

JUNE 27, 2012

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NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, June 27, 2012 in the Gandy Dancer Room at The Lodge at Crooked Lake, 24271 Highway 35, Siren, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 1:15 p.m.

Dr. Clausen welcomed the Board to the stupendous northwest. He recognized his county board chairman from Polk County, William Johnson, and Don Taylor, Burnett County Board Chairman. He called Mr Taylor to the podium.

Don Taylor welcomed the Board to Burnett County. It is a great place to live and visit. The natural resources are a vital and important part of our lives in Wisconsin. They entrust the Board to work to protect those resources which are important for us and for future generations to enjoy. Remember that it is good to have some dissent and some questions. Unless you are challenged, you are not going to grow. Have a good meeting.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

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

1.B. Approval of agenda for June 26-27, 2012.

Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg. The motion carried 6 – 0, Mr. Bruins was absent.

1.C. Approval of minutes from April 25, 2012

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

1.D. Approval of minutes from May 23, 2012

Mr. Hilgenberg MOVED approval, seconded by Dr. Thomas, and to include the following housekeeping corrections:

Pg 4 of 14: 3.B.9 - 4. Ed Steigerwaldt "including three lands there were - there should be ...including three lands that were acquired....

Pg 5 of 14: 3.C.1 (middle of paragraph) Wisconsin will also... should be Wisconsin also will...

Pg 6 of 14: In the paragraph following Attorney Andryk, 4th sentence - "in the drivers seat" should be "in the drivers' seat"

Pg. 11: 4.A. 2nd paragraph. Ron's banding efforts have made it possible...to measure their population growth. It was documented that...in the five years that Ron has had been marking birds.

The motion carried unanimously.

Chair Clausen thanked Northern Region for hosting the Board and for coordinating the Monday and Tuesday tours along with the Tribal dinner. The tours were very informative. He especially thanked and acknowledged the efforts of Northern Regional Office Administrative Assistant Deb Benson and Northern Regional Director John Gozdziński. He then recognized Northern Land Leader Bill Smith and Northern Water Leader Tom Jerow who will both be retiring from state service. He asked them both to stand for recognition (applause).

2. Ratification of Acts of the Department Secretary
- 2.A. Real Estate Transactions

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

3. Action Items
- 3.A. Air, Waste, Water, and Enforcement
- 3.A.1 Presentation of the Shikar Safari Club International Wildlife Officer of the Year Award

Randy Stark, Chief Conservation Warden, announced that Tom Krsnich was been selected as the Shikar-Safari Club International Officer of the Year.

He stated that Tom has been a Conservation Warden for 32 years and a Supervisor for 11 years. He is extremely dedicated to the protection of Wisconsin's fish and wildlife; their habitats and the air, land and water resources that make Wisconsin a special place that is known for its recreation, industry, natural resource based economy, and quality of life. Tom also is dedicated to the protection of Wisconsin's citizens, receiving a life saving award this year from his peers and Governor Walker for his actions to aid a troubled person at preventing him or her from taking their own life.

Tom is a lifelong learner and a skilled teacher who specializes in successfully conducting complex investigations. He has been a leader in advancing the department's use of technology and the development of computer forensics skills. Tom has achieved successful outcomes in a number of large scale investigations through the skilled application of teamwork, investigative skills and use of technology. Tom is a graduate of the FBI National Academy and is active in their alumni activities. He places considerable effort into developing his personal investigative skills and sharing what he learns with the warden service. He worked closely with the Hettrick family in creating the annual Harold Hettrick Award for Investigative Excellence. Tom is active in career development, mentoring and succession planning for Conservation Wardens. He also supports the well being of the entire Department through volunteer participation as an Employee Assistance Coordinator.

Tom has been involved in proactive efforts to gain voluntary compliance and address emerging conservation and public health challenges such as groundwater contamination, VHS and invasive species.

Tom is a forward thinking person who exemplifies our principles of professionalism, integrity, respect, dedication and excellence. Throughout his career, he has strived to make the department and the state of Wisconsin a better place to live for present and future generations.

John Pearson, Shikar Safari Club, stated that he was happy to be here. This is an opportunity for him to see a different part of Wisconsin than what he is used to. He comes from the Land O'Lakes area.

Shikar Safari Club publishes three magazines each year. One is the conservation issue. The award recipient information is printed in this magazine. They have done this now for 26 years and he looks forward to doing so in the future. He then asked Tom Krsnich to the podium to accept his award (applause).

Tom Krsnich, Northeast Region Law Enforcement Supervisor, stated it was an honor to be nominated and that he was extremely grateful to receive it. He stands with many great men and women who trained him, worked with him, and who provided him with ideas. With them, he accepted this award. The work that has been recognized in this award is the work of a team. He thanked Chief Randy Stark for his leadership and courage to move forward with the work that

needed to be done. He will forever be in his debt for providing him with the opportunities to lead and to grow as a leader. He recognized the Law Enforcement Management Team, the finest bar none. The LEMT possesses a unique blend of leadership, intelligence, and vision. He thanked each and every one of them for their comradeship and for their vision to move forward. He thanked Steve Sisbach, Enforcement, Investigations and Emergency Management Section, for his willingness to support his ideas and the efforts of his team. Their work and investigations are the finest in the realm of environmental investigation. He is indebted for his support and friendship. Most importantly he thanked his wife Debra for all her support, wisdom, honesty, and her ideas.

He served the people of the state of Wisconsin for almost 33 years. In that time, he has seen a great many things change. Change has been a constant companion since he first put on a warden badge in 1979. Now the wardens are working with even more adjustments. Our state motto will forever give us direction. It is on our state crest, state seal, and state flag: Forward. Forward is the direction we have gone and we will always go. Thank you very much for this award (applause).

- 3.B. Land Management, Recreation, Fisheries, and Wildlife
- 3.B.1 Request adoption of Board Order FH-21-11, revisions to NR 19 relating to requiring access to wire cutters when trolling on outlying waters

The department was not asked to give a presentation.

Mr. Cole MOVED approval, seconded by Mr. Hilgenberg.

Public Appearances:

- 1. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director thanked the Board for adopting this rule. This rule is the result of a tragic death of a fisherman off the coast of Sheboygan. That person's life could have been saved had they had a simple wirecutters on board that could have dislodged their line from the trapnet. He appreciates Bill Horns' dedication for moving this rule forward as soon as possible. Thank you for proceeding ahead with this.

The motion carried unanimously.

- 3.B.2 ~~Designation change for Sandhill Station Campground from State Wildlife Area to State Park Property and Boundary Expansion for the Glacial Drumlin Trail~~ DELETED and moved to August 8, 2012 Agenda
- 3.B.3 Land Acquisition - Flambeau River State Forest - Sawyer County

Mr. Hilgenberg questioned whether five parking spots should be considered as considerable access for the public when compared to the size of the parcel. Five spots are very limiting. He requested the department to work on advancing this as time goes forward.

Public Appearances:

- 1. **Jake Nichols**, County Forest Administrator for Burnett County and President of Wisconsin County Forests Association (WCFA) spoke in place of Jane Severt, Merrill, representing the Wisconsin County Forests Association. He stated that WCFA recognizes the significance of this land acquisition and the opportunities for a few different reasons. Firstly, the project is within blocking of state forest boundaries. Second, it provides public access to Mason Lake and also improved access to Evergreen Lake. Lastly, the forest has been managed in the past and will have continued management of these forested acres, much like a county forest system. County forests have been eligible for Stewardship funds in fiscal year 2011. To date, just over \$3.4 million has been out there for purchases. 4,400 acres so far. WCFA does share in forestry allotment with the department. WCFA and the department have a ranking committee which was established to review and rank forestry projects in the Knowles-Nelson Stewardship

Program.

There are some concerns of the landowners' decision to retain some of the property after the initial offer to purchase. Retention complicates the management aspect of the property and appears to provide exclusive opportunities for a few individuals. However, the conservation opportunity appears to far exceed the concerns of retention.

Discussion followed on the reasoning as to why the owners are selling and whether there was an opportunity to purchase the whole parcel.

Ms. Wiley stated that she toured the entire shoreline. This property is well positioned with access to both lakes.

Ms. Wiley MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.

3.B.4 Land Acquisition - Glacial Drumlin Trail & Glacial Heritage Area – Jefferson County

Discussion followed on the huge swing in comparables (\$1,700 - \$3,000 spread per acre) and what Potentially happens to the funds received by the department for surplus land sold by the department.

Public Appearances:

1. **Augie Tietz**, Watertown, Jefferson County Board Supervisor and Glacial Heritage Area Trails Leader spoke in support of this acquisition. He reviewed the Highway 26 bypass corridor from Milton to the Wild Goose Trail; the Watertown to Oconomowoc to Lake Country Trail; the Watertown to Waterloo to Dane county Trail; the Waterloo to Lake Mills to Glacial Drumlin Trail, and the Glacial Drumlin Trail. **(Handout)**
2. **Ron Krueger**, Watertown, Mayor of Watertown and Jefferson County Economic Development Corporation Board Chairman spoke in support of this acquisition. He spoke on three points: 1) Safety – This land purchase would enable a trail extension largely separated from truck traffic from the Valero owned ethanol plant and would encourage increased usage of the trail along its entire distance. 2) Tourism – The safety enhancements will create a greatly improved atmosphere for tourism. This entire network of trails will provide access to nearly every community in Jefferson County. It will be for biking, hiking, paddling, fishing, hunting, camping, and other nature based activities. 3) Job creation/economic development – Increased tourism should create many opportunities for job development and growth. The various economic development groups within this area have started to tout these opportunities as an attraction to retain existing business and as an important consideration to attract relocating businesses. **(Handout)**
3. **Joe Nehmer**, Fort Atkinson, Jefferson County Parks Department spoke in support of this acquisition. He stated that the purchase will benefit the Glacial Drumlin Trail and the Glacial Heritage Area. It will help meet the outdoor recreation needs of citizens that reside in the most populated area of Wisconsin. Most importantly, this preservation effort will compliment the private/public partnership model utilized in the Glacial Heritage Area. **(Handout)**

Ms. Wiley MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.

3.B.5 Land Transfer & Project Boundary Modification - Lodi Marsh Wildlife Area - Dane County

Dr. Thomas MOVED approval, seconded by Mr. Cole.

Discussion followed on how many more staff the department will need for land management of an additional 60 acres and whether this property will be on the local tax roll.

The motion carried unanimously.

3.B.6 Land Acquisition – Southwest Wisconsin Grassland & Stream Conservation Area – Dane County

Ms. Wiley MOVED approval, seconded by Mr. Cole.

Discussion followed on the strong disparity in comparables and whether the stagnant real estate market is affecting the ability for accurate appraisals.

The motion carried unanimously.

3.C. Scope Statements

3.C.1 Request approval of the statement of scope for Board Order SS-04-12 related to Invasive Species

The department was not asked to give a presentation.

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

3.C.2 Request approval of the statement of scope for Board Order FH-10-12, revisions to NR 25 relating to commercial fish harvest limits for bloater chubs and other species in Lake Michigan

The department was not asked to give a presentation.

Dr. Thomas MOVED approval, seconded by Mr. Cole.

Discussion followed on whether the automatic adjustments and limits are an administrative function or by Board approval and reassurance on the biological soundness of the automatic system.

The motion carried unanimously.

3.C.3 Request approval of the statement of scope for Board Order WM-15-12 and Emergency Board Order WM-16-12(E) relating to coyote hunting during firearm deer season
Kurt Thiede, Land Administrator, spoke in place of Scott Loomans, Wildlife Regulations Specialist. He stated that the coyote hunting season is currently closed at times when firearm deer seasons are open in Wolf Management Zone 1. This rule would open the coyote season. The closure is no longer needed for protection of the wolf population and this coyote hunting opportunity can be restored. Wolves will continue to be protected during the firearm deer season and harvest would only be allowed by a person who possesses a valid wolf harvesting license. The current closure was established, when wolves were listed in Wisconsin and federally as an endangered species, to prevent incidents of misidentification by deer hunters also hunting coyotes. The wolf population has expanded and packs are established in many areas outside of Wolf Management Zone 1, where the current coyote season closure has never been in effect. He requested the Board approval Board Order WM-15-12 and Emergency Board Order WM-16-12(E).

Discussion followed on clarification as to the department or Board's ability to close this season and whether the scope statement allows for the process for closing the season.

Cheryl Heilman, department attorney, stated that her understanding of the scope statement and the conversation that just occurred is that the scope statement is fairly broad. As the department develops the rule, the rule could include the kind of language that the Board just proposed. Right now, the scoping statement allows the department to pursue what alternative formulations of the rule might be. The option is there.

Discussion followed on whether Act 169 gave the Board no choice but to do this rule as an

emergency rule (no finding of an emergency).

Public Appearances:

1. **George Meyer**, Madison, representing Wisconsin Wildlife Federation (WWF) as Executive Director. The department was very responsive to their request from a prior Board meeting that asked that this be included in the rule that went out in the wolf management proposal. Staff responded quickly. They initially petitioned for this rule in December. He thanked everyone for their work on this.
2. **Chris McGeshick**, Sokaogon Chippewa Community (Mole Lake Band of Lake Superior Chippewa Indians). He stated he was just made aware of this proposal as he read the Board meeting agenda the other day. He has some assumptions as to what was going on within this proposal. The state does have a responsibility to work with the tribes and to consult with them as tribes and governmental entities to discuss situations such as this. He talked with the tribal chairman. They have not had any information come across their desks on a coyote season during the 9-day gun season. This discussion needs to take place. Simply because management zone 1 is clearly within the majority of a ceded territory with which the tribes hunt in. Their tribal members also are out there hunting during the 9-day gun deer season. He would like to see additional information on.

There also is a public safety aspect that needs to be addressed. He did not see that in the scope nor the information provided. As far as coyote hunting, by looking at Act 169, coyote hunting is available to those that have a wolf harvest license. You would be bypassing this scope and allowing those rules to be promulgated for others to join that activity. He does not believe the public safety aspect has been addressed. There is a number of hunters within those ceded lands. They need to look out for the safety of their hunters as well as looking out for the safety of all hunters. In addition, there are different methods used by both harvesters. Some can use buck shot rounds during gun-deer season which other hunters cannot.

Looking at the scope statement, the green sheet is essentially making the rule appear to be made for wolf hunting and not for the coyote hunter. What is the biological back-up for this wolf harvest? If you are going to have individuals out there hunting coyotes and they mistakenly shoot a wolf, how is that incorporated in the wolf management process for harvest quotas? He would like to see this incorporated. What is the incidental take and illegal harvest within the management plan for harvest goals? Another thing, if someone incidentally takes a wolf in the firearm season, is this person held to a higher standard? If you are a wolf hunter and shoot a coyote, you will not have a penalty if you have a small game license. If you have a coyote license and accidentally shoot a wolf, the penalty will be over \$400. It should be fair across board. This is something we need to consider.

In closing, he asked the department to try the season as it currently exists and put the coyote hunting rulemaking proposal in declaring it an emergency after one year. This proposal has no biology and no clear numbers.

Discussion followed on whether Mr. McGeshick, past-DNR warden, sees issues with this proposed rule from an enforcement standpoint and whether an amendment to eliminate the use of buckshot during the season should be offered.

Mr. McGeshick clarified the state law on the use of buck shot. He then stated that zone 1 last year or the year before had a large amount of wolves shot during the 9-day gun deer season. The department does not know why that many wolves were shot. If you are going to have a lot of coyote hunters, the risk increases.

Discussion followed on whether there will be a high number of people intentionally hunting coyotes during the 9-day gun season, what the intent of Act 169 is on the coyote season, whether the department has numbers on the incidental harvest, what the department's find is for killing a wolf illegally, concerns on the incidental harvest of wolves, and concerns going down this road for a sustainable wolf population.

Mr. Kazmierski MOVED approval, seconded by Mr. Hilgenberg.

Ms. Wiley stated that Chris McGeshick gave the Board thoughts to ponder. Firstly, the tribes have not been actively involved in the process which a sovereign nation should be. Secondly, there is no reason to process this rule as an emergency order. Act 169 includes language that this *may* be an emergency rule. She will oppose this rule as a way to send a message. The department and Board should be involved in the process and it should be as transparent as possible to the citizens of the state.

The motion passed 4 - 2 on a roll call vote.

William Bruins – absent	Preston Cole – yes
Christine Thomas – yes	Jane Wiley – no
Terry Hilgenberg – yes	David Clausen – no
Greg Kazmierski – yes	

3.C.4 Informational update on the department's schedule for responding to the U.S. EPA letter dated July 18, 2011 regarding water program inconsistencies

Russ Rasmussen, Water Division Deputy Director, updated the Board on the department's eight rulemaking schedules. He reviewed the EPA Issue Response Summary handout which includes the issue number, description, type of response, and administrative rule.

Discussion followed on clarification that everything in these scoping statements is something the Board needs to do to comply with EPA's letter of concerns and whether the EPA agreed to the proposed timeline.

Mr. Cole suggested that the department may want to advise the EPA how much of the work gets done in 24 months as well.

Discussion followed as to whether Issue #16 in Rule Package 2 may be dead in the water since the legislature is not in session until January 2014 and cannot act on it (Submit Rule to Legislature – July 2013).

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

Mr. Cole MOVED, seconded by Dr. Thomas to approve in aggregate 3.C.5 Request approval of the statement of scope for Board Order WT-11-12, to revise Chapter NR 106 related to expression of limits for in wastewater permits for chloride, ammonia, and other Pollutants; 3.C.6 Request approval of the Statement of Scope for Board Order WT-12-12, to revise chapters NR 106, 200, 205, 210 and 220 through 296 related to wastewater technology based limits, BMPs, procedures, and other limits; 3.C.7 Request approval of the Statement of Scope for Board Order WT-13-12, to revise chapters NR 200, 201, 203, and 205 related to wastewater permit processing and other permit procedural matters; and 3.C.8 Request approval of the Statement of Scope for Board Order SS-14-12, to revise Chapter NR 219, Wis. Admin. Rule - Analytical Test Methods and Procedures to ensure that the state's regulations are consistent with federal regulations. The motion carried unanimously.

3.C.5 Request approval of the statement of scope for Board Order WT-11-12, to revise Chapter NR 106 related to expression of limits for in wastewater permits for chloride, ammonia, and other Pollutants

3.C.6 Request approval of the Statement of Scope for Board Order WT-12-12, to revise chapters NR 106, 200, 205, 210 and 220 through 296 related to wastewater technology based limits, BMPs, procedures, and other limits

3.C.7 Request approval of the Statement of Scope for Board Order WT-13-12, to revise chapters

NR 200, 201, 203, and 205 related to wastewater permit processing and other permit procedural matters

- 3.C.8 Request approval of the Statement of Scope for Board Order SS-14-12, to revise Chapter NR 219, Wis. Admin. Rule - Analytical Test Methods and Procedures to ensure that the state's regulations are consistent with federal regulations

Chair Clausen moved the meeting to item 5 – Board Members Matters.

5. Board Members' Matters

Mr. Hilgenberg apologized for not being able to participate in the great group of events the last couple of days. He had driven past the newly built Spooner DNR office on his way to the Board meeting and noted his admiration for the “sand box” out front.

Mr. Kazmierski thanked Northern Region staff for two informative days of tours (applause). Staff did a great job briefing the Board and answered a lot of questions.

Dr. Clausen stated that he attended the Voight Task Force meeting. Concern was expressed on the current fur bearer populations. The fishers are about 30% under population goal (goal is approximately 9,000 with an estimated population of 6,000). Otters are 21% or 23% under population goal. In spite of that, they were overharvested by 21 or 23% last year. With a Bobcat population goal of 2,000 – 3,000, we are somewhere between 14% - 43% under where our population goal should be on our furbearers. He stated he knew the department is concerned about this. The tribes are certainly concerned about this. He requested that by January 2013, the Board receive an informational report from the department as to what they are proposing to do about this and a timeline for doing that.

He then requested an action item at the September 26, 2012 meeting as to what the department is proposing in reopening the Wolf Management Plan for adjustments.

Mr. Kazmierski noted that in the delisting, the department is on a five year probationary period where the federal government is watching. He questioned whether the delisting was predicated on the current plan and whether it would make sense to dabble in that until the department gets past the federal oversight.

Dr. Clausen stated that the current plan calls for a couple years without a season and doing depredation management. We are beyond that now.

Dr. Thomas stated the July 17 meeting could be an extraordinarily long meeting. She requested that staff make an effort to get the word out on what specific issues are open to comment on for Emergency Board Order WM-09-12(E) pertaining to wolf hunting and trapping and to make sure each person knows where and how many. There is nothing else. The Board has a decision to make. It would be fairer for the public and the Board for everyone to understand the ground rules are specifically before that day.

6. Special Committees' Reports
None

Chair Clausen moved the meeting to item 7 – Department Secretary's Matters.

7. Department Secretary's Matters

- 7.A. Retirement Resolutions
- 7.A.1 Karen Ecklund
- 7.A.2 Scott D. Follis
- 7.A.3 Scott Hulse
- 7.A.4 Scott Humrickhouse
- 7.A.5 John Nelson
- 7.A.6 Cecilia Novinski

Secretary Stepp stated that each of these retirees have been with the department for over 30 years which is really extraordinary. She read the retirement resolution for Scott “Hummer” Humrickhouse, who was in attendance and then asked him to come up so he could be presented with the Board’s retirement plaque. She thanked him for his extraordinary efforts as West Central Regional Director, for being a mentor to others, and for always setting the best example. His successor will have big shoes to fill.

Chair Clausen congratulated Mr. Humrickhouse on his retirement.

Scott Humrickhouse, West Central Regional Director, accepted his retirement resolution. He stated that the words of the resolution are very humbling. It makes him really appreciate how blessed he has been to have worked in such a wonderful part of the world with such a wonderful group of people that he has been able to know and work with in his 31 years of service. It has been a tremendous opportunity to work on something that makes a difference, work that is meaningful, and to be able to do it with a group of dedicated professionals as he has. Thank you for your support and friendship you had given him over the years.

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

Secretary Stepp then briefed the Board on the recent flooding in the region. A three-day rain fall in amounts of 8”-10” from June 17-19, 2012. Most of the damage in Douglas County was along the lake shore in the northwest part of the county. Historic flooding occurred in the Duluth and Superior area with lots of roads washed out and numerous landslides.

She then touched on the wolf season. She assured the Board that the department is actively engaging in meaningful listening sessions. The department has had the opportunity to engage with all the different stakeholders, whether you are talking about sporting groups, individual citizens, and of course tribal discussions as well. It is indeed a tight rope the department will be walking through this first season. She made a public request for patience in the first season. It is really a delicate time and the department will do everything, like the Chair said, to make sure the species is protected. The department certainly does not want the wolf to go back on the Endangered Species List. How this is managed going forward is very key. She is proud of Kurt Thiede and his staff, and the science services division who have done extraordinary amounts of listening as well, and the regional directors. This is a tough issue with a lot of emotion and heat on both sides. The goal and responsibility of this department is to use sound science, common sense, and to make decisions that we can all stand up and be proud of.

Kroll Report. The department has not seen this yet but is looking forward to delving into it. This is a great opportunity for the department to talk about deer management in Wisconsin and to reengage customers. She then thanked the men and women at the department who have worked so hard on deer management.

On line DNR Lands and Activities Database. The Board has talked a lot about this as well as legislators. This is about access to lands and making sure the public knows where they can get on and use the lands they pay a lot of tax dollars for. This new database will help residents find opportunities and it is a great interactive tool searching millions of acres of public land by county, how close it is to a city, the kind of property it is, or by 22 listed outdoor activities. She is very proud of the Land Division, IT folks, and website folks. It is all about increasing our service to the public.

White Nose Syndrome update. WNS was not detected in Wisconsin during winter but a

bat was located in northeast Iowa with the syndrome, only 30 miles from the border. That also happens to be nearest the largest concentration of our bat hibernacula in WI. The department has been looking at bat behavior in close proximity of the site. It is likely these bats will come in to contact with the Wisconsin population. The department will continue to rely on the cooperation of cave and mine owners to try to lessen the impact as best as we can.

Video. Early next month, the department will be rolling out three videos produced by the Office of Communications that highlight work on the brownfields cleanup of the Skana Aluminum site, the Green Tier partnership with Holsum Dairies, and the Phoenix Park project with local officials in Green Bay. What is different in this video is the projects are described by the companies themselves, and we feature the staff that worked with them. The videos will be featured on YouTube and our website, and regional directors and staff in the Office of Business Support and Sustainability will be using them to introduce people to our programs and help grow Green Tier – one of our goals for the agency. She then played the videos for the Board. She stated she is very proud of the customer service provided at the department and the work to go above and beyond mere compliance to excellence. (Video)

7.B. Donations

- 7.B.1 The Trimble Rod & Gun Club will donate \$26,700 for trout habitat work in the Lower Chippewa River Basin

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

Dr. Clausen moved the meeting to information item 8.A.1.

8. Information Items

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

8.A.1 DNR Retrospective Review of Rules Impacting Small Business

Eileen Pierce, Small Business Ombudsman, provided a brief overview of this project, the department's initial recommendations and next steps. This review is designed to examine all existing DNR rules and determine which are suitable for repeal, modification, or exemption, in order to lessen the burden on Wisconsin small business without creating a negative impact on public health or the environment.

This review is split into two phases. Phase 1 is designed to identify obsolete rules for repeal, and culminates in the report brought forward today. Phase 2 is a deeper look, encompassing all 3,700+ pages of administrative code and incorporating public input. The department's recommendations will be submitted to the Small Business Regulatory Review Board.

Implementation will occur in one of two ways. Through the ordinary rule making process as established in ch. 227, Wis. Stats., which would come to this Board for decision or through action by the state legislature. Opportunity for public input occurred in April and May via web survey. We received 73 instances of comment with up to 3 suggestions each. A public comment period on the draft phase 2 report of recommendations will occur this fall. The final recommendations will be before the Board in February 2013.

Discussion followed on whether all operating departments were asked to report their phase I and phase II to the Small Business Regulatory Review Board, the process for decision making, and the redundancy in creating another bureaucracy for regulatory review.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

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

8.B.1 Cranes and Crop Damage

Kent Van Horn, DNR Migratory Bird Specialist, briefed the Board on the sandhill crane status and crop damage in Wisconsin. He presented information on the six populations, social interest, eastern population range and research, crop damage complaints, and farmer assistance.

(PowerPoint)

Jeb Barzen, International Crane Foundation Director of Field Ecology briefed the Board on solving crop damage sustainably and alternative methods. He presented information on cranes intensive habitat selection, damage done by removal of seeds, corn growth stages, when habitat selection occurs, whether deterrence works in the field, whether deterrence can be sustainable, long term crane research study area and sampling protocol, whether corn damage is a solvable problem, areas of corn treated with AQ (deterrent), and data on deterrent sold in relation to crane density. **(PowerPoint)**

Discussion followed on whether AQ deters turkeys and whether the use of deterrent would move birds to other fields.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

Dr. Clausen requested a motion to go into Executive Session under the authority of s.19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters.

Mr. Hilgenberg MOVED approval, seconded by Mr. Cole. The motion carried on a roll call vote of 6-0.

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

Chair Clausen reconvened the meeting at 1:00 p.m. Chair Clausen reported that during the Executive Session no action was taken.

Chair Clausen moved the meeting to item 4.

4. Citizen Participation

4.A. Comeback Champs - Osprey Recovery Program

Secretary Stepp presented the Comeback Champ Award to the American Transmission Company and the Wisconsin Public Service Corporation, represented here today by Joan Kozisek and Jamie Nuthals. Along our waterways and flowages, the majestic osprey prefers to build its nest on top of the tallest tree around. In many areas of the state, the tallest tree-like structure happens to be a power transmission pole. So, over the last 30 years, ospreys have selected power transmission poles for nesting. The very good news for ospreys is that the electric power and transmission companies not only accepted osprey nests on their power poles but actively secured and protected those nests. Today, more than 80% of osprey nests occur on power line poles and towers.

ATC and WPSC for decades have contributed materials, equipment, staff, and funding for the conservation of Wisconsin's ospreys. Their efforts, and those of electric power companies across the state, have helped Wisconsin's osprey population recover from fewer than 100 pairs in 1973 to over 500 pairs in 2011: a remarkable success story.

Thanks to the diligence and dedication of ATC and WPSC, and the electric power companies across Wisconsin, the Natural Resources Board authorized the removal of ospreys from our state's endangered and threatened species list in 2009.

For their outstanding service to the State of Wisconsin in helping to restore ospreys, Governor Scott Walker officially recognizes the American Transmission Company and the Wisconsin Public Service Corporation as the Wisconsin Department of Natural Resources' Comeback Champs for June, 2012 (applause).

Joan Kozisek, Environmental Compliance Team Lead, American Transmission Company, stated that they very much appreciate this award and recognition. ATC always looks for opportunities to collaborate with the department and other natural resources groups to find ways to improve, protect, and enhance our beautiful natural resources. This has allowed ATC to plan, build, and

retain their transmission lines in both an efficient and safe manner. It is a big win for everyone and a win for business in Wisconsin. ATC is honored to have this award (applause).

Jamie Nuthals thanked the department and Board for recognizing WPSC's efforts in the conservation and recovery of the osprey in Wisconsin. Cooperation between WPSC and the department has been ongoing since the 1990's. He is honored to continue that tradition of cooperation. He especially thanked Ron Eckstein. Without Ron's hard work and cooperative spirit he was not sure we would be seeing the numbers of osprey that we are today. His common sense approach resulted in a win-win situation keeping electric reliability that was not compromised and continues to see the increase in numbers of osprey (applause).

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

4.B. Citizen Participation

Public Appearances

1. **Mike Cole**, Grantsburg, representing WI Sharp-tailed Grouse Society Board of Directors

Topic: Sharp-tail management, prescribed burning, and fire bans.

He stated that the WSGS has concerns over the emergency fire ban implemented in northwest WI this past spring, which effectively cancelled all prescribed burning for sharp-tailed grouse habitat improvement and maintenance on state wildlife areas in northwest WI. A second consecutive year with no prescribed burning would put our sharptail population in real jeopardy. WSGS's primary concern at this time is the prescribed burning that might be prohibited next spring, 2013. He noted that very little of the July 2011 blowdown acreage was immediately adjacent to managed sharptail properties. The perceived risk from prescribed burning on those sharptail properties may have been overstated. WSGS would like to see the department lift any future emergency burn bans in a more timely manner should weather conditions change for the better.

With the resources and extensive experience of department staff in both prescribed burning and fire suppression, staff should be conducting prescribed burns if fire and weather conditions warrant such on any given day. **(Handout)**

Secretary Stepp added to her update to the Board from 7- Secretary's Matters.

Northern Region Wind Damage. She congratulated staff from across the department and lots of other state agencies, local governments throughout this region, countless private organizations, and individuals coming together to work after this storm. Last July, approximately 130,000 acres were damaged. The largest since 1976 in our state. Results have been amazing. She offered a special congratulations to Northern Director John Gozdziwski. The Governor in particular asks how John is doing and how things are going. John's service is outstanding and really helped the department shine even more. She appreciates his work and that of the teams. This was one of those extraordinary years where the department really had to be very cautious. She also thanked the public for an ultimately successful fire season. Only about 11 fires that burned about 2 acres this year which typically under normal conditions average 30 fires in the area burning about 75 acres. She appreciates Mike Cole's comments very much and hopes the department can continue that dialogue moving forward. The department has been in the forefront of the blowdown. Staff had worked hundreds of extra hours. She is very appreciative of that and gave another shout-out from the Governor to staff as well.

Mr. Cole MOVED, seconded by Dr. Thomas to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 1:15 p.m.

JUNE 27, 2012

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