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NATURAL RESOURCES BOARD

DRAFT BRIEF OF ACTION (rev. 4/29/14)

The regular meeting of the Natural Resources Board was held on Wednesday, April 9, 2014 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 1-3 and 6-7. The meeting adjourned at 10:30 a.m.

Terry Hilgenberg, Vice-Chair, stated that he was asked to sit-in for Chair Preston Cole who could not attend this meeting due to a conflict in his work schedule.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present
Christine Thomas – present
Terry Hilgenberg – present
Greg Kazmierski – present
Gary Zimmer – present
Jane Wiley – present
Preston Cole – absent, excused

1.B. Approval of agenda for April 9, 2014

Dr. Thomas MOVED approval of the April 9, 2014 agenda, seconded by Mr. Kazmierski. The motion carried unanimously.

1.C. Approval of Brief of Action from February 26, 2014

Mr. Zimmer MOVED approval of the February 26, 2014 Brief of Action, seconded by Mr. Bruins. The motion carried unanimously.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Ms. Wiley MOVED approval, seconded by Mr. Bruins of the Real Estate Transactions. The motion carried unanimously.

3. Action Items

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

3.A.1. Request adoption of Board Order SS-14-12, proposed rules affecting ch. NR 157, NR 219, and NR 233 related to analytical test methods and procedures for the analysis of wastewater and biosolids

Dr. Thomas MOVED approval, seconded by Mr. Kazmierski of the department's recommendations. The motion carried unanimously.

3.A.2. Request authorization for public hearings for Board Order SS-04-12, proposed rules affecting chapter NR 40 related to Invasive Species Identification, Classification and Control revisions including clarification to the language and changes to the species listed under NR 40.04(2) and NR 40.05(2), Wisconsin's regulated invasive species list

Discussion followed on the where the hearings would be located.

Ms. Wiley MOVED approval, seconded by Mr. Kazmierski of the department's recommendations.

Discussion continued on what these regulations could potentially require a property owner to do if a prohibited plant is found on their property and whether the department is keeping with the current law.

The motion carried unanimously.

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

3.B.1. Legislative request for modifications to Board Order WM-05-13 related to bobcat and elk management and hunting

Mr. Zimmer requested that Scott Loomans, Wildlife Regulation Policy Specialist, give a background on what the Board voted on at their December 2013 meeting related to this item.

Mr. Loomans briefed the Board on the background of the December rule package.

Vice-Chair Hilgenberg recognized Larry Bonde, Vice Chairman of the Wisconsin Conservation Congress to speak to the Board. In accordance with s. 15.348, Wis. Stats., the Conservation Congress serves in an advisory capacity to the Natural Resources Board.

Mr. Bonde stated that as the Congress and the department worked on the rule the Board approved in December, the discussion about changing the bobcat season framework from the current structure where tags are zone specific to permits valid statewide was not considered. This suggested change to the bobcat season structure is significant enough that the public should have the opportunity to engage in that discussion and voice their opinion on the proposal. **(Handout)**

Discussion followed as to whether the department was aware this change was being pushed for and that hunting opportunity is a large concern.

Vice-Chair Hilgenberg asked Tim Andryk, Chief Legal Counsel to the podium to explain what the options of the Board are relative to this so there is a clear understanding of what can or cannot be done.

Counsel Andryk stated the Board can vote to approve or deny. If denied, the department would notify the Assembly Natural Resources committee that the Board respectfully declined. He then outlined this process and what would happen if they take objection to the Board's action.

Discussion followed on whether this change could take place without a public hearing, timeline on this rule if the legislature objects or does not object, and concern for transparency to the public and the Conservation Congress process.

Mr. Bruins MOVED to respectfully deny, seconded by Mr. Zimmer, the legislative modification request. The motion to deny carried unanimously.

3.B.2. Land Acquisition – Black River State Forest – Jackson County

Ms. Wiley MOVED approval, seconded by Mr. Bruins of the department's recommendations. The motion carried unanimously.

3.B.3. Land Sale and Land Acquisition with a Partial Donation of Value – Chippewa Flowage – Sawyer County

Mr. Kazmierski MOVED approval, seconded by Mr. Zimmer of the department's recommendations. Mr. Kazmierski and Mr. Zimmer withdrew their motion and second, respectively.

Discussion followed on whether the appraisals are accurate.

Vice-Chair Hilgenberg requested that all future appraisals be calibrated on a per front footage when dealing with waterfront parcels.

Secretary Stepp invited Dian DeLong, co-owner of the property, to the podium to accept recognition for the donation. She thanked Ms. DeLong for their willingness to work with the department on this project and for their donation.

Dian DeLong briefed the Board on the history and of her memories of the property known as Sliver's Point.

Mr. Kazmierski MOVED approval, seconded by Mr. Zimmer of the department's recommendations for the land sale, land acquisition, and to acknowledge the partial donation. The motion carried unanimously.

3.B.4. Land Acquisition – Statewide Public Access – Sawyer

Vice-Chair Hilgenberg stated that Doug Haag, Facilities and Lands Bureau Deputy Director, had been on sick leave and the Board is glad to see him back in full gear.

Ms. Wiley MOVED approval, seconded by Mr. Zimmer of the department's recommendations. The motion carried unanimously.

3.B.5. Land Acquisition – Lower Chippewa River State Natural Area – Dunn County

Mr. Bruins stated that out of the 200 acres of land, there are roughly 90 acres of very productive, tillable agriculture land in this acquisition request. Even though it is largely flood plain, it should not be discredited as agriculture land. He asked the department to step back and see whether to take this in a better direction.

Mr. Bruins MOVED, seconded by Mr. Kazmierski to table for the May meeting action on Land Acquisition – Lower Chippewa River State Natural Area – Dunn County. The motion to table passed on a vote of 5 - 1.

3.C. Scope Statements
None

4. Citizen Participation
None

5. Information Items
5.A. Air, Waste, Water, and Enforcement
None

5.B. Land Management, Recreation, Fisheries, and Wildlife
5.B.1. ~~Payment in Lieu of Taxes~~ **DELETED** (Moved to May 28, 2014 Board Agenda)

5.B.2. Northern Wisconsin Deer Density and Forest Management Experiment, located on the Ontonagon River Block **PowerPoint**

Discussion followed as to why this research could not be replicated at the Sandhill property.

Vice-Chair Hilgenberg recognized Larry Bonde, Vice Chairman of the Wisconsin Conservation Congress (WCC) to speak to the Board.

Mr. Bonde stated that to allow for a thorough vetting of the issues from the public and the WCC Deer and Elk Committee, the Conservation Congress respectfully asks that the Board consider their concerns and revisit this project as

an action item at a later meeting. Backing up a little and engaging the citizens will hopefully produce a study in which the Congress and the public feel they are partners and will be able to embrace the results to be used in future deer management. **(Handout)**

Discussion followed on the importance of managing property for the betterment of society, whether the department has a magic number regarding deer abundance, what metrics this research would measure and whether it would emulate what really goes on in the wild, that the Board was unaware of this project during the Northern Highland American Legion State Forest and Willow Flowage Master Plan Amendment approval (October 23, 2013) since it was not identified as a potential hot point, and whether this research would measure the extent of browsing that the public would perceive as detrimental and what is tolerable.

Dr. Thomas stated this is not an action item today. She questioned what the Board could do today and asked Secretary Stepp for her guidance.

Secretary Stepp thanked staff for their presentation and WCC for their comment. She stated this was a good learning lesson on how this was handled. She stated the department needs to get out there and educate the people about this research and will look into holding information sessions around the state.

Discussion continued as to the timeline for this research project, how the department selected this area, whether there are any alternative locations, whether the Board should partner in information sessions if scheduled.

Mr. Zimmer stated the Board received several letters from the public commenting on this issue. Some of the questions can be answered quickly and others cannot. He hoped to see responses to the folks most affected by this proposal.

Discussion continued that this project was not highlighted in the master plan amendment as were the Van Vleet and Iron Gate issues, and what the Board's and department's roles are going forward.

Secretary Stepp stated that going forward the department would schedule listening sessions, and would invite Board Members to attend and observe. The Board can open up the project if there are concerns.

Dr. Thomas stated that if things go south, a Board member could ask at any time to add this to a meeting agenda.

Counsel Andryk stated correct.

Discussion followed on the public involvement process and letting the public know the Board cares, concern that this would set a precedent by closing 1,000 acres of Stewardship land, and whether a timber company's MFL land could be

used as an alternative through an exception (no), and whether this land could still be open to public harvest for small game or grouse hunting by using a permit system.

Vice-Chair Hilgenberg stated that Secretary Stepp will be on top of this issue and will be open. This is a very important issue for the citizens of Wisconsin. The taxpayers paid for this land. The Board has asked the department to take an aggressive role in obtaining input in the process, timeline, and so forth.

INFORMATION ITEM – NO ACTION WAS TAKEN

6. Department Secretary's Matters
6.A. Retirement Resolutions
6.A.1. Gary Lindenberger
6.A.2. Rick Rhodes
6.A.3. Cynthia Rudolph
6.A.4. Al Shea
6.A.5. Tom Van Effen
6.A.6. William Wrasse

Secretary Stepp stated that Al Shea was in the audience and read his retirement resolution. She then expressed her personal appreciation to Al for his work at the department. His professionalism has always exceeded expectations. He has been a leader in the many different initiatives you have seen implemented over the last few years; a lot of which he has wanted to implement and see implemented for many years. She then asked him to the podium to be congratulated and to accept this commendation.

Al Shea thanked the Board. He stated that the Board is a unique and nationally exemplary example of citizen lead conservation and probably the best example in the world. It only happens through dedication and passion by you as individuals sitting on this Board. A lot of people have a lot to say to the Board, however, mostly critical. Very few people thank you. To you and to all the Natural Resources Board Members he has had the privilege to work with, as an employee, he thanked them for their dedication. As a citizen, he thanked the Board for the work you do in representing his interests.

He then thanked Secretary Cathy Stepp, Deputy Secretary Matt Moroney, and Assistant Deputy Secretary Scott Gunderson. It has been a privilege to be part of their leadership team. He thanked them for taking a chance on him. It has allowed him to go out on the highest of highs on an amazing career.

Vice-Chair Hilgenberg congratulated all the retirees.

Mr. Zimmer MOVED approval, seconded by Ms. Wiley of the retirement resolutions. The motion carried unanimously.

6.B. Donations

6.B.1 American Dairy Queen will donate $75,600 in ice cream coupons to reward boat, ATV/UTV, and snowmobile youth operators who exhibit responsible habits, safe operation, courteous actions, and understanding basic safety related laws which apply to them

6.B.2. The Alan Rheinschmidt Memorial Fund will donate $25,000 to fund an accessible fishing pier at the Nicolet Bay boat launch area within Peninsula State Park

6.B.3. The Kiap TU Wish Chapter, Trout Unlimited will donate $25,000 to improve Trout habitat projects in the Lower Chippewa River Basin

6.B.4. The Friends of Peninsula State Park will donate $16,500 to be used to fund a Limited Term Employee Park Naturalist and Invasive Species Coordinator at Peninsula State Park for the 2014 season

Dr. Thomas MOVED approval of the department's recommendations and to acknowledge the donations, seconded by Mr. Zimmer for agenda item 6.B.1. - American Dairy Queen will donate $75,600 in ice cream coupons to reward boat, ATV/UTV, and snowmobile youth operators who exhibit responsible habits, safe operation, courteous actions, and understanding basic safety related laws which apply to them, 6.B.2. - The Alan Rheinschmidt Memorial Fund will donate $25,000 to fund an accessible fishing pier at the Nicolet Bay boat launch area within Peninsula State Park, 6.B.3. - The Kiap TU Wish Chapter, Trout Unlimited will donate $25,000 to improve Trout habitat projects in the Lower Chippewa River Basin, and 6.B.4. - The Friends of Peninsula State Park will donate $16,500 to be used to fund a Limited Term Employee Park Naturalist and Invasive Species Coordinator at Peninsula State Park for the 2014 season. The motion carried unanimously.

Secretary Stepp then reviewed the following for the Board 1) The federal government is looking at listing the long-eared bat. The department has had discussions with nearby states on some of the background and reasoning for the listing to make sure they are using sound science in their decision making process. 2) She and Matt Moroney attended the Midwest Governor's Association in Washington D.C. and talked to neighboring states about getting a more concerted effort from federal agencies in dealing with AIS.

She then showed a turkey season video that she participated in with Lieutenant Governor Kleefisch and a second video featuring the department's Ember Aware campaign. She then congratulated staff who do such a great job on these videos, Mary Farmiloe and her team. This is about reaching out and getting people engaged.

She congratulated Board Chair Preston Cole for his participation in the Intergovernmental Cooperative Agreement between Waukesha County and the City of Milwaukee for a joint recycling processing center.

Lastly, she highlighted the listening sessions and interactive mini-workshops that were held with staff around the state in follow-up to the statewide supervisor meetings. These sessions were designed to obtain staff input on the department's mission, vision, values, and communication efforts and how we can be much more effective in making staff understand how their daily work fits in to the department's mission. When you are out and about, please ask staff if they participated.

7. Board Members' Matters

Mr. Kazmierski requested that the department bring back the Northern Highland Master Plan for amendment at a future meeting.

Discussion followed on whether a vote of the Board is required to bring this back for reconsideration.

Counsel Andryk stated Board Members have requested agenda items in the past under Board Members Matters.

Vice-Chair Hilgenberg stated this request may be brought back at a Board meeting for further review to either bring this forward or not to revisit it.

Discussion continued on whether there is legal standing to open a portion of a master plan.

Counsel Andryk stated there is legal standing to open a portion of a master plan for amendment under NR 44.

Vice-Chair Hilgenberg stated that the next meeting will begin the Board's out-state meeting schedule. It will take place on Wednesday, May 28 and it will be located in Green Bay.

Mr. Kazmierski MOVED, seconded by Mr. Zimmer to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 10:30 a.m.

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Natural Resources Board Liaison: Laurie Ross at 608-267-7420 or laurie.ross@wisconsin.gov

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