

## NATURAL RESOURCES BOARD

### Minutes

The regular meeting of the Natural Resources Board was held on Tuesday, January 27, 2004, in Room 027 of the State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 11:05 a.m. for action on Items 1 and 2. The meeting recessed at 11:30 a.m. and reconvened at 1:45 p.m.

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

ABSENT: Stephen D. Willett

Chairman Solberg welcomed and introduced new Executive Staff Assistant, Amy Lemberger.

Chairman Solberg thanked AnnMarie Kutzke for her assistance with the Board while the Executive Assistant position was vacant.

#### ORDER OF BUSINESS

1. Minutes to be approved.
- 1.A. Full Board Minutes of October 2003.

**Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of the Full Board Minutes of October 2003, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

- 1.B. Full Board Minutes of December 2003.

**Mr. Poulson MOVED, seconded by Mr. O'Brien, approval of the Full Board Minutes of December 2003, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

- 1.C. Agenda for January 27-28, 2004.

**Deputy Secretary Smith stated there was one late addition to the donations (7.E), but it was reflected on the revised agenda.**

**Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the agenda for January 27, 2004, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

2. Ratification of acts of the Department Secretary.
- 2A. Real estate transactions.

**Mr. Ela MOVED, seconded by Mr. Behnke, approval of the real estate transactions, as printed. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

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

There were no Committee minutes for December, 2003 since all agenda items were taken up during the Full Board Meeting.

- 3.A.2. Adoption of revisions to Wis. Admin. Code chapter NR 116 – to exclude the costs of elevating structures in the floodplain.

**Gary Heinrichs**, Senior Floodplain Manager, Bureau of Watershed Management, presented the revisions to NR 116. Specific changes to the flood proofing of non-conforming structures in flood plain areas. The committee's request was to consider elevating costs as ordinary maintenance and repair. After consulting with legal staff and national flood insurance staff in Chicago, it was determined the most feasible alternative was to exclude the cost of elevating structure from the 50% provision of NR 116. These costs can only be excluded for proper elevation of these structures.

**Mr. Ela** asked if this was a required elevation above the 100-year flood plain.

**Mr. Heinrichs** stated that FEMA only requires an elevation to the 100-year flood elevation. FEMA only sets the minimum regulations with the expectation that individual states would tailor regulations to their flood conditions. Wisconsin has several issues that require greater than the minimum FEMA standards such as ice jams in the winter and spring flood melts. FEMA maps are being updated. Due to development over the past 30 years, flood elevations will increase. No one at the public hearing objected to the flood protection elevation standards.

**Chairman Solberg** stated there was letter of support from State Representative Johnsrud, from the Assembly Committee on Natural Resources.

**Mr. Behnke** asked where the one public hearing was held and how many people attended.

**Mr. Heinrichs** stated it was held in Madison with approximately 25 people attending mostly from Crawford, Trempealeau and Buffalo Counties. Everyone supported it. There were two revisions they asked for that could not be granted. They wanted include all flood proofing measures, which under FEMA rates it has to be property elevated before it can be excluded from the 50%. They wanted to also apply this retroactively and under administrative rules this can't be done.

**Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, adoption of revisions to Wis. Admin. Code chapter NR 116 – to exclude the costs of elevating structures in the floodplain. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

- 3.A.3. Authorization for public hearings for revisions to NR 168 related to Brownfields Site Assessment Grant Program.

**Darsi Foss**, Section Chief, Brownsfields, Bureau of Remediation and Redevelopment, asked for permission to go out for public comment on an existing rule. She would like to have five public hearings through video technology and make some minor changes to grant program. Review the Brownfield assessment grant to reflect the changes in the statute and get more balance in the grant ranking criteria. Grant gives about \$3.4 million every biennium to local governments. It is a popular program.

**Mr. Tiefenthaler** asked what is a video hearing and how well attended were the hearings.

**Ms. Foss** stated that technology through the university allows participation from five locations, in addition to the Madison to participate, in the public hearing. It is a cost saving measure. The first hearing had ten people total across the state. It was not well attended on small rule changes like this one, but she believes if it were a more controversial issue, it would be well attended.

**Mr. Poulson** asked about the Brownfields compliance success rate.

**Ms. Foss** stated there are still 10,000 sites left. The biggest success factor is the money to fund the projects and the partnership with the community and local governments.

**Mr. O'Brien** asked where the funds come from.

**Ms. Foss** stated that the federal government provides \$14 million every two years in grant money and the state provides \$4 million.

**Mr. O'Brien MOVED, seconded by Mr. Poulson, authorization for hearings for revisions to NR 168 related to Brownsfields Site Assessment Grant Program. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

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

3.B.1. Minutes.

There were no Committee minutes for December 2003 since all agenda items were taken up during the Full Board Meeting.

3B.2. Authorization for hearing on revision of Chapter NR 50, Wis. Adm. Code, pertaining to snowmobile directional arrow and housekeeping.

**Larry Freidig**, Financial Assistant Specialist, Bureau of Community Financial Assistance, asked for authorization to change the snowmobile signs to reflect unify traffic signs and to be able to discern arrows on the trail.

**Mr. Behnke MOVED, seconded by Mr. Ela, authorization for hearing on revision of Chapter NR 50, Wis. Adm. Code, pertaining to snowmobile directional arrow and housekeeping. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

**Chairman Solberg requested a motion to go into Executive Session during lunch.**

**Mr. Behnke MOVED, that the Board convene into Executive Session during the lunch break under the authority of s. 19.85(1)(b)(c) Wisconsin Statutes, for the purpose of discussion of budgetary impacts on specific DNR personnel., Mr. Tiefenthaler seconded the motion. The motion was carried by a roll call vote by those members present.**

The meeting was called to order at 1:40 p.m.

**Chairman Solberg reported that during the Executive Session no action was taken.**

3.B.3. Request for authorization for hearing for revisions to NR 19-Subchapter III – permitting the use of Natural Bodies of Water as Fish Farms.

**Liesa Nesta**, Waterways Regulation Coordinator, Bureau of Fisheries Management and Habitat Protection, proposed to modify the definition of “natural body of water” to any spring, stream, pond, or lake or wetland historically present, may have been physically altered over time, and

exempt if it received a ch. 30 or 31 permit or wetland water quality certification and was not declared public. One issue is that manmade ponds built in isolated wetlands can often be legally constructed without the need for any construction permit or certification. Another issue is if no permit or certification need, there is no way to obtain the natural waterbody exemption. A third issue is if they dug the pond for rearing fish, they've usually been constructed deep enough to avoid winterkill. Under the current rule, these wetland ponds cannot be used for fish farming unless they are freeze-out ponds. The proposal is to eliminate the regulation of artificial ponds in isolated wetlands, and thus allow fish farming in these types of ponds without a natural waterbody permit.

**Mr. Ela** asked about the isolated wetland rules and if it included dredging.

**Ms. Nesta** stated that state laws come from federal law, which no longer regulate isolated wetlands. The state responded by creating statutory requirements to regulate isolated wetlands, which were replacing the federal law. There is no permit for excavation out of the wetland unless there is discharge of fill into the wetland.

The second proposal is to modify the public notice provisions from the original NR 16-Subchapter II contains a 30-day public notice requirement for each application. Modify the current notice requirements in three ways. Eliminate the notice for projects in natural waters that do not meet the first three statutory standards: the land around is owned or controlled by the fish farmer, there is no public access, and the waters are self-contained freeze-out ponds. Secondly, make the public notice discretionary for all other natural waterbody permit applications. Thirdly, clarify procedures - two language changes for definitions: A "substantive written objection" will be referenced to the definition in Chapter 30, Stats. and the hearing will be a contested case hearing under chapter 227, Stats.

**Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, authorization for hearing for revisions to NR 19-Subchapter III – permitting the use of Natural Bodies of Water as Fish Farms. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

3.B.4. Adoption of revisions to FH-36-03 – Chapter NR 20, Fishing: inland waters, outlying waters. Chapter NR 25, Commercial fishing – outlying waters

**Bill Horns**, Great Lakes Fisheries Coordinator, Bureau of Fisheries Management and Habitat Protection, Yellow Perch declined over 95% in Green Bay, from 8,000,000 pounds in 1988 to 300,000 pounds in 2002 (and less today). Current rules, adopted in 2001 and scheduled to expire in 2004, provide needed protection, with harvests held to around 50,000 pounds per year. We think we are on the right track with our rules, and recommend retaining current harvest limits through the 2006 spawning season to allow the majority of the 2003 year class to spawn at least once before the harvest is increased. Yellow Perch reproduction is always erratic and unpredictable, so there is no formula that tells us what the safe harvest level is.

**Mr. Tiefenthaler** stated that Charlie Hendrickson wrote a letter that said perhaps the large population back in the late 1980s was an overpopulation and it caused it to crash. Is there any data to support that?

**Mr. Horns** said that may not be a sustainable level. We don't know what caused it to crash. Since 1990 there have been very few years of strong reproduction, not that they were being fished out or something was killing older perch, just that the ones who were there were not reproducing.

**Mr. Poulson** asked what do we know about today compared to the early 1980s when the populations were similar.

**Mr. Horns** responded that there are many more cormorants and White Perch in Green Bay. There are invasive species such as Zebra Mussels. There are many changes and no one can say for sure what is causing poor reproduction.

Citizen Participation on this issue included:

3.B.4.1. **Charlie Hendrickson**, Baileys Harbor, President of Wisconsin Commercial Fisheries Association and a board member on the Lake Michigan Commercial Fishing Board, stated that the data appears to him to show this year a very balanced harvest in the commercial fishing of two, three, and five-year-old fish. He also feels that the population estimates are low. We also report conservatively. Back in the 1980s we came to the board and asked to reduce in the commercial quota and sport bag limits. Populations can rebound and there are a lot of indicators they are rebounding. When it was instituted two years ago we thought 20,000 lbs. was too low and we have a hard time believing a commercial harvest of 40-60,000 lbs. in any way is going to be the deciding factor of the recovery of this population. We think it's too dynamic to extend it for two years.

3.B.4.2. **George Meyer**, Madison, Executive Director, Wisconsin Wildlife Federation, supports the recommendation to continue current harvest limits for perch harvest on Green Bay. The conditions haven't changed and no one can safely project that the 2003-year class will survive. Until the overall population of yellow perch in Green Bay substantially increases and stabilized it should be protected.

**Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, adopted the revisions to FH-36-03 – Chapter NR 20, Fishing: inland waters, outlying waters. Chapter NR 25, Commercial fishing outlying waters. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

3.B.5. Authorization of proposed fishing regulation changes for the 2004 Spring Fish and Wildlife Hearings.

**Steve Hewett**, section chief, Fisheries Policy and Operations, Bureau of Fisheries Management and Habitat Protection, presented the questions for the 2004 spring hearing. There are four regional and statewide questions and 24 local questions.

**Mr. Tiefenthaler** asked a question regarding a fish refuge in Marathon County, how that will affect tribal spearing rights and how do they feel about it.

**Mr. Hewett** stated that Great Lakes Indian Fishing and Wildlife Commission did not send a representative to the meeting. We don't have a feeling about the tribal position. Spearing is not an issue because they are all on river systems. Tribal Anglers do not have to abide by the refuge rules. If it is made a tribal refuge, then they would have to abide by tribal laws.

**Mr. Tiefenthaler** encouraged the department to coordinate with tribes to have it named a refuge.

**Mr. Hewett** stated that right now the refuge lists are identical except for one refuge on the Turtle-Flambeau Flowage.

**Mr. O'Brien** asked about allowing motor trolling on all Walworth County waterways.

**Mr. Hewett** stated that he believes it is supported locally. We look at biological, social and access issues, in addition to lake size and fish species.

**Mr. Behnke MOVED as amended, seconded by Mr. Tiefenthaler, authorization of proposed fishing regulation changes for the 2004 Spring Fish and Wildlife Hearings. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

- 3.B.6. Authorization of proposed wildlife regulation changes for the 2004 Spring Fish and Wildlife Hearings.

**Kurt Thiede**, Wildlife Biologist, Bureau of Wildlife Management, presented the questions for the 2004 Spring Fish and Wildlife Hearing.

**Mr. Behnke MOVED, seconded by Mr. O'Brien, authorization of proposed wildlife regulation changes for the 2004 Spring Fish and Wildlife Hearings. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

**Steven Oestreicher**, Chairman, Conservation Congress, gave a follow-up of the action taken at the Executive Council meeting on January 9, 2004 regarding the Annual Spring Rules Hearings and Conservation Congress meeting. Chairman Oestreicher presented the Conservation Congress Executive Council advisory questions and the study committee questions to the Natural Resources Board.

- 3.B.7. Approve the purchase of 17.04 acres of land in Sawyer County for the Chippewa Flowage, accept the donation of \$50,000.

Discussion about development opportunities on the islands within the flowage.

**Mr. Ela MOVED, seconded by Mr. Behnke, approve the purchase of 17.04 acres of land in Sawyer County for the Chippewa Flowage, accept the donation of \$50,000. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

- 3.B.8. Approve the option to exchange 10 acres of state land for 100 acres of land in Walworth County from Katzmann Farms, Inc.

**Mr. Ela MOVED, seconded by Mr. Behnke, approve the option to exchange 10 acres of state land for 100 acres of land in Walworth County from Katzmann Farms, Inc. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

- 3.B.9. Approve the purchase of 40 acres of land in Walworth County for the Kettle Moraine State Forest – Southern Unit and accept a donation of \$4,000 towards the purchase of this transaction.

**Mr. Ela MOVED, seconded by Mr. Behnke, approve the purchase of 40 acres of land in Walworth County for the Kettle Moraine State Forest – Southern Unit and accept a donation of \$4,000 towards the purchase of this transaction. The vote carried 5-1 with Mr. Poulson being opposed. (Mr. Willett was absent).**

- 3.B.10. Approve the exchange of 98 acres of privately owned land in Pepin County needed for Tiffany Wildlife Area, in exchange for 92 acres of state owned land.

Discussion about deed restrictions of keeping it wildlife habitat.

**Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approve the exchange of 98 acres of privately owned land in Pepin County needed for Tiffany Wildlife Area, in exchange for 92 acres of state owned land. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

- 3.B.11. Approve the purchase of 119.88 acres of land in Sheboygan County from Philip Zemke Estate for the Sheboygan Marsh Wildlife Area.

**Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approve the purchase of 119.88 acres of land in Sheboygan County from Philip Zemke Estate for the Sheboygan Marsh Wildlife Area. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

- 3.B.12. Approve the purchase of 252.45 acres of land from Spirit Enterprises, LLC. For Glacial Habitat Restoration Area in Fond du Lac County.

Discussion about partnerships and land management budget for this property.

**Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, approve the purchase of 252.45 acres of land from Spirit Enterprises, LLC. For Glacial Habitat Restoration Area in Fond du Lac County. The vote carried 5-1 with Mr. Poulson being opposed. (Mr. Willett was absent).**

- 3.B.13. Approve the purchase of 78.26 acres of land from Raymond Lipovac for the Governor Tommy G. Thompson Centennial State Park in Marinette County.

**Mr. Behnke MOVED, seconded by Mr. Ela, approve the purchase of 78.26 acres of land from Raymond Lipovac for the Governor Tommy G. Thompson Centennial State Park in Marinette County. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

- 3.B.14. DONATION – 62 acres of land from the Natural Heritage Land Trust for the Black Earth Creek Fishery Area in Dane County.

**Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler, approve the donation of 62 acres of land from the Natural Heritage Land Trust for the Black Earth Creek Fishery Area in Dane County. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

- 3.B.15. DONATION – 17.8 acres of Natural Area Conservation Easement and Articles of Dedication from Robert A. and Elizabeth P. Ragotzkie for the Bailey's Harbor Boreal Forest Natural Area in Door County.

**Mr. Ela MOVED, seconded by Mr. Poulson, approve the donation of 17.8 acres of Natural Area Conservation Easement and Articles of Dedication from Robert A. and Elizabeth P. Ragotzkie for the Bailey's Harbor Boreal Forest Natural Area in Door County. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

4. Committee of the Whole.

- 4.A. Citizen Participation.

**Greg Kazmerski**, Waukesha, Wisconsin Deer Hunters Coalition gave a wrap up on deer hunting season. He feels the number one deer management problem in the state is that since 1985 deer hunting license has only increased by 3%. He feels the department needs to kill more of the right deer, adult does and recruit more hunters.

**Chairman Solberg** stated that recruiting hunters is an ongoing problem possibly because kids have so many other activities.

**Mr. Tiefenthaler** asked about Greg Kazmerski's feeling on the T-zone hunt and expanding the gun season.

**Mr. Kazmerski** said he only registered one deer during the T-zone hunt at his store.

**Mr. Poulson** asked what do we need to do with hunter’s safety, 4-H, and how do we encourage young hunters.

**Mr. Kazmerski** suggested offering a mentor license to someone who wants to try hunting without the hunter safety course and offer hunter safety through businesses.

- 4.B. Retirement Resolutions.
- 4.B.1. Lucinda Barr
- 4.B.2. Thomas Bokelman
- 4.B.3. Michael J. Gappa
- 4.B.4. Dominick Mangardi
- 4.B.5. Tim Swan
- 4.B.6. Keith Yohn

**Mr. Tiefenthaler MOVED, seconded by Mr. O’Brien, approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

5. Board Members' Matters.

**Mr. Tiefenthaler** brought up the issue of the earn-a-buck in Buffalo County. He feels that earn-a-buck would destroy hunting outfitters businesses.

**Mr. Behnke MOVED, seconded by Mr. Poulson, directed the Department to come up with some schemes to replace earn-a-buck by the February meeting. The motion was carried unanimously by those members present. (Mr. Willett was absent).**

**Mr. Tiefenthaler** brought up a second issue bill 197 in the assembly of dog training using coyotes. He presented a possible resolution for passage that would direct the Secretary to show the board’s resolve particularly for coyotes. He asked George Meyer to reiterate what was talked about at the hearing.

**Mr. Meyer** stated that he did not attend the initial meeting on Dec. 2002 where the board adopted the captive wildlife rule. The Wisconsin Wildlife Federation and others appeared on the issue to work with the Department to legalize this activity. The bill was opposed, but eventually passed on committee 92 and the assembly and it is coming up before the Senate. He has observed this training on site and states it is done in a humane way and if it wasn’t he would oppose it.

**Mr. Tiefenthaler** stated that this bill would license these facilities to ensure the dog training is overseen. He passed out a resolution to the board members.

**Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, to set in place the resolution to show that this board is behind proper dog training for large game species. (Mr. Willett was absent).**

**Further discussion after motion**

**Mr. Ela** asked if board policy was established at a previous meeting. He expressed concern about the item not being on the agenda and the public not having the opportunity to appear.

**Mr. Tiefenthaler** stated it was a reaffirmation of an existing board policy.

**Mr. Ela** stated that if it is a reaffirmation he has no problem with it.

**The motion was carried unanimously by those members present. (Mr. Willett was absent).**

**Mr. Solberg** stated he had asked Laurie Osterndorf about a study in of exotic plants in the northern lakes and it would be on the agenda at the March meeting.

5.A Election of Officers.

**Mr. Solberg** stated that after 13 years of being on the board, he has decided to retire. He thanked the board members and all the staff of the Department.

**Mr. O'Brien** asked that the record show that the board commended and thanked Chairman Solberg for the years of outstanding service as a board member and the chair.

**Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler the gratitude and appreciation of Chairman Solberg for his years of outstanding service on the Natural Resources Board. The motion was carried unanimously by those members present. (Mr. Willett was absent)**

Election of Officers was taken up at the end of the meeting. The results of the election are as follows:

Mr. Behnke nominated Mr. O'Brien for the office of Chair of the Natural Resources Board.

**Mr. Ela MOVED, seconded by Mr. Poulson to close the nominations for Chair and to elect Mr. O'Brien as Chair. The motion was carried unanimously by those members present. (Mr. Willett was absent)**

Mr. Ela nominated Mr. Poulson for the office of Vice-Chair of the Natural Resources Board.

**Mr. Ela MOVED, seconded by Mr. Tiefenthaler to close the nominations for Vice-Chair and to elect Mr. Poulson as Vice-Chair. The motion was carried unanimously by those members present. (Mr. Willett was absent)**

Mr. Behnke nominated Mr. Ela for the office of Secretary of the Natural Resources Board.

**Mr. Behnke MOVED, seconded by Mr. Tiefenthaler to close the nominations for Secretary and to elect Mr. Ela as Secretary. The motion was carried unanimously by those members present. (Mr. Willett was absent)**

**Mr. Behnke** thanked Vice-Chairman Tiefenthaler for the years of service as a board member and the vice-chair.

5.B. Review of Natural Resources Board Question(s) for the 2004 Spring Fish and Wildlife Hearings.

**Mr. Tiefenthaler** asked for a question about a longer deer season. A discussion of the wording of the question. Possible language: "Would you be in favor of replacing the zone T and earn a buck programs with a longer gun season?" Mr. Ela and Mr. Tiefenthaler will work together on the exact wording.

**Mr. Behnke** requested that the person in the Department who responds, not do so in a negative way or editorialize.

6. Special Committees' Reports

There were no Special Committees' Reports.

7. Department Secretary's Matters.

- 7.A. DONATION - \$20,000 for wetland and prairie restoration at Scuppernong River Habitat Area within Kettle Moraine State Forest Southern Unit.
- 7.B. DONATION - \$5590.00 for the Pershing Wildlife Area to reduce woody vegetation by the Taylor County Chapter of the National Wild Turkey Federation.
- 7.C. DONATION - \$5,340.00 for the GHRA project to restore and maintain oak savannas and oak/hickory woodlots by the National Wild Turkey Federation.
- 7.D. DONATION - \$250,000 for the Department’s River Protection Grant Program by the Wisconsin Public Service Corporation.
- 7.E. DONATION – Television air time for a public service announcement about the Year of Wisconsin Forestry from Charter Media and Time Warner Cable.

**Mr. O'Brien MOVED, seconded by Mr. Ela acceptance of all the donations. The motion was carried unanimously by those members present. (Mr. Willett was absent)**

A joint meeting of the Natural Resources Board and the Department of Agriculture, Trade and Consumer Protection Board was held on Wednesday, January 28, 2004, at the Concourse Hotel, Madison, Wisconsin. The meeting was called to order at 8:30 a.m. The meeting adjourned at 12:30 p.m.

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**Wednesday, January 28, 2004**

## **ORDER OF BUSINESS**

### 1. Opening Remarks

#### 1.A. Secretary Scott Hassett, Department of Natural Resources

Three big issues for the first year as Secretary of the DNR

1. Fox River Clean-up – Success Story
2. Crandon Mine – Purchased by the tribes
3. CWD – Success of the outreach by the staff

Two unanticipated issues

1. Budget deficit was estimated at \$1.7 billion, but actually was \$3.2 billion
2. Push for regulatory improvement permits streamlining

Mike Dummer, Chair, DATCP Board presented an award to Dan Poulson for his years of service to the citizens of the State of Wisconsin.

#### 1.B. Secretary Rod Nilsestuen, Department of Agriculture, Trade and Consumer Protection

1. DATCP touches many citizens in the state from no call lists to food safety inspection.
2. DATCP and DNR have partnerships in many areas from aquaculture to gypsy moths.
3. Five priorities of the Department
  1. Improve dairy business environment and the competitiveness of our signature industry.
  2. Diversify our agriculture base
  3. Proactive bioculture and food security
  4. Move forward in the next generation of land use
  5. Cooperating with other agencies
4. “Discovering Common Ground” handout - #1 one priority of the department

### 2. Background Information

#### 2.A. Department of Agriculture, Trade and Consumer Protection – Mission and Organization (Judy Ziewaz, Deputy Secretary, DATCP)

#### 2.B. Department of Natural Resources – Mission and Organization (William Smith, Deputy Secretary, DNR)

### 3. Department Presentations

#### 3.A. Animal Health, Chronic Wasting Disease, Captive Wildlife (Dr. Sarah Hurley, Deputy Administrator, Division of Land, DNR and Dr. Robert Ehlenfeldt, State Veterinarian, DATCP)

**Mr. Behnke** asked about what other infectious animal diseases, besides CWD such as tuberculosis that threaten the deer herd. He stated that we need to take preventive measures to fight animal diseases.

**Dr. Ehlenfeldt** stated that since 1995 farm raised deer must be tested for TB. White-tailed deer must be TB tested for intrastate transport. There are livestock transport restrictions since TB was discovered in Michigan. Baiting and feeding is not just a CWD issue.

**Dr. Hurley** added that when deer are tested for CWD, they are also screened for TB. There is a lot more to animal health issues than the diseases in the headlines. We need to work harder to make it clearer to a larger audience.

**Mr. Behnke** stated he appreciated all that the Departments are doing, but we have an economic threat that is a disaster waiting to happen.

**Dr. Ehlenfeldt** said that in the past six months we have seen TB in California, Arizona, New Mexico, and Texas.

**Secretary Nilsestuen** added that the University of Wisconsin veterinarian school is researching what baiting and feeding implications are on livestock. They strongly discourage proposals that would encourage it.

**Mr. Tiefenthaler** asked about using stewardship dollars for buying farms and putting it into natural habitat and protecting it from development. Often times Mr. Poulson votes against it due to the loss of agricultural land. Do we need this agriculture land and is it counterproductive for the DNR to purchase this land?

**Secretary Nilsestuen** said that we don't have a coherent plan in Wisconsin for protecting our land. The stewardship program is a wonderful program, but it doesn't encompass our land use needs. There are some counties who are doing a good job protecting and planning for land use such as Jefferson County. They have cut conversion rate of farmland by ninety percent in the first year.

**Mr. Figueroa** asked what office has the responsibility of determining when CWD becomes an epidemic in the state? What are the standards or threshold?

**Dr. Ehlenfeldt** stated the USDA has standards for other diseases such as TB, rabies, etc. USDA has surveillance mechanisms in place and do the definition. When a national program doesn't exist, then it's up to the state veterinary or the head wildlife official. Wisconsin is relying on a joint science team of the University, DNR, DATCP, Health and Family Services to make the recommendation. There is a rule being developed by USDA similar to TB.

**Dr. Hurley** said there isn't a regulatory authority to tell us how to handle the disease. We are breaking new ground every day with CWD and how to deal with it. There isn't enough information to identify it as an epidemic.

**Mr. Ela** asked about which issues will be addressed at the board meetings in the near future.

**Dr. Hurley** said it is an ever changing arena and things arise such as Monkey Poxes and Prairie Dogs. There will be rule writing under the captive wildlife regulations, harmful wild animals, feeding and baiting, additional housekeeping rule for captive wildlife, TB, monkey poxes.

3.B. Aquaculture (Michael Staggs, Bureau Director, Fisheries Management and Habitat Protection, DNR and Myron Kebus, State Aquaculture Veterinarian, DATCP)

**Mr. Krutza** asked about the memorandum of understanding between the DNR and DATCP and in what ways are the departments assessing the performance of MOU in relation to the customers or the citizens of the state of Wisconsin.

**Mr. Kebus** said that the response from the fish farmers is that they view the whole landscape differently now than 5-6 years ago. They see that the departments are working together. That used to be their primary concern, now that the departments are working together they want to grow and do things better.

**Mr. Ela** asked who has oversight for importation of genetically modified fish native to Wisconsin.

**Mr. Kebus** stated that there has been talk of genetically modified salmon on the East Coast. We are keeping an eye on this industry. There has not been any import request for genetically modified fish. In Wisconsin, we don't want it because it's viewed as a marketing disadvantage. In Wisconsin, we are trying to compete in terms of wholesome, quality, fresh, and locally grown fish.

**Mr. Staggs** added that there haven't been any importation requests yet, but they would be evaluated on a case by case basis.

**Mr. Ela** added that he hopes the Departments stay on top of this issue because it is a rapidly changing environment and in the future someone may be marketing a rapidly growing walleye that grows faster or something along those lines.

**Mr. Staggs** stated that if someone came to the DNR with a request to import genetically modified fish, we would do an environmental assessment if we are going to approve it. That includes a formal fact where we determine the risks to the environment. In the past, the Department has been aggressive in not granting permits to species that could become invasive.

**Ms. Krome** stated that a few years ago the environmental community was concerned about the aquaculture industry. The Departments have done a good job addressing these concerns. She asked about proper processing and who do you go to as an industry to promote that.

**Secretary Nilsestuen** believes we are at a plateau right now in this industry. Although our dietary patterns indicate increased fish consumption, we don't have the existing capacity in the state to meet the demand. Until we strengthen our infrastructure, research capacity, our ability to provide technical assistance for health prospective and marketing, we are not going to grow this industry very much.

3.C. Working lands to wild lands – the continuum of DATCP/DNR programs aimed at preserving open spaces (Dreux Watermolen, Science Information Services Section Chief, DNR and Sandra Miller, Policy Initiatives Advisor, DATCP)

**Mr. Poulson** asked how do we get people to want to conserve land?

**Mr. Watermolen** said there is a large support among counties and townships. Smart growth requires communities to think about that very question. It requires a written plan for public participation and then to follow that plan. Smart growth doesn't prescribe how to get there. It allows people to have the discussion locally and what will work in the local area. It is also important to include non-governmental agencies such as building associations.

**Ms. Miller** added that there is another aspect to this discussion. It is the returns per acre and that is what private landowners consider. If we want to preserve open spaces, we have to do things that increase returns per acre and make working lands more profitable.

**Secretary Nilsestuen** added that grazing associations are an environmental sound option to preserve open spaces and use it agriculturally. It is important to involve UW-Extension because they have staff in every county who can reach community members through information and education.

**Secretary Hassett** added that we need to change the perceptions that smart growth prescribes what needs to be done. We need to do a better job with communication.

**Mr. Willett** said that the message from the DNR and DATCP is we must restrict growth and we have to manage land. Madison is trying to encourage restrictions and tight land use. What are the roles of the boards for this issue? We have never been asked what we think about this program and how we can put our resources into this program. Agencies don't understand how contentious this issue is and the unfavorable attitudes towards this program.

**Ms. Anderson** added that some citizens, especially in the northern counties feel that the state of Wisconsin is against private landowners.

**Mr. Willett** added that he supports this program, but you can't understand the anger in the northern counties. There is recall after recall of town boards on this issue alone. That is an issue that must be addressed.

**Mr. Watermolen** stated that the DNR has recognized that situation. We have tried to be sensitive to it. The DNR doesn't get involved in local planning unless invited to get involved. The DNR then evaluates whether to be involved or not. The DNR uses the Common Ground Report to guide local involvement.

**Mr. Tiefenthaler** stated that 45% of our wetlands are gone, most have been drained for agricultural use. Both Departments need to recognize this issue and work together to address this issue.

**Mr. Cates** added that he believes sensitive lands should not be agricultural, but be protected. The way to increase agriculture land value and to preserve it is to promote Wisconsin products and environmental sound production methods along with education of what the full range of open lands offers society. Agriculture and open lands are much more than just 150 bushel of commodity. It is wildlife, esthetics, recreation, tourism, etc.

**Ms. Miller** pointed out that most lands have multiple values, but only some are captured in value per acre.

**Ms. Mayer** asked about water table levels and how agricultural land disappearing is affecting the water table.

**Mr. Watermolen** said that the water division of the DNR is studying what is the source of drinking water. Reports are coming out and are available on the Internet, but there are concerns about posting them due to national security.

4. **Board Member Discussion**

4.A. **Question and Interactions**

Mr. O'Brien asked the Natural Resources Board Committee Chairs to stay on rather than hold elections now, due to the transitional period. The committees will remain the same until further notice.

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