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NATURAL RESOURCES BOARD

MINUTES

A special meeting of the Natural Resources Board was held on Tuesday, December 13, 2011 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 2:00 p.m. for action on item 1. The meeting adjourned at 3:45 p.m.

ORDER OF BUSINESS

1. Organizational Matters
- 1.A. Calling the roll

William Bruins – absent	Preston Cole – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	David Clausen – present
Greg Kazmierski – present	

- 1.B. Approval of agenda for December 13-14, 2011

Dr. Thomas MOVED approval, seconded by Mr. Cole. The motion carried with a vote of 6 – 0, with Mr. Bruins absent.

2. Information Items
- 2.A. Air, Waste, and Water/Enforcement

None

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

- 2.B.1 Report and preliminary findings from the 2011 firearm deer season

Tom Hauge, Wildlife Management Bureau Director, **Randy Stark**, Law Enforcement Bureau Director, **Diane Brookbank**, Customer Service Bureau Director, and Trish Ossman, Northeast Region Public Affairs Manager gave a joint presentation. They reviewed the 10-year history of gun deer license sales, the age of deer gun hunters, female (resident) participation in gun deer season from 2007 – 2011, change in percent of female gun hunters age 10 – 13, mentored hunting license sales, mentored license sales trends, hunter education program, hunting related shooting incidents, 1984 – 2011 incident trend, hotline calls for service, harvest data, CWD surveillance, use of social media (Facebook, Twitter, and YouTube) to help the hunt, and overall observations. **(PowerPoint)**

Dr. Thomas thanked staff for doing a very nice job on social media.

Discussion followed on whether there were any uncased incidents, whether Wisconsin is on track for a 300,000 deer harvest, whether the over-winter population estimates are correct, concern in comparing overall harvest to the buck harvest, northern deer population concern, and hunter concerns related to antlerless permits.

Public Appearances:

1. **Al Phelan**, Madison, representing WI Conservation Congress Big Game Committee as Co-Chair. He commented that there were three positives from this season: no EAB even in CWD units was appreciated by hunters, there were no fatal hunting accidents, and that the rut was still going on in some areas. He then reviewed the negatives: 1) Deer distribution continues to grow more uneven between public and private land; 2) many private landowners use the public land to fill antlerless tags to prevent driving bucks off their property in October;

3) Northern Herd Control Units-some are down double digit % in both buck and antlerless harvest. Units with increases in antlerless harvest show decreased buck harvest; 4) Southern District as expected buck kill up, antlerless down, but total kill down over 2000 animals; and 5) Most responses indicated reduced amount of shots heard and generally fewer deer seen.

He then offered the following suggestions: Reduce or eliminate antlerless permits in the north and limit antlerless permits in herd control and CWD, eliminate landowner season in CWD, consider private vs. public land antlerless permits especially where pressure on public land is very high, compare harvest results back 5-6 years to get a more accurate view of what is trending as far as deer populations and harvest, have final 9-day gun season harvest by DMU to allow the Congress and other groups the opportunity to review them in time to comment on the next year's season structure, and limit the number of bucks an individual could kill in the CWD units

INFORMATION ITEM – NO ACTION WAS TAKEN

2.B.2 Almond Deer Farm Update

Tami Ryan, Wildlife Health Section Chief, reviewed the history and progress to-date of the Almond Deer Farm. She discussed fencing concerns, property management plan, and bio-security protocols. She then stated that the Department has established a month to month occupancy agreement with an employee. In exchange for rent, the employee will maintain the property, inspect fencing, and do snow removal. The employee will be responsible for paying the utility expenses. She then discussed the general management of the property, objectives for maintaining the existing fence and the installation of a second fence, reviewed bio-security guidelines for personal protective equipment, entry and exit protocols, and tool cleaning. She then discussed research interests from the University of Wisconsin-Stevens Point, University of Wisconsin-Madison, US Geological Survey, National Wildlife Health Center, and USDA Wildlife Services Grant, and the possible formation of a research evaluation team. Lastly, she reviewed the Department's communication and outreach.

Discussion followed on whether logging equipment would be cleaned as part of the bio-security protocols.

Dr. Thomas suggested the Department should decide on and drive what the research should be for this property such as whether there are viable prions and if there are none, move on. If there are prions, what are ways that can reduce the length of viability.

Dr. Clausen noted that the disposition of the house ultimately would be a Board decision.

Discussion followed on the status of Joel Peterson's research on prions in the soil.

Dr. Thomas cautioned the Department that bringing live animals in for research may prolong the problem.

Discussion followed as to clarification of USDA's participation and what the state's role is in managing these contaminated properties going forward.

Dr. Clausen stated that many topics brought up today have implications for the Department of Agriculture, Trade and Consumer Protection. He requested that during the February 2012 joint meeting a discussion take place on CWD, especially in light of the fact that the budget next year contains no money for indemnity of depopulation of deer farms nor does it contain any funds for research.

INFORMATION ITEM – NO ACTION WAS TAKEN

2.B.3 Report on the Wisconsin Waterfowl Strategic Plan with an update on the potential for a sea duck season on the Great Lakes

Kent Van Horn, Migratory Bird Specialist, reviewed the six objectives to the 2008 Waterfowl Strategic Plan: 1) Continue to provide and expand waterfowl habitat; 2) Monitor waterfowl

populations; 3) Improve the hunting experience and hunter satisfaction at the state level; 4) Manage WI breeding Canada goose population – conflicting societal perspectives; 5) Strengthen and maintain Wisconsin’s long waterfowl hunting heritage; and 6) Through research better understand the variables that affect waterfowl. He then explored, at the request of the Natural Resources Board and duck hunters, the opportunity for a sea duck season in Wisconsin. He reviewed the sea duck species, the sea duck hunting season in the Atlantic flyway, and Great Lakes sea duck hunting data. Lastly, he reviewed data from the 2010-2011 Offshore Lake Michigan Waterfowl and Waterbird Survey. **(PowerPoint)**

Discussion followed on whether other states would be interested in a sea duck season and the type of disease that the Department’s live bird decoys that had been used in a research project had.

Dr. Clausen requested a report on the lead contaminant testing results of urban geese that were captured, euthanized, and donated to food pantries along with the contaminant level history for the past five years.

INFORMATION ITEM – NO ACTION WAS TAKEN

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

The regular meeting of the Natural Resources Board was held on Wednesday, December 14, 2011 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 1:50 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – absent	Preston Cole – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	David Clausen – present
Greg Kazmierski – present	

1.B. Approval of minutes from October 17, 2011

Mr. Cole MOVED approval, seconded by Ms. Wiley. The motion carried with a vote of 6 – 0, with Mr. Bruins absent.

1.C. Approval of minutes from October 26, 2011

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

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

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

3. Action Items

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

None

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

3.B.1 Request approval to solicit comments on economic impact and authorization for public hearings on Board Order FH-21-11, requiring access to wire cutters when trolling in outlying waters **William Horns**, Great Lakes Fisheries Coordinator stated that the proposed rule would prohibit persons from trolling with downriggers on certain outlying waters without direct and immediate access to a wire cutter or other device capable of severing any line pulled behind the boat. He requested the Board approve the solicitation of comments on economic impact and authorize public hearings on Board Order FH-21-11.

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

3.B.2 Request approval of the Master Plan for Sandhill, Wood County and Meadow Valley Wildlife Areas **Note:** This item was tabled at the October 26, 2011 meeting

Dr. Thomas MOVED approval, seconded by Ms. Wiley. Department presentation was not requested.

Mr. Hilgenberg complimented staff for a great site tour. He received a great insight on the property. Staff are doing a great job but this is too much responsibility for the level of staff. This needs to be addressed over time.

Dr. Clausen thanked staff for distributing the Point Beach State Forest Master Plan in advance.

The motion carried unanimously.

3.B.3.a. Request approval of Natural Resources Board policy on the use of trail cameras on Department properties

Scott Loomans, Wildlife Regulations Policy Specialist, reviewed the current policy on trail cameras on Department properties. He then discussed three of the Department's recommendations should the Board determine that trail cameras should be allowed for use and overnight placement: 1) placement dates beginning September 1 and continuing through the end of archery deer hunting season; 2) Securing the cameras to prevent theft without causing damage to natural vegetation of other department property; and 3) authorizing the Department to move or remove the camera if it is necessary to do so and to view and retain a copy of any images stored on the camera. He then answered questions from the Board.

Discussion followed on whether any public involvement had taken place, public comments received regarding privacy concerns, whether Conservation Congress had been contacted, the issue of process, the need to obtain public comments from all users, whether there are policies for trail camera usage in county forests and national forests, and whether there is a right to privacy on public land.

Tim Andryk, Legal Services Bureau Director, stated there is no reasonable expectation of privacy on public land. It would be difficult to argue they have a constitutional right to privacy.

Discussion followed as to a concern that private images from cameras might be maliciously posted to the Web and the Department's timeframe to have this rule effective for next season.

Secretary Stepp stated the Board has raised some good concerns. The reality is there are some people putting cameras out on public lands right now. They are out there. There is a need for the public to weigh in.

Discussion followed on liability concerns and the Department's cost to hold a public hearing.

Mr. Hilgenberg MOVED to defer action until the January 25, 2012 meeting, seconded by Ms. Wiley and that the Department include an advisory question on the use of trail cameras on Department properties as part of the 2012 Wildlife Management spring meeting advisory questions package. The question would be an NRB advisory question.

Dr. Thomas then requested the Department hold an additional public information hearing on the use of trail cameras on Department properties.

The motion carried unanimously.

Discussion followed on the process of drafting the advisory question, whether an identification number such as the DNR customer number would be required on each camera, and whether the Department owns and operates any trail cameras.

3.B.3.b. Informational report on regulations pertaining to the use of tree stands on Department properties

Scott Loomans, Wildlife Regulations Policy Specialist, stated that the Department's property managers have a higher level of concern for tree stands on Department properties. There is a convenience for hunters to be able to walk into the woods and find their stand. The Department does receive many calls on disputes regarding duck blinds. There is often no right answer in these situations and no easy way to mediate these disputes. He then discussed current county forest land regulations and distributed a handout. Changes to tree stand regulations on Department properties would require rule promulgation. **(Handout)**

Discussion followed on hunter ethics, hunter conflict, whether this issue has gone through the spring hearings process, and whether the Department should proceed with rulemaking.

Mr. Kazmierski requested the Department proceed with rulemaking to authorize the overnight placement of tree stands on Department managed lands.

INFORMATION ITEM – NO ACTION WAS TAKEN

Dr. Clausen moved the meeting to agenda item 3B5.

3.B.5 Land Acquisition, Wolf River Wildlife Area, Winnebago County

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

3.B.6 Land Acquisition, Black River State Forest Area, Jackson County

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

Discussion followed on the Department's appraisal process.

Mr. Hilgenberg requested the Department be more aggressive in the appraisal process.

The motion carried unanimously.

3.C. Scope Statements

3.C.1 Request approval of the Statement of Scope and to proceed with drafting of Board Order FR-19-11, related to amending NR 47 for Wisconsin Forest Landowner Grant Program (WFLGP) for private forest landowners and creating rules for WFLGP for Weed Management Areas

Mark Heyde, Private and Community Forestry Section Chief, stated that the rule process for the two grant programs was initially started separately but they are being combined to be more efficient. He reviewed the proposed amendments to the existing rules for the Wisconsin Forest Landowner Grant Program to implement changes recommended from the 2011 program review and opportunities for implementation of the Division of Forestry Strategic Direction. This grant program provides grants to individual private woodland owners for implementing forestry practices on their own lands.

He then reviewed the proposed rules for the new Wisconsin Forest Landowner Grant Program for Weed Management Areas. This new grant program will provide grants to Weed Management Areas for managing invasive species by individuals or groups. The grant program will be

modeled after the Wisconsin Forest Landowner Grant Program for individual forest owners. He requested the Board approve the Statement of Scope and to authorize the Department to proceed with drafting Board Order FR-24-11.

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

3.C.2 Request approval of the Statement of Scope and to proceed with drafting of Board Order FR-24-11, related to regenerating harvested areas of Department owned and managed lands

Teague Prichard, State Forest Specialist, stated that this rule would establish a mechanism that allows cooperating foresters and private contractors to assist the Department in regenerating harvested areas of state owned lands to meet the annual allowable timber harvest established under Wis. Stat. s. 28.025. This rule will create a funding mechanism for artificial and natural regeneration treatments conducted by cooperating foresters and private contractors directly related to timber sales specified in 2005 Act 166. Regeneration treatments include site preparation, tree planting, and invasive species control associated with forest regeneration. He requested the Board approve the Statement of Scope and to authorize the Department to proceed with drafting Board Order FR-24-11.

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

Discussion followed on the public comment process, what guides the harvest, and to what funds the timber sales go to.

The motion carried unanimously.

Dr. Clausen moved the meeting to item 3B4.

3.B.4 Land Acquisition, Northern Highland/American Legion State Forest and Statewide Natural Areas, Vilas and Iron Counties

Public Appearances:

1. **Representative Tom Tiffany**, Hazelhurst, 35th Assembly District. He was delayed due to a legislative meeting conflict and did not arrive until after this item was voted on. His comments are as follows. He spoke in strong opposition to this acquisition. He stated he is greatly concerned with this acquisition at a cost of over \$4,600 per acre. This is the people's money in times of tight budgets. He would like to know what lands BCPL will be purchasing with these funds and what properties will then be coming off the tax role. At a hearing with the forestry committee, Forestry Administrator Paul Delong stated that the Department will align with Federal policies. He questioned this alignment and stated that federal policies are already killing northern Wisconsin. He then questioned the need to preserve this land for hemlock regeneration since there are currently many stands in northern Wisconsin. He was also concerned with how a Department employee approached an Iron County landowner in order to purchase their 40 acres. Lastly, he questioned why a land value decrease is happening on state lands, which reduces PILT payments to townships (i.e. Town of Little Rice was reduced by 17% which amounts to \$15,000). This is something he will do research on in the next couple of months.
2. **Tia Nelson**, Madison, representing the Board of Commissioners of Public Lands (BCPL) as Executive Secretary. She gave an overview of BCPL and discussed their land bank authority. She stated that Van Vliet Hemlocks is a rare, unique forest that has been in continuous state ownership since the time of statehood. This parcel was never harvested during the timber clear cuts at the turn of the prior century. This once predominate forest type of northern Wisconsin is now less than one tenth of 1% of its original range. Van Vliet is quite simply one of the crown jewels of Wisconsin forests. She distributed a handout that includes BCPL's Land Management Analysis, purchases, and sales. **(Handout)**

Discussion followed on whether this parcel has been open to hunting, fishing, and trapping, and whether any regeneration is taking place on the property.

3. **Tom Olson**, Madison, representing Friends of the Van Vliet Hemlocks, spoke in strong support of this acquisition. He noted their interest in participating with the Department in the development of a management plan for the Van Vliet Hemlocks as a State Natural Area. They also would welcome the opportunity to work with Department staff on developing educational and interpretive materials and, potentially on invasive plant species issues. **(Handout)**

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

Discussion followed on clarification of the purchase, why the Department's negotiated price is more than the appraisal, whether a precedent can be set that the Department pay the lower appraisal, and whether the Department is competing with the private market on BCPL properties.

The motion carried unanimously.

Dr. Clausen moved the meeting to agenda item 3.D.1.

3.D. Budget

3.D.1 Request approval of FY 2011 – 2013 Capital Development Funding to Enhance Public Access and use of Department Lands

Scott Gunderson, Executive Assistant, stated this is an issue that others have felt very strongly about over the years. We need to make sure that properties purchased with Stewardship funds are accessible. There are many properties out there that do not have any type of parking at all and no signage. If we are going to be using these funds to buy property for people to use, the public needs to know where they are and a place to access these properties. This program is focused on how we are going to go forward in signing these properties and making them accessible to our customers, the citizens of Wisconsin. This is a great thing to get into the budget, \$5 million dollars that will be earmarked out of Stewardship. This is going to open up a lot of acres.

Jason Stringer, Budget and Policy Supervisor, and **Sanjay Olson**, Land Division Deputy Administrator, gave a joint presentation. They reviewed the background on the additional \$7 million of Stewardship bonding for this initiative. \$5 million of these funds is for Conservation Infrastructure Improvements. \$1.25 million is for increased electrification of campsites in state parks, and the remaining \$750,000 is unspecified, for other access or projects. They then reviewed the Conservation Infrastructure Goal, project types, implementation guidance, project identification, evaluation and selection, program budget, geographic distribution, Building Commission approval, and DNR Enterprise Agency Status. They requested the Board approve the FY 2011 – 2013 Capital Development Funding to Enhance Public Access and use of Department lands. **(PowerPoint)**

Discussion followed on whether the Department is intending on plowing snow at these parking lots and whether the Department will include the Department's call center phone number on the signage.

Mr. Hilgenberg recommended the Department include their toll free call center number (888-936-7463) on property signage.

Dr. Thomas added to Mr. Hilgenberg's recommendation to include the website link to the property.

Secretary Stepp suggested that staff include the computer scan for Smartphone's on the signage.

Discussion followed on how the Department of Administration's Division of State Facilities (DSF) was paid, whether there is a communications strategy for putting any of these funds into small businesses around the state, and whether local organizations have been asked to provide manpower on some of these projects.

Mr. Kazmierski recommended the Department work with clubs and organizations to assist with projects such as roadwork.

Secretary Stepp stated that the Department needs to market and communicate better in getting the word out.

Public Appearances:

1. **Ralph Fritsch**, Townsend, representing WI Wildlife Federation (WFF) spoke in strong support on this item. The WFF has been a very strong supporter of the land acquisition components of the two Outdoor Recreational Aide Programs (ORAP) and the three iterations of the Stewardship program. This plan and the list of the proposed projects is a major step forward to making the public lands managed by the Department open and useable by Wisconsin sportsmen and women. **(Handout)**

Discussion followed on whether WFF was aware of ongoing projects and was contacted for assistance by the Department.

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

Representative Tiffany arrived at this point in the meeting. His testimony, although delivered late, is noted under agenda item 3.B.4.

Dr. Clausen moved the meeting to agenda item 5.

5. Board Members' Matters

Mr. Hilgenberg requested the Department look into not allowing clearcutting on areas of 40 acres or more on Department properties.

Mr. Hilgenberg then commented on bulldozed logging roads as has been observed in the Northern Highlands/American Legion state forest over the last several years. He requested the Department consider those be re-opened to allow for better access and camping in an effort to encourage a more hunter-friendly opportunity and environment.

Dr. Clausen requested staff give Mr. Hilgenberg a briefing on forestry practices.

Dr. Thomas requested the Department look into processing turkey permit applications by the end of December instead at the end of January.

Mr. Kazmierski supported Dr. Thomas' request noting that this would enable hunters to actually plan their travel and vacation time.

Mr. Kazmierski commented on the Act 21 scope statement process. He appreciates seeing the direction of rules upfront.

Dr. Clausen stated that with the change in policy related to scope statements, the Board now provides the opportunity for citizens to testify. It is important to get public input early in the process.

Mr. Kazmierski then stated as a sidebar that he feels more comfortable about the Highlands/Van Vliet purchase. A few years back this property appraised at \$7 million.

Mr. Cole requested Secretary Stepp have an opportunity at the January 2012 meeting to present a lookback to 2011 on the Department's accomplishments and to also include the Department's perspective for what the road holds for the Department in 2012 and how the Board can respond to it.

Ms. Wiley invited Cathy Stepp to goose hunt with her and Preston Cole in 2012.

Ms. Wiley stated one of the things that came up after the Patriot Act was that power plants had to install fencing. As a result, traditional portage paths around the dam are gone. River users now need to forage their own path. She requested the Department look at and put money into good portage trails for kayaks and canoes around power plant dams and smaller dams on Wisconsin's main water trails.

6. Special Committees' Reports

None

7. Department Secretary's Matters

Secretary Stepp stated her appreciation for the challenges brought forward by the Board. The Board reminds us to stop and think. The Board is a great checkpoint to make sure the Department is communicating effectively with the public. It keeps the Department sharp and dialed into what the pulse is of the public and how important that is. This Board should never be just a rubber stamp for whatever administration happens to be here. The Board always should be challenging the thought and the direction of the Department which touches every man, woman, and child in Wisconsin. She appreciates the thoughtfulness of all of you.

7.A. Retirement Resolutions

- 7.A.1 Thomas A. Nigus
- 7.A.2 Dave Paynter
- 7.A.3 Doug Rinzel
- 7.A.4 Joan Rockwell
- 7.A.5 Alan Tatzel
- 7.A.6 Shane Weber
- 7.A.7 Nancy R. Wood

Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski of the retirement resolutions. The motion carried unanimously.

Secretary Stepp then updated the Board on a recent Country Today article regarding Department land sales. This reminded her that every place she goes, there are many people paying extra acute attention to every word she says. Sometimes that gets ballooned out of context and can have wide-reaching waves. She then gave the Board her perspective on what happened at the DBA (Dairy Business Association) event where she was a guest speaker.

Pending wolf delisting. She will be talking with Tom Melius, Regional Director with the US Fish and Wildlife Service, regarding an anticipated timeline and details of the delisting of the gray wolf in Wisconsin. Kurt Thiede, Land Administrator, will be contacting members of the Board with details after the call. Once they are delisted, the Department will be working on depredation controls, trapping, and permits to landowners that are in depredation areas. State legislation will be needed to implement a public harvest.

Mining legislation. A hearing on a mining bill that the Assembly introduced is taking place today in West Allis. It is important to remind everyone that the Department's Leadership Teams position on legislation is that the Department is a resource agency and our job is to give technical information. When asked to do so, we will. The Department does not want to weigh in for or against because those are opinions. The Department will answer all questions that are asked by any side of the isle honestly with the best technical expertise that our staff has to offer so that policy and decision makers can make good decisions.

Service centers. Right after the first of the year, the Department will roll out a plan on how we will be increasing our face time with our customers and giving much better customer service across the state by about 40%. This is a large goal but we feel confident it will be met. We will share more details with you after the first of the year.

Lastly, she shared some positive news. She is very proud of Matt Moroney, Deputy Secretary, who has really led the charge on bringing in Lean Six Sigma practices into the Department. We are spearheading this in state government and have really energetic people on our staff who are looking at streamlining process just like the business community does. Each division will come up with a couple different Lean Six Sigma projects that will demonstrate efficiencies and return a much better investment on the dollars that taxpayers and license and application fee payers make into the Department.

7.B. Donations

- 7.B.1 The Friends of High Cliff State Park will donate \$160,000 to High Cliff State Park for funding restoration to the wetlands, stream and trail of the Butterfly Pond Trail area

Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski. The motion carried unanimously.

- 7.B.2 The Green Bay Packers will donate \$16,000 to the Department of Natural Resources to be used by the "First Downs for Trees" program

Secretary Stepp stated the Department is very grateful for how well the Packers are doing because first downs mean trees.

Public Appearances:

1. Ave Bie, Green Bay, Green Bay Packers Board of Directors, stated that this program started one and one half years ago. The Department's leadership really helped take this to the next level. First Down for Trees is putting trees back into the Brown County community. Last year, 350 trees were planted to offset the carbon footprint that the Packers use while they travel. This year, it is taking another step, and it is First Down for Trees. For every first down, there will be a tree planted in the watershed district in the Brown County area to restore the eco-system. It is a great program that includes many partners, the community, DNR Leadership, and the U.S. Forest Service. This goes way beyond not only the good things they do on the football field, but also the good things they do for the community.

Secretary Stepp added "Go Packers, go Badgers, go hunting!"

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

- 7.B.3 Polaris Industries Inc. of Osceola, Wisconsin, will generously donate a 2009 Polaris Sportsman ATV valued at \$6,999 and a 2009 Polaris IQ FST Touring Snowmobile valued at \$10,099, for a total value of \$17,098

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

Dr. Clausen moved the meeting to agenda item 8.A.2.

8. Information Items

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

8.A.2 Update on Oak Creek Bluff Collapse at WE Energies Power Plant

John Hammen, Southeast Region Air & Waste Program Manager, spoke in place of Ann Coakley, Waste and Materials Management Bureau Director. He credited Ms. Coakley for her great leadership during this project. He summarized the history of the Early Ash Disposal Areas (EADAs). He then detailed the October 31, 2011 bluff collapse and the ensuing response from the Department, US EPA, USCG, and WE Energies' Unified Incident Command team. He discussed the National Oceanic & Atmospheric Administration Report conclusions and the Department's Assessment. He then reviewed the Department's June 2008 conditional exemption and conditions issued to WE Energies, that there has been intense interest from the press and citizens, and lastly, reviewed the Department's future activities and determinations. **(PowerPoint)**

Discussion followed on whether anything has been done to divert water and runoff from where the ravine is now, EPA's plan to implement rules on ash and byproducts, and whether the Department is being engaged by EPA.

Secretary Stepp stated that Mr. Hammen is exceptionally modest. He was the guy at the helm. She thanked him and his team for an outstanding job and for their leadership.

INFORMATION ITEM – NO ACTION WAS TAKEN

Dr. Clausen moved the meeting to agenda item 4.A.

4. Citizen Participation

4.A. Citizen Participation

Public Appearances:

1. **Ralph Fritsch**, Townsend, representing WI Wildlife Federation

Topic: Coyote Hunting in Northern Wisconsin (**Handouts – 2**)

He presented a petition to amend current Department rules and eliminate the prohibition on the harvest of coyotes during the gun deer seasons in northern Wisconsin. He stated there is no biological reason related to the gray wolf to retain the existing coyote hunting prohibition during the gun deer season. There also is no biological reason to continue the prohibition based on coyote populations. The year round coyote season throughout the remainder of the state is a prime indicator that there is a stable coyote population that can withstand a greater harvest.

Discussion followed as to why the Department put out a coyote warning for Racine County.

Dr. Clausen moved the meeting to agenda item 8A1.

8.A.1 Silica Report Briefing

Bill Baumann, Acting Director for Bureau of Air Management, gave a background of the Silica Report and then discussed the following: What is silica; silica health effects; silica health benchmarks; silica ambient air concentrations; alternative control strategies; state regulations and controls for Wisconsin; and state regulations and controls for other states.

In summary, he stated that sources of crystalline silica are ubiquitous; No federal air quality standards for silica currently exist; The size of crystalline silica particles of most concern are smaller than 4 microns. There are no generally accepted monitoring methods for this size; Controls for crystalline silica are the same typically used for PM; The Department has extensive experience applying PM controls which will help minimize crystalline silica emissions; There is very little conclusive information that exists regarding sources, controls or levels of silica in ambient air. This means it is not possible at this time to determine conclusively whether or to what extent the quantity, duration or types of silica emissions in Wisconsin may be a public health concern; and that current statutes substantially constrain establishment of ambient air standards in Wisconsin in the absence of federal standards. He then summarized a petition for rulemaking that was recently received by the Department regarding respirable crystalline silica emissions.

Discussion followed on what permitting and control measures used by other states that Wisconsin also uses (State Regulations and Controls, other states PP slide), whether the Department's ability to enforce particulate matter standards has teeth – i.e. if there is no ambient monitoring, how do you know if the federal levels are being exceeded; and whether there is anything in state law that prohibits townships from establishing a nuisance dust level or finding a health standard and including that in as a condition of zoning.

Pat Stevens, Air and Waste Administrator, stated that in regards to the monitoring issue, one thing to keep in mind when the Department issues a permit, many times there is not a source there so there is nothing to monitor. The way the Department decides whether or not you need a particulate matter standard in regards to this discussion is through a modeling exercise in the absence of monitoring data. The other component of that is a fugitive dust plan.

Discussion followed on whether California's heavier permitting and control measures relate more to mining or to manufacturing, and the timeframe and administrative rules process for the petition for rulemaking.

Tim Andryk stated that if the Department agrees with the petition, we would initiate the rule making process as requested in the petition or along the lines as to what is requested. A scope

statement would be drafted and sent to the Governor and then the Board for approval. If the petition is not legally sufficient or we do not agree with it and deny it, then the Board would be notified. If we respond to this petition in January 2012, a scope statement could be sent to the Governor for approval in February 2012 and then to the Board in March 2012. These approvals would authorize the Department to begin rule making.

Dr. Clausen pointed out that if the Department denies the petition or if the Governor does not approve the scope statement, both of those decisions are subject to administrative appeal under s. 227.42 in the statute.

Secretary Stepp stated that before the Department would embark on this effort, we would want to make sure the Department's decision is based on science.

Discussion followed on whether there are any published studies on silica/fugitive emissions, and whether there are any known impacts in Wisconsin from other states fugitive emissions.

INFORMATION ITEM – NO ACTION WAS TAKEN

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

8.B.1 Annual Report on Commercial Fishing from the Lake Michigan and Lake Superior Commercial Fishing Boards

Bill Horns, Great Lakes Fisheries Specialist, summarized features of commercial fishing management in Wisconsin, pounds harvested from Lake Superior, Dockside value by calendar year from Lake Superior, pounds harvested from Lake Michigan, Dockside value by fishing year from Lake Michigan, Quota species, and the Department's considerations in setting harvest limits. He then reviewed data on bloater chubs from Lake Michigan, lake trout from Lake Superior, perch from Green Bay, perch from Lake Michigan, Smelt from Lake Michigan and Green Bay, and whitefish from Lake Michigan. Lastly, he discussed the commercial fishing zones on Lake Michigan. **(POWERPOINT)**

Discussion followed on who can hold a license and how many licenses one business can control.

Public Appearances:

1. **Charlie Henriksen**, Bailey's Harbor, representing Lake Michigan Commercial Fishing Board (co-presenter). He discussed the chub quota, the need for a commercial harvest on lake perch in Lake Michigan, that the lake trout program on Lake Michigan has run its course, and their concern for salmon numbers due to white fish eating their food supply. The federal government lumps salmon and lake trout data together which is misleading. White fish are not a native fish and the federal government spends a lot of money on it. It is not a valuable sport fish either.

He then talked about federal troll surveys that show chubs are not growing which he feels is directly related to the food source. They agree that there is a lot of walleye in the lower bay making it hard for the perch to recover. A limit is needed on walleye being planted there. He thanked the Board for the whitefish season extension. The extension saved a lot of guys from shutting their door. He discussed trap net fishing in zone 3 and the user conflict with trollers dragging lines behind their boats. The outcome on this is that sportfishers became more educated on what they were doing and are now more safety conscience.

He stated that electronic reporting from 12-13 years ago is still not happening. The problem is in the technology and the Department's inability to access that technology. Another thing they do not feel is an effective tool is minimum production on eliminating inactive licenses. Whatever sort of protectable interest a commercial fisher has is in their quota.

INFORMATION ITEM – NO ACTION WAS TAKEN

DECEMBER 13-14, 2011

Mr. Cole MOVED, seconded by Ms. Wiley to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 1:50 p.m.

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