

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held Wednesday, September 27, 2000, at the Great Lakes Visitor Center, Ashland, Wisconsin. The meeting was called to order at 8:35 a.m. for action on Items 1 and 2. The meeting was recessed at 8:40 a.m., reconvened at 2:55 p.m.

PRESENT: Trygve A. Solberg, Chair
James E. Tiefenthaler, Jr., Vice Chair
Gerald W. O'Brien, Secretary
Herbert F. Behnke
Howard D. Poulson
Catherine L. Stepp

ABSENT: Stephen D. Willett

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ORDER OF BUSINESS

1. Minutes to be approved.

1.A Full Board Minutes of August 16, 2000

Mr. Behnke called attention to a correction to Item 6.B-3 on Page 9 of the minutes. The minutes incorrectly stated the motion for the adoption and the motion to amend the motion. The minutes were corrected to reflect the right wording for the adoption and amendment. With that change, Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, approval of the Full Board Minutes as amended. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

1.B Agenda for September 27, 2000.

Secretary Meyer recommended that the agenda be changed to reflect an addition to Item 3.B-2 a right of approval of Potential 2001-2003 Budget Initiative/Mandates as part of the Budget presentation.

Secretary Meyer recommended to Department Secretary's Matters the addition of Item 7.B, a DONATION for the Kettle Moraine State Forest.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of the September 27, 2000 agenda, as amended. 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. Behnke MOVED, seconded by Mr. Poulson, 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 Citizen participation.

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

3.B Review and approval of the Department's 2001-2003 Biennial Budget, including the Clean Water Fund Biennial Finance Plan and the 2001-2003 Capital Development Budget.

3.B-1 Review and approval of the Department's 2001-2003 Biennial Budget, including the Clean Water Fund Biennial Finance Plan and the 2001-2003 Capital Development Budget.

Mr. Tiefenthaler MOVED, seconded by Mr. Behnke approval of the Department's 2001-2003 Biennial Budget, including the Clean Water Fund Biennial Finance Plan and the 2001-2003 Capital Development Budget, and that the Secretary be authorized to make technical adjustments as necessary.

3.B-2 Approval of Potential 2001-2003 Budget Initiatives/Mandates

Mr. Tiefenthaler MOVED, seconded by Mr. Behnke approval of Potential 2001-2003 Budget Initiatives/Mandates. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

Mr. Tiefenthaler MOVED to amend inclusion in the initial budget proposal, statutory language from the Senate Bill 439 relating to snowmobile railroad crossings, as written. Mr. O'Brien seconded the motion. The motion was carried, as amended, unanimously by those members present. (Mr. Willett was absent.)

3.C INFORMATIONAL ITEM – Petition from Wisconsin's Environmental Decade, et.al, for administrative rules to govern mercury emissions to the air and specifically requiring reductions from the largest sources of mercury emissions which contribute to mercury deposition to Wisconsin lakes and rivers.

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

3.D INFORMATIONAL ITEM – Northern Initiatives annual report.

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

3.E Retirement resolutions

1. Lois Aide.
2. Cleo Friedrich.
3. Arthur Jossart.
4. Carl Hensley.
5. Larry Kriese.
6. Joseph Ryder.
7. Thomas Wenninger.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, adoption of the retirement resolutions. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

4. Board Members' Matters

4.A Issuance of Citations

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

4.B Deer Management Unit 75A and the overwinter population goals.

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

4.C Changes to the northern bass zone

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

4.D Conservation Congress spring hearing process.

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

5. Special Committees' Reports

There were no Special Committees' Reports this month.

6. Operating Committees6.A Air, Waste and Water/Enforcement Committee6.A-1 Minutes. There are no minutes for August since all agenda items were taken up during the Full Board Meeting.6.A-2 Adoption of Order AM-27-00 – revision of Chapters NR 400, 410, 419-425, 428, 439 and 485, Wis. Adm. Code, pertaining to nitrogen oxide and volatile organic compound emission reductions to address a comprehensive and federally-enforceable State Implementation Plan to ensure one-hour ozone attainment in Wisconsin.

The committee recommended and Mr. Poulson MOVED, seconded by Ms. Stepp to amend a typo error on page 72 of the green sheet from 50 million Btu to 75 million Btu. The motion was carried unanimously by those members present. (Mr. Willett was absent).

The committee recommended and Mr. Poulson MOVED, seconded by Ms. Stepp to amend page 66 of the rules as written to exclude Sheboygan and Manitowoc Counties from Chapter NR 428.04(1) new source review emission requirements. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

The committee recommended and Mr. Behnke MOVED, seconded by Ms. Stepp adoption of Order AM-27-00, as amended. The motion was carried unanimously, as amended, by those members present. (Mr. Willett was absent.)

6.A-3 Adoption of Order RR-23-00 – creation of Chapter NR 746 and revision of Chapters NR 700, 716, 720, 722 and 726, Wis. Adm. Code, pertaining to classification of sites with petroleum contamination (joint rule with Department of Commerce-fourth version).

The committee recommended and Mr. Poulson MOVED, seconded by Ms. Stepp to amend page 46 to insert section 13A into section 13. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

The committee recommended and Mr. Poulson MOVED, seconded by Ms. Stepp adoption of Order RR-23-00, as amended. The motion was carried unanimously, as amended, by those members present. (Mr. Willett was absent.)

6.A-4 Adoption of Order AM-28-00 – Revision of Chapters NR 406, 407, and 422, Wis. Adm. Code, pertaining to auto body refinishing operations.

The committee recommended and Mr. Poulson MOVED, seconded by Ms. Stepp adoption of Order AM-28-00 as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.A-5 Authorization for hearing on revision of Chapter NR 809, Wis. Adm. Code, pertaining to public water systems relating to lead and copper rule.

The committee recommended and Mr. Poulson MOVED, seconded by Ms. Stepp to authorize public hearings. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.A-6 Authorization for hearing of Chapter NR 809, Wis. Adm. Code, pertaining to Safe Drinking Water relating to public notification requirements.

The committee recommended and Mr. Poulson MOVED, seconded by Ms. Stepp to authorize public hearings. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.A-7 Authorization for hearing on revisions to Section NR 1.95, Wis. Adm. Code, pertaining to Wetlands Preservation, Protection and Management.

The committee recommended and Mr. Poulson MOVED, seconded by Ms. Stepp to authorize public hearings. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

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

6.B-1 Minutes. There were no minutes for August since all agenda items were taken up by the Full Board.

6.B-2 Adoption of Order FH-25-00 – revision of Chapter NR 20, Wis. Adm. Code, pertaining to a change in the northern bass zone.

The committee ruled on a motion of 2-1 to reject the Department’s proposal for adoption of Order FH-25-00. Mr. Behnke MOVED, seconded by Mr. Tiefenthaler.

Vote: Yes: Mr. O’Brien, Mr. Tiefenthaler
No: Mr. Behnke

Mr. Behnke recommended that this should go through the normal rule-making process rather than the legislative process. He suggested that it be taken to the Conservation Congress at the next April statewide hearing to let a broader public voice their opinion on this matter before taking any action. He said there was a public hearing in Hayward that was attended by 13 people. 7 voted in favor of the change and 6 voted against. Of the written comments received, 17 people did not approve of the change and 7 people did. Mr. Behnke encouraged the Board to not accept the motion of the committee to reject the recommendation of the Department and take it to the Conservation Congress for further discussion.

Mr. Tiefenthaler said he believes this would be redoing the process and has not heard of any support for this change and doesn’t believe there will be any support. Secretary Meyer stated that he agrees that the present program has improved the bass season.

Mr. Behnke MOVED and it was seconded, to reject the proposal for adoption of Order FH-25-00. The motion was carried by a vote of 4-2 as follows: (Mr. Willett was absent.)

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| <u>Yes</u> | <u>Opposed</u> |
| Ms. Stepp | Mr. Behnke |
| Mr. O’Brien | Mr. Poulson |
| Mr. Tiefenthaler | |
| Mr. Solberg | |

6.B-3 Adoption of Order FH-26-00 – Revision of Sections NR 25.02(25) and 25.05(1)(d), Wis. Adm. Code, pertaining to commercial fishing for chubs on Lake Michigan.

The committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler adoption of Order FH-26-00 as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.B-4 Recommendations of the Western Prairie HRA Citizen Advisory Committee.

No action was taken on this item.

6.B-5 Establishment of the Baraboo Hills State Recreation Area in Sauk County with an acreage goal of 950 acres.

The committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler for establishment of the Baraboo Hills State Recreation Area. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.B-6 Kettle Moraine State Forest land acquisition – Walworth County.

The committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 168 acres of land in fee, for \$745,200, and 40 acres of land in easement, at a cost of \$192,000 from Treebrook Corporation for a total of \$937,200. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.B-7 Dells of the Wisconsin River State Natural Area land acquisition – Adams County.

The committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 240 acres from Tracy Farms, Inc. for \$530,000. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.B-8 Statewide Natural Area land acquisition – Waushara County.

The committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 109 acres from LMR Land Company for \$191,000. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.B-9 Lower Wisconsin State Riverway land acquisition – Grant County; and the acceptance and recognition of the Wisconsin Wild Turkey Federation (9,000) and the National Wild Turkey Federation (\$9,000) for donations totaling \$18,000 to be used toward this purchase.

The committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 120 acres from Robert and Marion Graf for \$132,000. The Wisconsin Wild Turkey Federation has agreed to donate the amount in excess of the appraised value of \$114,000 by \$18,000, decreasing the Department's cost to \$114,000. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.B-10 Mecan River Fishery Area land acquisition – Waushara County; and acceptance and recognition to Central Wisconsin Chapter of Trout Unlimited (\$2,000), Green Bay Chapter of Trout Unlimited (\$2,000), Marinette Chapter of Trout Unlimited (\$3,000) Fox Valley Chapter of Trout Unlimited (\$500) and the Friends of Trout Unlimited (\$2,000) for their donations totaling \$9,500 to be used toward this purchase.

The committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 5.34 acres from Thomas and Betty Lydon for \$109,800. Several Chapters of Trout Unlimited are giving a donation of \$9,500 towards the purchase price. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.B-11 White River Fishery Area land acquisition and approval of project boundary modification – Waushara County.

The committee recommended and Mr. Behnke MOVED that the Board approve the purchase of 52.6 acres from Terrence and Linda Gaatz for \$100,000. Mr. Tiefenthaler seconded the motion. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.B-12 Scattered Forest Land sale – Vilas County.

The committee recommended and Mr. Behnke MOVED that the Board approve the sale of 190 acres to Vilas County for \$148,200 for inclusion in the County Forest Program. Mr. O'Brien seconded the motion. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

6.B-13 DONATION – 21.15 acres of land from the Wisconsin Council of Trout Unlimited for the Statewide Habitat Areas in Marinette County.

The committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, acceptance of the donation. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

7. Department Secretary's Matters

7.A DONATION - \$23,000 from the River Alliance of Wisconsin to be used for habitat restoration at the Oak Street Dam removal site on the Baraboo River.

Mr. Poulson MOVED, seconded by Ms. Stepp, acceptance of the donation. The motion was carried unanimously by those members present. (Mr. Willett was absent.)

7.B DONATION – A 60-foot observation tower at Kettle Moraine State Forest, Pike Lake Unit, valued at approximately \$128,000 from Marlene and Richard Lee.

Mr. Behnke MOVED, seconded by Mr. O'Brien acceptance of the donation. The motion as carried unanimously by those members present (Mr. Willett was absent.)

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The Board meeting was adjourned at 3:40 p.m.