

Wisconsin Conservation Congress

Migratory Committee

Meeting Minutes



ORDER OF BUSINESS	December 8, 2012	9:30 AM	Portage County Public Library Stevens Point
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I. ORGANIZATIONAL MATTERS

A. CALL TO ORDER

MEETING CALLED TO ORDER BY	Chairman Richard Koerner at 9:31
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B. ROLL CALL

ATTENDEES	Richard Koerner, John Edelblute, Mitchell Fisher, Rick Koenig, Art Malin, Alan Harrison, Tim Morgan, Alan Suchla, Ray Heidel, , Jeanna Mielcarek, Paul Gettelman, Todd Cook, Richard Becker, Jeff Scott, Ronald Earnest, Al Shook, Kent Van Horn - DNR, James Christopoulos DNR, and DNR Warden Todd Schaller
EXCUSED	Herb Theisen, Jerry Merryfield
UNEXCUSED	Noel Dolde, Troy Klessinger
GUESTS	Rob Bohmann, WCC Chairman
	Larry Koy of Portage County author of resolution number 500412 regarding Open Water Concealment
	Josh Hennlich, Milwaukee, WI regarding Swan Hunting resolution number 200412

C. COMMENTS FROM COMMITTEE CHAIRMAN KOERNER

DISCUSSION	Koerner spoke to the group about Herb Theisen; he is in ill health will resign from the congress.
ACTION	The chairman asked for a round of applause for 44 years of service to the Congress. Among his many accomplishments, Herb was chairman of the migratory committee for many years.

D. AGENDA APPROVAL/REPAIR

DISCUSSION	No amendments to the agenda
ACTION	Motion to approve agenda by Al Shook, second by Paul Gentleman, Motion carried

E. REVIEW COMMITTEE MISSION STATEMENT

DISCUSSION	<p style="text-align: center;">Migratory Study Committee Mission Statement</p> <p style="text-align: center;"><i>The mission of the Wisconsin Conservation Congress Migratory Committee is to represent the Stake Holders of Wisconsin by working with the Natural Resources Board and the Department of Natural Resources to effectively manage Wisconsin's local ducks and geese, as well as migrating ducks, geese, swans, and other migratory birds for present and future generations to enjoy.</i></p>
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ACTION	None
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F. PUBLIC COMMENTS

DISCUSSION	Chairman Koerner told the group that the author of resolution 130112, regarding a 5 year period without legislation for sandhill crane hunt, is planning on attending the meeting but is running late.
ACTION	Koerner said we would give him an opportunity to speak as long as he was here before the committee needed to take action on the resolution.

G. PUBLIC COMMENTS

DISCUSSION	Larry Koy, Portage County, author of resolution 500412, "Open Water concealment eliminate emergent vegetation, hunt near shore," spoke about his resolution.
ACTION	Chairman Koerner reminded the committee that this was a time for public comment and that discussion of the resolution would follow later in the meeting.

H. PUBLIC COMMENTS

DISCUSSION	Josh Hennlich, Milwaukee, WI spoke on the resolution on swan hunting resolution number 200412.
ACTION	The Committee had questions and they were deferred to Kent and at this time gave a presentation regarding swan hunting.

II. INFORMATION & ACTION ITEMS

A. DEPARTMENT UPDATES – POSSIBLE FUTURE CHANGES TO THE HORICON ZONE

KENT VAN HORN

DISCUSSION	<p>Wisconsin is part of the Eastern population of Tundra Swans that have been hunted since 1983, nearly 30 years. The states to our east and west, MT, SD, ND, NC and VA share 9600 permits with an average harvest 3313. States have the ability to put together a program and apply for a portion of the quota. The eastern population has been increasing over the past 45 years. Wisconsin would have to propose a lottery based program and permit. We need legislation approval to set up the season. The WI legislature would have to pass a law to give approval to the DNR set up a season.</p> <p>Trumpeter swan concerns: WI is in the process of restoration, MN population is still threatened, and WI took them off the state endangered list 3 years ago in 2009. We would have to set up zones or some way to protect them. Biggest migration is through the Mississippi river area. Northern Wisconsin is the largest breeding area of the state. Peak migration of the trumpeter swan is mid Oct. to late November. Most Tundra's are seen on Mississippi River. The last 3 years peak counts were 78k, 13k, 33k, and 15k tundra swans seen on green bay late November. We could clearly create zones in the state to set a tundra swan season.</p>
ACTION	None

B.

DISCUSSION	Kent gave a presentation on the brown headed cowbird resolution and stated that the cowbird can be controlled with current USFWS regulations. Trapping is allowed under federal law and people should contact the USFWS for information on controlling this parasitic bird. The bird dumps its eggs in other birds nest boxes, bluebird houses, wren houses.
ACTION	None
PERSON(S) RESPONSIBLE	
DEADLINE	

III.

C. RESOLUTION #060312- CONTROL OF BROWN-HEADED COWBIRDS

DISCUSSION	<ul style="list-style-type: none"> "Would you support a collaborative effort between the WNDR and USFWS and NRCS so as to allow individuals and conservation groups to engage in control activities?"
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	Al Shook there is an avenue to deal with this and we do not need state regulations to deal with this issue. Based on Kent's presentation.
ACTION	Al Shook motion to reject, Ron Ernest second – Motion to reject carried Cook, motion to break, second by Al Shook to take a 10 minute break, motion carries. Motion carries, meeting stopped for break at 10:34 Reconvened at 10:48
PERSON(S) RESPONSIBLE	DEADLINE

D. CRANE PRESENTATION BY DNR

KENT VAN HORN

DISCUSSION	John Herbst author of the crane resolution #130112 is not here yet so we are moving on to Kent presentation on cranes. Kent told the author in a discussion before the author introduced the resolution, that it was not the intent of any hunt to regulate cranes as a means to lessen crop damage. A fall hunt is not going to affect spring crop damage. The population is 72K. There are kill permits issued for crop depredation; about 250 were shot in the spring of last year for crop depredation. The next step is to move along with the legislation as it is already written and ready to be introduced. Rep. Joel Kleefisch (vice chair of the natural resources committee (assembly) is the author of the bill and would be presenting the bill late winter early spring 2012.
ACTION	None
PERSON(S) RESPONSIBLE	DEADLINE

E. RESOLUTION #130112- 5 YEAR PERIOD WITHOUT LEGISLATION FOR SANDHILL CRANE HUNT

DISCUSSION	<ul style="list-style-type: none"> “Recommends that the DNR advise the legislature to avoid crane hunting legislation introductions for a 5 year period to evaluate other measures for the crane management plan” <p>Some discussion, the process has already be approved by the congress process and voted 2 to 1 to approve.</p>
ACTION	Motion to reject crane resolution by Todd Cook, second by Al Harris, Motion to reject carried
PERSON(S) RESPONSIBLE	DEADLINE

F. PRESENTATION ON THE OPEN WATER CONCELMENT ISSUE

TODD SCHALLER

DISCUSSION	<p>Todd Schaller, DNR warden, gave a presentation regarding the concealment resolution. By removing the emergent vegetation language and vegetation rooted to the bottom removed will effectively address the issue. From law enforcement view, part of the problem would be that hunters may back their boat up to some ones mowed grass back yard. However, the vegetation height would address this. The change would help simplify the rule and increase opportunity.</p> <p>Schaller presented the following changes to the existing rule: NR 10,001(20) “Open Water” means any portion of a navigable water body which does not contain a naturally occurring growth of emergent-vegetation rooted <u>vegetation</u> to-the-bottom that provides all of the following:</p> <p>(a)</p> <ol style="list-style-type: none"> The vegetation is of sufficient height and density to conceal at least 50% of the hunter and the boat, blind or similar device within or behind the natural growth of vegetation when viewed from at least one direction horizontally and parallel to the water surface from a height of approximately 3 feet above the water level. The vegetation that provides the 50% concealment extends above the water surface to a height at or above the gunwales or sides of the boat being used as a blind or hunting location and shall be within 3 feet of the exterior of the boat , blind of similar device. <p>(b) In this subsection, “naturally occurring growth of emergent vegetation” does not include naturally occurring dead stumps or trees or vegetation placed in the bottom by a person. Note: Vegetation that is naturally rooted to the bottom other than dead trees or stumps may be dead or alive, but shall still provide the required minimum 50% concealment when hunting is occurring.</p>
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ACTION	None
PERSON(S) RESPONSIBLE	DEADLINE

G. #500412, 700212- DEFINITION OF OPEN WATER HUNTING (CONCEALMENT ISSUE)

DISCUSSION	<ul style="list-style-type: none"> • <i>“Recommends the Congress work with DNR to correct this situation by introducing a rule change that would include in the definition of open water wording that would allow hunting within 3ft of a naturally vegetated shoreline which provides 50% concealment to the hunter, boat, blind or similar device”</i> • Author wants to allow hunting near vegetated shorelines instead of limiting to emergent vegetation.
ACTION	Motion by Todd Cook, second by Al Shook, to reject the resolution so that it may be amended to the language that was presented to the committee by the DNR, then the committee can rewrite the question at a later time and 700212, motion to reject carries
PERSON(S) RESPONSIBLE	DEADLINE

H. #500412, 700212- DEFINITION OF OPEN WATER HUNTING (CONCEALMENT ISSUE)...CONTINUED

DISCUSSION	Discussion continued on how to amend the regulation to include hunting near shoreline while maintaining the spirit or intent of the law which is to provide protection for ducks resting in open water. Committee members also asked for wording that would allow hunting next to shore.
ACTION	<p>Al Harrison motion to rewrite the question to the language as presented by The DNR and modified by the committee and with the approval of the author, Jeff Scott second</p> <p>The question: “There has been much discussion over the problems with the current concealment rule for waterfowl hunters. To resolve these problems, would you be in favor of the following rules?</p> <p>NR 10,001(20) “Open Water” means any portion of a navigable water body which does not contain a naturally occurring growth of vegetation that provides all of the following:</p> <p>(a)</p> <ol style="list-style-type: none"> 1. The vegetation is of sufficient height and density to conceal at least 50% of the hunter and the boat, blind or similar device within or behind the natural growth of vegetation when viewed from at least one direction horizontally and parallel to the water surface from a height of approximately 3 feet above the water level. 2. The vegetation that provides the 50% concealment shall be within 3 feet of the exterior of the boat, blind of similar device. <p>(b) In this subsection, “naturally occurring growth of emergent vegetation” does not include naturally occurring dead stumps or trees or vegetation placed in the bottom by a person.</p> <p>Motion to rewrite the question carries</p>
PERSON(S) RESPONSIBLE	DEADLINE

I. LUNCH BREAK

DISCUSSION	Committee to take lunch break
ACTION	Motion by Todd cook to recess for lunch break, second by Ray Heidel motion carries Break at 11:52 am Reconvene at 12:16
PERSON(S) RESPONSIBLE	DEADLINE

J. #050112 (200412, 630112, 670612, 680112) HUNTING SEASON FOR TUNDRA SWANS

DISCUSSION	The resolution 050112 was up for discussion before a motion was made regarding the issue. There was concern about introducing this question state-wide at the same time the legislature would be debating a sandhill crane season. Other members disagreed and said we should move forward with the resolution.
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ACTION	Motion by Paul Gettelman to advance the resolution second by Tim Morgan, Motion to advanced carried
PERSON(S) RESPONSIBLE	DEADLINE

IV. OTHER INFORMATION & ACTION ITEMS

K. DEPARTMENT UPDATES – 2012 WATERFOWL SEASON REVIEW

KENT VAN HORN

DISCUSSION	<p>Wherever there was water there where ducks.</p> <p>Early goose season 3rd highest harvest ever. Great wild rice and there was great feedback from the Mississippi River.</p> <p>Kent received lots of comments about the split in the northern zone, most of them were negative early in the fall, later comments were somewhat positive. The committee had some comments regarding the north zone split, most of the feedback was that they liked the split but wanted it moved up into October.</p> <p>Other complaints and comments were that duck hunters were surprised by the split and were not aware of the hearing around the state that allowed public input. Some committee members think we should do a better job of informing the public of the rule process and proposed season.</p> <p>Much discussion on splits, pros and cons, bottom line you can't please everybody. Kent may suggest in the future closing the season for the first 5 days of the gun deer season and then opening up Thanksgiving day.</p>
ACTION	None

L. OPEN WATER LAKES- NEXT STEPS

DISCUSSION	<p>Open Water Lakes- Next Steps</p> <ul style="list-style-type: none"> - Draft a rule and economic impact assessment, for Jan 2013 NRB and spring hearings - Assuming support at spring hearings, the NRB would approve a permanent rule in May 2013 - Summer 2013 the rule would undergo legislative review and public feedback during normal summer waterfowl rule process - Assuming support, the 12 new lakes open via emergency rule in fall 2013. The permanent rule would go into effect later in fall 2013 <p>Waterfowl Hunting Season Rule – Present</p> <ul style="list-style-type: none"> • Permanent rule change now takes 2 years instead of 1 year • Still need to pass an emergency rule each summer to implement hunting season • However, permanent rule needs to be "on the books" • So every 2 years we will pass a permanent rule which may read different from current emergency rule
ACTION	None
PERSON(S) RESPONSIBLE	DEADLINE

M. DISCUSSION ON HORICON ZONE REDUCTION – RULE CHANGES

DISCUSSION	<ul style="list-style-type: none"> - Local staff - May 2012 - Migratory Game Bird Committee – June 2012 - Wildlife Policy Team – July 10 - La Crosse – July 12 - Pre-Flyway (Horicon) – July 13 - WCC Migratory Committee – July 28 - Post-Flyway – July 28 - Public Hearings – Late July-August - DNR Migratory Committee- Oct 25
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	<p>Fall 2014 for Implementation</p> <p>Public input steps</p> <ul style="list-style-type: none"> • Question on Horicon Zone hunter survey Hwy 23/73 on Horicon Mail Survey • Public Hearings on permanent rule change through summer 2013 hearings for 2014. • Advisory question on 2013 spring hearings • Cannot go with E-rule for 2013 because folks would have already purchased Horicon Permit. <p>Change to Harvest Reporting</p> <p>Horicon Zone</p> <ul style="list-style-type: none"> • Add 1-800 reporting and phase out mail survey – more efficient and comparable data • A rule change to NR 10 will be needed • Propose with permanent rule order in 2013 for implementation in 2014. 	
ACTION	None	
PERSON(S) RESPONSIBLE		DEADLINE

V. MEMBERS MATTERS

DISCUSSION	John Edelblute stated that he killed his first duck on November 1, 1952 and has been duck hunting for 60 years. That is quite the accomplishment; congratulations John! Mitch Fisher stated that he was concerned about the potential increase of the Federal Duck Stamp, that if passed, the new legislation would raise duck stamp to \$25. Kent Van Horn thanked the committee for all it's hard work and said that he has enjoyed working with the committee very much.
ACTION	Motion to adjourn by Ray Heidel, second by Dick Becker Motion to adjourn carried

VI. ADJOURNMENT

MEETING ADJOURNED	1:48 pm
SUBMITTED BY	Mitchell Fisher
DATE	December 31, 2012

Attachment One: Waterfowl Hunting Concealment Rule

WATERFOWL HUNTING CONCEALMENT RULE

There has been much discussion over the various problems over concealment of boats and blinds with the current concealment rule for waterfowl hunters. To resolve these problems, would you be in favor of the following revised rule?

“Open water” means any portion of a navigable water body which does not contain a naturally occurring growth of vegetation that provides all of the following:

1. The vegetation is of sufficient height and density to conceal at least 50% of the hunter and the boat, blind or similar device within or behind the natural growth of vegetation when viewed from at least one direction horizontally and parallel to the water surface from a height approximately 3 feet from above the water level.
2. The vegetation that provides the 50% concealment shall be within 3 feet of the exterior of the boat, blind or similar device.

Do you support this simplified rule?

YES_____

NO_____

Attachment Two: Swan Hunting Question

TUNDRA SWAN SEASON

- * The Tundra swan is the most common swan in North American and has very few predators.
- * Wisconsin is within the range of the Eastern Population of Tundra Swans and could develop a state tundra swan hunting proposal for consideration at the flyway and federal level.
- * Tundra swans tend to favor larger bodies of water in great numbers as compared to the Trumpeter swans, which commonly stay in smaller groups and prefer smaller ponds and marshes.
- * The Trumpeter swan is well established as a breeding swan in Wisconsin and was removed from the state endangered list in 2009.
- * Studies have shown Tundra swan population numbers are currently rising, even with hunting allowed in other states.
- * Each year we have tens of thousands of Tundra swans migrate through Wisconsin with recent peak population counts on the Mississippi River of over 30,000 swans.
- * Wisconsin could benefit from allowing a hunt unique to very few other states.

Are you in favor of the Wisconsin Conservation Congress asking the Wisconsin Legislature to give the Wisconsin Department of Natural Resources authority to develop a hunting season for Tundra Swans?

YES _____

NO _____