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## WISCONSIN NATURAL RESOURCES BOARD

### DRAFT BRIEF OF ACTION (rev. 11/07/16)

The regular meeting of the Wisconsin Natural Resources Board was held on Wednesday, October 26, 2016 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:36 a.m. for action on items 1-2 and 5-6. The meeting adjourned at 12:46 p.m.

### ORDER OF BUSINESS

#### 1. Organizational Matters

##### 1.A. Calling the roll

William Bruins – present	Gary Zimmer – present
Julie Anderson – present	Preston Cole – present
Dr. Prehn – present	Terry Hilgenberg – present
Greg Kazmierski – present	

##### 1.B. Approval of agenda for October 26, 2016

**Mr. Zimmer MOVED, seconded by Mr. Kazmierski, approval of the October 26, 2016 agenda. The motion carried unanimously.**

##### 1.C. Approval of Brief of Action from September 28, 2016

**Mr. Bruins MOVED, seconded by Mr. Kazmierski, approval of the September 28, 2016 Brief of Action. The motion carried unanimously.**

#### 2. Action Items

##### 2.A. Air, Waste, Water, and Enforcement

None

##### 2.B. Land Management, Recreation, Fisheries, and Wildlife

##### 2.B.1. Request approval to initiate the master planning process for the Totogatic Wildlife Area (PowerPoint)

Discussion followed on the condition of the dam, fishing habitat, potential construction of a new bridge, whether the dam has been regulated, and timeline this master plan would return to the Board for approval (Possibly within one year.).

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

2.B.2. Request approval of recommendations for the third phase of land sales to occur under the direction of the 2013-15 state biennial budget bill (PowerPoint)

Discussion followed on the bidding process, establishment of the land sale policy, refining holdings to make them more useable by the public, and donated parcels outside of property boundaries.

**Ms. Anderson** complimented Terry Bay, Facilities and Lands Bureau Director, his Staff, and his predecessor Doug Haag, Internal Services Division Administrator, for the thorough job.

**Mr. Zimmer** stated his appreciation to staff for their time and effort. He then shared his concerns of the divesting of lands and in the reduction of accessible public lands in areas that we are short on for nature based recreational opportunities.

Discussion followed as to where the proceeds from these land sales go [Paying down the Stewardship debt.], and donations of land to the department with restrictions.

**Dr. Prehn** requested information on the Land Donation Policy.

**Cathy Stepp**, Department Secretary, stated that staff will brief the Board on the Land Donation Policy at the December 2016 Board meeting.

Discussion continued on how the land locked parcels are selling and those waiting for federal approval.

**Dr. Prehn MOVED, seconded by Mr. Kazmierski, approval of the department's Recommendations for (1) Landlocked parcels recommended for sale to other Government entities including restrictions and (2) Accessible parcels recommended for sale to Government entities including restrictions.**

**Mr. Cole** requested the Board hear from the public speakers.

**Chair Hilgenberg** did not recognize the motion and moved to public appearances.

**Public Appearances:**

***Overall:***

1. **Larry Bonde**, Kiel, representing Wisconsin Conservation Congress as Chair

**Chair Hilgenberg** thanked Mr. Bonde and the Congress for their time, consideration, and effort. Their input is very much appreciated. As an advisory group to the Board, the Congress' guidance is well received.

**Chair Hilgenberg** then thanked Doug Haag, Internal Services Division Administrator, for setting the course for Terry Bay, Facilities and Lands Bureau Director. He thanked the field staff and all those involved in this process for their energy and effort. This was a horrendous project.

**Chair Hilgenberg** requested from staff the costs involved in this project, from initiation to today.

**Dr. Prehn** questioned whether the department had a revenue estimate on the land sales and requested an update in 2017.

**Public Appearances:**

***Accessible parcels recommended for sale to the general public:***

2. **Dan Carter**, Waukesha, representing Southeastern Wisconsin Regional Planning Commission (SEWRPC) (**Handout**)

Discussion followed on whether there were any governmental units interested in the Waukesha County parcel (G 3167) which consists of southern tamarack swamp, why this item is on the list for sale [It is located outside of property boundaries.], protection of sensitive areas, whether this parcel was offered to sale to the county [No.], process in how this parcel could be offered to the county [Board request/motion.], whether NBOA restrictions can be transferred to public entities [Yes, goes with property.], whether Mr. Carter knows of any conservation group interested in purchasing, and an additional written comment requesting this parcel be kept in government ownership.

3. **John Koepke**, Oconomowoc, representing self and Koepke Farms (**Handout**) (parcels W 339 and W 339 E) (**Handout received at meeting**).

Discussion followed on Mr. Koepke's receipt of an Aldo Leopold award [Conservation award for farmers and their excellence in conservation.], whether he would be comfortable with deed restrictions included on these parcels prior to sale, the Koepke's open hunting policy on their property and amount of use, reasoning as to why these lands were included in this category, whether property restrictions are complete and binding [Yes.], and whether these two parcels can be removed from list of land sales.

**Secretary Stepp** reminded the Board that 1) the department is following the Board's policy and that the Board has the prerogative to change up, and 2) that the legislature is clear in their intent and the direction given. She then congratulated Mr. Bay and Mr. Haag as well as staff across the state that worked so hard on this.

Discussion followed on whether the department takes the highest bid or the most advantageous bid [Process is set by law as the highest bid.], that adding deed restrictions will have a negative impact on the property, that the easement is unimproved and was meant as a walking path only, and whether land sales outside of this legislative directive would follow the same policy [Yes.].

**Kurt Thiede**, Deputy Secretary, stated that he commends the Board for wrestling with this. He would not recommend removing these parcels from the package but to ask the department to take it back and further assess it.

**Secretary Stepp** stated to John Koepke that he deserves answers to his questions. The department's legal and real estate staff will work with you on your concerns in a timely manner.

4. **George Meyer**, Madison, representing Wisconsin Wildlife Federation (WWF) as Executive Director (**Handout**)

**Chair Hilgenberg** stated that department staff did a yeoman's job of reviewing this process.

**Mr. Bay** pointed out a few staff in the room for recognition: Kaylin Helm was very diligent in working with everyone in putting these parcels together, the two supervisors in the room Sharene Smith (south), and Peter Wolter (north), and Bill Peterson who is on the marketing and sales side. They were diligent in getting this put together. These were very difficult decisions and he commended them.

**Chair Hilgenberg** noted that these were properties identified as being the most expendable to reach the 10,000 acre requirement of the legislature.

**Chair Hilgenberg** reminded the Board that he did not recognize the earlier motion.

**Mr. Bruins MOVED, seconded by Ms. Anderson, approval of the department's recommendations for (1) Landlocked parcels recommended for sale to other Government entities including restrictions, (2) Accessible parcels recommended for sale to Government entities including restrictions, (3) Landlocked parcels recommended for private sale to adjoining landowners, and (4) Accessible parcels recommended for sale to the general public and to include clarification on the easement for Parent File W 339/Sale File WM60451 and Parent File W 339 E/Sale File WM 60452.**

**Dr. Prehn MOVED to remove Parent File G 3167/Sale File WM 60453, Parent File W 339/Sale File WM 60451, and Parent File W 339 E/Sale File WM 60452 from consideration for sale and directed the three parcels back to the department for further review by the department's legal and real estate staff. The friendly motion was accepted by Mr. Bruins and Ms. Anderson. The motion to amend was approved unanimously.**

Discussion followed on pulling parcel G 3167 from consideration today and the easement on the Koepke lands.

**The motion to amend carried unanimously.**

Discussion followed on the request from the WWF.

**Mr. Cole MOVED to amend, seconded by Dr. Prehn, to acknowledge Wisconsin Wildlife Federation's request to include a stream bank access easement and a water**

**quality buffer easement to Parent File G 1645/Sale File WM 60421, to include a conservation easement and a water quality buffer to Parent File W 509/Sale File WM 60469, and to remove the following parcels from sale: Parent File FO 42/Sale File WM 60468, Parent File G 1448/Sale File WM 60492, Parent File G 2035/Sale File WM 60429, Parent File G 2452/Sale File WM 60424, Parent File G 3056/Sale File WM 60450, Parent File G 3167/Sale File WM 60453, Parent File W 742/Sale File WM 60473, and Parent File W 862/Sale File WM 60428.**

**Mr. Zimmer** noted that Parent File G 3167/Sale File WM 60453 was included in Dr. Prehn's motion to amend.

**Mr. Cole** amended his motion to exclude this parcel from his motion. Dr. Prehn agreed to the friendly motion.

Discussion followed on whether any of these properties are within property boundaries and whether there is any hunting pressure is involved on any of these properties.

**Mr. Cole** requested that George Meyer, Executive Director of the WWF return to the podium and respond to whether there is any hunting pressure on these properties [Yes, it was based on write up by department staff and Federation membership].

Discussion continued on hunting pressure on these parcels.

**Secretary Stepp** stated for the purpose of discussion that Larry Bonde and the members of the Wisconsin Conservation Congress and the amount of work, investigation, going out there and looking at these sites, should be remembered. We do not have the staff to maintain all of these properties. As Chief Executive Officer of the DNR, if you decide to retain these properties, we will respect that. She offered to Chair Hilgenberg to ask Larry Bonde to address some of those individual parcels because the Congress did a lot of work on the ground with the department.

**Chair Hilgenberg** invited Mr. Bonde to the podium and asked whether he actively had the delegates in the Congress look at the entire list of properties.

**Mr. Bonde** stated correct. They also heard from the general public.

**Chair Hilgenberg** then stated that the recommendation from the Congress was to support the recommendation by the department to the Board.

**Mr. Bonde** stated yes and repeated that of every parcel that a Congress delegate or public brought to their attention, and he worked with Terry Bay, Doug Haag, and department staff, that had reasonable access, every one of those through field review was to retain.

**Chair Hilgenberg** clarified that they are not on this list.

**Mr. Bonde** confirmed.

**Dr. Prehn** read from Mr. Bonde's last bullet point in his comments that "The most concerns/comments came from the southern part of the state where there is relatively little public land access in relation to the large numbers of outdoor recreational users."

**Mr. Bonde** said correct and that is why, from the feedback they heard and the limited access the public was telling us and the delegates in the south, that if there was any wiggle room for the Board to retain, to ask you to focus on the south.

Discussion followed on the percentage of property owned by department in southeastern Wisconsin.

**Mr. Cole** stated that the WI Wildlife Federation also is representative of those who hunt and fish. This is a prudent amendment to go forward.

**Mr. Kazmierski** stated that he too does not like to see us get rid of any land in southeastern Wisconsin because it is hard to come by. Regarding the parcel in Walworth County, Parent File G 3056/Sale File WM 60450, he and one of his employees are familiar with it and said that it was full of buckthorn and the creek is not fishable. This is a parcel that we should not worry about selling.

**Mr. Cole** amended his motion to exclude Parent File G 3056/Sale File WM 60450 from his motion. Dr. Prehn agreed to the friendly motion.

Discussion followed on evidence as to the thoroughness of how the department has approached this, that southeast Wisconsin is limited in hunting access and why this land has to be sold today and not next year, concern that we would spend the same resources on the same analysis that has already gone through this process to identify the most expendable properties, and that the legislature made this document and in doing so allowed the department to expend the requisite resources to go through this process.

**Dr. Prehn** asked for a roll call vote.

**Ms. Anderson** requested the motion to amend be reread.

**Mr. Cole** reread his amendment:

**Mr. Cole MOVED to amend, seconded by Dr. Prehn, to acknowledge Wisconsin Wildlife Federation's request to include a stream bank access easement and a water quality buffer easement to Parent File G 1645/Sale File WM 60421, to include a conservation easement and a water quality buffer to Parent File W 509/Sale File WM 60469, and to remove the following parcels from sale: Parent File FO 42/Sale File WM 60468, Parent File G 1448/Sale File WM 60492, Parent File G 2035/Sale File WM 60429, Parent File G 2452/Sale File WM 60424, Parent File W 742/Sale File WM 60473, and Parent File W 862/Sale File WM 60428.**

Discussion followed on whether this keeps the Board within the 10,000 acre mandate [Yes.].

**The second motion to amend carried on a roll call vote of 4 - 3.**

<b>William Bruins – no</b>	<b>Gary Zimmer – yes</b>
<b>Julie Anderson – no</b>	<b>Preston Cole – yes</b>
<b>Dr. Frederick Prehn – yes</b>	<b>Terry Hilgenberg – no</b>
<b>Greg Kazmierski – yes</b>	

Discussion followed on the number of amendments (Two.).

**The original motion as amended carried on a roll call vote of 7 - 0.**

<b>William Bruins – yes</b>	<b>Gary Zimmer – yes</b>
<b>Julie Anderson – yes</b>	<b>Preston Cole – yes</b>
<b>Dr. Frederick Prehn – yes</b>	<b>Terry Hilgenberg – yes</b>
<b>Greg Kazmierski – yes</b>	

2.B.3. Land Donation – Crex Meadows Wildlife Area – Burnett County

**Mr. Bay** requested that land donor Mr. Richard Larson be invited to the podium to say a few words.

**Mr. Larson** described his property and its history. He hoped the Board would accept this property.

**Ms. Anderson MOVED, seconded by Mr. Zimmer, approval of the department’s recommendations and acknowledged the donation. The motion carried unanimously.**

**Chair Hilgenberg** thanked Mr. Larson for his donation.

**Secretary Stepp** recognized Mr. Larson and his family for their generous contribution to the state at Crex Meadows and to your many years of service to the Conservation Congress and to your commitment to conservation in Wisconsin. Thank you for everything you have graced us with in Wisconsin.

2.B.4. Land Acquisition – Lower Wisconsin State Riverway – Sauk County

**Mr. Zimmer** commented on the funds used for this acquisition were the proceeds from the industrial park property sold in Muscoda. It is a small piece, 93 acres, but it provides better access to a much bigger area.

**Mr. Zimmer MOVED, seconded by Dr. Prehn, approval of the department’s recommendations. The motion carried unanimously.**

2.C. Scope Statements

2.C.1. Request approval of the Statement of Scope for Board Order WY-18-16 and conditionally approve the public hearing notice and notice of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapters NR

102, 106, 205, and NR 207 related to updating Wisconsin's antidegradation policy and implementation procedures (PowerPoint)

Discussion followed on the advisory group process.

**Dr. Prehn MOVED, seconded by Ms. Anderson, approval of the department's recommendations. The motion carried unanimously.**

- 2.C.2. Request approval of the Statement of Scope for Board Order DG-16-16 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting NR 812, Wis. Adm. Code, related to well construction and pump installation

Discussion followed on whether the completed rule will have any impact on existing wells (Existing wells would be grandfathered in.), whether the additional design or changes in statute would not be more cumbersome than they are now (No significant cost or economic impact.), whether this rule would address the construction of an existing well if it is contributing to polluting the water [No.], timeline of this rule process [Early 2019 for the final rule to be in effect.], what well groups does this rule include [residential and non-community wells.], and whether this rule would include the dairy industry.

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

- 2.D. Department Wide  
None

3. Citizen Participation

- 3.A. Public Appearances

1. Carl Landsness, Madison, representing self  
*Topic:* Conflict transformation

Mr. Cole requested staff to begin a dialog with Mr. Landsness.

2. ~~Susan Shepanek, Madison, representing self~~ She withdrew her request to testify.  
~~*Topic:* Relisting wolf, stop hounding of wolves, stop the wolf kill, encourage more collaborative ways of working with all parties involved.~~

4. Information Items

- 4.A. Air, Waste, Water, and Enforcement  
None

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

- 5. Department Secretary's Matters
- 5.A. Retirement Resolutions
- 5.A.1. Kathie Koch
- 5.A.2. Michael L. Lawler
- 5.A.3. Mary S. Ripp

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

- 5.B. Donations
- 5.B.1. The Ruffed Grouse Society will donate \$32,000 to be used to produce nine 2-3 minute videos to increase landowner engagement in active forest management and, by extension, address significant threats to forest health and sustainability (ADDED)

**Public Appearances**

- 1. Scott Walter, Viola, representing Ruffed Grouse Society as Regional Wildlife Biologist

**Chair Hilgenberg** asked Mr. Walter to describe the Driftless Region.

**Ms. Anderson MOVED, seconded by Dr. Prehn, approval and acknowledgement of the donation. The motion carried unanimously.**

- 5.C. Department Secretary's Matters
- 5.C.1. Acts of the Department Secretary – Real Estate Transactions

**Mr. Zimmer** requested that File No. WM 60491 (WI DOT Extensive Wildlife Habitat) be added to the tally of legislative mandated land sales.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 5.C.2. Department Secretary's Matters
- a. Deer season preview and "Go Wild" update

**Dr. Prehn** added that the department's pocket ranger app is stellar. He asked the public to go on line to download the app. It is very intuitive and easy to use.

**Mr. Zimmer** commented that overall, he has had great experience with the "Go Wild" system. During the September meeting he had addressed concerns. Since then he has had conversations with staff and are looking at tweaking and improving the app.

- 6. Board Members' Matters

**Mr. Kazmierski** stated that he was asked by several senators and deer groups in Indiana to meet with their deer group on Wisconsin's deer management system. They wanted to see what we are doing in with CDACs (County Deer Advisory Committees) and are excited to get that moving. He believes his trip was successful. Indiana has only 17

biologists in entire state but are willing to give this a shot. He added that other states are looking at this system as well.

**Chair Hilgenberg** requested a motion to go into Closed Session under the authority of s.19.85(1)(g) Wisconsin Statutes to confer with legal counsel on strategy with respect to likely litigation.

**Ms. Anderson MOVED, seconded by Mr. Kazmierski that the Board convene into Closed Session under the authority of s.19.85(1)(g) Wisconsin Statutes to confer with legal counsel on strategy with respect to likely litigation. The motion carried on a roll call vote.**

**William Bruins – yes**

**Gary Zimmer – yes**

**Julie Anderson – yes**

**Preston Cole – yes**

**Dr. Frederick Prehn – yes**

**Terry Hilgenberg – yes**

**Greg Kazmierski – yes**

**Chair Hilgenberg** stated to those in the audience and viewing on-line that the meeting will reconvene at approximately 12:15.

**Chair Hilgenberg** reconvened the meeting at 12:44 and apologized for the delay. He reported that during the Closed Session, no action was taken.

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

\*\*\*The meeting adjourned at 12:46 p.m.\*\*\*

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