

have to take vacation time to attend the meeting. Some topics need to have more discussion and not just rush through the agenda. Gave Lee Farney a compliment on how the Youth Expo was run this year and the Wall of Fame display. Some schools deferred from coming on Thursday and came Friday because of the weather, the Wall of Fame needs a better banner so people can better see the booth, would like to see the Outreach committee deal with the Youth Congress.

Miller- Questioned who reserved the hearing facility for Washington Co.

Kari- Some hearing facilities are reserved by the local warden some by the DNR in Madison, Miller- too many organizations are going to the legislators directly instead of going through the spring hearing process, and didn't like how in 1 county a special interest group came in and voted out 2 good delegates.

Marquette- Warnke has talked with Tony Janacek and between Tony and him will help head up the research project in their area. The partnership between the DNR and the HSUS may affect the ability to get permission on some private property to conduct the deer study.

Farney- Would like to see the Youth Conservation Congress stay with the Outdoor Heritage Committee being as they were given the charge of working on it to begin with, complimented Mike Riggle on the Taylor Co, Youth Expo, he has written an article for the Outdoor news on the DNR-HSUS arrangement, the WTA is catching a lot of heat over this especially because the NTA convention is here in Wisconsin this August,

Rogers- Who authorized the partnership between the DNR and the HSUS. Chief Warden Starks is taking the credit at this time.

Noll- Glad the Governor vetoed the Bear Bill

Phelan- Thought it was good that the Governor recognized the WCC efforts on the Bear Bill and what effects it has on conservation concerns.

Risley- DNR approval at this time is very low after the HSUS donation of \$6,000 to the DNR, we need more public participation in helping set outdoor rules and recommendations but at this time many people don't think they are listened to or being heard, and is our opinions taken for some value and influencing the managing of game. Koerner would like to see committee reports brought back to the annual convention that way delegates could find out who is on a committee and what the committee had worked on the past year.

Chr. Harvey – Yes we had done that in the past but to save time at the convention we have been putting the minutes into the yearly book this way anyone who was interested in what a committee had done in the past year could read the minutes themselves.

Resumed discussion on resolutions being presented to the Ex. Council.

Res. #130210-Statewide uniform signs for hunting permission. Author- Mike Henke  
The author gave reasons why he wrote the resolution and explained what each color sign meant for the hunter wanting permission on a property.

Koerner- Questioned who would pay for such signs and who would enforce the putting up of the signs.

Author- The land owner would have to buy the signs and the signing of private property would be voluntary not mandatory.

Noll- Concerned that hunters would be swapping signs maybe a better idea would be to post on a web-site whether you would let your land be hunted for a particular species.

Weiss- maybe possible to have signs available at DNR service centers.

Shook made a MOTION TO FORWARD TO THE 2011 SPRING HEARING 2<sup>nd</sup> by Wrolstad.

Farney- Is there a big problem with trespassing now?

Author- If you had signs which listed what a person could hunt on a property they wouldn't have to ask the landowner, could give people more opportunity to hunt private lands. I was hoping that by attending and presenting this resolution to the Ex. Council now that it would go to the DNR's side of the spring hearing in 2011.

Mass- The Ex. Council cannot forward a resolution/question directly to the DNR.

Concept sounds good but I have concerns about people playing with signs.

Chr. Harvey- The Ex. Council could forward directly to the DNR but he is sure they(DNR) would like to see a state wide vote on such a proposal before they forwarded it their side of the spring hearing questionnaire.

Phelan- The resolution should go back to the Public/Private Lands committee to look over and come up with a question.

Puhl- To many questions unanswered yet, many details need to be worked out. MOTION FAILED BY A HAND COUNT. 9 Yes 10 NO (this resolution will still be looked at by the Private/Public Lands Comm. being as it was presented again in 2010)

Res. #420110- Metal detecting on state land. Author- Larry Vander Hoff

Reasons why author wrote resolution: It's been 2 years now that the state has disallowed the use of metal detectors on state land there was no problems previously. WWF has already passed this resolution. All participants must have certification, instructions and schooling before being permitted to metal detect on state lands.

Mass- Have all metal detecting clubs in the state approved this resolution?

Author- Yes There are 6 organized clubs in the state.

Mass- What would happen to someone who violates a law on retrieving illegal artifacts off of state land.

Author- Hopefully enough teeth would be put into the rule to make it difficult to get recertification or a permit again.

Mass- What provoked such a rule?

Author- Some one found a copper artifact that was many years old and turned into the state and they thought maybe people were retrieving other artifacts and not turning them over to the state.

Chr. Harvey- Bill Smith at the time was the acting director and made some comments in a letter Chr. Harvey had. At this point in time a person can only be permitted to retrieve personal property he or she has lost. You cannot locate or retrieve artifacts, they must remain where they were found, many sites where people had been digging for artifacts where destroyed and the site could not be recorded properly to reconstruct the past events there.

Author- Majority of the people using metal detectors are looking for coins and jewelry.

Rogers- Would this be a rule change or a statute change?

Hauge- Needs a rule change unless it was on Federal land, or land which is somehow encumbered by some federal program, such as Dingle -Johnson, or Pittman - Robertson.

Mass- Would metal detecting interfere with other outdoor activities?

Author- Right now you have people retrieving arrows anytime they shoot them while other people are still hunting.

Sabota- Should this be something that the state should be aware of when purchasing properties with stewardship monies?

MOTION TO FORWARD TO THE 2011 SPRING HEARING was made by Shook 2<sup>nd</sup> by Farney.

Farney- Doesn't see why people should not be able to participate in such an activity.  
MOTION CARRIED.

Res # 250510- Stream access proposal Author- Dennis McKernan.

Supporting points made by author for writing resolution.

- 1) Easier access to streams with soft bottoms.
- 2) What is classified as an obstruction?
- 3) Let youth experience fishing on streams easier.
- 4) Creates less confusion than the old rule.
- 5) Force fisherman into damaging stream bottoms and destroying the fishery.

Thomae- If you had a nice stream going through your property fisherman could make a trail right across your lawn, where would the land owner's rights have gone?

Rogers- When was the law changed last?

Loomans- 2001 previously you had to keep your feet wet, this rule proposal had not gone through the public hearing process and put through in the budget process as part of the Public Trust Doctrine.

Kutzke- The annual flood stage can vary from year to year, this change could allow the use of more of the private landowners property than is really needed to fish a stream.

Author- Thinks this change is written to protect the property owner.

Marquette- This rule only applies to navigatable streams. There will be trespass issues.

Noll- Reports that in his county they are doing some trout stream improvement projects and they are providing stream access for fisherman on each the project. Where the high water mark is on a stream can be very debatable. Maybe a 15 foot rule should be an allowable distance from the waters edge would be easier to enforce, and remember the land owner's rights because they are paying taxes on the land adjacent to the stream and the land under the stream.

Farney- What is the annual flood stage water mark on some streams and what kind of or how large of an obstruction in a stream be considered to give a fisherman the right to go onto your property to get around such an obstruction.

Miller- When was the new act enacted?

Andryk- 1998

Brown- He owns land with a small stream fisherman tell him and act as if they own the land adjacent to the stream and think they have a right to be there.

Shoo- There is a different attitude with property owners now a day they do not tolerate as much intrusion on their property, they have to respect the property owner's rights and not leave trash and such on the property.

Puhl made a MOTION TO GO TO PUBLIC/PRIVATE LANDS COMMITTEE. 2<sup>nd</sup> was made by Sabota. MOTION CARRIED.

Res. # 650410- Landowner preference turkey tag property specific. Author- Jim Houck  
Reasons for resolution; Some land owners are using their land owner preference status, receiving permits, and then hunting public lands or other private lands not owned by them.

Weiss- With deer when you apply for land owner preference you must hunt in the DMU that your land is in. What is the difference between deer and turkey?

Shook- Would you have to put the address of the property you are going to hunt on your license or application?

Author- Yes this would be fairly easy with alias system.

Marquette- You hear the same complaints coming from deer hunters. Land owner preference permits should only be used on private lands.

Riggle- You do realize that some private lands are next to public lands, and if the land owner just has crop lands where will he be able to hunt, remember he is feeding those turkey/deer all year. Every one owns the public land.

Author- Only so many people own land adjacent to public land, and law enforcement has had problems with people applying for land owner preference and not has the qualifications to be able to apply for landowner preference.

Weiss Has problem restricting private land owners to just being able to hunt private lands.

Brown- Neighboring land owners have hunted each others lands and now that would not be possible.

Phelan- You are almost making a private land owner a second class citizen with is proposal, land owners who get land owner preference should not be restricted from hunting public lands.

Marquette- What is the percentage of permits going to land owners asking for land owner preference?

Kirchmeyer- 30%

Motion was made by Brown TO REJECT 2<sup>nd</sup> by Phelan MOTION CARRIED

Res #550110 Conservation Congress review all proposed game and fish rule changes

Author-Roger Roehl No interest. No Discussion.

Chief Warden Randy Stark addressed the Ex. Council on why he had participated in an agreement, or arrangement with HSUS(Humane Society of the United States). This arrangement has been referred to in the press recently as “the unholy alliance”. Randy had asked if the HSUS would be willing to help out with some money to put out an ad campaign on the radio to inform the public to leave wild babies in the wild. On 2 recent occasions the HSUS had independently posted rewards when violent crimes had been done to wildlife to help catch the suspects. Randy accepted full responsibility for the actions taken by the DNR in participating in this arrangement. Hauge said the wildlife division also had been aware of the agreement, and approved. As was the case in the posting of the earlier rewards, HSUS money was not handled, or accepted by DNR. However, in this case, DNR did actually corroborate with HSUS on matters of the exact composition on the public service addresses. Randy was asked if he would, in the future, potentially participate in similar arrangements. He answered YES if he thought it was necessary and it was an avenue where it would have a positive public impact. Randy

stated that even though we may totally disagree with an organization we may still have to work with them at times. He pointed out that 70 % of the public doesn't hunt. We need that 70% of the public that doesn't hunt to support us in our battle to continue to hunt, fish, and trap. "This situation has challenged me greatly!" Randy stated. In hind sight, he acknowledged that he probably should have conferred with the WCC Ex. Committee and other outdoor users but would like to know how we move forward from here. HSUS had input into the composition of the radio ads, but they are not able to use the Wis. DNR logo. They can say that they partnered with Wis. DNR and they have made that claim.

Summary of comments made by the Ex. Council to Chief Warden Randy Stark.  
Warden Stark talked and answered questions for 1hr. and 20 minutes.

The overall consensus of the Ex. Council was that they were flabbergasted that the DNR would participate in such an arrangement with the HSUS or any other organization of its kind.

We are appalled that the DNR did not ask hunting organizations for money instead. Councilors couldn't understand why the DNR hadn't informed hunting organizations of such an agreement before it even happened.

Councilors could not believe that Chief Warden Stark would accept donations from the HSUS again if he thought the opportunity was right.

The creditability of the DNR or trust in the DNR has taken a big hit because of this arrangement.

Councilors felt that Randy didn't realize what this action would do to the creditability of the DNR.

The WTA is hosting the NTA national convention in Marshfield this year and they are getting flack from vendors and other state organizations because of what the DNR did with one of the trapping communities' biggest enemies. Some organizations and vendors are talking of boycotting the event.

Chairman Harvey summarized by saying that HSUS, and HSUS members have every right to participate in the rule making process. We would be wrong to try to exclude them from that process. We are not able to prevent them from posting rewards for "thrill killing" cases, as they have done in the past. The department's past practice of requiring that those rewards to be independently offered, and that the money not be handled by the department is appropriate. However, even though HSUS independently purchased air time for the public service announcements, and the department never accepted money from them, the arrangement, or agreement which was entered into with HSUS is in no way appropriate.

Finishing member matters;

Chr. Harvey asked for suggested names to be nominated represent the WCC on a Legislative Council

Committee that is going to look into MFL programs.

Puhl made a motion that the Congress send a letter to DNR/NRB recommending against future arrangements, agreements, or partnerships with HSUS. 2<sup>nd</sup> was made by Miller.  
MOTION CARRIED.

Puhl made comments about the mountain lion in Juneau Co. and how it has killed some sheep and maimed a horse.

Hauge- Commented that the DNR wanted to euthanize the cat but the Madison zoo would like the cat. We think these cats are dispersing from the cat population in the Black Hills in North Dakota, the cats are finding out that there is good habitat here in Wisconsin. This particular animal seems to be a 2 year old male and is showing that it is capable of living here.

Puhl- If a person kills this cat will they go to jail?

Hauge-No

Stark- A person has the ability to protect himself and his property especially if it is endangering the public.

Brown- His committee had a very informational meeting at the annual convention. His committee is recommending that they and the DNR continue working on Appendix J for the Wolf management plan.

Kari- She needs the dates and places for all district meetings by June 11<sup>th</sup>.

Kirchmeyer- Linda Oliver is the acting Bear biologist for the time being. Would like to either have an informational meeting for all Chairmans/Co-Chairmans and Secretaries so they are reminded of our code of procedures, Roberts Rules of Order and the responsibilities of these positions so we do not have problems like we did this past year. Suggested that from now on resolution numbers which are given to resolutions at the spring hearings stay with that resolution throughout the life of that resolution/question right through the approval by the DNR and the NRB so it can be tracked for the 2 or so years it take to become a rule or code change, this will enable the original author to track the resolution/question throughout its life.

Motion to adjourn at 4:40 P.M. was made by Al Phelan 2<sup>nd</sup> was made by Shook.  
MOTION CARRIED.

Respectfully Submitted By;  
Richard Kirchmeyer Sec WCC

