

August 10-11, 2010

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## NATURAL RESOURCES BOARD

### BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Tuesday, August 10, 2010 in the Michigan/Ontario rooms, Barker's Island Inn, Superior, Wisconsin. The meeting was called to order at 10:00 a.m. for action on items 1 – 3.A.5. The meeting recessed at 11:55 a.m.

### ORDER OF BUSINESS

#### Tuesday, August 10, 2010

1. Organizational Matters

1.A. Calling the roll

David Clausen – present	Preston Cole – present
Jonathan Ela – present	Gary Rohde – present
John Welter – present	Christine Thomas – present
Jane Wiley – present	

1.B. Approval of agenda for August 11, 2010

**Dr. Clausen MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.**

1.C. Approval of minutes for June 22-23, 2010

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

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

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

3. Action Items

3.A. Air, Waste, and Water/Enforcement

3.A.1 Request Adoption of Board Order DG-24-09, revisions to ch. NR 140 Wis. Adm. Code, relating to groundwater quality standards **TABLED FROM APRIL MEETING**

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

3.A.2 Request adoption of Board Order DG-23-10, creation of NR 850 and revision to NR 142 relating to water use fees

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

3.A.3 Request adoption of Board Order DG-24-10, creation of Chapter NR 852 related to water conservation and water use efficiency for water users

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

3.A.4 Request adoption of Board Order DG-25-10, creation of NR 856 and revisions to NR 142 relating to water use registration and reporting

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

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- 3.A.5 Request authorization for public hearing for Board Order DG-34-10, creation of NR 860, water use permitting

**Dr. Clausen MOVED approval, seconded by Mr. Welter. The motion carried unanimously.**

**Mr. Ela** recessed the meeting until Wednesday morning.

The regular meeting of the Natural Resources Board resumed on Wednesday, August 11, 2010 in the Michigan/Ontario rooms, Barker's Island Inn, Superior, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1, 3.A.6 – 7.B.4. The meeting adjourned at 2:50 p.m.

### **ORDER OF BUSINESS**

#### **Wednesday, August 11, 2010**

1. Organizational Matters

**Mr. Ela** called the meeting to order.

3. Action Items

- 3.A. Air, Waste, and Water/Enforcement

- 3.A.6 Request adoption of Board order AM-06-09, proposed rules affecting ch. NR 433 pertaining to the implementation of Best Available Retrofit Technology (BART) requirements **MOVED FROM JUNE AGENDA**

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

- 3.A.7 Request adoption of Board Order AM-13-10, proposed rules affecting NR 484 and 485 pertaining to the vehicle inspection and maintenance program

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

- 3.A.8 Request adoption of Board Order AM-06-10, proposed rules affecting NR 410.05 pertaining to the increase of asbestos inspection fees and the addition of fees for review of revised notifications and inspection of fire training burns

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

- 3.A.9 Request adoption of Board Order AM-09-10, proposed rules affecting NR 410 pertaining to fees for reviewing applications for construction of air pollution sources

**Mr. Rohde** requested a report on public hearings costs.

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

- 3.A.10 Request adoption of Board Order AM-12-10, proposed rules affecting chs. NR 405 and NR 406 pertaining to permit requirements relating to non-federal class 1 areas

**Ms. Wiley** requested follow-up on if the Crandon Mine issue was the driving force behind this proposed rule.

**Dr. Clausen MOVED approval, seconded by Mr. Welter. The motion carried unanimously.**

- 3.A.11 Request adoption of Board Order AM-16-10, proposed rules affecting chs. NR 400, 404 to 408 and 484, Wis. Adm. Code pertaining to permit requirements relating to particulate matter emissions

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

- 3.B. Land Management, Recreation, and Fisheries/Wildlife

- 3.B.1 Request adoption of Board Order FH-17-09, revisions to NR ~~19~~, 20, 21, and 22, and 24 related to commercial fishing on Wisconsin-Iowa and Wisconsin-Minnesota boundary waters MODIFIED

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

- 3.B.2 Request adoption of Board Order WM-02-10, the Wildlife Management housekeeping rules package

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

- 3.B.3 Request adoption of Board Order WM-04-08 related to authorizing hunting on state ice age trail areas

**Mr. Ela** requested legal staff draft language changes to NR 45.09(10) to include possession of cross bows in corridor and that no person may discharge firearms, any bow, crossbow, or airguns across the trail corridor in areas where hunting from the trail corridor is prohibited.

**Ms. Wiley MOVED approval, seconded by Mr. Cole.**

**Mr. Lutz** offered the following amendments to the Board:

**(1) Section 2. 45.09(1) No person may take, catch, kill, hunt, trap or pursue any wild animal or bird, or discharge any, firearm, or airgun as defined in s. 939.22 Stats., unless it is unloaded and enclosed in a carrying case, or any bow, slingshot or spring-loaded device designed for shooting a projectile unless the same is unstrung or enclosed in a carrying case while in any state park, fish hatchery, or within 100 yards of any state campground, picnic area or other special use area designated by the department by posted notice. No person may discharge a firearm, bow, crossbow, or airgun from, on, or across any Ice Age Trail corridor which is not open to hunting.**

**(2) Section 2. 45.09(10) Nothing in this section shall prohibit the possession of an uncased bow, cocked and unloaded cross bow, or uncased and loaded firearm or air gun for the purpose of crossing the travelled portion of the Ice Age Trail within State Ice Age Trail areas by the shortest route possible.**

**Ms. Wiley and Mr. Cole accepted as a friendly amendment.**

**Mr. Ela** requested the rule making procedure for determining hunting policy at existing Ice Age Trail Areas include local input by having a public meeting at a location close to the subject property before a proposed rule goes before the Board.

**The original motion as amended carried unanimously.**

- 3.B.4 Request adoption of Board Order ER-10-10, revisions to NR 29 related to endangered resources information fees

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

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- 3.B.5 Request adoption of Board Orders WM-21-10 and WM-22-10(E), revisions to NR 10 establishing the 2010 migratory game bird hunting seasons and regulations

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

- 3.B.6 Request adoption of Board Order LF-05-10, revisions to Ch. 45, Wis. Adm. Code, use of department properties

**Mr. Welter MOVED approval including amendment at Section 14: NR 45.09(10) Except as provided under s. NR 10.275, nothing in this section shall prohibit the possession of an uncased bow, cocked and unloaded cross bow, or uncased or loaded firearm or airgun for the purpose of crossing the Glacial Drumlin state trail by the shortest route possible where it is adjacent to lands that are part of the Lake Mills Wildlife Area, Jefferson County, seconded by Dr. Clausen The motion as amended carried unanimously.**

- 3.B.7 Land Acquisition - Kettle Moraine State Forest - Southern Unit - Waukesha County

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

- 3.B.8 Land Acquisition and Project Boundary Modification - Green Bay West Shores Wildlife Area - Oconto County

**Mr. Welter MOVED approval including project boundary modification, seconded by Dr. Clausen. The motion carried on a 6-1 voice vote.**

- 3.B.9 Land Acquisition and Project Boundary Modification - Statewide Natural Area - Crawford County

**Mr. Rohde MOVED approval including project boundary modification, seconded by Mr. Cole. The motion carried unanimously.**

- 3.B.10 Land Acquisition - Tiffany Wildlife Area and Lower Chippewa River Natural Area - Pepin County

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

- 3.B.11 ~~Easement Acquisition - Ice Age Trail - Columbia County~~ **DELETED**

- 3.B.12 Land Acquisition - Ridgeway Pines Natural Area - Iowa County

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

- 3.B.13 Land Acquisition - Willow Flowage Scenic Waters - Oneida County

**Mr. Welter MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.**

- 3.B.14 Land Acquisition - Pike Wild River - Marinette County

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

- 3.B.15 Land Donation - Pine Island Wildlife Area - Columbia County

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

**Mr. Welter** thanked Columbia County for their donation.

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3.B.16 Land Acquisition, Donation, and Project Boundary Modification - McMillan Wildlife Area - Marathon County

**Ms. Wiley MOVED approval including donation and project boundary modification, seconded by Dr. Clausen. The motion carried unanimously.**

**Ms. Wiley** thanked Joan Bauman for her donation made in memory of her husband, Paul Bauman.

3.B.17 Land Acquisition and Donation - Lower Wisconsin State Riverway - Richland County

**Ms. Wiley MOVED approval and donation, seconded by Dr. Clausen. The motion carried unanimously.**

**Ms. Wiley** thanked Dick and Laurel Steffes for their donation made in the name of their grandson Elijah Lin.

3.B.18 Land Acquisition – Statewide Habitat Area – Shawano County **ADDED**

**Mr. Welter MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.**

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

**Public Appearances**

1. **Jim Brakken**, Cable, representing the Bayfield County Lakes Forum and the Northeast WI Waters Consortium *Topic: The phase-out of toxic lead fishing tackle (Handout)*

**Mr. Ela** requested Issue Coordinator Dr. Clausen work with Mr. Brakken and Department staff to look at the possibilities of his suggestions.

2. **Stacy Craig**, Mason, representing the LoonWatch Program *Topic: Known results of lead tackle ban legislation and recommendations (Handout)*

**Mr. Rohde** requested that Dr. Clausen give a background summary of his report on the toxicity of lead to the Board at a future meeting.

3. **Tom Bridge**, Superior, representing the City of Superior *Topic: Preservation and protection of Wisconsin Point and surrounding public lands (Handout)*

**Mr. Frank** stated the Department wants to work with the City of Superior on this. He suggested That all stakeholders be brought to the table for planning and the possibility of identifying Stewardship grant dollars, coastal management dollars that would help that process. Need to think of what we can do to really move this project along. That has real potential.

4. **Chuck Weier**, Two Rivers, representing WI Federation of Great Lakes Sport Fishing Clubs *Topic: Current summer trap net fishing rules and regulations in Zone 3 of Lake MI (Handout)*

5. **Michael Rusch**, Manitowoc, representing Northeast WI Great Lakes Sport Fisherman *Topic: Current summer trap net fishing rules and regulations in Zone 3 of Lake MI (Handout)*

6. **George Meyer**, Madison, representing WI Wildlife Federation *Topic: Trap netting regulations in Lake Michigan (Handout)*

**Mr. Cole** requested the Department respond responsibly to the issues raised by Mr. Weier, Mr. Rusch, and Mr. Meyer.

**Mr. Ela** requested the Department report back in appropriate time as to what actions are being taken, and what kinds of outreach the Department has had with sport and commercial fishing organizations and others.

7. **Don Semler**, Stone Lake, representing Whitefish Lake Property Owners Association  
*Topic: Emergency procedures for controlling Eurasian Water Milfoil (Handout)*

**Mr. Ela** asked staff to give consideration to Mr. Semler's suggestions.

8. **Douglas Kurtzweil**, Hayward, representing Chippewa Flowage Area Property Owners Association  
*Topic: Regulatory Relief (Handout)*

**Mr. Ela** suggested that fisheries staff work with Sawyer County conservation people and the WI Conservation Congress county delegates to see what can be worked out.

5. Board Members' Matters

**Mr. Ela** clarified his response to Mr. Cole from the June meeting regarding distribution of Board Member roles. Board Members need to express their interests to the Issue Coordinators Dr. Clausen and Mr. Welter. They are the appropriate leads. He suggested that as each Member gets these expressions of interest, to email the full Board for inclusion in a roster.

**Mr. Welter** presented his findings on the Crab Lake Property Owner's Concerns from Attorney James Olson during the June 2010 Board meeting.

**Mr. Ela** stated that following discussions he had had with Land Administrator Laurie Osterndorf and Natural Resources Foundation Executive Director Charlie Luthin, the Board might consider increasing the donation minimum from \$5,000 and the land purchase threshold from \$150,000 that trigger the need for Board action. These numbers have not changed for quite a long time. In a related issue, the Board has never been in the position of approving grants. Some of the grant monies are quite large. Should the Board set approval of grants over a certain threshold? Discussion can come at a future meeting.

6. Special Committees' Reports  
None

7. Department Secretary's Matters

7.A. Retirement Resolutions

7.A.1 Gregory W. Kornely

7.A.2 Charles R. Verhoeven

7.A.3 Kirstie Larsen

7.A.4 Calvin Glessing

7.A.5 David F. Beer

7.A.6 James R. Reyburn

7.A.7 Richard H. Nelson

7.A.8 Vance L. Rayburn **ADDED**

7.A.9 Larry Bruss **ADDED**

**Dr. Clausen MOVED approval, seconded by Mr. Welter of the retirement resolutions. The motion carried unanimously.**

7.B. Donations

7.B.1 The Johnson Family Foundation will donate \$17,000.00 to the Bureau of Endangered Resources in support of the Trumpeter Swan and Piping Plover monitoring activities

**Mr. Rohde MOVED approval, seconded by Mr. Welter. The motion carried unanimously.**

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7.B.2 The Andrew F. Bell and Edith M. Bell Charitable Trust will donate \$13,936.50 to the Endangered Resources Fund

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

7.B.3 Polar Bears International will donate \$12,036.56 for reforestation purposes in Wisconsin

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

7.B.4 Brule Preservation will donate \$6,000.00 to the Brule River State Forest for law enforcement support and public awareness activities on the Brule River

**Mr. Welter MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.**

8. Information Items

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

8.A.1 None

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

8.B.1 None

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

\*\*\*The meeting adjourned at 2:50 p.m.\*\*\*

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