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NATURAL RESOURCES BOARD

MINUTES

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.

Mr. Cole arrived.

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

Kristy Rogers, Water Supply Specialist state the purpose of NR 860 Water Use Permitting is to define the process and procedures for the water use permit program in the Great Lakes basin. Starting on December 8, 2011, permits are required for certain existing and new water withdrawals. NR 860 impacts persons in the Great Lakes basin who withdraw water in quantities that average 100,000 gallons per day or more in any 30-day period. Examples include public water systems, high capacity well owners, and businesses who withdraw water from lakes and streams such as fish farms, golf courses, paper and power companies.

The new permit program consists of general permits and individual permits. Existing withdrawers that qualify are essentially grandfathered and the Department will automatically issue them a permit no later than December 8, 2011. The rule defines the process for the application, review, and issuance of permits. The rule also establishes the public participation process for certain permits. Public participation is required for the Department's issuance of the general permit and individual permits that have to meet a decision making standard. She requested the Board adopt Board Order DG-34-10.

Discussion followed on staffing needs.

Public Appearances:

1. **Ron Kuehn**, Madison, representing the WI Potato & Vegetable Growers Association and the WI State Cranberry Growers Association. He complimented the Department in being responsive to comments. This is a process that is scary for people industry wide and the Department has done an exceptional job in making this as un-scary as possible. He then read from an article titled "Groundwater levels pose dangers" from stevenspointjournal.com. He stated there is an impression that farmers overwater and that this article and others demonstrate that overwatering is not in the interest of this industry. **(Handout)**

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, stated that this proposal will define the greenhouse gases subject to regulation, establish greenhouse gas emission thresholds, that if exceeded, will trigger permitting and emission control requirements, and establish global warming potential factors which are used to calculate individual greenhouse gas emissions on an equivalent and comparable basis. This order proposes to permanently revise the administrative code to make it consistent with the new federal rule. He requested the Board adopt Board Order AM-17-10.

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
Michael Staggs, Fisheries Management Bureau Director, and **Chris Groth**, NER Warden Team Supervisor, gave a joint presentation. They spoke on past rule-making on restricting trap nets and the effects of designated areas for trap netting between June 29 and Labor Day. They followed with a chronology of events from June 25, 2010 leading to current rule-making. They reviewed the petitions the Department received and the proposed rule as taken to hearings. They gave an update on reportable boating accidents from 2000-2010 and the SCORP compatibility and conflict in WI outdoor recreation. They then summarized hearing comments, safety conclusions, and marking conclusions.

They requested the Board 1) reject the proposed net exclusion areas near ports from May 31 through Labor Day and instead to retain current net inclusion areas from June 29 through Labor Day; 2) Require all parts of nets to be within net inclusion areas; 3) Require net staffs to be marked with reflective tape, but no other additional net-marking requirements; and 4) apply Lake Michigan net-marking requirements to Lake Superior. **(PowerPoint)**

Discussion followed on the placement of nets in 60' instead of in 75' of water.

Public Appearances:

1. **Ed Harvey**, Waldo, representing WI Conservation Congress as Chair. He stated the Great Lakes Committee meets once each year and met last year shortly after the accident. The position the study committee took at that time was supporting the suspension of commercial fishing until such time this issue could be resolved. The committee has been working in the last week to try to come up with a current position but it did not get adopted. He stated the nets in the location of the accident are very well marked. As a casual fisherman out there, he can see the huge balls marking the nets but does not know where the leads and lines go. The real problem with that particular net is that it has been there all summer. He did not know if this was true or not. The argument to move the nets away from the harbor mouth is in the savings in fuel. This net is in the worse possible place it could be.

Chair Ela requested clarification from the Department whether the seasonal prohibition of fishing outside of the designated zones is only on fishing with the nets or whether the nets must be removed.

Mr. Staggs stated that the nets have to be removed for the months of July and August.

Discussion followed on whether the nets were removed or remained there all summer.

2. **Mike LeClair**, Two Rivers, representing Susie Q Fish Company. He stated he was happy to see the revised rule in its present form. However, when they agreed to this designated area, they agreed the pots of the nets would be in 75 feet of water. Now the revised rule wants the whole net in the designated area, which narrows up the area to only 1 ½ miles wide. This makes it impossible to place the three nets per license that are allowed to fish in that small area. They have volunteered to give out the depths of the inside end of the nets, the pot, and the outside end of the net, plus the GPS coordinates. They have followed all the rules and are still getting penalized – why? He requested the Board extend the designated area into 60 feet of water, as they have been in the past. **(Handout)**

Discussion followed on where GPS coordinates are posted and whether fishing in 75' of water excludes them from targeted fishing locations.

3. **Mike Rusch**, Manitowoc, representing self. He stated that Tom Kocourek is not in attendance and requested to represent the WI Great Lakes Sport Fishermen in his place. He stated the petition stems from the accident that killed the angler last summer. This proposed rule is one of the biggest 180 degree reversals that they have ever seen. At the present time, there is nothing in the proposed rule that would have changed the outcome of the accident and death. He expressed a safety concern that the new ruling removes the amber light requirement. He requested the Department to change the trap net depth from 60' to 75' and to add the month to the summer inclusion zone.

Discussion followed on the estimated number of sport fishing boats in this zone and the percentage of small boats, and an approximate percentage of sport fishers that use GPS in these waters.

4. **Tom Kocourek**, Two Rivers, representing Northeast WI Great Lakes Sport Fishermen as President was not in attendance.
5. **Gary Seeger**, Waldo, or **Raymond Dall'Osto**, Waldo, representing Great Lake's Fishing Co. Mr. Dall'Osto spoke in place of Mr. Seeger. He requested that a small business economic impact study be done before any further rules restricting commercial fishing are adopted. Enactment of the emergency order as proposed is not necessary for the preservation of the public peace, healthy, safety or welfare, as there is no emergency. They strongly recommend that to better ensure safety, the Board should consider enacting rules requiring 1) more education, notices and brochures be made available for sport fishermen and all boaters; and 2) all sport fishing boats using steel fishing lines or stronger test lines be required to have a simple cutters on-board sufficient to cut the steel lines that might get snagged which would instantly free the boat. Keeping the proper distance from commercial fishing flags and buoys is the safest and most cost-effective way to promote boater safety while allowing commercial fishermen to continue earning a living. **(Handout)**
6. **Chuck Weier**, Two Rivers, representing self. He spoke against the proposed rule. He stated he was appalled by the green sheet. Sports fishers had a position on FH-50-10. The proposed rule was not perfect but with a bit of tweaking it could have been a good solution. Instead, the green sheet was gutted and trashed. This proposed rule is no better than what they started with three meetings ago. The only good thing is the emergency order mandates that nets be kept in a confined area. If the June restriction was in effect, the deceased angler would still be alive. The issue is safety. This proposed rule is worthless.
7. **Thomas Gulash**, Manitowoc, representing WI Federation of Great Lakes Sport Fishing Clubs (WFGLSFC). He stated their strong concern and opposition to the proposed rule. The revised rule is only an illusion of safety and strips the sport fishermen of any assurances of increased protection. The revised rule emphasizes Lake Michigan sport fishermen have no standing with the Fisheries Team and subsequently Lake Michigan Sport Fishermen cannot

afford to risk or place their safety in the hands of the DNR by agreeing to the revision.
(Handout)

Discussion followed on whether WFGLSFC voted in support of the rule that went to public hearing.

8. **Glenn Seeger**, Sheboygan, representing self. He displayed a map of a trap net and explained its use. He reviewed the possible path of the fishermen on June 25, 2010 prior to and at the time of the accident. He clarified, from a previous inaccurate statement, that for the last two years no trap nets were left in front of the harbor all summer. These trap nets are placed one mile or more away which can be confirmed by DNR law enforcement. He clarified another inaccurate statement that there are 11 commercial fishing boats this area. There are three family business. Two in Two Rivers and one in Sheboygan. Additional licenses were purchases at \$900 each because the DNR is issuing only three nets per license to circumvent a three net law. This is not a viable amount of nets to fish to earn a living. Lastly, he stated that the 75' depth was not part of the original rule going to hearing. He contacted the Sheboygan Area Great Lakes Sport Fishing Association and they responded in opposition to this change.
9. **George Meyer**, Madison, representing WI Wildlife Federation (WWF) as Executive Director spoke in strong opposition to the proposed rule package. When this final green sheet came out this month, the WWF was stunned at the lack of its adequate response to this dangerous situation. The Department's answer to this dangerous situation was to merely tell the commercial fishermen to go out and buy some reflective tape. He requested the Board reject the Department recommendations and adopt some version of the relief sought by the petitions that were presented to the Board last August, 2010. **(Handout)**

Discussion followed on why a Board request to staff at the January 2011 meeting for the hearing notice to reflect "all possible alternatives and variations to modifying behavior of the commercial fisherman as well as the sport fishers" was not followed up on, whether WWF would support requiring wire cutters on fishing boats, and a legal requirement for sport fishers to stay a distance away from the trap nets, whether WWF supports no trap netting near the harbor mouths, whether WWF's position takes into account the economics for the commercial fishermen, and whether WWF would be opposed to a separation between sport fishers and commercial fishers.

10. **Dennis Hickey**, Baileys Harbor, representing Hickey Brothers Fishery. He stated they predominately fish the Door County peninsula down to Green Bay and are not familiar with the zones around Two Rivers and Sheboygan. The part of this rule that concerns him is the marking portion. Warden Groth spoke on this earlier. There are reasons why the lights are a problem. The buoy that was originally proposed is 4' wide and has 1,360 pounds of buoyancy. To hold that buoy on your net, you would probably have to take a 3,000 pound anchor out there. In their case, they have four commercial fishing licenses in their family. To put flashing lights on these would be confusing to boaters and create havoc. Many of their leads are hung to a reef and if a boater decides to go around the inside end of this net with a flashing light, the boater could run onto a reef. There are also aids to navigation that the Coast Guard put out that are actual flashing beacons. His nets are close to some of the beacons which could also confuse a boater.
11. **Charlie Henriksen**, Sister Bay, Lake Michigan Commercial Fishing Board and WI Commercial Fisheries Association stated that he also represents a state trade association that includes all the trap netters in zone 2. He stated the angler did not die from entanglement with a fishing net last June. He died from a stress induced heart attack. He was sorry to say that he may have died if he hooked a big salmon and got excited or from pulling his boat out of the water. There are anti-commercial fishing interests that are trying to twist this incident to restrict commercial fishers who have had their nets down in this area for a very long time. The greatest thing from this discussion and from the Fishing Board is that better education is

the key. You need to know what you are doing out there. Dragging a downrigger behind the boat has inherent risk. This is not about boaters but about people trolling with a heavy line and without wire cutters or breakaway mechanisms. Sport fishers troll along the trap nets because they hold the bait for them. This was a very unfortunate accident and we need to move forward. He then noted a drafting error in the proposed rule. For all practical purposes the depth limit has been 60' and that is what it should be.

Discussion followed on whether there is any issue with the anchor extending seaward outside of zone.

Discussion continued on whether there are any implications to changing the depth to 60' and whether the Board has the legal authority to restrict sport fishers from coming within a certain distance of the trap nets.

Tom Van Haren, Administrative Warden, stated that there is a restriction in Administrative Code NR 19, it is unlawful to take, capture, kill, or fish within 500' of state of WI nets that are posted.

Discussion followed on whether quotas are being met, whether quotas are reviewed by the Department on an annual basis, and whether the outcome of this rule would have significant economic impacts to the commercial fishers.

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

Discussion followed on whether the Seeger net was in the water during July and August, whether a separation between commercial fishing nets and sport fishers would be appropriate, and why the public notice did not include sport fisher exclusions.

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 outside of designated zones; 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.

Discussion followed on whether to table, amend, or vote on the 75' restriction from June 29 to Labor Day, whether the rule should restrict the distance between sport fishers and the nets, whether the Department can require breakaways on downriggers, and whether the Board has the legal authority to add an item into the emergency order.

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 (~~125~~ 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.

Discussion followed on whether the Board has the legal authority to regulate safety concerns and an appropriate size of a wire cutter.

Mike Lutz, Legal Services Bureau Director, stated the public notice did not include sport fisher restrictions. The emergency rule could be amended as such but not the permanent rule.

Dr. Thomas stated the Board specifically asked during a prior meeting for this language be included in the noticing going out for hearing.

Mr. Lutz stated that the public notice referenced NR 25 but did not reference changes to NR 20.

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.

Discussion followed on how the Department would educate the public on the requirement of having wire cutters on board.

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

Discussion followed on whether trap nets could be appropriately posted to restrict sport fishing within a certain distance from them, and whether sport fishers should be restricted from entering a commercial fishing zone.

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.

Discussion followed on whether this item should specifically go out for hearing.

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.

Discussion followed on the rationale behind relaxing requirements on CWD units and whether this will impact collecting samples for accuracy.

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

Jeff Pritzl spoke in place of **Tom Hauge**, Wildlife Management Bureau Director. He reviewed the 2010 harvest and recruitment, updated the Board on CWD monitoring and the Almond Deer Farm purchase, and presented an overview of the 2011 recommendations. He requested the Board approve the Department recommendations for the 35 units with regular season structure and quotas included in Table 2; no October hunt; 60 herd Control units with no October hunt; 22 CWD units with first deer either sex, EAB thereafter; includes Oct. 4-day and Holiday hunt; and approval for the Emergency rule which suspends Oct. 4-day hunt outside of CWD units and allows wither sex on first deer in CWD units with EAB thereafter. **(PowerPoint and Handout)**

Discussion followed on whether the tentatively planned open house in June for the Almond Deer Farm would bring people onto the property, whether the Department anticipates a reduction of the antlerless kill if EAB is eliminated in the CWD zone, what the average is for the October 4 day

antlerless deer harvest, whether the Department can guarantee that the deer population will not explode, reasoning as to why herd control and T-zones appeared in 1995 and 1996 at the same time as EAB, whether the proposed rule included changes to the muzzleloader, youth, handicap, and December 4-day seasons, concern that if CWD increases in intensity on the edges of the core zone that this could be considered a geographic expansion of the disease, concern that with more deer, more will become infected and spread out over the landscape, pushback from hunters, whether EAB would return next year if this proposal does not work, and whether staff should be given the opportunity to try something different.

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

Public Appearances:

1. **Ralph Fritsch**, Townsend, representing WI Wildlife Federation as Wildlife Committee Chair spoke in support of the proposed 2011 season framework. The Department has committed to bring all of the hunting related groups together this summer to assist in fashioning an effective alternative to the proposed 2011 regulations. Some Board members may rightfully believe that the current deer hunting regulations should not be suspended for 2011. It is our judgment that while that position may be highly principled it may well have the unintended consequence of leading to the passage of legislation that will permanently remove the ability of the Board and the Department's professional resource managers from using EAB and October herd control hunts in the future. Rejection by the Board of the Department's proposed regulations will ignite a prairie fire that will sweep the Capitol and lead to the adoption of such ill-conceived legislation. **(Handout)**
2. **Jane Severt**, Merrill, representing WI County Forests Association stated that healthy, diverse forests provide sustainable harvesting opportunities to fuel Wisconsin's \$20 billion timber industry and they also provide abundant recreational opportunities, like hunting, to fuel Wisconsin's \$5 billion tourism industry. Wisconsin's forests are negatively impacted when deer numbers exceed scientifically established population goals. Deer browsing by an overabundant herd causes economic losses due to reduced tree survival and growth and often inhibits regeneration both in natural and plantation settings. She restated their position that a statewide ban on baiting and feeding would be in the best interest of both hunters and land managers. **(Handout)**
4. **Greg Kazmierski**, Waukesha, representing Wisconsin Safari Club Chapters spoke in favor of the Department's recommendations. For too long, deer hunters have felt like adversaries and not partners in the agencies deer management decisions. They believe Secretary Stepp summed it up best in the Board memo "Hunters are the backbone of our deer management system. Without their buy-in and participation, any population or management goal is unachievable." They also understand that existing administrative rule hindered the Department from going far enough this year to satisfy most hunters by making these changes permanent but are happy the agency is listening to hunters' concerns. By understanding that deer hunters and landowners are ultimately the deer managers, the only solution is education and buy-in, not force. In addition, it will be hard getting buy-in when population estimates coming out of Madison do not appear credible to hunters. **(Handout)**

Discussion followed on whether the Wisconsin Safari Club Chapters support legislation that would remove EAB and October antlerless as management tools. Mr. Kazmierski stated that the Wisconsin SCI Chapters are in favor of the legislation

4. **Mike Brust**, Wausau, representing WI Bowhunters Association as President. He stated that Mr. Kazmierski said it well. The Department does not manage deer. Deer hunters manage deer. The Department's recommendations are actions that their membership and most hunting organizations requested. Last year he was at a deer management meeting where he asked a deer manager what he was doing to keep hunters happy. The deer manager replied that it was not his job. They are encouraged with Secretary Stepp, Scott Gundy Gunderson and Kurt Thiede in that they seem to understand this. Besides reestablishing credibility, they listened. There has been a steady decline in hunters, at approximately 10% per year. Without hunters,

the Department will have a bigger problem.

Discussion followed on whether the WI Bowhunters Association supports legislation that would move tools to the legislature. Mr. Brust stated that the Wisconsin Bowhunters are in favor of the legislation.

5. **Scott Meyer**, Gleason, representing Hunters Rights Coalition. He spoke in support of the Department's recommendations. He thanked the Department for asking for hunter input and listening to hunters concerns. It was refreshing and long overdue. For over one decade, deer hunters have complained about EAB and October herd control. EAB is unacceptable to the majority of deer hunters across the state. The Department needs buy-in. The social side of deer hunting needs to be taken into consideration. Robert Holsman wrote an interesting paper published entitled "CWD - after the fire. Six Reasons why hunters resisted WI eradication efforts". A couple points that kept occurring in the paper was tradition and Department credibility. This rule if approved will help with hunter buy-in, tradition, and go a long way to restore Department credibility.

Discussion followed on whether the Hunters Rights Coalition supports legislation that would move tools to the legislature. Mr. Meyer stated that the Hunter's Rights Coalition is in favor of the legislation.

6. **Bob Welch**, Red Granite, representing Safari Club International spoke in favor of the Department's recommendations. Hunters believe the deer herd size numbers are wrong as is the need for herd control. Hunters are an important part of the process. Hunters are not tools. Hunters do not go into the woods to help the Department control the herd. They go into the woods because it is a sport and it is fun. This building has to understand this. The rules are too complicated. If parents are not going out in the woods, the youth will not either. Target audience is age 14. If a parent stops hunting, so will the kids. This is what the bill is about. Hunters are out in the woods because they like it.

Discussion followed on whether Safari Club International supports legislation that would move tools to the legislature. Mr. Welch stated that the Safari Club International supports legislation that would move tools to the legislature.

7. **Ron Kulas**, Delafield, representing self. He stated that this is something that the hunting community has been requesting for years and agrees with the Department. This is exactly what the sportsmen voted in support of in 2009 at the spring hearings – all 72 counties were very clear. Over 80% of the hunters said they support the elimination of EAB and October T-zones. No one believes the population estimates. We need to get it back to consistencies in structure, hunter buy-in, and hunters killing deer at opportunity rate rather than mandated rate, then we will see a correction in accuracy in the population estimate. He wholeheartedly supports the Department's season structure and the upcoming legislation.
8. **Tony Grabski**, Blue Mounds, representing self. He spoke in support of the changes to the season structure to eliminate EAB in CWD zones but would like to see it go further and eliminate the 4-day antlerless season in October and the late landowner season that goes from January through the end of March. This change to the management structure is at least one move incrementally that hunters and landowners in the zone would favor. He looks forward to further changes down the road to keep hunters happy.
9. **George Meyer**, Madison, representing self. He recommended that the Board allow this rule to go through. It is the lesser of the evils. He is greatly concerned this Board and Department Secretary will lose its ability to manage the deer herd. Many people stood up today that do not want you to have responsibility. There are a lot of people that do want you to have this responsibility. There are a lot of farmers and forestry organizations that understand that as distasteful as EAB and herd control processes are, they are necessary. The Department needs

effective tools to keep the deer herd under control. He requested the Board adopt this and let the remaining conservationists fight this fight.

10. **Ed Harvey**, Waldo, representing WI Conservation Congress as Chair. He spoke in support of the proposed season frameworks and quotas for the 2011 deer season. At the 2009 spring hearings, attendees were asked if they supported the DNR eliminating earn a buck and special October antlerless deer hunts. The question passed in all 72 counties, 5513 voted yes to 1321 voted no. On March 19, 2011, the Big Game Committee of the Conservation Congress recommended no earn a buck anywhere in Wisconsin, and no October antlerless season anywhere in Wisconsin for the 2011 deer season. Without the October hunt, and without the two year earn a buck deadline, we believe that the public will accept extended periods of herd control.

The Conservation Congress was disappointed by the green sheet development process this year. Herd Status meetings were fewer and further between than they have been in the past. This year, we were not even told what the proposed framework or quotas were. The money currently spent on these meetings is clearly not generating the benefit that it needs to. We recommend that the Herd Status meetings be moved back to the Spring Hearings. We recommend that honest proposals be brought to the meeting hall in each county 90 minutes before the hearings start.

The Congress has a long standing historical position in opposition to managing wildlife resources by statute. WCC does not support AB-99. **(Handout)**

Mr. Welter stated that this is probably the last Board meeting Mr. Harvey will speak as WCC Chair. In the ten to twelve years we have been working together, he has really valued and respected the role you played. You have been a tremendous asset to the Congress and ultimately to this Board. He will miss the opportunity to work with you.

Mr. Harvey stated that he is leaving feeling as though those five years as Chair were very well spent. It has been great working with all of you – thank you.

Chair Ela requested the Board first discuss the non-CWD portion of the package and then discuss the CWD portion of the package.

Discussion began with the non-CWD portion of the package: Whether to add the October hunt back into 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...”

Discussion followed on public testimony against the October hunt, whether the intent of the amendment is to include the October hunt in all herd control units, implications of the amendment, whether there is any public support for the October hunt, the need for hunter buy-in, and hunter responsibility.

Dr. Clausen distributed and read from an article from the Wildlife Society Bulletin 2000 by Robert H. Holsman titled “Goodwill hunting? Exploring the role of hunters as ecosystem stewards”. **(Handout)**

Mr. Welter and Dr. Clausen withdrew their motion.

Discussion followed on the CWD portion of the package: Whether this plan will keep CWD zone populations stable, and whether the Board has any other options for herd control.

Dr. Thomas stated that when this country was founded, our founding fathers decided that mob rule was not what should happen and that is why there are legislators. They also decided that too much control by the legislature was not good and that is why we have the senate. Therefore, more distance between specific decisions. At some point in Wisconsin's history, our citizens decided that there needed to be one more buffer between the natural resources of this state and even those elected officials. That buffer is the Wisconsin Natural Resources Board. The only people that are not tied to this by the money that they make or the election process, the only people that can stand up for the resource with no tie to money, contributions, gifts, elections, and every decision has to be made in full view of the public. The state legislature can take the powers away from the Board. They can eliminate the Board if the citizens of this state decide that it is more important for the person with the most money and most influence to win and that the only group of people that can stand up for the resource regardless of sociology and regardless of anyone's self-interest is not worth having, then so be it. The Board is one of the best things about Wisconsin.

Mr. Ela associated himself with those comments.

Discussion continued on the need to keep herd control tools in the toolbox.

Secretary Stepp, as a former Board Member, thanked Dr. Thomas for her comments. They sing out of the same hymnal when it comes to the importance of this body and the objective nature by which the body makes decisions. This is a very critical part of Wisconsin history and is treasured by her and she knows that the Governor feels the same way. She long ago came to the understanding that she cannot control, at the time, what her fellow legislators did. Her job and the job of the leadership team has been to provide the legislature with the information they need to make the right decisions for their constituents and for the greater benefit of the state of Wisconsin. They have communicated the importance of the Department being able to have those tools at their disposal when needed. She assured the Board that the Department has made that case very directly to them saying this is very important so we are not handcuffed in trying to manage the herd in the future. Wildlife management is a very dynamic, changing thing and we need that flexibility in order to manage appropriately. She appreciates your comments and the Board has a commitment from her to continue to always provide information to the legislature, the pros and cons, of any issue that affects the Department.

Discussion followed on the certainty of deer population numbers and the need for herd control tools.

Mr. Cole called the question.

The original motion carried unanimously.

Mr. Ela suggested that those on the Board the day after the 2011 deer season ends be proactive in analyzing the data and actively participating in designing the 2012 and subsequent season structures. He also requested the Department deliver rule packages to the Board more than two weeks prior to a meeting to allow time for briefings.

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

No staff presentation was given.

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 **Lavane Hessler**, Stewardship Local Assistance Grant Manager, stated that the first project is for

the acquisition of 5.67 acres by the Village of Plain in Sauk County. The property will create a new park and provide access to Honey Creek. The second project is the acquisition of 11.46 acres of property by the City of Brookfield in Waukesha County for the expansion of Endicott Park. This acquisition will extend the Greenway Corridor which is available for passive outdoor recreation while protecting the wetlands in a highly populated urban area. The Department is recommending that the board ratify the Department decision to issue Stewardship grants to the Village of Plain, Sauk County and to the City of Brookfield, Waukesha County. Hunting or hunting and trapping will be prohibit in order protect public safety on these properties. She requested the Board approve ratification of the Department decision to issue Stewardship grants to the Village of Plain and City of Brookfield.

Public Appearances:

1. **Shawn Murphy**, Plain, representing Green TTEX/Honey Creek Business Park spoke in support. He stated the Stewardship funds are an important and necessary component in their multi-faceted project that the Village is undertaking in an effort to attain several goals of the Plain Comprehensive Plan. In addition to achieving the goal of establishing additional recreation and green space, the wetland/floodplain area ties in with the mission of the project to promote green technology and incorporating sustainable practices. **(Handout)**
2. **Bill Kolstad**, Brookfield, representing the City of Brookfield as Director of Parks spoke in support. He stated the Greenway Corridor Committee and the Parks and Recreation Commission identified the acquisition of the properties as an opportunity to develop a critical east-west trail connection of the Greenway Trail System “Deer Creek Trail” between Calhoun Road and Brookfield Road traveling through Endicott Park. The property will be open to the public for low impact recreational activities. **(Handout)**

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

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

Discussion followed on whether there are any structures on the property and how it qualifies for Federal Pittman-Robertson funds.

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

Public Appearances:

1. **Mary Jean Huston**, Madison, representing The Nature Conservancy spoke in support. Clough Island is an example of land with high natural value that fits well with an existing Department project, the St. Louis River Streambank Area. The conservation of this natural resource gem is the result of public and private collaboration. The acquisition was made possible by The Nature Conservancy’s Minnesota and Wisconsin programs working together on the real estate transaction and fundraising to cover costs. The project would not have been possible without significant grants from Wisconsin’s Knowles-Nelson Stewardship program and the U.S. Fish and Wildlife Service’s National Coastal Wetlands Conservation program. **(Handout)**

Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion passed 6-0, with Mr. Ela abstaining.

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

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.

4. Citizen Participation – 1:00 p.m.

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

Jonathan P. Ela, Chair

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

Public Appearances:

1. **Ralph Fritsch**, Townsend, representing WI Wildlife Federation (WWF) as Wildlife Committee Chair. Mr. Fritsch left prior to this item in order to attend a legislative hearing on AB-99. His talking points and WWF resolution in strong support of the resolution were distributed to the Board. **(Handout)**
2. **Ron Gray**, Greenfield, representing Waukesha County Conservation Alliance. The Alliance voted unanimously in support of the resolution. The return of this land to its natural state will benefit all the citizens of Wisconsin for many future generations. The Board's resolution defines in detail the importance of why this should happen. **(Handout)**

The motion carried unanimously.

5. Board Members' Matters (continued)

Dr. Clausen stated it was his great privilege to present outgoing Chair Ela with a plaque for his years of service on the Board and for his term as Chair. He then spoke to all out-going Board members. They all have been wonderful friends and very accepting. Their passion for what they do and their dedication to the state of Wisconsin and to the natural resources are outstanding and greatly appreciated. They have always put the resource first and always acted in the best interest. He is grateful to have served on the Board with each of you.

Chair Ela, Mr. Rohde, and Mr. Welter received a standing ovation.

Chair Ela added a few words of background. We all love Wisconsin. Some of you chose to love it because you moved here. He did not have much choice because of his lineage. The first Ela moved into the state of Wisconsin, in western Racine County, in the late 1830's. As far as he knows, every one of his ancestors was in place somewhere in southern Wisconsin by the time of the Civil War. Like most, when he graduated from high school he vowed that he would never come back. He did leave for a while and the pull of Wisconsin pulled him back and he has lived here now for many, many years. In true trail blazing fashion, he lives about one block and a half from the house he grew up in.

The Board has been a wonderful experience. It has been intellectually challenging and emotionally satisfying. He has enjoyed meeting so many people in this room and those not in this room. He has gained so much respect for the whole range of people who deal with natural resources, conservation, and sustainability. These people do their thing because they care and some do it on their own without benefit of associating with an organization. We owe all of those people a tremendous amount. To the extent he has been successful these past eight plus years is because of those people. The challenges for this Board, going along the lines as to what Dr. Thomas said earlier, are only going to increase. Stick to it. He is proud of his colleagues. He has enjoyed working with them. He knows they will not lose touch with each other. As Governor Doyle used to say at the end of each of his addresses: On Wisconsin!

Chair Ela received a standing ovation.

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

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. Welter stated he believed this was his 77th Board meeting. He thought about other meetings that are associated with this. When you talk about briefings, committee meetings, other meetings, ribbon cuttings, events, several confirmation hearings, and greeting sessions at the Capitol, and other things, that comes to another 300 or so events over the course of the last seven years. Some of them were stimulating, some were absolutely excruciating but they were time well spent.

He thought about the thousands and thousands of contacts they have had with people across Wisconsin that were willing to come out. It is their commitment to natural resources that brings them to do that. From the day he came here, he was impressed with volunteers and non-profits. They work on their days off and spend day and night in meetings trying to do things that they think are right for the resources of the state. This state would not have the rich tapestry of interest being expressed and rich tapestry of resources that we protect and show our care for, if it were not for all those people that gave us their comments over the years. It is nice to go out knowing that we have accomplished all this satisfaction. The Board role has also been a great opportunity for them to get out and see all the incredible things the state has, some of which we would never have had a chance to see. He thinks of places the Board visited on tours that were so instructive and demonstrations received. There are also the places that came to them through PowerPoint's and descriptions. He would never had gotten into a cave if it had not been for White-nose Bat Syndrome. This has been an incredible learning experience.

He thought of a few things the Board has done: Wildlife Violator Compact; Mercury rules; worked hard on elk, turkey, and wolf restoration; dealing with landowners who did not have much choice about whether they were going to have wolves as neighbors; and phosphorus rules and the fight against blue-green algae. He did not think it is a good idea to stall this out for a few years. That is an incredible thing to be asking of people. Land protection has been important to him. They have had interesting, spirited, and rousing discussions on this Board with some of his

dearest friends. They have done some amazing things over the last seven or eight years. They have spread good projects around the state. This Board has been very active in going out and visiting sites and finding places that really are special and supporting them. Making decisions on priorities to protect some incredible treasures. If we are going to continue to have outdoor activities, we need to provide places for people to do those things. Paying to play outdoors is not good for us, our resources, and is destructive of some of our really important traditions. As far as Stewardship is concerned, this is not a time to cut out support for it. We should not be taking Stewardship in directions where we are adding uses for these lands that were not contemplated to be part of the Stewardship Program. That is very important to him.

The people the Board has met along the way have been an incredible credit to this state. Borrowing from what Dr. Thomas would say, he is "button busting proud" of people that come from that background and are willing to get involved. He has found his life enriched by getting to know people throughout the Department who have committed their careers to our natural resources. In these times when it is hard to be a public employee, how much he values that commitment that they show. All through this time, they have worked really hard, really well, really committed, and could probably make a lot more money somewhere else but they are here for the state of Wisconsin. That is incredible.

When he started here, he began keeping notes of nuggets. He learned about all the terms and acronyms in specialized areas. The Department has been really patient about explaining these to him. Another thing he noticed was the personal side to policy. One example is Mute Swans. The public can get really attached to them if they are in their front yard, even if they are preventing the Department from helping the statement trumpeter swan restoration. Gordy, a senator from Darlington used to say "It is just a matter of who's ox is being goosed."

He will take with him a lot of memories. Oddly enough, you would probably never guess that many involve water with him. Taking a pontoon tour on Horicon marsh in the rain on a day when most of the lips of those on the pontoons were purple and having Al Shea pointing out 73 different birds he could see through his binoculars. And of Laurie Ross seeing the Brule River upside down and in the water, along with many others that day (including him). Watching the fisheries people shock up all those incredible fish on an Iowa county stream that made him want to get into his waders and go upstream and catch some of the other ones. All those things were a really neat, valuable, and enriching experience.

This Board, what a better group of friends could you ask for to work with and not get into fist fights. They differed strongly about things. They learned that they could have a role in asserting what the key things that the Board could do are and trying to make things come out of their deliberations that in some way improve the way they went in. He credits you all for learning to appreciate his efforts to get them some split votes. He could not contemplate an idea that everything that would come in to the Board would go through with a 7-0 vote. There is value to that. He hopes you will work with this with new Board members to get them to appreciate that too. He has enjoyed all of this and probably the only thing that he did not accomplish was to get a brook trout license plate. We will have to see if that is going to happen eventually...Laurie Osterndorf (at meeting) says no. Thank you all and thank you for this opportunity. It has been one of those real honors of his life.

Mr. Welter received a standing ovation.

Mr. Rohde stated that he believes variety is the spice of life. He feels very fortunate to have a real richness to his life as a result of fifty years of different kinds of activities and different things he has been involved in primarily public service, government, and the business of education. The real richness in life has been capped off by three years on the Natural Resources Board. He never would have thought five years ago he would be sitting on the Board. He spent the past three years on the Board and supposedly had been the agricultural voice. He really does not think that plays out very well, even though there may have been a designation relative to that. The decision making process and the kinds of activities the Board gets involved in are somewhat separated from some of the different organizations, groups, and associations that one has. He did not see an agricultural theme come through very often in terms of his comments, representations, and associations with an individual as a Board as a group.

He really appreciates the professional contacts and professional associations that he has been able to be part of in the last three years. He has a great respect and admiration for the rest of the Board here today and it is been a pleasure to serve with. He also has a great appreciation for Department staff and the work that they are committed to and engage in on a daily basis. He has a great respect for that and a greater appreciation now than he did three years ago as a result of some of things they have seen and heard. It is impressive the range of activities and the different kinds of program elements and initiatives that occur at the Department. It is an awesome responsibility with the kinds of things the Department is charged to doing on a statewide basis as it relates to conservation and natural resources.

His claim to fame here in the last three years has been trying to understand some of the issues and then taking them to Jim's Barbershop in River Falls, WI. He has been able to do that on a pretty regular basis where he gets his hair cut. He walks in to Jim's Barbershop in River Falls and talks about deer, wolves, coyotes, water levels, shoreline zoning, fishing, and other natural resources issues. He gets a very good education from the proprietor and individuals who are in the barbershop who have surveyed lots of people in the area and have very definite and very specific opinions, some of which are not very complimentary. He has heard what the customers as well as proprietors at Jim's have thought about the Department's various programs and activities. That has been a good sideline activity he has enjoyed as well. He leaves with a very favorable attitude towards the Department, towards staff, and towards the work. He has a great sense of appreciation. He extended his thanks to the work, efforts, and activities of all staff. Thank you for the honor.

Mr. Rohde received a standing ovation.

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 83rd regular meeting of the Natural Resources Board. It should have been 84 but he missed one in 2003 when his mother-in-law died in Connecticut. He has enjoyed almost all of these meetings. At the end of this meeting, he will resign his position as Board Chair. The Board Chair gavel will then pass to Dr. Clausen. He will resign as a member of the Natural Resources Board when the Governor announces a new appointment. Again, thank you all very much.

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

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.

Discussion followed on the status of the hiring process and whether the NRB liaison position is included in the critical position list.

- 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

Appearance:

1. **Charlie Luthin**, Lodi, representing the Natural Resources Foundation of Wisconsin (NRF) as Executive Director. He stated that more than simply gifting the \$152,000 that is on the green sheet, he wanted to note there will be forthcoming gifts. By the end of June, they will have given \$270,000 to the Department. Their goal is \$500,000 annually. They are well on their way to accomplishing that. Recently, he and some of his staff met with Department finance staff to streamline the funding process and not bring gifts to the Board since in actuality, most of what NRF provides are grants. From here forward, he will not be in front of the Board to announce gifts but will rather provide an information item towards the end or beginning of each year to tell the Board how well they have done towards accomplishing their goal. He then gave an overview on the Wisconsin Conservation Endowment and distributed an overview of the 50 funds. **(Handout)**

Discussion followed on clarification of NRF's transition from gifts to grants, who had approved this change and whether this change conforms with the Board's protocol.

Secretary Stepp offered to bring this concern up at the next Board meeting for guidance.

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. She added that as Department Secretary, to be sitting in this chair is a surreal feeling. Never did she imagine she would be in this position. She really appreciates the good works that you do. She knows personally the incredible amount of time and commitment that this position takes and how much better off the citizens and resources are in this state because of your work, your predecessors, as

well as successors down the road. She thanked them for that. There are hundreds of hours of reading that goes into preparation for these meetings. She has been so impressed by the quality of individuals that Governor Doyle had chosen to serve here in this capacity. She is thankful that you all have been able to separate political affiliations from good policy decisions. She appreciates that. Personally from her perspective, how much she appreciates the warmth, welcome, and trust that you have put into DNR leadership now. They do absolutely commit not to squander that trust. She appreciates that from each and every one of you. She then thanked the outgoing Board members and also thanked the Board Members who will be enduring through this transition as new folks are welcomed to the Board. She knows that you will be just as warm and welcome to them as you have been to the Secretary's office and is thankful for that.

8. Information Items

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

8.A.1 Ground Water Pumping Update

George Kraft, UW-Stevens Point Groundwater Center Director and Hydrogeologist. He reviewed groundwater and pumping basics. He then discussed the impacts of groundwater pumping in the WI Central Sands, including Long Lake, Plainfield Lake, Wolf Lake, and Little Plover and the pumping effect on water levels and streamflows. He then addressed the following topics: Wisconsin groundwater pumping policy allows depletion of lakes, streams, and wetlands to the point of drying. A statewide, poor understanding of groundwater pumping impacts. Many Central Sands lakes and streams are impacted and more will be if current water development trends continue. The pilot project for Little Plover has had some effect, but not enough to have a healthy stream, and is not replicable. DNR with partners can do better at assessing the groundwater pumping situation and potential effects. He recommended creation of: 1) Central Sands Groundwater Team: Cross Water Division team working with external scientists to help Department integrate conditions into its planning and decision making. Team would report to Water Division Administrator and Natural Resources Board. 2) Wisconsin Groundwater Team: Cross water division team working with other agencies and University on turning data into knowledge on groundwater pumping and its impacts. Team would inform Water Division Administrator. **(PowerPoint)**

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

8.A.2 Phosphorus and Storm Water Update

Jim Baumann, Watershed Management Special Assistant, spoke in place of Russ Rasmussen, Acting Water Administrator. He reviewed the rule promulgation process and the Governor's biennial budget errata sheet that extends the effective date by two years and repeals the municipal storm water 40% total suspended solids requirement. He discussed what the two year change will mean and what the Department will do during the two year period. He then summarized the urban storm water 40% suspended solids requirement and the 2010 change to developed urban areas. **(PowerPoint)**

Discussion followed on why EPA stepped in on Florida's standards, the number of permits currently backlogged at the Department, how many permits will expire in the next few years, whether the legislature has the authority to delay implementation, whether EPA is likely to step in on Wisconsin, when landowners from Petenwell, etc. can expect a measurable difference, status of a guidance document, possible fallout if a link is made between toxins in blue-green algae and human diseases, water trading system, explanation for the two year delay, impacts to municipalities if not delayed, and the status of new commercial construction and its potential transfer to a new department.

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

Joe Hoch, Regional Pollutant and Mobile Source Section Chief, spoke in place of Pat Stevens, Air and Waste Administrator. He reviewed current WI air quality standards. He then summarized recent updates to the Federal NAAQS, 2010 sulfur dioxide NAAQS, 2011 ozone NAAQS, 2008 – 2010 ozone design values, recent Federal air quality rules, and the purpose and implications of the Clean Air Transport Rule. **(PowerPoint and Handout)**

Chair Ela thanked Mr. Hoch for his presentation and documents. This is a primer for understanding future changes to the clean air program.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

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

8.B.1 Capital Development Budget Update

Steve Miller, Facilities and Lands Bureau Director, and **Jason Stringer**, Facilities Management Section Chief, gave a joint presentation. They reviewed the criteria for revising the 2011 -13 budget request to a level commensurate with 2009 – 11. They summarized the proposed budget by funding source, by project priority, by number of projects and by program. They then reviewed

the revised major project list, the deferred major project list, the revised minor project list, and the deferred minor project list. **(PowerPoint)**

Discussion followed as to when the Board gets involved in the budget revisions, status of the Southeast Region building project, and the need for public input on these decisions.

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

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