

NATURAL RESOURCES BOARD

Minutes

The regular meeting of the Natural Resources Board was held Wednesday, September 26, 2001, at the Holiday Inn Express, 2190 U.S. Highway 8, St. Croix Falls, Wisconsin. The meeting was called to order at 8:34 a.m. All September Board Agenda business was conducted by the Full Board.

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

ORDER OF BUSINESS

1. Minutes to be approved.
- 1.A. Full Board Minutes of August 15, 2001.

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

Full Board Minutes of Wisconsin Michigan Board Meeting August 15, 2001.

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

- 1.B. Agenda for September 26, 2001.

Deputy Secretary Franc Fennessy asked that the following change be made: Item 3.B. (presentation of a resolution of commendation plaque to DNR employees involved in the Siren tornado response) be moved after item 3.D.

With those changes, Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien approval of the September 26, 2001 agenda, as amended. The motion was carried unanimously by those members present.

2. Ratification of acts of the Department Secretary.
- 2.A. Real estate transactions.

Mr. O'Brien MOVED, seconded by Ms. Stepp approval of the real estate transactions, as printed. The motion was carried unanimously by those members present.

3. Committee of the Whole.
- 3.A. Citizen Participation.

- 3.A.1 Eric Koens, of Bruce, representing himself, spoke to the Board regarding updating of funding for wildlife services. Mr. Koens stated that he is a member of the Wolf Advisory Committee and hoped that his presentation before the Board would result in a more successful wolf management policy. He stated that he supports and is involved in wildlife services. He addressed the Board regarding necessary funding for wildlife services through agricultural appropriations. In the past year they have been working on a Great Lakes funding initiative of \$750,000 for additional funding for wolf

control, \$200,000 for Wisconsin \$150,000 for Michigan, and \$400,000 for Minnesota. For the past year he had worked with the SEEK Directors in Wisconsin, Michigan, and Minnesota regarding this project. He spoke of farming, wolf trapping, and depredation. Mr. Koens stated he felt that we need to bring more attention to this issue so that our congressional representatives understand the need for predator control in the three state area. Mr. Koens concluded that Wisconsin needs adequate funding to address its needs and must also have the correct policy for wolf control.

Mr. Poulson, the sum of \$150,000, are we or are we not going to get it? Mr. Koens, I don't believe so. This Agriculture Committee was meeting the week of the terrorists attacks. The latest that I have on this is the \$500,000 set aside for predator control. In that \$500,000 they included three western states along with what they call the upper midwest. We are in the running for some money. I contacted our Wildlife Services National Manager in Washington D.C. to make sure that we get our share of money here in the three state area. Mr. Poulson, my understanding is that the million dollars in the western states is done. They are going to get that on an annual basis. Mr. Koens, they are listed again for a million, but they are also laying claim to an additional \$500,000. I think the reason for that is that people here, our congressional leaders, don't stand up and say part of this money should be ours.

Mr. Willett, you were speaking of the problems that Minnesota has, have we experienced or started to experience agricultural problems with wolves? If so, what are they and where are we in that process? Mr. Koens, yes we have. Right now we have one chronic farm in Burnett County. This has been an ongoing thing and has been going on for a number of years. Adrian Wydeven has some facts and figures that he will share with you in his presentation. For example, there were two confirmed depredations early last summer on that farm in Burnett County. Then at weaning time, there were an additional 30 calves missing on this farm. The year before there were calves missing, I believe there were 10 confirmed wolf kills on calves. With the increase of the wolf population, it is bound to be more common. The packs start establishing themselves along the farms and they know where the food is.

Chairman Solberg, how large is this farm? Mr. Koens, it is pretty large. Last year I believe it was 500 cows and they added some this year.

Mr. Tiefenthaler, when are we going to change the federal reclassification, or is it already changed and what is the timeline on it? Mr. Koens, that hasn't taken place yet. It was to take place this summer, but because of new administration and there weren't people in place, so as soon as these positions are filled, hopefully they will make the recommendation to do so. We have five times the wolves as we need in Wisconsin and Michigan. We have 500 wolves between the two states and we are certainly more than covered and Minnesota has twice as many as they need federally.

3.B. Presentation of a resolution of commendation plaque to DNR employees involved in the Siren tornado response.

Deputy Secretary Fennessy presented a resolution of commendation plaque to the Department of Natural Resources employees who were involved in the Siren tornado response. On behalf of the Department employees, Mr. Edward Forester, Fire Management Officer, accepted the resolution. Deputy Secretary Fennessy stated that it was his great pleasure and honor to present a token to the work done by some of our staff for the June 18, 2001 tornado that went through Siren, Burnett, and Washburn Counties. Because of the training which is generally used for forest fires, some of these staff members have volunteered to work at the World Trade Center and the Pentagon during their time of disaster. This is a great service not only to our state but to our country. Deputy Secretary Fennessy read the plaque on behalf of the Natural Resources Board as follows: "The Natural Resources Board commends the Department of Natural Resources' employees involved with assisting victims of the June 18, 2001 tornado in Burnett and Washburn Counties. Your compassionate and quick response helped these citizens in their time of need".

Mr. Forester thanked the Board Members and Deputy Fennessy for the resolution. He stated this was truly a team effort, that his incident management team did well, they were supported by folks from all over the state. A group of very diverse people on this team working for a common objective trying to relieve the stress of the people in that area while at the same time do it in an environmentally and long term friendly way. Mr. Forester stated that he was very proud of the many people from across the agency. He stated they had a lot of support from the unseen people and this resolution is for the team and for all the folks behind the scenes. Mr. Forester further stated that the agency should feel good about this resolution.

Chairman Solberg, I know that the folks from emergency government, the town Chairmans of Polk and Burnett Counties, and both of the county sheriffs couldn't say enough about the help that your team gave them especially to the people in those severely hit areas. They are very proud of you.

3.C. INFORMATIONAL ITEM - Update on the Implementation of the 1999 Wolf Management Plan for Wisconsin.

Adrian Wydeven, Conservation Biologist, presented the update on the implementation of the 1999 Wolf Management Plan for Wisconsin. Mr. Wydeven passed out a pamphlet on Wolves in Farm Country in Wisconsin and materials of verified livestock depredations. He stated that in general the population status of wolves is good. During the winter of 2000 the last count was 251 wolves statewide and 243 of those were outside of Indian Reservations. He further stated that from their wolf management plan, the state criteria for delisting wolves from a threatened species to a non-listed species was 250 wolves outside of the Indian Reservations. Mr. Wydeven stated that the reason the population hasn't moved up in the past year was because in part of an outbreak of mange in the wolf population this past winter. Of the 35 collared wolves from last fall, at least five of those died from mange. He further stated they continue doing surveys that were approved in the initial plan, continue to trap and radio collar wolves in the spring and summer and those wolves are monitored on a year round basis allowing them to construct maps of individual territories. Normally, they trap 15 to 20 wolves and have as many as half of the packs that have at least one collared wolf in them. There were 66 packs in the state this

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last winter, about half of those packs have radio collared wolves in them. Since 1995 they have had a volunteer tracking program. They help track wolves each winter and they are putting on almost as many miles as the Department of Natural Resources staff as far as tracking wolves. There was a publication in the Natural History Magazine last February, as a result of this there were more volunteers in the program, a good example of citizen participation and state wildlife surveys getting their input. Two years ago a Wolf Stakeholders Group was implemented. One of the things that resulted from these meetings was to acquire more information on wolf depredations. A pamphlet was published on Wolves in Farm Country in Wisconsin to be given to farmers as a guide in wolf country in how to deal with wolves. They had unanimous support for developing regulations to control wolf dog hybrids in Wisconsin. They also supported federal efforts at getting more money into Wisconsin. When the delisting process starts, the Stakeholders Group will be very active developing guidelines as to how the implementation of the federal classification will be implemented. They hoped to complete this process by July 2001 but the change of administration was not anticipated. Currently they don't have a new head for the Fish and Wildlife Service, who approves the reclassifications. He stated they hope the reclassification will be completed this winter. More specific guidelines must be developed as to how we are going to conduct depredation activities. Mr. Wydeven reviewed the history of the reclassification process. Funding of the program, about 75 to 80 percent continues to be federal monies. The budget did run higher in this wolf management plan, however, the costs have been higher for a variety of reasons. Reasons for higher costs: cost of development and publishing was anticipated lower; airplane costs for monitoring wolves has tripled in the past seven to eight years; time that is being spent in the wolf management program has increased contributing to the higher wolf management costs; depredation payments. Since 1984 they have paid out \$158,000 for reimbursement costs, of those \$68,000 have been for deer in deer farm situations. Mr. Wydeven then discussed some of the current depredation problems that exist. He presented a wolf pack 2000 depredation map indicating where the packs are located in the State of Wisconsin. He stated that this year there is an unusually high loss of dogs. He then presented graphs showing dogs killed by month, dog kills versus the wolf population, and livestock depredation versus wolf population. Factors that occur while depredation by wolves on dogs: 1) size of the pack or larger pack would cause depredation; 2) age of the packs, it seems that age of packs; 3) presence of pups; 4) seasons - July, August, and September period is critical. Mr. Wydeven, further stated prevention of wolf depredation of farm animals: 1) maintaining healthy, well-fed animals; 2) using guard animals; 3) moving calving or lambing activities closer to the barnyard; 4) predator-proof fencing; 5) proper carcass disposal. He further pointed out areas in Wisconsin that are presently being affected with wolf depredation. Mr. Wydeven stated they are working with UW Researchers to try and identify future depredation sites based on landscape features and if there are certain areas in Wisconsin that have a higher risk of wolf depredation. With our management plan, once we are delisted and once we are past 350 wolves, we can start managing the wolf population.

Ms. Stepp, that farmer is not allowed to protect his livestock by killing the animal because they are protected? Mr. Wydeven, right, federal and state laws protect them. Even if a farmer were allowed to do so, the opportunity for the farmer to shoot the wolf is slim because you don't see the wolf. The most logical way is with professional trapping. We have moved wolves off of this particular farm. Ms. Stepp, what is the average payment that the farmer receives per animal? Mr. Wydeven, we pay the fall market value for livestock. Around \$600 per calf. Ms. Stepp, (referring to the

graph Mr. Wydeven handed out) this graph, dog kill versus the wolf population, we can see then there isn't a direct correlation to the increase of wolf population. So what do we think is the cause? Mr. Wydeven, I am not sure if it is just where packs are establishing right now, where packs are in areas where there is more likely to have conflicts. We are working on right now is with the UW Researchers to try to identify future depredation sites based on landscape features and if there are certain areas in Wisconsin that have a higher risk of wolf depredation. With our management plan once Wisconsin is delisted and are past 350 wolves, we can start managing our wolf population. If we determine there are certain areas that are of conflict, human conflicts, we can either consider public hunting, trapping or have the U.S. Wildlife Services remove the animals from those areas.

Mr. Tiefenthaler, I read somewhere that once a wolf kills a dog he will do it again and it is very unusual that he stops, it is a learned behavior. Mr. Wydeven, it seems like it, yes. We have 66 packs of wolves in Wisconsin. Six packs this year have caused depredation. One of those packs has caused depredation the last three years. So, it seems the tendency that once they start depredating they continue to do so, whether with dogs or cattle. That is why I think it is important for authorities to trap and dispose of wolves that continue to depredate livestock. The animals that we have moved across the state have not gone back to depredating livestock. I think it is in part because they have had some room to roam about in northeast Wisconsin where we don't have livestock or other wolf packs.

Mr. Behnke, is there such a thing as an average size wolf pack and if so how many does a wolf pack consist of in numbers? Mr. Wydeven, in the winter the average size is about four or so, during the spring it would probably about half a dozen or so animals. It seems that depredation is more likely if they have pups and they are protecting and wishing to feed. The present of the pups and the need to feed pups is one of the reasons to start depredating. Mr. Behnke, so you have four adult wolves until they have their young? Are these possibly three females and one male and do they get along? Mr. Wydeven, yes. It is probably more like a 50 - 50 mix. They do get along. Mr. Behnke, then they split off after they have their young and form their own pack? Mr. Wydeven, it can be anytime after their first birthday. Some wolves disperse as early as eight or nine months, usually in their first and second year. Then there are some that never leave home, they stay in their own territory.

Chairman Solberg, when you say there are 250 wolves, those are ones that you actually have a good count on. Could there be more than that? Mr. Wydeven, there could be more, this is a somewhat conservative count. It is our minimum count based on wolves we see from the air, in collared packs, and the tracks that we see in the non-collared packs. I feel that we are fairly close on pack numbers. The lone wolf population is probably the more unknown segment of the population because animals can move in and out of the state, they are harder to find their tracks, and they don't do regular scent marking.

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Mr. Tiefenthaler, isn't a pack identified as two or more? Do we have any education out there, any warnings to people they are out there, relatively localized? Why don't we inform bear hunters, hound hunters, and others to help understand what we have and where these areas are. Or why don't we say no dog training in Burnett County? Mr. Wydeven, we have a variety of reports, we have a mailing list of over 3,000 people that get our reports that shows each spring and fall where our wolf packs are distributed across the state. Each of the significant depredations that we have had this spring and summer, we came out with news releases with maps, showing the areas where these problem areas are so hunters can avoid those. We will continue to do that and intensify our effort. We could possibly get the Bear Hunters Association on our mailing list.

Mr. Tiefenthaler, it seems to me that it is just a matter of time before we get bird hunters involved in this. Do we have a handle on rendezvous areas? Mr. Wydeven, den sites are much more regularly used, rendezvous sites are more variable from year to year depending on disturbances, what is going on in the area, where there is an abundance of deer. There isn't a lot of consistency. We aren't finding out where these rendezvous sites are until late June and we are actually spending much of our summer trying to identify these sites which is the same time that active training is already occurring. Mr. Tiefenthaler, I have had a few calls regarding what someone can do if they come upon a wolf while out hunting. Mr. Wydeven, fire their gun in the air to scare the wolf off, yell at the wolf, in most cases that seems to be effective. In Minnesota, they have 10 times as many wolves than we have, they don't have a problem. Although they don't allow hound hunting for bear, they do hunt for birds and grouse. I don't know of a bird dog being killed in Minnesota.

Mr. Poulson, what is the ease in reporting depredation? Mr. Wydeven, we have people from US Wildlife Services verify these. They get these within 48 hours, they monitor, they have voice mail (checking over the weekends) checking every few hours. They get letters to the owners to get reimbursed for their animals, the owners get the information back to

myself and see that it reaches Madison. They were averaging about 80 days from the time of depredation to the time of payment for the last year or so. I think it started speeding up more recently because the Wildlife Services now give the letters and instruction to the owners rather than having me send out the letters. It speeds up the process.

Chairman Solberg, you mentioned it was fairly easy to move these wolves off this one particular large farm. Do you remember the farm just south of Minocqua and the trappers had a terrible time just trying to catch one wolf. It seems they had a terrible time getting that wolf out of this area and you say that on open territory it is easy. Mr. Wydeven, I think it is easier on livestock depredation because there is a real focus where the depredations are occurring, where the animals are coming in, whereas in a deer farm situation it seems the animals were making a kill and not returning to them. There is no focus area of where you can trap and know for sure the wolf will be coming. Whereas, say they kill a calf and all the calves are relatively close to each other, that you know right about where the wolf will be coming so you can have a more focused trapping effort.

3.D. INFORMATIONAL ITEM - Presentation on Future of Camping on State Lands.

Sue Black, Director of Parks and Recreation, introduced the presentation on future of camping in Wisconsin. Ms. Black reminded the Board that DNR will be traveling to Denver to attend the Gold Metal Award Ceremony. She stated the park system received a lot of press coverage on this award ceremony. The future of camping of Wisconsin is integrated with camping that goes on in forestry lands and other state lands. She further stated this has been a good start at taking an analysis as to where the Wisconsin Park System is, looking at short term opportunities, and looking at where they will go with a long term business plan.

Paul DeLong, State Forester Director, stated that in state forests they not only have family type camping in parks but also canoe (over 100 new campsites), wilderness and backpack designated sites, and horseback camping. There are a range of opportunities available that also include group camping in Wisconsin state parks. Mr. DeLong stated that they will be taking a strategic look at what other camping opportunities exist, where the demand is, where the supply is, and what the role of the private versus the public sector of this area is.

Bob Roden, Facilities and Lands Director, stated that there is a wide spectrum of camping. He further stated that most people think of the state park system first and think of the state forest second. There are other kinds of camping which include the Northern Flowage (over 100 centrally primitive designated campsites, about 60 of those being on the Turtle Flambeau Flowage). He further stated they plan to have about 30 sites on the Willow Flowage, the master plan being approved last fall. Other sites are on the shoreline or close to the shoreline and most people get to them by boat or hiking. There are a large number of state owned islands in the northern part of the state, typically in lakes, which are just open for camping. In almost every instance, there are no designated sites there or no facilities. People can simply be on a water body, there is a state owned island, and they can camp. They also have the Lower Wisconsin Riverway, which is sand bar camping, depending on the water level. There is also disbursed camping which occurs on the wildlife areas typically associated with deer hunting, which is not closely controlled.

Peter Biemeier, Chief of External Relations and Planning Section, presented a slide presentation an overview of camping in the state of Wisconsin. He stated that family campsites are fully occupied on weekends, the demand exceeds the supply. The types of campsites are: family, rustic, accessible, primitive, waterway, dispersed for the hunter and in wilderness areas. Currently the state park and

southern forests have 4,553 sites. The northern forests and other state properties have 1,644 sites. Mr. Biemeier presented data regarding the availability and competition of private, federal, county, local, state, and other DNR sites. The overall park system has increased by 5.9 percent in 2001 over 2000. Currently weekend occupancy rates are averaging 79.5 percent and the top 10 properties in the system averaged 92.49 percent. Camping fees for the state ranged from free to \$12.00. These fees are set by the legislature. He further stated that fees and charges for amenities need to be addressed. The Department of Tourism notes that \$632 million is received in direct economic impact and UW Madison, non-residents, contribute more than \$200 million in direct impact. The result is 8,000 jobs for the State of Wisconsin. By the year 2050 the demand for camping days are projected to increase by 32 percent and the number of participants utilizing camping as recreation will increase nine percent. Development opportunities need an approved master plan, including a current six year plan. A review and update of the master plan for the applicable DNR properties. A business plan would clarify all DNR market niches relative to other market providers, provide more complete data and analysis, identify and address long-term expansion opportunities and issues, identify the next steps in the process, and provide for

public and private participation. In conclusion, Mr. Biermeier stated that a creative comprehensive business plan for all types of camping, including ATV, wilderness and bike; demand is present for additional DNR family campsites; create new campsites in existing state park properties; make changes in master plans and six year plans; increase group campsites; and review fee structures will follow.

Ms. Stepp, what kinds of campsites are you looking to add? Are you looking to add any RV campsites? Ms. Black, one of the things that we talked about at the last Board Meeting was how were we going to develop these sites and where is Wisconsin going to be. What I see is going on around the country are others building campsites or lodges. We have legislation that doesn't allow us to have lodging in the state parks unless it is an accessible cabins. We have only 25 percent of our campsites that can be electrified. We want to separate those types of uses. Yes, we will do that, but we will do it very systematically. Ms. Stepp, most of the RVs have generators and have self contained systems so electricity isn't always needed. I think we need to be sensitive to those types of things, being RV accessible and not necessarily needing electricity. It isn't a big requirement, I don't think. Ms. Black, one of the things that we have discussed in development is to work on those types of sites in new development as opposed to going in and taking some rustic sites and try to retrofit them and displacing those users that enjoy that type of facility or that is connected with that certain campground.

Chairman Solberg, I had a lengthy conversation with the Michigan Department of Natural Resources, after our Board meeting last month. They are expanding their park base. I asked what their price was for the campsites. First of all, they charge more than we do. Secondly, they charge differential prices for different campsites (such as lake site versus one in the woods). Thirdly, they don't have any free campsites. We have free campsites. I don't think we should have free campsites. It isn't free to everyone else, someone is paying the price for this. It should be a fair price. I think we should look at all these things. I spoke with Steve Miller and in our conversation, to sum it up, obviously in the last budget and in the future budgets the legislature is not going to give out any more money for expansion. So the only way, and knowing that we have a demand, is that we look at some of these things I mentioned here (not having free campsites, increasing the price to get what the neighboring states are charging, charge higher prices for the more valuable sites such as on the lake, and it looks like the counties charge more than we do for campsites and they are a governmental unit). We could take that increase and present our plan to the legislature. We will increase this and we will take that money to turn it back into campground development.

Mr. Tiefenthaler, it is interesting that you mention this because I was going to ask a question. Look into the possibility of getting graduated fees for campsites on the spring questionnaire. Looking into high and low season rates to acquire support and have a marketing program.

Mr. Behnke, I assume that you do have a marketing plan. Could you brief us on what you have been doing? Ms. Black, we have a business management section now that didn't exist before in the Bureau of Parks and Recreation. We signed an MOU with the Department of Tourism to actually help us out. As long as they are the experts in this area, we have a liaison with Tourism that is working on this with us. With next year being the year of the trails, if you look at any of their marketing throughout the next season you will see this. It hasn't been specifically marketing camping. Maybe after the year of the trails, after we get our business plan done, we would market the camping aspect.

Mr. Poulson, there is a horseman's park area in Kettle Moraine area that isn't listed, is it getting promoted or advertised? Is there a problem with that, are the bikers and the horse people not getting along? Ms. Black, I will look into that and see why it isn't getting any billing, but the people that use those horseback campsites just absolutely love them. We have been touring and asking if we could do the same thing for the ATV and different users. We have gone to the Governor's Bike Council because they feel that we are not meeting their needs. For instance, right now you have a two night stay on the reservation system and that doesn't really work for a biker. They want to ride, get there, leave early in the morning, and ride to the next site. One of the things that we want to do is try to cater to that a little more. In Madison, where you have the Capitol Springs Trail that hits the Military Ridge and the Glacial Drumland and the Badger Trail is going to be a T intersection along the bike path. We would like to put in the state parks, the 300 acres that we bought as bike camping, which would be the first in the state and the country. I don't think there is any conflict between horseback riders and bikers, I think that we need to understand there is definitely some business there and that we need to understand the individual needs of their activity when they are on the property. I feel that we have done a good job but we could do a better job.

Chairman Solberg, I am talking about raising some of this pricing, I am not just talking about raising this rate just for the fun of it. Everyone here knows that expenses keep going up and our rates stay they same. We keep cutting and cutting and we can't do that

forever. You need to have gradual rate increases. Directing his comments to Steve Miller, Chairman Solberg stated that he would like to make sure that after our discussion that we look at some of this and determine to go to the legislature, coming up with a pricing plan. I feel they would be hard pressed to turn something like this down if we show that we were going to take that money for development purposes. We aren't asking for any more money, we are asking to raise the rates to use for future development.

Deputy Secretary Fennessy, the legislature has taken a very proprietary view toward fees in the park system despite our best efforts and I think that we need to continue to work at it. I know that Secretary Bazzell is very sympathetic to the situation here. There are significant financial limitations on our development budget. I think if we present the legislature with an alternative revenue source to help finance this. I would think they would be receptive, but there are times when they have taken a rather dim view towards the prices that we have that their job is to make it cheaper than what it costs to camp in Illinois, for example, and that has its advantages. You have seen all that before. Chairman Solberg, yes, I understand all that, but I think if we would come up with a very good business plan in this case it would be hard pressed for them not to go along with it. I would be more than happy and I am sure other Board Members would go to any legislative committee and make a presentation before them to state our case. Mr. Willett, one of the things that you need to recognize is that current funds that are generated that are allocated long term. So if you are going to look at package, you will need to sell the need, talk about a surcharge for additional development. I don't see the legislature, under the current structure, going along with this. You saw it in forestry. It is tough to keep the funds. Chairman Solberg, we need to present a plan. Mr. Willett, yes, I know. But if you are going to be realistic about it the plan needs a surcharge as opposed to saying that we would like some of the funds back. Chairman Solberg, I think they can segregate funds just like we do for other purposes. Deputy Secretary Fennessy, Mr. Willett brought up a good point, I think our assumption would be we could hold the base together and use the residual. But as Ms. Black can attest, the legislature, in the last two budgets, have taken funds out of our segregated fund. Mr. Willett, yes, they do that all across the board. Deputy Secretary Fennessy proposed to speak with Secretary Bazzell and come back with a proposal, for the Board's consideration. Deputy Secretary Fennessy stated that he thought there isn't much that we could do this session because of the budget limitations. He felt that we could do what we could on our own independently working through the rules process or administratively but also work with the legislature. He felt that he didn't know what could be done yet this session. If the economy continues to go down the legislature will need to continue dealing with revenue shortfalls, and a budget adjustment bill. They probably will not want to entertain anything like this. Deputy Secretary Fennessy stated that he would like to work with the Secretary and come back with a proposal for the Board's consideration. Mr. Tiefenthaler, one vehicle that we might use is to put a question on the spring hearing questionnaire about graduated park fees and see if we can get some support at the spring hearing. I think that would be some evidential proof to the legislature, if we are going to put a sell package together for them. I would also like to make sure that the fees are correct on the report because as evidenced they are not that far away from fees that Minnesota and Michigan charge. They are very close. Ms. Black, the National Association of State Parks Directors has a web site that (NASPD.org). We do an annual informational exchange and we compare everything. Every year we update that information so anything that you would like to know about any other state park system is on this web site.

3.E. INFORMATIONAL ITEM - Update annual report on the progress of implementing portions of the Northern Initiatives, A Strategic Guide for DNR Management in Northern Wisconsin in the Next Decade - 1996-2006.

Bill Smith, Regional Director, presented the updated annual report on the progress of implementing portions of the Northern Initiatives. He stated that the initiatives is a strategic guide for managing natural resources in Northern Wisconsin. It was developed by a citizen team based upon a sense of public input which initially happened in 1993-94, updated in the year 2000. This is used to prioritize and direct their efforts in the north and it is a very important part of the guidance they use to direct their activities. Mr. Smith stated they have been on this project going on the seventh year. At the direction of the Natural Resources Board to update their activities and look for guidance for the upcoming year. Mr. Smith gave an overview of the project teams.

David Daniels, Northern Initiatives Project Manager, reviewed where they have been for the past year regarding the economy issue and education. Regarding economic development, they continued over the last year as suggested in previous years, working with the local communities to develop issues relating to trails, on road and off road cycling, and water based trails. Mr. Daniels stated they continue working with ways to share the information they have within the agency and resource based information with local communities so they can use this information to better their tourism and recreational opportunities at the local level. Regarding northern recreation, he stated that one of the things he set out to do was to find out how to coordinate the recreation opportunities around the region. He stated they continue to work on is

excellent customer service at the state parks and trails. Communities are learning from them what kind of service they deliver at the state parks, forests and trails and are copying some of that information. Mr. Daniels stated that he wished to forge better links with local, tribal, and other units of governments. He stated that he is spending a lot of time on the road, at meetings in the community speaking to the opportunities at the state level as well as opportunities they may have at the local level. Mr. Daniels stated that in the realm of education the issue relating to school forests, this is a resource that needs to be enhanced. They have been meeting with their interdisciplinary team both at the regional level and state wide along with public and private partners asking questions of the use and enhancement of the school forests across the state and the region. He stated that he felt they have a real opportunity to work together with their public and private partners to upgrade and enhance this important and educational natural resources base.

John Gozdziwski, Northern Region Water Leader, over the past year, staff in the Northern Region has worked closely with a variety of people in the public and private sectors as the Northern Rivers Initiative has been completed. The Rivers Initiative is an outgrowth of

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the Wild Lakes project that targeted high priority lakes for possible DNR and conservation agency/organization acquisitions. The Northern Rivers Initiative applies the same threat/protection strategies to streams and rivers. Mr. Gozdziwski stated that there has been significant progress with the northern rivers initiative. Over the past few years staff gathered data on 1500 river and stream segments across the north and have developed the information, compiled it, and shared it with their own staff of water, land, and forestry, and also with the county colleagues in the forestry conservation, land conservation and zoning. As they look at smart growth and land use planning they can make veteran formed decisions. Last year there were two acquisitions, one was in a partnership trust with public lands. They were involved with them to acquire a lakes cluster in the Bay Field County area. After the acquisition was complete, they transferred the land to the U.S. Forest Service for long term management. They also have a project in Taylor County, that has an accepted offer, the shoreland recreation projects area, the area of Burnett County was viewed by the Board and staff on September 25. Many other units of government and private citizen groups across the north are engaged in this type of voluntary historic buffers putting them back in place for scenic beauty, habitat, and protection. They range from local city park projects to the Dairyland Flowage Project in Rusk County. Mr. Gozdziwski stated they provide technical and financial support to the lakes planning grants and the Department of Agriculture is also involved in providing dollars.

Mr. Smith, indicated there has been a great deal of work going on as in past years, with emphasis on partnerships, relationships, working with the local communities. Mr. Smith stated he expects that work to continue. He stated that areas of focus for the upcoming year is in the area of land use. They are preparing themselves to deal with smart growth but it is a 10 year process for local and county governments to work with this. They are providing information to them regarding the smart growth land use planning process. Another area is the planning of state properties. A couple of the large state forests in the north are in the planning process now. He stated he expects that to come to closure in the next year or two and there will be extensive public involvement and attention to this. Public access to water and land is another area, particularly in the north with heavy developmental pressure on water properties and shoreland areas. They are working on a number of the areas that have been set aside for public access designated areas that might be lightly developed or underdeveloped are under extreme pressure. A lot of petitions for abandonment from local government, from adjacent landowners, and situations of improchment and trespass on those accesses. The accesses may not be heavily used right now but they are set aside for future public needs and he felt it is a critical public interest issue to spend more time and give more attention to protecting those accesses. The access issue is also important on land. One of the evolving issues in the north is the fate and long term management of those large blocks of industrial forest lands. They have seen some of those ownerships change hands in the past recent years and there are future risks and threats that they will change hands again. If they are sold to other forest land managers, that is a positive development. It keeps the land in management, it produces the raw materials that drive the wood product industry.

Steve Willett, since the master planning process was in its largest stage, a new problem has developed. That is the industrial forests have been sold or taken out of forest crop and divided up into smaller parcels. We are having access issues and a number of other issues. Mr. Willett stated that he thought the Northern Initiative needs to take a real good hard look at some alternatives to work with these industrial customers as to how this can work for everyone. The paper industry is under extreme pressure right now and so are the utilities. If we don't work with them, and we can't own it all, part of preserving the north is the idea. What wasn't perceived at the time that large blocks of the north were held by these industrial owners. Mr. Willett stated that he felt they need to go back to the table and work on some strategic planning on that issue. He felt they need to get every ones input on this. Mr. Smith, large blocks of land are privately owned and there are tremendous public benefits that derive from that. I know this is a very important issue to our Division of Forestry that staff are working on a statewide basis. We are not trying to duplicate their efforts we are trying

to provide that unique slant that we hear in the north link closely the statewide planning effort with the division in search for those solutions.

Jim Tiefenthaler, specifically what are we doing along the lines of revising and updating shoreland zoning ordinances using outreach work with the counties as they revise and update shoreland ordinances. Mr. Smith, in the last couple of years we have given a tremendous amount attention to the local ordinances that govern development of shoreland areas. We provide technical advice. The message that we hear from the public, we convey that back to local government and they factor that into their own decisions. That is the kind of support that we have been given them. We saw that on the tour in Burnett County with the Board of some of the relationships and the roles that the Department has with local and county governments. That type of relationship is replicated several times over with the counties across the north. It varies from county to county, depending on their interests, the direction, and the type of initiatives they want to work on.

Mr. Willett, the Department has, in fact, challenged the decisions of many of the counties, particularly those that didn't fall within the area of law that has been set forth. That has caused some strained relationships. This process that we saw yesterday in Burnett County was extremely enlightening because it seemed to me that it is where we need to be going. Mr. O'Brien and I spoke today regarding how it can be done legally. It seems to me that, in that whole issue, you need to bring in the legislature or determine what the current state of the law is because there are two cases out there. One seems to prevent you from taking away your flexibility and a more recent one that seems to give it back to you. This is something that I think you need to be looking. The Supreme Court is saying and then trying to deal with the counties. I know what the counties are doing now, they are going to the seminars, they are being told that the Kenosha case prevents them in making any adjustments within that shoreline zoning so they are being less flexible as opposed to what Burnett County is doing. If we could do what Burnett County is doing it seems that it would answer a tremendous amount of the questions out there. Mr. Smith, what you bring up is certainly a part of our role and the foundation of our minimum regulatory requirements that are consistent statewide. What we have seen in the north are a number of counties that have chosen to go beyond that with their own ordinance authority. They have enacted things to go above and beyond what the state would require. Occasionally we get decisions at local government levels that are less than those state minimums and then we step into the more traditional regulatory

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role and we would question that decision and maybe ask for an appeal or review that decision. The collaborative relationship that I am talking about really goes above and beyond minimum requirements of the state. It is more of an assistance role with these counties as they choose to enact ordinances that are somewhat unique to their own communities, their own needs, and resources.

Mr. Tiefenthaler, you are saying that you are advisory, but you aren't really advisory in all cases, you are regulatory? And, Mr. Willett what you are saying is that we need to look at things like mitigation to appease some of the public's input. Mr. Smith, we saw some interesting and innovative information in Burnett County. Things when people have gotten together locally and asked how can we make this work to benefit our community and our resources. Maybe there is a way we can learn from that. Very complicated and emotional issues for people, when you start dealing with their property rights versus the needs of the community.

Deputy Secretary Fennessy, last month we spoke of the pink sheet for shoreland zoning and NR 115. I don't think the Board has given a green light to go ahead for rule making. We had a meeting internally with Secretary Bazzell, he has instructed me to work with some of the Water Division staff, and meet with some of the Board Members to answer the question of what the Supreme Court, what these cases do in fact. There is another case that came down this week that may also affect the Kenosha County decision. We now have three cases that seem to have authority and we need to reconcile those and apprise the Board as to what they mean. Second, I think we need to make you more comfortable with the kind of flexibilities that we are actually trying to build in NR 115 to make it more accommodating for local governments. It is not to close the door on counties but to make it more flexible. Where counties go beyond that flexibility, having the authority and the ability to go to the board of adjustment and object, which is part of which we think our authority is, it is certainly the case in the riverway zoning where we have exercise to do that. We don't want to do that but in some cases we think it is appropriate. I think the Board needs to feel comfortable prior to going out with a full blown NR 115. We are ready to go, but if the Board is hesitant, we need to make you more comfortable before we proceed. Secretary Bazzell has asked me to coordinate with Ms. Sylvester and the staff to make that happen. We will be working with you and others to get the Board more comfortable before we proceed.

Mr. O'Brien, are you coming up with new guidelines for the counties? Deputy Secretary Fennessy, the NR 115 is the shoreland ordinance, the shoreland management rule. We have generated a pink sheet to Mr. Willett, Mr. Behnke, and Chairman Solberg which states you that we are going out to start rule making and this is why. I believe that Mr. Willett raised, at one of the past meetings, that he felt he needed to have greater comfort as to exactly what the Department intended to do as part of that. What we wish to do is better explain to the Board what we are trying to do under the rule revision process. In the meantime, also answer the question that Mr. Willett also raised and that is, what is the impact of the Kenosha, Outagamie, and the case that has come down this week. I was told they do have an impact, particularly in the Kenosha case, that deals with our ability to challenge the Board of Adjustment determination and prevent that from being implemented, a variance, at the county level. We need to have this discussion internally because you are posing questions that I can't answer and others can't, but I suspect that our attorneys can and we need to do that as a service to the Board to make you more comfortable. Until you and we have that level of comfort, we will not proceed with NR 115.

Mr. O'Brien, it seems that the Supreme Court is going through a real test. I don't know if this is really the time to do that. The Kenosha case seeming black and white. Then the next case changes back to other standards. I don't know if this is the time to deal with this issue. Deputy Secretary Fennessy, Mr. Willett questioned if we should wait until the courts have run their course on this, it is something that we need to take under advisement. It is my sense that the Board is not ready, and if you are not ready then I feel that, before we proceed, you need to have trust in the process to go forward with the issues that we are going to take up.

3.F. Approval of the joint Cooperative Management Plan for the Lower St. Croix National Scenic Riverway.

Franc Fennessy, Deputy Secretary, introduced the approval of the joint Cooperative Management Plan for the Lower St. Croix National Scenic Riverway. Deputy Secretary Fennessy stated this plan represents a significant milestone for protection of the Lower St. Croix National Scenic Riverway. Countless hours have been put in with our staff, members of the public, our partner agencies of the National Park Service, the Minnesota Department of Natural Resources, and the Minnesota Wisconsin Boundary Commission. A number of very good comments that were worked through over a period of five years have been addressed. Deputy Secretary Fennessy stated that they felt the plan they are presenting is a consensus document that has been through a great deal of compromise and dialogue with our sister agencies across the river and with the public. There are three issues still unresolved that we propose to resolve as part of the Board's resolution when they adopt the plan.

Terry Moe, Mississippi - Lower St. Croix Team Leader, presented background materials on the briefings the previous week. Mr. Moe introduced partners in the process, Steve Johnson, Minnesota DNR Water Stewardship Supervisor; Robert Karokto, National Park Service; Brian Adams, Chief of Resource Protection; Mike Madell Regional Environmental Coordinator of the National Park Service; Clarence Malick, Minnesota Wisconsin Area Boundary Commission. Mr. Moe referred the Board Members to two maps of the Upper and Lower St. Croix Riverway and reviewed past history of the riverway. The Lower St. Croix begins at Taylor Falls St. Croix Falls and extends 52 miles down to Prescott. The boundaries are determined by legal descriptions printed in the federal register. On the west side of the riverway there is the Minneapolis St. Paul metro district with a great deal of development. The river is divided into a federally administered area which are the upper 27 miles, and the state zone, which is the lower 25 miles. In the upper area, land management is done by a combination of fee, title, and easement ownership by the National Park Service as well as by zoning through NR 118. The lower riverway, Minnesota and Wisconsin, do hold a few conservation easements but the majority of land use management is regulated by zoning under NR 118. Mr. Moe reviewed the planning process that lasted six years. He further reviewed the outstandingly remarkable values, purposes,

significance, and exceptional resources/values of the lower riverway (as indicated on pages 10, 11 and 12 of the Cooperative Management Plan, CMP, June 2001). Mr. Moe stated other planning efforts (as mentioned on page 17 and 18 of the CMP) and land use (pages 20 through 28). He stated that a new plan was needed because of outstanding issues that had developed over the past 20 years. The planning task force identified all of the critical issues. Among them were conflicts between boaters, conflicts between the river users and riparian landowners, and inconsistencies in the applications and enforcement of zoning standards and regulations between Minnesota and Wisconsin, and the impact of new river crossings. Mr. Moe stated the policy they are trying to present in the plan is corridor sharing, trying to reduce the number of corridors. If new corridors need to be built, we also need to repair the old ones. He further stated other planning efforts as indicated on pages 16 through 18 of the CMP. Mr. Moe highlighted that the Comprehensive Management Plan provides greater emphasis than ever to ensure continuation and enhancement of the Lower St. Croix National Scenic Riverway's diversity. Mr. Moe reflected on land use and land management areas as indicated (pages 20 through 28). He further spoke of water surface use and water management areas (pages 28 through 33). Mr. Moe stated the primary goal is to screen development on the riverway, the secondary goal is to promote the growth of either historically significant or naturally significant of forest ecotypes. He stated that riverway stewardship plans could be developed in Wisconsin under forest tax laws. The alternatives developed to manage this riverway, were a continuation

of the status quo with the lower St. Croix Management Commission, being the policy body for the Lower St. Croix and continuing the role of the Minnesota Wisconsin Boundary Area Commission, and the recommendation of a partnership team. Mr. Moe presented the Board with the implementation costs, one time costs, and annual costs (as indicated on page 63 of the CMP). He stated they are recommending a position for a river manager for the State of Wisconsin, an aquatic ecologist position, and water enforcement officers. He reflected on research needs and grants to do other work identified in the plan. The figures presented reflected pre-loss of the Boundary Commission, these figures would change with this loss. Mr. Moe presented the recommended land management areas (as indicated on page 27). He stated these land management areas will then become zoning districts when after the plan is approved, they will come back and seek the Board's permission to go ahead with rule making to update NR 118. Mr. Moe reflected on the land use regulation guidelines (as indicated on page 54). These have been worked on by the Lower St. Croix Planning Taskforce and the staff. He pointed out the different zones on the lower St. Croix riverway on an overhead map.

Chairman Solberg, stated that Deputy Secretary Fennessy was sitting in for Secretary Bazzell who was attending a meeting in Chicago with the EPA. Along with the public, Deputy Secretary Fennessy and Mr. Moe have put a lot of work into this plan.

Deputy Secretary Fennessy, reflected on some of the controversial issues of the plan. He referred to nonconforming structures and how they are treated under the plan. The proposal takes the plan one step further on how they deal with reconstruction of structures. The final CMP has a designation that states structures may be maintained and retained, (page 55 of the CMP). For draft of NR 118, they would clarify that structures may also be reconstructed if they are in the same footprint, visually inconspicuous, there is visual waterfall and mitigation and there is no new height non-conformity. By definition a lot of the non-conforming worry about the closeness to the water, there is a setback from the water and the riverway. Also there is a setback from the bluff. Development would be away from the riverway, away from the bluff and visually inconspicuous where possible. Actions are taken to mitigate visual impact and for adverse impacts on water quality; and degrees of any height nonconformity are not increased. The addition of the reconstructed language was important to a number of individuals on the riverway. The Town of Troy designation segment between Mayer Road and Riverview Drive be designed as rural residential in deference to the local government sentiments. Deputy Secretary Fennessy further explained that there is a narrow strip, about 700 feet wide and a quarter mile long, that goes out to the county road (he pointed it out on the overhead map). There are 18 acres of that currently designated in the plan of small town, unincorporated under current law, we proposed in the plan to make it small town. The rationale for that was that if the area was annexed it would be well suited to compact residential development and we concluded that the impact on the riverway would be relatively neutral for scenic values. Any development that would occur there is not visual from the river, it is behind the bluff. Also, we believed that any water values, because it would be on city sewer and water and not interceptive, would not have any water quality values. It also conforms to where we think smart growth should be for future developments. This is one of the few areas where we have authority to impose local zoning, a very special area, the legislature authorized us to do, and the one place where we have the opportunity to have those impacts. Since we imposed something the locals didn't want, we proposed in draft NR 118 to designate it not as small town, as proposed in the plan, but to designate it as rural residential. Through the planning process and a number of residents locally wanted it to retain as rural residential. A graphic was shown regarding the 18 acre property discussed. He referred to a 22 acre parcel that can be annexed by Mr. Lee to the City of Hudson if he wishes. Land owners have concerns about what if any the impact would be on the development of land behind them, on the YMCA Camp, and what it would do to the character of their homes around this area. He further stated there obviously would be implications for all the parties involved here in moving this from small town, as proposed in the plan, to rural residential.

Mr. O'Brien, the 18 acres, what is it currently without the plan. Deputy Secretary Fennessy, it is unincorporated rural. It is subject, under the riverway, to one acre minimum but the Town of Troy has a three acre density. It is not three acre plots, but if you look at the development and may want to congregate some of those homes in a smaller part development. But, overall that development has to be three acre densities. If this were proposed to be annexed by the City of Hudson today, the City of Hudson would have to adopt a minimum of one acre net project area. They would have to adopt from a riverway standpoint one acre because that is what is in unincorporated areas.

Mr. Behnke, so the difference is, they could go to 18 residences as opposed to six? Deputy Secretary Fennessy, it depends on if the City honors the Town of Troy zoning. If they annex or will they go to riverway minimums, which would be one acre. You could have up to 18 homes here. Under city zoning, if this were allowed to be small town, it could be urban residential, 9,000 square foot or four per acre. Those are not big lots. One house per acre versus two or three houses per acre. From the development potential of Mr. Lee has great concerns about what this may do for future development.

Ms. Stepp, are you saying Deputy Secretary Fennessy, we as the Department, that you don't see a significant negative impact on whether we go to one house per acre or to three houses per acre on that 18 acre parcel? Deputy Secretary Fennessy, correct. The bluff line is here (Deputy Secretary Fennessy pointed out the bluff line on the map), it is well back from the bluff line, it tends to drain the opposite direction. Any urban storm water requirements would drain away from the river or have some sort of tribute before they make their way back into the river. As for well and septic, if properly installed and maintained, there are ways to develop in those septic that, from a water quality standpoint, would be acceptable. Ms. Stepp, what about impacts to the neighbors? Negative impacts to drainage on the neighbors. Deputy Secretary Fennessy, there shouldn't be on how that is developed. If the drainage goes away from them. This rural residential designation will help them or satisfy them with their concerns. There is also a bank of trees along River Ridge Road. Ms. Stepp, will these block visibility in the development from the neighbors? Deputy Secretary Fennessy, if they are retained, yes. In part, I have been by there but I have not walked this area. The Department's recommendation is the Board adopt the plan that was amended. When we bring NR 118 back before the Board, sometime next year, we will come back with rules that allow the reconstruction nonconforming structures, that designate the Town of Troy parcel as rural residential? And, that modify the net project area that we propose to change removing the phrase "required setbacks" from it, because it has the unintended affect of changing what lot sizes have to be. That was an unintended error on our part with a proposed remedy in NR 118. We will bring this back as draft rules, for authorization for hearing, and let the public and the rules process decide just how this will get resolved as we will in all the other provisions of land use management, water use management, that need to be cleaned up in NR 118.

Mr. O'Brien, is the Town of Troy parcel the one that we just saw? Deputy Secretary Fennessy, yes, the one we just looked at. Mr. O'Brien, currently it is one acre? Deputy Secretary Fennessy, the plan actually has this as small town, which has much more dense development potentially. We propose it to have it rural residential designation, which will be brought back in NR 118. Actually, to conform to what it is now, keeping its character the way it is under current law, rather than change it into small town.

Mr. Behnke, you are anticipating then that this small town development will not take place until you come back with the proposed revision under NR 118? Deputy Secretary Fennessy, that isn't up to us. I am proposing because, for instance if I were a business person trying to maximize the development potential, I would probably wait until the rules get resolved on this. You would have to wait until the rules get resolved and passed anyway.

Chairman Solberg, isn't it true, as Ms. Stepp was saying, that if you need to do a subdivision being on city water and sewer you would still need to have a storm water plan? Mr. Moe, that is the kind of thing that we as an agency would comment to the zoning to make the decision as to the kinds of requirements we would recommend in the subdivision and development.

Ms. Stepp, I would like to make sure that the Department investigates the common sense application of NR 118 of allowing an additional to an existing nonconforming structure, they can add onto that as long as they improve upon the shorelands and walk line setbacks. But, not allow a reconstruction a new residence there, that it has to stay in the same footprint, while we are allowing addition to buildings. In the real world of application of things, this doesn't make any sense to me. What I would like to see is in the rule changing process that is going on that we look at the common sense of the application in the fairness of that. I run into that many times in southeast Wisconsin. If we could balance that. Deputy Secretary Fennessy, I have noted your concerns and I will be very honest on how we deal with that up to the rule process. Mr. Moe, these changes for retention, expansion, maintenance, and reconstruction are in the riverway zone. The riverway zone is wider than what would be allowed in the shoreland zone for NR 115. I bring that up because we just spoke of that. Ms. Stepp, but if we changed that in NR 118, wouldn't that open the door to be more flexible in NR 115? Deputy Secretary Fennessy, not necessarily. That is a separate policy discussion. I anticipate that we will have that discussion. Ms. Stepp, but we can work that out.

Mr. Tiefenthaler, Minnesota has very definitive rule on exotic species, particularly for control for they are on one side and we are on the other side. How are we going to make it equitable so that we can comply to which is very strict compared to what we have from a state law standpoint. Mr. Moe, we have two coordinating mechanisms. One is the policy of how that should be addressed from the lower St. Croix Management Commission. But, this is one of the areas that we also have the Endangered Species Act and we also have the Zebra Mussle Task Force that address those very items. That includes members from the Minnesota DNR, Wisconsin DNR, the Fish and Wildlife Service, and the National Park Service. What we try to do there is not treat this as a Minnesota or Wisconsin issue on how that is done but as a riverway issue. There may be some differences but we are working to resolve those to seek consistency.

Mr. Tiefenthaler, this would be a perfect demonstration area within the riverway to adopt Minnesota standards and put it into the plan, or in another vehicle, to get consistent agreement. We need a coordinating mechanism between the State of Wisconsin and the State of Minnesota. Also, on page 62 of the CMP, under private property docks and the consistency and uniformity of allowing what goes into the water. What vehicle do we have to establish standards for dock sites? Deputy Secretary Fennessy, this is a plan for the two states to adopt. We have our own mechanism that we would intend to be

consistent for dealing with the regulation of piers. If you abide by the pier planner, generally you can place a pier without a permit under 30.12. Going beyond the pier planner you generally need a permit. I believe that is what we are trying to do, making consistent how we regulate structures in the river of the two states but at some point there is likely to be some diversion as we regulate under chapter 30. Whatever we do here will be consistent of what we are doing elsewhere in the state. Mr. Tiefenthaler, again this would be an opportunity on the riverway to get with Minnesota, with the blessing of Park Service, and try and get a consistent agreement. Mr. Moe, these recommendations in Appendix B of the CMP into rules for the future but we aren't really there yet. Where we are, we have identified, because of the work that the Wisconsin DNR has done, based on its pier planner guidelines and the effect that multiple piers have on shading of repair areas, reducing vegetation, reducing habitat, we have completed a great deal of data that demonstrate there are cumulative impacts to too many wide docks. Based on that, this can harm the riverway so what we have been doing with the Park Service, they have the ability to recommend to the Corps of Engineers that the dock sides be limited and we are in the process of doing that before we do the rules.

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Deputy Secretary Fennessy, I would also add that the issue of piers, single or cluster, has been an issue that Mr. Moe and I have been engaged in with some of the people here today from the public. I don't feel that we are done with those discussions. I believe they will need to go through with NR 118 revisions and more generally because of the governmental units that have an interest here. Generally we are going to stick with the principles that we have statewide.

Mr. Willett, I am confused about the management structure as it appears on page 52 of the CMP. What is the authority of the Lower St. Croix Management Commission and where does it come from. Mr. Moe, there is content in the Wildwood Scenic Act which authorizes cooperative agreement between the agencies that manage the river. When the lower St. Croix was designed in 1972 it was mandated that it be managed cooperatively. That cooperative agreement was formed and that is what created the Lower St. Croix Management Commission. The role of the Department of Natural Resources role is, for instance, I represent the WI DNR on the Management Commission so when I work on policies for the Lower St. Croix I don't play wild cowboy and create new things that are going to be totally inconsistent with what happens with the rest of the Department of Natural Resources. I have program policy, legal counsel, so I can check back and make sure that I am acting in concert with or in an acceptable fashion so that I am not doing something that will conflict with what may happen throughout the rest of the state.

Mr. Willett, it is my understanding that the Minnesota Wisconsin Boundary Area Commission is no longer, is that correct? Mr. Moe, that is correct.

Mr. Willett, but you make reference to it in the CMP as serving as an advisory role. If it no longer exists, it can no longer do that. Mr. Moe, that is right. This document predates the Governor's budget, lack of veto.

Deputy Secretary Fennessy, I have noted your concerns and I will be very honest on how we deal with that up to the rule process.

3.F.1 Joe Merchak, Town of Troy, representing himself, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway and the proposal discussed. He stated that he felt the plan provides a very balanced approach to the recreation and scenic character of the river valley, going right to the intent to protect those things that are most crucial. Mr. Merchak urged the support of the Board Members.

3.F.2 Carl Braunreiter, Prescott, representing himself and citizens in his area of the district of Pierce County Board, spoke in support of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. Mr. Braunreiter urged the Board to continue on with this program and support the proposal of Secretary Bazzell. He stated that he felt it is a major step in the right direction. He further stated the people in his district have been concerned about an open rule making process. These meetings need to be open and accessible to the people. Meaning evenings and weekends. Mr. Braunreiter stated that he is very concerned about protecting the recreational use of the river, the land values, and people's property rights.

Ms. Stepp, we can make sure that the hearings are after work hours can't we? Chairman Solberg, yes, absolutely.

3.F.3 Karl Neumeier, Summerset Township, representing himself, spoke in opposition to the lower St. Croix Scenic Riverway. Mr. Neumeier spoke regarding the terms visually inconspicuous is not an adequate to resolve status of substandard homes. He stated that he felt the terms were subjective and depends on each individual's opinion. He stated that he has been denied a permit twice because his house can be seen by the view of the river. He further spoke of vegetation management to screen structures from the river. He further stated that the terms visually inconspicuous should be changed.

Chairman Solberg, I think that we can work that out, we have a lot of agreement here on many things. I feel the people on the Board feel the way that you do.

Mr. Tiefenthaler, we do have some experience with some of this wording in the Lower Wisconsin Riverway Law, which has been in effect for almost 10 years now. We have a base to start from, we will get counsel from the director and will make sure that it is very carefully worded and very carefully administered. It has been successful. Deputy Secretary Fennessy, Mr. Moe and myself have had contact with the Riverway Board in the last 10 days or so and they use performance standards on the riverway down there that has potential flexibility and we will look at that. I feel that we will need to do a fairly conscientious job of explaining where we are deviating from for the Board and we intend to do so. I feel there is a good model out there that we can learn from.

Ms. Stepp, you don't have a permit yet? You are still at a dead stop, is that right? Karl Neumeier, I haven't had a permit since 1997.

3.F.4 Bob Rolle, Town of Troy, representing himself and citizens of the Town of Troy, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. Mr. Rolle stated that he thought it was extraordinary that such a large and politically diverse group representing every imaginable special interest could come to a unanimous consensus on such a broad range of riverway policies and regulations. They were required to have absolute 100 percent consensus. Mr. Rolle asked the Board to change wording to say the structures are no more visually conspicuous than the preceding structure.

3.F.5 Doug Rowen, Town of Troy, representing himself and his neighbors, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. Mr. Rowen stated that he and his neighbors would like to endorse Secretary Bazzell's recommendation that the Cooperative Management Plan be approved only if the approval is conditional on the Natural Resources Board endorsement of a "Rural Residential" classification for section W-14 in the revisions to NR 118.

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3.F.6 Francis Ogden, River Falls, representing himself, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. Mr. Ogden stated that he is the President of a group known as Citizens for Responsible Zoning and Landowner Rights. He stated that he supports Secretary Bazzell's recommendation and is anxious to proceed in the rule making process. He further stated that Secretary Bazzell and Deputy Secretary Fennessy have done an excellent job of being flexible incorporating needed changes. Mr. Ogden stated that he and his group would honor the integrity of the Natural Resources Board to honor a commitment to begin future rulemaking consistent with the recommendations.

3.F.7 Bob Wall, Hudson, representing the Lee family regarding the lower St. Croix National Scenic Riverway spoke in opposition. Mr. Wall stated that Mr. Stanley Lee was born in Wisconsin, lived here all of his life. The Lee family has owned this property for 32 years. The question here is, what happens to Mr. Lee's property after it is annexed into the City of Hudson. The fact that it will be annexed is the issue. If the property is classified as rural residential it will have to come in as a minimum three acre lots, which the Town of Troy zoning would be. That would be the case notwithstanding that it is annexed into the city and the city could choose to do something else.

Mr. Willett, our rule would require that if it is rural residential it is one acre. That is the compromise. Mr. Wall, that is the rule, but because of the fact that the township had it zoned as three acres that is the rule that will apply and it comes in under that zoning. Mr. Willett, so your saying that the City of Hudson couldn't change it back to one acre? Mr. Wall, that is correct. Mr. Willett, that is the ordinance that they have, right? Mr. Wall, no that would be the affect of this. Mr. Willett, why? Mr. Wall, because that is what the affect of classifying it as rural residential as opposed to small town. Mr. Willett, no that isn't what is being proposed. What is being proposed is the compromise. That in fact if we, the Board, zone it rural residential it will be zoned for our purposes as one acre per lot. But, the township, in their power, can be more restrictive, they say it is one for three. But, it is my understanding that if it would go to the City of Hudson, their zoning would apply. Mr. Wall, if it were to go small town then whatever the city zoning would apply.

Chairman Solberg, I understood this as if it were rural residential it is one acre, if the City of Hudson annexes it, they can be more restrictive, they cannot be less restrictive. Is that correct? Deputy Secretary Fennessy, if it is annexed by the city in the riverway, whether the city would be forced to adopt the Town of Troy three acre minimum or the riverway one acre minimum. My understanding it is the one acre minimum. When I had the discussion with Mr. Lee I stated that it was very important to that he research that independently. It is my understanding that counties that annex are subject to the shoreland and in this case riverway zoning at the time of annex. I don't think they are required to adopt the Town of Troy three acre minimum.

Mr. Willett, if they were, then even changing it to small town wouldn't change things. It would have to follow our zone. Deputy Secretary Fennessy, expecting this discussion would come up, we have had discussions with our attorneys about that. This is what we interpret the impact of what we are proposing. At the time of annexation what is the prevailing riverway zoning the city would have to adopt that. If it is rural residential it is one acre, if it is small town it is three acres.

Mr. O'Brien, so if this is adopted and then it is annexed, it would be one acre or it would be three acres? Deputy Secretary Fennessy, it would be one acre. Mr. O'Brien, where does three acres come in then? Deputy Secretary Fennessy, the Town of Troy current zoning in the unincorporated area is three acres density. Presumably that will not change, it complies with rural residential. I don't see the Town of Troy necessarily changing it. Mr. O'Brien, is this client's problem solved by annexing to the city? Deputy Secretary Fennessy, it is solved only if it is small town. Presumably he wants to develop it under City of Hudson standards. What solves it is a small town designation at the time of annexation.

Mr. Tiefenthaler, we have a presumption of annexation. All I hear it is inevitable, it is going to happen. When is this going to happen? Mr. Wall, I guess this would probably happen if this is zoned small town and then it would be annexed into the City of Hudson. Mr. Tiefenthaler, when? What if it is five years from now and in the meantime is Mr. Lee going to sell his property or doesn't he want to sell it? Mr. Wall, he does want to sell it. Mr. Lee doesn't live in the area anymore nor does his family. Mr. Tiefenthaler, so he wants to sell it as soon as he can. Mr. Wall, yes. Mr. Tiefenthaler, but it really doesn't matter if it is annexed or not he just wants to sell it as soon as he can. The annexation, however, could give him a much more dense 18 acres to sell to a developer. Mr. Wall, that is correct. I believe the City of Hudson's concerned preference is the same as Mr. Lees. That they would prefer to see it as small town if it comes in. If it comes in at that rate, the city zoning applies and would more likely be single family residential that would apply. The number of houses that could be put on there would be greater, the city sewer and water, curb and gutter would need to be installed as opposed to being in the township where the lots would be bigger. From a financial standpoint it would make it not feasible to be able to put in city sewer and water. If it stays in the township the city would not allow city sewer and water. At three acre lots, they would not be able to install city water and sewer, so it would be septic systems and wells. Mr. Wall stated that Secretary Bazzell indicated already that the significance of whether it comes in as small town or rural residential is really insignificant in terms of its affect upon the property. How it is to be developed, is entirely a different question.

Mr. O'Brien, why doesn't he annex right now? Mr. Wall, if he annexed now, it is going to be three acres. Mr. Tiefenthaler, no it would be one acre. Why wouldn't he do it now and why wouldn't the Town of Troy want to let them annex it or is it a hostile annexation? Mr. Wall, the property owner in the town wouldn't be able to stop it. Mr. Lee is asking that the original recommendation that was presented, that was to be classified as small town residential as what it would be classified as.

Mr. O'Brien, why doesn't he annex it right now and ask the city to change it to whatever he wants it to? Deputy Secretary Fennessy, he can't. It is unincorporated and in the existing riverway rules that is a one acre minimum. At the time of annexation, for riverway zoning, it is a one acre minimum. He has the same problem now or that if it stays one acre minimum. Riverway zoning is one acre

minimum that is what he would be held to. Mr. Wall, this is an area of the city that is going to grow. It is across the street from multistory multifamily structures. Immediately to the east of this, on the other acreage, when that goes into city that will become commercial or possibly single family residence.

Mr. Tiefenthaler, essentially, from the Board's standpoint, in the final plan if it goes from rural residential or small town it really doesn't matter. Mr. Willett, yes it does. If it is small town it needs substantially larger density. More than one house per acre. Mr. Wall, but because of that greater density, he would also be required then to have city sewer and water, curb and gutter, and so forth. Ms. Stepp, the existing development and subdivisions that are now in the city, I am assuming, are at the current density levels that is required by the city. Which is probably an average of say three homes per acre, if I had to guess. I think what this gentlemen, Mr. Lee, is probably looking at is that he would probably be one of the only developments then, in the City of Hudson, that would have the one acre minimum requirement. Look at what that does to the property costs and the return on his investment.

Mr. Willett, the only thing that we need to remember is it is acreage that is in the riverway. We don't have anything to do with the 22 acres, they can do with it what they choose. If they annex it into the city and the city sets their zoning we have no control over that. The only thing that gives us control over the 18 acres it is in the riverway. We could amend the riverway boundary, say move it out. Chairman Solberg, we can't do that. Deputy Secretary Fennessy, that is set by federal register. We can't do that. This is something that happened 25 years ago when they originally established the

boundary of the riverway. They established the boundary and constructed the parties, developed standards to protect this. We produced NR 118 to do that. To change the boundary of the riverway would be an entirely other administrative process and I couldn't tell you as to how we would go about that. It is certainly possible but I wouldn't recommend it at this time.

- 3.F.8 Tom Clark, Osceola, representing himself, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. Mr. Clark stated that he supports this plan simply because he is a hiker, skier, and enjoys the national scenic riverway. He further stated that he looks forward to the rule making process.
- 3.F.9 David Wald, St. Croix Beach, Minnesota, representing St. Croix River Association, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. Mr. Wald reflected on the diversity backgrounds of all persons involved in this process, though they didn't agree with each other they came to understand each others point of view and how this would affect everyone. He encouraged the Board to approve this the Cooperative Management Plan.
- 3.F.10 James Olson, Eau Claire, representing Old Growth Group, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. Mr. Olson and the Old Growth Group urged the Board to approve the Cooperative Management Plan and move onto the rule making process.
- 3.F.11 Meg Luhrs, St. Croix Falls, representing Concerned River Valley Citizens Organization, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. Ms. Luhrs reflected on the Concerned River Valley Citizens Organization history. She stated that her group urges the Board to approve the Cooperative Management Plan.
- 3.F.12 Steve Johnson, Water Stewardship Supervisor, representing Minnesota DNR, St. Paul, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. He reflected on the unique partnership plan between Minnesota and Wisconsin and reflected on its history. He stated this plan is a useful and effective compromise. Mr. Johnson further stated that he supports and urges the Board to approve the Cooperative Management Plan.
- 3.F.13 Robert Karokto, St. Croix Falls, representing National Park Service, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. Mr. Karokto stated this plan is truly an effort of dealing with partners and partnerships. He further stated that the Wisconsin Department of Natural Resources should assure that the record of decision be executed and the lower St. Croix National Scenic Riverway Cooperative Management Plan be implemented. Mr. Karokto stated that this plan represents the work of many partners, cooperators, governmental agencies, interest groups, and the public coming together to decide how best to enhance the riverway diverse character, and provides guidance and vision. Mr. Karokto urged the Board to approve the Cooperative Management Plan.
- 3.F.14 Clarence Malick, Hudson, representing himself, spoke in support of the approval of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway. Mr. Malick presented the Board with a resolution of the Cooperative Management Plan for the lower St. Croix National Scenic Riverway from the Minnesota-Wisconsin Boundary Area Commission. This resolution encouraged the Board to approve the Cooperative Management Plan.

Mr. Behnke, recommended the Board to adopt the plan amended as follows:

Amendment to the approval: Adopt the Final Cooperative Management Plan as presented and as already approved by the National Park Service and the Minnesota Department of Natural Resources with the condition that the Department staff include the following provisions in the draft NR 118 rule revisions that are subsequently brought to the Board when authorization for public hearing on those rules is sought:

a. A nonconforming or substandard structure (whose use is permitted) in the Riverway may be reconstructed along the reconstructed structure is: in the same footprint; visually inconspicuous; actions are taken to mitigate visual impact and for adverse impacts on water quality; and degress of any height nonconformity are not increased.

b. The Town of Troy segment between Mayer Road and Riverview Drive be designated as "rural residential" in deference to the local government sentiments expressed during the planning process to the affected local governments.

c. Remove the phrase "required setbacks" from the net project area definition in rural and conservation districts.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler that the Board approve of the joint Cooperative Management Plan for the lower St. Croix National Scenic Riverway, as amended.

Ms. Stepp, I would like to make sure that we are correct in the zoning classification. I get concerned, that as a government agency, we come in and make a decision when we have already determined that it is going to impact negatively the riverway by having a denser development there and we still do something that is stricter than needs to be done.

Mr. O'Brien, I don't think we can because we have two special interests here. We have the interest of the people on the riverway that want to protect the back of their property from further development, so that is their personal interest. We have a person that owns the property behind them that wants to get more money out of his property. How do you balance those two?

Ms. Stepp, I asked if we as an agency felt that this development would negatively impact the property owners on the riverway. That is the point that I wished to state publicly.

Mr. Tiefenthaler, it is not a riverway protection as either rural or small town will protect it. This is a local issue, we don't have any business getting into local issues. I am happy to vote for this.

Chairman Solberg, this was an ingenious move on Deputy Secretary Fennessy. When the rule comes to us, I can assure you that there is a diverse group of citizens here, we are a citizen Board, and we will certainly give it a fair shot when it comes back. I can assure you of that. I think that process will go well.

The motion was carried unanimously by those members present.

Mr. O'Brien, what is the timetable of getting the rule back to the table?

Deputy Secretary Fennessy, the process is that the citizen task force will be assembling to work on the generic rule that tries to conform as much as possible of the two states. We will then go our way, Minnesota will go their way, different processes. As terms of the timing, we may be back as early as mid-2002. Sometime between April and September I feel that we will be back to you with a draft rule. I will keep the Board apprised to what our progress is.

Mr. Moe, I don't think we have any changes to that. We do need to clean up the plan, to make sure the summary document is correct in terms of specifics. Then we will move onto the rule making process under a land use advisory group.

The motion was carried unanimously by those members present.

3.G. Retirement resolutions.

- 1) Paul Huebner
- 2) Roy Jacobson
- 3) Richard Maki
- 4) Donald Monson.
- 5) Norman Pazderski.

Deputy Secretary Fennessy, reviewed the careers of each retiree and commended them for their excellent years of service to the Department and the State of Wisconsin. Mr. Willett MOVED, seconded by Mr. O'Brien approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present.

4. Board Members' Matters.

4.A. TABLED ITEM - Review and approval of M.C. 1103.1 - Operating procedures for the Natural Resources Board.

Mr. Behnke MOVED, seconded by Mr. O'Brien approval of the proposed revisions to M.C. 1103.1 taken from the table for action purposes. The motion was carried unanimously by those members present.

Mr. Behnke, I had a question as it relates to the Conservation Congress Executive Committee to appear before the Board that shall be added to future Board agenda after consultation with Chairperson. I would like that clarified. I know, at the previous meeting, that we should have in this rule the opportunity for the Congress to appear before the entire Board and I think they should have that right to do so. I wonder under what circumstances the Executive Committee of the Congress would be specifically a part of the agenda because

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normally they would appear under action items that are on the agenda. Mr. Phalen, I believe that, when Jim Kurtz drafted this, the way that he had it drafted logged the most flexibility to get the Congress participation under any part of the Board after consulting with the Chairperson. It wouldn't be something that was normally or regularly scheduled, such as the May meeting when they are regularly scheduled for a spring hearing. Mr. Behnke, I understand that, but I am wondering under what circumstances would the Congress request to be on the agenda. Could you give me a purpose? Normally, they appear based on some action item of a rule that is being proposed before the Board. Mr. Pahlen, next month, I believe Chairman Solberg will get a request from Mr. Ostreicher to appear regarding the Executive Council Meeting that was held last Friday night, September 21, 2001, and report to the Board. Mr. Behnke, I have no objection to that, I just wanted some clarification.

Mr. Behnke MOVED, seconded by Mr. O'Brien approval of the proposed revisions to M.C. 1103.1 - Operating procedures for the Natural Resources Board, as presented. The motion was carried unanimously by those members present.

Chairman Solberg: Mr. Ed Wilusz spoke at our meeting in June, 2001 as a citizen participant, when we talked about wetland mitigation. Mr. Kurtz, Bureau of Legal Services, felt that we should change the minutes under Board Member Matters since there was some inaccuracies with Mr. Wilusz's presentation. Mr. Wilusz indicates that his title, association, and the statement that he made should be Director of Government Relations for the Wisconsin Paper Council and the cutoff of acreage should be 2-5 acres is a typical regulatory cutoff indicated in the minutes. Do I hear a motion to change the minutes?

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien to change the June 2001 minutes to read, as presented. The motion was carried unanimously by those members present.

Ms. Stepp: On Sue Black's presentation regarding the campsites. I had a chance to review of what the costs were to put a campsite in place. I, being a builder, obviously was alarmed by the costs. I was wondering if at the next briefing or get together if we could have some explanation of the capital costs. To me it sounds astronomical. I can't figure out why it cost so much.

Mr. Tiefenthaler: I would like to see that we have a breakdown on the different classifications of campsites that were presented. Development costs between the different categories that were presented, such as the rustic, wilderness, etc. We need more rustic and wilderness sites and they aren't as costly but they need to be designated as sites on state properties. I wanted to know if we could add the campsite issue to the spring questionnaire regarding graduated fees.

Mr. O'Brien: In Sue Black's proposal it is stated that we propose to develop a business plan, and it continues identifying and clarifying camping. I think it would be appropriate to make a motion to approve an adoption of the plan that Ms. Black mentions in her report. Chairman Solberg: I don't think we need a motion on this at this time.

Chairman Solberg, About two meetings ago I believe that I brought up under Board Member Matters, that I would like to see a business regarding how much it would cost and how much money we would get in return to make some of these sites feasible so we could present this business plan to the Legislature. This report should include a pricing plan for campsites and development purposes of campsites. Mr. O'Brien: I didn't know if a motion was required or not.

Mr. Poulson. I and other staff traveled to Black River Falls to moderate the meeting with the cranberry growers and the elk community along with staff. I felt that it was a very congenial meeting and one that brought quite a bit of discussion. When the time comes, I feel that we will have a presentation that will answer some of the questions. Mr. Tiefenthaler, Were minutes taken at that meeting? Mr. Poulson: Yes, I will make sure that all Board Members will receive a copy.

Chairman Solberg, I received a letter from Representative Sheryl Albers regarding the Asian Lady Beetle. She states, "I am requesting a study be done on how to destroy these Asian Lady Beetles that appear in epidemic proportions each fall season. This study should address how to destroy these beetles while at the same time accomplish this in an environmentally sound area. If such a study is undertaken, in what area of the Department of Natural Resources would be assigned the task? Also, how much is the Department of Natural Resources willing to allocate from their existing budget

to address this statewide problem of the Asian Lady Beetle. I look forward to hearing from you on this matter". I would ask that the Department to prepare a response letter addressing this issue. As I understand it we do suppression on certain bugs and insects but it is not our venue to absolutely eradicate them. Mr. Tiefenthaler, there is an anthropologist in the Department of Agriculture that would know all about this. I would refer this to her. Chairman Solberg, I believe the Department of Agriculture would have the responsibility to eradicate these beetles, wouldn't they Mr. Miller? Steve Miller: Yes, I suggest that we refer this to the Department of Agriculture.

Chairman Solberg, Has everyone been receiving several letters on the nonpoint issue? All Board Members responded they have been receiving the nonpoint issue letters. Ms. Stepp, Yes, there are some good points in those letters.

Chairman Solberg, regarding e-mail. We had a short discussion on e-mail. I just read an article on a company that had completed studies about what is going on in our e-mail systems, the amount of e-mail they get, and the amount of time it takes to read and answer e-mail messages. You get one message and then you get 50, it is a big waste of time. Is some of this happening in the Department of Natural Resources? Deputy Secretary Fennessy, they way I understand your question, is e-mail creating a significant increase in workload over time? Generally, I would say yes. We have had, at various points brought this in front of our Department leadership team about how we are using e-mail, generation of e-mail, and public records. It is an extremely useful tool. Before e-mail you had to call a number of different people. As a manager I can transact a tremendous amount of business off work time, in some cases from home, in Washington, or even in St. Croix Falls. I spent a couple of days here when I was at the Hudson meeting and I was able to

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work in a hotel up here and had a mobile office for a couple of days because of all of the systems. Is it a problem? Sure, but it is also a very efficient. We need to keep it in balance but there are times when it swings a little out of balance. The biggest thing is that when someone gets an e-mail they expect some gratification. Folks expect an immediate response. Our ability to formulate constructive and appropriate answers do not increase because of e-mail. The public wants a lot of service quickly. I wouldn't trade it for anything, but I do think that at times I challenge an e-mail message and ask why am I getting this. Mr. Willett, I think that what the Chairman is saying that it warrants an investigation with some guidelines as to what should and should not be e-mailed. The primary one is the idea of liability. Many people think they have passed the ball by sending out an e-mail or they think it shortens the response time. You almost feel that you are obligated to do it. Deputy Secretary Fennessy, we don't dwell on it every month but we have discussions about this. It is not only the volume but the appropriateness. Folks tend to be a little more candid in an e-mail than they would ever be in print or face to face. There are some things, culturally, that we reflect on. We do have hard and fast rules of when you should return phone calls or e-mail timely because I think it does raise an expectation, just like voice mail. I think Mr. Behnke had a big problem of how we are using voice mail, in the past. I think that we have greatly improved on that. Mr. Behnke, it is a matter of someone feeling a need to communicate. Do they do it by telephone, voice mail, typing a letter, or do they put it on e-mail. Actually, if it is a matter of communication that is needed, then fine, but if it can be determined that it is some type of information that should not even be communicated I don't know that if anyone will sit down and type out an e-mail message just to send out an e-mail. Chairman Solberg, I just hear people complain about it all the time. Deputy Secretary Fennessy, Secretary Bazzell appreciates receiving information. I wouldn't say to people don't e-mail me because in almost of the e-mails I receive there is a need for me or Secretary Bazzell and other administrators to know this information. It is a valuable tool to give us a heads up on emerging issues, problems, citizen complaints, and other things. It is a valuable way of communicating. I wouldn't trade it for anything, there are times when it gets a little heavy, but I feel we have it in balance. Chairman Solberg, I see the costs going up and up on the computers. If efficiencies go up with them then I think it isn't worth it.

5. Special Committees' Reports.
None.

6. Operating Committees.

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

6.A.1. Minutes. There are no Committee minutes for August 2001 since all agenda items were taken up during the Full Board Meeting.

6.A.2. Adoption of Order AM-20-01 – revision of Chapter NR 410.05 (3)(c), Wis. Adm. Code, pertaining to Asbestos Inspection Fees.

Patrick Kirsop, Small Business Section Chief, presented the adoption of Order AM-20-01 - revision of Chapter NR 410.05 (3)(c), Wis. Adm. Code, pertaining to Asbestos Inspection Fees. Mr. Kirsop stated they received significant

amount of complaints in the asbestos area. He further stated they are taking time out from their inspections to deal with the complaints.

Mr. Willett MOVED, seconded by Mr. Behnke, adoption of Order AM-20-01 – revision of Chapter NR 410.05 (3)(c), Wis. Adm. Code, pertaining to Asbestos Inspection Fees, as presented. The order was carried unanimously by those members present.

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

6.B.1. Minutes. There are no Committee minutes for August 2001 since all agenda items were taken up during the Full Board Meeting.

6.B.2. Adoption of Order LF-04-01 – revisions of Chapter NR 1 and NR 45, Wis. Adm. Code, pertaining to the use of Department properties including the addition of policy and regulations for rock climbing activities.

Kate Fitzgerald, Chief Land Management Bureau of Facilities and Lands, presented the adoption of Order LF-04-01. Ms. Fitzgerald reviewed the history of the use of Department properties including the addition of policy and regulations for rock climbing activities. She stated the proposed revisions are intended to protect the natural resources on Department properties, clarify existing rules, and protect the health and safety of our visitors.

Peter Biermeier, Chief of External Relations and Planning Section, stated the Rock Climbing Technical Advisory Committee, which they started meeting with in 1999, worked with them regarding the revisions. Mr. Biermeier stated he felt they had a healthy compromise with the rock climbers.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, adoption of Order LF-04-01 – revisions of Chapter NR 1 and NR 45, Wis. Adm. Code, pertaining to the use of Department properties including the addition of policy and regulations for rock climbing activities, as presented. The order was carried unanimously by those members present.

6.B.3. Authorization for hearing on revision of Chapter NR 25, Wis. Adm. Code, pertaining to whitefish trap netting and miscellaneous housekeeping items related to commercial fishing.

Steve Hewett, Chief of Fisheries Policy and Operations Section, presented the authorization for hearing to go to public hearings pertaining to whitefish trap netting and miscellaneous housekeeping items related to commercial fishing. Mr. Hewett stated the change would increase the maximum allowable depth from trap nets used in the commercial whitefish fishery from 90 feet to 150 feet and

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allow trap nets for whitefish to be set in Whitefish Bay. Both these proposals came up from the commercial fishing task force and both have been approved by the Lake Michigan Forum.

Mr. Tiefenthaler, it says the whitefish season in Whitefish Bay is running through December 1 through October 25, is that correct? If so why would it be closed from October 25 to December 1? What is the reason for that? Mr. Hewett, I believe so. It could be because of the spawning season.

Mr. Behnke, have the sport fisherman stated any concerns of the possible increase in incidental catch? Mr. Hewett, they haven't expressed any concerns about that. The sport anglers should be in favor of this because it will further reduce the impact on salmon and lake trout. Some of the angler groups may oppose part of this because of the barrier that they will need to know where the trap net areas are. Mr. Behnke, I guess that is what the public hearings are for.

Mr. Behnke MOVED, seconded by Mr. Willett, authorization for hearing on revision of Chapter NR 25, Wis. Adm. Code, pertaining to whitefish trap netting and miscellaneous housekeeping items related to commercial fishing. The order was carried unanimously by those members present.

6.B.4. Approval of New Wood Wildlife Area feasibility study and environmental assessment for boundary expansion and land acquisition - Lincoln County.

Rich Wissink, Wildlife Biologist, presented the approval of the New Wood Wildlife Area feasibility study and environmental assessment for boundary expansion and land acquisition in Lincoln County. He stated the existing project boundary is 1,600 acres in the southeast corner of the proposed area of expansion. The proposal is to expand that project by 3,760 acres, which would include 1,960 acres that was previously added to the partner ownership under the ice age

trail authority of the 1999 Great Addition. As well as 1,800 acres of privately owned forest lands, bringing the total to 5,360 acres. Mr. Wissink reflected on the covered types in the area, mixed forest lands, aspens, northern hardwoods, swamp conifers, swamp hardwoods, fur, and spruce. He stated there are a number of small streams and rivers in the area. Public recreation currently consists of hunting, trapping, some hiking, fishing, bird watching and berry picking. With continued construction of the ice age trail through the property, hiking will become more popular in the area. Mr. Wissink stated the Department took measures to the public for proposed expansion and during this phase there was overwhelming support for this expansion. Mr. Wissink asked the Board to approve this proposal allowing access to these lands for the residents of the State of Wisconsin.

Doug Haag, Realty Management and Operations Section Chief, pointed out on a map he provided the 80 acres that was removed as a result of the public participation. Mr. Haag further pointed out the approved boundary of the feasibility study and the boundary that was previously approved.

Mr. Poulson, on your map, is that the total or the present of what you hope to acquire? Mr. Haag, right now this 1600 acres, in the southeast corner, is known as the New Wood Wildlife Area, the state already owns that area. The state also owns an area of 1,960 acres, which was purchased in the Great Addition. Mr. Haag then pointed out areas of privately owned lands. He pointed out the total acreage of 5,360 acres on the map.

Mr. Willett, is this part of an industrial forest that you are proposing for this? Mr. Haag, right now it is either private landowners or Wisconsin Valley Improvement Corporation land. Mr. Willett, why is it such a huge price? Mr. Tiefenthaler, it is only \$781.00 an acre. Mr. Willett, there is no power to it, no roads to it, there is nothing out there. And, we are paying almost \$800.00 per acre for industrial forest. Chairman Solberg, they are reselling land in my area, where there aren't many road to either for up to \$1,000.00 per acre.

Mr. Behnke MOVED, seconded by Mr. O'Brien, that the Board approve of the New Wood Wildlife Area feasibility study and environmental assessment for boundary expansion and the purchase of 320 acres of land from Stora Enso North America for \$198,000 for the New Wood Wildlife Area, as presented.

Mr. Tiefenthaler, how are the taxes going to be handled with this? Mr. Haag, referring to a tax model, that is a model that will be used if we were to acquire the whole 1800 acres. This would show an example of how the taxes would be calculated. Of course, we expect to acquire the whole 1800 acres over time so this isn't an immediate impact on the state.

Mr. Poulson, what about the area on the map regarding the 320 acres? Mr. Haag, we have an option to purchase 320 acres of property within the expanded boundary, the purchase price and appraised value of that property is \$198,000. It is seven thousand plus feet of frontage on the New Wood River and is very, very wild country. Some of the wildest country left in the State of Wisconsin.

Mr. Tiefenthaler, how does the tax on that, which is \$237.00 an acre, compare with our model of 320 acres? Mr. Haag, in our model the tax will go up based on the purchase price and, on the sheet that you are referring to, reflects the taxes paid per the assessment right now. There is going to be a huge difference, which is fairly consistent with both private sector transactions when you see current assessment versus purchase price and also the Department's transactions where we are buying land at and based on a fair market appraisal rather than based on current assessment.

Mr. Tiefenthaler, are we paying too much on some of this other land? Mr. Haag, I think that is an opinion. I think there would be a different opinion from everyone that you ask. It certainly seems to be fair and is working very well. Mr. Steffes has been working with this for many more years, we could get his thoughts on it. There are a few people that are concerned that when we pump up the tax basis to the purchase price that we are pumping it up a little too high, that the comparison is too big. Chairman Solberg, it is fair value. The price of land, when you start buying land in that area, there isn't much in the state that you get for it.

The order was carried unanimously by those members present.

6.B.5. Killsnake Wildlife Area land acquisition - Calumet County.

Dick Steffes, Real Estate Director, presented the Killsnake Wildlife Area land acquisition in Calumet County. Mr. Steffes stated the Killsnake Wildlife Area land acquisition in Calumet County was 120 acres for \$210,600. This parcel is \$1,755 an acre including a house, which this older gentleman will continue to live in and has a life tenancy on the house. Mr.

Steffes referred the Board members to the map of the project land acquisition. It is almost completely surrounded by state land or land under state option. The better part of the cropland we would roll into a long term lease.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, that the Board approve of the purchase of 120 acres from Aloysius Sell for \$210,600 for the Killsnake Wildlife Area in Calumet County, as presented. The order was carried unanimously by those members present.

6.B.6. Joel Marsh Wildlife Area land acquisition - Polk County.

Mr. Steffes, presented the Joel Marsh Wildlife Area land acquisition in Polk County of 120 acres. This is a mostly wooded parcel that borders the entire east side of the flowage of Joel Marsh for \$1,900 an acre.

Mr. Behnke MOVED, seconded by Mr. O'Brien, that the Board approve the purchase of 120 acres from Richard Williams for \$228,000 for the Joel Marsh Wildlife Area in Polk County, as presented.

Mr. Poulson, I am looking at the cost of price per acre on this and the land that you bought in Lincoln County at \$700 plus per acre was a buy. This is nearly \$1,900 an acre. What makes the difference of what the value of this acreage and that in Lincoln County? Mr. Steffes, with Lincoln County you have pretty remote land and I would say there is some timber value on that property as there has been in the Great Addition that we have there, Lincoln County grows good trees. With this property, \$1,900 an acre in Polk County is probably a little higher than average on the east side of Polk County but you have the water enmity but, I hate to say it, we probably contributed to the value of this property by putting in a flowage. You have wooded land overlooking a body of water. It was the lower of the two appraisals.

Mr. Tiefenthaler, this price doesn't surprise me at all. Mr. Poulson, you have two different kinds of lands that aren't raising anything. One supports ducks and one supports birds of some kind. Chairman Solberg, what is driving this property is that it is recreational property.

The motion was carried by a vote of six to one.

<u>Yes</u>	<u>Opposed</u>
Mr. Behnke	Mr. Poulson
Ms. Stepp	
Mr. O'Brien	
Mr. Willett	
Mr. Tiefenthaler	
Chairman Solberg	

6.B.7. Statewide Natural Area land acquisition - Green County.

Mr. Steffes, presented the option to purchase the Statewide Natural Area land acquisition in Green County. The projects purchase is to protect several threatened plant species as well as providing songbird and wildlife habitat.

Mr. O'Brien, this is completely isolated from anything else. What is anyone ever going to do with this? Mr. Steffes, our natural area folks have gone out, our biologists, have mapped out a small project of less than 500 acres looking to protect some songbird species listed on our justification and some rare plants. This is the first purchase for this new project. Basically, it is very steep rolling grassland. It is not prime cropland because it is very steep. There are home sites nearby. Hunting is allowed on this property.

TABLED - Mr. Behnke MOVED, seconded by Mr. O'Brien, that the Board TABLE the purchase of 80 acres from Claude and Lynda Weber for \$180,000 for the Statewide Natural Area in Green County to the October meeting with the objective of obtaining a better price, as presented. The motion was carried unanimously by those members present.

Mr. Tiefenthaler, Ms. Stepp and myself will take a look at it and report back to the Board.

6.B.8. DONATION - 1.5 acres of land from Susan Vogel and Shirley Barnett for the Streambank Protection Program - Rush Creek in Crawford County.

Mr. Steffes, presented the donation of 1.5 acres of land for the Streambank Protection Program, Rush Creek in Crawford County.

Mr. Behnke MOVED, seconded by Mr. O'Brien, acceptance of the donation 1.5 acres of land from Susan Vogel and Shirley Barnett for the Streambank Protection Program - Rush Creek in Crawford County. The motion was carried unanimously by those members present.

7. Department Secretary's Matters.

7.A. Request by Legislative Committee for proposed Modifications of NR 350.04, Wetland Mitigation Rules.

Scott Hausmann, Wetland Team Leader, requested the Board to propose modifications of NR 350.04, Wetland Mitigation Rules. Mr. Hausmann stated that the legislative rule package the Board approved at the Board Meeting in Kenosha went to the Legislature and both committees, both the Senate and the Assembly, held hearings on it and asked the Natural Resources Board to make changes to that package. Some of the changes were technical and wording changes. The two significant changes they asked for were grandfathering two existing banks and how we would grandfather the two existing compensatory mitigation banks in Wisconsin into the process. Both the Senate and the Assembly asked for this. The staff recommendation is to go along the lines of the Senate recommendation, which is to grandfather the two existing mitigation banks that exist right now (these are banks that were approved by the Corps of Engineers because the Corps approved mitigation in the past). The first one is the bank owned by Wisconsin Waterfowl Association and the second is owned by Northland Cranberry. Both have been in operation and the question was, when they were set up with the Corps of Engineers, they were set up to be able to fill credits on a statewide basis. Our proposed rule states that you can only sell credits within the same GMU or watershed that the impact occurs in. Recognizing that these people had gone ahead and formed banks, the Legislature would like us to enter into some type of grandfathering with them so they can continue to sell credits statewide and it would be only these two banks that would be allowed to do that. What the Legislature was asking for the banks being allowed to sell statewide that they will enter into an agreement with the Department that they will facilitate restoration activities in the GMU or in the search area of the impact sometime within the future. It puts the duty upon the Department to enter into an MOU. An example of this would be Wisconsin Waterfowlers Association sells some credits for an activity in Racine County, basically, they have to go into Racine County sometime in the future and help or facilitate restoration or wetland enhancement work within Racine County. Exactly what that facilitation could be a non-compensatory project, it could be helping a property owner, or anything similar to that. That was the idea the Legislature had for allowing the grandfather. The second major change was the Senate recommended eliminating the 20 acres, changing the ratio from one and a half to one to one to one. Where the impact was more than 20 acres. The staff is recommending that we do not change this. If the Board recalls this was from the Board's direction at the June NRB Meeting. Mr. Hausmann stated these were the two major changes the Legislature is asking for.

Mr. O'Brien, what is the basis for the one to one, why are they opposing? Mr. Hausmann, the Senate wanted everyone to be treated exactly the same. The Board thought that the cost at having to do mitigation at one and a half to one, where there is a large impact, so if you had over 20 acres where you went one and half to one you would have to do thirty acres of mitigation that could be a significant amount of money. So, there should be the possibility that when you are doing a large impact project you could get to one to one. If you impacted 20 acres you could do 20 acres of mitigation. But, there were a number of conditions that was put on by the Board, which was that you basically had to have a proven record of doing this and it still ended up being a Department decision allowing you to get to one to one.

Chairman Solberg, when we discussed this, as I remember it, first of all there would be very few of these. The cases where they might come into play would be some larger corporations that could even think about doing this and if they are going to do this, first of all they have to have permission, the cost of this gets to the point where it gets prohibited for someone and that is why I particularly felt, and I think the whole Board went along with it, that it makes sense for the large ones just go one to one. There might be none.

Mr. O'Brien, so what is the Legislature proposing? Mr. Hausmann, to eliminate that provision. The recommendation was to keep it the way it was. To go along with the Senate version of the grandfathering.

Ms. Stepp, what is really the difference between the Assembly's wording and the Senate's wording? The green sheet packet reflects they have the same goals. Mr. Hausmann, The Senate's version is slightly more specific and it is also, for the privilege in order to sell statewide, you need to go to region where the impact is and do something for that ecological reason. Ecologically, we like that better, the other side is political in that the Senate, when we went to the hearing had some very prepared language for us and obviously had done some thinking. Both committees stated that we needed to grandfather these folks in to allow them to sell statewide. Ms. Stepp, then new banks that would be established would not be allowed to sell statewide. Mr. Hausmann, that is correct, only in that search area. Ms. Stepp, because this has been brought to my attention like the letter from Northland Cranberries as stating that we are worrying are you worried about

the logistics of operating being very expensive. Selling wetland credits to cover those expenses being prohibited. Are you worried about that, that there won't be more wetland banks established because of this? Mr. Hausmann, my belief is that we will probably see a handful of more banks created. They will be in an area of heaviest demand, basically southeast Wisconsin and perhaps up the Fox Valley. We might see one in the Dane County area because of the growth going on there. Those are probably all the banks that we will see. I am not really too scared that two existing banks will prevent people from getting into the business. Ms. Stepp, is that a bad thing if they get into the business? Mr. Hausmann, no that is a good thing.

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Mr. Tiefenthaler, price should come down. Mr. Hausmann, I said I don't think we will see dozens of banks being developed but we will see banks being developed in the developing areas where there is a need. I do not think that, having Northland and Waterfowlers being able to sell statewide, will stop those people from developing banks. Mr. Tiefenthaler, do we know how many they collectively have, credits left to sell? Mr. Hausmann, four months ago we did not even know they were in operation. It was something the Corps did all by themselves. Until Northland came to us, we didn't know they were selling credits. Dave Siebert is out today finding out what is what regarding these credits. I believe that the Waterfowl has around 30 credits (30 acres left to sell). Mr. Tiefenthaler, that could sell out rather quickly.

Ms. Stepp, doesn't this also mean that if there is only mitigation banks established, say in the southeast and the Fox valley area, then there won't be any wetland mitigating at all being able to go on outside of those areas. Mr. Willett, good point. I don't think this precludes us, if that happens, to revisit this. Deputy Secretary Fennessy, banks are only one way of meeting mitigation requirement. Someone on an adjacent property could do mitigation.

Mr. Tiefenthaler, I need clarification on a conservation easement used to provide long-term protection of compensation or mitigation bank sites under s. NR 350.11 (1) must include any zone of vegetated upland adjacent to the wetland identified under s. NR 350.05 (5) and credited under s. NR 350.07 (6). What does that mean? Mr. Hausmann, we are requiring a buffer around any wetland that is created or enhanced to meet the compensation so that the wetland that is being created or enhanced will have a buffer around it for two reasons. It protects the wetland itself and it prevents someone from building right to the wetland boundary and it is consistent with what we are trying to do with our other programs, such as nonpoint. We are requiring a buffer but we are also giving people credit for putting that buffer in. So, you could get an extra acre of credit for having that buffer. Mr. Tiefenthaler, then it isn't necessarily one to one, you are then getting credit that are not defined as a wetland. How does the conservation easement plan to this then? Mr. Hausmann, the conservation easement is the mechanism to make sure that the compensation wetland stays there. Mr. Tiefenthaler, we are requiring that in addition to a conservation easement or a conservation easement in addition to this. Mr. Hausmann, what they are saying is that they want to make sure that the conservation easement or deed restriction or whatever agreement is reached, it ties up the wetland and it ties up that buffer.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien the Request by Legislative Committee for proposed Modifications of NR 350.04, Wetland Mitigation Rules, as presented. The motion was carried unanimously by those members present.

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The Board Meeting adjourned at 2:35 p.m.