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## NATURAL RESOURCES BOARD

### MINUTES

A special meeting of the Natural Resources Board was held on Tuesday, January 24, 2012 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 4:05 p.m.

#### ORDER OF BUSINESS

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

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

- 1.B. Approval of agenda for January 24-25, 2012

**Matt Moroney**, Deputy Secretary, spoke in place of Cathy Stepp, DNR Secretary. He requested the January 24-25, 2012 agenda be amended to have Congress Matters – Item 3B10 moved prior to the Department’s Wildlife Management – Item 3B1 and Fisheries Management – Item 3B2.

**Mr. Hilgenberg MOVED approval of the agenda as amended, seconded by Mr. Bruins. The motion carried unanimously.**

2. Information Items
- 2.A. Seminar
- 2.A.1 Health Effects of Air Pollution

NOTE: Seminar can be viewed on the Board Website at: <http://dnr.wi.gov/org/nrboard/2012/January/01-12-NRB-Agenda.htm>

Welcome: Dave Clausen, Chair, Wisconsin Natural Resources Board

Opening Remarks and Introduction of Speakers: Dr. Henry Anderson, Chief Medical Officer, Wisconsin Division of Public Health

Effects of Air Pollutants: Robert Thiboldeaux, PhD, Toxicologist, Wisconsin Department of Health Services. He reviewed the National Ambient Air Quality Standards, particulate matter air quality health concepts, functional categories of inhaled toxicants, how air pollution is harmful, particulate matter and toxicity, particulate matter deposition in lungs, and inflammation and Atherosclerosis. In summary, he stated particulates small enough to enter the bloodstream from the lungs are harmful. Particulates contain reactive chemicals that cause cell damage and inflammation. Cell damage and inflammation have a variety of health effects. **(PowerPoint)**

Respirable Mineral Particles: Philip Cook, PhD, Senior Research Chemist, U.S. EPA NHEERL Mid-Continent Division. He reviewed iron formations of the Lake Superior region, methods for assessing risks for asbestos associated health effects, findings from an old vermiculite mine in Libby MT, definition of asbestos, measures of small size, amphiboles, diseases associated with inhaled particles from Asbestos, exposure/risk assessment: some size/shape categories; mean shapes and sizes of fiber types, and in vitro dissolution studies. In summary, health risks such as those documented for inhalation to REMPs associated with asbestos mining and product uses are possible for inhalation exposures to non-asbestos and synthetic REMPs. In vivo doses over time in lung, pleura, and other tissues best define relative potencies if the particles are sufficiently elongated.

Fiber (or REMP) number metrics do not well define effective doses and relative potencies. Fractional fiber number dose correlations do not infer unique causality. Relative potency for mesothelioma is strongly related to the total effective surface area of REMPs reaching the pleura. Particle alternations in vivo, such as splitting, can significantly increase the effective dose and thus potency. Toxicological data and improved human dosimetry models can facilitate better extrapolations of human epidemiological data and much needed prospective health risk assessments. **(PowerPoint)**

Discussion followed whether vermiculite used in potting soil is a form of asbestos and whether the use of this form of potting soil could lead to health issues, whether the addition of other inhalable particles and pollutants can change the potency of a given fiber or particle, the length of time iron ore has been mined in the U.S., whether health issues (mesothelioma) can be attributed to tactionite mining, whether there is a safe way to mine tactionite, whether the filters in respirators take out harmful particles, and whether EPA's standards on particulate matter are adequate to protect the public's general welfare.

#### INFORMATION ITEM – NO ACTION WAS TAKEN

**Chair Clausen** moved to recess the meeting.

\*\*\*The meeting recessed at 4:05 p.m.\*\*\*

The regular meeting of the Natural Resources Board was held on Wednesday, January 25, 2012 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 2:35 p.m.

#### ORDER OF BUSINESS

1. Organizational Matters
- 1.A. Calling the roll  
William Bruins – present                      Preston Cole – present  
Christine Thomas – present                  Jane Wiley – present  
Terry Hilgenberg – present                  David Clausen – present  
Greg Kazmierski – present
- 1.B. ~~Approval of minutes from December 13-14, 2011~~ DELETED (moved to February 22 agenda)
2. Ratification of Acts of the Department Secretary
- 2.A. Real Estate Transactions

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

3. Action Items
- 3.A. Air, Waste, Water, and Enforcement
- 3.A.1 Request approval to solicit comments on economic impact and authorization for public hearings on Board Order WT-23-11, relating to sewage collection systems, bypassing, and sanitary sewer overflows

**Mr. Cole MOVED approval, seconded by Ms. Wiley. A Department presentation was not requested. The motion carried unanimously.**

- 3.A.2 Request approval to solicit comments on economic impact and authorization for public hearings on Board Order RR-04-11, proposed rules affecting chs. NR 700 to 754, Wis. Adm. Codes regarding investigation and cleanup of contaminated properties  
**Mark Gordon**, Technical Resources Section Chief, reviewed the background of the NR 700 rule series and the major goals of this proposed rulemaking. He then summarized the department's cooperation with a number of external stakeholders. He requested the Board to approve the solicitation of comments on economic impact and authorization for public hearings.  
**(PowerPoint)**

Discussion followed on where the public hearings will be held.

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

- 3.B. Land Management, Recreation, Fisheries, and Wildlife  
3.B.10 Congress Matters: Wisconsin Conservation Congress (WCC) 2012 Spring Hearing Advisory Questions  
**Lee Fahrney**, WCC Secretary spoke in place of **Rob Bohmann**, WCC Chair. He thanked Jane Wiley for attending the January 6, 2012 WCC Executive Council meeting in Stevens Point. He then thanked the Board for their continued interest. He stated WCC will have 52 advisory questions on the questionnaire. He then highlighted question 3-Consolidating Jurisdictions for Wetland Management Regulations; Question 10-Creation of Public/Private Antlerless Deer System; Question 19-Increase Trapping License by \$2.00 to Fund Permanent Position to Administer Trapper Education; Questions 21 and 22-Allows Use of Crossbows During the Bear Season and During Fall and Spring Turkey Seasons; Question 30-Sandhill Crane Season; Question 41-Allow Motor Trolling Statewide; and Question 48-Allow Statewide Coyote Harvest During the Deer Firearm Season. He then stated that after participants have completed the department and WCC advisory questions, WCC will begin the town-hall portion of their meetings. They will then develop recommendations to reduce complexity, increase opportunity and eliminate regulations and policies that may be obstacles for hunters, anglers and trappers. They will present their recommendations to the Board and department at a later date.

In addition, the Congress Executive Council approved an Outreach Committee recommendation to proceed with a strategic planning process for the WCC. Art Lersch of the UW Extension will serve as the facilitator of that process. They are currently working on funding for this project. It is their intent to come back to the Board with more information once a plan and direction for this project have been outlined. The Congress will be assisting Dr. James Kroll in facilitating six town-hall meetings throughout the state in the later part of April. The Board will be notified with the detailed information of locations and dates of those meetings as soon as they are finalized.

#### **INFORMATION ITEM – NO ACTION WAS TAKEN**

- 3.B.1 Request approval of the 2012 Wildlife Management spring meeting advisory questions to gauge public opinion  
**Scott Loomans**, Wildlife Regulations Specialist, stated the department is requesting approval to hold meetings on 15 wildlife related advisory questions that will be the subject of voting at the 2012 spring fish & wildlife meetings. It also is anticipated that the Natural Resources Board will add an advisory question related to allowing the use of trail cameras on department managed lands. All questions will be advisory-only and are not rule change proposals. The department anticipates holding hearings on a spring hearing rules package again in 2013 and subsequent odd-numbered years. This timeline for rule promulgation is compatible with new requirements of 2011 ACT 21. If there is sufficient public support, proposals related to open water hunting and the bobcat season framework may be the subject of future proposed rulemaking. Modifying the requirements for guide licenses would require new legislation. Voting on an NRB question regarding the use of trail cameras will advise the department when it considers enacting policy changes under authority it currently has.

He reviewed each question and then introduced and distributed an amendment to Department Advisory question 16 - Relating to the use of trail cameras on department managed lands.

*Analysis*

This amendment to Wildlife Management spring hearing advisory question 16 clarifies that investigating complaints related to theft or damage of unattended trail cameras will be prioritized compared to other work required of department staff. Investigating events of theft or damage of trail cameras will not be a department priority unless evidence warrants it.

**A third bullet placed in the introductory information before question 16 is created to read:**

- The placement of trail cameras on department managed lands is done at your own risk. The department will not be responsible for theft or damage to trail cameras on department managed lands.

He requested the Board approve Wildlife Management's 2012 spring meeting agenda of advisory questions with amendment to question 16.

Discussion followed on whether the DNR or the Department of Safety and Professional Services should be involved in license requirements for hunting guides and whether limiting trail cameras for hunting guides should be pertinent to future discussions.

**Mr. Cole MOVED approval, seconded by Mr. Kazmierski, including the addition of a third bullet placed in the introductory information before question 16: "The placement of trail cameras on department managed lands is done at your own risk. The department will not be responsible for theft or damage to trail cameras on department managed lands. The motion carried unanimously.**

- 3.B.2. Request approval of the 2012 Fisheries Management spring meeting advisory questions to gauge public opinion  
**Mike Staggs**, Fisheries Management Bureau Director, spoke in place of **Kate Strom Hiron**, Fisheries Policy Specialist. He reviewed Escanaba Lake adult walleye estimates, defined who the department's customers are and what they want, rules simplification, user conflicts and angler preferences, and input for 2013 and 2015 spring hearing rule changes. He then reviewed the following advisory questions: allowing motor trolling statewide, closed fishing seasons, management zones, special regulations and boundary waters, whether to simplify seasons for rough fish spearing, fish refuges, fishing license structure, and the use of non-lead sinkers, weights, jigs, and hooks on Escanaba, Nebish, and Palette Lakes in Vilas County. He requested the Board approve Fisheries Management's 2012 advisory questions to gauge public opinion. **(PowerPoint)**

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

- 3.B.3. Request approval of bear harvest quotas for the 2012 season  
**Kevin Wallenfang**, Big Game Biologist, reviewed the black bear harvest and success rates from 1991 through 2011, 2011 harvest by method, youth opportunities, bear population estimates and visitation rates in primary range, quota-setting considerations, and proposed 2012 bear season quotas and permit levels. He then updated the Board on the bear plan, including public input opportunities. New management goals will be based on research and public input. It also will address more bears in southern counties. He requested the Board approve the 2012 season bear harvest quotas. **(PowerPoint)**

Discussion followed on nuisance complaints from the agriculture industry, whether the department tracks bear harvest on private and on public lands, and concerns of overharvesting on public lands.

**Mr. Kazmierski** requested bear harvest data from private and public lands.

**Public Appearances:**

1. **Rich Kirchmeyer**, Prentice, representing the Wisconsin Conservation Congress (WCC)  
He stated the WCC Bear committee met on December 2, 2011 in Stevens Point to review the preliminary suggested 2012 harvest quotas and harvest permit levels. For bear management Zone A there was a motion to reject the harvest quotas and permit levels being presented by the department. After a very lengthy discussion by the committee, Wildlife Biologist Linda

Olver restated that all the preliminary proposed harvest quotas and harvest permit levels also were discussed extensively by the departments Bear committee and that they preferred to stay somewhat cautious about increasing any harvest quotas and harvest permits levels until the final results from the 2011 tetracycline survey were returned and evaluated at that point in time there could be more confidence in the harvest goals and permit levels the WCC bear committee were asking for. The motion to reject failed and then all preliminary proposed harvest goals for the 4 Bear management zones were approved by the WCC Bear committee. He thanked Linda Olver for her desire, dedication, and commitment she gave as the interim Bear ecologist over the past few months.

The WCC Bear committee fully supports and realizes the importance of the 2011 tetracycline survey in helping set new population goals for each bear management zone. He then stated that the department, with Kevin now on board, can begin the process of rewriting a new bear management plan. **(Handout)**

**Greg Kazmierski MOVED approval, seconded by Christine Thomas. The motion carried unanimously.**

3.B.4. Request approval of the Point Beach State Forest Master Plan

**Dan Schuller**, Parks and Recreation Bureau Director, and **Jeff Prey**, Program and Planning Analyst gave a joint presentation. They stated that all southern state forests are managed by the state park system. They then reviewed the background of Point Beach State Forest, existing Point Beach State Forest recreation uses and opportunities, existing resource management activities, and Master Plan property goals. They then reviewed highlights of the Master Plan including recreation development, 7 designated areas (forest production, 2-native community management, recreation, scenic, and 2-state natural areas), habitat and conservation, flyway migration route protection, and boundary expansion alternatives. Lastly, they reviewed written comments from the draft plan public review period. They requested the Board approve the Point Beach State Forest Master Plan. **(PowerPoint)**

Discussion followed on the status of the lighthouse, whether there is enough operating capital to maximize recreational opportunities, whether the department could include a projected long-term budget in master plans, how purchases affect operational costs, and the lack of adequate funding.

Mr. Hilgenberg congratulated staff on the Master Plan and applauded them for the great job they are doing.

**Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski.**

Secretary Stepp stated the department has a renewed focus on management and defining what property management is. The department's goal is to get Parks off of GPR and be self-sufficient. She then recognized Dan Schuller and his exemplary leadership team in Parks.

**The motion carried unanimously.**

**Dr. Thomas** requested the Board, in order to facilitate site visits, receive an ongoing six month list of master plans that will be coming before the Board.

3.B.5. Request approval for American Marten Management and Conservation Plan

**Erin Crain**, Ecological Inventory and Monitoring Section Chief, gave an overview of the American Marten Management and Conservation Plan. She then introduced Jim Woodford to the Board.

**Jim Woodford**, Conservation Biologist stated an updated plan is needed to: (1) guide management decisions for the state-endangered American marten, (2) utilize new science, and (3) was requested by our marten management partners – Chequamegon-Nicolet National Forest, Great Lakes Indian Fish and Wildlife Commission, and Marten Advisory Committee. American martens, also known as pine martens, are economically and culturally important, and also are good indicators of healthy northern forests. They currently are listed as state-endangered and mostly found on public lands in the northern tier of counties. American martens were reintroduced to

these areas over the past 4 decades.

The new marten management plan major topics include: (1) a comprehensive review of marten information, (2) a status update, (3) population and land management strategies, (4) delisting criteria, (5) research needs and priorities, and (6) advisory committees and tribal consultation processes. He requested the Board approve the American Marten Management and Conservation Plan.

Discussion followed on predators, range of the American marten, whether a fiscal note was included in the plan, whether the majority of funding for research is from partners and donations, tribal outreach, whether the American marten is the only endangered mammal in Wisconsin, and whether trapping had an effect on depredation.

**Public Appearances:**

1. **Jonathan Gilbert, Ph.D.**, Odanah, representing Great Lakes Indian Fish and Wildlife Commission - Voigt Intertribal Task Force and its 10 member tribes. He reviewed the importance of the American marten to the Ojibwa Indians as a clan animal. He personally has worked on marten research related to natural history and ecology for the past 20 years. He reminded the Board of the department's responsibility to consult with the tribes. He is pleased the plan includes the concept of co-management. He requested the Board to scrutinize these plans to make sure staff proceed in this manner. He encouraged the Board to support this plan.

**Chair Clausen** thanked Dr. Gilbert for an articulate presentation.

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

3.B.6 Approval on Economic Impact Solicitation Process

**Tim Andryk**, Legal Services Bureau Director, stated the department requests the Board clarify its role in the new rule process. He discussed the rules process prior to Act 21 and then reviewed the most significant change due to Act 21, the requirement for the department to solicit, consult, and coordinate on the newly required Economic Impact Analysis (EIA). He then reviewed Option 1 which will save staff and Board time. In Option 1, there is no requirement for Board approval for the department to be able to publically release the proposed rule language to solicit, consult, and coordinate for an EIA (Levels I, II, and III). The department is looking to make this process more efficient. **(PowerPoint)**

Discussion followed on whether the Board will receive the basic rule language before it goes public, and whether the department would need to start the rules process over if the Board does not approve of the rule language when it comes back to the Board for hearing authorization.

**Tim Andryk**, Legal Services Bureau Director, stated the proposed rule would not necessarily need to start over. If the change results in a significant economic impact, the economic impact could be changed. Historically, the Board has not made any changes resulting in significant impact in the past.

Discussion continued on timing concerns of post-Act 21 environmental regulations.

**Tim Andryk** stated the process for soliciting EIA's and consultation rules could extend the process. The Board can request the EIA at the scope statement level.

Discussion continued on who decides on what a significant change is to a proposed rule, which of the department's options are recommended and is least bureaucratic, and concern that the Board might deny hearing authorization and send the proposed rule back to the start of the process if the Board does not like the content changes.

Secretary Stepp stated that the department is asking the Board for simplification in proceeding with the EA. The only step the department is requesting is to eliminate permission to proceed with an EA.

**Mr. Bruins** applauded the department in becoming for efficient. The Board will be monitoring this process.

**Mr. Bruins MOVED approval, seconded by Mr. Cole of Option 1 – Have no requirement**

**that the Department request Board approval for all proposed rules prior to publically releasing proposed rule language to solicit, consult, and coordinate in the development of an EIA (Levels I, II and III).**

Mr. Cole stated that staff needs to get the EA right the first time or they will need to take the time to do it twice.

Mr. Hilgenberg stated his concern for the amount of time this process takes. For clear understanding, the Board's kick at the cat will happen during the Scope and anticipated economic impact, public hearing authorization, and at adoption. He recommended the department define what "significant" means.

Secretary Stepp reinforced what Mr. Hilgenberg stated. Much more thought on proposed rules should be given at the front end. This is the important part of Act 21.

Discussion followed on how the department would treat a level 1 significant impact with \$20 million in costs but then has possible cost savings after implementation, the importance of the department doing the EIA correct the first time, whether the draft rule language must accompany the solicitation, consultation, and coordination of the EIA, and the department's process to take the proposed rule language out for public solicitation, consultation, and coordination.

**Public Appearances:**

1. George Meyer, Madison, representing Wisconsin Wildlife Federation as Executive Director stated that before Act 21, anything that went through the WI Conservation Congress was the most transparent in the U.S. That needs to be taken into account. There are thousands of hunting, fishing, and trapping regulations in the state. Most of which are not controversial. Act 21 is overkill. He requested the Board approve Option 1 and that the Board does not add to the rule process burden.

**The motion carried unanimously.**

3.B.7 Clarification of Board Decision about Registration Required for NBOA Access on Properties Purchased with Stewardship Program Grant Funds

Tim Andryk, Legal Services Bureau Director and Pam Foster Felt, Nonprofit Stewardship Grant Manager gave a joint presentation. They began by reviewing the NBOA prohibition approval process and NBOA prohibition definition. They then reviewed the Board's decision from agenda item 3.B.5 from the August 20, 2011 Board meeting. To ensure efficient and consistent administration of Stewardship Program grants, department staff requests clarification of the Board's August 2011 decision applies only to the three Nature Conservancy (TNC) projects or if the Board intended to establish policy for all future parcels to be purchased in part with Stewardship Program funds. The department is before the Board seeking clarification.

Discussion followed on whether the three grants from August went to TNC.

**Public Appearances:**

1. Casey Eggleston, Madison, representing The Nature Conservancy, declined to testify
2. Laura Guver, Madison, representing self, declined to testify.
3. Darren Marsh, Madison, representing Dane County as Parks Director, declined to testify.
4. Lee Fahrney spoke in place of Rob Bohmann, Racine, representing Wisconsin Conservation Congress as Chair. He stated that while WCC recognizes that registration is allowable, they believe that sportsmen and women should not be singled out as the only user group that needs to register. It is their belief the department already has adequate harvest reporting through tagging and registration and feel that is all that should be required of a hunter or trapper. If it is

good for one user group than it should not be used discriminatorily, but should be applied to all users. It is just as likely that a hiker or skier may trespass as a hunter. The WCC feels strongly it is the state's authority to monitor hunter, trappers, and harvest and not something that non-profit organizations should be doing under the Stewardship program by singling out a user group.

The WCC respectfully recommends that registration be avoided, but if it is used, the WCC feels it should be required for all uses, not just hunting and trapping. The WCC further requests that if required, it continue to be available on-site as the NRB has approved for previous grants. **(Handout)**

Discussion followed on a compromise convenient for hunters and is workable for land trusts.

Discussion followed on whether there are many existing properties that require registration, the status of a department directory indicating stewardship lands open to public recreation, and whether the department should continue making administrative decision on grants and bring prohibitions to Board.

**Secretary Stepp** stated this rises to a more philosophical decision. The department is directed to make sure NBOA's are available on stewardship grant properties. The challenge here is how come some register and others do not. The argument is should they all be treated the same.

Discussion continued on whether a private land owner wanting to know who is on their property is a prohibition, and whether the Board should continue looking at potential instances for prohibiting a user group in an area

**Mr. Kazmierski MOVED to establish policy for all future parcels purchased in whole or in part with Stewardship Program funds on which landowners propose some user registration, to require on-site registration to accommodate any required visitor registration system. Mr. Kazmierski's motion was not seconded.**

**Mr. Hilgenberg MOVED to establish policy for all future parcels purchased in whole or in part with Department funds that if there are any registration requirements, registration must be required for all users. Mr. Hilgenberg's motion was not seconded.**

Discussion followed on whether the concern is prohibiting access or managing access, how land groups are using registration information, whether on-line registration is prohibitive, whether the Board thought out all the possible ramifications of this issue in August 2011, and whether staff has been done a good job in evaluating whether a prohibition is taking place.

**Dr. Thomas MOVED, seconded by Ms. Wiley to establish policy that the Department make a determination on all future parcels purchased in whole or in part with Stewardship funds as to whether or not proposed actions of the grantee constitute an NBOA prohibition. If the Department determines an NBOA prohibition is necessary, the Board will decide whether or not to ratify the Department's determination at a public-noticed meeting of the Board.**

Discussion followed on ensuring Stewardship lands are open and the importance of NGOs knowing the requirements up front.

**Secretary Stepp** stated from an administrative side the department needs direction. The last thing the department wants to be is too prescriptive to partners. Our partners need to know the rules up front and how to manage these lands. We do not want to discourage our NGO partners. She is very uncomfortable with the idea of staff having to make those decisions on a property by property or project or application basis. That is more of a philosophical discussion. Is hunting registration a prohibition when you are not requiring it of a hiker, bird watcher, or a canoeer.

**Dr. Thomas** stated that if the Board gets into defining everything with no staff discretion, then to

her that is big and needs to go out to public hearing. Many things then would need a definition. This is before the Board for clarification and not a department recommendation. There has been no public hearing on this.

**Secretary Stepp** stated that is where we are going. We need to find out if this rises to the level that warrants taking this out to for more public discussion about it. That is why we brought it back to the Board today.

**Ms. Wiley** called the question.

Discussion followed on the August 2011 trapping question which veered into a side issue as to whether registration was a prohibition.

**Chair Clausen** requested a roll call vote.

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

<b>William Bruins – yes</b>	<b>Preston Cole – yes</b>
<b>Christine Thomas – yes</b>	<b>Jane Wiley – yes</b>
<b>Terry Hilgenberg – yes</b>	<b>David Clausen – yes</b>
<b>Greg Kazmierski – no</b>	

3.B.8 Project Re-Designation and Land Acquisition - Paradise Valley Wildlife Area - Waukesha County

**Public Appearances:**

1. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director appeared in support of this acquisition and project re-designation. This parcel will present great opportunities to users. It has a high price but this land will get used. He requested the Board approve this acquisition.

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

**Mr. Bruins** thanked Mr. Steffes for clarifying his questions on this property.

Discussion followed as to whether there was any local financial support, whether staff asked Waukesha County to share some of the expense, concern this property does not join state lands, and the lack of management on other parcels.

**Mr. Cole** stated that an approval on this item sends a message to our constituents in that area that the Board heard them loud and clear at the Stewardship Subcommittee listening sessions.

Discussion followed on the need to look long term and allocate funds for specific areas and whether local partners can help manage properties.

**Mr. Cole** and **Mr. Hilgenberg** encouraged the Department to look into local partnerships for property management and purchase assistance.

**The motion carried unanimously.**

3.B.9 Land Donation and Project Boundary Modification - White River Marsh Wildlife Area – Waushara County

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

**Mr. Hilgenberg** requested that the Department check with local units of government for an endorsement or resolution to support future donations.

**The motion carried unanimously.**

- 3.C. Scope Statements  
None

**Chair Clausen** requested a motion to go into Executive Session under the authority of s.19.85(1)(e) Wisconsin Statutes, for the purpose of discussing potential real estate transactions and under the authority of s.19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters.

**Mr. Hilgenberg MOVED, seconded by Dr. Thomas to go into Executive Session.**

<b>William Bruins – yes</b>	<b>Preston Cole – yes</b>
<b>Christine Thomas – yes</b>	<b>Jane Wiley – yes</b>
<b>Terry Hilgenberg – yes</b>	<b>David Clausen – yes</b>
<b>Greg Kazmierski –yes</b>	

**Chair Clausen** reconvened the meeting at 1:00 p.m. Chair Clausen reported that during the Executive Session no action was taken.

4. Citizen Participation  
4.A. Citizen Participation

Public Appearances:

1. **Barbara Behlke**, Sheboygan Falls, representing Aquapons (**Handout**)

Topic: American Home Grown Vegetables, Glacial Animal Shelter, and Social Services – Numerous Sustainable Objectives.

She requested the Board to consider a private-public relationship that builds an AQUAPON facility on public land. Aquapons are an evolving production process that cultivates safe produce, herbs, vegetables and tilapia under one continuous structure. She would provide the team leadership to develop a multi-purpose business model that provides vegetables to area schools and other public outlets; a safe and wholesome environment that helps displaced or troubled children and teens and alliances with prison systems, and an animal shelter, earth science, and healing orphaned animals. She requested the Board establish a committee to consider details of this private-public relationship.

Discussion followed on whether the medium for this facility is water and whether Ms. Behlke has discussed this concept with the Department of Agriculture, Trade and Consumer Protection.

2. **Carolyn Schueppel**, Madison, representing self (**Handout**)

Topic: Footloose Wisconsin – restoring safety to our public lands

She stated that on October 16, 2011 her border collie, Handsome, was killed in a conibear trap near Oregon. She could not open the trap and rescue him. He suffered a painful death. She was diagnosed with Post-Traumatic Stress Disorder due to this and has to pay out of pocket for treatment. The trapper had trespassed to set his traps. She vowed at that moment that she would go to press and become an animal advocate. This has been traumatic for her but deadly for Handsome. These deadly regulations are for a mere 86 trappers in Wisconsin versus 3,000,000 wildlife watchers.

She opposes Senate Bill 226 which would mandate trapping and hunting on newly acquired state lands. She recommended to the Board that brochures on trapping be placed in public parks and that the department should offer certification/training courses for wildlife walkers and hikers on how to avoid traps and how to open them. She also requested that funds from trapper licenses should be used to help victims.

**Chair Clausen** offered his sympathy for her loss.

5. Board Members' Matters

- 5.A. Election of Officers (to be taken up at the end of the meeting)
- 5.B. Review of Natural Resources Board Advisory Question(s) for the 2012 Spring Fish and Wildlife Hearings

**Mr. Bruins** questioned whether the wolf depredation question will keep the wolf population under control.

**The Board** did not offer any advisory questions for the 2012 Spring Fish and Wildlife hearings.

**Mr. Kazmierski** questioned whether the Board should consider public hearings regarding access and registration on Stewardship lands.

**Dr. Thomas** clarified her point in the discussion on item 3.B.7 that if the Board gets into a big thing that prescribes if, when, and how, the Board can not do that without going out to public hearing.

**Secretary Stepp** heard from the Board that they would like the Department to proceed at this point in time to continue doing things as they have been doing them, on as the need arises basis. Clearly, if a Board Member wanted to have more input from the public then that is their purview.

- 6. Special Committees' Reports  
None

7. Department Secretary's Matters

7.A. Retirement Resolutions

- 7.A.1 Thomas R. Albrecht
- 7.A.2 Anthony Bowers
- 7.A.3 James Crawford
- 7.A.4 William G. Engfer
- 7.A.5 Joseph J. Golbach
- 7.A.6 Joseph A. Leair
- 7.A.7 Randel K. Lennartz
- 7.A.8 Gerald J. Medinger
- 7.A.9 Mark J. Saunders
- 7.A.10 David R. Schulist
- 7.A.11 Barbara A. Wolf

Discussion followed on why it has taken so long for some of the resolutions to come before the Board for approval after retirement.

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

**Secretary Stepp** then updated the Board on a recent AP story that ran on the ability now for Wisconsin to have a wolf hunt since the delisting determination. It is important that she is clear with everyone that a wolf hunt will take legislation. There was an unfortunate mix-up in the wording. The department will be doing depredation management techniques.

**Secretary Stepp** then gave a presentation to the Board on the department's 2011 Accomplishments and Strategic Objectives and Benchmarks. She reviewed the implementation of new management systems, being designated Wisconsin state government's first enterprise agency, delisting of the gray wolf, began a lean government initiative, Social Media (Facebook, Twitter, YouTube, and Flickr), Customer Service, Youth Hunting, Concern for Police Survivors (COPS) "Kid's Camp, Enforcement Procedures, Honors and Awards, E-Cycling, Northwest Timber

Blowdown Response, Forestry Outreach, Voluntary Public Access program, Stewardship, Property Master Planning, Badger Army Ammunition Plant, Half Moon Lake-Eau Claire, Sturgeon Advisory Committee, Fox River Restoration, Oak Creek Bluff Collapse, and the Kenosha Engine Plant Settlement. She then reviewed the department's Strategic Objectives and Benchmarks going forward four years. **(PowerPoint)**

**The Board** thanked Secretary Stepp for her presentation.

**Mr. Hilgenberg** asked whether the department will take this presentation on the road to our constituents.

7.B. Donations  
None

8. Information Items

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

8.A.1 Update on Department's response to US EPA letter dated July 18, 2011 regarding water program inconsistencies

**Russ Rasmussen**, Water Division Deputy Administrator, he updated the Board on the department's meeting with the USEPA on December 15, 2011 where they discussed the status of the 75 issues from their July 18, 2011 letter. EPA had requested that the department provide a more detailed schedule for the rulemaking process and approvals required by the middle of February. EPA in turn agreed to notify the department regarding specific issues that may be resolved through an Addendum to the memorandum of Agreement with USEPA. The department is currently waiting for the Attorney General's Statement on several issues identified by USEPA, which will dictate whether additional rule making is required. The department believes that many of the 75 issues are minor technical discrepancies or omissions in rule or statutory language that will have little to no bearing on administration of the program and no impact on water resources in the state. Many of the issues raised are permit processing issues. For other issues, the department has already initiated the rule making process. **(Handouts)**

**Chair Clausen** requested a memo to the Board on what rulemaking is in the pipeline that resulted specifically from these program inconsistencies.

Discussion followed on whether the department is dealing with USEPA's legal staff and whether the inconsistencies from the July 18, 2011 are listed in order of importance.

**Mr. Cole** noted that the department has been an advocate for the sewage and water industries and has done a yeoman's job in pushing USEPA into a situation where they can work with business.

#### INFORMATION ITEM – NO ACTION WAS TAKEN

8.A.2 Frac Sand Update

**Tom Woletz**, Natural Resources Manager, stated that sand mining in Wisconsin is not new. He reviewed what is new and different, why these companies are looking to sand mine in Wisconsin, where the best frac sand is located, why there is a frac sand "boom" now, the process of hydrofracking a well, the sand mining process, department regulations, county regulations, and the economic impact of frac sand mining. **(PowerPoint)**

Discussion followed on whether frac sand mining will move into Juneau County, economic impact, accumulative impact of removing hills for frac sand mining, enforcement of run-off and the clean water act, how much Acrylamide is going into the groundwater and what this is doing to the groundwater, what the general size of frac sand mines are, the length of time a mine is worked until it is closed, reclamation process, whether a fund is established by the mining company in case of default, whether the sand in Portage County is useable, whether irrigated agriculture land and frac sand mines will compete for water, the permits and reviews required to establish a mine in Wisconsin, the timeline to obtain all necessary permits, whether proper

precautions are currently in place, whether frac sand mines re-use their water, whether dust suppression is the responsibility of the department, whether any enforcement action on fugitive dust has taken place, public comments and whether the department is addressing their concerns, importance of public confidence, and lack of enforcement personnel.

**Mr. Cole** stated we need to do what we are responsible for, upholding and explaining the rules, and getting industry into compliance.

**Dr. Thomas** noted that a September frac sand mining tour in the Eau Claire area is planned for the Board.

**INFORMATION ITEM – NO ACTION WAS TAKEN**

- 8.B. Land Management, Recreation, Fisheries, and Wildlife  
None

**Chair Clausen** returned the meeting to 5 - Board Members Matters.

5. Board Members' Matters  
5.A. Election of Officers

**Chair Clausen** opened nominations for officers.

**Dr. Thomas MOVED, seconded by Mr. Hilgenberg to nominate David Clausen for Chair of the Natural Resources Board.**

**Dr. Thomas MOVED, seconded by Mr. Hilgenberg that nominations for Chair be closed. The motion to elect David Clausen as Board Chair carried unanimously.**

**Ms. Wiley MOVED, seconded by Mr. Kazmierski to nominate Preston Cole for Vice-Chair of the Natural Resources Board.**

**Ms. Wiley MOVED, seconded by Mr. Kazmierski that nominations for Vice-Chair be closed. The motion to elect Preston Cole as Vice-Chair carried unanimously.**

**Ms. Wiley MOVED, seconded by Mr. Cole to nominate Christine Thomas for Secretary of the Natural Resources Board.**

**Ms. Wiley MOVED, seconded by Mr. Cole that nominations for Secretary be closed. The motion to elect Christine Thomas as Secretary carried unanimously.**

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

\*\*\*The meeting adjourned at 2:35 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:

JANUARY 24-25, 2012

Natural Resources Board Liaison: Laurie Ross at 608-267-7420 or [laurie.ross@wisconsin.gov](mailto:laurie.ross@wisconsin.gov)

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