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WISCONSIN NATURAL RESOURCES BOARD

BRIEF OF ACTION

Wednesday, October 27, 2021

The regular meeting of the Wisconsin Natural Resources Board was held in-person on Wednesday, October 27, 2021 in Public Meeting Room G09, State Natural Resources Building (GEF 2), 101 South Webster Street, Madison Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-4 and 7-8. The meeting adjourned at 12:35 p.m.

ORDER OF BUSINESS

1. ORGANIZATIONAL MATTERS (0:00:01 – 0:03:05)

A. Calling the roll (0:02:38 – 0:02:50)

William Bruins – present

Marcy West – present

Sharon Adams – present

William Smith – present

Terry Hilgenberg – present

Dr. Frederick Prehn – present

Greg Kazmierski – present

B. Approval of agenda for October 27, 2021 (0:02:51 – 0:03:05)

At 0:02:57, Mr. Bruins MOVED, seconded by Mr. Hilgenberg the agenda for October 27, 2021. The motion carried unanimously.

2. CONSENT (0:03:06 – 0:06:11)

A. Approval of brief of action from August 11, 2021

B. Request for approval of hunting and trapping prohibitions on 9.8 acres to be purchased with Knowles-Nelson Stewardship grant funds for the Ice Age Trail, Town of New Hope, Portage County

(Pamela Foster Felt, Stewardship Grant Manager)

C. Request that the Board authorize a preliminary public hearing and comment period for the Statement of Scope for Board Order PR-03-20, for proposed rules affecting chapters NR 5, 10, 11, 15, 17, 20, 26, 27, 45 and 51, related to Wisconsin DNR property management regulations

PowerPoint presentation by Brigit Brown, Recreation Management Section Chief, Bureau of Parks and Recreation Management IF moved to item 3 for discussion.

At 0:03:47, Mr. Hilgenberg MOVED, seconded by Mr. Smith, approval of the Consent Agenda.

At 0:06:08, the motion carried unanimously.

3. DISCUSSION AND POSSIBLE ACTION CONCERNING ITEMS REMOVED FROM THE CONSENT AGENDA (0:06:12 – 0:09:56)

- A. Request that the Board authorize a preliminary public hearing and comment period for the Statement of Scope for Board Order AM-05-21, for proposed rules affecting chapter NR 428 related to nitrogen compound emissions regulations.

PowerPoint presentation by Gail Good, Air Management Program Director

At 0:06:42, Mr. Kazmierski MOVED, seconded by Mr. Smith, approval of the department's recommendation.

At 0:09:53, the motion carried unanimously.

4. ACTION ITEMS (0:09:57 - 1:27:46)

ADOPTION (0:09:57 - 1:04:35)

- A. Request adoption of Board Order WA-11-19, proposed rules to revise chapters NR 500, 502 and 520 and create chapter NR 530 for the purpose of implementing electronics recycling program requirements (0:09:57 – 0:25:22)

PowerPoint presentation by Kate M. Strom Hiorns, Recycling and Solid Waste Section Chief, and Sarah Murray, E-Cycle Program Coordinator

Written Comments: 2

At 0:24:10, Ms. West MOVED, seconded by Mr. Hilgenberg, approval of the department's recommendation. The motion carried unanimously.

- B. Request adoption of Board Order FH-30-20, proposed rules affecting chapter NR 20 related to lake trout harvest and season in Lake Michigan (0:25:23 – 0:35:54)

PowerPoint presentation by Bradley Eggold, Great Lakes District Fisheries Supervisor

At 0:35:46, Mr. Hilgenberg MOVED, seconded by Mr. Smith, approval of the department's recommendation. The motion carried unanimously.

- C. Request adoption of Emergency Board Order FH-10-21(E), proposed rules affecting chapter NR 25 related to Lake Michigan whitefish management (0:35:55 – 0:57:25)

PowerPoint presentation by Bradley Eggold, Great Lakes District Fisheries Supervisor

Written Comments: 1

Public Appearance (0:41:00 – 0:44:50):

1. **Charlie Henriksen**, Sister Bay, representing Lake Michigan Commercial Fishing Board

Mr. Hilgenberg, at 0:55:18, requested a briefing on FH-10-21(E) regarding Lake Michigan whitefish management for the December 2021 meeting.

At 0:55:35, Mr. Bruins MOVED, seconded by Mr. Smith, approval of the department's recommendation.

At 0:57:22, the motion carried unanimously.

- D. Request adoption of Board Order FH-14-20, proposed rules affecting chapters NR 19-23 and 26 related to minor changes to fishing regulations on inland, outlying and boundary waters (the 2021 Fisheries Management housekeeping rule) (0:57:26 – 1:02:44)
PowerPoint presentation by Meredith Penthorn, Fisheries Management Policy Specialist

At 1:02:35, Mr. Smith MOVED, seconded by Mr. Hilgenberg, approval of the department's recommendation. The motion carried unanimously.

- E. Request adoption of Board Order WM-20-20, proposed rules affecting chapter NR 10 related to establishing the 2021 migratory bird season framework and regulations (1:02:45 – 1:04:35)
Staff presentation by Scott Karel, Wildlife Policy Specialist

At 1:04:04, Ms. West MOVED, seconded by Mr. Kazmierski, approval of the department's recommendation. The motion carried unanimously.

SCOPE STATEMENTS (1:04:36 – 1:18:25)

- F. Request that the Board approve the Statement of Scope for Board Order WY-21-20 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 NR 102 related to site-specific phosphorus criteria for Lac Courte Oreilles (1:04:36 – 1:18:25)
Staff presentation by Marcia Willhite, Water Evaluation Section Chief
Written Comment: 1

At 1:17:45, Mr. Smith MOVED, seconded by Ms. Adams, approval of the department's recommendation. The motion carried on a voice vote of 5 – 2, with Mr. Bruins and Mr. Kazmierski opposed.

MISCELLANEOUS (1:18:26 – 1:27:46)

- G. 1. Land Donation – Theresa Wildlife Area – Washington and Dodge Counties
2. Land Donation and Expansion of Project Boundary – Hank Aaron State Trail – Milwaukee County
3. Land Donation – White River State Trail – Racine and Walworth Counties
4. Land Donation and Official Naming – Statewide Habitat Area – Dane County (1:18:26 – 1:22:16)
Staff presentation by Jim Lemke, Real Estate Section Chief

At 1:22:07, Mr. Bruins MOVED, seconded by Ms. Adams, approval of the department's recommendation. The motion carried unanimously.

- H. Acceptance of Reversionary Land Interest – Lizard Mound Park – Washington County (1:22:17 – 1:27:46)

Staff presentation by Jim Lemke, Real Estate Section Chief

At 1:23:40, Ms. Smith MOVED, seconded by Mr. Hilgenberg, approval of the department's recommendation.

At 1:27:42, the motion carried unanimously.

5. OPEN FORUM (1:27:47 – 2:12:56)

Public Appearances (1:27:47 – 2:12:56)

1. **John Hanson**, Manitowish Waters, representing self (**Handout**)
Topic: Dead Pike Lake
2. **Gale Wolf**, Manitowish Waters, representing self
Topic: Dead Pike Lake
Chair Prehn, at 1:44:35, spoke to the Dead Pike Lake issues and strongly suggested the department sit down with Mr. Wolf and Mr. Hanson and fix this.
3. **Diane Cain**, Hixton, representing self
Topic: An idea for creation of a Non-Lethal Predator Education and Prevention Program in WI
4. **Melissa Smith**, Madison, representing Friends of the WI Wolf and Wildlife
Topic: Wildlife governance reform
5. **Paul Collins**, Stoughton, representing Animal Wellness Action
Topic: Lack of democracy in wildlife management
6. ~~**Cynthia Samels**, Iron River, representing self
Topic: WCC (WI Conservation Congress) and citizen input~~ She requested to be removed from the speaker list.
7. ~~**Jeffrey Widell**, Shorewood, representing self
Topic: Governance~~ He requested to be removed from the speaker list/work conflict.
8. **Susan Roberts**, Kenosha, representing self
Topic: Wildlife governance reform
9. **Chris Albert**, Lebanon Junction, KY, representing National Wolfwatcher Coalition
Topic: Wildlife governance reform
10. **Dr. Allyson Dallmann**, Cambria, CA, representing self
Topic: Wildlife governance reform
11. ~~**Mary Anne Erickson**, Portland, OR, representing self
Topic: Wildlife governance reform~~
12. ~~**Stephanie Farac**, Fish Creek and Novato, representing self
Topic: Hounding on public land~~
13. **Max Lagally**, Madison, representing self
Topic: Wildlife governance reform
14. **Elaine Swanson**, Pickett, representing self
Topic: Wildlife governance reform

5. Open Forum – continued

~~15. Dawn Sabin, Madison, representing self~~

~~Topic: April 2021 Wisconsin Conservation Congress (WCC)
Resolution re wolves She was not on Zoom.~~

16. Stacy Gilson, Weston, representing self

Topic: Wildlife

6. INFORMATION ITEMS - None

7. DEPARTMENT SECRETARY’S MATTERS (2:12:57 – 2:21:56)

A. RETIREMENT RECOGNITION (2:12:57 – 2:14:55)

1. Kay M. Brockman-Mederas, Wildlife Management, 31 years
2. Thomas E. Burzynski, Fisheries Management, 33 years
3. Gary D. Eddy, Jr., Technology Services, 25 years
4. Stephen J. Gilbert, Fisheries Management, 37 years
5. Elizabeth E. Goepfinger, Parks and Recreation, 28 years
6. Paul R. Holtan, Office of Communication, 30 years
7. David J. Kafura, Forestry, 37 years
8. John J. Komassa, Fisheries Management, 34 years
9. John A. Krull, Public Safety and Resource Protection, 31 years
10. Timothy R. Mero, Finance, 35 years
11. Warden David J. Youngquist, Public Safety and Resource Protection, 25 years

At 2:13:58, Mr. Hilgenberg **MOVED**, seconded by Mr. Bruins, recognition of the department’s retirees.

At 2:14:50, the motion carried unanimously.

B. DEPARTMENT SECRETARY’S MATTERS (2:14:56 – 2:21:56)

1. Acts of the Department Secretary – Real Estate Transactions (2:14:56 – 2:15:03)

INFORMATION ITEM – NO ACTION

2. Department Secretary’s Matters

a. Sandra Dee Naas report (2:15:04 – 2:21:56)

INFORMATION ITEM – NO ACTION

3. Planning Status Update - None

8. BOARD MEMBERS’ MATTERS (2:21:57 – 2:45:53)

A. Approval of 2022 meeting calendar (2:21:57 – 2:30:48)

At 2:22:06, Mr. Hilgenberg **MOVED**, seconded by Mr. Bruins, approval of the 2022 meeting calendar.

At 2:30:45, the motion carried unanimously.

B. Board Members' Matters (2:30:49 - 2:45:53)

Mr. Bruins, at 2:30:54, spoke to the Dead Pike Lake issues from 5-Open Forum by Mr. Wolf and Mr. Hanson. He asked the department to readdress this situation and come to a resolution.

Ms. Adams, at 2:31:10, shared that she is impressed with staff, the Board, and volunteer dedication to the quality and sustainability of conservation.

Mr. Hilgenberg, at 2:33:20, spoke to 1) Chronic Wasting Disease (CWD) and requested the department to review deer farm fencing and reinforce what our position is. He referenced Todd Ambs' memo. 2) Dead Pike Lake and requested the department meet with those folks and work towards fixing the problem. 3) not wanting the same problem with Crex Meadows (as with Dead Pike Lake). We received a communication from them. Those kinds of problems do not go away. He requested the department to figure out how to address it.

Mr. Kazmierski, at 2:35:59, spoke to wildlife management and the North American Model as of which the public lacks an understanding of it. He requested, at an upcoming meeting, that the department give an informational presentation to promote the concept of the North American Model of Wildlife Management.

Ms. West, at 2:38:31, understood the CWD report will be at an upcoming meeting. She looks forward to it.

Mr. Smith, at 2:38:49, asked for a staff report to the Board to summarize the department's ability to evaluate impacts and assist local lake protection efforts. He distributed a handout (letter from Tom Olson of Presque Isle):

1. Are the impacts of unusually large boat wakes a significant threat to the natural resource quality of our lakes and shorelines to the safety of other recreational users and to the protection of private property?
2. What existing state authority and staff resources are available to address local concerns and assist local efforts to protect public waters?
3. What are future alternatives and needs?

Chair Prehn, at 2:42:24, requested that Mr. Smith's first request include high wake boat exhaust systems that point downward 8'-15' and their impacts of scrubbing the water bottom.

Chair Prehn, at 2:43:23, spoke to the upcoming deer season and the DNRs ongoing use of social media. He wished all a safe hunt.

Chair Prehn, at 2:45:54, requested a motion to convene into Closed Session under the authority of s.19.85(1)(g), Wis. Stats., to confer with legal counsel regarding litigation involving the fall 2021 wolf hunt (*Great Lakes Wildlife Alliance et al v. WDNR et al, 2021 cv 002103 (Dane County)* and *Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin et al v. WDNR et al, 3:21-cv-00597 (W.D. Wisconsin)*).

At 2:46:20, Mr. Hilgenberg, MOVED, seconded by Mr. Kazmierski, that the Board convene into Closed Session under the authority of s.19.85(1)(g), Wis. Stats., to confer with legal counsel regarding litigation involving the fall 2021 wolf hunt (*Great Lakes Wildlife Alliance et al v. WDNR et al, 2021 cv 002103 (Dane County)* and *Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin et al v. WDNR et al, 3:21-cv-00597 (W.D. Wisconsin)*). The motion carried unanimously on a roll call vote.

William Bruins – yes

Marcy West – yes

Julie Anderson – yes

William Smith – yes

Terry Hilgenberg – yes

Dr. Frederick Prehn – yes

Greg Kazmierski – yes

Chair Prehn, at 2:47:29, reconvened the meeting and reported that the Board heard an update from legal counsel on litigation concerning the 2021 fall wolf hunt. No action was taken.

At 2:47:45, Mr. Bruins MOVED, seconded by Mr. Smith to adjourn. The motion carried unanimously.

The meeting adjourned at 12:35 p.m.

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