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## NATURAL RESOURCES BOARD

### BRIEF OF ACTION

A special meeting of the Natural Resources Board was held on Tuesday, June 22, 2010 in the Ballroom South conference room at The Quality Inn & Suites, 2969 Cahill Main, Madison. The meeting was called to order at 10:00 a.m. for a seminar on climate change. No action was taken. The seminar adjourned at noon.

The regular meeting of the Natural Resources Board was held on Wednesday, June 23, 2010 in 2010 in the Ballroom South conference room at The Quality Inn & Suites, 2969 Cahill Main, Madison. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 2:55 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	

1.B. Approval of agenda for June 22, 2010

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

1.C. Approval of minutes from April 27-28, 2010

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

1.D. Approval of minutes from May 25-26, 2010

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

**Mr. Ela** presented a plaque from the Board to Christine Thomas in grateful appreciation for her three years as Board Chair from January 2007 – January 2010.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

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

3. Action Items

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

3.A.1 Presentation of the Shikar-Safari Club International Wildlife Officer of the Year Award for Wisconsin

**Randy Stark**, Chief Warden, and **John Pearson**, Shikar-Safari Club, presented the International Wildlife Officer of the Year Award to Carl Mesman, Northeast Region Warden Supervisor.

- 3.A.2 ~~Request adoption of Board order AM 06-09, proposed rules affecting ch. NR 433 pertaining to the implementation of Best Available Retrofit Technology (BART) requirements.~~ DELETED AND MOVED TO AUGUST AGENDA
- 3.A.3 Request adoption of Board Order WT-14-08, revisions to NR 151, NR 153, and NR 155 pertaining to performance standards and grant programs to address polluted runoff

**Dr. Clausen MOVED approval, including the Errata, seconded by Dr. Thomas on Board Order WT-14-08, revisions to NR 151, NR 153, and NR 155 pertaining to performance standards and grant programs to address polluted runoff.**

**Errata:**

1. At page 20 of the Order, revise NR 151.04 (2) (b) as follows:

(b) Except as provided under sub. (3), for purposes of compliance with this section the phosphorus index shall be calculated using the version of SNAP-Plus software the Wisconsin Phosphorus Index available as of [insert effective date of this section] the effective date of this rule . . . [legislative reference bureau inserts effective date].

Note: ~~SNAP-Plus software~~ The Wisconsin Phosphorus Index is maintained by the University of Wisconsin department of soil science and can be found at <http://wpindex.soils.wisc.edu/>. ~~Copies are on file with the department, the secretary of state and the revisor of statutes.~~

Note: Soil test phosphorus concentration may be used to help identify fields that are high priority for evaluation with ~~SNAP-Plus~~ the Wisconsin Phosphorus Index. For example, croplands with soil test phosphorus concentrations of 35 parts per million or greater should be given a higher priority for evaluation.

Note: Best management practices developed by the department of agriculture, trade and consumer protection may be used alone or in combination to meet the requirements of this section.

2. At page 45 of the Order, revise NR 151.13 (2) (b) 3. b. as follows:

b. Any agreements with an adjacent municipality, or with municipalities within a ~~42~~ 10 digit hydrologic unit code level, to implement the 40 percent total suspended solids reduction on a regional basis per s. NR 216.07 (6).

**Mr. Welter MOVED, seconded by Mr. Cole to amend NR 151.03 (2) to change the no tillage requirement from 5' to 20' as follows: "No tillage operations may be conducted within ~~5~~ 20 feet of the top of the channel of surface waters. ~~Tillage setbacks greater than 5 feet but no more than 20 feet may be required to meet this standard.~~**

Mr. Rohde suggested an amendment to the amendment to provide for a contraction of the tillage setback to 5 feet where it is deemed appropriate. Mr. Welter and Mr. Cole accepted Mr. Rohde's provision as a friendly amendment. The amendment to NR 151.03 (2) read: "No tillage operations may be conducted with 20 feet of the top of the channel of surface waters unless it is deemed that a lesser distance, to a minimum of 5 feet, is appropriate."

The motion to amend failed on a roll call vote of 2-5.

David Clausen – no	Preston Cole – yes
Jonathan Ela – no	Gary Rohde – no
John Welter – yes	Christine Thomas – no
Jane Wiley – no	

The original motion with Errata carried unanimously.

- 3.A.4 Request adoption of Board Order WT-25-08, revisions to NR 102 and NR 217 related to

phosphorus water quality standards criteria and WPDES permit provisions for phosphorus

**Dr. Thomas MOVED approval, including the Errata, seconded by Dr. Clausen of Board Order WT-25-08, revisions to NR 102 and NR 217 related to phosphorus water quality standards criteria and WPDES permit provisions for phosphorus.**

**Errata:**

1. At page 22 of the Order, revise NR 217.13 (4) as follows:  
(4) **DISCHARGES DIRECTLY TO GREAT LAKES.** For discharges directly to the Great Lakes, the department shall set effluent limits consistent with nearshore or whole lake model results approved by the department. The department may set an interim effluent limit based on the best readily available phosphorus removal technology commonly used in Wisconsin ~~if nearshore or whole lake model results are not available at the time a permit is reissued.~~
2. At page 34 of the Order, revise NR 217.18 (3) (e) 1. as follows:  
(e) Numerical effluent limitations as follows:
  1. All permits issued under the adaptive management option in this section shall include water quality based effluent limitations calculated consistent with ~~clean water act requirements~~ the federal water pollution control act, s. 33 USC 1251 to 1387, that are established according to s. NR 217.13 or a US EPA approved TMDL. These limitations shall take effect in accordance with the timeframe established in this paragraph, or pursuant to par. (g) if the adaptive management option is terminated.

**Mr. Rohde MOVED to amend, seconded by Mr. Welter to strike 217.17 (1) (c) 3 on page 30 of the Order:**

~~3. The likelihood that a TMDL will be developed and approved within the permit term and whether the wasteload allocation for the facility will likely be less stringent than a water quality based effluent limit calculated under s. NR 217.13.~~

The motion to amend carried unanimously.

The original motion with Errata as amended carried unanimously.

**Mr. Cole MOVED, seconded by Ms. Wiley, to direct the Department to develop guidance in consultation with stakeholders regarding TMDL implementation so that such implementation is consistent with NR 217. The motion carried unanimously.**

**Mr. Cole MOVED, seconded by Mr. Welter, to direct the Department to immediately assemble a stakeholder group of those interested parties in watershed based trading issues to develop a trading framework including any recommended rules or guidance to facilitate watershed based trading, and report back to the Board no later than July 1, 2011. The motion carried unanimously.**

- 3.A.5 Request adoption of Board Order WA-30-09, revisions to NR 660, hazardous waste management rules

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

- 3.A.6 ~~Request authorization for public hearing for Board Order AM 34-05, proposed rules affecting NR 411 pertaining to the indirect source air permit program (MOVED TO SEPTEMBER AGENDA)~~

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

- 3.B.1 Request adoption of Board Order FR-04-10, forestry housekeeping rules package for Chapter 46, Wis. Admin. Code

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

- 3.B.2 Request adoption of Board Order WM-15-10 and Emergency Board Order WM-30-10(E) related to the use of archery deer hunting carcass tags

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

- 3.B.3 Easement purchase - Forest Legacy Program - Forest County

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

- 3.B.4 Land Acquisition, Donation and Project Establishment - Totogatic Wild River - Washburn and Douglas Counties

**Mr. Welter MOVED approval, including the donation and project establishment, seconded by Dr. Clausen. The motion carried unanimously.**

- 3.B.5 Land Acquisition - Quincy Bluff and Wetlands Natural Area - Adams County

**Dr. Thomas MOVED approval, seconded by Mr. Welter. The motion carried 6-0. Mr. Ela abstained from the vote.**

- 3.B.6 Land Acquisition - Central WI Grassland Conservation Area - Portage County

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

- 3.B.7 Land Acquisition and Project Boundary Modification - Moose Lake State Natural Area - Iron County

**Ms. Wiley MOVED approval, including project boundary modification, seconded by Dr. Thomas. The motion carried unanimously.**

- 3.B.8 Land Rights Acquisition - Central WI Grassland Conservation Area - Portage and Adams Counties

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

- 3.B.9 Land Acquisition and Project Boundary Modification - Willow Flowage Scenic Waters Area - Oneida County

**Mr. Welter MOVED approval, including project boundary modification, seconded by Dr. Clausen. The motion carried unanimously.**

- 3.B.10 Land Acquisition and Project Boundary Modification - Lower Wisconsin State Riverway - Richland County

**Dr. Clausen MOVED approval, including project boundary modification, seconded by Mr. Welter. The motion carried unanimously.**

- 3.B.11 Land Acquisition - Kettle Moraine State Forest-Northern Unit - Sheboygan County

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

- 3.B.12 Land Acquisition - Scattered Forest Lands - Marathon County

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

3.B.13 Land Acquisition - Quincy Bluff and Wetlands Natural Area - Adams County

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

3.B.14 Easement Acquisition and Project Boundary Modification - Kettle Moraine State Forest - Northern Unit - Washington County

**Mr. Welter MOVED approval, including project boundary modification, seconded by Mr. Welter. The motion carried unanimously.**

3.B.15 Land Acquisition and Project Boundary Modification - Stream Bank Protection Fee Program - Walworth County

**Ms. Wiley MOVED approval, including project boundary modification, seconded by Dr. Thomas. The motion carried unanimously.**

3.B.16 Land Acquisition - Rush Creek Natural Area - Crawford County

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

3.B.17 Land Acquisition and Project Boundary Modification - Stream Bank Protection Fee Program - Sheboygan County

**Mr. Welter MOVED approval, including project boundary modification, seconded by Dr. Clausen. The motion carried unanimously.**

3.B.18 Land Acquisition - Statewide Natural Area - Sauk County

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

3.B.19 Land Acquisition and Project Boundary Modification - St. Louis River Stream Bank Area - Douglas County

**Mr. Cole MOVED approval, including project boundary modification, seconded by Dr. Thomas. The motion carried unanimously.**

3.B.20 Land Transfer - Merrill Ranger Station - Lincoln County

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

3.B.21 Land Donation - Kinnickinnic River Fishery Area and Western Prairie Habitat Restoration Area - St. Croix County

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

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

**Public Appearances:**

1. **James A. Olson**, Madison, representing Crab Lake Property Owners' Association  
*Topic:* Forestry practices in Northern Highland-American Legion Forest and proposed lumbering of the Crab Lake area in Vilas County

**Mr. Ela** requested Issue Coordinator John Welter look into Mr. Olson's concern and report back to the Board.

2. Co-presenters **Dave Marshall**, Barneveld and **Timm Zumm**, Spring Green representing Friends of the Lower Wisconsin Riverway  
*Topic:* Restoring the pre-1994 State Stewardship funding that had been allocated for sustaining the unique resources along the Lower Wisconsin State Riverway

**Mr. Ela** requested Land Administrator Laurie Osterndorf look into the Marshall and Zumm concern and report back to the Board.

5. Board Members' Matters
6. Special Committees' Reports  
None
7. Department Secretary's Matters
  - 7A Retirement Resolutions
  - 7A1 David R. Bouche
  - 7A2 Leonard C. Polczynski
  - 7A3 James I. Ross
  - 7A4 Gary Kent-Bracken
  - 7A5 Terryl A. Buchman
  - 7A6 Ronald Grashoff
  - 7A7 John S. Collison

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

8. Information Items
  - 8.A. Air, Waste, and Water/Enforcement  
None
  - 8.B. Land Management, Recreation, and Fisheries/Wildlife
    - 8.B.1 Endangered Resources Review Program

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

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

\*\*\*The meeting adjourned at 2:55 p.m.\*\*\*

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Natural Resources Board Liaison: Laurie Ross at 608-267-7420 or [laurie.ross@wisconsin.gov](mailto:laurie.ross@wisconsin.gov)

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