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## NATURAL RESOURCES BOARD

### BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, April 27, 2011 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:00 a.m. for action on items 1-7. The meeting adjourned at 4:36 p.m.

### ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

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

1.B. Approval of agenda for April 27, 2011

**Dr. Clausen MOVED approval, seconded by Dr. Thomas. The motion carried on a voice vote of 6 – 0. Mr. Cole was absent.**

1.C. Approval of minutes from March 23, 2011

**Mr. Welter MOVED approval, seconded by Mr. Rohde. The motion carried on a voice vote of 6 – 0. Mr. Cole was absent.**

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

**Mr. Welter MOVED approval, seconded by Ms. Wiley. The motion carried on a voice vote of 6 – 0. Mr. Cole was absent.**

3. Action Items

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

3.A.1 Request adoption of Board Order DG-34-10, creation of WI Administrative Code NR 860 Water Use permitting

Mr. Cole arrived.

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

3.A.2 Request adoption of Board Order AM-17-10, proposed rules affecting chapters NR 400, 405, and 407 pertaining to major source thresholds for sources of greenhouse gas emissions

**Andrew Stewart**, Permits & Stationary Source Modeling Section Chief,

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

- 3.B. Land Management, Recreation, and Fisheries/Wildlife  
3.B.1 Request adoption of emergency Board Order FH-10-11(E) and Board Order FH-50-10, to revise ch. NR 25 regarding the regulation of commercial trap netting in the Great Lakes

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

**Chair Ela** separated out five items for discussion: 1) Net and trap marking, 2) Placement of all parts of trap nets to be deeper than 75' from June 29 to Labor Day, 3) June ban of trap nets in Zone 3; 4) safety requirement to mandate each vessel have wire cutters on board to release trolling line if snagged; and 5) separation between commercial and sport areas.

**Chair Ela** asked if there were discussion or motions regarding net and trap marking. There was none.

**Chair Ela MOVED, Seconded by Mr. Welter, to amend emergency order FH-10-11(E) and FH-50-10, Section 2. NR 25.09(2)(b)2.a. as "...entire net, including the lead, is set, placed or operated in water not more than 150 feet (25 fathoms) or less than ~~75~~ 60 feet (~~12.5~~ 10 fathoms)."**

**The motion passed on a voice vote of 5-2.**

**Chair Ela** requested discussion on extending the ban of trap netting in Zone 3 to include the month of June. Chair Ela noted no motions to amend were brought forward.

**Dr. Thomas MOVED, Seconded by Mr. Cole, to amend emergency order FH-10-11(E) to mandate each fishing vessel on Lake Michigan and Lake Superior have wire cutters on board as a safety requirement to release the trolling line if snagged. Board will leave to staff enforcement leniency and size of wire cutter.**

**The motion passed on a voice vote of 6-1.**

**Dr. Thomas MOVED, Seconded by Mr. Welter, to amend emergency order FH-10-11(E) to restrict sport fishing in a commercial trap net zone.**

**Dr. Thomas and Mr. Welter withdrew their motion.**

**The original motion as amended passed unanimously.**

**Dr. Thomas** requested the Department bring back to the Board a request for public hearing, or a recommendation to not go forward with rule making, on the question of complete separation of various fishing activities.

- 3.B.2 Request authorization for a public hearing for Board Order WM-02-11, modifications to Chs. NR 10, 15, 19, and 24, Wildlife Management housekeeping and wildlife rehabilitation rules package

**Mr. Loomans** requested the Board remove the wildlife rehabilitation proposed changes from Board Order WM-02-11.

**Mr. Cole MOVED approval, seconded by Mr. Welter and to remove the wildlife rehabilitation proposed changes from Board Order WM-02-11. The motion as amended carried unanimously.**

- 3.B.3 Request approval of deer season modifications in herd control and CWD units, quotas and permit levels for all "regular" units, and adoption of emergency order WM-15-11(E) relating to deer seasons and tags

**Mr. Cole MOVED approval, seconded by Mr. Rohde.**

**Chair El**a requested the Board first discuss the non-CWD portion of the package and then discuss the CWD portion of the package.

**Mr. Welter MOVED approval, seconded by Dr. Clausen to amend Section 1. NR 10.01(3)(ed)1.a. as follows: “The department may, upon making the findings in subd. 2. modify the deer permit issuance procedures as described in this paragraph and ~~or~~ implement the October hunt described in subd. 1.e. for any deer management unit to reduce the deer population...”**

**Mr. Welter and Dr. Clausen withdrew their motion.**

**Mr. Cole** called the question.

**The original motion carried unanimously.**

**Mr. El**a suggested that those on the Board the day after the 2011 deer season ends be proactive working with staff and other affected parties in analyzing the 2011 deer hunting season results and crafting any necessary corrections for the 2012 and subsequent seasons. He expressed the hope that the Board would be involved throughout the process of developing the 2012 season structure, and would not again be faced with a proposal delivered at the last minute.

3.B.4 Request naming an 1897 building at the Les Voigt State Fish Hatchery as the “R.D. Pike Building”

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

3.B.5 Ratification of Department Decision to Issue Stewardship Grants for Projects that will prohibit at least one nature-based outdoor activity (NBOA) on Non-Department Land: Village of Plain, Sauk County; and City of Brookfield, Waukesha County (Lavane Hessler

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

3.B.6 Land Acquisition - Crex Meadows Wildlife Area - Burnett County

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

3.B.7 Land Donation and Project Boundary Modification – St. Louis River Stream Bank Area – Douglas County

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

**Mr. Cole MOVED, seconded by Dr. Thomas to approve 3.B.8 Land Donation - Peshtigo River State Forest - Marinette County, 3.B.9 Land Donation - Statewide Fisheries Habitat Areas - Oneida County, and 3.B.10 Land Donation - Statewide Habitat Areas - Columbia County. The motion carried unanimously.**

3.B.8 Land Donation - Peshtigo River State Forest - Marinette County

3.B.9 Land Donation - Statewide Fisheries Habitat Areas - Oneida County

3.B.10 Land Donation - Statewide Habitat Areas - Columbia County

4. Citizen Participation

4.A. Citizen Participation - None

5. Board Members’ Matters

- 5.A. Request approval of Resolution on Rainbow Springs Golf Course on Stewardship Lands  
**Mr. Welter** stated that unanimous Board support of the proposed resolution to oppose passage of legislation to allow the long term continued operation of the Rainbow Springs Golf course will acknowledge the strong sentiment of the Natural Resources Board.

**RESOLUTION**

WHEREAS: On August 13, 2008, the Wisconsin Natural Resources Board unanimously approved the purchase of 970 acres in Waukesha and Walworth Counties known as the "Rainbow Springs property" using money from the Knowles Nelson Stewardship Fund (KNSF), and

WHEREAS: Such approval was premised on the Department of Natural Resources' statement that "management plans for the property include an emphasis on restoring decreasing wetland types, palustrine emergent wetlands, riparian wetlands and adjacent uplands", and

WHEREAS: At the time of the Board's approval about 240 acres of the Rainbow Springs property consisted of a golf course and related facilities, surrounded by a buffer zone, and

WHEREAS: The Board's approval was further premised on the Department's statement that the golf course would be leased back to the seller for two years, and that subsequently the Department planned "to restore the entire property to a natural condition over a period of a few years.," and

WHEREAS: The lease on the 240 acres expired October 31, 2010, and

WHEREAS: Local interests in the area have advocated that the Department continue operation of the golf course into the indefinite future, and

WHEREAS: Use of the KNSF to purchase land for the development or continuing use of a golf course is expressly prohibited by Wisconsin statute, and

WHEREAS: A member of the Wisconsin legislature has publicly stated an intention to introduce legislation to exempt the Rainbow Springs Golf Course from the statutory prohibition, and

WHEREAS: The primary purpose of acquiring state properties with the KNSF is to provide for wildlife habitat and nature based outdoor recreation, and

WHEREAS: Golf courses do not provide wildlife habitat or opportunity for nature based outdoor recreation, and

WHEREAS: The Rainbow Springs property is located in the ecologically rich Mukwonago River watershed -- which provides critical habitat in a highly developed portion of Wisconsin -- and is immediately adjacent to the Lulu Lake State Natural Area, and

WHEREAS: The Mukwonago River flowing through the Rainbow Springs property is a high quality class 2 trout stream that will need habitat work and access, both of which are incompatible with the simultaneous use of a golf course on the same riverside property, and

WHEREAS: Restoration of the entire Rainbow Springs property would provide opportunities for a wide array of nature based outdoor recreation including, but not limited to, the five that are specifically named in statute as encouraged uses on land purchased using the KNSF, and

WHEREAS: Continued use of the property as a golf course would jeopardize three million dollars of wetland restoration funding from the United States Fish and Wildlife Service,

NOW THEREFORE BE IT RESOLVED: That both because of the deleterious impacts on the area's habitat and outdoor recreation opportunities, and because of the unwelcome precedent of carving out individual

statutory exceptions to the Knowles Nelson Stewardship Fund to allow special interests to prevail over the general good and welfare of the citizens of Wisconsin, the Wisconsin Natural Resources Board opposes passage of legislation to allow the long term continued operation of the Rainbow Springs Golf course, and

BE IT FURTHER RESOLVED: that it is the desire of the Board to see the Department work with the federal government and cooperating nonprofit conservation organizations to attain funding and commence restoration of this unique and irreplaceable state property as quickly as possible.

Adopted this 27th day of April, 2011 by the Natural Resources Board at its meeting in Madison, Wisconsin.

NATURAL RESOURCES BOARD

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Jonathan P. Ela, Chair

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

5. Board Members' Matters (continued)

**Dr. Clausen** presented outgoing Chair Ela with a plaque for his years of service on the Board and for his term as Chair.

**Chair Ela** presented outgoing Board Members Mr. Welter and Mr. Rohde plaques for their years of service on the Board.

**Board Members Ela, Welter, and Rohde** gave their departing speeches.

**Mr. Welter** stated he received a letter and petitions from Chippewa Valley conservation groups urging the Department to commence discussion with Xcel Energy to develop interest in the state acquiring approximately 4,000 acres in Tyrone or to develop a relationship with Xcel for when the acreage does become available for sale. The Tyrone parcel is the last big block of land in that part of the state. This could be one of the best Stewardship acquisitions in future years.

**Mr. Cole** stated he continues to be inspired by the people around the Board table.

**Ms. Wiley** requested an information item be given at either the May or June meeting on sustainable biomass from Dave Siebert, DNR Office of Energy.

**Mr. Ela** stated this was his 83<sup>rd</sup> regular meeting of the Natural Resources Board. At the end of this meeting, he will resign his position as Board Chair. The Board Chair gavel will then pass to Dr. Clausen.

6. Special Committees' Reports  
None

7. Department Secretary's Matters

7.A. Retirement Resolutions

7.A.1 Mark L. Andersen

7.A.2 Daniel C. Boardman

7.A.3 Michael S. Cross

7.A.4 Steven M. Dewald

7.A.5 James F. Fratrack

7.A.6 Mary E. Hamel

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- 7.A.7 Timothy J. Hanson
- 7.A.8 Michael G. Hawley
- 7.A.9 Joanne Howe
- 7.A.10 Wesley O. Jahns
- 7.A.11 Dr. Richard C. Lathrop
- 7.A.12 Robert E. Lent
- 7.A.13 Sandra J. Manthei
- 7.A.14 John J. Plenke
- 7.A.15 Dennis Pratt
- 7.A.16 Paul H. Scott
- 7.A.17 Thomas Stunkard
- 7.A.18 Jerry Wilson

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

7.B. Donations

- 7.B.1 The Natural Resources Foundation will donate \$152,712 to provide support for a variety of projects for Endangered Resources, Wildlife Management, and Fisheries Management

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

- 7.B.2 The Southern Kettle Moraine Horserider's Association will donate \$21,000 to be used for the installation of electricity for 16 campsites Kettle Moraine State Forest Southern Unit – Horserider's Campground

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

- 7.B.3 The Black River State Forest Trail Foundation will donate \$20,000 to construct a new grooming equipment shed for the Black River State Forest

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

- 7.B.4 The Friends of High Cliff State Park will donate a Polaris Ranger utility vehicle valued at \$16,400.00 to be used by the Friends volunteers and park staff to access trails and other hard to reach areas

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

**Secretary Stepp** thanked outgoing Board Members Ela, Welter, and Rohde for their commitment to the Natural Resources of our state and presented each of them with a letter and resolution from Governor Walker.

8. Information Items

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

- 8.A.1 Ground Water Pumping Update

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 8.A.2 Phosphorus and Storm Water Update

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 8.A.3 Impact of new federal clean air regulations recently proposed by the EPA on existing WI clean air regulations

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 8.B. Land Management, Recreation, and Fisheries/Wildlife
- 8.B.1 Capital Development Budget Update

**Dr. Thomas** requested that all future capital development budgets include prioritized projects for public comment and Board approval.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

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

\*\*\*The meeting adjourned at 4:36 p.m.\*\*\*

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