

## NATURAL RESOURCES BOARD

## MINUTES

The Natural Resources Board Stewardship Subcommittee met via teleconference at 10:30 a.m. on Wednesday, February 7, 2007, in Room 774B of the State Natural Resources Building (GEF 2), Madison, for action on Item 1.

John Welter, Chair (Eau Claire) - present  
Dave Clausen (Amery) - present  
Jane Wiley (Wausau) - present

**Order of Business**1. **Gather information and develop process for Stewardship Reauthorization.**

**Mr. Welter** called the meeting to order. He recapped the Stewardship effort and the committee agenda. The Stewardship Program has been a great success for Wisconsin and the acquisition of important lands and conservation easements have been a great opportunity for us to set priorities in what the scope, size, and preserves for future generations and set in place important partnerships with non-profits and with local units of government. It has been a great success for the state.

With the governor's call for re-authorization of the Stewardship Fund, we have an opportunity to take a look at concerns, issues that may have arisen, and to develop recommendations on Stewardship re-authorization. The charge of the committee is to develop a draft of those recommendations and to bring a report to the board no later than the March meeting. Today what we'd like to do is to set a process in place to talk about what information we as a subcommittee need, who we would like to consult with in addition to the groups that have already offered suggestions such as the Stewardship Advisory Council and the Conservation Congress and other important groups of the state. If those groups have already weighed in and we have questions, we would like to have an opportunity to ask them questions to help us formulate the recommendation and if they have not been heard from, we'd like to invite comments.

In addition to the information gathering process, we should probably try and set up or discuss what kind of a meeting schedule we'd like to have and what types of formats we'd like to have. He asked subcommittee members if that sounds like a worthwhile agenda to follow today.

**Mr. Clausen and Mrs. Wiley** both agreed.

**Mr. Welter** asked attendees for their questions. Hearing none, he proceeded on talking about the process and then talk about issues and groups and people the subcommittee would like to hear from and consult with.

**Mr. Clausen** stated one of the things he would like are questions about land management after purchase. By far the biggest majority of the land that we had purchased has been forestry land and at our last board meeting we entered into and approved an administrative rule that allows uses of some private consultants to do this type of thing. That raises the issue that indeed that land probably is being managed and he's also aware that the wildlife fisheries staff have been very innovative in stretching the resources they have and forming partnerships with non-profit groups and well not necessarily formal friends groups. They have done some pretty amazing things as far as stretching their ability to manage this land and so he would like to see back a written report from each one of our bureaus on how they are meeting the management challenges that have been presented by land acquisitions. Before we decide there is a problem we should probably look and see exactly what it is that we are doing.

**Ms. Laurie Osterndorf**, Land Administrator, asked for clarification about the Bureau's report on how we are addressing it on what kinds of partnerships we have put together, on innovative approaches, and to kind of quantify those for you?

**Mr. Clausen** stated that is correct. If we can get something in writing, it does not need to be a long document, a page or two is sufficient. He requested to have documents available before the next meeting and have staff attend the meeting in case the subcommittee has questions about what we have received and needs clarification.

**Mr. Welter** asked Ms. Osterndorf to flush that out and noted this isn't only a land item, we have Forestry and Fisheries. If you had one-two pages from each of those areas that is available to the subcommittee on or before February 26, that would be valuable.

**Mr. Welter** stated we should be talking about the process in order to try and get from idea of when we'd like to meet and discuss with the department and with stakeholders groups and invite public written comment as well. He said that trying to shoot for a meeting on February 27 either in the afternoon if we do not have our other standing Board subcommittees meeting or in the morning if we do have the standing Board subcommittees meeting would be a natural time to get together.

**Mr. Clausen and Mrs. Wiley** both agreed.

**Mr. Welter** asked for feedback on the format for that meeting.

**Mrs. Wiley** asked if this is when we want to have groups we have not heard from come and speak?

**Mr. Welter** stated we have our advisory groups that are constituted one way or another that are responding to this. The Congress and the Stewardship Advisory Committee and the Wildlife Federation is also an advisory to this group.

**Mr. Clausen** stated they are a public body and have every right to weigh in on this.

**Mr. Welter** stated we have a number of other communities that will certainly want to be heard from we have already heard from the Parks and Recreation Council and a number of other groups and individuals.

**Mrs. Wiley** stated she was not suggesting that we re-hear what we have already, good and thoughtful comments on, for instance, Conservation Congress. One of the groups that we have not heard from that is a player is the Friends of WI State Parks. She would like to have a meeting where we would be hearing from people. She would like to have Parks get in touch with the statewide Friends of WI State Parks to have a representative at the meeting that would give us their pitch on what is happening and how they feel about the Stewardship Program.

**Mr. Clausen** stated as we have been reminded several times when somebody comes and appears before us and we are hearing something cold right for the first time, he didn't know whether the subcommittee needs to particularly have oral presentations or whether we can have something written that gets to us prior to the meeting so we have a chance to review it. Then if we have questions about what we see, and if those people can come to the meeting, we can ask for clarification at that time. A lot of this can be addressed with written comment that is received by a certain time. Mr. Andryk and Ms. Osterndorf would probably be the best ones to advise us on how to set that up.

**Ms. Osterndorf** stated that it sounds like you are talking about statewide groups: the Wildlife Federation, the Friends of WI State Parks, and the Conservation Congress. Would it be helpful for you if staff within the Department brainstormed as to who those statewide groups are that we are involved with and send you that list? She asked if that would be helpful?

**Mr. Clausen** stated he thought it would and noted it having an eye towards inviting their suggestions on this.

**Mrs. Wiley** agreed with Mr. Clausen. She stated if we get some written comments and then have someone from these groups there so if we have specific questions, that makes a lot more sense frankly than having someone deliver the information to us so we end up getting it cold. Invite written comments and there be mobility if we had specific questions to ask them.

**Mr. Tim Andryk**, DNR attorney, stated that the subcommittee can send a request for written comments to specific groups that you have not heard from yet. However, you still have to accept written comments from others as well.

**Mr. Welter** stated that makes sense, both legal and practical.

**Mr. Andryk** stated the public would need to be noticed that you are accepting public comments and have them submitted by a certain date.

**Mr. Clausen** stated if you want to work out the mechanics on that, then that would be fine with me.

**Mrs. Mary Schlaefer**, DNR Deputy Secretary, stated that if the committee would like to do a broad public notice, then that is the committee's prerogative. She didn't think that it is necessarily legally required. It is within the committee's discretion as a legal matter to determine who they would like to seek input from. Although, as a practical matter, it may make sense to decide to provide a broader public notice.

**Mr. Welter** stated from his perspective, he would like to invite the public to provide us with comment if they are concerned about issue, if they have questions, they have things to suggest to this committee. Recognizing that we set a time period that is a couple week opportunity for that kind of notice, he

would like to allow that broad invitation to add to what we have an opportunity to discuss and then see it as this groups responsibility to narrow that down to key issues before we make recommendations to the full board. He would like to invite that broad range of the public who has concerns, questions, or suggestions to offer those and we'll put them to use.

**Mrs. Wiley** asked if there was any way that we can do that where we are inviting written comment but it is not a public hearing?

**Mr. Andryk** stated he believed the board has discretion to do that. They are not required to hold a hearing on this. This is not a rule proposal or anything embodied by any statutory requirements so the board can solicit comments in any matter they choose.

**Mr. Welter** asked Mrs. Steffes if a release can be created promptly to get the word out that we are inviting those public comments?

**Mrs. Laurel Steffes**, DNR Director of Communications, agreed.

**Mr. Welter** asked Mrs. Steffes if he should work with her on that?

**Mrs. Steffes** requested his assistance.

**Mr. Welter** stated we should discuss what we would like to do at the February 27 meeting and whether we, as a subcommittee, would like to have ourselves working with the members of the subcommittee, clarifying things with staff, and getting some broad outlines together or would you like to see groups or individuals that you have questions of or concerns about their submission and ask them to provide some follow up.

**Mr. Clausen** stated after we've had a chance to look at the written testimony, specific questions need to have some type of a forum or method to be able to ask the questions that may come up.

**Mrs. Wiley** agreed. Let's put that as Item #1 on the agenda is our discussion and then a question period. If we have any questions of the various groups that send information in we would do that first. It seems to me that unless we know whether or not we are going to have a board meeting in the afternoon that is going to really determine how much we can get done on our agenda.

**Mr. Welter** asked Mr. Andryk and Mrs. Schlaefter when the notice needs to be out for a February 27 meeting?

**Mr. Andryk** asked for clarification. The agenda or meeting notice?

**Mr. Welter** stated if the subcommittee were to set it at a particular time, do we have to set the agenda at the same time?

**Mr. Andryk** stated no. The minimum notice requirement is 48 hours unless there is some type of emergency or other concerns, then you go to 24 or even 2 hours on an emergency situation is acceptable. We try to get it out 48 hours ahead of time.

**Mr. Welter** stated if we have this request for written public comment with a deadline date that we set in advance of the meeting, the press release should include a request for comment and that this subcommittee will be discussing those at a meeting on February 27, at a time to be established with further notice. He asked Mr. Andryk if that make sense to him?

**Mr. Andryk** stated he would suggest that the notice be clear as to whether you are going to allow public comment or not at that meeting.

**Mr. Welter** asked what kind of options do we have?

**Mr. Andryk** stated the subcommittee can allow public comment or it doesn't have to. It is a discretionary call.

**Mr. Clausen** stated since we will already have written comment and would anticipate the only reason we would have to hear from people is they have had an opportunity to weigh in on their written comment and could invite comment from specific individuals in response to questions we may have. We would be allowed to do that?

**Mr. Andryk** agreed, if that is the intent. But then he would suggest that you include this in the meeting notice so potential attendees know that is the case.

**Mr. Welter** asked if everyone on the subcommittee agree that is the way we'd like to go?

**Mr. Clausen and Mrs. Wiley** both agreed.

**Mr. Welter** stated the subcommittee would give notice as Mr. Andryk described, to say we'd like to have the opportunity to talk with groups about following up on their submission.

**Mr. Andryk** agreed. That was the suggestion from Mr. Clausen.

**Mr. Welter** stated that this is the subcommittee's approach to follow for the February 27 meeting.

**Mrs. Wiley** stated she assumed that when the various groups have submitted something to the subcommittee when it has been received, that someone in terms of DNR staff will be in touch with

them and let them know this will be more than a newspaper article? We will have someone call those groups we have heard from and let them know when the meeting is?

**Mr. Clausen** stated it will be a publicly noticed meeting and if they have enough interest in this, a public notice is sufficient.

**Mrs. Wiley** agreed.

**Mr. Welter** agreed. In following that meeting, hopefully we will be able to work on a rough draft of recommendations as the subcommittee's part of that meeting and see if we can get those formulated and prepare those for the board at the March meeting. Does that sound okay?

**Mrs. Wiley** agreed.

**Mr. Clausen** stated I think that there probably is a procedural process that we need to considerate in that #1, the renewal is going to be in the Governor's budget. None of us have seen any of the details of it and I think it would probably be better for us before we came forward with any recommendations to the board as far as what we should do as to our recommendations to the board is going to be. We should let the Governor release this in his own manner. What we should do for the rest of the board would be a comment or response. Let's not get the cart before the horse.

**Mrs. Wiley** asked how much of this will be in the Governor's message. That will be this week or next week?

**Mrs. Schlaefer** stated the Governor's budget announcement will on February 13.

**Mr. Welter** stated it will be out before we have our next meeting.

**Mrs. Wiley** stated at that point, even though with the Governor's budget message, what he will be saying is: here is what I think we ought to bond for, for the next ten years. Is that correct? He will not go into any more detail than that, will he?

**Mrs. Schlaefer** stated we do not know at this point. At this point, it is fair to say, a strong indication that Stewardship Reauthorization may be addressed in the budget. As budget processes go, you really can not speculate until you actually see the document.

**Mr. Welter** asked if the budget document goes to Legislature the day after the budget message or what is the timing on that?

**Mrs. Schlaefer** stated typically, the budget is released either the same day or the next day. The actual budget document would provide the detailed information that she thought the subcommittee is interested in.

**Mr. Welter** asked if there were any other concerns or things that you think we ought to be considering doing as a subcommittee?

**Mr. Clausen** stated no. We have covered giving people a chance to weigh in on this issue and we are going to consider the responses we get and finalize some recommendations and go from there. We have covered it all.

**Mrs. Wiley** agreed.

**Mr. Welter** asked to the staff that are available in the Madison office, is there any central concern that you would like to address that we make sure we think about?

**\*Fire Alarm Drill Interruption\***

**Mr. Welter** stated the question he had was, for those of you from the senior staff who are there, do you have any questions about what we have been discussing or suggestions about things that you believe would be worthwhile for this subcommittee to address either at this meeting or the February 27 meeting?

**Mr. Richard Steffes**, Real Estate Director, stated what would happen at the March meeting and having observed the board in the past, he had seen where a board member will say "I want to have a resolution passed on a topic." Can that be done under Board Members Matters without it being noticed ahead of time? In other words, you do your subcommittee report at March and somebody on the board says "I want to pass a resolution on this topic." Can you do that under a Board Members Matters or do you have to publicly notice it ahead of time? Maybe it's not the right time to bring it up but it needs to be considered before something happens at the board meeting in March.

**Mr. Welter** asked Mr. Andryk and Mrs. Schlaefer what their take is on that?

**Mrs. Schlaefer** stated the general rule is that if you are aware that there is a likelihood of a particular subject or item coming up more than two hours in advance of the meeting that you would need to include that on the agenda. Now, if this subcommittee would be reporting to the larger board, that would clearly need to be an item on the agenda and all you need on the agenda is the subject matter and the board can take up anything related to that subject matter without specific notice so there would

not be a need to specifically notice a resolution or what the content of that resolution would be. The subject matter would need to be noticed.

**Mr. Welter** stated we'll have a handle on better recommendations of this subcommittee and I think we'll know by mid-March what we will be having so I think we can take care of the notice part of it as we go further. We probably should have something on the agenda indicating that this subcommittee is likely to come back with its recommendations regarding Stewardship Reauthorization at the March meeting. Does that satisfy that requirement?

**Mrs. Schlaefer** agreed.

**Mr. Welter** stated if for some reason the subcommittee doesn't have recommendations, we could get the word out that we will not have a recommendation for that meeting. At least having it on the heads-up calendar gives us the opportunity. I understand that sometimes we always do not get everything done that we'd like to get done. That's why he is contemplating not having recommendations there yet. Anyone else on the senior staff have other concerns, suggestions, or questions?

**Mr. Rayburn**, Customer Assistance & Employee Services Administrator, stated the Board at the last meeting had asked for an informational presentation on the grant side of Stewardship. How do you see that playing in to the work of the committee, if at all?

**Mr. Welter** stated we have had some concerns expressed about the grant side and that we have already asked for some information on land management. If it is addressed in those submissions, you could distribute it and if the board has questions about land management related to the grant side you'll already have distributed that chunk of it. Other than that, are you asking whether we are thinking there should be specific issues addressed in that informational presentation?

**Mr. Rayburn** asked if the Board still wishes an information presentation at the February meeting.

**Mr. Welter** agreed.

**Mr. Rayburn** stated the land management on the grants side I think is pretty straight forward in that it is done by the partners in almost all cases.

**Mr. Welter** asked Mr. Steffes, from your real estate office perspective, what impact does the question of the availability of land management services have on your office's ability to conclude Stewardship transactions? In other words, are there deals that you can not do because of what the Department can or can not do in the land management department? Are there deals that somebody would like to have contingent on a particular kind of land management? And are there deals where land management is the keystone or capstone of a transaction that enables it to get through? I am not asking you to address that now, but could you arrange to discuss and have some information on that for us?

**Mr. Steffes** agreed. He will work with Ms. Osterndorf and the forestry division. He will touch on it and get the subcommittee a more complete answer. The place that comes to mind that management shortfalls really affect is probably state trails. If a railroad corridor would come up that would be abandoned that would be a good trail link, those things are a labor of love. You do not acquire them for the profit you are going to make off of sticker sales because it is a really poor return. Unless we can get a county to take over management, we are pretty much out of the business of acquiring new long trails. It is really expensive to develop, operate, and maintain. Particularly, the ongoing operations. The other land types: blocking in a wildlife area and blocking in a state forest. We are not in the short term affected as much by management shortfalls in that we feel it is important to block that land in and not have it subdivided and lose the opportunity and at least he is willing to let the Box Elder grow up for a few years figuring someone will deal with it later. It is not a real good answer for everybody, but frankly that is how he has always looked at it. We will get you a better answer on that. Obviously, it is a concern.

**Mr. Welter** stated to Mr. Rayburn, there has been discussion from important partners to the department about access to lands to which we have given grants for purchase or purchase of easement. Would it be helpful to this subcommittee to have more information on what we may provide as incentives to the grant receiving agencies or organizations to encourage access to be part of those transactions?

**Mr. Rayburn** stated we can certainly provide that. Mr. George Meyer, Wisconsin Wildlife Association, handed me a copy as I came in today of the Wildlife Federation's letter to the Board. In that, he mentions that a very low percentage of land on the grant side dealing with local units of government is open for public access: hunting and trapping. The reason for that is it is mostly park land that people are recreating in another way. It is sort of a deceiving statistic to have in the letter. I

think it would be worthwhile for staff to address that particular point in Mr. Meyer's letter. Is that what generates the comment?

**Mr. Welter** stated that it sounds like it is a consideration that is focused on the local units of government grant program. Correct?

**Mr. Rayburn** agreed.

**Mr. Welter** stated my inquiry not only addresses that but addresses the non-profit conservation organizations, what we might do in the way of encouraging access to be part of those grants. Can you do that as well?

**Mr. Rayburn** agreed.

**Ms. Osterndorf** stated Mr. Steve Miller, Facilities and Lands Director, put together with the grant people a pretty comprehensive analysis of exactly what the numbers are, at least as relates to access, which doesn't quite get to all your concerns but we can get you that too.

**Mr. Welter** stated that would be helpful.

**Mrs. Wiley** stated she was looking at page 13 of the Legislative Fiscal Bureau report. On page 13 where they are talking about funding to local municipalities and governmental agencies. She quoted "the department has not clarified the rule definition of nature based outdoor recreation." Is that in fact the case or has it been clarified? She would like to have at our next meeting the current rules on nature based outdoor recreation for us to at least look at.

**Ms. Osterndorf** agreed to do this. As a matter of fact, there is quite a bit of code that has been developed supporting the legislation so we can send you all of that.

**Mrs. Wiley** asked that it has been done and it is just a case of our having it?

**Ms. Osterndorf** stated it has been defined if you want to hear it. Nature based outdoor recreation specified these are precluded: spectator sports, playground, swimming pools, dedicated sports fields, tennis courts, and hockey rinks. Those are specified as not being included in nature based outdoor recreation.

**Mrs. Wiley** stated it was interesting that hockey rinks are listed specifically but not skating rinks.

**Ms. Osterndorf** stated it says such as. We will send you all that code.

**Mr. Welter** asked for any other concerns from the subcommittee?

**Mr. Clausen and Mrs. Wiley** stated no.

**Mr. Welter** asked if anybody else on the staff have questions or suggestions?

**Ms. Osterndorf** asked if we have questions as we develop the supporting documentation for you, we will probably give you a call to clarify, if that is okay.

**Mr. Welter** agreed.

**Mrs. Wiley** asked Mrs. Schlaefer, do you have idea what the agenda is going to look like for our February meeting? Are we likely to have a meeting on Tuesday?

**Mrs. Schlaefer** stated no we are not. Actually, the February agenda looks fairly light. I think we are looking at allotted time of 4 ½ hours at this point so you can assume we will not have any broader board meeting on Tuesday. Tuesday would be available.

**Mr. Welter** stated he hoped that we will be able to assume then that we can meet on Tuesday afternoon. Probably in the 1:00 area unless something changes and you hear that we are going to hear we are going to end up with a subcommittee meeting.

**Mrs. Schlaefer** stated we will need to consult with Mrs. Thomas, but thought it is safe to assume that would probably be fine.

**Mr. Welter** stated we will tentatively shoot for 1:00 on February 27 unless the Board Chair wants to set up subcommittee meetings. This should cover it for now. Mrs. Steffes, please call me this afternoon and we can work on this.

**Mrs. Steffes** stated she would.

**Mr. Welter** stated to Mrs. Steffes that he she would draft something and email to him, he could take a look at it right after lunch or at least sometime this afternoon. Then he could call Mrs. Steffes back with any questions.

\*\*The meeting was adjourned at 11:20 a.m.\*\*