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## NATURAL RESOURCES BOARD

### MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, January 23, 2013 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 1-7. The meeting adjourned at 12:41 p.m.

#### ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	Preston Cole – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	David Clausen – present
Greg Kazmierski – present	

1.B. Approval of agenda for January 23, 2013

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

1.C. Approval of minutes from December 11-12, 2012

**Chair Clausen** thanked Laurie Ross, Board Liaison, for the extra effort that went into drafting the December minutes.

**Dr. Thomas MOVED approval, seconded by Mr. Kazmierski. The motion carried unanimously.**

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

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

3. Action Items

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

None

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

3.B.1 Request approval to designate a unit of the Bailey's Harbor Boreal Forest and Wetlands State Natural Area, Door County, in honor of Jonathan P. Ela

**Kurt Thiede**, Land Administrator, stated it was his honor this morning to request Board approval to designate a state property in the name of one of your own. On October 31, 2012, former Board Chairman and lifelong conservationist Jonathan P. Ela lost his courageous battle with cancer but left behind a lifelong legacy of environmental advocacy and statesmanship. By the symbol of our gratitude for Jonathan's commitment to our state's precious resources, today we request the Board's approval to designate the Jonathan P. Ela Unit of the Bailey's Harbor Boreal Forest and Wetlands State Natural Area in Door County in his honor. This State Natural Area lies along the shore of Lake Michigan in Door County and was established in 1995 to protect northern forests in balsam fir, white spruce, pine, white cedar, paper birch, which are characteristics of the forests

found prior to European settlement in this area. Orchids and several species of plants find refuge in this cool, moist climate which is influenced by the cold Lake Michigan waters. The beautiful, federally-threatened Dwarf Lake Iris is one said plant. The preserve includes more than 1.5 miles of exceptionally scenic shoreline along the lake and Spike Horn Bay. Migratory shorebirds and waterfowl are attracted to the undeveloped shoreline and boreal forest birds such as the Blackburnian Warbler and Merlin nest in the adjacent woodlands. The Jonathan P. Ela Unit of the property will encompass the eastern most portion of this 463 acre State Natural Area including a stretch of rocky shoreline and sand beaches at Spikehorn Bay, a place, as we understand it, Jonathan frequented as a youth while spending summers at his family's retreat on the Peninsula. The Jonathan P. Ela Unit of the Bailey's Harbor Boreal Forest and Wetlands State Natural Area will serve as a lifelong reminder to current and future generations of Wisconsinites that the beautiful landscapes, plentiful fish and wildlife, clean and fresh water, require informed and persistent actions by each of us working together at every opportunity. He then introduced Mary Ellen Vollbrecht and invited her to speak. She was the department's Executive Assistant while Jonathan was Board Chair to share some thoughts and memories of Jonathan's life.

**Mary Ellen Vollbrecht**, Groundwater Section Chief, stated she was humbled and honored to represent one of the many people who were inspired, taught, influenced, and enjoyed the benefits of knowing and working with Jonathan Ela. Today it is not unusual to make a professional career in environmental protection in either public or private sectors. In 1968 when Jonathan began his career he was among the first – working for Senator Gaylord Nelson who brought awareness of the need to protect our air, land, and water to the entire nation. Jonathan had been working on Alaska Lands, protecting the Boundary Waters, California Redwoods, Clean Air and Clean Water Acts at the national level for the Sierra Club for about 10 years when she met him as a UW student. He persevered in his work in the country and region, beginning work on issues on the Mississippi River and bringing to people through his book "The Faces of the Great Lakes" an early knowledge and warning of the challenges facing our greatest fresh water resources.

Appointed by Governor Doyle to the NRB in 2003, Jonathan brought that same knowledge, energy, enthusiasm, and his analytical skill. As any staffer knows who brought a rule before the Board during his tenure, you needed to know your facts. Jonathan took a briefing on nearly every single issue and listened to every person who wanted to bring issues and information to him. He made you walk through the scientific and policy mechanisms of every proposal, understanding how they worked and asked you questions if he thought they would not. He listened and paid attention to representatives of all perspectives, asked and advocated for measurements of environmental results. His tenure on the Board and his Chairmanship in the last three years were marked by fairness and transparency, equal time for all, asking tough questions of all points of view, and always, always helping raise awareness at the hallmark of his career. She thought back to the Mercury seminars, the CWD committee, and some of the thorny issues on use and access to public lands. It was never too much work for Jonathan to listen and learn. When the answers were in, he would advocate for action and move forward one way or another.

It is fitting that a State Natural Area, what we use as a measuring stick for our preservation our care of the state's resources and a place for learning is going to be our living reminder of the career and dedication and benefits that Jonathan Ela has brought to the state of Wisconsin through his work with the Sierra Club and the Natural Resources Board. She urged the Board's adoption of the designation. **(PowerPoint)**

#### **Public Appearances:**

1. **Shahla Werner**, Madison, representing Sierra Club – John Muir Chapter. She spoke in support of item 3B1, designation of a unit of Bailey's Harbor boreal forest and wetlands State Natural Area in honor of Jonathan Ela. She stated that although she did not know Jonathan as well as some of you in the room, she is forever thankful for the mark he left on the organization she works for, and she is grateful for the time she did get to spend with him. Jonathan's vital work for the Sierra Club included serving on our National Board, establishing their Midwest office, protecting the Mississippi River and making environmental issues true election priorities.

She is also deeply appreciative of the critical role he played on the Natural Resources Board where he helped enact strong rules to control Mercury emissions from coal plants and worked to adopt the strongest nutrient rules in the country to control algal growth that impairs our lakes.

He helped their organization become the effective citizen's conservation powerhouse that it is today. What is more, he did it with a smile and a sense of levity that makes all impossibly hard tasks seem more palatable, possible, and even fun. He was a true conservation icon who shares company with other legendary Wisconsin denizens, from Gaylord Nelson to John Muir to Aldo Leopold, and he will truly be missed.

After this meeting she will head to the Capitol to attend a public hearing. She knows Jonathan would be pleased to see all the citizens who will be speaking out in favor of protecting Wisconsin's water, from Lake Superior to the Kakagon Sloughs to the Bad River.

She commended the Board for proposing this designation. She looks forward to the day sometime soon, but in warmer weather, when she can visit this beautiful area of Door County with her family and plan a special Sierra Club Outing to this special place to honor Jonathan's memory. Thank you again for proposing this designation.

The following were in attendance to support the designation to honor Jonathan P. Ela: Trish Stocking (Jonathan's wife), Mary Jean Huston, Rebecca Smith, Trish Stocking, Cary Moon Reich, Cate Harrington, John Wagner, Michele Kille, Rob Pflieger, Stephanie Judge, Rodney Walter, Todd Ambs, Beth Wentzel, and Steve Hiniker.

**Dr. Thomas MOVED approval, seconded by Ms. Wiley.**

**Chair Clausen** stated that he had not met Jonathan before he served on the Board. Jonathan was welcoming and kind. He was his mentor. A lot of times he measures things that he gets involved in by the quality of the people that he meets because those things go on long after. Meeting Jonathan was one of the best things that happened to him on this Board. He was grateful to be called his friend.

**The motion carried unanimously.**

**Chair Clausen** invited Trish Stocking to the podium. He then read and presented the Board's resolution to Ms. Stocking:

**“WHEREAS:** Jonathan P. Ela's career in conservation and environmental protection began in 1968 in the office of Senator Gaylord Nelson. In 1969, he began his long association with the Sierra Club - the national conservation organization founded in 1892 by John Muir.

**WHEREAS:** In 2003 Jonathan was honored to be Governor Doyle's first appointee to the Natural Resources Board, which establishes policy and enacts administrative law for the Wisconsin Department of Natural Resources. He served for 8 years and was elected Chair by his fellow members in January 2010.

**WHEREAS:** During Jonathan's tenure on the Natural Resources Board more than a quarter-million acres of land were protected and made accessible by state purchases approved by the Natural Resources Board. In addition, special accomplishments included passage of a strong rule reducing mercury emissions into the air and one of the nation's strongest rules to limit phosphorus pollution of lakes and streams, to name just a few. Jonathan independently travelled the state to see first-hand lands proposed for investment, to share user experiences and to understand issues.

**WHEREAS:** To everything he touched Jonathan brought intelligence and analytical skills, fairness and ability to look at all sides of an issue, warmth and generosity of spirit, and especially his sense of humor. He leaves a legacy not only of conservation and environmental accomplishment but also of all the people whom he has mentored, trained, influenced, worked with, and befriended along his path.



Do you favor opening the muskrat and mink season statewide beginning on the third Saturday in October and continuing through the Sunday nearest March 7, except that season dates would not change in the Mississippi River Zone?

4. Yes \_\_\_\_\_ No \_\_\_\_\_

**QUESTION 5. Establish that, when the bear hunting season is open, hunting hours apply to people who are training bear hunting dogs as well as to people who are hunting bears.**

Currently, there are no restrictions on the time of day for training dogs used to hunt bears. In the past, training dogs by trailing wild bears was not legal during the hunting season for bears. With the passage

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of ACT 28, training dogs to pursue wild free-roaming bear is also allowed whenever the season is open for hunting bear with dogs.

This proposal will require that all bear pursuit activities take place only during daylight hours (normal bear hunting hours) when the bear hunting season is open in order to eliminate the need for conservation wardens and others to determine who is hunting and who is only training dogs to pursue bear. Consistent hours for hunting and training activity also addresses fairness concerns between groups of people who are pursuing the same species in the same areas.

Bear dog training typically is done during daylight hours so this will not result in a significant loss of dog training opportunity.

5. Do you favor establishing that, when the bear hunting season is open, it is only legal to train dogs to pursue free-roaming wild bear during the same hours that are legal for hunting bears?

5. Yes \_\_\_\_\_ No \_\_\_\_\_

**QUESTION 6. Establish that certain traps placed for weasels need to be checked by the trapper every four days instead of daily (2014).**

Trappers in Wisconsin normally use enclosures to trap weasels in winter. These enclosures are generally a shoebox sized container with small opening on one end, a body grip trap positioned near the front of the enclosure by the opening, and bait placed in the rear of the enclosure. These trap types were found to meet humane standards, with weasels usually expiring soon after entering the enclosure. Because this is a dry land set, it currently needs to be checked daily. Some trappers would like to have more time to tend these specific types of traps.

Weasels in these enclosed, body grip traps in winter expire quickly, are chilled and preserved, out of sight from the public and unavailable to scavengers. If the enclosure is securely fastened to an immovable object, any non-target species that could reach through the small opening with a front paw could pull it out without harm.

6. Would you support allowing trappers four days to check weasel enclosures if the enclosure meets the following requirements:

- The opening is not larger than 1 3/8 inches diameter (this size restriction would specifically target weasels and effectively eliminate the accidental take of other furbearers including the American marten)
- The enclosure set uses a bodygrip trap

- The enclosure is secured to an immovable object to allow non-target furbearers to self-release without harm?

6. Yes \_\_\_\_\_ No \_\_\_\_\_

**Ms. Wiley MOVED approval, seconded by Mr. Kazmierski as amended. The motion carried unanimously.**

- 3.B.3 Request authorization for public hearing for Board Order FH-18-12, the Fish and Wildlife Spring Hearing Rule, regarding recreational fishing regulations on inland, outlying, and boundary waters  
**Kate Strom Hiorns**, Fisheries Policy Specialist, stated this proposed rule will make changes to fish size limits, bag limits, seasons, and other regulations related to fishing in inland, outlying, and boundary waters. She then reviewed the statewide proposals and individual lake proposals. She asked the Board to authorize public hearings for Board Order FH-18-12. **(PowerPoint)**

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

- 3.B.4 Request authorization for public hearings on Board Order ER-27-11, relating to revision of Chapter NR 27, Wis. Adm. Code, pertaining to the Wisconsin Endangered/Threatened Species List  
**Erin Crain**, Endangered Resources Bureau Director, reviewed the seven animals and nine plants proposed for delisting, as well as the eight animals proposed for listing. She then reviewed the Economic Impact Analysis (EIA) and the locations of the three proposed hearing locations. She requested that the Board authorize public hearings for Board Order ER-27-11. **(PowerPoint and Handout)**

Discussion followed on the leaf hopper species being proposed for the endangered list and whether this species will affect agriculture damage as well as where the leaf hoppers fit into the food chain.

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

- 3.B.5 Request approval of bear harvest quotas for the 2013 season  
**Kevin Wallenfang**, Big Game Ecologist, and **Brad Koele**, Wildlife Damage Specialist, gave a joint presentation. They reviewed the number of bear complaints from 2007 – 2012, WDACP bear enrollments from 2008 – 2012, the number of bears trapped and relocated from 2009 – 2012, the number of bear shooting permits issued and number of bears removed from 2006 – 2012, WDACP appraised acres damaged by bear from 2006 – 2011, WDACP appraised bear damages from 2008 – 2011, the 2012 bear harvest and harvest numbers by: zone, method, and property type. They then reviewed youth opportunities, the tetracycline-based population estimate, 2011 preliminary results, 2013 quota setting considerations, recommendations for Zones A, B, C, and D, the proposed 2013 bear season quotas and permit levels, bear permit history from 1993 – 2013, baiting effort, rib samples, marked bears in the 2011 harvest, and modeled bear populations estimates vs. bait station trends from 1985 – 2012. They requested that the Board approve the bear harvest quotas for the 2013 season. **(PowerPoint and Handout)**

Discussion followed on the specifics of the shooting permit and how many bears can be shot, whether trapping and moving bears makes sense, why farmer complaints seem to be increasing, whether hunters can get involved in filling damage permits handed out to farmers, rumors that hunters are going to farmers and asking them to get bear damage permits so they can hunt, rumors that hounds are being used during training season, whether complaints are tracked from farmers on a year-to-year basis, Ray Anderson's study in the 1990's on trapping and removal of bears, why all bears being relocated are not tagged, whether sows with cubs can be killed on a bear damage permit, and how confident the department is in their population numbers.

**Mr. Hilgenberg** asked the department to further study the shooting permit aspect of the bear damage program and come up with a proposal to modify the existing program to help put the tags in the hands of hunters so that one individual will not be allowed to harvest multiple bears while many hunters go 8 years without being able to harvest more than one.

Discussion followed on how many farms are being talked about, whether the department can spread tags out to people on the list problem areas with advance notice to hunters, preference point issues, whether the department would be giving the appearance of anything that would look like an early bear season, whether the department is feeding a system by moving bears around, and whether this could open the department up for people wanting to harvest deer earlier as well.

**Rob Bohmann**, WI Conservation Congress Chair, asked permission from the Board Chair to speak.

**Rob Bohmann** referred to the stakeholder group from a few years ago that discussed the agriculture tag program. The committee had discussed the farm that Brad Koele referred to in his presentation. In the last three years, they have either relocated or harvested between 120-150 bears in that area. If these farms are receiving money from the state for agriculture damage, then should the state have the opportunity to say who can hunt those properties or issue a tag? Their committee recommended a question be added to the questionnaire asking just that.

**Mr. Kazmierski** added that hunting with dogs should be considered in the proposal as well.

**Dr. Thomas** cautioned that the use of dogs will move bears to neighboring property, onto public lands, hunting on public lands in the ceded territories, hunting when people are recreating, camping. This could open a can of worms.

**Mr. Cole** asked staff to keep an eye on the product. If successful, the cost of moving bears all over the state will get reduced, damage to agriculture land gets reduced, and subsequently the cost of the state paying out for the damage gets reduced.

Discussion followed on how much the department pays out on bear damage claims and the costs of trapping and moving bears.

**Mr. Thiede** stated the department would look into Terry's concerns and review the option of using dogs. There is going to be that balance point for tolerable levels of damage. The department will seek out the balance as to what is acceptable because damage is going to occur. It is at what level, that damage is tolerable or at least manageable; as we need to balance recreational hunting opportunities, population management and damage mitigation in our final recommendations. Mr. Thiede also clarified that any early harvest opportunities would be done under the goal of addressing nuisance and damage situations. No early hunting seasons would be considered as part of the proposal.

**Mr. Hilgenberg** congratulated Mr. Koele on his first appearance before the Board.

Discussion followed on the mid-2005 numbers and whether they were equated to what they were by zone and whether this would provide hunting opportunity that was offered in mid-2005, and that every female bear added to the UW-Stevens Point study in the last three years has been shot during the first season.

**Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski. The motion carried unanimously.**

3.B.6 Request approval of the Ice Age Complex at Cross Plains Master Plan

**Dan Schuller**, Parks and Recreation Bureau Director, **Jeff Prey**, Program and Planning Analyst, and **John Madden**, National Park Service gave a combined presentation. They reviewed the

partnership efforts, land ownership, purpose and significance of this area, the Ice Age Scenic Trail, the number of people living within a 30 minute drive, preferred alternative concept, the Ice Age Complex, interpretation and education, conservation of resources, recreational opportunities, hunting opportunities, boundary adjustment, future headquarters for the Ice Age National Scenic Trail, and draft plan for public meetings. They requested the Board approve the Ice Age Complex at Cross Plains Management Plan. **(PowerPoint)**

Discussion followed on the ongoing maintenance costs and whether usage will be sufficient to pay costs of operation, the significant value of volunteers, whether an interpretive center also is planned to be built in Baraboo, and the prior use of the two parcels that were previously outside the property boundary.

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

3.B.7 Land Donation and Project Boundary Modification – Totogatic Wild River – Washburn County

**Dr. Thomas MOVED approval and to acknowledge the donation, seconded by Mr. Cole. The motion carried unanimously.**

3.B.8 Land Donation – Kinnickinnic River Fishery Area – St. Croix County

**Mr. Hilgenberg MOVED approval and to acknowledge the donation, seconded by Dr. Thomas. The motion carried unanimously.**

3.B.9 Briefing - Wisconsin Conservation Congress (WCC) 2013 Spring Hearing Advisory Questions

**Rob Bohmann**, Wisconsin Conservation Congress Chair, stated that the WCC Executive Council met on January 4-5, 2013 in Rothschild to receive study committee reports and recommendations, review department proposed rule changes, and consider advanced citizen resolutions for possible inclusion in the DNR and WCC Annual Spring Hearing Questionnaire. He recognized and thanked Jane Wiley and Bill Bruins for their presence at the two day meeting. He then thanked Tom Hauge, Mike Staggs, Randy Stark, and their staff members for the time that they all put in to participate in this process.

The Congress Executive Council advanced 31 advisory questions to the Annual Spring Meeting for citizens to weigh in on. He reviewed questions: 3-backtag requirements, 4-definition of artificial lights allowed for predator hunting, 7-statewide bobcat season, and 8-simplify season framework. He then stated that there are also questions asking the public for their input on registering non-motorized boats, revising the waterfowl concealment rule, allowing the harvest of minnows on VHS waters, and a number of questions relating to youth (stamp requirements and age requirements for youth hunts).

Finally, the Executive Council elected to place a question on the questionnaire asking the public for further input on the issue of the implementation of Act 168 and hunting and trapping in state parks. They recognize that this issue is highly emotional and that you heard testimony from many individuals with a wide range of perspectives prior to approving the current plan. They appreciate that this was a difficult decision and respect your position. However, as is often the case with natural resource issues and was discussed at the Board's December meeting, this is an issue that should be monitored closely and perhaps may need to be revisited and expanded based on feedback and actual results from the implementation of this law.

Discussion followed on the clarification between the responsibilities of the WCC and the Hunting Heritage Council.

**INFORMATION ITEM – NO ACTION WAS TAKEN**

3.C. Scope Statements

3.C.1 Request approval of the statement of scope for Emergency Board Order FH-23-12(E) relating to lake trout harvest limits as required by the State-Tribal Lake Superior Agreement

**William Horns**, Great Lakes Fisheries Specialist, stated that the lake trout population appears to be declining. Harvest limits are subject to a negotiated agreement with the Bad River and Red Cliff Bands of Lake Superior Chippewa. New limits were negotiated in October of 2012. Harvest limits in Ch. NR 25 must reflect the negotiated agreement. He then stated that statutes guiding permanent rule-making do not allow timely adjustment of harvest limits, hence the need for an emergency order. He requested the Board approve the statement of scope for Emergency Board Order FH-23-12(E).

**Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg. The motion carried unanimously.**

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

None

5. Board Members' Matters

**Mr. Bruins** asked staff whether they have sufficient direction from the Board on the bear depredation issue and whether it would be helpful to add an advisory question on this year's Spring Hearing Questionnaire.

**Mr. Thiede** stated that he has received adequate guidance from the Board on their request. They will provide a memo in advance of the February NRB that provides a timeline for returning to the Board with recommendations to help address bear related crop damage issues, including but not limited to dog use, use of licensed bear hunters and an assessment of the effectiveness of moving problem bears. He indicated that the goal would be ready to return to the Board in March with recommendations.

He then expressed concern of submitting an advisory question for the spring hearings on this issue since they did not have time to properly craft one prior to the print deadline date, and because adequate thought had not been given to the appropriate remedy to propose in a question. Further, no outreach had yet occurred with affected user groups.

**Secretary Stepp** clarified that the Board wants a timeline for a plan. She understands that time is of the essence. This is not a new issue. They do not want to give the appearance of excluding some from the discussion.

**Mr. Hilgenberg** stated that the process by which the Board does things seems to take too long. He thought it would be incumbent upon leadership to look at those processes and come up with means and methods by which we can be more effective with what our responsibilities are.

**Dr. Thomas** asked for those to not take this the wrong way since she is very respectful of the congress tradition, but some of what slows all this down is process visa-vie the congress because you are trying to gather input from all the interested parties in some kind of an orderly way. It is way different now than it was in 1935 when people only got together a couple times a year and that was how you initiated and ended your discussions. There are a lot of ways to gather input from your constituents now that did not exist then. Are there some ways that that whole process could be, not to knock anybody out of the process, be streamlined. The idea that, as an example, you could not hunt turkeys in December even though we all agreed pretty much we wanted to do it for three years because two whole years of voting had to happen before you could get there. Maybe that is not big in the whole grand scheme of things but it is indicative of missed opportunities because we are just plugging along.

**Mr. Bruins** stated that the process seems to bog us down. Secretary Stepp is also frustrated. She wants to streamline and become more efficient and more responsive. He does not say this literally or lightly, but we have to focus more on prioritizing our efforts. In life, some things are simply more important than others at a particular time. If we are going to streamline absolutely everything, it is going to be much more diluted. We have to become more focused and more prioritized in our efforts.

**Mr. Kazmierski** commented on his experience with his recent involvement in warden recruitment. He had the pleasure of spending four days last week interviewing warden recruits. It was an interesting experience. The class that we have coming in is unbelievable. Their qualifications, people were flying in from all over the United States, they were prosecutors, had Master's Degrees. It was difficult to actually pick the top 20 candidates they were so good. Wisconsin is still a place people want to come to.

**Mr. Cole** stated that he thought last year the Secretary gave a year in review update. If that opportunity presents itself again, he requested it be done at the February meeting so that the media and public know the kinds of activities that were resolved in 2012. There may be information that the management team is doing that we may not know about that you would like to brag about. This also would be a great opportunity to do so.

**Chair Clausen** stated the Board received communication sometime in the last few weeks about open burning in garbage cans and that type of thing. He mentioned again that this has been an issue. The department unfortunately does not have citation authority for this and it makes it very awkward to deal with. He finds it a little bit strange that we have very, very strict regulations on our industries in this state with regard to air pollution and such. We have very good enforcement on that. When it comes to what the department admits is probably the largest source of dioxins going out into the atmosphere which is open burning from a bunch of little burning barrels, we have no enforcement. He asked the department to keep on working to try to get this citation authority because it is a more efficient way to do this than to have to wait until they build up and go to the Department of Justice which takes a huge amount of effort.

5.A. Review of Natural Resources Board Advisory Question(s) for the 2013 Spring Fish and Wildlife Hearings

**Greg Kazmierski** stated he ran a meeting and brought in a lot of stakeholder groups on the issue of crossbows. This issue has been controversial for a long time. They did get to some common ground at that that meeting. He had numerous legislators call him to ask about the meeting. They stated they need to move forward and suggested he put a question on the spring hearing for the two proposals that came out of that meeting. There was not total consensus but things moved a long way and concerns were addressed from the different groups. He submitted the following two questions to be added to the spring hearing questionnaire:

**Crossbow use is currently allowed for anyone during firearm seasons for most species including deer. The use of crossbows for hunting deer outside the firearm deer seasons is limited to persons with certain disabled permits and persons over the age of 65. There has been considerable interest to expand deer hunting opportunity with crossbows outside the firearm deer seasons.**

**At a recent stakeholder meeting to discuss crossbow expansion there was SIGNIFICANT SUPPORT for expansion of crossbow use for deer hunting outside the firearm seasons. At the meeting there were two proposals put forth with Proposal #1 gaining the greatest consensus.**

**Policy makers are seeking public input on these two proposals to craft legislation necessary to expand crossbow hunting opportunity.**

**Proposal #1**

**This proposal was for full Inclusion; an Archery/Crossbow Season.**

- **Crossbow hunting for deer at any legal hunting age and running concurrent with the entire archery season.**

- An Archery/Crossbow license that includes one buck tag and one antlerless tag that when purchased would identify if the hunter will be hunting with a bow, crossbow, or both.
- At the time of registration, harvest would be recorded as a bow or crossbow kill.
- The proposal also included “Last in-First out” language, meaning if for biological or social reasons the non-firearm harvest needed to be reduced, restrictions would be placed on crossbow use before any restrictions would be placed on bow use.

**Proposal #2**

This proposal was for a defined Crossbow Season and a separate Crossbow License.

- Crossbow hunting at any legal age with the purchase of a Crossbow License that includes one buck tag and one antlerless tag.
- The crossbow hunting season for any age would be limited to the start of the archery season and run thru Sunday of the fourth week.
- Persons over the age of 65 and disabled hunters would continue to hunt the entire duration of the archery season.
- Only one buck total would be able to be harvested with possession of a crossbow and/or archery tag.

**Do you favor Proposal #1?**

YES NO

**Do you favor Proposal #2?**

YES NO

**Dave Clausen** stated that this is his 42<sup>nd</sup> year of being a veterinarian which amounts to over 60% of his total life. You do not do something for that long without having a real feeling for animals. This is something that goes to that. It is his last chance to have a question on the spring hearing and it certainly will be controversial but it is a question being asked out in the public. He submitted the following question:

**Hunting wolves with dogs and training dogs to hunt wolves are controversial. In 2012, the state’s wolf quotas were quickly and fully reached without the use of dogs.**

**Question: Would you favor legislation to prohibit the use of dogs to hunt wolves and training dogs to hunt wolves?**

**Chair Clausen** then moved the meeting to item 7 – Secretary’s Matters. He stated the Election of Officers will be taken up at the end of the meeting.

5.B. Election of Officers (to be taken up at the end of the meeting)

6. Special Committees’ Reports - none

7. Department Secretary’s Matters

7.A. Retirement Resolutions

7.A.1 Robin Capen

7.A.2 Don Hoeft

7.A.3 Kerry Isensee

7.A.4 Terry Mace

7.A.5. Patrick McKee

7.A.6 Gregory Pilarski

7.A.7 John Torke

**Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg of the retirement resolutions. The motion carried unanimously.**

Secretary Stepp stated that managing DNR lands sustainably is good for Wisconsin's environment, economy and quality of life, increasing Wisconsin's triple bottom line. 2012 marked the department's highest recorded level of acres of timber sales established on DNR owned lands in any given year. 21,500 acres were established for timber harvest, a 150% percent increase from 2002 levels. This equates to an estimated \$8 million dollars in direct revenue to the State and more importantly, provides a stable and predictable contribution of sustainably managed, certified wood to Wisconsin's nearly \$20 billion dollar forest products industry. Forest management on DNR lands has been conducted in a sustainable manner.

WDNR manages forests for the long-term. Every acre harvested is reforested to meet the future desired forest conditions identified in our master plans. WI's regeneration program is thriving, with over 95% of forests regenerating naturally using forest management as the tool to stimulate regeneration. Where needed, due to forest type or site conditions, tree seedlings are planted using seedlings grown from Wisconsin's state nurseries. The responsible and sustainable forest management of DNR lands is something our citizens and businesses can celebrate.

She then stated that last week on Wednesday, January 16, 2013, Dane County Circuit Court Judge Peter Anderson issued a final written ruling on the wolf hunting with dogs litigation. The Judge lifted his injunction on hunting wolves with dogs, thus allowing hunters to use dogs in the 2013 season. However, the judge retained his injunction that prohibited training of dogs on wolves until the new rules with restrictions on training dogs to hunt wolves go into effect (likely in 2014). Judge Anderson though made an additional ruling, in that he remanded back to the NRB to determine whether to undertake further rule-making on hunting wolves with dogs, both through emergency rule and permanent rule. The Board has already approved going forward with permanent rules and not making additional emergency rule changes at both the December and September 2012 meetings. However, in response to the court order, we will need to have an agenda item re-affirming those earlier decisions at the February Board meeting.

Secretary Stepp then stated that she did not say this at the Jonathan Ela tribute this morning but she wanted to share a funny, personal story that she had with Jonathan, who frankly never did let her forget this at pretty much every Board meeting. Out of just another display of his sense of humor and how he was a good teaser. He could dish it out as well as he could take it which she has always appreciated about him. Of course, when she first became Secretary of the DNR and she reached out to Board members to get to know everybody better. Chairman Ela was the first one she reached out to, knowing with great trepidation and actually hoping that he would forget when she met him when he was nominated for the Natural Resources Board that she was not necessarily gung-ho about his appointment. He was very charming about it and very gracious as he was in all things that he dealt with on this Board. She wanted to say how much she came to appreciate him and really came to understand the error of her thoughts at the time. He was a gentleman and a professional; committed and passionate in spirit in deed. It ended up being her privilege at the end of his term as Chairman to be able to consider him a friend of hers as well.

She then addressed Chair Clausen. She thanked him as well for his continued professional relationship and even when they do not agree on matters of policy, he too, is always a gentleman. She will look to him as a standard bearer for future chairmen going forward. She appreciates the relationship they have been able to build and moving the state of Wisconsin forward on issues that are so important to everyone. You, too, have been a beacon in that. Thank you. **(Standing ovation)**

Chair Clausen thanked Secretary Stepp. It has been truly a pleasure to work with you, Matt Moroney, Scott Gunderson, and the other administrators. He has a genuine fondness for all of you and appreciates the time he was able to spend.

7.B. Donations - None

8. Information Items

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

8.A.1 Briefing on New Policy Development Manual Code

**Kristy Rogers**, Director of Process Improvement, stated that department staff has been working to create a public input process for certain types of DNR program policy. Several customers have expressed a concern that the Department is creating policies that impact them and there are no opportunities for them to provide input or receive notification of the new or changed policies. The goals of the new public input process are to increase transparency, establish opportunities for public input and notification, and increase communication and notification to the Secretary's Office and to the Natural Resources Board. The most challenging part of creating the new process is outlining when it applies. The new process is intended to apply to new or changed program policy that implements broad decision-making authority that is set forth in statute, rule, or other state or federal legal authorizations. The new process is not intended to circumvent any existing processes or apply to policy development that already has public input opportunities including the rule development process and the development of major policy through the Board.

Department staff will be finishing the draft and will be testing the new process by implementing it and obtaining comments on the new proposed policy. After the public comment period, the proposed new policy will be brought back to the Natural Resources Board for review and approval. This is expected to happen in March 2013.

Discussion followed on how much of the "small p" (policy) issues have been tradition rather than ever policy.

**Secretary Stepp** stated that one of their major concerns she has heard from externals is guidance. They do not know what is in the department's guidance documents. They do not know what is expected of them. They read rules and believe they are following the rules. This is a very fair criticism. If they are going to be impacted, they deserve to know what those ideas are upfront. We have to know so we make better decisions on how we are implementing rules to make sure we are not having unintended consequences that have ripple effects in the communities we are dealing with.

**Mr. Cole** commented that organizationally, the department has to take a look at staff positions that have been dedicated to the continuation of work. As the DNR begins to look at codes, handbooks, and guidance, you also have to look at how staff is organized around these types of activities which may cause a reallocation of staffing and resources within the department.

**Ms. Rogers** then updated the Board on the status of the department's Lean Six projects. She noted that one of the newer projects is the Administrative Rules Process that Chandra Harvey is leading. She plans on coming back in March 2013 for an update on the first projects.

**Mr. Kazmierski** commented that Ms. Rogers is very calm and cool in her position as Director. It is tremendously mindboggling to him on how she is able to get into the middle of this. The rules process is complex. He applauded her for efforts.

**INFORMATION ITEM – NO ACTION WAS TAKEN**

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

8.B.1 Developing a 10-year Fisheries and Wildlife Management Plan **DELETED**

**Chair Clausen** returned the meeting to agenda item 5.B. - Election of Officers

5.B. Election of Officers

**Chair Clausen** opened nominations for officers.

**Ms. Wiley MOVED, seconded by Dr. Thomas to nominate Preston Cole for Chair of the Natural Resources Board.**

**Ms. Wiley MOVED, seconded by Mr. Hilgenberg that nominations for Chair be closed. The motion to elect Preston Cole as Board Chair carried unanimously.**

**Mr. Kazmierski MOVED, seconded by Mr. Cole to nominate Terry Hilgenberg for Vice-Chair of the Natural Resources Board.**

**Ms. Wiley MOVED, seconded by Dr. Clausen that nominations for Vice-Chair be closed. The motion to elect Terry Hilgenberg as Vice-Chair carried unanimously.**

**Mr. Cole MOVED, seconded by Mr. Hilgenberg to nominate Greg Kazmierski for Secretary of the Natural Resources Board.**

**Dr. Thomas MOVED, seconded by Ms. Wiley that nominations for Secretary be closed. The motion to elect Greg Kazmierski as Secretary carried unanimously.**

**Mr. Cole** presented to out-going Chair Dave Clausen a plaque in appreciation and acknowledgement of his exemplary duty as Chair. He has led this Board with a steady hand over what he would consider two of the most hotly debated issues that have ever come before the DNR and its Board. Because of that, we will continue to count on his knowledge and skills. This plaque is a token of the appreciation of staff and your fellow Board Members for your ability in helping them lead the way to natural resources management in the state of Wisconsin.

**Chair Clausen** stated that the pleasure has been all his to be so honored to be able to be Chair of a Board such as this and to work with the many, many really fine and dedicated people in the department. The pleasure has truly been his. Thank you.

**Dr. Clausen** requested a motion to go into Executive Session under the authority of s.19.85(1)(e) Wisconsin Statutes for purposes of discussing potential real estate transactions. The Board will return to this meeting room by approximately 12:30 p.m. If there is no further business before the Board at that time, the meeting will adjourn.

**Mr. Kazmierski MOVED, seconded by Mr. Hilgenberg. The motion carried on a roll call vote of 7 – 0.**

<b>William Bruins – yes</b>	<b>Preston Cole – yes</b>
<b>Christine Thomas –yes</b>	<b>Jane Wiley – yes</b>
<b>Terry Hilgenberg – yes</b>	<b>David Clausen – yes</b>
<b>Greg Kazmierski – yes</b>	

**Dr. Clausen** reconvened the meeting. Chair Clausen reported that during the Executive Session no action was taken.

**Mr. Hilgenberg MOVED, seconded by Mr. Cole to adjourn the meeting. The motion carried unanimously.**

\*\*\*The meeting adjourned at 12:41 p.m.\*\*\*

JANUARY 23, 2013

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