

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held Tuesday and Wednesday, February 22 and 23, 2000. The Board convened on Tuesday, February 22 at 3:00 p.m. and recessed at 4:45 p.m. and reconvened at 8:30 a.m. on Wednesday, February 23.

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

ABSENT: Stephen D. Willett

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ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of January 26, 2000.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the minutes as presented. The motion was carried unanimously by those members present.

1.B Agenda for February 22-23, 2000.

Secretary Meyer announced several changes to the agenda - the addition of retirement resolutions for Robert Bramer and James Kronschnabel; deletion of retirement resolution for Paul Willihnganz; deletion of 6.B-10 (Proposed Statewide Public Access Program acquisition in Oconto County); addition of donation from Wisconsin Public Service Corporation to fund survey work on Lake Alexander; and addition of item on possession of barbed hooks. With those changes, Mr. Poulson MOVED, seconded by Mr. Tiefenthaler, approval of the February 22-23, 2000 agenda. The motion was carried unanimously by those members present.

2. Ratification of acts of the Department Secretary.

2.A Real estate transactions.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the real estate transactions, as presented. The motion was carried unanimously by those members present.

3. Committee of the Whole.

3.A INFORMATIONAL ITEM - Presentation of the Deer 2000 Project Report.

Dave Ladd, Deer 2000 Chairman, began by recognizing the Deer 2000 Oversight Team members, consultants and project coordinators in attendance and provided an overview of the slide presentation.

Les Strunk, Deer 2000 Vice-Chairman, began the slide presentation, which provided the Board an update on the Project. The Deer 2000 Mission statement and Project origins were discussed. A mailing list currently includes 8000 names of people and organizations that have been invited or

have shown interest in the project. Strunk detailed the membership and responsibilities of the Oversight and Design Teams.

Mr. Strunk then reviewed the February public forums. Participants were asked; what does the public think are issues? Four thousand five hundred (4500) participants offered their input at the February forums. Those who attended liked the format in that it was non-adversarial. The participants identified issues that they felt were important. Of those issues, 7 became the first tier of issues to be studied.

Mr. Strunk listed the current study groups and their membership and responsibilities. Consensus is important in these groups and has been emphasized throughout the project. The groups have been challenged to think outside the box and not to focus on their own back yard. He also mentioned that the groups have all met at least 7 times, but each of the groups has scheduled many meetings outside the mandatory monthly meetings.

The September Public forums were reviewed. These forums saw a smaller turnout, 1569 individuals attended the Open Houses. However, Mr. Strunk noted, that their input was very well thought out and valuable.

Next, Mr. Ladd began to go through the PRELIMINARY recommendations of the study groups. He stressed to the Board that these recommendations are indeed preliminary and may change as the groups begin to integrate their recommendations into the final report. Mr. Ladd introduced the leadership and DNR liaisons for each of the study groups, and also noted any members that were in attendance at the meeting. A topical summary of recommendations for each of the groups was made available to the NRB and is attached and made a part of these minutes.

Sex and Age of the Herd:

Mr. Behnke had a few questions on the antler size restriction recommendation.

Baiting and Feeding:

Mr. Ladd noted that the Study Group had unanimously agreed to legislation introduced by Representative DuWayne Johnsrud that would allow the DNR to regulate feeding if necessary.

Mr. Solberg noted that it would be difficult to sell a ban on feeding in the North where people have fed for years. Mr. Behnke noted that he would like to see the DNR take control before the disease occurs.

Messrs. O'Brien and Solberg discussed the lighting/cabin shooting and recommendations on feeding.

Mr. Ladd noted that many vets and experts have been invited to talk about health concerns with the Study Group.

The Board asked about the North and South differences with Agriculture and feeding and baiting in different parts of the state. Mr. Poulson stated that the real problem with disease is nose nuzzling, when they put their noses in one place.

Mr. Behnke stated that if TB gets in the state, we would be in trouble.

Mr. Solberg inquired whether we currently have TB in our state? The answer is no, but the staff stated it does exist in Michigan.

Mr. Tiefenthaler thought the Study Group should look at types of bait being used in relation to the spread of disease. Mr. Strunk noted that the baiting group is looking at that and they have information that it is not just the nuzzling...studies have shown that it will stay in the area for extended periods of time on various types of bait.

Forest and Ecological Issues:

The Study Group is emphasizing research and education and is calling for a ban on baiting and feeding.

Mr. Poulson asked whether any figures existed on deer damage to forests. Mr. Solberg added that he has viewed information that showed a huge difference in vegetation growth inside and outside of enclosures. Tom Hauge, Director, Bureau of Wildlife Management, noted that there is a lot of this type of information from Christmas tree growers, but much more needs to be studied. They would like to put resources towards answering these questions. Mr. Behnke noted that an individual in Shawano County has some of that information from his managed acres.

Agricultural damage:

The Study Group is looking at a Wildlife Damage Multi-tier program.

On the topic of neighbor liability, Mark Houslet, Co-chair of the Ag. Damage Study Group, noted that 84% of the public felt that the neighbor's practices had effects on Ag damage. This neighbor liability would be an expansion of the existing beaver law. It would be a civil suit and handled in the court; the Study Group is asking the legislature to handle it.

Laine Stowell, DNR liaison to the Ag Study Group, added that people are not being sued over the beaver law. He explained that landowners would need to provide access to eliminate the dam, or in this case deer (antlerless only), to avoid legal action.

Believability of Deer Population Estimates:

SAK is a good program but it needs verification.

Mr. Behnke stated that maybe we are overplaying the believability issue, "when you can kill .5 million a year, I am not concerned about what people believe. The deer are there and we are killing them, maybe we should forget about it." Mr. Solberg agreed, but added that he would like to see an exact count. Mr. Tiefenthaler reminded the Board that the DNR was incorrect in 1988 and until we have a study that will quell an issue it will need to be addressed. Mr. Behnke noted that it was the fault of the administrators, there are some faults in the system -- they need to adjust the formula, they need to put factors into the SAK equation.

Private Land Access:

The study group is looking into a Master Hunting program similar to Oregon's that would be used to instill confidence in landowners in order to increase hunter access to private land. Free tags to landowners means that the landowners would distribute the tags to hunters.

Mr. Tiefenthaler liked the idea and thought that it would make a difference. Mr. Behnke thought that the Free tags distribution by landowners was a good idea.

Herd Size:

A series of slides, which briefly touched on various season options, was discussed by the group and are detailed in the attachment.

DMU goal review:

Mr. Strunk previewed the DMU goal and boundary review process. Unlike the previous Regional Task Force meetings, anyone can participate including the public. The hearings on goal changes would be held outside the April statewide hearings.

Plan for statewide public review of recommendations:

Mr. Strunk touched on the various options being considered to conduct a public review of the study groups' recommendations. He described the use of the web site and described why online voting cannot be used. Statewide meetings similar to the September Open Houses will be held in each county. An Outdoor Wisconsin TV program is in the works that would highlight the recommendations and the Study Group. The review will include a statewide marketing campaign, since it is the final push and we want a lot of participation.

Project Timeline and Expenses:

Expenses through June of 2000 will be approximately \$750,000.

Possible requests for funding once the project is complete may include research, SAK validation, master hunter, private land access, and public deer management program (more public involvement). Many unreimbursed hours and mileage, emphasize the amount of personal time that volunteers have contributed to the project. Mr. Strunk commented that this is not the end actually, it is just the beginning, and that we have created a process that will continue into the future.

Mr. Ladd added, "there is a lot of money out there, but there is a tremendous amount of volunteerism. In wrapping it up, it is a huge project. I think we have done a good job reaching out to all of the public, farmers, etc. The consultants have cost a lot of money, but their time has been valuable.

"We have let the study groups do their thing, Mr. Ladd continued, it will cause a stronger project. And the DNR and Conservation Congress has come together well and is important for the future and have reached out to the tribes too. Deer affects almost everyone in the state no matter what you do it is a billion dollar program and I think we are doing well and I want more than just a book on the shelf when this is over."

In closing, Mr. Solberg stated, " You certainly have done a great job and there has never been such a process in Wisconsin. The education value has been great to help with public perception. I take my hat off to you, Dave."

3.B Presentation of the Shikar-Safari Club International "Wildlife Officer of the Year" Award.

Tom Harelson, Director, Bureau of Law Enforcement and John Pearson, representing the Shikar-Safari Club presented Byron Goetsch, Green Bay Warden Team Leader with the 1999 Shikar Safari International Conservation Warden of the Year award. Mr. Harelson stated that "Byron is a true model of what conservation wardens ought to be. He is known for being calm under adverse conditions, and is able to find common sense solutions to difficult problems." The award

is given each year to a conservation warden "for outstanding and innovative conservation law enforcement work."

3.C INFORMATIONAL ITEM - Presentation of the sixth annual progress report from Wisconsin's Pulp and Paper Industry on the Pollution Prevention Partnership Project with the Department.

James Weinbauer, Director of Environmental Affairs for Consolidated Papers, presented the sixth annual progress report of the voluntary partnership between Wisconsin's pulp and paper industry and the Department of Natural Resources. The Pollution Prevention Partnership, known as "P3," involves 24 firms and 42 facilities. Its purpose is to reduce or eliminate potentially unwanted byproducts of the paper industry's manufacturing processes. The program is all encompassing as it includes air emissions, wastewater discharges, solid and hazardous wastes. It also includes voluntary reduction goals for seven "target" substances. The substances, agreed to by the DNR and the Paper Industry, are chlorine, chloroform, formaldehyde, hydrogen sulfide, methanol, phosphorus and xylene. Latest data compiled under P3 reveals an impressive record of accomplishment and continuous environmental improvement.

In baseline year 1992, the paper industry's combined process-related air emissions and wastewater discharges totaled 102,068,924 pounds. In 1998, releases totaled 48,787,459 pounds, a drop of 53,281,465 pounds, or 52 percent. This is an average reduction of almost nine percent annually. During that same six-year time-frame, production increased almost 900,000 tons, or 10 percent. Calculated on a per ton of production basis, the paper industry's process-related releases to the environment declined from 11.68 pounds per ton of production in 1992 to 5.06 pounds in 1998. This is a decrease of 6.62 pounds or 56.7 percent.

Goals for three substances, chloroform, formaldehyde and hydrogen sulfide have been met. The industry expects to meet, or to be very near goals for two other substances - chlorine and xylene - when the program formally concludes next year. The numbers for each target substances follows:

--Chloroform - Emissions dropped 427,726 pounds or 57 percent during the 1992-98 time-frame.

--Formaldehyde emissions dropped 57,016 pounds or 36 percent since 1992.

--Hydrogen sulfide emissions dropped 41,008 pounds or 17 percent.

--Chlorine emissions dropped 36,941 pounds or 42 percent.

--Methanol emissions dropped 1,979,331 pounds or 29 percent.

--Xylene emissions dropped 189,114 pounds or 37 percent.

--Phosphorus releases increased 54,255 pounds or 12 percent. In terms of phosphorus releases, Mr. Weinbauer indicated it is important to note that this substance is a necessary nutrient that must be added for the efficient operation of wastewater treatment plants. During the past three years, all of the major phosphorus dischargers conducted minimization studies to enhance performance while maintaining efficient wastewater treatment.

Demonstrating their commitment to continuous environmental improvement, state papermakers rolled out another innovative program last year, the Wisconsin Paper Council Environmental Management System (WPC EMS). Since a framework was adopted for WPC EMS in early 1999, a task force has developed a Guidance Manual and conducted an implementation workshop. Like

P3, the WPC EMS is a voluntary program. The goal is to have all paper companies implement the program within three years, or the summer of 2002. The WPC EMS is based on and designed to meet the intent of the international standard, ISO 14001.

Wisconsin papermakers are fulfilling their commitment to practice sustainable forestry under a companion program to P3 called the "Green Guarantee." Like P3, the Green Guarantee is a voluntary program--a cooperative program with the Department of Natural Resources. When the program was established in 1996, the industry and DNR established three goals:

- Train 90 percent of the paper industry's field personnel in forestry Best Management Practices (BMPs).
- Reforest all harvested land within five years of the final cut.
- Encourage and facilitate the training of wood suppliers in BMPs and related skills.

Considerable progress has already been documented. The first goal, for example, has been met as 93 percent of the industry's field personnel were trained in forestry BMPs in 1998. In terms of reforestation, 88 percent of the acres harvested in 1996 have been reforested, even though the initial five-year period doesn't conclude until 2001. And 77 percent of the acres harvested in 1997 have been reforested.

Progress has also been realized in training wood suppliers. Green Guarantee participants help assure that this happens as they provide more than \$150,000 annually in support of the training programs offered by the Forest Industry Safety & Training Alliance.

Wood utilization data is further evidence that this goal is also being achieved. The volume of pulpwood harvested for Green Guarantee participants that is supplied by trained loggers jumped from 37 percent in 1996, when the training programs were in their formative stages, to 54 percent in 1998. The percentage is expected to climb in coming years.

Participating companies include: Appleton Papers Inc., Consolidated Papers, Inc., Fraser Papers, Inc., Georgia-Pacific Corporation, International Paper Company/Kaukauna Facility, Packaging Corporation of America, The Timber Company, Wausau-Mosinee Paper Corporation and Weyerhaeuser Company.

3.D Citizen participation.

There were no requests for citizen participation this month.

3.E INFORMATIONAL ITEM - Report on the new Stewardship 2000 program.

Bob Roden, Director, Bureau of Facilities and Lands, presented slides and went through the major elements of the program and the efforts already underway to implement the direction from the Governor and the Legislature.

Major Features of Stewardship 2000

--Funding: The legislation authorizes \$460 million over the next ten years, starting in July of 2000, for land acquisition, grants to local governments (LUGs) and non-profit conservation organizations (NCOs), and development projects on Department lands. Overall, 75% of the funding is designated for land acquisition by the Department and NCOs, while 25% is allocated to grants to LUGs and Department development projects.

--Program Categories. In contrast to the current Stewardship program's 12 designated categories, Stewardship 2000 establishes only 2 permanent components, Land Acquisition and property development and local assistance. In addition, there are 2 temporary categories, Bluff Protection and Baraboo Hills, which will exist until June 30, 2004 and January 1, 2006, respectively. These programs are a portion of the overall Land Acquisition program. This approach gives the Board and the Department a great deal of flexibility in identifying how funds are allocated.

--Partnerships. Stewardship 2000 significantly expands the authorization for NCOs to buy land. In fact NCO authority will now be the same as the Department's. Besides this, there are new grant programs for purchase of development rights and for small conservation organizations that cannot meet tax-exempt requirements. Current authorizations for LUG grants continue, and LUGs will be able to participate, along with NCOs and the Department, for the Baraboo Hills program.

--Transfer of Funds between Fiscal Years. The provisions of the current program, allowing carryover to or borrowing from the next fiscal year, continue. In addition, the Department can, with approval of the Governor and Joint Finance Committee, borrow against the entire remaining land acquisition funding for major land purchases such as the "Great Addition." Finally, there are provisions that allow the current Stewardship program's funds to carry over past June 30, 2000. This is especially important for construction projects and grants because the actual costs may not occur for 2 years or longer.

--New terms and concepts. The legislation requires the Department to define a number of terms by rule ("nature-based outdoor recreation," "wild lake," "bluff lands," and "shoreline enhancement.") While most of these are specifically for the Property Development and Local Assistance component of Stewardship 2000, they are likely to have implications elsewhere. In addition, the Department must get County Board approval to purchase land in a county where total public ownership is 66% or more of the county.

--Specific grants and development projects. There are a number of specific grants and development projects (including Milwaukee Lakeshore State Park) that the Department is directed to implement. Funding comes from both the current program and from Stewardship 2000.

--Grant program "housekeeping" items. There are a number of legislative provisions that will need to be incorporated into rules. Most of these are either clearly spelled out in the statutes (e.g., making the Kickapoo Reserve eligible to receive LUG grants) or already are standard procedure in the grant program.

Mr. Roden discussed the two major areas that will require substantial effort by Department staff, plus the approval of the Board, over the next several months. They include:

--"Target Areas" and funding allocations. With only 2 permanent funding categories established by statute, the Department and the Board have the authority and responsibility of identifying "target areas" to which funds would be allocated. A number of these will likely be the same as in the current program because other statutes will require them to be funded. There may be additional areas that should have specific allocations of money. There needs to be a process for identifying these target areas and allocating funds to them. We believe that the best approach would be an "expenditure plan," developed by the Department with input from key partners and interest groups, and then approved by the Board. FY 2001 has a number of earmarked projects -- the Bluff Protection and Baraboo Hills projects that reduce funds available for other uses -- the staff believes a separate plan should be developed for each biennium with the potential for an opportunity to adjust allocations based on experience in the first 12-18 months of that biennium.

--Policy issues. There are a number of significant policy issues, some of which need to be addressed quickly so that the new program can be operating by July. The Legislature and Governor have given the Department extensive emergency rule-making authority, largely in recognition of the limited time to get key policy decisions into place. At the same time, there are less urgent matters that can be handled through the normal rule process and, of course, any emergency rules will need to be made into permanent rules.

A new “Stewardship Guidance Team” has been organized consisting of key administrators and program managers, to provide overall direction to staff who will be involved in implementing Stewardship 2000. In addition, a staff working group is being reactivated to take on many of the most significant and wide-ranging policy matters. Mr. Roden also pointed out that Secretary Meyer intends to reconvene the Stewardship Advisory Council, a group consisting mainly of NCO and local government representatives, to assist the Department in addressing both the funding and the policy issues. This group will need to be augmented in some manner to ensure that other major interests are represented in any policy discussions. SAC members form a good cross-section of the partners who have received Stewardship funds under the current program, and it should be an excellent sounding board on target areas and funding levels.

3.F Retirement resolutions.

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| 1. James Ashbrenner. | 11. Pat Harkins. |
| 2. Bob Baumeister. | 12. Jon Kling. |
| 3. Brian Belonger. | 13. Keith McCaffery. |
| 4. Dale Corbin. | 14. Charles "Butch" Morrow |
| 5. Robert Derksen. | 15. William Scott. |
| 6. James Evrard. | 16. Shelli Sedwick. |
| 7. David Fox. | 17. John Wendler. |
| 8. DuWayne Gebken. | 18. Robert Bramer. |
| 9. Linda Hanold. | 19. Kenneth Wright. |
| 10. Linda Hanson. | 20. James Kronschnabel. |

Secretary Meyer reviewed the careers of each retiree and commended them for their excellent years of service to the Department and to the State of Wisconsin.

4. Board Members' Matters.

4.A Youth hunt programs.

Mr. Behnke called attention to the special youth hunt programs for youth that are currently in place, but would like to see a comprehensive program developed for youth who do not have an older brother or father to teach them the basics of hunting and fishing. He indicated that it could be patterned after the “Becoming an Outdoor Woman” program. He mentioned the possibility of making available the confiscated equipment at a very low price to these youth. Secretary Meyer agreed with Mr. Behnke and indicated that the Department has been involved in a similar activity, the “Urban Outdoor Skills Program.” He said he would have Darrell Bazzell work with Sue Black and Tom Hauge and their staffs to put something together.

4.B Snowmobile related fatalities.

Mr. O’Brien inquired what the Department was doing to deal with the numerous snowmobile accidents and deaths that are on the rise. Secretary Meyer explained that the Department has been working on this for years through voluntary and educational programs, but without success as the death rate has doubled over last year. Secretary Meyer mentioned the tough initiatives the

state of Minnesota took after having over 30 snowmobile-related deaths in 1996-97. Minnesota has engaged more staff into patrolling. He noted that autopsy reports show that between 75 and 85 percent of snowmobilers killed in Wisconsin have exceeded the alcohol limit. He noted the seriousness of persons operating a machine that can travel at speeds up to 120 mph while intoxicated. Both Minnesota and Michigan have tied the snowmobile DWI arrests to the points on the individual's driver's license. Secretary Meyer stated that in checking with Minnesota two weeks ago, they had only seven deaths this year. He added there is also a speed limit in Minnesota. Secretary Meyer indicated that the Department would need legislative authority to set speed limits for snowmobiles in Wisconsin.

4.C Fiscal note on the redesign of the nonpoint source pollution abatement program.

Mr. Poulson asked for the status of the draft fiscal note for the nonpoint program rule proposal. Secretary Meyer indicated that staff are in the process of completing a fiscal note which he thought would be done in approximately 30-60 days.

4.D Status of the Badger Ammunition Plant.

Mr. Poulson asked about the status of the Badger Ammunition Plant. Secretary Meyer indicated that he would provide Mr. Poulson with updated information. He said it is going through the process for sale and that there are many different plans being proposed. He noted that the majority of land is located in the Town of Sumpter and, to Secretary Meyer's knowledge, the Town has not yet adopted a land use plan. Secretary Meyer indicated that under all the plans, the USDA Dairy Forage Facility will remain on the property.

4.E Update on the Perrier Group of America's plans for a bottling plant in the Mekan River Watershed in Waushara County.

Mr. Tiefenthaler asked for an update on the Perrier Group's plans for construction of a bottling plant in the Mekan River Watershed. Secretary Meyer indicated the Company has stated it is not interested in coming on state property, rather they are now proposing to build near tributaries to the Mekan River. A recent open house revealed that the proposal is still not well received by many people. There is legislation introduced in both houses and Secretary Meyer said it would be in everyone's best interest, including companies coming into the state, to have a regulatory standard.

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

6.A-2 Adoption of Order SS-10-99 – repeal of s. NR 150.03(8)(a)1 and Chapter NR 170, Wis. Adm. Code, pertaining to power plant siting.

Dave Meier, Administrator, Division of Enforcement, presented this item. In 1997, Act 204 changed the Public Service Commission's (PSC) scope of review of power plants proposed in the state. The size of the power plant subject to determination of need and siting review has

increased, and non-utility power plants are no longer subject to full PSC authority. The staff assessed the effects of Act 204 on the Department's authorities and procedures and recommended these administrative rule changes in March of 1999. A public hearing was held on the proposed changes as well as a follow-up meeting with the interested parties to attempt to clarify issues and resolve differences. The Department was unable to reach agreement among the parties on the proposed change. The PSC has been, and continues to be the review agency for power plant siting. Act 204 did not affect the Department's separate permitting authorities that apply to power plants. Each of the permitting actions the Department takes for a power plant is included in the NR 150 Type List. The Department is responsible for complying with the Wisconsin Environmental Policy Act (WEPA) for its own permitting actions and a separate Type List category for power plant review is not appropriate. Act 204 detailed the process for Department review of engineering plans as required by the Power Plant Siting Law, and consequently NR 170 is now obsolete. These rule changes do not reduce environmental protection or materially affect opportunities for interested parties to have appropriate input into Department decisions.

Greg Egtvedt, Green Bay, representing Wisconsin Public Service Corporation, spoke in support of the proposed rule changes.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, adoption of Order SS-10-99 as presented. The motion was carried unanimously by those members present.

6.A-3 Authorization for hearing on creation of Chapter NR 135, Wis. Adm. Code, pertaining to nonmetallic mining reclamation.

Dan Graff, Attorney, Bureau of Legal Services presented this item. He gave a brief history of this proposed rule change, indicating that it had been delayed several months due to statutory revisions and the delay in passage and publication of the budget bill. Mr. Graf explained that the statute provides that an administrative rule is withdrawn if it has not passed legislative review and been filed with the Revisor of Statutes by December 31 of the fourth year following the date that it was originally submitted for Legislative Council review. This rule was original submitted for Legislative Clearinghouse review in 1995, and according to the law the rule was considered withdrawn when it had not cleared legislative review and been transmitted to the Revisor's Office by December 31, 1999. (This Board approved the final adoption of this rule proposal its December 8, 1999 meeting. At the request of the Wisconsin County Code Administrators, the Board's order included a delayed effective date of December 1, 2000.)

Mr. Graf stated that the Department's Bureau of Legal Services indicates there is no choice other than to begin a new but expedited process for public hearing and adoption. Secretary Meyer noted that if the Budget had been signed in October, the Department would have met the legal requirements.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board authorize public hearing on creation of Chapter NR 135, Wis. Adm. Code, pertaining to nonmetallic mining reclamation.

6.A-4 INFORMATIONAL ITEM - Naturally-occurring arsenic/potential EPA proposed drinking water standard.

Mike Lemcke of the Bureau of Drinking and Groundwater, presented this item. Naturally occurring arsenic has been detected in wells throughout the state. DNR data show that 3,886 public wells and 1,821 private wells have detectable levels of arsenic. These samples were taken randomly over the years with more public well water being tested for arsenic than private well water. The problem is especially prevalent in northeastern Wisconsin where increased water use has likely mobilized arsenic into the groundwater. In Outagamie, Winnebago, and Brown

Counties, approximately one out of three private drinking water wells sampled have arsenic detects. Concentrations detected in Wisconsin wells are some of the highest naturally occurring levels of arsenic in groundwater worldwide. More research is needed to determine the cause and extent of naturally occurring arsenic in Wisconsin groundwater.

The Department has established a statewide work group of professionals who have expertise in various fields that relate to naturally occurring arsenic in groundwater. The group includes DNR Drinking and Groundwater staff, representatives from other state agencies, EPA, the U.S. and the Wisconsin Geological Surveys, UW System, UW Extensions, Local county health departments, the National Institute of Health, and the Wisconsin Water Well Association.

The goals for the group are:

--Clearly define the geographical and vertical extent of the arsenic contamination, along with the presence of associated heavy metals and other related water quality problems within the regional and statewide aquifer systems.

--Understand the geochemistry and flow regime of the groundwater systems, and to determine what may trigger and sustain the geo-chemical reactions that release arsenic and other metals into the groundwater, and to determine the mobility of these contaminants within the groundwater systems.

--Develop possible solutions to naturally occurring arsenic contamination including: alternative well construction methods and specifications; the possible need for the installation of “cluster wells” and/or community water systems; and available options for water treatment technology and equipment.

--Reexamine available toxicology and risk assessment studies to more clearly determine possible future impacts to human health and the groundwater resources of this region.

--Develop information and education strategies to clearly communicate the nature of these problems.

Mr. Lemcke stated that it is important to more fully understand the occurrence of arsenic statewide, the water quality problems of the northeast region, and the mechanisms that are releasing arsenic into the groundwater before these problems can be addressed.

A copy of the green sheet and attachment for this item is incorporated in the official Board minutes.

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

6.B-1 Minutes. There are no minutes for January since all agenda items were taken up during the Full Board Meeting.

6.B-2 Adoption of Order WM-4-99 - revision of Chapters NR 10 and 45, Wis. Adm. Code, pertaining to deer hunting in Council Grounds State Park.

Mr. Behnke MOVED, seconded by Mr. Poulson, adoption of Order WM-4-99 as presented. The motion was carried unanimously by those members present.

6.B-3 Approval to take proposed 2000 Zone T and Northern Forest season framework to public information sessions in each deer management unit.

Tom Hauge presented the proposed 2000 Zone T and the special forest deer herd control hunt affecting 97 deer management units in Wisconsin. The proposed season structure includes:

1. A 9-day either-sex gun season November 18-26, 2000;
2. Free antlerless permits/tags as follows (available after August 15):
 - generic free tags can be used by licensed hunters in any Zone T or Forest Special Season unit during all deer seasons (archery, early antlerless-only, nine-day gun, and muzzleloader)
 - free tags issued at any ALIS license vendor;
 - free tags would be issued at a rate of 3 per license for a maximum of six per hunter (3 for an archery license, 3 for a gun deer license)
 - no hunter's choice permits would be issued for these units.
3. Additional antlerless-only bonus permits available for purchase.
4. Antlerless-only gun hunt on October 27-29, archery hunting during this period would be antlerless-only. All hunters except waterfowl hunters would be required to wear blaze orange clothing.
5. Antlerless-only youth gun hunt on October 26. Participation is limited to youths ages 12-17. An adult (age 18 or older) must accompany all youth participants. The adult may not possess a firearm. Archery hunting during this period would be antlerless-only. All hunters except waterfowl hunters would be required to wear blaze orange clothing.
6. Either-sex gun hunt December 2-3.
7. Early archery season would be extended 4 days, through November 16. The late archery season would begin on the Monday immediately following the 9-day gun season and continue through January 7. This would add 16 days to the total archery season.
8. Muzzleloader season November 27 through December 3: allow harvest of one deer of either sex per unused gun deer license harvest tag and additional antlerless deer under the authority of free antlerless permits.

The proposed deer management units are significantly over goal and the regular season structure is unlikely to reduce the deer herd to within 20 percent of goal. Key related issues include the amount of deer-caused damage, the acceptability of the proposed season structure, acceptance of the deer population estimates, and conflicts with user groups that may be affected by Zone T and Special Season structure.

Emergency Order for Forest Special Season: The northern and central forest deer herds are - also well above population goals established in administrative code. These populations have been increasing from the early 1970s through 2000. The northern forest herd has not been below goal overall since 1980. It appears that winter weather control of the northern herd has lessened; just two falls after two of the worst winters, but harvests in 1998 were among the highest ever in many units. This winter's northern deer population is estimated at 433,000 compared to an

established goal of 270,000. This is up from the estimated 420,000 deer in the north during the winter of 1998-1999, despite a state record total deer harvest in 1999. The northern forest antlerless harvest of 80,700 deer in 1999 approached the all-time high in this region of 85,221 antlerless deer (1991). A harvest of over 195,000 antlerless deer would be necessary to bring the region to goal in one year. Similarly, the central forest units cannot be decreased to within 20 percent of population goals with the existing seasons.

The Northern Forest accounted for \$246,379 of the almost \$1,181,000 in appraised deer damage losses in the state. The average deer damage per acre of appraised land in the northern forest is approximately \$877, compared to the average of \$98 per appraised acre in the farmland deer management units. The central forest units proposed for inclusion in this special season had an average of \$183.00 in appraised deer damage per acre.

The Department's authority to establish Zone T hunts is restricted to farmland deer management units. Consequently, an emergency rule is needed to establish a special deer herd control hunt in the forest deer management units.

Bill Pfaff, representing the Association of Snowmobile Clubs, Inc., expressed opposition to any extension of the deer season into December.

Steve Oestreicher, Chair of the Wisconsin Conservation Congress, indicated that he has met and spoken with many hunters and all have indicated they do not support the October T Zone season. He also indicated that the Congress would oppose any extension of the Tribal deer season. He expressed concern about Units 7 and 29b and said he could not understand why these units are included in the T-Zone.

In response to Mr. Behnke, Mr. Hauge indicated that the Department will return to the Board in April with a final recommendation.

Mr. Behnke MOVED, seconded by Mr. O'Brien, that the Board authorize the Department to proceed with public informational meetings on a proposed Zone T deer season in farmland deer management units and a proposal for approval of an emergency rule at the April Board Meeting for a special deer herd control hunt in forest deer management units. The motion was carried unanimously by those members present.

6.B-4 Authorization to designate a project area corridor through southern Columbia County for the Ice Age National Scenic Trail.

Susan Black and Danielle Valvassori of the Bureau of Parks and Recreation presented this item. The Department requested Board approval to designate a project area corridor of approximately one-half to three miles in width through Columbia County for the Ice Age Trail. The Department has worked closely with the National Park Service, the Ice Age Park and Trail Foundation, Columbia County, the Town of Lodi and the Town of West Point. The project area corridor will begin at the north end of the Lodi Marsh State Wildlife Area in the Town of Lodi. The trail would continue through scenic downtown Lodi, past the Lodi Middle School, then on to Gibraltar Rock and continue to the northwest to Merrimac Ferry in the Town of West Point.

Lands for the trail within the corridor may be acquired through Stewardship grants to the Ice Age Park and Trail Foundation (or other non-profits), acceptance of gifted lands or easements for dedication under the Ice Age Trail match-grant and dedication program or by direct Department acquisition. The cost of land in this area will vary between \$3500 to \$4000 per acre.

Once lands are acquired for trail purposes, the Ice Age Park and Trail Foundation will assume management of those lands. Lands dedicated for the Ice Age Trail under s. 23.293, Wis. Stats., are the ultimate responsibility of the Department, but the Department may carry out the actual work through cooperative agreements with others.

Two sets of informational Open House meetings were held. The public reviewed alternative routes for the Lodi to Merrimac segment of the Ice Age Trail corridor. All Open House meetings were well attended by citizens in Columbia County. The Park Service, the Department and the Ice Age Park and Trail Foundation have been working closely with landowners, local government officials, and citizens to determine the best route for the trail segment. The Towns of Lodi and Westport and the Friends of Scenic Lodi have expressed strong support of trails through southern Columbia County. The towns of West Point and Lodi specifically requested that Ice Age Trail planning be completed through their townships because of their desire to have the trail.

While this corridor planning process has not revealed any particular controversy, some landowners have expressed concerns. It was pointed out that the nature of the wide corridor will give the Department more flexibility in dealing with alternative routings. Dealing with individual landowners on a willing seller/willing buyer basis will prolong the amount of time it takes to complete a linkage through the county.

Pamela Schuler, National Park Service; Christine Thisted, Ice Age Park & Trail Foundation; and Char Brereton, Lodi Town Chair, all spoke in support for this project.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of this proposal. The motion was carried unanimously by those members present.

6.B-5 Joel Marsh Wildlife Area land acquisition - Polk County.

Dick Steffes, Chief Real Estate Officer, explained that the Department proposes the purchase 66.4 acres from Tom and Jorene Braml for \$73,100. The item was submitted to the Board because the purchase price is more than the appraised value of \$53,100. The Department will receive the difference (\$20,000) from the Department of Transportation as a contribution and to further wetland mitigation. The property is primarily wetland with two spring areas. The Department would manage the area by closing an existing water control structure to form open water to provide habitat for waterfowl and furbearers. This is the last parcel needed to complete a major waterfowl impoundment.

Mr. Behnke MOVED, seconded by Mr. Poulson, approval of the acquisition. When put to a vote, the motion was carried unanimously by those members present.

6.B-6 Willow Flowage land exchange - Oneida County.

Mr. Steffes explained that the Department proposes the exchange of 44.8 acres of state land in Vilas County, valued at \$33,200, for 40 acres of land in Oneida County from Gene and Evelyn Ahlborn, valued at \$51,000. The net value difference of \$17,800 will be paid in cash by the Department to the Ahlborns. The Ahlborn property has 24 acres of upland forest and 16 acres of conifer swamp and open marsh. The property has 1,300 straight-line frontage on Spring Creek, a tributary to the main body of the Willow Flowage.

Mr. Behnke MOVED, seconded by Mr. Poulson, that the Board find the 44.8 acre state parcel is no longer needed for conservation purposes and approve the exchange of the state land for 40 acres of privately owned land needed for the Willow Flowage Scenic Waters Area. The motion was carried unanimously by those members present.

6.B-7 Statewide Natural Areas land acquisition - Oneida County; and partial donation of land value in the amount \$16,500 from The Nature Conservancy.

Mr. Steffes explained that the Department proposes the purchase of 71 acres from The Nature Conservancy for \$19,000. The parcel is valued at \$35,500 and has 4,000 feet of frontage on Spur Lake. The item is being submitted because The Nature Conservancy is donating the difference in value of \$16,500. That donation will be used to release a like amount of funds from the Heritage Match Grant Program to be used to purchase additional natural area acres.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the acquisition and that a certificate of appreciation be sent to The Nature Conservancy for the partial donation. The motion was carried unanimously by those members present.

6.B-8 DONATION - 39.5 acres from Red Cedar Pheasants Forever for the Statewide Wildlife Habitat in Dunn County.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, acceptance of the donation. The motion was carried unanimously by those members present.

6.B-9 DONATION - 0.86 acre from The Alpine Resort for the Gift Lands Project in Door County.

Mr. Behnke MOVED, seconded by Mr. O'Brien, acceptance of the donation. The motion was carried unanimously by those members present.

6.B-10 Statewide Public Access Program land acquisition - Oconto County.

This item was removed from the February Board agenda.

7. Department Secretary's Matters.

7.A DONATION - \$5,760 from the Paul E. Stry Foundation, LaCrosse, to be used to fund two interns to research and document historic land and water changes in the Kickapoo River Valley.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, acceptance of the donation. The motion was carried unanimously by those members present.

7.B DONATION - \$6486 from the Wisconsin Public Service Corporation to fund survey work on Lake Alexander in Lincoln County.

Mr. O'Brien MOVED, seconded by Mr. Behnke, acceptance of the donation. The motion was carried unanimously by those members present.

7.C AB 561 – Barbless Hook Bill.

Secretary Meyer recalled the debates on the early trout season, one of the questions people felt strongly about was that people taking part in that catch and release season, that fishermen not be allowed to have barbed hooks in possession. It passed the Conservation Congress by a 2-1 margin vote and, in addition, was unanimously passed at the Statewide Congress meeting by the delegates from each county, and then adopted unanimously by the Natural Resources Board. Assembly Bill 561 was introduced and passed both houses. Secretary Meyer said he intends to send a letter to the Governor and recommended that the Board also ask the Governor to veto the bill. He suggested that the Board adopt a motion directing that a letter be sent to the Governor

from the Board Chair. Secretary Meyer said he would also work with Chair Oestreicher and other members of the Conservation Congress.

Mr. Behnke MOVED that the Board Chair, on behalf of the Board, to send a letter to the Governor asking that AB 561 be vetoed. Mr. Tiefenthaler seconded the motion. Mr. Behnke indicated that if okay with the Board, he would also like to send a letter to the Governor. When put to a vote, the motion was carried unanimously by those members present.

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The meeting was adjourned at 12:30 p.m.