

OCTOBER 27, 2010

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NATURAL RESOURCES BOARD

BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, October 27, 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 4:20 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 October 27, 2010

Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.
- 1.C. Approval of minutes from September 22, 2010

Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.
2. Ratification of Acts of the Department Secretary
- 2.A. Real Estate Transactions

Ms. Wiley MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.
3. Action Items
- 3.A. Air, Waste, and Water/Enforcement
- 3.A.1 Request modification and adoption of Board Order DG-23-10, creation of NR 850 and revision to NR 142 relating to water use fees, adopted by the Board in August 2010, and modified based on input from the Senate Committee on the Environment, to include a lower cap on fees for small businesses

Mr. Welter MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.
- 3.A.2 Request authorization for public hearing for Board Order DG-39-10, creation of NR 854, Wisconsin Administrative Code, relating to Water Supply Service Area Planning for public water supply systems

Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.
- 3.A.3 Request authorization for public hearings for Board Order WA-33-10, revisions to NR 500, 502, and 518, relating to composting facilities

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

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- 3.B. Land Management, Recreation, and Fisheries/Wildlife
3.B.1 Request adoption of Emergency Board Order IS-49-10(E) and request authorization for public hearings on Board Order IS-47-10, revision to ch. NR 40, regarding the management of bats and white-nose syndrome in Wisconsin

Dr. Clausen MOVED approval, seconded by Ms. Wiley.

Mr. Cole MOVED to amend the rule, seconded by Mr. Rohde as follows:

Add to SECTION 1.:

NR 40.02

(7r) “commercial cave or mine” means a cave or mine that has more than 1,000 visitors per year and charges a fee.

Add to SECTION 3.:

NR 40.07 (8)

(f) Paragraphs (b) and (e) do not apply to a commercial cave or mine until 45 days after [Insert the effective date of the emergency rule].

The motion to amend carried unanimously.

The original motion as amended carried unanimously.

- 3.B.2 Request authorization for public hearing on Board Order CF-28-09, amending ch. NR 51, Administration of Stewardship Grants

Dr. Thomas MOVED approval, seconded by Mr. Cole.

Mr. Welter MOVED to amend the rule, seconded by Mr. Rohde as follows:

Add to existing Section 22, s. 51.005(12)

Grants awarded under this chapter must be reviewed by

(a) the Joint Committee on Finance of the Wisconsin legislature, pursuant to s. 23.0917(6)(m), Stats.

(b) the Natural Resources Board for grant awards of \$500,000 or more.

The motion to amend carried unanimously.

The original motion as amended carried unanimously.

- 3.B.3 Request authorization for public hearing for Board Order FR-38-10 to develop a rule that specifies when and where golf carts are allowed in the Governor Thompson State Park and the Peshtigo River State Forest

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

- 3.B.4 Request approval of the Capital Springs State Recreation Area Master Plan

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

- 3.B.5 Request approval to rename DNR owned parcel to commemorate deceased Aircraft Pilot Heath van Handel

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

- 3.B.6 Land Acquisition – Statewide Public Access – Door County **DEFERRED FROM SEPTEMBER MEETING**

Ms. Wiley MOVED approval, seconded by Dr. Clausen.

**Ms. Wiley MOVED to amend, seconded by Mr. Welter as follows:
The Board direct the Department to negotiate with Wagon Trail, Inc. to purchase only the area of the long pier and adjoining area for future parking but not to include any of the four existing buildings nor the marina.**

The motion to amend failed in a voice vote of 1-6.

The original motion passed in a roll call vote of 6-1.

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

3.B.7 Easement Acquisition, Forest Legacy Program, Sawyer County

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

3.B.8 Land Acquisition and New Project Establishment, Menominee River State Park and Recreation Area, Marinette County

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

3.B.9 Land Acquisition and Donation – Statewide Public Access – Kewaunee County

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

3.B.10 Land Acquisition, Kettle Moraine State Forest - Pike Lake Unit, Washington County

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

3.B.11 Land Acquisition, Black River State Forest, Jackson County

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

3.B.12 Land Acquisition, Swan Lake Wildlife Area, Columbia County

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

3.B.13 Land Easement Purchase and Project Boundary Modification, Evansville Wildlife Area, Rock County

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

3.B.14 Land Acquisition, Flambeau River State Forest, Price County

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

3.B.15 Land Donation, Statewide Wildlife Habitat Area, Chippewa County

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

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3.B.16 Land Donation, Statewide Wildlife Habitat Area, Shawano County

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

3.B.17 Land Donation, Statewide Natural Area, Sheboygan County

Mr. Welter MOVED approval, seconded by Dr. Thomas. The motion carried on a voice vote of 6-1. Mr. Ela abstained.

3.B.18 Land Sale, Hank Aaron State Trail, Milwaukee County

Mr. Cole MOVED approval, seconded by Mr. Welter.

Dr. Thomas MOVED to amend the rule to include in the right of first refusal that the Department be credited with the value of the bare land at the date of a potential departmental purchase, but would pay for any increase in building value caused by improvements, seconded by Dr. Clausen.

The motion to amend carried unanimously.

The original motion as amended carried unanimously.

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

5. Board Members' Matters

Dr. Clausen requested the full Board receive a copy of George Kraft's paper on Groundwater Pumping Effects on Groundwater Levels, Lake Levels, and Streamflows in the Wisconsin Central Sands and that this topic be added to a future agenda as an information item.

Dr. Clausen distributed a handout on The Case for Non-toxic Shot on DNR Managed Lands in Wisconsin. He will propose a gradual phase-in of non-toxic shot regulation as his spring Hearing question this January.

Dr. Thomas requested an update on any progress at the Hall deer farm and the Department's fencing authority.

Mr. Lutz offered that the Board meet in closed session during their December meeting.

Mr. Welter requested the Department conduct a study on tree stand injuries.

Mr. Ela requested the Department's wildlife staff work with Mr. Welter on this study.

Ms. Wiley stated that the road to Rib Mountain State Park is progressing very nicely. This project has been time and money well spent.

Mr. Ela requested members of the Board consider what dollar threshold should be used to approve land purchases and donations to the Department. He offered the thresholds of \$15,000 for donations and \$300,000 for land acquisitions. The Board agreed to the \$15,000 threshold for donations, and will consider the purchase threshold at a later meeting after reviewing material submitted by Mr. Steffes.

6. Special Committees' Reports

None

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- 7. Department Secretary's Matters
- 7.A. Retirement Resolutions
- 7.A.1 Charles S. Horn
- 7.A.2 Darryl Fenner
- 7.A.3 David Vetrano
- 7.A.4 Thomas M. Aten

Mr. Welter MOVED approval, seconded by Dr. Clausen 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
- 8.B.1 Update on Great Lakes commercial trap net fishing

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

- 8.B.2 Department initiatives to reduce lead in the environment

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

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

The meeting adjourned at 4:20 p.m.

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Natural Resources Board Liaison: Laurie Ross at 608-267-7420 or laurie.ross@wisconsin.gov

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