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**NATURAL RESOURCES BOARD**

**BRIEF OF ACTION**

A special meeting of the Natural Resources Board was held on Tuesday, December 7, 2010 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 2:00 p.m. for action on item 1. The meeting adjourned at 3:25 p.m.

**ORDER OF BUSINESS**

1. Organizational Matters

1.A. Calling the roll

|                         |                                       |
|-------------------------|---------------------------------------|
| David Clausen – present | Preston Cole – arrived somewhat later |
| Jonathan Ela – present  | Gary Rohde – present                  |
| John Welter – present   | Christine Thomas – present            |
| Jane Wiley – present    |                                       |

1.B. Approval of agenda for December 7-8, 2010

**Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried 6-0 with Mr. Cole absent.**

1.C. Approval of minutes from October 27, 2010

**Mr. Welter MOVED approval, seconded by Mr. Rohde. The motion carried 6-0 with Mr. Cole absent.**

2. Information Items

2.A. Air, Waste, Water, and Enforcement

None

2.B. Land Management, Recreation, Fisheries, and Wildlife

2.B.1 Report and preliminary findings from the 2010 gun deer season

**INFORMATION ITEM – NO ACTION WAS TAKEN**

**Mr. Ela** requested a motion to go into Executive Session.

**Mr. Welter MOVED, seconded by Dr. Clausen that the Board convene into Executive Session under the authority of s.19.85(1)(e) Wisconsin Statutes, for the purpose of discussing potential real estate transactions and under the authority of s.19.85(1)(g) Wisconsin Statutes for the purpose of discussing litigation matters. The motion was carried by a roll call vote.**

|                            |                               |
|----------------------------|-------------------------------|
| <b>David Clausen – yes</b> | <b>Preston Cole – yes</b>     |
| <b>Jonathan Ela – yes</b>  | <b>Gary Rohde – yes</b>       |
| <b>John Welter – yes</b>   | <b>Christine Thomas – yes</b> |
| <b>Jane Wiley – yes</b>    |                               |

The regular meeting of the Natural Resources Board was held on Wednesday, December 8, 2010 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 3:55 p.m.

**ORDER OF BUSINESS**

1. Organizational Matters

1.A. Calling the roll

|                         |                            |
|-------------------------|----------------------------|
| David Clausen – present | Preston Cole – present     |
| Jonathan Ela – present  | Gary Rohde – present       |
| John Welter – present   | Christine Thomas – present |
| Jane Wiley – present    |                            |

**Mr. Ela** reported that during the Executive Session on Tuesday, December 7, 2010, no action was taken.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

**Dr. Clausen MOVED approval, seconded by Mr. Welter. The motion carried unanimously.**

3. Action Items

3.A. Air, Waste, and Water/Enforcement

3.A.1 Request adoption of emergency Board Order AM-48-10(E) and authorization for public hearing for Board Order AM-17-10, proposed rules affecting NR 400, 405, 406, and 407 pertaining to major source permit thresholds for sources of greenhouse gas emissions

**Dr. Clausen MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.**

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

3.B.1 Request adoption of Board Order ER-35-10, revisions to NR Ch. 27, addition of Wisconsin cave bats to the threatened species list

**Mr. Welter MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.**

3.B.2 Request adoption of Board Order IS-41-10, addition of the fungus Geomyces Destructans as a prohibited invasive species listed in ch. NR 40, Wis. Adm. Code

**Mr. Welter MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.**

3.B.3 Request adoption of Board Orders IS-47-10, and IS-07-11(E) revisions to ch. NR 40, regarding the management of Geomyces Destructans, the fungus associated with white-nose syndrome in bats

**Mr. Welter MOVED approval, seconded by Dr. Thomas.**

**Dr. Clausen MOVED, seconded by Dr. Thomas to amend Board Order IS-47-10 and emergency Board Order IS-07-11(E) under Section 3, NR 40.07 (8) (c) 4., (d) and (f) 2.**

**Mr. Welter MOVED to modify the amendment to include the word “active” between “person’s” and “mine” on line three of NR 40.07(8)(c)4 under Section 3 of Board Order IS-47-10 and under Section 3 of Board Order IS-07-11(E).**

**Dr. Clausen and Ms. Wiley accepted as a friendly amendment.**

**Dr. Clausen’s amendment as affected by Mr. Welter’s amendment reads as follows:**

**SECTION 1. In SECTION 3. of Natural Resources Board order IS-47-10, amend NR 40.07 (8) (c) 4., (d) and (f) 2. as follows:**

NR 40.07 (8) (c) 4. Except as provided in subd. 5. and par. (e), any person who owns or operates an active mine or a commercial cave or mine shall ensure that each ~~visitor to~~ individual entering or exiting the person's active mine or commercial cave or mine complies with par. (b) and subds. 1. to 3.

(d) *Protocols.* Individuals, equipment, gear, clothing and other objects of any kind to which the requirement of par. (c) 1., 2., or 3. applies shall be cleaned in accordance with protocols approved by the department. Unless it determines that emergency conditions require otherwise, the department shall provide notice and opportunity for public comment at least 14 days before it materially changes an approved protocol.

(f) 2. The prevention plan shall be submitted by the owner or operator to the department by the effective date of this subsection . . . [legislative reference bureau inserts date] for its review and approval. The department may set conditions for the approval of any plan required under this paragraph and shall include any exemption granted under par. (e) to the owner or operator of a cave or mine in a plan approval issued under this paragraph. In setting conditions for the approval of any plan, the department shall consider the site-specific risk of *Geomyces destructans* introduction and transmission along with the feasibility and reasonableness of alternative practices for the prevention of *Geomyces destructans* transmission or introduction.

**SECTION 2. In SECTION 3. of Natural Resources Board order IS-07-11(E), amend NR 40.07 (8) (c) 4., (d) and (f) 2. as follows:**

NR 40.07 (8) (c) 4. Except as provided in subd. 5. and par. (e), any person who owns or operates an active mine or a commercial cave or mine shall ensure that each ~~visitor to~~ individual entering or exiting the person's active mine or commercial cave or mine complies with par. (b) and subds. 1. to 3.

(d) *Protocols.* Individuals, equipment, gear, clothing and other objects of any kind to which the requirement of par. (c) 1., 2., or 3. applies shall be cleaned in accordance with protocols approved by the department. Unless it determines that emergency conditions require otherwise, the department shall provide notice and opportunity for public comment at least 14 days before it materially changes an approved protocol.

(f) 2. The prevention plan shall be submitted by the owner or operator to the department by March 1, 2011 for its review and approval. The department may set conditions for the approval of any plan required under this paragraph and shall include any exemption granted under par. (e) to the owner or operator of a cave or mine in a plan approval issued under this paragraph. In setting conditions for the approval of any plan, the department shall consider the site-specific risk of *Geomyces destructans* introduction and transmission along with the feasibility and reasonableness of alternative practices for the prevention of *Geomyces destructans* transmission or introduction.

The amendment carried unanimously.

The original motion as amended carried unanimously.

Ms. Wiley requested the Department craft a release form for use by landowners and cavers to certify that cave gear and/or cave diving gear used outside the state of Wisconsin had been properly decontaminated prior to use in Wisconsin caves.

**Ms. Crain**, Ecological Inventory and Monitoring Section Chief and **Peter Flaherty**, Department Attorney stated that gear may come from states where fungus is present and is at high risk. The proposed rules have a written exemption provision that could be used on a case by case basis or for more general situations.

- 3.B.4 Ratification of Department decision to issue a Stewardship grant for a project that will prohibit two nature-based outdoor activities (NBOA) on non-Department land

**Dr. Clausen MOVED approval, seconded by Ms. Wiley. The motion carried unanimously.**

- 3.B.5 Request approval of DNR Land Acquisition Strategy for the Stewardship Program

**Dr. Clausen MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.**

- 3.B.6 Land Acquisition – Ice Age Trail – Dane County

**Dr. Clausen MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.**

- 3.B.7 Land Acquisition – Devil’s Lake State Park – Sauk County

**Mr. Welter MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.**

- 3.B.8 Easement Acquisition and Project Boundary Modification – Stream Bank Protection Program – Racine County

**Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.**

- 3.B.9 Land Acquisition and Donation – Glacial Habitat Restoration Area – Winnebago County

**Ms. Wiley MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.**

- 3.B.10 Land Acquisition – Baraboo Hills Recreation Area – Sauk County

**Mr. Rohde MOVED approval, seconded by Mr. Welter. The motion carried unanimously.**

- 3.B.11 Land Acquisition - Statewide Natural Areas - Oneida County

**Dr. Clausen MOVED approval, seconded by Ms. Wiley. The motion carried unanimously.**

- 3.B.12 Land Acquisition – Andrew Krakow Public Access and Fishery Area – Marquette County

**Mr. Welter MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.**

- 3.B.13 Land Acquisition and Donation – Lower Wolf River Bottomlands Natural Resource Area – Waupaca County

**Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.**

- 3.B.14 Land Donation – Statewide Natural Areas – Door County

**Mr. Welter MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.**

- 3.B.15 Land Donation – Statewide Wildlife Habitat Area – Dunn County

**Mr. Welter MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.**

- 3.B.16 Land Donation and Project Boundary Modification – Mekan River Fishery Area – Waushara County

**Mr. Welter MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.**

- 3.B.17 Land Donation and Project Boundary Modification – Stream Bank Protection Program – Dane County

**Dr. Thomas MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.**

- 3.B.18 Land Donation and Project Boundary Modification – Lower Wisconsin State Riverway – Dane County

**Dr. Thomas MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.**

- 3.B.19 Easement Acquisition and Donation – Statewide Fishery Remnant Areas – Waupaca County

**Dr. Thomas MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.**

- 3.B.20 Land Acquisition – Statewide Natural Areas – Chippewa & Pepin Counties; Statewide Fish Habitat – Pierce and Dunn Counties; Ice Age Trail – Chippewa County; Lower Chippewa State Natural Area – Dunn County; Statewide Wildlife Habitat Area – Polk County; Western Prairie Habitat Restoration – St. Croix County (Richard Steffes, Real Estate Director, 5 minutes)

**DELETED**

4. Citizen Participation – 1:00 p.m.

- 4.A. Citizen Participation

None

5. Board Members' Matters

- 5.A. Resolution related to CWD positive deer farm fencing **ADDED**

**Dr. Clausen** distributed the resolution for discussion.

NATURAL RESOURCES BOARD  
RESOLUTION

*RELATING TO:* Recommending USDA-APHIS-Veterinary Services take action to ensure the deer enclosure fence surrounding the depopulated deer farm in Portage County remains in place until such time that the enclosed lands no longer pose a threat to infect free-ranging deer with chronic wasting disease (CWD).

*WHEREAS,* The Natural Resources Board understands that Wisconsin's wild white-tailed deer herd is one of the state's most valuable natural resources, and that deer are a resource of recreational, economic, and ecological significance to all citizens; and,

*WHEREAS,* chronic wasting disease (CWD) is a serious threat to Wisconsin's deer herd and is transmitted by prions from animal to animal, and,

*WHEREAS,* over 1,200 free-ranging deer have been tested since 2002 in Portage County with no detections of CWD to date, and

*WHEREAS,* between 2002 and 2005, 82 farm-raised deer tested positive for CWD on this Portage County farm and the agreement between the landowners and USDA-APHIS to maintain the enclosure fence expires on May 24, 2011 and the property is currently up for sale, and,

*WHEREAS*, scientific studies are providing new evidence of the persistence of CWD prions in the soil of captive deer enclosures over a period of years and the role of transmission of prion diseases through those CWD prions, and,

*WHEREAS*, Published research indicates that CWD prions can persist in soil for a minimum of 3 years and research on scrapie prions, a similar disease, remained bioavailable and infectious for at least 16 years in natural Icelandic environments, most likely in contaminated soil, and

*WHEREAS*, the Canadian Food Inspection Service has kept 8 CWD infected farms remain under quarantine indefinitely until there is additional research on detection of prions in soils and better understanding of the duration of persistence of disease-causing prion post depopulation of CWD-infected cervid farms, and

*WHEREAS*, the USDA-APHIS-Vet Services is a regulatory signatory to the Portage County agreement and is responsible for development of the national CWD management response.

*NOW, THEREFORE BE IT RESOLVED*, that the Wisconsin Natural Resources Board requests USDA-APHIS-Vet Services to take all possible actions to ensure that the enclosure fence is not removed at the end of the existing agreement, and that USDA-APHIS-Vet Services work cooperatively with Wisconsin's Department of Natural Resources and Department of Agriculture, Trade and Consumer Protection to prevent the spread of CWD from de-populated deer farm sites.

*BE IT FURTHER RESOLVED*, that copies of this resolution be transmitted to the Governor's Office, the chairs of the Natural Resources Committees of the State Senate and Assembly, the Wisconsin Congressional Delegation, and the Secretary of the Department of Agriculture.

*BE IT FURTHER RESOLVED*, that Wisconsin Department of Natural Resources staff continue to pursue all possible avenues of retaining the fence including legislative, executive, administrative and judicial avenues.

*ADOPTED IN MADISON, WISCONSIN, THIS 8<sup>TH</sup> DAY OF DECEMBER, 2010*

NATURAL RESOURCES BOARD

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Jonathan P. Ela  
Chair, Wisconsin Natural Resources Board

**Dr. Thomas MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.**

**Dr. Clausen** requested a copy of the approved resolution be mailed to the Voigt Task Force.

5. **Board Members' Matters** - Continued

**Dr. Clausen** requested that the January 2011 agenda include an information item on ground water pumping presented by George Kraft.

**Mr. Ela** asked that Dr. Clausen work with the NRB Liaison to get this scheduled.

**Dr. Clausen** requested that an information item on the Lake Superior Basin Brook Trout Plan be given at an upcoming Board meeting.

**Mr. Ela** asked that Fisheries Management and Habitat Bureau Director work with Dr. Clausen to get this scheduled.

**Mr. Cole** asked when the turkey tag deadline was.

**Tom Van Haren** Law Enforcement Administrative Warden, stated the deadline was at the close of business on Friday, December 10.

**Mr. Ela** requested an update on upping the dollar amount for Stewardship purchases to come before the Board. He asked that this item be reviewed at the January meeting.

6. Special Committees' Reports  
None
7. Department Secretary's Matters
  - 7.A. Retirement Resolutions
    - 7.A.1 Russell H. Wilson
    - 7.A.2 Gregory J. Treague
    - 7.A.3 Richard Hamann
    - 7.A.4 Sue Eley
    - 7.A.5 Wayne A. Tappon

**Mr. Welter MOVED approval, seconded by Dr. Thomas of the retirement resolutions. The motion carried unanimously.**

- 7.B. Donations  
None
8. Information Items
  - 8.A. Air, Waste, and Water/Enforcement  
None
  - 8.B. Land Management, Recreation, and Fisheries/Wildlife  
None

**Mr. Welter MOVED, seconded by Dr. Clausen to adjourn the meeting. The motion carried unanimously.**

\*\*\*The meeting adjourned at 3:55 p.m.\*\*\*

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