

## NATURAL RESOURCES BOARD

### MINUTES

An informal meeting of the Department of Agriculture, Trade and Consumer Protection Board and the Natural Resources Board was held on Tuesday, June 24, 2008 at the Best Western Grand Seasons Hotel, Waupaca, Wisconsin. The meeting was called to order at 4:40 p.m. and adjourned at 5:45 p.m.

#### **Tuesday, June 24, 2008**

#### **ORDER OF BUSINESS**

1. **Organizational Matters**

**Dr. Thomas**, NRB Chair and **Mr. Dummer**, ATCPB Chair welcomed both Boards to the meeting. Members were asked to introduce themselves in lieu of a roll call. The following were in attendance:

**NRB:**

David Clausen	Preston Cole
Jonathan Ela	Gary Rohde
John Welter	Christine Thomas
Jane Wiley	DNR Secretary Matt Frank

**ATCPB:**

Cindy Brown	Dick Cates
Andy Dierks	Mike Dummer
Enrique Figuero	Margaret Krome
Mike Krutza	Brian Rude
Shelly Mayer	DATCP Secretary Rod Nilsestuen

**Brian Smith**, City of Waupaca Mayor welcomed both Boards to Waupaca.

**Mr. Cole** asked for an update on the June flooding.

**Secretary Nilsestuen** stated there are wide impacts to the states agriculture and that they are currently accessing the damages, such as structural, replanting costs, erosion, and loss of nutrients.

**Secretary Frank** stated that there was unprecedented flooding over 30 counties which impacted business, residents, agriculture, parks and trails, and dams.

Discussion followed on the funding for dam repair, FEMA process, preserving wetlands, floodplains planning for communities, land use, and the Working Lands Initiative.

**Dr. Thomas** requested staff from both agencies prepare a briefing on the Emergency Watershed fund to see if there is a basis to do a joint resolution on this issue.

**Mr. Welter** requested an update on the June flooding at a future Board meeting to include information on how many dams failed, where they are located, restoration efforts, and identification of owners.

Discussion continued on the Working Lands Initiative, congressional debate on CRP land penalties, and the need to coordinate resources for conservation costs.

Discussion followed related to DATCP efforts on VHS, methane digesters, and the need for both agencies to work together.

\*\*\*The meeting adjourned at 5:45 p.m.\*\*\*

June 24-25, 2008

The regular meeting of the Natural Resources Board was held on Wednesday, June 25, 2008 at the Best Western Grand Seasons Hotel, Waupaca, Wisconsin. The meeting was called to order at 8:35 a.m. for action on items 1-7. The meeting adjourned at 4:45 p.m.

**Wednesday, June 25, 2008**

**ORDER OF BUSINESS**

1. Organizational Matters

1.A. Calling the roll

David Clausen – present	Preston Cole – present
Jonathan Ela – present	Gary Rohde – present
John Welter – present	Christine Thomas – present
Jane Wiley - present	

1.B. Approval of agenda for June 25, 2008

**Dr. Clausen MOVED, seconded by Ms. Wiley approval of the agenda as amended for June 25, 2008. The motion carried unanimously.**

1.C. Approval of minutes from April 23, 2008

**Mr. Ela MOVED, seconded by Mr. Cole approval of the minutes as presented. The motion carried unanimously.**

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

**Mr. Welter MOVED, seconded by Dr. Clausen approval of the real estate transactions.**

Discussion followed on Crex Meadows.

**The motion carried unanimously.**

**Dr. Thomas** thanked NER staff and local UW-Extension staff for their hospitality and coordination of the June NRB meeting.

3. Action Items

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

3.A.1a Briefing on Mercury Public Health & Welfare Finding

**Information Item – No action was taken by the Board.**

**Jon Heinrich**, Natural Resources Program Manager, Air Management Bureau stated that the preliminary finding prepared by staff concluded that a state mercury control standard for coal-fired power plants is needed to protect public health and welfare. This finding is based on scientific research and technical analyses of mercury emission sources, exposures, health effects, control options and comparisons to standards in neighboring states. He spoke on the Finding's conclusion, significant public comments, and the June 2008 Addendum to the Finding.  
**(POWERPOINT AND HANDOUT – Speaker Biographies)**

**Lynda Knobeloch**, Senior Toxicologist, Wisconsin Department of Health Services spoke on the health issues of mercury and as to whether the EPA's benchmark is an appropriate measure of health risk, and whether determination can be made of the populations at risk in Wisconsin.

**Michael Meyer**, Research Scientist, Integrated Science Services Bureau spoke on whether the Department can isolate mercury exposure as an issue that may impact the common loon population.

**Carl Watras**, Ph.D., Senior Research Scientist, DNR and Research Fellow, Center for Limnology, UW-Madison addressed the question on reductions in mercury deposition and whether they have a greater benefit than reducing sulfate. **(HANDOUT)**

Discussion followed on whether mercury sediment redistributes in shallow lakes from human activity or wind, the New England airshed concentration of sulfur, and emission controls.

**Larry Bruss**, Section Chief, Regional Pollutants and Mobile Sources Section, Air Management Bureau spoke on the significant issue about mercury deposition and do we have local deposition in Wisconsin that is caused by our power plants or is this a global issue we need to deal with. He then spoke on the transport and transformation of mercury in the atmosphere. **(POWERPOINT)**

Discussion followed on the systematic underestimation of local source contribution.

**James Schauer**, Professor, College of Engineering, UW-Madison spoke on the research they have been doing on atmospheric mercury. He addressed the key issues and conclusions of their study. **(POWERPOINT)**

Discussion followed related to mercury sampling issues in the West, how climate change might affect Devil's Lake atmospheric monitoring results, and health issues related to inhalation of mercury.

3.A.1b Request Adoption of Board Order AM-32-05, proposed rules affecting chs. NR 439, 446 and 484 pertaining to mercury emissions from coal-fired electric generating units

**Jon Heinrich**, Natural Resources Program Manager, Air Management Bureau stated that the proposed rule achieves the joint objectives of protecting human health, maintaining a healthy environment and assuring electrical reliability. The proposed rule creates certainty for utility investments in pollution abatement equipment and technology. It assures future electrical reliability for business and ratepayers at reasonable costs and helps the state shape and potentially meet future federal mercury requirements. Power plants can choose to achieve a 90% reduction in mercury emissions by 2015 or they can pursue the multi-pollutant approach whereby significant reductions in sulfur dioxide and nitrogen oxides are achieved by 2015, and a graduated reduction in mercury emissions of 70% by 2015, 80% by 2018, and 90% by 2021. He requested the Board approve Board Order AM-32-05. **(POWERPOINT)**

Discussion followed on multiple compliance options, MACT development, Toxecon® installations, Sorbent injection costs, the justification for separating out nameplate capacities for mercury emission reduction, the Elm Grove Power Plant, whether there is technology available to achieve a 90% reduction, fly ash concerns, and how stakeholders comments were incorporated into the rules process.

**Public Appearances:**

1. **Scott Manley**, Verona, representing the WI Manufacturers & Commerce – was not present.
2. **Bob Fassbender**, Madison, representing the WI Manufacturers & Commerce asked if there is a need for this rule as a placeholder until we get to the Federal rule? Does it make sense or is it even necessary to bridge that gap? Is it cost effective for interim years? He stated ozone was not in the scope statement or hearings and that the courts will return this rule for not being consistent with the rule making process.

Discussion followed on the clarification of Wisconsin Manufacturers & Commerce's (WMC) position, whether future litigation from WMC will follow, the Jobs Creation Act, and whether WMC is representing specific utilities or manufacturers.

3. **George Meyer**, Madison, representing the WI Wildlife Federation asked for answers to the following questions: 1) why do we need to worry about eating fish in fear of having mercury harm children 2) Why don't business organizations like those here today who have been fighting these regulations tooth and nail for eight years, represent the thousands of small business such as bait shops, gas stations, sporting goods stores, restaurants, marinas and motels throughout the state that depend on safe and healthy fisheries to make a living? 3) Don't we have a right to fish and eat the fish? Why is it allowed that lakes and fish that sportsmen and women pay millions of dollars a year to maintain are allowed to be contaminated with mercury? 4) Why do neighboring states have tougher mercury regulations than Wisconsin? Why will plants have 13 years to reduce their mercury emissions by 90%? **(HANDOUT)**
4. **Keith Reopelle**, Oregon, representing Clean Wisconsin stated the proposed rule needs to be strengthened and asked the Board to drop the designation between small and large facilities in the rule.

Discussion followed on new technology, issue of fly ash, and if any of the new technology components are manufactured in Wisconsin.

5. **Bill McClenahan**, Verona, representing the Forest County Potawatomi Community stated they are pleased to see a goal of 90% reductions in emissions, compared to the mercury content in the fuel. They also support the multi-pollutant option, because they understand the important role that sulfur dioxide emissions play in the creation of methyl mercury in our waters. However, the Tribe is concerned that the proposed revisions to Wisconsin's mercury rule do not adequately address numerous electric generation sources, inappropriately delay implementation of a 90% reduction requirement, and do not ever require a 90% reduction from all plants. In addition, while DNR's findings strongly support quick and dramatic mercury reductions, there is considerable evidence regarding the impacts of mercury and the ability for present reductions that is not included in the report.
6. **Shahla Werner**, Madison, representing the Sierra Club stated they strongly recommend strengthening the draft rule to reduce mercury emitted by coal-fired power plants. The rule does not go far enough, fast enough to protect WI families and fisheries from the threat of mercury emissions. She asked the Board to strengthen the rule in three ways: 1) The distinction between large and small coal-fired power plants should be eliminated. 2) Both the mercury only and the multi-pollutant options are far too lax for reducing mercury. The final date for achieving 90% mercury control should be moved up by three years. 3) Request that the draft rule eliminate or sunset the ability of coal-fired power plants to meet reduction targets through fleet-wide averaging. The Sierra Club has additional concerns about changes made to the proposed rule between the draft and the version presented to the Board today, which have significantly weakened the rule. **(HANDOUT)**

Discussion followed as to what happens to this rule if approved by the Board.

**Mr. Cole MOVED, seconded by Ms. Wiley approval of the request for Adoption of Board Order AM-32-05, proposed rules affecting chs. NR 439, 446 and 484 pertaining to mercury emissions from coal-fired electric generating units.**

Discussion continued on the rules process.

**Dr. Thomas** thanked everyone involved for their work on this rule.

**The motion carried unanimously.**

3.A.2 Request Adoption of Board Order WT-35-07, revision of Chapter NR 105, Surface Water Quality Criteria and Secondary Values for Toxic Substances

**Robert Masnado**, Water Quality Standards Section Chief, Watershed Management Bureau stated that Chapter NR 105 contains water quality criteria for toxic substance that would be applied to surface waters. Wisconsin's current human health criteria for those substances need to be modified to ensure consistency with the federal criteria. Of the 18 substances proposed for updating, the most significant change in terms of impacts on dischargers will be for copper. He requested the Board adopt Board Order WT-35-07. **(POWERPOINT AND HANDOUT)**

Discussion followed on drawing ground water for industry, what triggers establishment of a limit within the context of WPDES permits,

**Dr. Clausen MOVED, seconded by Mr. Ela approval of the request for Adoption of Board Order WT-35-07, revision of Chapter NR 105, Surface Water Quality Criteria and Secondary Values for Toxic Substances. The motion carried unanimously.**

3.A.3 Request authorization for public hearings on Board Order SS-16-08, proposed amendments on ch. NR 219, related to analytical methods used for WPDES monitoring

**David Webb**, Section Chief, Environmental Science Services, Integrated Science Services Bureau stated this rule true up to federal standards and asked the Board to approve authorization for public hearings on Board Order SS-16-08.

**Mr. Cole MOVED, seconded by Dr. Clausen approval of the request for authorization for public hearings on Board Order SS-16-08, proposed amendments on ch. NR 219, related to analytical methods used for WPDES monitoring. The motion carried unanimously.**

3.A.4 Request Amendment of Adopted Permanent Rule Revisions to Board Order WT-33-07 relating to invasive species decontamination Standards

**Liesa Lehman Kerler**, Water Resources Management Specialist, Bureau of Watershed Management gave a summary of the rule which has since expired. The permanent rule was approved in January 2008. Since then, they have worked with special interest groups in order to balance this rule to obtain better compliance.

**Martin Griffin**, Water Regulations and Zoning Specialist, Bureau of Watershed Management addressed the changes in the rule as it applies to general permits and exemptions. He clarified the additional concerns addressed in the proposed amendment from special interest groups as to when and how to clean. He then addressed concerns from the Board as to how air temperature relates to the cleaning process and if there is potential for transport. He asked the Board to approve the amendment to Board Order WT-33-07. **(POWERPOINT AND HANDOUT)**

Discussion continued on the five day drying period, the use of steam cleaning, inconsistencies in the rule amendment language, and if best management practices for infested waters are department approved.

**Mr. Welter MOVED, seconded by Dr. Clausen approval of the Request for Amendment of Adopted Permanent Rule Revisions to Board Order WT-33-07 relating to invasive species decontamination standards.**

**Dr. Clausen MOVED, seconded by Mr. Welter to amend the rule to delete the word "excess" and correct the word "maintaining" in subsection a. in each of the general permits being amended throughout the Board Order as follows: "Inspect all equipment used for constructing, operating, or ~~maintaining~~ maintaining the project and remove all plants and animals, and other-exeess mud, debris, etc." The amendment carried unanimously.**

**Mr. Ela MOVED, seconded by Dr. Thomas to amend the rule to add “department approved” to subsection h. in each section pertaining to the general permits being amended throughout the Board Order as follows: “Follow the most recent department approved disinfection protocols or department approved best management practices for infested waters. The department shall maintain on its website and make available at its offices a list of the most recent disinfection protocols or department approved best management practices for invasive species and viruses. Note: See the department’s website at [dnr.wi.gov](http://dnr.wi.gov) under the topic “Waterway and Wetlands”. Recommendations for additional disinfection or decontamination protocols or department approved best management practices may be submitted to the department for review and approval to be added to this list.” The amendment carried unanimously.**

**The original motion carried unanimously.**

**Dr. Thomas** requested a motion to go into Executive Session.

**Mr. Welter MOVED that the Board convene into Executive Session under the authority of s.19.85(1)(e), Wisconsin Statutes, for the purpose of discussing potential real estate transactions. Dr. Clausen seconded the motion. The motion was carried by a roll call vote.**

**David Clausen – yes**

**Preston Cole – yes**

**Jonathan Ela – yes**

**Gary Rohde – yes**

**John Welter – yes**

**Christine Thomas – yes**

**Jane Wiley – yes**

**Dr. Thomas** reconvened the meeting at 1:10 p.m. Chair Thomas reported that during the Executive Session no action was taken.

4. Citizen Participation – 1:10 p.m.

4.A. Citizen Participation

**Public Appearances**

1. **Dave Grenier**, Wautoma, representing self. Topic: DNR Tower on his land in Wautoma. He spoke on the following concerns: 1) the Department has an easement on his property but has not included him in their process to construct a new tower at a new location on this easement; and 2) Managed Forest Land issues related to the tower easement. He stated he filed an injunction to stop construction and has an attorney to resolve these issues since he has had not been successful in working with the Department.  
**(HANDOUT)**

**Dr. Thomas** stated this is a legal issue and the Board could not become involved.

**Secretary Frank** stated that since Mr. Grenier is represented by an attorney, the Department could only speak to him through his attorney. This is a legal matter. If there is any way to resolve this issue to the satisfaction of both parties, he would want the Department to do this.

**Mr. Ela** asked that the Board receive a report back from staff when this matter is resolved.

2. **Brook Waalen**, Luck, representing the Friends of Lincoln-Osceola-Garfield Greenway. Topic: Opening Amery-Dresser State Recreational Trail to non-motorized use. He stated a court decision in Polk County indicated that as a state trail, it was open to hikers, bikers, equestrians and electric mobility devices. State statutes say this verbatim. Two months ago, Polk County instructed the parks department to contact the DNR and to partner with them in developing and maintaining this trail. Since then, the governing committee of the parks department reversed its decision and stated that the county would spend no money or staff time on this trail. He currently learned after reading the newspaper that the DNR and Polk County are going to enter into an agreement on July 7 to open up a trail for foot traffic only and that

any complaints should go to him. He has had no part in this. He asked the Board to reconsider if this is the partner that the DNR wants to partner with. On behalf of the city of Amery and Mayor Harvey Stower, they would like to be partners on this trail with the DNR. They have resources to develop and maintain this trail and are ready and willing to do so.

Discussion followed regarding the newspaper article, uses of trail, physical condition of existing trail, and partnerships.

**Laurie Osterndorf**, Land Administrator stated that the Department's agreement with Polk County is for one year. The trail would be opened up at first to foot traffic only. The Department believes Polk County in this instance is a partner in good faith. They will be asked to help with enforcement with the entire length of the trail. The city of Amery does not have law enforcement jurisdiction on parts of the trail outside the city. In order to open it up to any other type of uses would require other actions.

**Mike Lutz** stated the Department has certain standards for bike trails in terms of railings and surface. This trail at present does not meet those standards. In order to meet standards, some other actions would be required, as well as some investment by the Department, and typically any time the Department takes that kind of action a Master Plan is needed also. The biggest issue is that it just does not meet the Department's normal bike trail standards since it is an unimproved trail. Foot traffic can proceed.

Discussion followed regarding making reasonable progress with Polk County, a multi-unit government approach, and/or another partner for the long run.

**Dr. Clausen** requested staff to ensure application deadlines for funds on the development of this trail are observed.

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

3.B.1 Request adoption of Board Order FR-03-08, related to stumpage rates, definition changes and additions, and procedural changes to MFL petitions and management plan packets

**Kathryn Nelson**, Forest Tax Section Chief, Forest Management Bureau stated this proposal is administrative and would update stumpage values and streamline existing procedure. The proposal also includes definitions due to changes to the MFL program after the passage of 2007 Act 20. She requested the Board adopt Board Order FR-03-08. **(HANDOUT)**

**Mr. Rohde, Dr. Clausen, and Dr. Thomas** stated they have Managed Forest Law property and recused themselves from voting.

Discussion followed regarding recording changes to the trust and consideration of gifts.

**Public Appearances:**

1. **Dale Zaug**, Tigerton, representing the WI Woodland Owners Association (WWOA) stated that the WWOA does not support the proposed wording changes to NR 46.15(3m) and NR 46.15(23). In addition, they do not understand why individuals cannot continue to lease for recreational purposes while nonprofits and governmental entities are exempt. **(HANDOUT)**

Discussion followed regarding lease concerns.

2. **Richard Wedepohl**, Madison, representing self **(HANDOUT)** was not in attendance.

**Mr. Ela MOVED, seconded by Mr. Welter approval of the request for adoption of Board Order FR-03-08, related to stumpage rates, definition changes and additions, and procedural changes to MFL petitions and management plan packets. The motion carried with a vote of 4 - 0. Board members Thomas, Clausen, and Rohde abstained.**

- 3.B.2 Request Adoption of Board Order WM-06-08, Modifications to chs. NR 1, 8, 10, 11, 12, 15, 16, 17, and 19, the 2008 Wildlife Management Housekeeping Rule Package  
**Scott Loomans**, Staff Specialist, Wildlife Management Bureau stated the Department annually updates administrative code language to correct inconsistencies, update outdated language and provides clarification where appropriate. He summarized the proposed changes related to hunting, trapping, dog training, nuisance animal removal, wildlife rehabilitation, and license issuance. He asked the Board to adopt Board Order WM-06-08. **(POWERPOINT)**

**Public Appearances:**

1. **Ed Harvey**, Waldo, representing the WI Conservation Congress spoke in support of the housekeeping rule package.

**Mr. Cole MOVED, seconded by Mr. Welter approval of the request for Adoption of Board Order WM-06-08, Modifications to chs. NR 1, 8, 10, 11, 12, 15, 16, 17, and 19, the 2008 Wildlife Management Housekeeping Rule Package. The motion carried unanimously.**

- 3.B.3 Request adoption of Board Order FH-02-08, Fisheries Management Rule Proposals supported at the 2008 Spring Fish and Wildlife Rules Hearings  
**Mike Staggs**, Director, Fisheries and Habitat Bureau spoke on behalf of Steve Hewett. He stated that these proposals were suggested by Fisheries Management and Law Enforcement staff to address fisheries management and law enforcement issues related to management of recreational fishing in Wisconsin's inland and boundary waters. Many of these proposals had been discussed with committees or county delegations of the Conservation Congress, and all of the proposals recommended for adoption were supported at the 2008 spring rules hearings. He asked the Board to adopt Board Order FH-02-08.

Discussion followed on Prairie River regulations.

**Public Appearances:**

1. **Glenn Mott**, Tomahawk, representing the Lake Alice Association stated that he and the Association supports and urges the Board to approve the Fisheries Management Rule Proposals.
2. **Neil Pietenpol**, Tomahawk, representing self gave a summary of the untold success story of the clean-up of Lake Alice and Wisconsin River. This was accomplished through the cooperation of the DNR and the Rhinelander Paper Mill. Land was purchased along the Wisconsin River and Menard Island area to protect the shoreline and create a wilderness setting. Pressure on the fishery has increased tremendously. It is now time to protect this fishery for future generations to enjoy. He supports the Fisheries Management Rule Proposals.
3. **George Meyer**, Madison, representing the WI Wildlife Federation supports the Department's recommendation to not adopt the catch and release of muskellunge north of Highway 10. The WWF supports the Fisheries Management Rule proposals. **(HANDOUT)**
4. **Ed Harvey**, Waldo, representing the WI Conservation Congress testified that the Congress supports the all but one of the DNR's recommended rule proposals. The Congress did not support the Department's position to advance question 24, dealing with musky size limits on the Chippewa Flowage. He also testified that the Congress appreciates and supports the DNR's decision to not advance Questions 12 – 16, or 36. Neither the Congress nor the public at the Spring Hearings supported any of the proposed rule changes associated with the budget bill provision regarding the catch and release bass and muskie seasons presented in Questions 12 – 16. Regarding Question 36, pertaining to the Prairie River, he explained that this is a social and not a biological issue. It was also not a research project or scientific experiment. The local vote should prevail. **(HANDOUT)**

**Ms. Wiley MOVED, seconded by Mr. Ela approval of the request for adoption of Board Order FH-02-08, Fisheries Management Rule Proposals supported at the 2008 Spring Fish and Wildlife Rules Hearings.**

Discussion followed on an aggregate limit and provisions for Prairie River.

**Dr. Clausen MOVED, seconded by Mr. Welter to commence Cat. 5 regulations on the Prairie River between R & H Road and the County CCC Bridge beginning May 3, 2009, with a 12" minimum size limit for all trout, a three trout aggregate bag limit, only one of which may be a brook trout, and fishing with artificial lures or flies only, unless the department recommended a pilot program under which bait anglers would be required to fish with non-offset circle hooks only.**

Discussion followed on the Wisconsin Conservation Congress process, if the Prairie River question was a matter of local or statewide interest, category 5 angling opportunities in Wisconsin, and reducing hooking mortality.

Ms. Wiley called the question.

**The motion to amend failed in a roll call vote of 3 - 4.**

**David Clausen – yes**

**Preston Cole – no**

**Jonathan Ela – no**

**Gary Rohde – yes**

**John Welter – yes**

**Christine Thomas – no**

**Jane Wiley – no**

**The original motion carried unanimously.**

3.B.4 Request adoption of Board Order FH 22-06A, revised fishing tournament regulations DELETED

3.B.5 Request Authorization of Public Hearings for Board Order IS-34-06, an order to create ch. NR 40 relating to the identification, classification and control of Invasive Species

**Kelly Kearns**, Plant Conservation Program Manager, Bureau of Endangered Resources was the presenter for this agenda in place of Laurie Osterdorf, Todd Ambs, Susan Crawford, and Paul Delong. The Board approved this item without staff presentation or discussion.

**(POWERPOINT)**

**Mr. Welter MOVED, seconded by Dr. Clausen adoption of the request for Authorization of Public Hearings for Board Order IS-34-06, an order to create ch. NR 40 relating to the identification, classification and control of Invasive Species. The motion carried unanimously.**

3.B.6 Land Acquisition – Buckhorn State Park – Juneau County

**Dr. Clausen MOVED, seconded by Mr. Ela approval of the Land Acquisition – Buckhorn State Park – Juneau County. The motion carried unanimously.**

3.B.7 Land and Easement Acquisition – North Branch Milwaukee River Wildlife and Farming Heritage Area – Ozaukee County

**Mr. Ela MOVED, seconded by Mr. Rohde approval of the Land and Easement Acquisition – North Branch Milwaukee River Wildlife and Farming Heritage Area – Ozaukee County. The motion carried unanimously.**

3.B.8 Land Acquisition – Statewide Public Access Program – Waukesha County

**Public Appearances:**

1. **Tom Godar**, Oconomowoc, representing the Okauchee Lake Management District was not in attendance.
2. **William O'Connor**, Madison, representing the Okauchee Lake Management District asked the Board to defer purchase on this transaction and cited the District's concerns with the Department's public boat access standards, environmental assessment of the site, consistency with the Departments priorities for land acquisition, and that there should be a public review process. **(HANDOUT)**

Discussion followed on a specific development plan for this property and boat traffic

3. **Lisa Marks**, Ixonia, representing the Golden Mast Restaurant was not in attendance.
4. **Hans Weissgerber**, Oconomowoc, representing the Golden Mast Restaurant stated there is no compelling reason for the Department to spend \$1 million for a boat landing site on Okauchee Lake. Private enterprise is already providing boat landing services. This satisfies the Department's guidelines for lake access. **(HANDOUT)**

Discussion followed on the Golden Mast's boat parking and the Department's current launch site.

Discussion continued on deferring item, working with Lake District on their concerns, Department policy on recommended parking spaces, if an environmental impact statement is needed, on a development plan for the property, and the congestion formula in Section NR 1.91 of the Administrative Code.

**Mike Lutz**, Department Attorney stated he was involved in the drafting of Section NR 1.91. Granted there is some arbitrary nature to the number of boats but they took into account that lakes already have other uses. They never intended this maximum to be the maximum number of boats that are appropriate for the lake. The maximum is simply based on the fact that how many boats should a public access add to that mix. When you have a public access at a so-called reasonable fee, the approved fee which this would be at tends to be the most used access site. That is where people go and tends to be a fairly constant use and fills up.

The Department cannot have a rule for every lake. Given all those other uses, on the average we have a reasonable number of boaters on the lake. The maximum does not mean maximum number of boats appropriate for the lake, it means the maximum number of boats appropriate for a public launch given all the other potential uses. A group of Department employees who participate in boating and fishing got together and did their best to come up with these numbers. The Department has been consistent with them.

**Mr. Cole MOVED, seconded by Ms. Wiley to table until July 10, 2008 the Land Acquisition – Statewide Public Access Program – Waukesha County.**

Discussion continued on satisfying conflicts with private business and landowners, lost acquisition opportunities in southeast Wisconsin (i.e. North Lake), cost, maintaining appropriate access to this lake, timeline of purchase including local contacts and public notices, contract with Golden Mast, obtaining an extension to the offer to purchase, and a Board tour of the acquisition site.

**The motion to table passed in a roll call vote of 4 – 3.**

<b>David Clausen – no</b>	<b>Preston Cole – yes</b>
<b>Jonathan Ela – no</b>	<b>Gary Rohde – yes</b>
<b>John Welter – no</b>	<b>Christine Thomas – yes</b>
<b>Jane Wiley – yes</b>	

Discussion continued on allowing public testimony for the July 10 conference call.

3.B.9 Land Acquisition – Devil’s Lake State Park – Sauk County

**Mr. Ela MOVED, seconded by Dr. Clausen approval of the Land Acquisition – Devil’s Lake State Park – Sauk County. The motion carried unanimously.**

3.B.10 Land Acquisition and Project Boundary Modification – South Shore Lake Superior Fish and Wildlife Area – Bayfield County

**Dr. Thomas MOVED, seconded by Dr. Clausen approval of the Land Acquisition and Project Boundary Modification – South Shore Lake Superior Fish and Wildlife Area – Bayfield County. The motion carried unanimously.**

3.B.11 Land Acquisition and Project Boundary Modification – Lower WI State Riverway – Iowa County

**Ms. Wiley MOVED, seconded by Mr. Ela approval of the Land Acquisition and Project Boundary Modification – Lower WI State Riverway – Iowa County. The motion carried unanimously.**

3.B.12 Land Acquisition – Lower WI State Riverway – Sauk County

**Mr. Ela MOVED, seconded by Ms. Wiley approval of the Land Acquisition – Lower WI State Riverway – Sauk County. The motion carried unanimously.**

3.B.13 Land Acquisition – Statewide Natural Areas – St. Croix County

**Mr. Ela MOVED, seconded by Dr. Clausen approval of the Land Acquisition – Statewide Natural Areas – St. Croix County. The motion carried unanimously.**

3.B.14 Land Acquisition and Project Boundary Modification – Peter Helland Wildlife Area – Columbia County

**Mr. Welter MOVED, seconded by Dr. Clausen approval of the Land Acquisition and Project Boundary Modification – Peter Helland Wildlife Area – Columbia County. The motion carried unanimously.**

3.B.15 Land Acquisition and Donation – Beaver Brook Wildlife Area – Washburn County

**Dr. Clausen MOVED, seconded by Mr. Cole approval of Land Acquisition and Donation – Beaver Brook Wildlife Area – Washburn County. The motion carried unanimously.**

3.B.16 Land Acquisition and Donation – Statewide Fisheries Habitat Program – Brown County

**Mr. Ela MOVED, seconded by Dr. Clausen approval of the Land Acquisition and Donation – Statewide Fisheries Habitat Program – Brown County. The motion carried unanimously.**

3.B.17 Easement Donation – Gift Lands Program – Waupaca County

**Dr. Clausen MOVED, seconded by Dr. Thomas approval of the Easement Donation – Gift Lands Program – Waupaca County. The motion carried unanimously.**

Discussion followed on the gift lands concept.

3.B.18 Easement Acquisition – Lower WI State Riverway – Dane County

**Dr. Clausen MOVED, seconded by Mr. Ela approval of the Easement Acquisition – Lower WI State Riverway – Dane County. The motion carried unanimously.**

5. Board Members' Matters

**Dr. Clausen** requested a briefing on Annosum root rot as an information item at the September Board meeting. He asked this briefing include an overview of the disease and an update on how the Department will integrate control guidelines into timber sales on state properties.

**Mr. Welter** requested a briefing on the Amery-Dresser trail to include information on management and issues.

**Mr. Cole** asked that protocol be created regarding citizen participation speakers that have litigation against the Department.

**Mr. Rohde** noted that citizens should be welcome to register, say anything, and express their opinion or issue.

6. Special Committees' Reports  
Stewardship Subcommittee

**Mr. Welter** requested the full Board review the Stewardship Subcommittee's recommendations on access related changes in the rule and to respond to him within one week with any changes, after which the recommendations would be forwarded to Secretary Frank and the Citizens Access Committee.

**Secretary Frank** stated the Citizens Advisory Committee on Stewardship Access Rules is well assembled and that the Department is going through formalities.

**Mr. Welter** thanked Mr. Cole and Ms. Wiley for their input and time involved in the listening sessions.

7. Department Secretary's Matters

**Secretary Frank** stated the Board did a very good thing in adopting the mercury rule. He thanked staff as well for their tremendous work in this. No one should lose sight as to what has been accomplished with this rule. The Department is moving forward in a major way to reduce mercury in this state which has a direct benefit to public health.

**Dr. Thomas** thanked Mr. Ela for his help in this rule.

7.A. Retirement Resolutions

- 7.A.1 Lee S. Meyers
- 7.A.2 Arden R. Pinkert
- 7.A.3 Delbert L. Maag
- 7.A.4 Jim Varro
- 7.A.5 Barb Ingram
- 7.A.6 Jack B. Hoisington
- 7.A.7 Terrence Gardon
- 7.A.8 Barb Hennings
- 7.A.9 Bruce J. Williams
- 7.A.10 ~~John Brandenburg~~ DELETED

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

June 24-25, 2008

7.B. Donations

- 7.B.1 Badger High School Leadership Dynamics Class of 2008 will donate \$10,310.00 to Big Foot Beach State Park

**Mr. Welter MOVED, seconded by Mr. Ela approval of the Badger High School Leadership Dynamics Class of 2008 will donation of \$10,310.00 to Big Foot Beach State Park. The motion carried unanimously.**

8. Information Items

- 8.A. Air, Waste, and Water/Enforcement  
None

- 8.B. Land Management, Recreation, and Fisheries/Wildlife  
None

**Dr. Clausen MOVED, seconded by Mr. Welter to adjourn the meeting. The motion carried unanimously.**

\*\*\*The meeting adjourned at 4:45 p.m.\*\*\*

**NOTE: Each Natural Resources Board meeting is recorded. Tapes of each meeting are available for purchase by contacting the Natural Resources Board at 608-267-7420. The following resources are also available: Agenda Item Packets (green sheets), supporting documents, and public comment.**