

# NATURAL RESOURCES BOARD

## MINUTES

The regular meeting of the Natural Resources Board was held Wednesday, January 24, 2001, in Room 027 of the State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting reconvened from the Committee of the Whole back to the Full Board at 8:30 a.m. for action on Items 1 and 2. The meeting recessed at 8:40 a.m. and reconvened at 2:35 p.m.

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

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### ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of December 6, 2000.

Mr. Willett MOVED, seconded by Mr. O'Brien, approval of the Full Board Minutes of December 6, 2000 as presented. The motion was carried unanimously by those members present.

Committee of the Whole Minutes of December 6, 2000.

Mr. Willett MOVED, seconded by Mr. Poulson, approval of the Committee of the Whole Minutes of December 6, 2000 as presented. The motion was carried unanimously by those members present.

1.B Agenda for January 23-24, 2001.

Secretary Meyer stated the following changes to the agenda: Item 3.E, changing the time from 20 minutes to 30 minutes and the presentation to be given by Bill Vander Zouwen, Section Chief, Ecology, Wildlife Management. With these changes, Mr. Poulson MOVED, seconded by Mr. Willett, approval of the agenda for January 23-24, 2001. The motion was carried unanimously by those members present.

2. Ratification of acts of the Department Secretary.

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

Chairman Solberg recognized Senator Baumgart.

Senator Baumgart: I came initially because the last time that we meet we didn't have an official person on the Environmental Resources Committee, a new head and I have been since appointed. I wanted to make sure that I had the chance to meet with each and every one of you. I do want to make sure that we have a good relationship between the Environmental Committee and the Board. I just wanted to introduce myself and to make sure that we have a good working relationship between the Committee and the Board.

3. Committee of the Whole.

3.A Authorization for hearings on the repeal and recreation of Chapter NR 120, creation of Chapters NR 151, 152, 153, 154 and 155; revision of Chapter NR 216; and repeal and recreation of Chapter NR 243, Wis. Adm. Code, pertaining to the redesign of the nonpoint source pollution program.

Mr. Behnke referred to the four nonpoint source pollution issues discussed at the joint board meeting with the Department of Natural Resources and the Department of Agriculture on January 23, 2001.

Ms. Stepp expressed concerns with regard to the vagueness and gray science on the nonagricultural performance standards. She wishes to know who will measure compliance? How will it be done? Who will determine it? This will affect not only her industry but others. Other concerns that she shared were: do we have science on where we stand today with usual and customary erosion control measures? Are we near the 80 percent goal of compliance, or are we at say five percent or 25 percent? How do we determine what the maximum extent practicable is? Who decides it? What modeling is going to be used in order to compensate for different soil types? How are we to measure compliance? What tools are to be used? What if the developer is not complying? There has been an example given to me of a superb development in the Dane County area that incorporated waterfalls, ponds, etc. It has been quoted as the ultimate of all developments when it comes to erosion and other nonpoint issues. I want to make sure the DNR is remembering how costly these lots are, and how we need to proceed with caution when implementing these rules. Affordable housing is becoming ever further out of reach for young families.

Secretary Meyer: We need to take this as a package, everything must go to hearing at the same time. The only time that we can hold these hearings is in March so we can get agricultural testimony. Taking out any of these packages delays this hearing to sometime in the fall, we loose a year. All the industries were at the table, the construction industry was at the table on this one too and has consented to this and was satisfied with the rules.

Ms. Stepp: Let me correct that George. They are not satisfied with the package. But what they want to see, and many of the people that I have spoken with, want to receive better understanding of where we are today, because there is no information on this. So, it is a total number of 80 percent compliance and, really, I think that picking a number out of the air and saying lets shoot for 80 percent when, really we don't know if we are at five percent in some parts of the state and maybe we are at 75 percent for all we know. But, no one can answer that question for me and I don't understand how do you come up with 80 if you don't know where we are today?

Secretary Meyer: It's a judgment as to what will make the water clean.

Ms. Stepp: Okay. Well, lets proceed cautiously and make sure that the stakeholders really have a voice there because it will dramatically affect the economy of Wisconsin, not to mention water quality.

Chairman Solberg: Your going to have to attend those hearings.

Ms. Stepp: Absolutely.

Mr. Willett: We were handed to us yesterday, please refer to it. As we went through this jointly with the Department of Agricultural on protection and the DNR Board. Remember that we discussed four particular items which we talked about brining back and making amendments on. We can start on it. One of the other items has to do with the idea to do with the grand fathering in the grass waterways so they don't get determination of navigable streams and two is on the sheet, rill and wind erosion and three was to dictate which one will be used and that has to do again with sheet, rill and wind erosion relative to the nutrient management. I would move on those four amendments to the sections.

Proposed revisions to the nonpoint source rule package as follows:

1. A revised Table 1 to be considered for insertion in NR 151.04(3)(a), Water quality corridor performance standard. It adds the concept of allowing a 20 foot buffer with no additional requirements if the slope is less than two percent.

Table 1

Permanent Cover Of at least:	Conservation practices under Par. (b) implemented on the next:	Total Width of at least
10 feet	90 feet, residual cover of at least 50%	100 feet
20 feet	30 feet, residual cover of at least 30%	50 feet
20 feet	NA if <2% slope on adjacent land for >100 feet	120 feet
35 feet	NA	35 feet

2. Options to Revise the sheet, rill and wind erosion performance standard

Option 1 (Current rule)

NR 151.02 Sheet, rill and wind erosion. (1) All crop producers shall comply with this section. (2) All land where crops or feed are grown shall be cropped to achieve a soil erosion rate equal to, or less than, the “tolerable” (T) rate established for that soil. Soil loss shall be calculated in accordance with locally selected formulas, tools or models. An individual agricultural operation shall only be required to use a single appropriate formula, tool or model.

Note: Examples of formulas, tool or models used to calculate soil loss include the universal Soil Loss Equation, Revised Universal Soil Loss Equation or the Wind Erosion Prediction System.

Option 2 (Allow the agricultural operator to chose if different agencies require conflicting models)

NR 151.02 Sheet, rill and wind erosion. (1) All crop producers shall comply with this section. (2) All land where crops or feed are grown shall be cropped to achieve a soil erosion rate equal to, or less than, the “tolerable” (T) rate established for that soil. Soil loss shall be calculated in accordance with locally selected formulas, tools or models. An individual agricultural operation shall only be required to use a single appropriate formula, tool or model. If a combination of municipalities or federal governmental agencies require different formulas, tool or models be used to calculate “T” for an individual agricultural operation, the owner or operator of that agricultural operation may chose the appropriate formula tool or model to use to comply with this performance standard.

Note: Examples of formulas, tool or models used to calculate soil loss include the universal Soil Loss Equation, Revised Universal Soil Loss Equation or the Wind Erosion Prediction System.

Option 3 (Dictate which model will be used but solicit public input as to the appropriate statewide model)

NR 151.02 Sheet, rill and Wind erosion. (1) All crop producers shall comply with this section. (2) All land where crops or feed are grown shall be cropped to achieve a soil erosion rate equal to, or less than, the “tolerable” (T) rate established for that soil. Soil loss shall be calculated in accordance with the (Universal Soil Loss Equation), (Revised Universal Soil Loss Equation), (Revised Soil Loss Equation II). *The public will be given these choices with the final model inserted based on the public input received.*

3. Change nutrient management cost share eligibility from three years to six.

NR 154.06(i)6. Cost-share payments for nutrient management may not be made for more than a total of six years.

4. Proposed rule change to NR 151.03(3) Concentrated Flow Channels

Revise NR 151.03(3) to read: Actions taken by the crop producer to comply with this section may not result in the concentrated flow channel being designated as a nevigable waterway unless the concentrated flow channel was a navigable waterway prior to the actions by the crop producer.

Note: this provision reflects current law on navigable waters. Navigable waters cannot be rendered non-navigable or private by state rule.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, authorization for hearings on the repeal and recreation of Chapter NR 120, creation of Chapters NR 151, 152, 153, 154 and 155; revision of Chapter NR 216; and repeal and recreation of Chapter NR 243, Wis. Adm. Code, pertaining to the redesign of the nonpoint source pollution program, as amended for 151.04(3)(a), NR 151.02, NR 154.06(i)6 and NR 151.03(3) as presented. The motion was carried unanimously by those members present.

Mr. Willett: Mr. Chairman I have passed out an amendment which adds to NR 151.07 dealing with Nutrient Management plans, which provides a schedule and recognizing that we need to move fairly quickly on outstanding and exceptional resource waters as far as watersheds. Before you is the amendment which would first apply on January 2, 2005 to the existing cropland practices within the priority watersheds. Watersheds contained in 303(d) listed and the source water protection is defined in NR 243.03. The next standard would be applicable on January 1, 2008 for all other existing cropland practices. The standard applies to all new cropland practices within one year of the effect date of rule. This was crafted in consultation with the Department of Natural Resources and the Department of Agriculture with an attempt to allow the practices to be defined and set in place within a reasonable period of time recognizing the limitations of cost sharing and existing practice. The amendment reads as:

Add to NR 151.07 Nutrient Management

(5) This standard first applies on January 1, 2005 to exiting cropland practices under s. NR 151.09(2) that are located within:

- (a) watersheds containing outstanding or exceptional resources waters;
- (b) watersheds containing 303(d) listed waters defined in s. NR 243.03 where the impairment is related to nutrients; and
- (c) source water protection areas defined in s. NR 243.03.

(6) This standard first applies on January 1, 2008 to all other exiting cropland practices under s. NR 151.09(2).

(7) This standard applies to all new cropland practices under s. NR 151.09(2) one year after the effective date of the rule (revisor inserts date).

Note: the purpose of the phased implementation of this standard is to allow the department sufficient time to work with the department of agriculture, trade and consumer protection to develop and implement an information, education and training program on nutrient management for affected stakeholders.

Mr. Willett MOVED, seconded by Mr. Behnke, authorization for hearings on the repeal and recreation of Chapter NR 120, creation of Chapters NR 151, 152, 153, 154 and 155; revision of Chapter NR 216; and repeal and recreation of Chapter NR 243, Wis. Adm. Code, pertaining to the redesign of the nonpoint source pollution program, amended to read as presented for NR 151.09(2). The motion was carried unanimously by those members present.

Mr. Tiefenthaler: What is defined as existing cropland and new cropland? What is the difference between the two and how does that qualify?

Mr. Willett: Existing cropland is land that is being used to raise commercial crops. New cropland is that which will be created, therefore, would have to come under nutrient plants and their protection.

Mr. Tiefenthaler: New as of a certain date?

Mr. Willett: Everything is effective as of the date of the rule.

Mr. Tiefenthaler: So, what rules do I go by?

Secretary Meyer: You would have to go with the nutrient management standard, one year after the rule.

Mr. Willett: If it was one year down the line and the rule is in place, you will be under the new rule. You can also receive cost share then. Otherwise, you might not be eligible for cost share. I think that we have

some situations here that we need to get this out. I know this might not be perfect, but I think that it is incumbent upon us to raise those questions during the hearing. Then we really know when this comes back that we will get the satisfaction where we need it. I think there are some concerns that I have on this relative to timing. We have to have this thing pretty much done by December 1, 2001, otherwise it will be 2002 and nobody will want to touch this because of the election year or something else. We can string this thing out but I think the atmosphere is right presently with the administration to put this into place.

3.B Citizen Participation.

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

3.C INFORMATIONAL ITEM – Update on the role of Department Service Foresters.

This item was presented during the Committee of the Whole.

3.D. Presentation of award to Keith McCaffey, retired Research Deer Biologist, Rhinelander, for Legislative recognition of career and wildlife management.

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

3.E. Adoption of Order WM-40-00 – revision of Chapter NR 10, Wis. Adm. Code, proposing a new deer season framework for 2001 and beyond, establishes statewide protocol for deer herd control seasons, adds criteria to be considered by the Department when establishing deer population goal enrollment into the current wildlife damage abatement and claims program (Deer 2000 Administrative Rule recommendations).

Mr. Tiefenthaler MOVED, seconded by Mr. Willett, adoption of Order WM-40-00 – revision of Chapter NR 10, Wis. Adm. Code, proposing a new deer season framework for 2001 and beyond, establishes statewide protocol for deer herd control seasons, adds criteria to be considered by the Department when establishing deer population goal enrollment into the current wildlife damage abatement and claims program (Deer 2000 Administrative Rule recommendations), discussion followed. Mr. Behnke MOVED to amend the motion to eliminate the four days of bow season in the early season on the Saturday closest to September 15 and continue through the Thursday before Thanksgiving as presented. The vote on the motion:

Affirmative - five

Abstained – two

Discussion on the Motion:

Mr. Willett: Does that eliminate bow season?

Mr. Behnke: Right now the bow season ends the Sunday before the opening of gun season. This would move it to Thursday, another four days. You have a one day window between the end of the bow season and the opening of the gun season. As I stated this morning, granting this four day extension to the bow season.

Secretary Meyer: You want to eliminate the additional four days starting Monday, Tuesday, Wednesday and Thursday before the opening of the gun deer season?

Chairman Solberg: I would just like to make one comment on this myself and I have talked to Mr. Behnke about it. As I mentioned earlier, there is nothing that can't be changed. This year the season was open through Thursday and I participated every day that week. I enjoyed it immensely. It is a good time to hunt and with that I won't be voting for the motion.

Mr. Tiefenthaler: I am not also going to vote for the motion. I don't think we should be taking hunting opportunities away from prime time as a defensive move on what may or may not happen in the future challenging the Board's authority. This was discussed with the bow hunters and the T Zone options that they had taken four days during prime time of bow season away for this opportunity as a herd control measure. It was discussed and they felt it was fair to add those four days of prime time opportunity without interfering with the gun season. I don't think it would be right that we would now withdraw those four

days that were long negotiated for the last few years. I don't feel that it is right taking prime time away for T zone.

Ms. Stepp: I have an amendment to the rule to exclude the four day December hunt from the areas north of Highway eight rather than Highway 64 because of the concerns of agricultural damage to a few of the counties in that area. The reason that I am really for this is because I think, yes hunting is wonderful, its ingrained in everyone that sits at this table, except me, but anyway I still greatly respect it and the need for it. Yet, we also need to have a great deal of respect for the businesses and for the folks that participate in snowmobiling and outdoor recreation in the northern most part of Wisconsin that we are talking about. I think this would be a wonderful compromise. It won't make either exceptionally overjoyed, but I think this is a good way for us to work together and not be at odds with each other. That is my amendment.

Mr. Tiefenthaler strongly disagreed. He stated that the northern part of the state and this document we received about the seasons is very weather related. The snowmobile season, regardless of what, does not start on December 1. I think that the weather is number one. Number two, we have been trying to get additional hunting season going for herd control for the ten years that I have been on this Board. We have finally got the Congress and others involved and we finally have a vote of 59 percent to 28 percent to go to the December deer season. I am just as much a snowmobiler as I am a deer hunter and I love to snowmobile. However, we have got to look at the common good here. The terms of the issue is that there is so little time. It is so coincidental to the weather that I don't feel this is a big weekend of generating funds. If it is, the deer hunters are going to spend an equal amount that snowmobilers would spend on that weekend because it is not a high weekend. Especially for tourism out of local areas. The herd control is related and that is that the hunters have the opportunity in December to say that we have not yet gone on this unit. This is the unit that I hunt, I am going to do the best that I can to reduce that herd. I think it is very important that we have this opportunity and that we have it then. We can't play this weather game, this one weekend in five or ten years on this two week period for the possible opportunity to have the snowmobile run on the trail. We just can't do that.

Ms. Stepp: The information that I have doesn't have those counties that I have asked about.

Mr. Tiefenthaler: Some of the counties aren't on there, but there are seven counties that are on there.

Ms. Stepp: I saw the most, the main ones in the northern tip, Ashland County who is totally against it.

Mr. Tiefenthaler: Maybe with those counties in the snow belt we maybe should redraw that line and go up to the five northwestern counties.

Ms. Stepp: Couldn't we do that next year? Couldn't we compromise and work with this for one year?

Mr. Tiefenthaler: We could have the season in December and do it for next year then. I would be willing to do that.

Ms. Stepp: Why couldn't we start with this, Jim? Couldn't we just start with this compromise because of the difference.

Mr. Tiefenthaler: I don't see this as a compromise. I do not see this weather holding. I see it once or twice that we may have the opportunity for that weekend, maybe. This is farming, its weather. Our deer are growing and growing and growing. We have an opportunity finally to do this and this is the time to do it.

Ms. Stepp: But, here is my counterpoint again. If we really want to talk herd control, the things that I am hearing is that, correct me if I am wrong, was the October and November hunt is so much more successful than the December hunt. Am I wrong?

Mr. Tiefenthaler: The October hunt is only T Zone and it is only when we are over goal. This is a permanent statewide season of four days.

Ms. Stepp: My point is, if we end up meeting the T Zones then because this happens to have an impact on herd control for some reason, why couldn't we then deal with it like it has been dealt with over so many years to implement the T Zone? And, the other thing is that, I am hearing the numbers and I have

researched the conclusion that the December hunt really didn't generate that much herd control in the big picture. Maybe I misinterpreted it. Someone can correct me if I am wrong.

Mr. O'Brien: I looked at this. I think of the nine day hunt that the deer hunters currently have and we have had it for years. I wasn't around when this was established but I can only guess that nine days was the amount of deer hunting time that it would take to sustain our herd. I can remember the days when we had to worry about not having enough deer. So, I think the nine days probably was chosen from that time. When you stop and think about something as popular as deer hunting and we are limiting it to nine days and nine days only and a million people go out to go deer hunting. It is probably the biggest event of the year and now we have an opportunity because there are more deer. Some people go hunting because they enjoy it not only because they are reducing the herd. I go hunting because I like it. I don't go hunting because I think that I am out there on a mission to try and save Wisconsin from this deer. I go because I enjoy hunting. If I can get a few more days of hunting, I am going to look forward to doing that. If the only thing that we are asking of snowmobilers is to have somewhere between 60 and 120 days is to give up one weekend of snowmobiling to allow the deer hunters four more days to make a total of 13 compared to 120, I don't think that is asking too much. I think I would not vote for this.

Mr. Tiefenthaler: In high weather years, I snowmobiled in April before. It is a great time to go. No one has mentioned the extension for a week or two into April and again it is weather related. The other thing that I would like to do is encourage the Department to work with the county associations. We have got to get these gates open for the snowmobilers. I just can't understand why we can't have a little involvement to try and have the gates open even if there is a hunting season on for trail maintenance.

Mr. Behnke: Just to clarify the point, we are talking about a permanent four day season about the middle of December every year, regardless of how many deer are in a particular management unit. Whether they are above goals, within goals, below goals, is that correct?

Chairman Solberg: As I understand it, the only way you could hunt is if there are tags available. This is not a buck season. It would have to be bonus permits.

Mr. Behnke: You have to have an antlerless, so it can be controlled in the best way. This is a somewhat new concept and it is being proposed and approved for the first time ever. It has created an amount of controversy with other users and as I look at it, it is a reasonable compromise that Ms. Stepp is asking for as a starting point. We are getting most of the state in the four day hunt in December and if our experience tells us we can go state wide we can be expanded perhaps easier than it can be withdrawn. I think that I can support this.

Ms. Stepp: I would support it if next year we are sitting back here again and we find that this caused some problem, in a minute I would change my position.

Secretary Meyer: Can we take a roll call vote on this?

Ms. Stepp MOVED, seconded by Mr. Behnke Adoption of Order WM-40-00 – revision of Chapter NR 10, Wis. Adm. Code, proposing a new deer season framework for 2001 and beyond, establishes statewide protocol for deer herd control seasons, adds criteria to be considered by the Department when establishing deer population goal enrollment into the current wildlife damage abatement and claims program (Deer 2000 Administrative Rule recommendations) amended motion as presented. The vote on the motion:

Mr. Behnke – yes  
Ms. Stepp – yes  
Mr. O'Brien – no  
Mr. Willett - yes  
Mr. Tiefenthaler - no  
Mr. Poulson – no  
Chairman Solberg – yes

The amended motion was carried with a vote of four to three.

Chairman Solberg: Are there any other amendments to the original motion?

Mr. Tiefenthaler: I would like to make an amendment to redraw the line on the map for the deer hunt. To get to the northern most counties.

Mr. Behnke: That is out of order because that is repugnant to the motion that has just been passed.

Mr. Tiefenthaler: I should have thought about that before.

3.F Retirement resolutions

1. James Addis.
2. Mavis Czarnezki.
3. John Daniel.
4. Elizabeth David.
5. Jane Ennis.
6. Donald Erickson.
7. Joyce Hanson.
8. Joyce Klusendorf.
9. Hugo Pelzer.
10. Kathy Peterson.
11. Harold Schara.

Mr. O'Brien MOVED, seconded by Mr. Willett, approval of the retirement resolutions as presented. The motion was carried unanimously by those members present.

4. Board Members' Matters.

Chairman Solberg: In Executive Session the Board members looked at real estate actions, no action was taken.

Representing the Natural Resources Board, Mr. Behnke presented Governor Thompson with a Resolution that directed the Centennial State Park in Marinette County be named the Governor Tommy G. Thompson Centennial State Park in honor of the Governor's extensive contribution to outdoor recreation, natural resource protection and the Wisconsin State Parks System.

Mr. Behnke MOVED, seconded by Mr. Willett, approval of the Centennial state park in Marinette County be named the Governor Tommy G. Thompson Centennial State Park as presented. The motion was carried unanimously by those members present.

Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, approval that the Board go from the Full Board back into the Committee of the Whole and that roll call be taken. The motion was carried unanimously by those members present.

Other Board Member Matters were brought up during the Committee of the Whole meeting.

5. Special Committees' Reports.

There were no Special Committees' Reports this month.

6. Operating Committees.

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

6.A-1 Minutes.

A motion was made and seconded, the approval of the December 6, 2000 minutes, as presented. The motion was carried unanimously by those members present.

- 6.A-2 Adoption of Order LE-14-00 – creation of s. NR 19.40, Wis. Adm. Code, pertaining to rescinding local ordinances that have more than an incidental impact on hunting, fishing or trapping.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. O'Brien adoption of Order LE-14-00 as presented. The motion was carried unanimously by those members present.

- 6.A-3 Adoption of Order WT-8-99 – revision of Chapter NR 252, Wis. Adm. Code, pertaining to wastewater effluent limitations and pretreatment standards for the leather tanning and finishing industry.

Mr. Willett presented the rule amendment to read as: NR 252.02(12), 252.03(1) and 252.035(4)(d): Cross-reference to 252.040 is changed to 252.036. NR 252.035(4)(c): Cross-reference to 252.045 is changed to 252.0365. NR 252.51: Existing limits (strike-through) were listed incorrectly and have been changed. Proposed limits (underlined) are correct as shown. Oil and Grease limit does not change.

The Committee recommended and Mr. Willett MOVED, seconded by Ms. Stepp, Adoption of Order WT-8-99 – revision of Chapter NR 252, Wis. Adm. Code, pertaining to wastewater effluent limitations and pretreatment standards for the leather tanning and finishing industry amended as presented. The motion was carried unanimously by those members present.

- 6.A-4 Adoption of Order WT-7-99 – revision of Chapter NR 233, Wis. Adm. Code, pertaining to wastewater effluent limitations and pretreatment standards for facilities which formulate, package, or repackage pesticide chemical products.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson, adoption of Order WT-7-99 – revision of Chapter NR 233, Wis. Adm. Code, pertaining to wastewater effluent limitations and pretreatment standards for facilities which formulate, package, or repackage pesticide chemical products. The motion was carried unanimously by those members present.

- 6.A-5 Adoption of Order LE-32-00 – creation of s. NR 19.50 and repeal of NR 64.09(3), Wis. Adm. Code, pertaining to creating administrative rules to regulate and establish the student fees for these programs.

The Committee recommended and Mr. Willett MOVED, seconded by Ms. Stepp, adoption of Order LE-32-00 – creation of s. NR 19.50 and repeal of NR 64.09(3), Wis. Adm. Code, pertaining to creating administrative rules to regulate and establish the student fees for these programs. The motion was carried unanimously by those members present.

- 6.A-6 Authorization for hearings on creation of s. NR 45.045, Wis. Adm. Code, pertaining to requiring advance notice of demonstrations on certain Department properties.

Mr. Willett proposed an amendment of item number one, Requirement, to read as:

SECTION 2. NR 45.045 is created to read:

NR 45.045 Demonstrations.

(1) REQUIREMENT. No person may engage in demonstrations in state parks, forests, recreation areas, wildlife areas, fisheries areas, natural areas, the lower Wisconsin State Riverway, the Willow flowage and Turtle-Flambeau scenic waters areas or the Chippewa flowage unless a permit has been issued by the department.

The Committee recommends and Mr. Willett MOVED, seconded by Ms. Stepp, authorization for hearings on creation of s. NR 45.045, Wis. Adm. Code, pertaining to requiring advance notice of demonstrations on certain Department properties amended as presented. The motion was carried unanimously by those members present.

Mr. O'Brien: I am looking at the definition of demonstration, which is in our 45.03(18), which states demonstration means any public display, declaration or a gesture expressing an opinion or view which attempts to influence the opinion or conduct of others. That is terribly broad. Someone playing the Star Spangled Banner could be attempting to influence the opinion or conduct of others. One person making a gesture of any kind could be considered a demonstrator. I think that I would like to come up with some

language that tries to change this, but I think before we come back someone should do some work on that. It could work both ways. A person saying a prayer all by themselves could be influencing someone or another and it could be considered a demonstration as just as violent a person as subjecting violence.

6.A-7 Authorization for hearing on creation of Chapter NR 199, Wis. Adm. Code, pertaining to the new municipal Flood Control and Riparian Restoration Grant Program

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson authorization for hearing on creation of Chapter NR 199, Wis. Adm. Code, pertaining to the new municipal Flood Control and Riparian Restoration Grant Program as presented. The motion was carried unanimously by those members present.

6.A-8 Authorization for hearing on revision of LE-01-01, Chapters NR 5 and 50, Wis. Adm. Code, pertaining to the boating safety and enforcement programs.

The Committee recommended and Mr. Willett MOVED, seconded by Ms. Stepp authorization for hearing on revision of LE-01-01, Chapters NR 5 and 50, Wis. Adm. Code, pertaining to the boating safety and enforcement programs as presented. The motion was carried unanimously by those members present.

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

6.B-1 Minutes.

A motion was made and seconded, the approval of the December 6, 2000 minutes as presented. The motion was carried unanimously by those members present.

6.B-2 Approval of State Trail Network Plan.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler approval of State Trail Network Plan as presented. The motion was carried unanimously by those members present.

6.B-3 Approval to place proposed wildlife regulation changes on the 2001 spring hearing questionnaire and approval of Order WM-02-01 for hearings.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler approval to place proposed wildlife regulation changes on the 2001 spring hearing questionnaire and approval of Order WM-02-01 for hearings as presented. The motion was carried unanimously by those members present.

6.B-4 Approval to place proposed fishing regulation changes on the 2001 spring hearing questionnaire and approval of Order FH-07-01 for hearings.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien Approval to place proposed fishing regulation changes on the 2001 spring hearing questionnaire and approval of Order FH-07-01 for hearings as presented. The motion was carried unanimously by those members present.

Mr. Behnke stated that the Conservation Congress presented its advisory questions and there was some question about separating out of the local questions to shorten the length of the spring hearings. He requested that Al Phelan explain that procedure. They also asked the possibility of moving back from the second Monday of April to the statewide congress hearings in each county to either the third or fourth meeting of March. The main reason for that being is that the conservation wardens all over the state are required to be at these hearings at a time when they have other commitments, protecting the resource, plus the fact that if we move it back it will provide more time to provide for the actual changes that need to be taking place. It is too late to do that this year, but will be considered next year by Mr. Phelan and the Conservation Congress. Hopefully, they might be able to have some way of moving those hearings in March instead of the second Monday of April. Al Phelan to discuss the procedure in mind.

Al Phelan: What we would like to do is come up with a different time table and possibly a different format which would include another hearing option with local questions. We will begin starting to design the spring hearing booklet after your approval of these last two items. The booklet will be split. The first portion of the booklet will be entirely DNR related information. The fish and wildlife rule changes, Board

advisory questions, followed by all the rule language that would implement both the fish and wildlife changes. There will be a separate sheet identifying the fact that you are now going into the Conservation Congress portion. There would be the Statutory Site for the Congress authority, a guideline for what happens in the resolution process. We would then take the resolution and then the Congress Advisory Question. You wouldn't be going back and forth in the book from the Department to Congress and back. The DNR staff that will be involved in the spring hearing process will be there at 6:00 P.M. The Department staff will give the public an opportunity to come in, ask questions about the questionnaire and also may ask questions about procedure, which may help some members of the public. There will be no rebuttal and no repetitive statements. Everyone needs to allow others to make their presentation without interference. I completed two weeks of four weeks training for the Department hearing officers. So all 72 counties will be basically done the same way. We will be using written ballots on the questionnaire in some selected counties. We are going to shorten the written comment period to one day after the hearing. The written comments will go to the program bureaus for response to the comments and also for the tabulation of the comments on those rules. These are the changes that we are going to implement for this year.

Mr. Behnke: There is also one controversial question on the advisory group that is going out. It has to do with the shortening of the beaver season. The harvest committee has recommended this primarily as they feel that the beaver population has declined and also, continuing it beyond the otter season is detrimental to the otter population because they do catch an incidental otter. The reason I objected to this wasn't really thoroughly discussed with the Committee of the Conservation Congress nor was it discussed with the Wisconsin Trout Association. Since it is advisory, we should go ahead with it but I think this is one that they have been cautioned to explore in more detail with the fishing people as well as the harvest people.

6.B-5 Authorization for hearing on revision of Chapters NR 20, 21 and 50, Wis. Adm. Code, pertaining to sport and commercial fishing on the inland, outlying and boundary waters of Wisconsin.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien authorization for hearing on revision of Chapters NR 20, 21 and 50, Wis. Adm. Code, pertaining to sport and commercial fishing on the inland, outlying and boundary waters of Wisconsin as presented. The motion was carried unanimously by those members present.

6.B-6 Authorization for hearing on revision of Chapters NR 1 and 45, Wis. Adm. Code, pertaining to use of Department properties and applies to lands and facilities owned, acquired by easement or leased by the Department.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler authorization for hearing on revision of Chapters NR 1 and 45, Wis. Adm. Code, pertaining to use of Department properties and applies to lands and facilities owned, acquired by easement or leased by the Department as presented. The motion was carried unanimously by those members present.

6.B-7 Authorization for hearing on revision of Chapters 10, 12 and 19 Wis. Adm. Code, pertaining to wildlife management housekeeping changes.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien authorization for hearing on revision of Chapters 10, 12 and 19 Wis. Adm. Code, pertaining to wildlife management housekeeping changes as presented. The motion was carried unanimously by those members present.

6.B-8 Cedar Creek Streambank Protection Program land acquisition - Washington County.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien Cedar Creek Streambank Protection Program land acquisition - Washington County as presented. The motion was carried unanimously by those members present.

6.B-9 Cherokee Marsh Fishery Area land acquisition - Dane County.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler Cherokee Marsh Fishery Area land acquisition - Dane County as presented. The motion was carried unanimously by those members present.

6.B-10 Ice Age Trail land acquisition - Washington County.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler that the Board approve the purchase of 117 acres of land from the Gruenke Trust for \$1,350,000 for the Cedar Lake Segment of the Ice Age Trail and that Ice Age Park and Foundation donation of \$100,000 toward acquisition be accepted. The Board directs that a Certificate of Appreciation be sent to donor and that an expression of appreciation for this donation be included in the official records of the Natural Resources Board, further Mr. Behnke MOVED that the Board find that the conservation objectives and purposes of this segment of the Ice Age Trail can be best achieved by retaining the development rights of the westerly 36 acres of agricultural land and selling or trading these open lands for open space agriculture production. If no agricultural purchase is available, the Department may rent subject land for open space agriculture product or can make title of it to a nonprofit conservation organization with the appropriate conservation deed description including the retention of development rights, the Department shall retain all land rights necessary for the trail purposes and that public hunting of the farm land portion of the parcel be part of the deed restriction of the Ice Age Trail land acquisition - Washington County as presented. The motion was carried unanimously by those members present.

7. Department Secretary Matters.

There were no Department Secretary Matters this month.

4. Board Members' Matters.

4.A Election of Officers.

Mr. Willett MOVED, seconded by Mr. Poulson that the current slate of officers be reinstated for the ensuing year, that the rule be suspended and that an unanimous ballot be passed. The motion was carried unanimously by those members present.

Mr. Trygve A. Solberg, Chair  
Mr. James E. Tiefenthaler, Jr., Vice-Chair  
Mr. Gerald M. O'Brien, Secretary

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The Board Meeting was adjourned at 3:40 p.m.

