

# NATURAL RESOURCES BOARD

## MINUTES

The regular meeting of the Natural Resources Board was held Wednesday, January 26, 2000 at the State Natural Resources Building (GEF 2), 101 South Webster Street, Madison, Wisconsin. The meeting was called to order at 11:00 a.m. All January Board Agenda business was conducted by the Full Board.

PRESENT: Trygve A. Solberg, Chair  
James E. Tiefenthaler, Jr., Secretary  
Herbert F. Behnke  
Gerald W. O'Brien  
Howard D. Poulson  
Stephen D. Willett

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### ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of December 8, 1999.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the minutes as presented. When put to a vote, the motion was carried unanimously.

1.B Agenda for January 26, 2000.

Secretary Meyer announced several changes to the agenda - the addition of Item 7.B under Secretary's Matters relating to the nonmetallic mining rule; the addition of a retirement for Joe Ball; and deletion of the retirement resolution for Paul Willighnganz which will be placed on next month's agenda. Mr. Behnke asked that Item 6.B-8, relating to the Mountain Bay State Trail acquisition, be moved up to accommodate the Mayor of Shawano who is making an appearance. Mr. Behnke thought the Mayor would arrive at about 12 noon. With those changes, Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler, approval of the January 26, 2000 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. Poulson, approval of the real estate transactions, as printed. The motion was carried unanimously.

3. Committee of the Whole.

3.A Presentation of the PEP Award by Secretary George Meyer.

Secretary Meyer presented this month's PEP Award to Kronos, Incorporated of Franklin, Wisconsin. Kronos, Inc. began as a manufacturer of labeling equipment in West Germany for the brewing industry. They founded a new company in Milwaukee in 1966 and within a few years, the operation expanded and eventually established itself in Franklin. The company now occupies a 355,000 square foot facility and employs 700 people. The Company manufacturers complete packaging systems for diverse segments of the food and beverage industry, as well as the pharmaceutical, personal care products, motor oil and other industries. In the period from 1993 to

1999, the company reduced annual VOC emissions by 99 percent, classifying the facility as a synthetic minor source; reduced annual hazardous waste management costs by over 50 percent; and achieved total elimination of methylene chloride from its injection molding process.

Accepting the award on behalf of the company were Mike Costello, Safety and Environmental Supervisor and John Houston, Human Resources Manager.

3.B INFORMATIONAL ITEM - Natural Resources Foundation of Wisconsin update.

Daniel Trainer, Chair and Laurie Osterndorf, Executive Director of the Natural Resources Foundation of Wisconsin gave the Board an update on Foundation activities. Since its establishment in 1986, the Foundation has provided more than \$520,000 in cash and \$82,000 in kind to the Department. The Foundation has recently initiated a campaign to raise a \$250,000 endowment for the Besadny Conservation Grants Program.

Ms. Osterndorf highlighted the Foundation's successes which included:

- Funding over \$100,000 for the Besadny Conservation Grants Program through which organizations, schools, individuals, and government agencies receive grants of \$150 to \$1,000 for projects related to Wisconsin's natural resources;

- Promoting research, restoration, and management of endangered species and natural communities through fundraising for the Trumpeter Swan Recovery Program and the State Natural Areas Program;

- Conducting public outreach programs, including the popular "Field Trip Program" through which thousands of people have enjoyed a variety of educational experiences and funding the development of the Outdoor Skills Center at the Sandhill Wildlife Refuge; and

- Providing fiscal services for programs and agencies in need of a nonprofit organization to administer and invest their assets.

The Foundation board of directors has recently charted its strategic direction for the next four years. Primary goals are to:

- Create a stable, effective organization;

- Provide services to conservation organizations and DNR;

- Obtain and provide financial support to public and private partners to promote research, management, protection, and restoration of natural resources; and

- Develop and implement public outreach and education programs related to natural resources.

The Foundation's key objectives for the year 2000 are to:

- Complete the Besadny Conservation Grants endowment;

- Support the Whooping Crane Reintroduction Program;

- Secure stable organizational funding; and

--Work to increase the visibility and recognition of the Foundation through effective marketing and communications.

No action was required on this informational item.

### 3.C Retirement resolutions.

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|-------------------------|-----------------------|
| 1. Michael Beaufeaux.   | 12. Terry McKnight.   |
| 2. Robert Behrens.      | 13. James Raber.      |
| 3. Edward Bourget.      | 14. James Rau.        |
| 4. Leonard "Pete" Cody. | 15. James Schweiger.  |
| 5. John DeLaMater.      | 16. Sandra Steffen.   |
| 6. John R. "Bob" Eagan. | 17. James Talley.     |
| 7. William Fish.        | 18. Elwin Walsted.    |
| 8. Margaret Gaffney.    | 19. Dennis Weisensel. |
| 9. Duane Hofstetter.    | 20. Archie Wilson.    |
| 10. Arlyn Loomans.      | 21. Joe Ball.         |
| 11. Carl McIlquham.     |                       |

Secretary Meyer reviewed the careers of each retiree and commended them for their exemplary years of service. Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of the retirement resolutions as presented. The motion was carried unanimously.

### 4. Board Members' Matters.

#### 4.A Election of Officers.

This item was taken up at the end of the meeting. Trig Solberg was elected CHAIR; Jim Tiefenthaler elected VICE-CHAIR and Gerald O'Brien elected SECRETARY.

#### 4.B National Academy of Science hearings on cleanup of the Great Lakes.

Mr. Willett said it was his understanding that the U.S.EPA convened a committee, selected by the National Academy of Sciences, to study the various risks associated with environmental dredging. The Committee held a meeting in Green Bay at which the U.S. Fish and Wildlife Service, Corps of Engineers, and EPA participated. Mr. Willett noted that DNR opted not to participate in that meeting. It was also Mr. Willett's understanding that the Academy would be conducting two additional Committee reviews open to the public. He requested that the Department participate in these reviews. Secretary Meyer explained that a team from the Academy scheduled hearings in the Fox River Valley and the Department was invited to participate. The Department believed the best way to participate was to conduct a field tour. Secretary Meyer stated that the Academy agreed to the tour and wanted the Fox River industries to accompany the group. The DNR agreed, and suggested that the community-based organizations also attend the field tour. The Academy refused to allow the community based organizations on the tour. Secretary Meyer stated that because of the concern over not allowing them to participate, the Department felt that it was inappropriate for them not to participate in person, and has subsequently submitted written information. He further indicated that while the Department has high regard for the Academy, they did not handle this situation well.

Mr. Willett felt it would be in the Department's best interest to participate in the upcoming hearings. Secretary Meyer stated that the Department intends to communicate written information. There was a brief discussion on why the Department would not participate in person. Secretary Meyer said it was his understanding that an upcoming hearing in New York is

scheduled to deal with the body of water in that state. He added that the Department will participate in the hearings if they pertain to Wisconsin.

4.C Animal Health Lab.

Mr. Poulson urged any support the Department could give to continuance of the Animal Health Lab. It was Mr. Behnke's understanding that the Federal funding may be dropped for this program. Mr. Poulson said he hoped that the Department and the UW's School of Veterinary Medicine could enter into some type of partnership to continue the funding for this program.

5. Special Committees' Reports.

There were no Special Committees' Reports this month.

6. Operating Committees' Reports.

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

6.A-1 Minutes.

There are no minutes for December since all agenda items were taken up during the Full Board Meeting.

6.A-2 Adoption of Emergency Order FH-5-00(E) – and authorization for hearing on permanent rules on creation of Chapter NR 195, Wis. Adm. Code, pertaining to the new rivers planning and protection grants program.

Carroll Schaal of the Bureau of Fisheries and Habitat Protection, presented this item. This program, administered by the Department, provides financial assistance to governmental units, nonprofit conservation organizations and qualified river management organizations for planning and implementing river protection activities. Chapter 195 is proposed to interpret and implement s. 281.70 of the Statutes. The recommended rules will:

- Establish the qualifications for river management organizations receiving grants;
- Designate eligible planning and management activities;
- Establish the types of natural riverine ecosystems eligible for grants and
- Create the requirements and procedures for receiving, evaluating and awarding grants.

Funded by an annual appropriation of \$300,000, first year funding will lapse if not encumbered by July 2000. Due to delays in state budget approval, permanent rule-making would not take place in time to award grants by this date. Mr. Schaal indicated the Department plans to conduct three or four hearings on the permanent rule - Madison, Waukesha, Eau Claire, Rhinelander and possibly Green Bay. Plans are to return to the Board for final approval in either June or August.

Todd Ambs, Executive Director of the River Alliance of Wisconsin, appeared in support of the proposed rules. He expressed concern about the lack of funding for one staff position, a statewide rivers coordinator, which he felt is needed by the Department.

Mr. Behnke MOVED, seconded by Mr. Willett, adoption of the emergency order as proposed. The motion was carried unanimously.

- 6.A-3 Authorization for hearing on the repeal and recreation of Chapter NR 120 (Nonpoint Source Pollution Abatement Program); creation of Chapter NR 151 (Runoff Management); creation of Chapter NR 152 (Model Ordinances for Construction Sites Erosion Control and Storm Water Management); creation of Chapter NR 153 (Runoff Management Grant Program); creation of Chapter NR 154 (Best Management Practices and Technical Standards for Use with DNR Cost Share Programs and Non-Agricultural Performance Standards); revision of Chapter NR 216 (Storm Water Discharge Permits) and repeal and recreation of Chapter NR 243 (Animal Waste Management), Wis. Adm. Code, pertaining to the redesign of the nonpoint source pollution program.

Mr. Willett MOVED, seconded by Mr. Poulson, that the Board authorize public hearings.

Mr. Poulson: I think everything was pretty well covered this morning. I would just say that I really think that the strength of this is getting it out to the people and letting them respond to the questions and we certainly will be helping in getting the members there. I certainly would be concerned if we had a poor showing of people in a hearing process of this magnitude. It's going to be very important that we do have testimony. I think that, line by line, you can go through this and talk about--are we flexible--are we friendly--are we doing the right things. Those are the kinds of things that we want to have come up during the hearing process and let those people ask those questions. And I think Al (Shea) and his people will be able to respond to that and I know they will. I just believe there may even be some questions as to whether one of these groupings belongs in the whole discussion here or if they are part of the package, or if they ought to be separate. Those are things that I think we need to let happen at the hearings. I think the discussion this morning was one that we needed to have and at this point I am pretty well satisfied with the direction we're going.

Mr. Solberg: I just might add at this time. As I was listening to the Chairman of the Ag Board and Chairman of their ARM Committee. Some of the Chapter 30 rules relating to navigability issues that might be coming up, is there a way while we're going through this process to assure those people or let them know---it isn't part of the rule---but how it fits in so that they feel comfortable with it.

Secretary Meyer: Sure. The one connection they did bring out is that by redefining these grassy waterways they know it puts themselves in a position of creating a navigable body of water. That I think clearly we can assure them that it not the intent. They have some broader issues regarding drainage districts. What I would suggest, maybe for the March meeting, we could have a presentation to the Board about the issues that were raised by the Ag Board on drainage districts. And there are some fundamental disagreements and legal disagreements between the two agencies. But I think that might be a time to bring it back and have a further discussion.

Mr. O'Brien: Coming out of this morning's meeting, someone was talking about the farmers having an opportunity to understand the rules and know what they say so that during the hearings they can have some meaningful input. I think it would be important for the Department when we do have the hearings, that there be an educational process whether there be some bullet point type language, but certainly laymen type language so that the people---I know it took me a long time to read through all this material and then had an explanation on top of it in our addition to our discussion this morning. So I think the more education you can give the people about what it is the better it will be.

Mr. Shea: Right now we're thinking of a format--sort of copy what we did with the Northern Initiatives---where we would have town meetings before we the actual hearings. Some people are going to know all about this; some people are going to have a lot of struggle understanding this so they would be able to go to an informational session and not be intimidated by a huge crowd

during the hearings and actually learn about what's going on--sort of a round table discussion. And then perhaps on the same day, with a break, then we would have the public hearing. That's one idea that we're playing with right now.

Mr. Willett: I think that all of you have received a letter from the Department of Transportation Secretary, Charles A. Thompson. I would like to put my copy in the record so that it is there, if that's acceptable.

Mr. Solberg: That's fine. I did call Secretary Thompson and discussed his letter and assured him that the process is still open so that any of their concerns would be addressed.

Mr. Poulson: I am presuming, Mr. Secretary, that our selection of hearing sites will be pretty much targeted at the rural communities. Madison, Wausau--those are not the kinds of places that I want to see those meetings held. I want to see those meetings in places that have agriculture in the neighborhood where the access is good for people to get to and be there.

Mr. Willett: One of the proposals is to eliminate that 2500 limit and do some cost sharing issues. I think we need to have some of those hearings in those affected communities.

Chairman Solberg called for a vote on the motion to authorize public hearings. When put to a vote, the motion was carried unanimously.

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

6.B-1 Minutes.

There are no minutes for December 1999 since all agenda items were taken up during the Full Board Meeting.

6.B-2 Adoption of Order ER-60-98 - creation of s. NR 19.26, Wis. Adm. Code, pertaining to amphibian and reptile regulations.

Bob Hay of the Bureau of Endangered Resources, presented this item. The rule adds three species (bullsnakes, black rat snakes and yellow-bellied racers) to the list of Protected Wild Animals under NR 10.02; eliminates frogs from regulation under NR 19.27; and creates NR 19.26 which will regulate the harvest, possession and sale of all amphibians, lizards and snakes which are not listed as threatened or endangered.

These regulations will affect at least two biological supply dealers in the state by limiting the species they can sell and will limit the sale of some species to "for research purposes only." It will also require anyone involved in selling amphibians or reptiles to be permitted so that the Department can begin to acquire data on the biological trade of these animals. Some Wisconsin pet stores will be affected as this proposal will limit their sales of amphibians and reptiles to species found outside of Wisconsin.

Mr. Hay distributed a revised rule and reviewed the changes made as a result of public comments. (A copy is incorporated in the official Board minutes.)

John Kivikoski, Madison, appeared in support of the proposal.

Craig Berg, Curator of Herptile & Aquarium, Milwaukee Zoo, asked that the term "yellow-bellied racer" be changed since there is some confusion which racer subspecies is present in Wisconsin. He asked that the rule be changed to read: bull snakes, black rat snakes and razor snakes. In s. NR 19.26, the definition for amphibian and reptile may be interpreted to read that the sale and possession of juvenile herptiles is allowed. Therefore, he urged that the rule be changed to read: "that amphibian means cold-blooded, smoothed skin vertebrates of the class amphibian includes all life stages." He also urged that (d) be changed to read: "reptile means cold-blooded, scaled vertebrates of the class reptilia and includes all life stages." He also mentioned there are color variance of native herptiles currently being propagated in captivity not found in Wisconsin wild populations. He asked that an exemption be made for captive propagated color variance not found in Wisconsin herptile populations.

Ed Stone of Madison, asked that section (l)(c) be rewritten to exempt any animals that can be proven to have been bred in captivity. As written, he said the section seems to presume that all herptiles are wildlife. In addition, he requested that possession limits be expanded.

In response to Chairman Solberg, Mr. Hay indicated that the revised rule would cover most of the Mr. Stone's suggestions. He added that numerous states have tried to deal with differentiating between wild and captive bred animals and the marking system can be applied to both and he said it is almost impossible to be able to track whether those animals truly came from the wild. Mr. Hay said the Department has not yet found a reasonable solution but will continue their efforts. In response to Mr. Stone's request, Secretary Meyer stated that the following language has been added as follows: (l) A person may possess an unlimited number of atypically colored or patterned native amphibians and reptiles (e.g., albinos, striped snakes that are typically blocked) and (e) The sale of atypically colored or patterned native amphibians and reptiles is allowed without restriction and without permit. Mr. Stone indicated that was not in the draft rule that was sent to him.

Mr. Behnke MOVED the adoption of Order ER-60-98 as presented. Mr. Willett seconded the motion. Mr. Willett MOVED to amend the motion to adopt the revised rule, as distributed by Mr. Hay. Mr. Tiefenthaler seconded the motion. When put to a vote, the motion was carried unanimously. Chairman Solberg called for a vote on the main motion, as amended. The motion was carried unanimously.

6.B-3 Approval to place fisheries regulation changes on the 2000 Spring Hearing Questionnaire and approval of FH-4-00 for hearings.

Mike Staggs, Director, Bureau of Fisheries and Habitat Protection, reviewed the fisheries regulations proposed for this year's spring hearing questionnaire (a copy is incorporated in the official Board minutes). He recalled that last May, the Board passed a motion that put in place the early trout season and asked the Department to work with the Conservation Congress and other interested parties. The motion also directed the Department to prepare a report on the various issues which was done and distributed to meet the December 20 deadline and more recently sent the Board the final report. Larry Claggett, also of the Bureau of Fisheries and Habitat Protection, described the workings of the task force and summarized the proposed compromise and final report. (A copy of the final report is incorporated in the official Board minutes.)

Under the task force proposal, which the Department supports and has placed on the spring hearing questionnaire, the state is divided into two zones, with all streams (similar to the current early season, except for sensitive streams) open west of U.S. Highway 51 or south of State Highway 23, and only specific streams open in the northeast zone. Also, the early catch and release season would be shortened, with a 5-day rest period for the week before the regular open

season. As before, only artificial lures with barbless hooks would be allowed, and the use and possession (pending the outcome of legislative action) of barbed hooks would be prohibited. Mr. Claggett noted the waters that were proposed to be open in the northeast and the few that are designated as sensitive in the rest of the state were nominated by local fisheries biologists using criteria developed by the task force. Mr. Claggett stated that if the Board prefers the Department to not use a map or highway lines, the staff could list about 20 more streams that are divided by the highway boundary and either list or refer to all other counties that have all waters open.

Chairman Solberg asked if the Task Force discussed removing the line. Mr. Claggett said they did not. Mr. Behnke felt the Task Force had come up with a workable program, but would prefer "to not show a map with lines on it. If we could have the same principles in effect, that in a given area you would list the open streams and in another given area in the state you would list that everything is open except----and if that could be done I think it would probably be more palatable to people instead of looking at a map with a line on it. I would like to suggest, unless there is some serious opposition to this, that we proceed with that as we take it to hearing which would probably require some kind of amendment or motion to make that change from the recommendation." Mr. Tiefenthaler concurred with Mr. Behnke's suggestion.

Mr. Willett MOVED approval to place the 2000 fisheries regulation changes on the 2000 Spring Hearing Questionnaire. Mr. O'Brien seconded the motion.

Mr. Behnke MOVED to amend the motion to "remove the zone line, as such, and proceed with a listing of open and closed streams." Mr. Tiefenthaler seconded the motion. In response to Mr. O'Brien, Mr. Staggs stated that "basically we would go through county by county. For example, Bayfield County would state that all waters are open except for the White River. ....It would be a county by county list. The problem will be for the ones on the border. For example, in Portage County there are a number of ditches. Under the way the proposal is drafted, it will state open west of, but closed east of. If there would not be a map, the regulations would simply state for Portage County, "Ditch 5 open downstream from Highway 51." Mr. O'Brien asked if the resolution would have to indicate that "the fish managers have the authority west of the highway to close----" Mr. Staggs: "If I understand the amendment, it is to keep exactly what is proposed here, but change the wording in the questionnaire somehow so that we do not have a map. I didn't hear anyone suggesting that we change the list." Mr. Behnke noted that the fish managers determine the open and closed waters using established criteria. Mr. Staggs clarified that the fish managers have already done that, and "if we wanted to change that, we would be back next year or with a subsequent rule change on whether to open or close waters."

Chairman Solberg called for a vote on the amendment. When put to a vote, the motion was carried unanimously. Chairman called for a vote on the main motion, as amended. The motion was carried unanimously.

6.B-4 Approval to place proposed wildlife regulation changes on the 2000 Spring Hearing Questionnaire and approval of Order WM-1-00 for hearings.

Tom Hauge, Director, Bureau of Wildlife Management, reviewed the wildlife regulation changes proposed for the 2000 Spring Hearing Questionnaire. He called attention to three amendments being proposed since the rule package was prepared:

Question 6. Hunting Hours Zones for Small Game, Bow Deer and Bear (2000). The intent of the proposal is to provide the fairest sunrise and sunset times from which to work from. The second part of the question will address the time before or after sunrise and sunset for hunting to begin and end. (A copy of the proposed substitute to Question 6 is incorporated in the official Board minutes.)

Another amendment relates to Question 1 (dove hunting) which would require the use of nontoxic shot for the proposed mourning dove season; and the third amendment relates to the snowshoe hare hunting season and proposes to modify the closing date from February 28 to March 31.

Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, approval to place proposed wildlife regulation changes on the 2000 Spring Hearing Questionnaire and approval of WM-1-00 for hearings, which includes the above-stated amendments.

Mr. Willett expressed strong opposition to the hunting of mourning doves and therefore was opposed to placing the mourning dove question on the spring hearing questionnaire. He MOVED that the question be removed. Mr. Poulson seconded the motion. The vote on the motion:

Affirmative - Mr. Willett.

Negative - Messrs. Solberg, Tiefenthaler, Behnke, O'Brien, and Poulson.

The motion was lost.

Chairman Solberg called for a vote on the main motion. The vote on the motion:

Affirmative - Messrs. Solberg, Tiefenthaler, Behnke, O'Brien and Poulson.

Negative - Mr. Willett.

The motion was carried.

Mr. Tiefenthaler stated his intention to place the following questions on the Spring Hearing Questionnaire under "Natural Resources Board Advisory Questions."

**"Allowing extended placement of portable tree stands on state lands** - current law requires the complete removal of any ground blind or elevated device on lands owned or under the control of the department each day at the close of hunting hours. The Natural Resources Board has heard concerns that this law is too restrictive. Persons using portable tree stands indicate that removing the stand after dark and then reinstalling the stand, again in the dark, increases the safety hazard and creates an extra disturbance in the woods. In addition, they suggest that regulations used for waterfowl blinds could be applied to tree stands to guard against abuse.

"The Natural Resources Board would like your opinions regarding the following proposal for allowing extended placement of portable tree stands. The proposal would establish a 3-year trial after which an evaluation would be made on whether or not the proposal would be continued. The specific proposal would allow persons using portable tree stands to place them on state lands no sooner than 1 day prior to the start of the gun deer season and require all stands to be removed 1 day after the close of the muzzleloader deer season. Only 1 portable stand could be placed per hunter. Permanent stands or stands that damage trees are not authorized. All stands would require the owner's name, address and other important identification to be displayed on the stand. If approved, this proposal would be considered for formal rule action at the 2001 spring hearings.

**"Do you support allowing a 3-year trial to evaluate the extended placement of tree stands on state lands with the restrictions described above?"**

Mr. Tiefenthaler's second question is as follows:

**"Extending the early archery season through the Thursday prior to the Gun deer season** - the Natural Resources Board has been asked to consider an extension of the early archery season. Currently, the season closes on the Sunday prior to the Gun deer season. Proponents suggest that the additional 4 days of hunting will provide additional recreational opportunity and result in additional herd control benefits. They also note that some other states, notably Michigan, keep their archery season open concurrent with their gun deer seasons and have experienced no major problems.

**"Do you support extending the early archery season through the Thursday prior to the gun deer season?"**

Steve Oestreicher, Chair of the Wisconsin Conservation Congress, stated that the Congress Executive Council supports the early trout season, as proposed, that is, with the line and the map included. Mr. Oestreicher indicated that the Council had a concern about the snowshoe hare season date and expressed appreciation to the Board and staff for making the change.

Mr. Oestreicher then went through the Congress' advisory questions for placement on the 2000 Spring Hearing Questionnaire. (A copy of the document is incorporated in the official Board minutes.) In addition, Mr. Oestreicher noted a few changes in the spring hearing process. The Congress will be requiring proof of residency at the spring hearings this year to vote for delegates to the Congress. (Proof of residency would not be required to vote on the questions.) The Congress is also requiring that all resolutions be submitted prior to the start of the hearings and they will be taken up after the Department's questions rather than at the end of the hearing. Elections will also take place near the beginning of the hearing.

Mr. Behnke suggested that consideration be given to including rivers in the question regarding the use of jet skis on lakes. Mr. Oestreicher said the Congress would look into this.

Mr. Willett asked if there is statutory language regulating Conservation Congress advisory questions. Secretary Meyer read s. 15.348 as follows: "The conservation congress shall be an independent organization of citizens of the state and shall serve in an advisory capacity to the natural resources board in all matters under the jurisdiction of the board. Its records, budgets, studies and surveys should be kept and established in conjunction with the department of natural resources. Its reports shall be an independent advisory opinion of such congress."

It was Mr. Willett's opinion that the question of whether the Department Secretary should be appointed by the Governor is not under the Board's jurisdiction and therefore should not be placed on the questionnaire. Secretary Meyer noted that it has been on the Congress questionnaire many times in the past and he felt it is a conservation-related issue.

There was additional discussion about whether other questions, such as jet skis and reestablishing the public intervenor's office fall under the Board's jurisdiction. Mr. O'Brien pointed out that the Conservation Congress is a "self regulating body and it is not up to us to tell them what to do. That should come within the organization.....but it shouldn't come from us. If somebody in the Congress thinks they are acting outside of their jurisdiction, which I think they are, then they should raise it, but I don't think it's up to us to police them. It (the statutory language) says they are an independent body."

6.B-5 Authorization for hearing on revision of Chapters NR 10 and 15, Wis. Adm. Code, pertaining to wildlife management housekeeping changes.

Mr. Hauge reviewed the wildlife housekeeping changes for 2000:

- Waterfowl blinds - requires the name and address of owner to be attached to all waterfowl blinds constructed on public property in English letters one-inch square or larger;
- Otter - allows the registration of otter in the whole carcass;
- Bobcat - requires bobcat pelts to have attached registration tags in the event that the pelt is transferred, given, traded, sold or purchased;
- State parks - clarifies state park deer seasons to refer only to portions of those properties owned by the state;
- Zone T permits - authorizes zone T deer permits to be filled during disabled hunts; and
- University of Wisconsin - establishes a no permit policy for wildlife research conducted on University arboretum lands upon annual department approval of research projects.

Mr. Behnke MOVED, seconded by Mr. Willett, that the Board authorize public hearings. The motion was carried unanimously.

6.B-6 MASTER PLANNING - Approval of the Menominee River Natural Resources Area master plan and environmental assessment, including an acreage goal of 2,120 acres.

Jim Raber, Regional Land Leader at Green Bay, presented the master plan for the long-term management of the Menominee River Natural Resources Area. In 1997, the Richard King Mellon Foundation and the Conservation Fund purchased 4,450 acres along five miles of the Menominee River in Michigan and Wisconsin from the Wisconsin Public Service Corporation. The Corporation will donate the lands to the Michigan and Wisconsin after each state completes its management planning process which Mr. Raber thought would be in May of 2000.

The proposed master plan for this property covers 2,120 acres in Wisconsin. This includes five miles along the Menominee River corridor, and three miles of the Pemebonwon River are also contained within the property. The property is primarily undeveloped, heavily forested, and contains unique scenic features such as rocky gorges at Quiver Falls and Pemene Falls.

The proposed master plan outlines long term management strategies to preserve the scenic beauty of the river corridor and provides opportunities for recreation that are compatible with maintaining the natural character of the property. Forest management will include establishing or restoring old growth characteristics along the river corridor and in those areas of the property that already contain significant stands of older pine. The remainder of the property will be managed for species and age class diversity resulting in a mixed age aspen forest.

Recreational development will include a disabled accessible overlook, parking area and canoe landing at Quiver Falls, a two-mile loop trail and parking area near Pemene Falls, two primitive river campsites and three other small parking areas distributed near the perimeter of the property. Camping will be allowed on the state-owned islands by posted notice. Many of the old logging trails throughout the property will be gated or bermed to limit access to foot travel only. An existing snowmobile trail through the northwest portion of the property will be continued, however, no new snowmobile trails are planned. ATVs will be prohibited on the property.

Camping at the two designated sites along the river is proposed to be allowed without registration or fees, for a maximum of three nights. NR 45 revisions will be needed to implement this provision.

The total estimated cost to acquire all lands within the boundary is \$178,000. The estimated development cost to implement the proposed master plan is \$107,830. Projected annual operating costs are expected to average \$17,500, not including salaries.

This master plan also recommends that a feasibility study process be initiated for adjacent large blocks of utility lands if these lands become available for sale at a later date.

Public involvement in developing the master plan included listening sessions in both states, focus group discussions, mailings, and press releases. Public comments showed a strong interest in maintaining the scenic and natural qualities of the area with minimal development for recreational uses. In addition, there was a strong desire expressed through the focus groups and others that expanded state ownership in the area should be considered if the opportunity would arise. Interest was also expressed in managing for older growth forests and increasing the diversity of aspen stands. Others expressed strong interest in habitat management to benefit a variety of wildlife species. No significant controversy has arisen during the planning process.

Mr. Behnke MOVED, seconded by Mr. O'Brien, Board approval of the Menominee River Natural Resources Area master plan and environmental assessment, including an acreage goal of 2,120 acres. The motion was carried unanimously.

6.B-7 INFORMATIONAL ITEM - Update on the Wolf River Bottomlands, located in Outagamie, Shawano, Waupaca and Winnebago Counties.

Mr. Raber recalled that at the Board's September 1999 meeting, Mr. Behnke asked the Department to explore the possibility of substantially increasing state ownership in the Lower Wolf River corridor. (Previously, the Board authorized master planning for 14 Department properties located along a 70-mile stretch of the river from the Shawano Dam downstream to Lake Winnebago.)

Mr. Raber indicated that the Department had already initiated a public participation process prior to Mr. Behnke's request and held four informational meetings with the public and sought their input on management of these properties. In addition, the Department sent a mailing of over 260 potentially interested citizens. Included in the mailing was an Issues Questionnaire, which asked for information about which properties people visit, the types of activities they do, and issues or concerns they would like to see addressed in this process. Following were some of the themes heard from the Issues Questionnaires and comments at the open houses:

- \* Increasing, preserving, and protecting public ownership along the Wolf River;
- \* Managing and enhancing our natural resources along the Wolf River;
- \* Increasing educational opportunities on the properties (i.e., brochures, programs, maps, signs)
- \* Providing adequate public access to properties;
- \* Maintaining existing snowmobile trails;
- \* Wildlife management and use of the properties; and
- \* Concerns regarding fisheries and forestry management.

Over the next few months, the Lower Wolf River Bottomlands planning team intends to contact town boards to determine township interests, to continue broader public involvement through mailings and attending interest groups' meetings and preparing background information on the study area. Mr. Raber said the planning team is encouraged that there appears to be public support for identifying a potential corridor of projecting the resources along the Wolf River.

No action was taken on this informational item.

6.B-8 Mountain Bay State Trail land acquisition - Shawano County.

Richard Steffes, State Real Estate Officer, presented this item. The Department obtained an agreement to purchase 19.72 acres in Shawano County from the Union Pacific Railroad for \$249,000. The item was submitted to the Board because the purchase price exceeds the appraised value of \$195,400 by \$53,600 or 27.4 percent, and also the price exceeds \$150,000. Mr. Steffes indicated this is the best price available over a six-year negotiation period. The property will allow a connection between two trails from Shawano to Green Bay and from Shawano to Wausau. The 1.9 mile corridor passes through the east side of Shawano and includes a critical bridge over the Wolf River. If not acquired, a replacement bridge would cost an estimated \$360,000. The bridge will receive heavy public use as a viewing area during the annual spring sturgeon spawning run, as the nearby Shawano Dam is a popular destination.

Mr. Behnke asked if the depot building was included in this purchase. Mr. Steffes said the depot was acquired in an earlier transaction. Although it lies on this real estate, the railroad company was under obligation by the State Historical Society in the abandonment process to preserve the depot. The Department, at that time, included the depot in the deed and obtained an easement on a small area around the depot. In other words, Mr. Steffes said the State owns the depot and has an easement for the land under it. Under this transaction, the Department will be acquiring the land under the depot.

Russell Schmidt, Mayor of Shawano, indicated that the City has committed \$40,000 for renovation of the depot. The use of the depot has not yet been decided, but he said the Chamber of Commerce has expressed interest in using it for a tourist information center. The City has also committed to parking maintenance and has set aside money to pave the trail. The City has committed to constructing a parking lot next to the depot which would accommodate between 75 to 100 cars. Mayor Schmidt urged the Board to approve this purchase.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of this transaction. When put to a vote, the motion was carried unanimously.

6.B-9 Statewide Habitat Areas land acquisition - Sawyer County.

Dick Steffes, State Real Estate Officer, presented this item which is a proposal to purchase 104 acres from the Ann B. Ewig Revocable Trust for \$175,000. The parcel has 7,000 feet of frontage on Big Island in Nelson Lake, about three miles north of Hayward, and an additional 3,000 feet of frontage on two small islands in the lake. Acquisition of the parcel will protect fish habitat by preventing activities that are incompatible with protection, activities such as vegetation removal, dock development, and swimming area development. Sawyer County officials strongly support Department purchase of this parcel.

Mr. Willett MOVED, seconded by Mr. Poulson, approval of this purchase. The motion was carried unanimously.

6.B-10 DONATION - 1.8 acres from Ziegler/Bence tillie Lake LLC, for Cedar Creek Streambank Protection Program in Washington County.

Mr. Willett MOVED, seconded by Mr. O'Brien, approval of the donation. The motion was carried unanimously.

6.B-11 DONATION - 0.54 acre from Ralph Nudi, Kenosha, for Chiwaukee Prairie-Carol Beach Natural Area in Kenosha County.

Mr. Willett MOVED, seconded by Mr. Poulson, approval of the donation. The motion was carried unanimously.

7. Department Secretary's Matters.

7.A DONATION - \$10,000 from Wisconsin Electric Power Cooperative/Touchstone Energy, to be used to help fund the Wisconsin State Park System Centennial Celebration throughout the year 2000.

Sue Black, Director of Parks, explained that the \$10,000 pledge from the Electric Cooperatives of Wisconsin makes them the lead sponsor for the Parks Centennial Celebration. She indicated the Board will be seeing more of these donations throughout the coming year. Mr. Willett MOVED, seconded by Mr. O'Brien, acceptance of the donation. The motion was carried unanimously.

7.B Amendments to Order SW-18-95, creation of Chapter NR 135, Wis. Adm. Code, pertaining to nonmetallic mining reclamation (adopted by the Board December 8, 1999).

Secretary Meyer recalled that at the December meeting, the Board approved Order SW-18-95, pertaining to nonmetallic mining reclamation, and directed that the order included a delayed effective date of December 1, 2000. This delayed effective date was specified in response to a request from the Wisconsin County Code Administrators. Since that meeting, the staff discovered that the fee tables in the rule specify dates and these dates have to be changed by one year to reflect the December 1, 2000 effective date of the rule. Mr. Meyer indicated that since the order establishing the rule hadn't yet been sent to the Legislature, changing these dates in the fee schedules is easily accomplished. A copy of the rule indicating the sections where these dates have been changed, is incorporated in the official Board minutes.

Mr. Willett MOVED, seconded by Mr. O'Brien, approval of the amendments, as stated above. The motion was carried unanimously.

7.C Election of Officers.

Mr. Behnke nominated Mr. Solberg for the office of CHAIR of the Natural Resources Board. Mr. Solberg was reelected Chair by a unanimous vote.

Mr. Willett nominated Mr. Tiefenthaler for the office of VICE-CHAIR of the Natural Resources. Mr. Tiefenthaler was elected Vice-chair by a unanimous vote.

Mr. Willett nominated Mr. O'Brien for the SECRETARY of the Natural Resources Board. Mr. O'Brien was elected Secretary by a unanimous vote.

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The meeting was adjourned at 3:30 p.m.