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NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, March 23, 2011 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 9:30 a.m. for action on items 1-7. The meeting adjourned at 4:03 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

David Clausen – absent	Preston Cole – present
Jonathan Ela – present	Gary Rohde – present
John Welter – present	Christine Thomas – present via conference call
Jane Wiley – present via conference call	

1.B. Approval of agenda for March 23, 2011

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

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

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

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

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

3. Action Items

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

3.A.1 Presentation of 2011 Laboratory of the Year Awards

Camille Turcotte, Environment Science Services Section Chief, DNR's Laboratory Certification and Registration program presents a laboratory of the year award to a small registered lab and a large registered lab annually. This is the 16th year these awards have been given out. The labs faithfully serve their communities and help the Department do its job by making every effort to produce high quality data. Data quality is determined not only by the accuracy and precision of the data, but also by relevance, timeliness, completeness, and accessibility. In 2011 the winners are: Small Registered Lab: New Holstein Wastewater Treatment Plant, Large Registered Lab: Fond du Lac Regional Wastewater Treatment Facility.

INFORMATION ITEM – NO ACTION TAKEN

3.A.2 Request approval of the FY 2012 Laboratory Certification and Registration Program Fee Adjustment

Camille Turcotte, Environment Science Services Section Chief, stated that this adjustment represents a 5.3% fee reduction for their customers while maintaining current service levels. Their budget is \$132,000 (18%) below the state approved spending authority. There was no opposition to the proposed fee package at the public informational meeting held in Madison on February 8th, 2011. The budget is supported by the Laboratory Certification Standards Review Council. She requested the Board approve the FY 2012 Laboratory Certification and Registration Program Fee Adjustment.

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

- 3.B. Land Management, Recreation, and Fisheries/Wildlife
3.B.1 Request adoption of Board Order FR-38-10, creating NR 45.055, specifying where and when golf carts are allowed in the Governor Thompson State Park and the Peshtigo River State Forest

John Lubbers, Regional Forestry Staff Supervisor, and Peter Biermeier, Recreation, Planning, and Development Section Chief, gave a joint presentation. They stated that s. 27.01 (17) Stats., created under 2009 Wisconsin Act 54, requires the Department to create a rule that specifies when and where golf carts are allowed in the Governor Thompson State Park and the Peshtigo River State Forest. It further directs the Department to authorize the use of golf carts to at least the same time and locations as golf carts were used before the Department purchased the lands from Wisconsin Public Service and a private resort.

To determine past use and create the draft rule state forest and park staff met internally to discuss possible golf cart use locations. Discussions were held with leaders of the golf cart users about their list of desired golf cart locations. Further discussions between department staff and the users took place that led to agreement for a framework of the draft golf cart rule. That framework was used by Department legal staff to create the draft rule that went to public hearing on December 16, 2010. During the hearing, no one provided oral statements about the rule after their questions were answered. Of the nine attending, eight registered in support of the draft rule and one registered in opposition.

After the hearing, eight written comments were received. Seven comments expressed opposition to golf cart access in the State Park and/or the State Forest. One comment supported golf cart use in the Park. The concerns of those opposed to golf carts include user conflicts, conflicts with the existing park master plan and policies; poor use of limited development funds; damage to existing trails and the landscape; and excessive noise and air pollution. The comment in support listed access for the elderly and disabled as a reason to allow golf carts in the Park.

Department staff intend to maintain the current positive dialogue and relationship at future meetings of the golf cart users group and during implementation of the rule. They requested the Board adopt Board Order FR-38-10. **(PowerPoint)**

Discussion followed on boat landing 13 and the surrounding properties, whether there are any golf cart access options to boat landing 13, whether golf carts can legally operate on town roads, the nature of the opposition to golf cart access, whether the township restricts golf cart usage to day light hours, and whether golf cart access would be year-round or seasonal.

Mr. Rohde MOVED approval, seconded by Ms. Wiley.

Public Appearances:

1. Andrew Malecki, Green Bay, representing Friends of Governor Thompson State Park spoke in opposition to the rule. He stated the Governor Thompson Park's Master Plan does not include any provision for golf cart use. Funds would be needed to provide an unmanned trail entrance to the park and a parking lot for a small minority. The trail could impact and be detrimental to the campground. Therefore, the Friends Group unanimously opposes the use of golf carts in the park. Also, the area the golf carts users want to access is already accessible by motor vehicles. **(Handout)**

Discussion followed on the historic use of the property and whether the Department has authority to deny golf cart use.

Mike Lutz, DNR Attorney, stated that the Department does not have authority to deny golf cart use. The Department must follow past usership patterns and is doing its best to comply with the spirit of the law.

Discussion continued on whether the campground is accessed by a different road than from boat landing 13 access, clarification that the Department is required to have golf carts in both the State Park and State Forest according to statute, concerns about enforcement and golf cart usage, whether the definition of golf cart is in the rule, and whether the Department has brought forward the best possible compromise for golf cart access to boat landing 13.

The motion carried on a voice vote of 5-1.

- 3.B.2 Request approval of the 2011 Wisconsin Forest Management Guideline (Pub-FR-226) revisions
Carol Nielsen, Private Lands Forestry Specialist, provided a background on the Forest Management Guidelines which establishes basic, sensible concepts for responsible resource management at the site level for resource managers and enthusiasts. She then reviewed the revision process and noted the main updates to this publication. She requested the Board approve the 2011 Wisconsin Forest Management Guideline. **(PowerPoint)**

Discussion followed on the types of people or organizations that responded with comments and whether the Silviculture Manual will be revised to include these changes.

Mr. Cole requested a briefing on the Silviculture Manual.

Discussion followed on whether there is a cost to purchase publication FR-226, what the main changes to this publication include, and how often this publication is revised.

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

- 3.B.3 Ratification of Department decision to issue Stewardship grants that will prohibit at least one nature-based outdoor activities (NBOA) on non-department land: Town of Neenah, Village of Sister Bay, and Door County
Lavane Hessler, Stewardship Local Assistance Grant Manager, reviewed the three projects before the Board, as follows:

Project 1 is for the acquisition of 10.88 acres by the Town of Neenah in Winnebago County. The property will create the Town's first nature conservancy park which will be dedicated to passive outdoor recreation and education. The Town of Neenah has a town ordinance that prohibits the discharge and carrying of weapons or bows and arrows. Future plans include creation of the Herziger Conservancy Park dedicated to passive outdoor recreation and education.

Project 2 is for the acquisition of 0.96 acres of property by the Village of Sister Bay in Door County for the expansion of the Waterfront Park. This parcel is the final acquisition to complete the village's plan for public access and open green space along the entire shoreline from Marina Park to the Yacht Club. The proposed acquisition project is located on Lake Michigan and has 292 feet of water frontage. The marina will be open for public use and be operated as an expansion of the current village marina. Future plans include public walkways and recreational activities to include fishing, hiking, cross-country skiing, boating, swimming, bird and wildlife watching, photography, canoeing and kayaking, and picnicking.

Project 3 is for the acquisition of 1.32 acres of property by Door County for the Cana Island Lighthouse County Park in the Town of Baileys Harbor. The parcel is located along Lake Michigan and will become a part of the Cana Island Lighthouse Park. The Cana Island Lighthouse Park is visited by approximately 40,000 people from May to October during staffed hours. Future plans include construction of a parking lot and green space along the lakefront. Recreational activities will include fishing, hiking, cross-country skiing, bird and wildlife watching, photography, canoeing and kayaking, picnicking, and enjoying the scenic views. She requested the Board approve ratification of the Department decision to issue Stewardship grants to the Town of Neenah, Village of Sister Bay, and Door County. **(PowerPoint)**

Public Appearances:

1. **Robert Kufrin**, Sturgeon Bay, representing Village of Sister Bay as Village Administrator spoke in support of their grant request. He stated that this grant enables Sister Bay to continue its efforts to create quality free public park spaces that appeal to all ages and physical abilities. They have reached the limit of what they can do on their own and without the state's grant, their future plans will not happen. He requested the Board approve ratification of the Department's decision to issue a Stewardship Grant to the Village of Sister Bay. **(Handout)**

Discussion followed on the location of the Johnson parcel.

2. **George Pinney**, Sturgeon Bay, representing County of Door as Parks Director spoke in support of their grant request. He stated that access to the Island is by a narrow town road. The county is currently unable to provide safe parking for over 45,000 annual visitors which will remain a safety concern without this acquisition. This purchase includes 350' of Lake Michigan Shoreline and access that will increase recreational opportunities. He requested the Board approve ratification of the Department's decision to issue a Stewardship Grant to Door County.

Discussion followed on what Door County will do to ensure water quality is not degraded, whether 50 parking stalls are warranted, and whether a weekend shuttle between Bailey's Harbor and Sister Bay could be utilized to reduce road congestion.

3. **Bob Schmeichel**, Town of Neenah, representing Town of Neenah as Chair spoke in support of their grant request. He stated that the preservation of this existing environmentally sensitive property would be beneficial to the township and surrounding neighborhood. The town's future plans for this parcel include native prairie planting, native planting of oak varieties in order to create a native "oak savannah" ecology, a trail through the prairie which would eventually connect to the future trail along the adjacent CTH A, and learning station areas along the trail and wetland. He requested the Board approve ratification of the Department's decision to issue a Stewardship Grant to the Town of Neenah. **(Handout)**

Discussion followed on the learning opportunities along the trail and wetland.

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

Discussion followed on whether small business analyses are required on Stewardship purchases and whether grant applicants receive credit for economic value.

- 3.B.4 Request approval to designate a unit of the Lower WI State Riverway be named in memory of Wisconsin conservation icon Harold "Bud" Jordahl

Steve Miller, Facilities and Lands Bureau Director, stated that the Department is proposing that the Riverview Bluff Unit of the Lower Wisconsin State Riverway be renamed to the Harold C. "Bud" Jordahl, Jr. Unit. The purpose of renaming this unit is to commemorate Bud Jordahl's many state and national contributions to conservation and his longstanding support and love for the Riverway project. This unit is 2,305 acres in size and currently 453 acres within the unit are owned by the Department. It is planned that placement of a plaque and sign on public lands within the unit will raise awareness of the many contributions Bud has made to Wisconsin conservation and the Riverway during his lifetime. Bud was a friend and mentor. He requested the Board approve that the Riverway Bluff Unit be renamed as the Harold C. "Bud" Jordahl, Jr. Unit of the Lower Wisconsin State Riverway.

Dr. Thomas stated that Bud served on her Ph.D. committee. She is very excited about this designation.

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

Public Appearances:

1. **Dave Marshall**, Barneveld, representing Friends of the Lower Wisconsin Riverway (FLOW) stated their enthusiastic support for designating a major section of the Lower Wisconsin State Riverway in Harold "Bud" Jordahl's name. Bud was one of Wisconsin's great conservationists who played major roles in establishing many great Wisconsin conservation legacies. FLOW is particularly grateful for his efforts to help establish the Lower Wisconsin State Riverway and original State Stewardship Fund Program. These efforts have been instrumental in protecting the Lower Wisconsin River, one of the most biologically diverse large river ecosystems in the United States and vital resource for citizens of Wisconsin. **(Handout)**
2. **Mark E. Cupp**, Muscoda, representing Lower Wisconsin State Riverway Board as Executive Director spoke in support of this designation. He admired Bud for his humor, his experience,

and for his leadership. Bud embodies a true conservationist from policy work to the practical application on his own land. On behalf of the Lower Wisconsin State Riverway Board, he requests the Board rename the Riverway Bluff Unit to the Harold C. "Bud" Jordahl, Jr. Unit of the Lower Wisconsin State Riverway.

3. **Vicki Elkin**, Madison, representing self spoke in support of this designation. She stated that Bud was a mentor to many generations of conservationists. He was the founder of Gathering Waters and hired her in 1998. Bud taught them to not lose sight of their goals. He took ideas to success. She will never forget the experiences and lessons learned she had working with Bud.
4. **Steve Born**, Madison, representing self spoke in support of this designation. He knew Bud for more than 40 years as a coworker and friend. Bud spent his lifetime committed to natural resources. He was a strong proponent of public lands and access and a believer in public institutions and public servants. Bud became a champion of state management of the riverway. He stated that Bud's book on the Apostle Islands and his life will be available for purchase on April 11 through The University of Wisconsin Press, titled "Environmental Politics and the Creation of a Dream. Establishing the Apostle Islands National Lakeshore". **Handout**

The motion carried unanimously.

Chair Ela stated that Bud's son, Harald "Jordy" Jordahl, was in attendance and asked him to come forward to say a few words.

Mr. Jordahl thanked everyone for their support. His sisters Kristi Jordahl and Kari Jordahl could not be in attendance. This designation is a wonderful tribute for his family and father. This designation is very meaningful because it is a stretch of the river that his family loves. His dad worked with so many good people. Our great strengths are not just the resources but the people working on these projects.

3.B.5 Land Acquisition and Prohibition of Nature Based Outdoor Activities – Statewide Wildlife Habitat Program – Portage County

Public Appearances:

1. **Ed Harvey**, Waldo, representing WI Conservation Congress (WCC) as Chair stated their strong support for the purchase of the Hall Farm. They had recommended this purchase in past testimonies. He urged the Board to proceed with the acquisition, even if it requires the use of the state's eminent domain authority. It is vital to the health of the wild cervid populations that the fence be maintained until such a time that we can be certain that the contamination has been eliminated naturally, or through some as yet unknown treatment. **(Handout)**
2. **George Meyer**, Madison, representing WI Wildlife Federation (WWF) spoke in support of the acquisition. The WWF, WCC, and local Almond Rod and Gun Club have been requesting the DNR to purchase the property for well over a year so that the fence on the property would be maintained to protect the wild deer herd. The WWF applauds this effort by the Department. **(Handout)**
3. **Dawn Justmann**, Waunakee, representing Frost Valley Conservation Alliance spoke in strong support of the state purchasing the Hall farm, provided the deer-proof fences be maintained as the Department is proposing. **(Handout)**
4. **Gary Goyke**, Madison, representing Whitetails of Wisconsin and the Wisconsin Commercial Deer and Elk Farmers Association. He spoke in support of the proposed purchase of the Patricia Casey (Stan Hall) farm in Portage County. Their top priority since 2002 has been the request to find a live test for this particular animal disease (CWD). He hopes this will allow Wisconsin to explore new paths to find a way to limit CWD's debilitating effects on our farms and on our state's valuable wild deer herd. It is not a good use of limited resources to have to

kill an animal to find out if it is sick. **(Handout)**

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

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

Public Appearances

1. **Ed Harvey**, Waldo, representing WI Conservation Congress (WCC) as Chair **(Handout)**

Topic: Wounded Warriors in Action (WWIA)/Bear permits for Purple Heart Recipients
The WCC Bear Committee and the Executive Council of the WCC voted unanimously to support legislation that would allow the WWIA to receive one class A bear harvest permit annually in Wisconsin. The WI Bowhunters Association, the WI Trappers Association, and the WI Wildlife Federation have all signed letters of support for the WWIA. He asked the Board to sign the letter supporting legislation that would allow WWIA to receive one class A bear harvest permit every year that would be given to a Purple Heart recipient.

Chair Ela stated that writing letters to the legislature is not a general practice of the Board. A letter from the Board would be more appropriate after a bill has been introduced.

2. **Patricia Randolph**, Portage, representing self **(Handout)**

Topic: Imbalance of funding and lack of democracy which does not reflect citizenry of WI at the DNR

She requested the Natural Resources Board vote on a proposal to form a non-consumptive citizen committee to work with the Board to formulate plans for non-consumptive citizen fair funding of wildlife management in the DNR as a part of general citizen funding in lieu of killing licenses to level the playing field. This non-consumptive committee would work with the Board to plan a way to tie that funding to fair general citizen input and participation in governing our public lands and wildlife.

Discussion followed on the specifics of her request to the Board.

5. Board Members' Matters

Mr. Welter shared his concern that there are people advocating for the Rainbow Springs parcel to remain a golf course. This item was approved by the Board in August 2008 as agenda item 3.B.5 – land acquisition for the Kettle Moraine State Forest in Waukesha and Walworth Counties. This property was purchased with Stewardship funds in the amount of \$10,800,000 and is located in the Mukwonago River watershed. It would be best used as a natural place. The Board was supportive of this purchase as wild land for public use. Changing direction of that vision will not do service to the people of Wisconsin or the Stewardship program. This could also result in Department purchases being changed at a whim which would alter the intent of the Stewardship program. **(Handout)**

Discussion followed on the usability of the Mukwonago River should the property remain as a golf course, concern of special interest groups altering Department purchases, whether returning this parcel to a golf course is a breach of faith, possible impacts to the Stewardship Program, and possible impacts to habitat restoration.

Chair Ela requested a straw poll to see how many think it is a good idea to change the mission of Rainbow Springs to include golf course facilities, and whether Board members would be inclined to vote in support or opposition to retaining a golf course if it came before the Board as part of a master plan or some other context.

David Clausen – absent	Preston Cole – opposed
Jonathan Ela – opposed	Gary Rohde – opposed
John Welter – opposed	Christine Thomas – opposed
Jane Wiley – opposed	

Chair Ela stated that this poll will give staff guidance.

Mr. Rohde stated that he is a firm believer that people make programs and programs depend on people. He requested a staffing discussion as to where we are now, how to make the programs work, retirements, and potential loss of experience/department knowledge.

Chair Ela stated Secretary Stepp will address staffing issues during Secretary's Matters.

Mr. Cole stated that the Department and City of Milwaukee's recycling program have been partners since the inception of the program. Milwaukee spends about \$12.2 million on the recycling program annually. Funding from the Department ranges between \$2.8 million and \$3.4 million. He is worried about this relationship on a going forward basis and hopes to continue to be partners in making recycling in every community around the state a sustainable program.

Dr. Thomas commended the Department and local and state conservation groups for decisive and good work on the Hall Farm. She believes the right thing was done. She is already receiving communications from the people in the community who have ideas about what we should and should not do regarding research on the property. Her assumption is that staff will come up with a protocol for entering and leaving the property under the theory that if there are prions in there, we would not want to take them out with us. The property will need to be entered regularly for checking of the fences. She requested that when the Department comes up with a research plan, given that there may be things that might be proposed that would be controversial, that the staff come back before the Board with their research ideas.

Chair Ela expressed his appreciation to staff on the Hall Farm acquisition. He then requested 1) an update at the April meeting on the budget discussion that we will have later this afternoon; 2) a presentation on the budgetary impacts of the Governor's proposed biennial budget on state of WI energy programs, whether they are housed at the Department or separately; and 3) an information item on the impact of new federal clean air regulations recently proposed by the EPA on existing Wisconsin clean air regulations.

A. Request for education and evaluation on the phase-out of lead tackle on Department properties

Jack Sullivan, Science Services Bureau Director briefed the Board on the background of this item as directed by Board Vice-Chair Dave Clausen. He then addressed the preliminary screening done by the Department to date and the next steps for Board consideration.
(Handout – Lead Free Fishing Tackle Pilot)

Lead Free Fishing Tackle Pilot

Background: At the January 2011 Natural Resources Board (NRB) Meeting, Board Member Dr. David Clausen sponsored a seminar on the impacts of lead fishing tackle and firearm ammunition on wildlife health. Following the briefing, the Board discussed steps the Department might take in addressing the issue. The issue of most concern was the impacts of lead fishing tackle exposure to loons, eagles and swans.

NRB/Department Actions: NRB Chair Jonathan Ela requested John Welter and Dr. Clausen work with staff to explore education and public information initiatives, and pilot projects on state managed properties that will move the issue forward. Science Services coordinated a department effort at the direction of Dr. Clausen to identify lakes that met the following criteria:

- Lakes with shorelines entirely state owned and in the Northern Highlands American Legion State Forest
- Lakes with recent nesting loons or loon use
- Lakes with at least average angling pressure; preferably with walleye as a primary species

The only lakes that met all three criteria were Vilas County lakes Allequash and Escanaba. Given this small number of potential study lakes, the criteria were subsequently expanded to include a larger geographic area and

lakes with a bass/panfish fishery. Lakes meeting the expanded criteria include Nebish, Frank, Fallison, Day, Little Rock, Emerald, Bug, Klondike, and Shannon all in Vilas County. Six of these have trail-only or no access and most have lower fishing pressure. Of these lakes that met the expanded criteria, only Nebish offer the access and viable fishery necessary to be included in the initiative.

Summary based on Preliminary Screening: Only two lakes met the initial criteria. The criteria were subsequently expanded, which added one additional lake.

Next Steps for NRB Consideration: To meet the goal of the NRB several steps need to be taken and include:

- Finalize criteria addressing the selected geographic area (Northern Highlands), fishery (walleye or bass/panfish), public access, and shoreline ownership (100% public).
- Select final lakes.
- Develop lead free tackle restrictions (i.e. consider banning use of all lead-containing tackle or banning the small tackle that presents a greater risk to loons (i.e. sinkers 1 ounce and less and jigs less than 1" in any dimension)).
- Consult with Legal Services and Law Enforcement and determine necessary rule revisions and administrative process for promulgating rules governing the use of lead fishing tackle.

Discussion followed on whether one would need to register prior to fishing on a research lake, the Departments's recommendations of lakes that meet research criteria, what the learning objectives are that the Department hopes anglers will get from this and how those objectives will be achieved, the status of the education aspect of this request, and whether the Department should pursue ch. NR 45 or ch. NR 20 for rulemaking.

Mike Lutz, Legal Services Bureau Director, stated that typically the Department does not regulate waters. The Department could pursue ch. NR 20 rulemaking prohibiting possession of lead tackle going on the water i.e. if lead tackle is found in tackle box, this would be in violation of law.

Discussion followed on whether pursuing NR 20 for rulemaking would extend the timeframe.

The Board requested staff pursue this item in chapter NR 20 and to err on the side of obtaining the most public participation.

6. Special Committees' Reports
None

7. Department Secretary's Matters
Secretary Stepp responded to Gary Rohde's request for an update on the retirees and vacancies to include the staffing process on filling positions. She stated there is a high number of staff eligible to retire. Since January 2011, 96 employees have retired. The Department is set up for 3,300 staff but now have approximately 2,200. We do not have the people to do the work. The Department is preparing to finalize a cohesive plan to present to the legislature for filling vacancies. Currently under review are workload priorities, streamlining efforts, paperwork reductions, and web-based applications to reduce human resources strain. Administrators are identifying their critical staffing needs, vacancies, length of time positions are vacant for, looking for duplications of job duties, and succession planning. The Department currently has 452 vacancies. 66 of these positions will be lost with the current budget repair bill reductions. The Department needs boots on the ground to do oversight. We are focusing on how can we improve customer service and be more accountable.

Mr. Rohde requested information on how the 452 vacancies split out between program revenue and GPR.

Mr. Cole requested information on how the Department is diversifying its staff by targeting women and minorities for higher level positions.

- 7.A. Retirement Resolutions
- 7.A.1 Gordon Stevenson
- 7.A.2 Ronald G. Eckstein
- 7.A.3 Michael J. Talbot
- 7.A.4 Arnie Lindauer
- 7.A.5 Thomas J. Watkins
- 7.A.6 Mark B. Endris
- 7.A.7 Gene Tiser
- 7.A.8 David A. Wood
- 7.A.9 James L. McNelly

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

- 7.B. Donations
- 7.B.1 Ducks Unlimited and Dow AgroSciences will donate sunflower seed valued up to \$75,000 to provide increased hunting opportunities for bird hunters in Wisconsin

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

- 8. Information Items
- 8.A. Air, Waste, and Water/Enforcement
None

- 8.B. Land Management, Recreation, and Fisheries/Wildlife
- 8.B.1 Update on Wisconsin Lake Superior Basin Brook Trout Plan

Peter Stevens, Fisheries Management Northern Region Team Supervisor, spoke in place of **Mike Staggs**, Fisheries Management Bureau Director. He began with an update to the Board on Whittlesey Creek and the goal to establish a self-sustaining population of coaster brook trout by habitat restoration, fish stocking, assessment and monitoring. He then discussed the Department's goals and actions for Raspberry Creek – to rehabilitate brook trout and their habitat; Graveyard Creek – to increase brook trout abundance and reconnect habitat; Bois Brule River – enhance

brook trout spawning and refuge habitat; and the South Shore Fish and Wildlife Area – enhance brook trout spawning and refuge habitat. **(PowerPoint & Handout)**

Discussion followed on whether the Department is at the point to make any conclusions from reviewing the existing brook trout regulations on populations (i.e. bag limits), whether anglers are identifying and reporting the correct fish, and if an appropriate management action will be taken.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

- 8.B.2 Overview of Governor Walker's proposed 2011 - 2013 Budget

Chair Ela stated the Board will receive an overview on the budget, phosphorus, recycling, Stewardship, and Brownfields.

Matt Moroney presented a broad overview on phosphorus. The Governor is sensitive to municipalities in their budget cuts they are making and is looking for a way not to force additional expenses on them earlier than necessary. The Governor's office has reached out to the Department and have been working closely with Bruce Baker to come up with language that keeps Wisconsin in compliance with EPA and keeps onboard with enforcing phosphorus regulations in Wisconsin. The exact outcome is not known. This is a discussion that is happening which is encouraging. The Department will continue to be a resource to the Governor and to the legislature.

Discussion followed on the drafting error in which the proposed budget language did not look at the in-water quality standards but rather the water quality based effluent limitations, whether the numeric standard would eventually be replaced in Wisconsin by a narrative standard, whether the intent of the proposed regulations is to get at the water quality standards and what the current thinking is, whether the Secretary's office has toured the Petenwell Flowage and met with area residents, business owners, and organizations regarding their water quality issues, the economic impact of phosphorus run off, and that Wisconsin's rule was negotiated for years with a variety of users.

Chair Ela requested a technical and political update at the April meeting on Phosphorus.

Joe Polasek, Management and Budget Bureau Director, summarized the proposed Budget by funding source, authorized positions by funding source, and impact on authorized full time employee positions. He then reviewed the biennial budget highlights that include requests for new funding, technical modifications, program reductions, and bonding request. **(PowerPoint and Handout)**

Discussion followed on where the funding for the recycling program is going, what the \$13.1 million is out of the Conservation fund, whether this budget is a 10% reduction across the board, where the recycling money is going to, explanation of lapses, whether there are any impacts on aids to communities, which programs the 30.96 FTE reductions are coming out of, the increase of 19.15 new positions in the Environmental Fund, projected cut of payments in lieu of taxes (PILT) to municipalities, debt service re-estimates, whether the reduction in PILT will erode Stewardship acquisitions, and whether it is possible to have bonding authority and not use the money.

Kurt Thiede, Land Administrator., briefed the Board on the proposed budget changes to the Stewardship Program to include: The bonding level of \$86 million was not adjusted and is available again this fiscal year; the proposed bill would suspend aids in lieu of property taxes on future DNR land purchases; requires a city, village, town, or county to adopt a nonbinding resolution that either supports or opposes a proposed acquisition of land or easement, except for forestry easements; limits acquisitions of land, easements, and other rights or interests in land under the stewardship program to only acquisitions of land in fee simple' an easement acquired for a state trail, for the Ice Age Trail, or to provide access to land or a body of water may not be more than five acres in size; would suspend the accommodation of usership patterns as a reason for prohibiting public access with respect to lands, or easements on lands, that are not acquired for a state trail or the Ice Age Trail and that are acquired after the bill becomes law; that the state never pays more than Fair Market Value; and under current law, if a land acquisition or development project under the stewardship program costs more than \$750,000, DNR cannot obligate money from the stewardship fund for that activity until DNR gives to JCF written notice of the proposed activity and JCF reviews the obligation under its passive review process. This bill decreases the \$750,000 threshold to \$250,000. If the law change to \$250,000 had been in place already on July 1st, 2010 we would have had 17 items instead of 5 going to JCF. To account for this, a month would be added to our option period under normal conditions, and forewarn the seller we may need extensions.

Discussion followed on the 5 acre limit on easements for trails and how access would be impacted, whether the Board should express their concerns in the form of a resolution or letter, whether this proposed bill will undo the compromise on Stewardship and NR 52, whether the short tenure situation is addressed in the proposed bill, concern that the PILT and easement issues may be crippling to the Stewardship program, whether the Department has an expectation as to how much of the \$86 million in Stewardship will be spent, and the status on the current fiscal year grants.

Chair Ela requested information on which of this fiscal year's Stewardship grants are moving forward and which will need to go through the new criteria process.

Mr. Welter requested that staff look in the proposed budget for river grants and river planning grants and respond if they are in it or not. He was unsuccessful in locating them.

Ann Coakley, Waste and Materials Management Bureau Director spoke on the elimination of recycling grants. The proposed bill maintains DNR administration; recycling requirements for individuals; and maintains recycling through landfill bans and the efforts of individuals or local recycling program and not Responsible Units. The proposed bill eliminates Responsible Units to develop and implement recycling programs; state-mandated “effective recycling program” requirements; grants supporting Responsible Units, Reduction and Recycling Grants and Recycling Efficiency Incentive Grants; and the state mandate to provide for a specific recycling program. She then summarized the expected changes to recycling in Wisconsin including the responsibility to recycle is on individuals instead of local governments; added flexibility in how WI will continue to lead in recycling; new way of implementing the state’s recycling program; and that DNR anticipates new approaches to operating and financing successful and job-producing recycling programs will emerge. **(PowerPoint)**

Discussion followed on how an individual will recycle if there is no Responsible Unit, whether the public will revert to throwing away their recycling in the garbage to save on costs, whether this proposed bill may have a negative effect on Waste Management’s new recycling center, that recycling funds are still being collected but would be diverted to other sources, staff reductions, and the downside to the proposed changes to the recycling program.

Pat Stevens, Air & Waste Administrator, reviewed the DNR Brownfields Grants: Site Assessment Grants in the amount of \$1.7 million per year and Green Space Grants in the amount of \$500,000 per year. The purpose of the Site Assessment Grants is to conduct assessments, demolition and tank removal. It also assists local governments “jump-start” sites. The purpose of Green Space and Public Facility Grants is to provide clean up grant funds for green space and public facilities. Local governments are recipients. The budget proposal would eliminate DNR funding for two grant programs. WEDC would administer state brownfields funds. DNR staff levels would be maintained. **(PowerPoint)**

Discussion followed on what is the green space grants average, what will happen to DNR employees currently involved in remediation work, and the funding levels on both programs.

Discussion continued on the concept of state natural areas being funded by the sale of natural areas (p. 393 in budget bill), whether changes in the storm water regulations could risk a federal takeover of the program, and the status of the Capital Development Budget.

Ms. Wiley requested a status update on the capital improvements at Rib Mountain State Park.

Chair Ela requested an update at the April meeting on the capital budget to include projects that are going forward.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

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

The meeting adjourned at 4:03 p.m.

The Natural Resources Board and Department of Natural Resources are committed to serving people with disabilities. If you need Board information in an alternative format, please contact:

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