

NATURAL RESOURCES BOARD Minutes

The regular meeting of the Natural Resources Board was held on Wednesday, June 25, 2003, at the Baymont Inn and Suites, 110 Grand Seasons Drive, Waupaca, Wisconsin. The meeting was called to order at 8:40 a.m. for action on Items 1, and 2. The meeting recessed at 8:45 a.m., and reconvened at 2:05 p.m.

PRESENT: Trygve A. Solberg, Chair (via conference call from 8:50 a.m. to 9:30 a.m.)
James E. Tiefenthaler, Vice Chair
Gerald W. O'Brien, Secretary
Herbert F. Behnke
Jonathan P. Ela
Gerald W. O'Brien
Howard D. Poulson
Stephen D. Willett

Mayor Brian Smith of Waupaca welcomed the Natural Resources Board.

ORDER OF BUSINESS

1. Minutes to be approved.

1.A. Full Board Minutes of May 28, 2003.

Mr. Poulson MOVED, seconded by Mr. Willett, approval of the Full Board Minutes of May, 2003, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

1.B. Committee of the Whole Minutes of May 28, 2003.

Mr. Willett MOVED, seconded by Mr. O'Brien, approval of the Committee of the Whole Minutes of May, 2003, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

1.C. Agenda for June 24-25, 2003.

Secretary Hassett requested the following changes: under Committee of the Whole move Item 4.B. to 10:00 a.m.; prior to Operating Committees move Items 3.B.5. from the Land Committee, 4.G., 4.F., and 4.B. from Committee of the whole and Item 7.A. from Department Secretary's Matters; and add Item 3.B.15. to the Land Committee.

With those changes, Mr. Behnke MOVED, seconded by Mr. Poulson, approval of the Agenda for June 24-25, 2003, as amended. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

2. Ratification of acts of the Department Secretary.

2.A. Real estate transactions.

Mr. Behnke MOVED, seconded by Mr. Ela, approval of the real estate transactions, as printed. (Chairman Solberg was absent)

- 3. Operating Committees.
- 3.A. Air, Waste and Water/Enforcement Committee.
- 3.A.1. Minutes of May 28, 2003.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson, Minutes of May, 2003, as presented. The order was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.A.2. Adoption of Order CF-10-03 - revision of Chapters NR 162 and NR 165, Wis. Adm. Code, pertaining to clean water fund program and small loan program

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson, adoption Order CF-10-03 - revision of Chapters NR 162 and NR 165, Wis. Adm. Code, pertaining to clean water fund program and small loan program, as presented. The order was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.A.3. Adoption of Order WT-31-02 - creation of Chapter NR 336, Wis. Adm. Code, pertaining to small and abandoned dam removal grant program.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Ela, adoption Order WT-31-02 - creation of Chapter NR 336, Wis. Adm. Code, pertaining to small and abandoned dam removal grant program, as presented. The order was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.A.4. Authorization for hearing on revision of Chapter NR 116, Wis. Adm. Code, pertaining to Wisconsin's floodplain management program

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson, authorization for hearing on revision of Chapter NR 116, Wis. Adm. Code, pertaining to Wisconsin's floodplain management program. The motion was carried unanimously by those members. (Chairman Solberg was absent)

- 3.A.5. Authorization for hearing on revision of Chapter NR 140, Wis. Adm. Code, pertaining to arsenic groundwater quality standards.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Ela, authorization for hearing on revision of Chapter NR 140, Wis. Adm. Code, pertaining to arsenic groundwater quality standards. The motion was carried unanimously by those members. (Chairman Solberg was absent)

- 3.A.6. Authorization for hearing on revision of Chapter NR 809, Wis. Adm. Code, pertaining to arsenic in drinking water.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Ela, authorization for hearing on revision of Chapter NR 809, Wis. Adm. Code, pertaining to arsenic in drinking water. The motion was carried unanimously by those members. (Chairman Solberg was absent)

- 3.A.7. Authorization for hearing on revision of Chapters NR 404 and NR 484, Wis. Adm. Code, pertaining to national ambient air quality standards.

The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson, authorization for hearing on revision of Chapters NR 404 and NR 484, Wis. Adm. Code, pertaining to national ambient air quality standards. The motion was carried unanimously by those members. (Chairman Solberg was absent)

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

3.B.1. Minutes of May 28, 2003.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien, Minutes of May, 2003, as presented. The order was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.2. Adoption of Order WM-01-03 - revision of Chapter NR 10, Wis. Adm. Code, pertaining to proposed wildlife regulation changes resulting from the 2003 Spring Fish and Wildlife Hearings.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien, adoption Order WM-01-03 - revision of Chapter NR 10, Wis. Adm. Code, pertaining to proposed wildlife regulation changes resulting from the 2003 Spring Fish and Wildlife Hearings, as presented. The order was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.3. Adoption of Order WM-06-03 - revision of Chapter NR 17, Wis. Adm. Code, pertaining to dog training, trialing, and dog clubs.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien, adoption Order WM-06-03 - revision of Chapter NR 17, Wis. Adm. Code, pertaining to dog training, trialing, and dog clubs, as amended to read as "Dog training" means actively developing a dog's ability to retrieve, point, flush, or track game for the purpose of hunting, dog trial competition or hunt testing. The order was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.4. Adoption of Order WM-07-03 - revision of Chapters NR 16 and NR 19, Wis. Adm. Code, pertaining to captive wild animal farms, fur farms, bird hunting preserves, reptiles and amphibians, exhibits, stocking and deer farm fences.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien, adoption Order WM-07-03 - revision of Chapters NR 16 and NR 19, Wis. Adm. Code, pertaining to captive wild animal farms, fur farms, bird hunting preserves, reptiles and amphibians, exhibits, stocking and deer farm fences, as amended to remove language of NR 16.30(4)(a)2.e., related to fox and fisher; creation of NR 16.30(4)(a)2.f. for new fox and fisher pen standards, and addition of a note after s. NR 16.30(4)(c)2.a., relating to water requirements for raccoons. The order was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.5. TABLED ITEM - amendment for an exemption for Class A and Class C, disabled hunters to hunt with bait, adoption of Order WM-09-03 - revision of Chapters NR 10, NR 12, NR 19, and NR 45, Wis. Adm. Code, pertaining to chronic wasting disease.

Tom Hauge, Wildlife Management Bureau Director, presented this amendment regarding special privileges for deer hunters with Class A and Class C disabilities. The Natural Resources Board has requested suggestions for modifications of CWD rule Order WM-09-03 (CHR-03-017) pertaining to the authority to place and use bait for deer by disabled permit holders. Based on the best science available and the CWD risks associated with allowing even a limited quantity of bait, and the numerous law enforcement difficulties associated with allowing baiting by only a certain segment of the state's deer hunters, the Department recommends that there be no exemption to the baiting prohibition for Class A and Class C disabled permittees.

Attorney Tim Andryk commented on the legislative committee process.

Mr. Hauge - Handing out a copy of a State of Wisconsin map revealing areas of Wisconsin whitetail deer escapes. He stated, the Board has seen this map before in terms of the statewide audit report of what Law Enforcement revealed of deer farms in the State of Wisconsin. The black dots represent the escapes that were reported to them during the course of that audit. Mr. Hauge pointed out that this is one of the reasons

why the Department feels as strongly as it does, is that all of the red dots are escapes that have occurred since April 1. There are about 16 dots showing these escapes. They range from north to south and east to west, the same as how the deer farms are distributed across the state. This is the only new piece of information he had to present. He was not aware of any changes in any neighboring states with the exception of Michigan in which their Natural Resources Commission recently took action to ban supplemental feeding of deer in their state.

Mr. O'Brien asked what supplemental feeding was.

Mr. Hauge responded that in Michigan they are divided into three categories: baiting, recreational feeding, and supplemental feeding. Supplemental feeding is traditionally done in the far northern part of Michigan to try and carry over the deer herd in harsh winter situations. It is the later one they banned.

Vice Chairman Tiefenthaler asked what the difference is between Class A and Class C Disabled Licenses.

Mr. Hauge stated that Class C is visually disabled. Blind or if not blind very limited sight. Class A can include all kinds of physical impairments but they are permanent as opposed to Class B, which might be a broken arm or something more temporary.

Vice Chairman Tiefenthaler stated that there are legally blind bow hunters and it is a two-person operation. In the case that he was involved in, the second person puts their hand on the back of the hunter and they look behind them to aim at a deer. These folks would be out of business without baiting. They are ambulatory but they have a permanent disability. He asked if Mr. Hauge if he knew how many people the Class A and Class C disability exemption involved.

Mr. Hauge stated that is correct or if they are wheelchair bound. They only have an best estimate of numbers, because the Department doesn't have a computer tally but will probably be migrating to that system. Mr. Vander Zouwen's best prediction now is 5,000 disabled hunters plus or minus 1,000 in the state.

Mr. Behnke stated that when the Disabled Advisory Committee discussed this issue there was a very close split vote. He asked if the Disabled Advisory Committee, at any time, discussed labeling the bait piles that would be there for a disabled hunters. And, did they discuss what happens after the disabled hunter leaves that bait pile either with or without a deer. He asked if there would be signs indicating whose bait pile it is and did they discuss the possibility of when the disabled hunter is done hunting does he pick up all the bait and take it out with the hunter.

Mr. Hauge responded that Warden William Schwengel could possible answer those questions since he was at the meeting.

Warden Schwengel stated that the concept of marking the bait was brought up briefly. Nothing was discussed regarding cleaning up the bait sites when the hunter was done.

Mr. Behnke then asked a follow-up question from the standpoint of enforcement of what Warden Schwengel sees (as a law enforcement Warden) as a problem with a particular class of people having bait in the woods and the enforcement problems with having this bait out there.

Warden Schwengel stated that a primary enforcement problem would be to identify the bait. For example, if baiting was generally outlawed, banned statewide, and baits were found by other hunters, it would probably be reported to wardens just under the presumption that it might be illegal. Law enforcement staff would then need to spend the time and effort to investigate and, there is mileage involved to check out these bait sites. The way these bait sites would be probably be enforced is to possibly wait for the hunter to show up in order to determine if it were done illegally or not. Rather than going and contacting the landowners and then try and find out all the particulars about it. If indeed it was illegal, baiting done by a person who wasn't disabled who may be permitted under this exemption, that would be more of a workload concern of time and effort. Another concern might be the proximity of hunters in the area using that other bait site. How close could they be to that bait site if a Class

A or Class C hunter, or a long term Class B, as the DAC had suggested, might be using that bait. He commented on how close could other hunters approach that bait site and use that. Another concern that was brought up was the use of public lands. Should baiting by disabled persons be restricted to private lands or could it be used on public lands. Would this be basically staking out areas in public land that other hunters couldn't use because it was baited, if baiting is permitted for the disabled. There were two Advisory Committee members that were not present at the meeting. Warden Schwengel stated that he did contact them after the meeting. If the Board is interested, he could present the results of these conversations.

Mr. Behnke stated that he is concerned about the warden time involvement. With the budget restrictions that the Department has and possibly less wardens, he heard 32 less wardens in the state, he asked how Warden Schwengel saw this workable for law enforcement. The amount of time to check this out and see who is doing what concerned him.

Warden Schwengel responded that it would definitely be an additional workload concern. Wardens have picked up additional workloads throughout the years. When the ATVs came about, for instance, and with different laws coming in to being, the wardens have picked up additional law enforcement responsibilities. The wardens certainly have tried to keep up with all these things. This, he believes, would be an additional workload responsibility.

Mr. Behnke asked, as you (Warden Schwengel) know your work duties, day in and day out, month in and month out, year in and year out, where would this be as a priority. He questioned if this would be a very high priority to check out bait piles in a warden's work schedule.

Warden Schwengel responded that it would depend on the areas in the state. In some areas of the state baiting is more of an issue or a problem than in others. It would be a medium type priority. They have seen fewer baiting problems this year, even with wild turkey, he thought because of the baiting prohibition. In the area that he works, it seems to be less this year with baiting of wild turkeys, although it is still going on. He stated that it is hard to determine but it would at least be a medium type responsibility.

Mr. Ela responded regarding the proposal that has been made by the committees, which also seems to raise some law enforcement issues, most obviously the two-gallon limit. He questioned how enforceable that is and what kind of problems that would raise where there may be some other things that have law enforcement issues. How much bait can be put out at one time and what kinds of problems you get by putting out one and a half gallons and you say it is two and a half, the issue of the determination of the amount. His impression is, it is that kind of hair splitting that often gives the DNR a bad name because people are constantly arguing that these are trivial issues.

Warden Schwengel responded that in the cases that he is familiar with persons cited in previous years over the limit of ten-gallons, they were significantly over the amount. Where it was very apparent they were over the ten-gallon limit.

Mr. Ela stated that there is an obvious enforcement right if it is a question of zero and some. It seems to him that it becomes more difficult for the wardens if they have to figure out if it is two-gallons or more than two-gallons.

Mr. Willett responded that in fairness to the warden staff, they have actually been faced with that for a number of years. They have done an excellent job.

Mr. Ela stated that he is not being critical at all of the warden staff, he was just trying to understand what kinds of problems would arise by forcing the wardens to make close distinctions to meet the terms of the Committees' requirements.

Mr. Willett responded that it isn't going to be like OWI where there is a clarity point. If it is clear and obvious, they get a citation.

Vice Chairman Tiefenthaler asked if the Board would okay this if they are looking at enforcement as a major issue. Mr. Behnke brings out a good point, if they clean up the area and only hunt over bait while they are there and mark the bait piles, this would elevate a lot of problems that have been mentioned. He asked how many enforcement sites Warden Schwengel would come across without some other hunter.

Warden Schwengel stated that would be difficult to say. Most of the complaints they have on baiting are those that come with turkey baiting, which is totally illegal of course, or other types of baiting as was used in the past that was more than the limit coming from other hunters in the field. 90 percent probably.

Vice Chairman Tiefenthaler questioned, if a warden saw gross violation they are more likely to be willing to put time and effort as a medium priority than they would otherwise.

Warden Schwengel responded that in looking at upcoming years, looking at how they are going to prioritize work activities, there are other things that are of higher importance.

Vice Chairman Tiefenthaler stated that Warden Schwengel is talking about 5,000 disabled hunters, in the case of bow hunting, a 60-day season, during rifle season it might be something we could elevate to lessen the work load.

Warden Schwengel again stated that he could give the Board the conversations he had with the two Disabled Advisory Committee members that were not present for the meeting. They both verbally stated they would be opposed to the baiting exception as identified in the green sheet for some of the same reasons as discussed by those committee members that also opposed baiting.

Mr. Behnke responded, if the Disabled Advisory Committee had voted that way that would have constituted a majority against baiting for the disabled hunter.

Warden Schwengel responded that it would because there are nine members on the Disabled Advisory Council, seven were present and the vote was four to three on June 21 and it could have been five to four. One of the votes was taken by actual letter from a member that couldn't make the meeting.

Mr. Willett MOTIONED to deny the request of the Department's recommendation. Seconded by Vice Chairman Tiefenthaler.

Mr. Willett stated that under normal conditions he would support the Department's recommendation. They have a workload issue as it is. This is going to cause difficulty they don't need in these difficult times so his intellect tells him to support the Department on this. He then spoke of civil rights and people with disabilities. Wisconsin has a long tradition recognizing that all people are created equal and they all should be given the opportunity to engage in the activities they all enjoy. Most importantly, they should enjoy our natural resources with equal regularity as we do. His discussions with Chairman Solberg are what caused him to believe that he has to take this position. Chairman Solberg indicated to Mr. Willett that he has sponsored, for a number of years, disabled hunts, and it is not those that make the hunt it is the ability to bait so the animals come within the range of the disabled hunter so they have an opportunity and it is for that reason he supports this issue. He is not criticizing the Department for their position, he fully understands it. It makes a great deal of sense, from an administrative point of view, from an economical point of view, and from all points of views that the Department takes on this issue. He feels that this issue transcends the budget, unfortunately.

Mr. Behnke responded that he would like to speak in opposition to the motion. To him it is not a social issue it is a scientific issue. He feels that they have given disabled people and the Disable Advisory Committee has recommended most of the changes that have been made and we have done that. We have done a lot of things to make it possible for the disabled to participate and enjoy the outdoors and outdoor recreation. He reflected on his experience as a disabled hunter, getting a deer without bait. It is not really a social situation. We continue to again bring together animals with the possibility of what all research tells us is a transmittal of disease from one

animal to another. He thinks the Board needs to keep in mind, when voting strictly on a social issue, it is a different matter. We are supporting basic science and research that has been done on transmission of diseases. CWD is not his biggest concern. He has more concern for TB. Bovine TB is a real threat to all of the animals, to the wildlife, to the domestic animals in the State of Wisconsin. They already have it in Michigan and the Board needs to do everything it can to avoid bringing these animals into that type of a feed situation where they can pick up food that was in another animal's mouth and eat it. The second reason he has for opposing this is that this rule comes to the Board with limited detail as to how it will be administered. No one says how they are going to label the bait piles, whose bait pile is it, who put it there, and the removal of bait. He asked what happens to this bait when the person is done and how far in advance of that disabled person going to hunt at that bait pile will some bait be put there. You don't put bait out at 10:00 in the morning and the disabled hunter comes at 11:00 and the deer will appear. The deer has to be trained to come to the food and that has not been worked out. There are so many things that need to go into a rule of this kind, into the exemption of this kind that are absent or lacking. I don't see how the Board could, in good conscience even think of adopting something that is nebulous.

Mr. Ela stated that when this was first brought up two months ago his inclination was to make this exception. However, he thinks he has changed his mind for three reasons: 1) Precisely the point that Mr. Behnke made that this is not a social issue but a scientific issue and it is the overwhelming factor. 2) The law enforcement issues, which he thinks that the warden staff is going to get increasingly overworked and they don't need this. 3) He is tremendously impressed by the thoughtfulness of the Disabled Advisory Committee document of both for it and against it. It seems to him that the disabled community themselves understands that this is a scientific issue not a social issue wherever they came out with the final vote. He feels they will be supportive of whatever the Board decides.

Vice Chairman Tiefenthaler stated that he feels the Board could bring in a workable solution, certainly to pick up the bait pile. It could be done with a time limit on it and he feels the wardens are not going to be doing extra work at all because he feels the other hunters are going to refer them. He feels that the wardens would be able to handle this. He stated that there are 5,000 disabled hunters and they are not all hunting on the same day and very few hunt for very long. He thinks that the Board would be taking a real advantage away from disabled hunters, most of them have folks with them, so there are a lot of people involved just to get a disabled hunter out and enjoy deer hunting. He stated that from experience, he has put out bait piles and within an hour the deer were there, where he has never baited before. He stated that deer can smell corn a mile away, it is a big advantage, you don't necessarily have to put it out in advance. The Board could require the disabled hunter to hunt over bait only while they were there hunting. He would make that part of the rule.

Mr. Behnke responded that it needs more study and more details included in the recommendation.

Vice Chairman Tiefenthaler stated that what the Board has in this rule does not have enough information available to make this comfortable.

Mr. Willett MOVED to remove his motion. Seconded by Vice Chairman Tiefenthaler.

Mr. Willett MOVED to table the amendment on exemption of Class A and Class C Disabled Hunters to come back to the Board with proposed workable rule at the August Board Meeting. Seconded by Vice Chairman Tiefenthaler. The Motion was carried by a vote of six to one.

YES

Mr. Tiefenthaler

Mr. Behnke

Mr. Ela

Mr. O'Brien

Mr. Willett

Chairman Solberg

NO

Mr. Poulson

- 3.B.6. Adoption of Order FR-18-03 - revision of Chapter NR 46, Wis. Adm. Code, pertaining to the Forest Tax Program.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien, adoption Order FR-18-03 - revision of Chapter NR 46, Wis. Adm. Code, pertaining to the Forest Tax Program, as presented. The order was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.B.7. Authorization for hearing on revision of Chapter NR 30, Wis. Adm. Code, pertaining to organized forest fire protection boundaries.

The Committee recommended and Mr. Behnke MOVED, seconded by Mr. O'Brien, authorization for hearing on revision of Chapter NR 30, Wis. Adm. Code, pertaining to organized forest fire protection boundaries. The motion was carried unanimously by those members. (Chairman Solberg was absent)

- 3.B.8. Lower Wisconsin State Riverway land acquisition and boundary modification - Sauk County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 39.88 acres of land from Thomas and John Laudon for \$176,000 for the Lower Wisconsin State Riverway and boundary modifications to include the entire 39.88 acres in Sauk County. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.B.9. Lower Wisconsin State Riverway land acquisition - Crawford County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 142 acres of land from Evelyn Skold for \$284,000 for the Lower Wisconsin State Riverway in Crawford County. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.B.10. Statewide Natural Area land acquisition - Door County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 23.4 acres from Cynthia Gaskill and Stephen Bezark for \$150,000 for the Statewide Natural Area in Door County, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.B.11. Ice Age Trail Area land acquisition - Waushara County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 80 acres from Darlene Maierhafer for \$212,000 for the Ice Age Trail in Waushara County. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.B.12. Lake Pepin State Park Redesignation to Wildlife Area - Pepin County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the redesignation of Lake Pepin State Park to Lake Pepin Wildlife Area in Pepin County. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

- 3.B.13. Pershing Wildlife Area land acquisition and boundary modification - Taylor County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 210.05 acres of land from Haenel Farm and Logging, Incorporated for \$205,000 for the Pershing Wildlife Area and approve boundary modifications to include the parcel in Taylor County. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.14. Willow Creek Fishery Area land donation - Waushara County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the land donation of 1.23 acres from Rita Tutkowski for the Willow Creek Fishery Area in Waushara County. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

3.B.15. Forestry Education and Awareness Center Project establishment and land acquisition - Milwaukee County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the establishment of the Forestry Education and Awareness Center and the purchase of 66.05 acres of land from Milwaukee County for \$249,000 for the Center in Milwaukee County. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

4. Committee of the Whole.

4.A. Citizen Participation.

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

4.B. Presentation of the John C. Brogan Environmental Awards by Secretary Hassett.

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

4.C. Approval of Aztalan State Park Master Plan.

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

Mr. Willett MOVED, seconded by Mr. O'Brien approval of the Aztalan State Park Master Plan. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

4.D. Approval of Mirror Lake State Park and Dell Creek State Wildlife Area Master Plan.

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

Mr. Willett MOVED, seconded by Mr. O'Brien approval of the Mirror Lake State Park and Dell Creek State Wildlife Area Master Plan. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

4.E. Adoption of Order AM-27-01 - revision of Chapter NR 446, Wis. Adm. Code, pertaining to establishing limitations on mercury emissions to reduce atmospheric deposition of mercury to Wisconsin waters.

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

Mr. Willett MOVED, seconded by Mr. O'Brien, adoption Order AM-27-01- revision of Chapter NR 446, Wis. Adm. Code, pertaining to establishing limitations on mercury emissions to reduce atmospheric deposition of mercury to Wisconsin waters, as amended from the errata sheet. The order was carried unanimously by those members present. (Chairman Solberg was absent)

4.F. INFORMATIONAL ITEM - Chequamegon-Nicolet National Forestry Plan and Environmental Impact Statement.

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

No action was taken on this informational item.

4.G. INFORMATIONAL ITEM - Wolf Management Update.

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

No action was taken on this informational item.

4.F. Retirement Resolutions.

4.F.1. Robert Groleski.

4.F.2. Richard Herefeldt II.

4.F.3. Karen Palmer.

4.F.4. LeRoy Petersen.

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

Mr. Behnke MOVED, seconded by Mr. Poulson, approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present. (Chairman Solberg was absent)

5. Board Members' Matters.

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

6. Special Committees' Reports

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

7. Department Secretary's Matters.

7.A. Request from the Natural Resources Senate and Assembly Committees for Modification to Orders WM-05-03 and WM-09-03 - revision of Chapters NR 10, NR 12, NR 19, and NR 45, Wis. Adm. Code, pertaining to Chronic Wasting Disease. (Adopted April 23, 2003, Item 3.E., Minutes of April 23, 2003)

Mr. Willett MOVED, seconded by Mr. Tiefenthaler, to reject the Department's recommendation and accept Natural Resources Senate and Assembly Committees Modification to Orders WM-05-03 and WM-09-03 - revision of Chapters NR 10, NR 12, NR 19, and NR 45, Wis. Adm. Code, pertaining to Chronic Wasting Disease. (Adopted April 23, 2003, Item 3.E., Minutes of April 23, 2003), as presented. The motion was denied by a vote of three to four by those members present.

<u>YES</u>	<u>NO</u>
Mr. Tiefenthaler	Mr. Behnke
Mr. Willett	Mr. Ela
Chairman Solberg	Mr. O'Brien
	Mr. Poulson

Mr. Behnke stated that he thought the legislature has done its job in supporting its constituents and he believes it is about time that they now accept that there is science and research to support this kind of a motion and ruling by the Natural Resources Board. We can appreciate that they are under tremendous pressure and it is strictly a social issue because a lot of people don't believe the science that is connected with this and they still have to support their constituency. Mr. Behnke stated that he thought the Board should probably include that portion if we are going to craft a letter to the legislature.

Mr. O'Brien stated that his vote is solely scientific. Some of the legislators wrote me and stated that we are relying on the experts and they don't have an absolute answer. I wrote back and said that if we had an absolute answer we wouldn't be voting on it and worrying about it. That is typically what we have to reply upon. It is more likely than not that this is one of the problems and we have to support that. That is what we have been told and I think that the Board needs to send that message back to the legislators.

Mr. Ela responded that when the Board went through this process before with the Legislative Rules Committee, what they received back was a letter from the Secretary saying Dear Chairman, this is to report that on such and such a date the Natural Resources Board voted such and such, sincerely yours. I was wondering if a more personal communication directly from the Board expressing in more detail why it is that the Board considered seriously their concerns but still felt obligated under our sense of responsibility to the resource to vote otherwise might not be in order.

Vice Chairman Tiefenthaler responded that if the Board does this, he suggested that four members of the Board who were in favor of this sign it as there were two descending votes and one absentee vote. It is controversial on this Board, it is controversial in the Legislature, and it is controversial in the population. Vice Chairman Tiefenthaler stated that he didn't want to be part of that letter. He stated that he doesn't agree with it because he feels people can bait safely and thinks that with a season greatly reduced from what it was before, in reaction to CWD disease and other diseases but the Board banned this last June as a result of CWD. Now we are talking about all these other diseases that have been around for many years and folks have very successfully baited. These deer are not infected other than in certain areas and it appears that most of those were by moving animals not by natural and wild movement. It was intervention of man and if we are going to stop the disease spread it isn't going to be like bait, it is going to be on deer farms, elk farms, and exotics.

Mr. Ela stated that for the majority of the Board, some form of a more tailored communication that fits what Legislators expect from an Executive Branch would be a good thing. He stated that he would be happy to work with Secretary Hassett and his staff to come up with a draft that could be e-mailed around for approval. Board Members and whoever would like to sign it can sign it. Rather than a secondary transmission. Mr. Ela will work with staff on this letter in the next week to have completed by Wednesday, July 2.

Vice Chairman Tiefenthaler requested a vote to formally adopt the modification of orders WM-05-03 and WM-09-03 - revision of Chapters NR 10, NR 12, NR 19, and NR 45, Wis. Adm. Code, pertaining to Chronic Wasting Disease.

Mr. Behnke MOVED to accept the Department's recommendation. Seconded by Mr. Poulson.

No discussion followed. At this point Chairman Solberg's conference call was disconnected.

<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
Mr. Behnke	Mr. Tiefenthaler	Chairman Solberg
Mr. Ela		
Mr. O'Brien		
Mr. Willett		
Mr. Poulson		

The motion passed by a vote of five to one. (Chairman Solberg was absent)

- 7.B. Request from the Assembly Natural Resources Committee for Modification to Order AM-20-02 - revision of Chapter NR 447, Wis. Adm. Code, pertaining to creating an asbestos citation system. (Adopted by NRB on January 22, 2003, Item 3.A.2., minutes of January 22, 2003, and modified by NRB on May 28, 2003, Item 7.D., minutes of May 28, 2003).

Lloyd Eagan, Air Management Bureau Director, presented the Board with a letter from the Attorney General's office stating their approval. Ms. Eagan stated that the Assembly Natural Resources Committee asked for minor modifications to clarify the intent of the asbestos citation authority rule. Basically the only change the citation rule was to add that one clarifying comment. It will now read as "Failure to product any inspection under section NR 447.06(1) the Department may not issue a citation under this paragraph on the grounds that an inspection was not thorough". Ms. Eagan recommended that the Natural Resources Board adopt this modification. Reporting annually to the Board by the Air Management Program, as directed by the Board at the January meeting, would start in March 2004 on the asbestos citation system. Additionally, the Air Management

Program would continue to work with owners and operators and all regulated parties to a variety of efforts of educational and similar programs including professional meetings.

Mr. Ela MOVED, seconded by Mr. Willett, request from the Natural Resources Assembly Committees for Modification to Order AM-20-02 - revision of Chapters NR 447, Wis. Adm. Code, pertaining to creating an asbestos citation system. (Adopted by NRB on January 22, 2003, Item 3.A.2., minutes of January 22, 2003, and modified by NRB on May 28, 2003, Item 7.D., minutes of May 28, 2003). (Chairman Solberg was absent)

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The Meeting adjourned at 4:30 p.m.