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NATURAL RESOURCES BOARD

BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, September 24, 2014 via conference call 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 1-3 and 6-7. The meeting adjourned at 10:50 a.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present
Christine Thomas – present
Terry Hilgenberg – present
Greg Kazmierski – present

Gary Zimmer – present
Jane Wiley – absent, excused
Preston Cole – present

1.B. Approval of agenda for September 24, 2014

Mr. Kazmierski MOVED approval of the September 24, 2014 agenda, seconded by Mr. Zimmer. The motion carried 6 - 0. Jane Wiley was absent.

1.C. Approval of Brief of Action from August 13, 2014

Mr. Kazmierski MOVED approval of the August 13, 2014 Brief of Action, seconded by Mr. Hilgenberg. The motion carried unanimously.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Kazmierski MOVED approval, seconded by Mr. Zimmer of the Real Estate Transactions. 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 adoption of Board Order FR-07-12, proposed rules affecting chapter NR 47.65 related to a new County Forest time standards grant, which would allow county forests additional flexibility in selecting the optimal combination of resources provided by the department

Discussion followed on whether a four year cycle for the grant program will create concerns since the department has a two year biennium budget [no, would be pro-rated or withdrawn].

The Board Members that were calling in and participating via Lync as well as those present for the meeting were having difficulty hearing the staff presentation due to reverb.

Chair Cole recessed the meeting for 15 minutes so IT staff could fix the reverb. If this was not possible, then he instructed that the meeting would continue via conference call and the Lync connection would be terminated. He asked staff to fix or figure out a different method for the next Board meeting. He resumed the Board meeting at 9:04 a.m. via conference call.

Public Appearances:

1. **Jeff Barkley**, Deforest, representing Wisconsin County Forests Association
He spoke in support of the department's recommendations. **(Handout)**

Mr. Kazmierski MOVED approval, seconded by Mr. Zimmer of the department's recommendations. The motion carried unanimously.

3.C. Scope Statements

- 3.C.1. Request approval of the Statement of Scope for Board Order LE-17-13 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting ch(s). Chapters NR 50.12, NR 50.13, and NR 64.15 related to Law Enforcement Aids to Counties and Municipalities

Discussion followed on whether including hours for safety education teaching as a reimbursement cost for ATV Patrol Units and Snowmobile Patrol Units would have an impact on safety education dollars. [There is no impact/movement of funds. This change would make both patrol units consistent with the Water Safety Patrol requirements.]

Mr. Kazmierski MOVED approval, seconded by Mr. Bruins of the department's recommendations. The motion carried unanimously.

3.D. Department Wide

- 3.D.1. Request approval of the Department's 2015-17 Biennial Budget including Operating, Capital, and Environmental Improvement Fund components (PowerPoint and Written Comment)

Discussion followed on the breakdown of the \$100 million for Stewardship, how computer leases work, law enforcement overtime changes, whether wardens are salaried or hourly, forestry operations, and debt service.

Mr. Bruins questioned what the percentage of interest and principal is on the debt service and what the interest rate is.

Deputy Secretary Matt Moroney stated staff will follow up in a memo.

Public Appearances:

1. **Jeff Barkley**, Deforest, representing Wisconsin County Forests Association (WCFA). He spoke with concerns over the non-forestry related draws on the Forestry seg account and that the Conservation Fund is now comprised roughly of 50% of Forestry account funding. WCFA strongly supports the proposed statutory changes related to timber sales including increasing the direct sale limit, offering options for advertising timber sales, and changing the partial reporting requirements from two years to five years. **(Handout)**
2. **George Meyer**, Madison, representing Wisconsin Wildlife Federation (WWF) as Executive Director. He spoke on problems caused by runoff containing phosphorus into Wisconsin's waterways. He requested the Board 1) send a letter to the Governor and legislature asking them to explore adding additional funding and staffing to work to resolve this problem, and 2) ask staff to do a comprehensive review along with the Department of Agriculture (DATCP) on what financial resources and policy changes it would take to bring all phosphorus impacted Wisconsin waterways back into compliance within the next twenty years. **(Handout)**

Discussion followed related to George Meyer's two requests on the proper protocol for the Board in communicating with the legislature and Governor and on a strategy to deal with problem runoff.

Deputy Secretary Moroney stated the department meets regularly with DATCP. They are working through this and are trying to address these issues in their working relationship with DATCP. Secretary Stepp and the entire department take this seriously.

Discussion followed on the comments received from Representative Jeff Mursau, 36th Assembly District, regarding the department's inclusion of a Managed Forest Law (MFL) reform provision in the budget request.

Mr. Kazmierski MOVED approval, seconded by Mr. Bruins of the department's recommendations on the 2015 – 2017 Biennial Budget.

Mr. Kazmierski MOVED, seconded by Mr. Hilgenberg, to amend the motion to remove item B.5. on page 35 of proposed statutory change modifying the Managed Forest Law within the Wisconsin Department of Natural Resources' biennial budget request.

~~**B.5. MFL Program Modification**—The Department requests modifications to s.77.88 of the statutes to allow a landowner to voluntarily withdraw from managed forest law (MFL) designation if the Department determines that part of a parcel is unsuitable for the production of merchantable timber, due to environmental, ecological or economic or other concerns or if the Department determines that the parcel is unable to produce merchantable timber in the amount required under the MFL program. The owner would only be able to withdraw the number of acres that is necessary for the parcel to resume sustainable production of merchantable timber or resume its ability to meet the merchantable timber production requirement. The owner is exempt from paying a withdrawal tax or fee for these types of withdrawals.~~

Discussion followed on whether this is the most appropriate way to effectively improve MFL and a request to staff for their thoughts on the motion to amend.

Deputy Secretary Moroney stated the department is comfortable in removing B.5. related to MFL.

The motion carried unanimously.

Mr. Hilgenberg requested, in response to George Meyer's concerns related to the problems caused by runoff containing phosphorus into our waterways, for staff to come back before the Board at the next meeting to lay out a strategy for this significant problem.

Mr. Bruins asked that a strategy be thought through carefully and thoroughly before being brought before the Board.

Mr. Kazmierski MOVED approval, seconded by Mr. Zimmer for staff to correct page 38 Item B General Obligation Bonding to \$67.7 under Cumulative, to correct page 18 to reduce warden overtime to \$183,400 for each fiscal year, and to authorize the Secretary to make technical adjustments. The motion carried unanimously.

Discussion followed on the budget process, whether the Board is obliged to approve the department's budget, the need for more lead time and resources for the Board, and whether the Board has an opportunity to submit initiatives in this budget cycle.

Deputy Secretary Moroney stated that the budget process is lengthy. There will be opportunities for the Board to submit initiatives if an issue pops up.

Chair Cole stated he will endeavor to work with staff for Board training, lead time, and strategies as we go through this.

Dr. Thomas added that if an initiative is started, something else in the budget has to go away. If funds are not in the budget, the likelihood of getting new money is thin. That is the reality of the situation.

The original motion as amended carried unanimously.

Chair Cole requested staff to give their presentation on the Capital Development budget.

Mr. Zimmer appreciated the efforts by staff to brief the Board. He also was impressed with the number of projects and the money going into infrastructure. He asked that the department look at listing partnerships as a priority along with health, safety, and security in future budgets.

Mr. Hilgenberg thanked Steve Miller and Dan Olson for their work and getting back to him with answers to his questions.

Mr. Hilgenberg MOVED approval, seconded by Mr. Zimmer of the department's recommendations on the Capital Development Budget. The motion carried unanimously.

Deputy Secretary Moroney stated that staff put a lot of time into this which is greatly appreciated by the Secretary's Office.

4. Citizen Participation

4.A. Citizen Appearances

1. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director

Topic: Fox Locks Boat Transfer System

He requested, on behalf of eight angling organizations including WWF, to oppose the boat transfer system around the Fox Locks Boat Transfer System due to the added potential of any of a high number of aquatic invasive species in Lake Michigan making it into the Fox-Wolf River system. **(Handout)**

5. Information Items

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

None

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

5.B.1. Update on development and implementation of the Deer Management Assistance Program (DMAP)

Discussion followed on how many acres from individual landowners are under DMAP (under 44,000 acres), whether this added workload is causing stress on staff, and how the public knows when to show up for meetings.

Mr. Hilgenberg asked how the department is publicizing the meetings [the department handled the statewide media release and public notification process for all 72 locations as well as created a one-pager on tips for issuing a news release for the Wisconsin Conservation Congress (WCC) Public Outreach Committee.]

Chair Cole asked that if a Board Member has any items to address for the October information item to email Mr. Nack for inclusion in his report.

Mr. Kazmierski stated that he has heard from many deer hunters this past few months. The department did good work on getting the word out. Most people were able to figure this out with the information given to them.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

5.B.2. Protocol for collecting information from harvested wolves

Discussion followed on whether this protocol is for all methods of hunting or only for wolves hunted by dogs [all], the department's reasons for using all methods of hunting in the protocol, whether the department pays for dogs depredated by wolves in the act of wolf hunting [no], and whether there is any mandatory reporting of dogs injured or killed that were actively engaged in wolf hunting [no].

Mr. Kazmierski questioned whether veterinarians could be required to report injured hunting/hounding dogs to the Department [department will review and respond].

Discussion continued on whether any dogs were depredated by wolves that were cat or coyote hunting [yes, but most wolf depredations on dogs are in July and August when dogs are training on bears], since the bite marks of a dog and wolf are similar, how will the department use the information collected on a wolf carcass to know if it was attacked by a wolf or dog, what the purpose of this protocol would be after exhaustive research, spending money, and manpower when those opposed to hunting with dogs will still be opposed [show good faith], the number of people the department expects to participate in this volunteer protocol, whether there are any expectations from staff to make this not voluntary, whether the department will be proposing to change the timing of registration [yes, wolf registered within five days with pelt on], what other information the department will receive from those carcasses [genetic material and muscle], and whether the department will collect information on wounds on the carcass itself such as puncture and deep scratches [the department does not formally collect information on injuries].

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

6. Department Secretary's Matters
 - 6.A. Retirement Resolutions
 - 6.A.1. June Everson
 - 6.A.2. Kenneth Johnson
 - 6.A.3. Ruth Klassy
 - 6.A.4. Jim Morrissey

Deputy Secretary Moroney reflected that Russ Rasmussen was told he would have big shoes to fill in replacing Ken Johnson as Water Administrator. When Russ was moving in to Ken's office, he found Ken's "big" shoes. Ken Johnson was not able to attend the meeting to receive his acknowledgement nor to accept the return of his shoes. Russ will make sure Ken receives all items.

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

- 6.B. Donations
 - 6.B.1. The Barbara M. Black Trust will donate \$56,977.65 to be used to continue support of endangered species priorities

Mr. Zimmer MOVED approval of the department's recommendations and to acknowledge the donation, seconded by Mr. Kazmierski. The motion carried unanimously.

Deputy Secretary Matt Moroney recognized and congratulated the following staff for their recent achievements: 1) **Aaron Ruesch and Theresa Nelson in the Bureau of Water Quality** for receiving the *Innocentive Challenge Grant Award*, and 2) **John Lyons, Matt Diebel, and Matt Mitro in the Fisheries and Aquatic Sciences Research Section** for receiving the *American Fisheries Society 2014 Sport Fish Restoration Outstanding Project Award* for Research and Surveys. He thanked them for all they do for the DNR.

7. Board Members' Matters

Chair Cole acknowledged that the Board received a letter from Midwest Environmental Advocates indicating they will be submitting a petition to the Natural Resources Board. Based on the letter, the petition will request the Board to direct the department to conduct a comprehensive strategic analysis for issues related to industrial sand mining, processing, and transport in Wisconsin. The Board takes these requests from organizations and citizens seriously.

Chair Cole thanked the Board and public for their patience during our technical difficulties today. Participating remotely for a two hour meeting saves a lot of time, energy, and travel.

SEPTEMBER 24, 2014

Mr. Zimmer and **Mr. Hilgenberg** thanked staff for their work and effort in trying to tie in Board Members remotely for the meeting today.

Mr. Kazmierski MOVED, seconded by Mr. Zimmer to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 10:50 a.m.

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

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