

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held Wednesday, April 28, 1999 in Room 027 of the State Natural Resources Building, 101 South Webster Street, Madison, Wisconsin. The meeting was called to order at 8:40 a.m.

PRESENT: Trygve A. Solberg, Chair  
Neal W. Schneider, Vice-Chair  
James E. Tiefenthaler, Jr., Secretary  
Herbert F. Behnke  
Betty Jo Nelsen  
Howard D. Poulson  
Stephen D. Willett

\* \* \* \* \*

ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of March 24, 1999.

Mr. Behnke MOVED, seconded by Mr. Willett, approval of the minutes as presented. The motion was carried unanimously.

1.B Agenda for April 28, 1999.

The following changes were made to the Agenda: Item 3.D changed to an action item; Items 6.B-5, 6 and 7 moved to the Air, Waste & Water Committee; and Item 7.A deferred to May at the request of Senator Alice Clausing. With those changes, Ms. Nelsen MOVED, seconded by Mr. Willett, approval of the agenda. The motion was carried unanimously.

2. Ratification of acts of the Department Secretary.

2.A Real estate transactions.

Mr. Willett MOVED, seconded by Mr. Tiefenthaler, approval of the real estate transactions as presented. The motion was carried unanimously.

3. Committee of the Whole.

3.A Citizen participation.

This item was taken up during the Committee of the Whole meeting.

3.B Retirement resolutions.

1. Earl Christensen.
2. Dennis Hohlfelder.
3. Charles Johnson.
4. Darrell Kuhlowl.
5. Al Miller.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the retirement resolutions as presented. The motion was carried unanimously.

3.C Resolution on the proposed land acquisition study.

Mr. Willett MOVED adoption of the following resolution , as amended:

WHEREAS, the State of Wisconsin has acquired land for conservation purposes for more than a century; and

WHEREAS, conservation land acquisition has been the primary means by which the state has been able to protect critical habitats and natural resources, and to provide outdoor recreational opportunities for its citizens; and

WHEREAS, the state legislature is expected to renew the Stewardship program for another ten years which will provide the Department the means to continue to purchase lands for conservation purposes; and

WHEREAS, the Department's knowledge about the state's natural resources base and recreational opportunities and needs have advanced to the point where it is now possible to better define statewide goals for the land acquisition program.

THEREFORE, BE IT RESOLVED, that the Board directs the Department to undertake a comprehensive evaluation of natural resources and outdoor recreation land acquisition needs, utilizing an extensive public involvement process, and to make recommendation to the Board for future acquisition of land rights through the year 2050; and

BE IT FURTHER RESOLVED, that the 2050 Land Acquisition Report include an analysis of all lands within the state, based on existing information and using the best available GIS technology, to identify lands that should be considered for future acquisition by the Department or its partners to meet established state objectives for outdoor recreation and the protection of critical natural resources such as fish and wildlife populations, water quality, endangered and threatened species and communities, and the biological diversity of major Wisconsin ecosystems; and

BE IT FURTHER RESOLVED, that the report utilize relevant existing studies of natural resource and outdoor recreational needs developed by state, federal and local governments such as the North American Waterfowl Plan, South East Wisconsin Regional Planning Commission's Natural Areas study, the Statewide Comprehensive Outdoor Recreation Plan and the Department Five Year Land Acquisition Plan; and

BE IT FURTHER RESOLVED, that the 2050 Land Acquisition Report be based on a scientific analysis of Wisconsin's landscape using available information about the state's natural resources such as the Natural Heritage Inventory, Northern Forest Assessment and other established inventories and databases. **The Department will include in the study consideration for acquisition of limited land rights to protect the natural resource, economic and outdoor recreational values of large tracts of private lands that may be threatened with fragmentation, such as industrial forest lands, utility project lands including lands currently under FERC regulation, and lands surrounding existing Department properties where maintenance of current land uses are considered critical to maintain the integrity of the core property.** The Department will establish specific criteria for selection of areas in which future acquisition will be pursued and for setting priorities, and report to the Board on these criteria no later than April, 2000. Areas that are identified as having high natural resources value and/or potential for outdoor recreation should be based on the criteria and professional judgment of Department staff, and ranked in priority order, except that acquisition of lands within established projects will continue to have the highest priority; and

BE IT FURTHER RESOLVED, that the areas identified in the report should include the general location of the natural features that would be subject to future feasibility analysis and possible purchase, but will not identify specific ownerships or potential project boundaries. The report should include an estimate of the acreage and cost needed to accomplish the objective of each identified area; and

BE IT FURTHER RESOLVED, that the report be submitted to the Board for its review and approval, following extensive public review, no later than September, 2001. Recommendations in the report for land acquisition through the year 2050, when adopted, will not constitute authority for the Department to acquire lands identified in the report. Instead, the report will become the Board's authorization for the Department to conduct feasibility studies on the basis of priorities established in the

report. Approval of future land acquisition projects will continue to follow the feasibility study and approval process.

Ms. Nelsen seconded the motion. When put to a vote, the motion was carried unanimously.

- 3.D Approval to conduct a feasibility study to evaluate the recommendations made in the Southeastern Wisconsin Regional Planning Commission (SEWRPC) natural areas plan concurrent with developing a strategy for protection of the mid-Kettle Moraine.

Mr. Willett MOVED, seconded by Mr. Tiefenthaler, approval of the Department's recommendation to authorize the Department to conduct a feasibility study to evaluate the recommendations made in the SEWRPC natural areas plan concurrent with developing a strategy for protecting the mid-Kettle Moraine.

Ms. Nelsen MOVED an amendment directing the Department to complete the feasibility study by June of 2002. Mr. Behnke seconded the motion. The motion was carried unanimously.

Chair Solberg called for a vote on the main motion, as amended. The motion was carried unanimously.

- 3.E INFORMATIONAL ITEM - Update on tuberculosis in Michigan Deer and Elk.

No action was taken on this informational item.

- 3.F INFORMATIONAL ITEM - Update on Deer Management for 2000 and Beyond Project.

No action was taken on this informational item.

- 3.G INFORMATIONAL ITEM - Update on the Parks Automated Reservation Reporting Centralized System (PARRCS).

No action was taken on this informational item.

4. Board Members' Matters.

- 4.A Proposed feasibility study for protection of the mid-Kettle Moraine. (Item 3.D).

This item was brought up during the Committee of the Whole meeting.

- 4.B News articles from Arizona paper.

This item was brought up during the Committee of the Whole meeting.

5. Special Committees' Reports.

There were no Special Committees' Reports this month.

6. Operating Committees.

- 6.A Air, Waste and Water/Enforcement Committee.

- 6.A-1 Minutes.

There were no minutes since all agenda items in March were taken up by the Full Board.

- 6.A-2 Adoption of Order AM-38-98 - revision of Chapters NR 400-493, Wis. Adm. Code, pertaining to updating and cleanup revisions of air pollution control regulations.

The Committee recommended and Mr. Willett MOVED adoption of Order AM-38-98 as presented. Ms. Nelsen seconded the motion. The motion was carried unanimously.

- 6.A-3 Authorization for hearing on revision of Chapter NR 45, Wis. Adm. Code, pertaining to use of Department properties.

The Committee recommended and Mr. Willett MOVED that the Board authorize public hearing. Mr. Poulson seconded the motion. The motion was carried unanimously.

- 6.A-4 Authorization for hearing on revision of Chapter NR 46, Wis. Adm. Code, pertaining to stumpage value adjustments and administration of Forest Crop and Managed Forest laws.

The Committee recommended and Mr. Willett MOVED that the Board authorize public hearing. Ms. Nelsen seconded the motion. The motion was carried unanimously.

- 6.A-5 Approval to accept research funds from Wisconsin Electric Power Company for studying changes to the Menominee River mussel community resulting from the Wilderness Shores Agreement.

The Committee recommended and Mr. Willett MOVED that the Board accept research funds in the amount of \$21,860 to be used toward the proposed native mussel study on the Upper Menominee River. Mr. Poulson seconded the motion. The motion was carried unanimously.

**The following items from the Land Management Committee were moved to the Air, Waste and Water Committee.**

- 6.B-5 Little Rice Wildlife Area land exchange - Forest County.

The Committee recommended and Mr. Willett MOVED that the Board approve the exchange of 0.79 acre of state land in the Little Rice Wildlife Area, valued at \$161,500, for 6.73 acres in Forest County owned by Taylor Investment, Inc., which is valued at \$153,500. The net value difference of \$8,000 will be paid in cash by Taylor Investment, Inc. to the Department. The state land, which will be deed restricted so that 80 percent remains in a natural condition, is no longer needed for conservation purposes. Ms. Nelsen seconded the motion. The motion was carried unanimously.

- 6.B-6 Lower Wisconsin State Riverway land exchange - Iowa County.

The Committee recommended and Mr. Willett MOVED that the Board approve the exchange of 160 acres of state land valued at \$120,000 for a scenic easement on 148 acres of land owned by William and Audrey Sawle valued at \$106,560. The net value difference of \$13,440 will be paid in cash by the Sawles. Mr. Poulson seconded the motion. The motion was carried unanimously.

- 6.B-7 DONATION - \$20,000 from Washington County to be used towards the acquisition of 18.5 acres in fee from Edward Franzen for the Statewide Habitat Areas in Washington County.

The Committee recommended and Mr. Willett MOVED that the Board approve the donation. Ms. Nelsen seconded the motion. The motion was carried unanimously.

- 6.B Land Management, Recreation and Fisheries/Wildlife Committee.

- 6.B-1 Minutes.

There were no minutes for March since all agenda items were taken up by the Full Board.

- 6.B-2 MASTER PLANNING - Approval of the Feasibility Study and Environmental Assessment for Big Muskego Lake Wildlife Area in Waukesha, Racine and Milwaukee Counties.

The Committee recommended and Mr. Behnke MOVED approval of this item. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously.

6.B-3 Approval of the 1999 T-Zone deer season.

The Committee recommended and Mr. Behnke MOVED approval of the 1999 T-Zone season. Mr. Schneider seconded the motion. The motion was carried unanimously.

6.B-4 Adoption of Order WM-34-98 - revision of Chapter NR 10, Wis. Adm. Code, pertaining to turkey hunting for disabled hunters.

The Committee recommended and Mr. Behnke MOVED adoption of Order WM-34-98 as presented. Mr. Schneider seconded the motion. The motion was carried unanimously.

(Items 6.B-5 through 6.B-7 were moved to the Air, Waste & Water Committee.)

6.B-8 INFORMATIONAL ITEM - Report on dam abandonment and criteria for the construction of fish ladders.

This item was discussed during the Land Management Committee. No action was taken by the Board on this informational item.

7. Department Secretary's Matters.

7.A Request from the Senate Agriculture, Environmental Resources and Campaign Finance Reform Committee for changes to the administrative rule proposal on Irrevocable Trust for mining operations.

This item was deferred to the June Board meeting.

7.B Request from the Assembly Natural Resources Committee for modifications to Order AM-37-98, revision of Chapter NR 410, Wis. Adm. Code, pertaining to Air Pollution Construction Permit Fees (adopted by NRB January, 1999).

Lloyd Eagan, Director, Bureau of Air Management, reviewed Secretary Meyer's memo dated April 19, 1999, a copy of which is incorporated in the official Board minutes and explained the adjustments made by the staff. Mr. Tiefenthaler MOVED, seconded by Mr. Willett, the Department's recommendation "to eliminate the increase in the basic fee for natural minor sources. The basic fee found in s. NR 410.03(1)(a)1, Wis. Adm. Code, would remain at \$2,300 for natural minor sources. For all other sources, including synthetic minors, the proposed fee schedule in NR 410 would apply." When put to a vote, the motion was carried unanimously by those members present. (Mr. Poulson was not present.)

7.C DONATION - Mercury outboard motors valued at \$12,000 from Walleyes For Tomorrow (Fond du Lac Chapter) to power a new electrofishing boat for collection of fisheries data in South Central Region waters.

Mr. Tiefenthaler MOVED, seconded by Mr. Willett, acceptance of the donation. The motion was carried unanimously by those members present. (Mr. Poulson was not present.)

\* \* \* \* \*

The meeting was adjourned at 3:35 p.m.