

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, September 24, 2008 at the Holiday Inn Hotel & Suites, Rothschild, 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.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

David Clausen – present
Jonathan Ela – present
John Welter – present
Jane Wiley – present

Preston Cole – present
Gary Rohde – present
Christine Thomas – present

Keith Langenhahn, Marathon County Board Supervisor welcomed the Board to their County.

Dr. Thomas, on behalf of the Board thanked regional staff and Board Member Jane Wiley for hosting the Board meeting.

1.B. Approval of agenda for September 24, 2008

Mr. Welter MOVED, seconded by Mr. Ela approval of the agenda for September 24, 2008. The motion carried unanimously.

1.C. Approval of minutes from June 24-25, 2008 and July 10, 2008

Mr. Welter MOVED, seconded by Mr. Ela 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. The motion carried unanimously.

3. Action Items

3.A. Budget

3.A.1 Request approval of the Department's 2009 – 2011 Biennial Budget, including Operating, Capital, and Environmental Improvement Fund Components

Joe Polasek, Management and Budget Bureau Director and **John Hagman**, Facilities Management Section Chief gave a joint presentation stating that the proposed two-year DNR budget is \$596.5 million for 2009-2009 and \$596.7 million for 2010-2011. In total, the two-year budget includes an increase of \$27.3 million over the 2007-2009 Biennial Budget. The cost to continue items represents \$18.7 million of this increase, or a 2.3% growth over the 2008-2009 base budget. When the cost to continue is excluded, this budget reflects a 0.7% growth over base.

This budget would also authorize \$62.3 million for capital development and \$73.7 million for land acquisition and includes increases in the biennial finance plan for the Environmental Improvement Fund. They requested the Board to approve the Department's 2009-2011 Biennial Budget and components.

Discussion followed on fleet costs, why the Department cannot move funds between lines, Board initiatives, budget timeline, and revenue sources.

Matt Frank, DNR Secretary addressed the lean budget that the Department is submitting. The Department is looking to streamline and be more efficient and will continue to work with the Department of Administration (DOA) and Governor Doyle as well as other state agencies in submitting budgets.

Dr. Thomas requested staff give an explanation at the December 10, 2008 meeting as to the general plan of taking care of the lapse in this budget and asked interested Board members to submit ideas to be discussed for the next biennium to Joe Polasek by October 30, 2008

Discussion continued on the increased fleet costs from DOA and raising hunting fees.

Mr. Frank stated that before the Department would ask for a fee increase, they would need to be convinced there is no other alternative.

Discussion continued on the implementation and timetable of the Global Warming Task Force recommendations and a bonding program for “green” state buildings.

Mr. Ela requested staff keep the Board informed on the status of measures to implement the recommendations of the Global Warming Task Force.

Discussion continued on initiatives for increased efforts for urban and community environment for trees, carbon credits, and possible revenue from cell towers.

Dr. Clausen requested staff look into the possibility of the Department obtaining revenue sources from cell towers comparable to the amount a private land owner would receive.

Discussion continued on the legislative process, the Capital Budget Major Projects list, and the Department’s workforce.

Dr. Clausen MOVED, seconded by Ms. Wiley approval of the request for approval of the Department’s 2009 – 2011 Biennial Budget, including Operating, Capital, and Environmental Improvement Fund Components.

Ms. Wiley abstained from Item 4 [Rib Mountain State Park Sewer, Water, Road and Park Entrance Visitors Station (PEVS)] on the Capital Development Budget Major Projects Priority List.

Discussion followed on the department’s workforce, the fleet budget, and the need for additional revenue and initiative information.

Ms. Wiley requested a report on the trend for using Limited Term Employee’s (LTE’s) over the years in comparison with permanent employees.

Mr. Rohde MOVED, seconded by Dr. Thomas to amend approval subject to changes Board may make as revenue and initiative information comes forward. The amendment carried unanimously.

The original motion as amended carried unanimously.

3.B. Air, Waste, and Water/Enforcement
None

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

3.C.1 Request Adoption of Board Order FR-12-08 revising NR 47.70, pertaining to the County Forest Administration Grant

Jeff Barkley, County Forest Specialist, Forest Management Bureau stated that this proposal

would make eligible for cost-sharing a county's dues to a non-profit organization that represents the collective interests of counties in the county forest program and that serves as an organizational liaison to the Department. The total amount that the Department may award in funding for this portion of the grant cannot exceed \$50,000 annually. The remainder of the grant is unchanged, providing for up to 50% of the cost of a county forest administrator's salary and benefits so long as the benefits don't exceed more than 40% of the salary. This grant program has been instrumental in encouraging counties to hire professionally-qualified staff to administer their county forests and has facilitated the ability of the program to become green-certified. He requested the Board approve Board Order FR-12-08.

No discussion followed the presentation.

Mr. Welter MOVED, seconded by Mr. Rohde approval of the request for Adoption of Board Order FR-12-08 revising NR 47.70, pertaining to the County Forest Administration Grant. The motion carried unanimously.

- 3.C.2 ~~Land & Easement Acquisition - Hank Aaron State Trail - Milwaukee & Waukesha Counties~~
DELETED - moved to October meeting

Mr. Frank and members of the Board congratulated and thanked Richard Steffes, Real Estate Director, for 35 years of service. His contributions to the state have been tremendous.

- 3.C.3 Land Acquisition - Chippewa River State Trail - Chippewa County

Discussion followed concerning the public street segment of the trail.

Mr. Ela MOVED, seconded by Dr. Clausen approval of the Land Acquisition - Chippewa River State Trail - Chippewa County. The motion carried unanimously.

- 3.C.4 Land Acquisition - Quincy Bluff and Wetlands Natural Area - Adams County

Dr. Thomas MOVED, seconded by Ms. Wiley approval of the Land Acquisition - Quincy Bluff and Wetlands Natural Area - Adams County. The motion carried unanimously.

- 3.C.5 Land Acquisition - Statewide Natural Area - Outagamie County

Dr. Clausen MOVED, seconded by Mr. Welter adoption of the Land Acquisition - Statewide Natural Area - Outagamie County. The motion carried unanimously.

- 3.C.6 Land Donation - Chippewa Moraine State Recreation Area - Chippewa County

Mr. Welter MOVED, seconded by Mr. Rohde approval of the Land Donation - Chippewa Moraine State Recreation Area - Chippewa County. The motion carried unanimously.

- 3.C.7 Easement Donations - North Country National Scenic Trail - Douglas County

Ms. Wiley MOVED, seconded by Dr. Clausen approval of the Easement Donations - North Country National Scenic Trail - Douglas County. The motion carried unanimously.

- 3.C.8 Land Donation - Chippewa Flowage Scenic Waters Area - Sawyer County

Mr. Welter MOVED, seconded by Dr. Clausen approval of the Land Donation - Chippewa Flowage Scenic Waters Area - Sawyer County. The motion carried unanimously.

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- 3.C.9 Request adoption of WM-18-08(S) which amends WM-18-08(E) and WM-17-08, the permanent and emergency rules establishing the 2008 migratory bird hunting seasons **ADDED on 9/08/08 and subsequently DELETED on 9/16/08**

Discussion followed on why this item was added and then subsequently deleted.

Dr. Thomas continued with Agenda item 8.A.1.

8. Information Items

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

8.A.1 Little Plover River Flow Management Update

Todd Ambs, Land Administrator and **Dan Baumann**, West Central Regional Water Leader, gave a joint presentation stating the Department has partnered with local groundwater users, conservation groups, other governmental agencies and the public to identify local solutions to restore a healthy flow in the Lower Plover River (LPR). The working group identified a range of possible actions that would decrease groundwater pumping, increase recycling and re-use of withdrawals, explored the feasibility of each option and developed actions to address the problem. A flow augmentation plan was executed in July – August 2007 and that flows have not had to be augmented in 2008.

To date, there has been very good cooperation among the user groups and several conservation groups. The Department's approach has been to guide the parties to find local solutions to this problem and are now in the process of using public rights stage criteria and data collection to identify a minimum healthy flow for the LPR.

Todd Ambs, Water Administrator and **Dr. Clausen** commended Dan Baumann and stated their appreciation for his efforts in working on this item.

Discussion followed on concerns that the river is drying up, temperature monitoring, outcome of the work group, minimizing impact of high capacity wells, and the December 2007 legislative report.

Dr. Thomas requested a briefing in the form of an information item at a future meeting on the legislative process and key issues.

Discussion continued on the legislative report, public rights stage, the need for cooperation from stakeholders, and the groundwater table.

INFORMATION ITEM – NO ACTION WAS TAKEN

Dr. Thomas recessed the meeting for lunch. The meeting reconvened at 12:50 p.m. with Secretary's Matters.

7. Department Secretary's Matters

Secretary Frank updated the Board on the mercury rule - the biggest and most significant air rule ever at the Department, the passage of the Great Lakes Compact, expansion of the cranberry industry, and the U.S. Forest Service road closures.

Mr. Welter requested a briefing on cranberry law, interpretations, and its limitations. He asked staff to include information on water quality and groundwater impacts, and dam safety

Discussion continued on projected growth of the cranberry industry and the impact of road closures in the U.S. Forest to hunters and other users.

- 7. Department Secretary's Matters - Continued
- 7.A. Retirement Resolutions
- 7.A.1 Michael L. Ries
- 7.A.2 Donald E. Schmitt
- 7.A.3 Patrick R. Coffen

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

- 7.B. Donations
- 7.B.1 Blackhawk Trout Unlimited will donate \$5,200 in riprap rock to the Bureau of Fisheries Management and Habitat for a project in Reads Creek in Vernon County

Mr. Rohde MOVED, seconded by Mr. Welter approval of the Blackhawk Trout Unlimited donation of \$5,200 in riprap rock to the Bureau of Fisheries Management and Habitat for a project in Reads Creek in Vernon County. The motion carried unanimously.

- 4. Citizen Participation – 1:30 p.m.
- 4.A. Citizen Participation

- 1. **George Meyer**, Madison, Wisconsin Wildlife Federation *Topic: Ballast Water Regulation.* He stated that the Minnesota Control Board has before it the Minnesota Ballast Water Discharge General Permit and strongly encouraged the Board to have the Wisconsin Clean Water Act permit in place before the 2009 shipping season to avoid a situation where an international ship avoids the Minnesota regulations by discharging its ballast water on the Superior side of the Duluth-Superior harbor. **(HANDOUT)**

Discussion followed on the rulemaking process for the Department to have this regulation in place by May 2009, if the Department has existing authority through the general permit, process for the treatment of ballast water, and Michigan regulations.

Mr. Frank thanked Mr. Meyer and the Wisconsin Wildlife Federation for their efforts. He stated this is a top priority for the Department and that federal action is the best action. Also being addressed nationally is regulation. At issue: Is it administered by the Coast Guard, the Environmental Protection Agency or a combination of the two? The Department is staying in touch with Minnesota and other Great Lakes states.

Discussion continued on the proposed legislation and whether it goes as far as it should go.

Dr. Thomas requested an update on Ballast Water at the October meeting.

Mr. Cole offered the Milwaukee Metropolitan Sewerage District (MMSD) as a potential partner with the Department in offshore treatment.

- 2. **Diane Wessel**, Town of Ringle, representing Marathon County and the North Central Wisconsin Stormwater Coalition *Topic: Requesting changes to the WI Pollution Discharge Elimination System (WPDES) Rules* She stated they support the goal of WPDES. She requested the Board direct the Department to make revisions to the program that would continue to meet the requirements of the Clean Water Act and ensure that Wisconsin would continue to be a leader in the protection of our waters. She asked for the following considerations: 1) Standards of performance; 2) 2013 deadline; 3) SLAMM model consistency; and 4) Public education and outreach. **(HANDOUT)**

Mr. Ambs stated the Department is happy to engage in further discussions. These are important targets to shoot for. He will work through these considerations with communities.

5. Board Members' Matters

Mr. Ela asked if it is appropriate for the Board to see that any new significant Department building be built to green standards.

Mr. Rohde requested the commercial fishing briefing be held on October 7 and 8 since he has another tour scheduled on October 10.

Dr. Thomas requested future briefings be held over the course of a scheduled board meeting so the full Board can be briefed.

6. Special Committees' Reports

None.

Dr. Thomas continued with Agenda item 8.B.1.

8. Information Items - continued

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

8.B.1 2008-2013 Wisconsin State Park System Strategic Plan

Dan Schuller, Director, Bureau of Parks and Recreation presented the Wisconsin State Park System's five year strategic plan that will serve as the template for all development, restoration, and management activities of the park system until the year 2013. The eight goals and associated actions within the plan are the foundation for policy and development decisions that will be presented to the Board for action over the next five years. These goals, centered on the state park mission, are based on the three core elements of the system: recreation, resource protection, and education. From these goals, action strategies were created to improve recreational opportunities on state park properties, preserve and restore the natural resource base of these properties, and educate visitors on important ecological and cultural issues within the state and state park properties. The 2008-2013 strategic plan is not intended to list all activities to be undertaken by state parks, but rather to identify the goals and objectives of the highest priority to the system. **(POWERPOINT)**

Discussion followed on the number of state parks and state recreational areas.

INFORMATION ITEM – NO ACTION WAS TAKEN

8.B.2 Update on the joint WDNR - USFWS Lake Superior Brook Trout Restoration Plan

Steve Schram, Fisheries Team Supervisor, Bureau of Fisheries Management and Mark Brouder, U.S. Fish and Wildlife Service (USFWS) gave a joint presentation. They stated that this plan describes the life history, threats, and management of brook trout in Wisconsin's portion of the Lake Superior basin and its tributaries, and suggests goals, objectives and tactics to protect and rehabilitate depleted populations. It was jointly written by the Department and the U.S. Fish and Wildlife Service. The plan's goals are: To protect and improve self-sustaining brook trout populations and their habitat in Wisconsin's Lake Superior Basin and attempt to establish several populations that exhibit life history diversity (both stream resident and migratory 'coaster' life history types).

Component areas of the joint plan include: 1. Stream habitat and watershed health; 2. Harvest management (restrictive harvest regulations); 3. Rehabilitation stocking; 4. Genetics Management; 5. Life history and management; 6. Species interactions; and 7. Outreach. **(POWERPOINT)**

Discussion followed on the purpose of an engineered log jam, the genetic profiling of a population, stabilization of stream banks, and whether there is a benefit to having uniform protective regulations in Lake Superior and tributary streams, similar to Minnesota's regulatory approach.

INFORMATION ITEM – NO ACTION WAS TAKEN

8.B.3 Annosum root rot update

Kyoko Scanlon, Plant Pest and Disease Specialist, Bureau of Forest Sciences stated that Annosum root rot is caused by a fungus. This disease is considered among the most important and destructive diseases affecting conifers in the north temperate regions of the world. Infected trees show thin crowns, reduced growth, and eventual mortality. Since the initial finding, numerous management efforts have been made as well as surveys and outreach work. However, once the disease is established in a stand, it is very difficult to control this disease. In Wisconsin, the disease has been most commonly seen on red and white pines in plantation-grown stands. The disease not only causes serious damage to existing overstory, but significantly limits understory growth by infecting and killing understory trees. Understory infection has been observed on balsam fir, jack, red and white pines, red cedar, and red oak in Wisconsin.

Current DNR guidelines for Annosum root rot recommend the application of a fungicide on each fresh cut stump as soon as possible after cutting or by the end of each cutting day during thinning/harvesting operations throughout the state to prevent the introduction of this disease to a stand. The current application method is labor intensive, and the time sensitive nature of this application makes the treatment complicated and often impractical especially with machine harvesting. Development and implementation of comprehensive management guidelines that are scientifically sound and operationally practical are essential to minimize the further spread of the disease in Wisconsin.

Discussion followed on the per acre costs and methods to treat a plantation, impact of disease on the regeneration of other trees such as oak, the length of time a tree wound is susceptible for, why there is no fungus in the northern third of the state, why a horizontal wound is more susceptible to the disease than a vertical wound, if treatment is required on timber sales, the need to get loggers involved, and the economic impact of the disease.

Mr. Cole requested an economic analysis on the impact of this disease to property owners. He asked that loss of revenue from timber sales be included in the memo.

INFORMATION ITEM – NO ACTION WAS TAKEN

8.B.4 Update on Emerald Ash Borer in Wisconsin

Jane Cummings Carlson, Forest Health Coordinator, Bureau of Forest Sciences and **Melody Walker**, Department of Agriculture, Trade and Consumer Protection (DATCP) Pest Survey and Control Section Chief gave a joint presentation. They stated that three adult beetles were found on August 1 in the village of Newburg and confirmed on August 6. The DATCP and APHIS declared a quarantine of all ash products and hardwood firewood covering Ozaukee, Washington, Sheboygan and Fond du Lac counties on August 7. An informational meeting was held August 11 with local governments affected by the find and quarantine to provide information on the find and resources available for dealing with impacts on communities and counties. A public open house was held on August 19 to address questions by the public and more than 350 people attended.

Emerald Ash Borer (EAB) adults have completed their emergence from infested material and will not emerge again until spring of 2009. There is no need to rush to remove and destroy infested material as no new beetles will emerge this year. It is important to prevent movement of infested wood however, since adult beetles could emerge from the wood next spring and develop new infestations. To reduce the movement of wood out of the infested area, DNR and DATCP use two tools; quarantine and education.

Decisions on management of the known infestation must wait until the extent of the infestation is determined as this information is central to what options are possible. Other factors that will influence the decision on management options to name a few include the age of the infestation and what resources are available. The Response Plan describes the many factors to be considered and options for management of the first finds of EAB in the state and can be viewed and printed out at <http://emeraldashborer.wi.gov/pdf/2008WIEABResponsePlan.pdf>.

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(POWERPOINT AND HANDOUT)

Discussion followed on the location of the diseased trees, the number of ash trees in Ozaukee and Washington counties, the percentage of these trees as compared to the total tree population, agency recommendations, and why bringing in firewood to state parks has not been banned.

INFORMATION ITEM – NO ACTION WAS TAKEN

Dr. Clausen MOVED, seconded by Mr. Ela 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.