

# NATURAL RESOURCES BOARD

## MINUTES

The regular meeting of the Natural Resources Board was held Wednesday, June 28, 2000, in the Mitchell Room of the Best Western Midway Hotel/Milwaukee Airport, 5105 South Howell Avenue, Milwaukee, 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., reconvened at 11:30 a.m., recessed at 11:35 a.m., and reconvened at 2:05 p.m.

PRESENT: Trygve A. Solberg, Chair  
James E. Tiefenthaler, Jr., Vice Chair  
Gerald W. O'Brien, Secretary  
Herbert F. Behnke  
Howard D. Poulson (present until 1:25 p.m.)  
Catherine L. Stepp

ABSENT: Stephen D. Willett

\* \* \* \* \*

### ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of May 23-24, 2000.

Mr. Poulson MOVED, seconded by Mr. O'Brien, approval of the Full Board minutes of May 23-24, 2000, as written. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

Committee of the Whole Minutes of May 23, 2000.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the Committee of the Whole minutes of May 23, 2000, as written. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

1.B Agenda for June 27-28, 2000.

Secretary Meyer stated the following changes to the agenda: Defer Item 6.B-2 (Lakeshore State Park proposal) to the August meeting; add proposed acquisition for White River Marsh to the Land Management Committee and number 6.B-9; and add proposed request from Assembly Natural Resources Committee for changes to FH-3-00 (fishing regulations resulting from the spring hearings) under Secretary's Matters and number 7.E. With those changes, Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler, approval of the agenda for June 28, 2000. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

2. Ratification of acts of the Department Secretary.

2.A Real estate transactions.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the real estate transactions, as printed. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

3. Committee of the Whole.

3.A Presentation of the John C. Brogan Environmental Awards.

This item was presented during the Committee of the Whole meeting.

3.B Citizen participation.

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

3.C Approval of the Management Plan and Environmental Assessment for the Clam Lake Elk Herd; and the Wisconsin Elk Herd Establishment Protocol.

Mr. Tiefenthaler MOVED approval of the Clam Lake Elk Herd Management Plan and Environmental Assessment and the Wisconsin Elk Herd Establishment Protocol. Mr. O’Brien seconded the motion. The motion was carried unanimously by those members present. (Messrs. Poulson and Willett were absent.)

3.D INFORMATIONAL ITEM – Public Information About Air Quality During the Ozone Season.”

This item was presented during the Committee of the Whole meeting.

3.E INFORMATIONAL ITEM – Summary of comments on proposed rules related to the redesign of the nonpoint source program.

This item was presented during the Committee of the Whole meeting.

3.F INFORMATIONAL ITEM – Criteria for the Department’s 50-Year Land Acquisition Study.

This item was presented during the Committee of the Whole meeting.

3.G Retirement resolutions.

- 1. Terry Dorshorst.
- 2. Roland Felton.
- 3. Dale Goeman.
- 4. John Grosman.
- 5. Karin Liebetrau.
- 6. Thomas Mickelson.
- 7. Anna Prust.
- 8. Raoul Schottky.
- 9. Thomas Wilda.

Mr. Willett MOVED, seconded by Mr. Behnke, approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present.

4. Board Members' Matters.

There were no matters brought up under this item this month.

5. Special Committees' Reports.

There were no Special Committees’ Reports this month.

\* \* \* \* \*

Chairman Solberg reconvened the Full Board and explained that he had recently been advised that pursuant to an opinion from the Attorney General’s Office, the Board must vote to convene into closed session. He therefore asked for a motion. Mr. O’Brien MOVED that the Board convene into Executive Session following the lunch break under the authority of s. 19.85(1)(e), Wisconsin Statutes, for the purpose of discussing potential real estate transactions. Mr. Tiefenthaler seconded the motion. The motion was carried by those members present.

\* \* \* \* \*

6. Operating Committees.

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

6.A-1 Minutes of May 23, 2000.

The minutes were approved as written.

6.A-2 Adoption of Order FH-6-00 – creation of Chapter NR 195, Wis. Adm. Code, pertaining to River Protection Grants.

The Committee recommended and Ms. Stepp MOVED adoption of Order FH-6-00 as presented. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present.

6.A-3 Adoption of Order DG-3-00 – revision of Chapters NR 108, 114, 809 and 811, Wis. Adm. Code, pertaining to plans and specifications for reviewable projects, operator certification, operations of community water systems and safe drinking water.

The Committee recommended and Ms. Stepp MOVED adoption of Order DG-3-00 as presented. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present.

6.A-4 Authorization for hearing on revision of Chapters NR 716, 726, 749, 811 and 812, Wis. Adm. Code, to replace groundwater use restrictions on a deed, with inclusion of a site closing with contamination above NR 140 groundwater enforcement standards on a Geographic Information System (GIS) data base.

The Committee recommended and Ms. Stepp MOVED that the Board authorize public hearings. Mr. Tiefenthaler seconded the motion. Ms. Stepp indicated that the Committee had questions with regard to followup to assure well drillers are actually checking the data base before the construction of a well.

Mr. O'Brien asked how prospective buyers become aware of deed restrictions. Secretary Meyer indicated this rule proposal would place information on the GIS system. Mr. O'Brien then asked how prospective buyers would know to look on the GIS system. It was his opinion that the buyer would typically look for this type of information on a title report or an abstract. Ms. Stepp indicated that the State Realtors Board has indicated they may add language to the disclosure statement with regard to contaminants previously found on the subject site.

When put to a vote, the motion was carried unanimously by those members present.

6.A-5 Authorization for hearing on proposed revision of Chapter NR 7, Wis. Adm. Code, pertaining to the recreational boating facilities program.

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

6.A-6 Authorization for hearing on revision of Chapter NR 19, Wis. Adm. Code, to set fees for Hunter Education, Snowmobile and ATV Education Programs.

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

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

6.B-1 Minutes of May 23, 2000.

The minutes were approved as written.

6.B-2 MASTER PLANNING - Approval of the Milwaukee Lakeshore State Park Master Plan.

This item was deferred to the August Board meeting.

6.B-3 Adoption of Order FR-19-00 – revision of Chapter NR 46, Wis. Adm. Code, pertaining to stumpage value adjustments and administration of Forest Crop and Managed Forest Laws.

The Committee recommended and Mr. Behnke MOVED adoption of Order FR-19-00 as presented. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present.

6.B-4 Approval of the proposed FY2001 Expenditure Plan for the Stewardship 2000 Program.

Mr. Behnke reviewed the green sheet proposal. The Committee recommended and Mr. Behnke MOVED approval of the FY2001 Expenditure Plan for the Stewardship 2000 Program, as recommended by the Department, with an amendment to bring before the Natural Resources Board specific acquisitions of the Department allocation within the overall program and this allocation clarification would be submitted to the Board at the August 16, 2000 Board Meeting. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present.

6.B-5 Rib River Fishery Area land acquisition – Taylor County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 136 acres from Gail Asmus for \$102,000. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present.

6.B-6 Mecan River Fishery Area land acquisition – Waushara County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 110 acres from Albert and Eleanor Grunert for \$202,000. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present.

6.B-7 Pine-Popple Wild River land acquisition – Florence County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 2.2 acres from Mary Massey for \$68,000. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present.

6.B-8 Statewide Public Access land acquisition – Columbia County.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 0.17 acre from River City Developers, Inc. for \$40,000. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present.

6.B-9 White River Marsh Wildlife Area land acquisition – Green Lake and Marquette Counties.

The Committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 720.57 acres from Ponderosa Partnership for \$548,000. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present.

7. Department Secretary's Matters.

7.A DONATION - \$5,500 from Whitetails Unlimited (Marathon, Brown County, Stetsonville, Flambeau, Dunn County Chapters) to be used for public access improvement and habitat management for the Great Addition to Hay Creek-Hoffman Lake Wildlife Area.

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

7.B DONATION – a new 10KW wind turbine, an informational sign, and an exhibit on alternative energy valued at \$70,600 from the Friends of Havenwoods to be used at Havenwoods State Forest.

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

7.C DONATION - \$9,000 from Trout Unlimited (\$5,000 from the Green Bay Chapter; \$2,000 from Oconto River Watershed Chapter; \$1,000 from Marinette County Chapter; \$1,000 from Southern Wisconsin Chapter) for the Oconto River Restoration Project.

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

7.D DONATION – In-kind production services valued at \$26,000 from Discover Wisconsin Productions in support of the Wisconsin State Park System Centennial Celebration.

Mr. O’Brien MOVED, seconded by Ms. Stepp, acceptance of the donation. The motion was carried unanimously by those members present.

7.E Request of the Assembly Committee on Natural Resources for modification of Order FH-4-00 (fishing regulation changes resulting from the Conservation Congress spring hearings (adopted by the Board May 2000)).

Secretary Meyer explained that the Assembly Committee on Natural Resources requested the following changes to Order FH-4-00:

1. Early Catch and Release Trout Season: The Assembly Committee recommends that the 6:00 p.m. closure on the last day of the early catch and release season be changed to 12:00 a.m. The Committee felt that the new 5-day rest period prior to the regular opener was sufficient to allow the fish to recover from the early season, and that the 6:00 p.m. closure would only create enforcement problems. Even though this was part of the compromise that was voted on by the public, Secretary Meyer did not believe that any of the task force members would have an issue with this minor change. Therefore, the Department recommends that the Board remove this part of the rule, which would, by default, close the catch and release season at midnight, as follows:

SECTION 2. NR 20.15 IS repealed and recreated to read: “NR 209.15 Special early catch and release season for trout. (1) GENERAL PROVISIONS. (a) Open season and waters. Except as specified in sub. (2), there is an open season for trout from 5:00 a.m. on the first Saturday in March ~~until 6:00 p.m. on through~~ the Sunday preceding the first Saturday in May on the following waters:.....

2. Panfish 10 daily bag limit on Chetac and Birch Lakes, Sawyer and Washburn Counties. The Assembly Committee voted to recommend that this rule only apply to bluegills, rather than all panfish. After this rule was passed at the spring hearings, several resort owners raised concerns with the legislature, claiming it would impact their businesses. This rule was originally submitted by the region to correct a problem with bluegill and crappie fisheries. Therefore, the Department recommends that the Board withdraw this rule.

Mr. Tiefenthaler MOVED, seconded by Mr. O’Brien, that the Board approve the changes as recommended by the Assembly Committee on Natural Resources. The vote on the motion:

Affirmative – Messrs. Solberg, O’Brien, Tiefenthaler and Ms. Stepp.  
Negative – Mr. Behnke.  
Absent – Messrs. Poulson and Willett.

The motion was carried.

\* \* \* \* \*

The Board Meeting was adjourned at 2:30 p.m.

