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NATURAL RESOURCES BOARD

BRIEF OF ACTION

A Listening Session was held by the Natural Resources Board on Tuesday, September 25, 2012 at the Ramada Inn and Convention Center, Grand Hall, 205 South Barstow Street, Eau Claire Wisconsin. The listening session was called to order at 4:45 p.m. and adjourned at 6:05 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present

Christine Thomas – present

Terry Hilgenberg – present

Greg Kazmierski – present

Preston Cole – present

Jane Wiley – present

David Clausen – present

The following spoke before the Board:

1. **John “Duke” Welter**, Eau Claire, representing Trout Unlimited. *Topic:* Water resources issues.
2. **Patricia Poppo**, Chippewa Falls, representing self. *Topic:* Frac sand and particulates in the air.
3. **Jim Holte**, Elk Mound, representing self. *Topic:* Bear management policies, tag availability in different zones, and crop damage and compensation.
4. **Ken Schmidt**, Colfax, representing self. *Topic:* Frac sand industry.
5. **Crispin Pierce**, Eau Claire, representing University of WI Environmental Health Department. *Topic:* Health risks associated with sand mining and processing.

Mr. Pierce will share data collected with the Board. He will email it to the Board’s Liaison at laurie.ross@wisconsin.gov.
6. **Thomas Chisolm**, Chippewa Falls, representing Save Our Hills Alliance. *Topic:* Frac sand industry.
7. **Dan Masterpole**, Town of Cleveland, representing Chippewa County Land Conservation & Forest Management *Topic:* Water resource mgmt. concerns associated with industrial sand mine expansion, and invitation for DNR to participate in multi year groundwater monitoring/ research study to evaluate the impacts of non-metallic mining and irrigated agriculture in western Chippewa County.
8. **Vaughn Nagahashi**, Fairchild, **written comment** on frac sand mining.
9. **Glory Adams**, Eau Claire, **written comment** on frac sand extraction.

10. **Bonnie Vance**, Fairchild, representing self. *Topic:* M2 Industrial extraction of silica sand and opposition to the potential leveling of the driftless area in West Central WI.
11. **Jessica Fischer**, Clayton, **written comment** on regulation, monitoring, and enforcement concerning frac sand mining.
12. **Linda Zillmer**, Village of Birchwood, representing self. *Topic:* 1) Well head protection; 2) expansion of ATV use on roads vs trails; 3) phosphorus reduction rules (pollution credit trading).
13. **Nancy Weise**, Dallas, representing Hills Angels—Citizens concerned about the impact of frac sand mining on our county (Barron). *Topic:* Frac sand mining. She was not in attendance.
14. **Jeanne Nutter**, Strum, representing self. *Topic:* industrial mining of our rural communities in western Wisconsin.
15. **Ed Werts**, Town of Sumner, representing self. *Topic:* Concerns of water in his township and the Cameron School Board’s concerns for a frac sand loading facility near the Cameron Schools.
16. **Sharon Shier**, Village of New Auburn. *Topic:* Living in the village between two sand plants in New Auburn and the problems incurring.
17. **Danie Johnson**, Hale Township, representing self. *Topic:* sand mining.
18. **Linda Stoffel**, Colfax, representing self. *Topic:* sand mining.
19. Fred Harding, Maiden Rock, **written comment** on frac sand mining.
20. **Nettie Rosenow**, Cochrane, representing self. *Topic:* sand mining in western Wisconsin and reclamation to agricultural land.

The listening session ended at 6:05 p.m.

The regular meeting of the Natural Resources Board was held on Wednesday, September 26, 2012 at Ramada Inn and Convention Center, Grand Hall, 205 South Barstow Street, Eau Claire Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 3:00 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 September 25-26, 2012

Deputy Secretary Moroney requested that item 3.B.7 – *Land Acquisition – Avon Bottoms Wildlife Area – Rock County* and item 8.A.1 – *Update on Wisconsin waterway inventory* be moved to the October 24, 2012 meeting.

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

- 1.C. Approval of minutes from June 27, 2012 – Moved from August 8, 2012 meeting agenda

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

- 1.D. Approval of minutes from July 17, 2012

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

- 1.E. Approval of minutes from August 8, 2012

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

2. Ratification of Acts of the Department Secretary

- 2.A. Real Estate Transactions

Mr. Bruins MOVED approval, seconded by Mr. Cole. 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 of the Lower Wolf River Bottomlands Natural Resources Area Master Plan

Mr. Bruins stated that as a responsible landowner, he considers the responsibilities for the land he owns. He does a mental check of the costs that need to be done. He has concerns that the department will not have enough resources to do the work that needs to be done. Moving forward, he would like to see the department work with various groups and flesh this out in future master plans.

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

- 3.B.2 Request approval of the Governor Knowles State Forest Master Plan

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

- 3.B.3 Request approval to rename the Collins Marsh Nature Study Center to commemorate former department employee Leslie “Les” Neustadter

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

- 3.B.4 Request Approval of the Re-designation of the Sandhill Station Campground from State Wildlife Area to State Park Property and Boundary Expansion for the Glacial Drumlin State Trail

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

Dr. Thomas MOVED, seconded by Mr. Cole, to approve 3.B.5 - Land Acquisition - Northern Highland/American Legion State Forest - Oneida County; 3.B.6 - Land Acquisition - Kettle Moraine State Forest - Southern Unit - Walworth County; 3.B.8 - Land Acquisition -

Governor Knowles State Forest - Polk County; 3.B.9 - Land Acquisition - Buena Vista Wildlife Area - Portage County ; and 3.B.10 - Land Acquisition - White River Fishery Area - Bayfield County. The motion carried unanimously.

- 3.B.5 Land Acquisition - Northern Highland/American Legion State Forest - Oneida County
- 3.B.6 Land Acquisition - Kettle Moraine State Forest - Southern Unit - Walworth County
- 3.B.7 Land Acquisition - Avon Bottoms Wildlife Area - Rock County Moved to October 24, 2012 meeting agenda
- 3.B.8 Land Acquisition - Governor Knowles State Forest - Polk County
- 3.B.9 Land Acquisition - Buena Vista Wildlife Area - Portage County
- 3.B.10 Land Acquisition - White River Fishery Area - Bayfield County
- 3.B.11 Land Donation - Statewide Natural Areas - Door County

Dr. Thomas MOVED approval, seconded by Ms. Wiley, and to acknowledge the donation. The motion carried unanimously.

- 3.B.12 Land Donation - Chippewa River State Trail - Eau Claire County

Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski, and to acknowledge the donation. The motion carried unanimously.

3.C. Scope Statements

- 3.C.1 Request approval of the statement of scope for Board Order WM-01-13, the 2013 Wildlife Management Spring Hearing rule proposals, including restrictions on training dogs in tracking and trailing wolves and also for emergency dog training rules under ACT 169

Mr. Bruins MOVED to remove the emergency dog training rules from Board Order WM-01-13 under Act 169, seconded by Mr. Hilgenberg.

Ms. Wiley MOVED to amend the emergency rules that no dogs may be used for hunting wolves beginning November 26, 2012, and ending February 28, 2013, so the department has time to carefully access the humane and sensible dog training and dog hunting rules for implementation during the 2014 hunting season.

Ms. Wiley called the question.

Ms. Wiley's motion failed due to the lack of a second.

Chair Clausen asked for a roll call vote on Mr. Bruin's motion to remove the emergency dog training rule.

The motion carried on a roll call vote of 6 - 1

William Bruins – Yes	Preston Cole – Yes
Christine Thomas – Yes	Jane Wiley – No
Terry Hilgenberg – Yes	David Clausen – Yes
Greg Kazmierski – Yes	

Chair Clausen then stated he will separate approval of the WM-01-13 spring hearing rule proposal scoping statement from the restrictions on dog training.

Ms. Wiley MOVED approval, seconded by Dr. Thomas, of the 2013 Wildlife Management Spring Hearing rule proposals. The motion carried unanimously.

Chair Clausen asked whether there was a motion to approve restrictions on dogs in tracking and trailing wolves as part of the permanent rule.

Mr. Kazmierski MOVED approval, seconded by Mr. Bruins of the restrictions on dogs in tracking and trailing wolves.

Chair Clausen called the question.

The motion carried on a roll call vote of 6 - 1

William Bruins – Yes	Preston Cole – Yes
Christine Thomas – Yes	Jane Wiley – No
Terry Hilgenberg – Yes	David Clausen – Yes
Greg Kazmierski – Yes	

Dr. Thomas suggested that any hound hunters that have received wolf tags or know hunters that have received wolf tags allow a neutral third party to accompany their wolf hunt with dogs so they can report back to the department with their findings. This would really help to gather documentation for next year.

Dr. Clausen requested a motion to go into Executive Session under the authority of s.19.85(1)(e) Wisconsin Statutes for purposes 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. Kazmierski MOVED approval, seconded by Ms. Wiley. The motion carried on a roll call vote of 7 – 0.

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

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

3.C.2 Request approval of the statement of scope for Board Order WT-17-12, proposed rules affecting the creation of NR 119 related to the development of site-specific numeric phosphorus water quality criteria for lakes, reservoirs, and streams

Dr. Clausen requested that the department report back in a month or so as to where we are with the anti-degradation issue and just how we are going to deal with that.

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

3.C.3 Request approval of the statement of scope for Board Order FH-18-12, recreational fishing regulations on inland, outlying, and boundary waters

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

- 3.C.4 Request approval of the statement of scope for Board Order FH-19-12, housekeeping corrections, clarifications, and updates to outdated code regarding fishing in inland, outlying, and boundary waters

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

- 3.D. Budget

- 3.D.1 Request approval of the Department's 2013 – 2015 Biennial Budget, including Operating, Capital, and Environmental Improvement Fund Components

Dr. Thomas MOVED approval, seconded by Mr. Bruins, and to authorize the Secretary to make technical adjustments if necessary.

Ms. Wiley MOVED, seconded by Dr. Thomas for the department to establish a permanent ½ time position for Trapper Education Position and to increase all adult trapping licenses by \$2.00 per year.

Deputy Secretary Moroney stated that the Secretary's office will invite groups in to talk at the end of October about the fish and wildlife account. Members of the Board will be invited to attend also.

Dr. Thomas asked that the department have a plan in place between now and prior to the budget address in February for the Board to be able to amend.

Ms. Wiley and Dr. Thomas withdrew their amendment.

Mr. Bruins called the question.

The original motion carried unanimously.

4. Citizen Participation

- 4.A. Citizen Recognition

- 4.A.1 Comeback Champs – Karner Blue Butterfly Program

Dan Baumann, West Central Regional Direction accepted the recognition on behalf of Bob Welch.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

- 4.B. Citizen Participation

1. Kelly Jacobs, Town of Lincoln, representing Eau Claire County Land Conservation Division. *Topic:* Overview of their efforts in Eau Claire County and their updated Land and Water Resource Management Plan
2. Heather Andersen, Town of Auburn, representing self. *Topic:* Problems associated with the destruction of our land at the hands of the frac sand mining; giving examples of the everyday problems we are encountering; the lack of the ability of our DNR agents to address these problems because of the reduction of staff/the implosion of mines; are there solutions to these problems/where does the 'buck' stop or, "Who, really, is in charge of compliance of the regulations on the books?" Follow through by the DNR staff when reporting problems or lack there of.
3. Mike Robers, Exeland, representing self. *Topic:* wildlife damage program in regards to bear & the problems related to wolves & the wolf hunting season.

4. **Tom Winiarczyk**, Exeland, representing self. *Topic:* wildlife damage program in regards to bear & the problems related to wolves & the wolf hunting season. He was not in attendance.
5. Board Members' Matters
- 5.A. Approval of 2013 Meeting Calendar (Tabled from the August 8, 2012 meeting)

Mr. Bruins MOVED approval, seconded by Ms. Wiley, of the standard dates for the 2013 meeting calendar.

Ms. Wiley called the question.

The motion carried unanimously.

Mr. Bruins requested, on behalf of his farm friends that testified before the Board last night (Jim Holte) and today (Mike Robers), that he would hope the department looks into their bear situation and report back to the Board on their findings.

Mr. Hilgenberg thanked the two wardens for coming here today for their comments, their work, and being willing to share their experiences with the Board. He does believe the Board came to the right conclusion on the matter but he also challenges the department to do their statistical and information outreach analysis for the Board so they can make the best decisions possible in the permanent rulemaking process (reference to September item 3.C.1).

Ms. Wiley stated that she and Chair Clausen have been discussing the need for some additional listening sessions regarding Act 168 and its impact on our state parks. She also discussed this with Kurt Thiede and Dan Schuller in Parks. They all agree that this is a need for transparency, information, and open discussion particularly on this portion of Act 168.

Having Board members conduct sessions like this is not unprecedented. The Board did so several years prior to reauthorization of Stewardship. After consulting with Kurt and Dan regarding format and support from regional staff, she anticipates four or five meetings around the state that will be completed by mid-November. The feedback received from citizens on appropriate areas to allow hunting and trapping in parks will provide staff with "boots on the ground" information for accommodating the requirements of Act 168 in parks.

Chair Clausen stated he talked to Kurt Thiede about this at the bat conference and he talked to Matt Moroney about this two or three times. Science underlies everything that we do here in the department whether it is environmental or game and fish thing. He has been looking at some of the environmental integrity policies of various other agencies such as Department of Interior, Fish and Wildlife, and USGS. We do have already in the department in the Bureau of Endangered Resources a Scientific Integrity Policy. He would like to enter discussions with the administration on this and at some time bring back a proposal for the Board's consideration as to whether or not we want to go there and do this type of thing. He is giving a heads-up and talking about going there at some time.

6. Special Committees' Reports
None
7. Department Secretary's Matters
- 7.A. Retirement Resolutions
- 7.A.1 Daniel E. Cardinal III
- 7.A.2 Deb Johnson
- 7.A.3 Mark Kubler
- 7.A.4 Billie J. Vanklooster
- 7.A.5 Thomas W. Wrasse

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

7.B. Donations

- 7.B.1 The Barbara M. Black Irrevocable Charitable Remainder Unitrust will donate \$26,000 to the Bureau of Endangered Resources for continued support of endangered species priorities

Ms. Wiley MOVED approval and to acknowledge the donation, seconded by Mr Cole. The motion carried unanimously.

8. Information Items

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

- 8.A.1 Update on Wisconsin waterway inventory Moved to October 24, 2012 meeting agenda

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

- 8.B.1 Wisconsin wolf management plan timeline for revisions and discussion

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

- 8.B.2 Wolf harvest season information gathering

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

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

The meeting adjourned at 3:00 p.m.

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

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