

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held Wednesday, October 27, 1999, in Room 027 of the State Natural Resources Building (GEF 2), 101 South Webster Street, Madison, Wisconsin. The meeting was called to order at 8:30 a.m. for action on Items 1 and 2. The meeting was recessed at 8:35 a.m. and reconvened at 12:30 p.m. Chairman Solberg announced the order of business for the meeting, followed by roll call.

PRESENT: Trygve A. Solberg, Chair  
James E. Tiefenthaler, Secretary  
Herbert F. Behnke  
Francis W. Murphy  
Howard D. Poulson  
Stephen D. Willett

ABSENT: Neal W. Schneider, Vice-Chair

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ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of September 29, 1999.

Mr. Poulson MOVED, seconded by Mr. Tiefenthaler, approval of the minutes as presented. When put to a vote, the motion was carried unanimously by those members present.

1.B Agenda for October 27, 1999.

Deputy Secretary Bazzell offered two changes to the agenda -- Defer Item 3.B (nonmetallic mining) to December and the addition of Phase II of the Great Addition land transaction. With those changes, Mr. Poulson MOVED, seconded by Mr. Tiefenthaler, approval of the agenda for October 27, 1999. The motion was carried unanimously by those members present.

2. Ratification of acts of the Department Secretary.

2.A Real estate transactions.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the real estate transactions as presented. The motion was carried unanimously by those members present.

3. Committee of the Whole.

3.A Approval of the timber wolf management plan (Item 3.C, Minutes of August 25, 1999)

Mr. Behnke made the following motion:

"I MOVE to approve the Wolf Management plan, as drafted, with several specific text changes relating to depredation control :

"Page 24, 1. Depredation Management Plan. The objective of the wolf depredation program is to minimize depredations and compensate people for their losses. Euthanization is listed as a depredation management option statewide but depredation management will focus on prevention and mitigation rather than wolf removal. The Department will work with the livestock industry to develop guidelines for preventing or minimizing wolf depredations. Wolf removal without adequate prevention and mitigation will likely result in large annual expenditures of time and money.

"Page 25, Table 3a and 3b. Change asterisk footnote to: \*Lethal control will rarely be used on large blocks of public land.

"Page 25, Table 3b. Remove asterisk from Private Landowner Control.

"Page 26, Zone 3 Description. Rewrite to read: While wolves are state threatened, trapping efforts will be limited to repeated depredation problems and to areas within five miles of the depredation site.

"Page 3, 2nd paragraph. Delete the reference to public harvest.

"Delete Appendix J, concerning a framework for the possible establishment of public wolf harvest regulations from the plan, because public harvest is not necessary at this time to adequately manage the wolf population.

"Also, direct the Department to use the information provided in Appendix J and, working with the public and the stakeholder group as discussions occur on a variety of wolf control methods.

"Further, direct the Department to report annually to the Board on the status of the implementation of the wolf management plan, including work with the public stakeholders group. Specifically, the Department is directed to hold annual stakeholders meetings and thereafter report on the status on the implementation of the program to the Natural Resources Board."

SOLBERG: Do I hear a second?

WILLETT: Willett.

TIEFENTHALER: I would like to talk about Appendix J and the reason for Appendix J and the reason that the Board originally asked the Department to insert a well, thought-out harvest regulation at the Board meeting in August. The reasons for it were not--and it seems to be a misconception that this would be an authorization and a final approval for hunting wolves in Wisconsin--which it is not. And I want to make it very clear to everyone that this is not authorizing a wolf hunting season. What it is, is an analysis of how a framework to harvest wolves by the public under strict control could be workable if it would be required in the future. And that future does not mean a trigger at 350 wolves. It means after careful analysis by biologists and/or others in the Department, that it would be a feasible framework. And for that reason I would suggest that we keep Appendix J in the plan because it is only a part of the plan that was originally requested by this Board in August. And it is a reaction what we have already passed.

SOLBERG: Any other discussion? Mr. Murphy.

MURPHY: I wasn't there at the August meeting so I don't have the benefit of whatever was given to you at the August meeting or the requests that were made, but I would support the motion now pending as made by Herb with the deletion of Appendix J. I don't think we have reached the point to where J is an assistance. I think we can live without this---without the benefit of J. If and when it reaches that point, that's why you're asking for annual meetings in review of it. And I think that's sufficient.

TIEFENTHALER: I think that, with all due respect, we have to have the stage set for depredations on a wolf population that is growing to where we don't know by admission of the Department. We heard this morning that Minnesota has 2000 to 2,500 wolves and they are literally killing almost ten percent of that group of wolves--that population as a result of depredation. And it's done by government hunters trapping and other methods. A public hunt is not required there; they're able to do this. However, we do not know exactly where we're going with this depredation problem potential. And if it's not in the plan, as a plan, it would take years for us to get onward if it is required. So, we don't need to exercise Appendix J as a seasonal framework, but we have it in the plan for analysis. It's already there; the work's been done. Why throw something out that's already been worked on very hard for the past two months? It's set the stage for future considerations.

BEHNKE: I know, Jim, what your concern is and I agree that sometime in the future there really should be some consideration. However, my motion indicates that it should be removed from the plan. Your motion says it should be a part of the plan, which I think is repugnant to the main motion, and therefore, I

believe your amendment would be somewhat out of order. Your amendment may consist of having a separate Appendix J which would then, as needed, be triggered in order to have a hunting opportunity after consultation with all of the interested parties, including the public discussions, and this type of thing.

Idon't think it's going to be that difficult to do, but it should be kept visible, but not a part of the management plan.

TIEFENTHALER: I agree with that. Now--how can we get there? Would an amendment be appropriate to keep this Appendix J on file as an addendum---as a visible addendum to the plan?

WILLETT: You can vote on the amendment now-----

SOLBERG: There is no amendment to the motion. Herb might have said it, but Jim just made a comment. This is just discussion on the motion that was made by Herb and seconded.

TIEFENTHALER: And I think what you're saying I'm agreeing with in principle. I don't want to take this hard work and throw it away because I think it is a very good analysis and I think it's a workable analysis.

BEHNKE: I think what you could do is amend the motion to have Appendix J visible and available for utilization if and when it might be deemed needed after consultation with the many stakeholders.

TIEFENTHALER: What we would do then is ask the Department to give the Board an update annually. Right?

SOLBERG: That was in the motion.

TIEFENTHALER: Then that would be part of that trigger if ever required.

BEHNKE: Yes. At that time, they could say that the time has come that we should consider a change. We had it out to public listening sessions. We discussed it with the stakeholders. They agree that we're at the point now where we need to do something and at this time we're recommending that Appendix J should be implemented and brought forward.

TIEFENTHALER: And we make a piece that the final paragraph of your motion to add this as an addendum item -----

BEHNKE: I believe that it could become a part of----- Here--a part of my motion reads: "direct the Department to hold annual stakeholders meetings and report on status of plan thereafter each year and, if needed, Appendix J could be made a part of such discussion at that time."

SECRETARY MEYER: And you're including that as part of your motion?

BEHNKE: Yes, if it's agreeable with the second.

WILLETT: But it's not. I won't second that.

TIEFENTHALER: I'll second it.

BEHNKE: -----a different kind of amendment?

WILLETT: No. I will only vote for the deletion of Appendix J.

BEHNKE: It is deleted under my amendment---or part of the motion.

MURPHY: I call the motion.

SOLBERG: Just for clarification. You want to amend the motion to put Appendix J away for the future-----

SECRETARY MEYER: That part of the dialogue with the stakeholders at such time as there is an increase in population on whether or not Appendix J is needed, and discuss it with all the stakeholders at that time.

SOLBERG: However, it has to be a separate amendment. Do you want that as an amendment to your motion?

POULSON: I would MOVE that as an amendment to Herb's original motion.

TIEFENTHALER: Second.

SOLBERG: Any further discussion on that amendment?

BEHNKE: Let's clarify the issue though. I think that what you're saying is that Appendix J can be surfaced at such time in the future in discussions with stakeholders, the annual discussion with stakeholders and report to the Board at that time if the stakeholders would be amenable to this type of addition to the wolf management program and be surfaced at that time.

POULSON: I would agree. And I think that the purpose of it is being able to go back off of the work that we have done as a state, and saying this was our answer to that problem.

SOLBERG: Any further discussion on this? Hearing none, all those in favor of the amendment, signify by saying aye.

SOLBERG, BEHNKE, MURPHY, POULSON AND TIEFENTHALER: Aye.

SOLBERG: Opposed?

WILLETT: No.

SOLBERG: The amendment is carried. All those in favor of the motion, as amended, signify by saying aye.

SOLBERG, BEHNKE, MURPHY, POULSON, TIEFENTHALER AND WILLETT: Aye.

SOLBERG: The motion is carried. (The vote was 6-0; Schneider was absent.)

SECRETARY MEYER: Mr. Chairman, because of the sensitivity of this issue, I am going to ask that when the minutes of this are drawn up, that we have a verbatim transcript of this part of the meeting because we will want to retain this as a full history of this decision. That is very important.

- 3.B Adoption of Order SW-18-95 - creation of Chapter NR 135, Wis. Adm. Code, pertaining to nonmetallic mining reclamation. (Item 3.C, Minutes of September 23, 1998 and 3.C, Minutes of October 28, 1998)

This item was deferred to the December Board Meeting.

- 3.C INFORMATIONAL ITEM - Construction of shooting ranges on state lands.

No action was taken on this informational item.

- 3.D INFORMATIONAL ITEM - Update on the Lower Chippewa River State Natural Area Feasibility Study.

No action was taken on this informational item.

- 3.E INFORMATIONAL ITEM - Update on EEK (Environmental Education for Kids).

No action was taken on this informational item.

4. Board Members' Matters.

- 4.A Request for additional information on mining moratorium petition.

This item was brought up during the Committee of the Whole meeting.

4.B Request for update on the Department's automated license system.

This item was brought up during the Committee of the Whole meeting.

4.C Meeting with Wisconsin Aquaculture Industry.

This item was brought up during the Committee of the Whole meeting.

4.D Comments regarding the redesign of the nonpoint program.

This item was brought up during the Committee of the Whole meeting.

5. Special Committees' Reports.

There were no Special Committees' Reports this month.

6. Operating Committees' Reports.

6.A Air, Waste and Water/Enforcement Committee.

6.A-1 Minutes.

There are no minutes for September since all agenda items were taken up during the Full Board Meeting.

6.A-2 Adoption of Order DG-27-99 – revision of Chapter NR 140, Wis. Adm. Code, pertaining to groundwater quality standards.

The Committee recommended and Mr. Willett MOVED adoption of Order DG-37-99 as presented. Mr. Poulson seconded the motion. When put to a vote, the motion was carried unanimously by those members present.

6.A-3 Adoption of Order AM-53-98 – revision of Chapter NR 439, Wis. Adm. Code, pertaining to volatile organic compound (VOC) capture efficiency test methods 204 to 204F, promulgated by EPA.

The Committee recommended and Mr. Willett MOVED adoption of Order AM-53-98 as presented. Mr. Poulson seconded the motion. The motion was carried unanimously by those members present.

6.A-4 Adoption of Order AM-14-99 – revision of Chapters NR 460, 466 and 484, Wis. Adm. Code, pertaining to national emission standards for hazardous air pollutants for the printing and publishing industry.

The Committee recommended and Mr. Willett MOVED adoption of Order AM-14-99 as presented. Mr. Poulson seconded the motion. The motion was carried unanimously by those members present.

6.A-5 Adoption of Order LE-47-98 - revision of Chapter NR 5, Wis. Adm. Code, pertaining to boating enforcement.

The Committee recommended and Mr. Willett MOVED adoption of Order LE-47-98 as presented. Mr. Murphy seconded the motion. The motion was carried unanimously by those members present.

6.A-6 Adoption of Order LE-22-99 – revision of Section NR 20.12, Wis. Adm. Code, pertaining to set and bank pole markings on inland waters.

The Committee recommended and Mr. Willett MOVED adoption of Order LE-22-99 as presented. Mr. Murphy seconded the motion. It was pointed out that the proposed changes to require set and bank pole identification on inland waters would not include the Lower Wisconsin River. When put to a vote, the motion was carried unanimously by those members present.

6.B Land Management, Recreation and Fisheries/Wildlife Committee.6.B-1 Minutes.

There are no minutes for September since all agenda items were taken up during the Full Board Meeting.

6.B-2 Authorization for hearing on revision of Chapter NR 10, Wis. Adm. Code, pertaining to deer hunting at Council Grounds State Park.

The Committee recommended and Mr. Behnke MOVED that the Board authorize public hearing. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present.

6.B-3 Endorsement of the U.S. Fish and Wildlife Service Federal Recovery Plan to reestablish whooping cranes in Wisconsin and the eastern United States.

Mr. Behnke reviewed the Committee's discussion of this item. He noted the testimony of three individuals - John Christian, Twin Cities, Assistant Regional Director for the U.S. Fish & Wildlife Service; Jim Harris, Baraboo, representing the International Crane Foundation; and Tom Stehn, U.S. Whooping Crane Recovery Team Leader, all in support for the establishment of whooping cranes in Wisconsin. The

Committee recommended and Mr. Behnke MOVED that the Board endorse the Fish & Wildlife Service Federal Recovery Plan to reestablish whooping cranes in Wisconsin and the eastern United States. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present.

6.B-4 Buckhorn State Park and Buckhorn Wildlife Area land acquisition - Juneau County.

Mr. Behnke reviewed the green sheet which proposes the purchase of 3,221 acres from Wisconsin River Power Company for \$2,390,000. The parcel consists of 840 acres of wooded upland, 1,295 acres of water or submerged land and 1,086 acres of wetlands. Of these, 640 acres within the boundary of Buckhorn State Park would be designated state park land, and the remaining 2,581 acres would be an expansion of Buckhorn State Wildlife Area. The property would be managed to maintain the natural resources and to provide recreational activities including hunting, fishing, trapping, camping, scenic enjoyment, canoeing, snowshoeing and cross-country skiing. The Committee recommended and Mr. Behnke MOVED approval of the Department's recommendation. Mr. Tiefenthaler seconded the motion.

Mr. Willett commented about the high cost of this purchase when over 2300 acres consist of either wetlands, water or submerged lands. Mr. Tiefenthaler spoke in support of the purchase for consolidation of Department properties and to prevent private ownership of the wetlands which are needed to improve wildlife habitat management and allow public recreational use. Dick Steffes, the Department's Chief Real Estate Officer, further reviewed the Department's justification for this purchase. He also noted that the appraisal accepted did not assign any value to the submerged lands.

Chairman Solberg called for a vote on the motion. The vote was as follows:

Affirmative - Messrs. Solberg, Tiefenthaler, Behnke, Murphy and Willett.

Negative - Mr. Poulson.

Absent - Mr. Schneider.

The motion was carried.

6.B-5 Kickapoo Wildlife Area land acquisition - Crawford County.

Mr. Behnke reported on the Department's proposal to purchase 452.56 acres from Hillsdale College in Hillsdale, Michigan, for \$375,000. The property contains 4,000 feet of frontage on the Kickapoo River, 4,000 feet of two-bank frontage on Sand Creek, 160 acres of woodland that contain degraded oak savanna and prairie, and wetlands along the water. The Department currently owns a conservation easement on this property that allows public access for hunting and fishing. The purchase will allow natural resource management to restore rare plant and animal communities, activities that are not permitted under the current easement. It will also allow year-round recreational use of the property, not just seasonal hunting

and fishing, and will allow other recreational uses by the public such as hiking and nature appreciation. The 40 acres outside the project boundary will be held for future sale or exchange.

The Committee recommended and Mr. Behnke MOVED approval of the Department's recommendation. Mr. Tiefenthaler seconded the motion.

Mr. Poulson asked if it was the Department's intent to keep the 185 acres of tillable land in agricultural production. Mr. Steffes said the acreage was being rented and in agricultural production at the present time, but he did not have the exact information for future use. Mr. Poulson MOVED to amend the motion to direct the Department to retain the 185 acres as cropland. Mr. Behnke seconded the motion. The motion was carried unanimously by those members present.

Chairman Solberg called for a vote on the main motion, as amended. The motion was carried unanimously by those members present.

6.B-6 Waushara County Remnant Program (Little Silver Creek) land acquisition.

Mr. Behnke reported on the Department's proposal to purchase 2.7 acres along Little Silver Creek in Waushara County from Frank Johnson for \$34,000. The property includes 200 feet of low-bank frontage on the north bank of Little Silver Creek, a Class I brook and brown trout water which forms the southern boundary of two of the lots. Acquisition would provide public access to Little Silver Creek and access

land-locked public lands to the east that includes 2,00 feet on the north bank of Little Silver Creek. The Committee recommended and Mr. Behnke MOVED that the Board approve the Department's recommendation. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present.

6.B-7 Glacial Drumlin State Trail fiber optic easement sale.

Mr. Behnke reported on the Department's proposal to sell an easement to the Williams Company along the Glacial Drumlin Trail for placement of an underground fiber optic cable. The Company will pay the Department \$10,000 per linear mile. The length of the trail is estimated at 48 miles for an estimated value of \$480,000. The value of the land rights is consistent with what other public landowners are receiving. The utility will restore the trail after installation. The proceeds will to the "Heritage State Park and Forest Trust Fund." The Committee recommended and Mr. Behnke MOVED that the Board approve the Department's recommendation. Mr. Poulson seconded the motion. The motion was carried unanimously by those members present.

6.B-8 DONATION - 10 acres in Marathon County from Ying Moy, Wausau, for Rib Mountain State Park.

The Committee recommended and Mr. Behnke MOVED acceptance of the donation. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present.

7. Department Secretary's Matters.

7.A DONATION – A 1998 Polaris 6x6 All Terrain Vehicle valued at \$5,510.78 from Dr. Donald Rusch to be used for restoring and maintaining prairie, fen and savanna communities in the state.

Mr. Murphy MOVED, seconded by Mr. Behnke, acceptance of the donation. When put to a vote, the motion was carried unanimously by those members present.

7.B DONATION - \$94,000 from Wyalusing Starsplitters, a Committee of Friends of Wyalusing State Park, to be used for an astronomical observatory development at Wyalusing State Park.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, acceptance of the donation. The motion was carried unanimously by those members present.

7.C Phase II of the Great Addition - Establishment of two new projects, Menard Island Resource Area and Woodboro Lakes Wildlife Area in northern Wisconsin counties of Iron, Oneida, Vilas and Lincoln. (Item 3.C-1, Minutes of August 25, 1999)

Secretary Meyer recalled the Board's approval of the "Great Addition" land transaction at the August meeting . While the Department requested approval of the overall transaction, it was specified that only the first half was currently funded. Based on that approval, the Department closed "Phase I" on October 14, 1999, acquiring 16,000 acres in fee title and 924 acres by easement for \$12,500,000. Since the state budget passed and contains the necessary funding and "borrow ahead" language, the Department requested Board approval to complete "Phase II."

Mr. Willett MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of an additional 16,000 acres in fee title for an additional \$12,500,000 for Phase II of the "Great Addition." When put to a vote, the motion was carried unanimously by those members present.

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The meeting was adjourned at 1:15 p.m.