

NATURAL RESOURCES BOARD
MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, March 27, 2002, in Room 027 of the State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:35 a.m. All March 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 February 27, 2002.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the Full Board Minutes of February 27, 2002, as presented. The motion was carried unanimously by those members present.

1.B. Agenda for March 27, 2002.

Secretary Bazzell, asked that the following changes be made: Item 3.C.3. Committee of the Whole - Retirement Resolution for Judith Patton be deferred to a future meeting. Item 3.C.6. Committee of the Whole - Retirement Resolution for Tom Bainbridge be added. Item 6.A.2. Air, Waste and Water/Enforcement Committee - Adoption of Order DG-46-00 - revision of Chapter NR 809, pertaining to new EPA mandated public notice regulations and corrections to previously adopted disinfection and disinfection by-products regulations be deferred to April. With those changes, **Ms. Stepp MOVED, seconded by Mr. O'Brien, approval of the agenda for March 27, 2002, as amended. The motion was carried unanimously by those members present.**

2. Ratification of acts of the Department Secretary.

A. Real estate transactions.

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

3. Committee of the Whole.

3.A. Presentation of the 2002 Registered Laboratory of the Year Awards.

David Webb, Chief, Environmental Science Services Section, and Secretary Darrell Bazzell presented this item. Mr. Webb reviewed the history of the awards. The Ansub Incorporated Laboratory located in Marinette, received the award for the Large Registered Facility category and the Village of Cadott Laboratory, located in Cadott, received the award for the Small Registered Facility category.

Mr. Webb stated that the Village of Cadott has a history of being a lab of the highest caliber in the Certification Registration program. Steve Thon and Camille Johnson of the Department's West Central Region nominated this lab and are extremely impressed with the hard work and dedication of Dan Burns and Ray Weiland. A particular note is the proactive nature of their operation and the degree to which they go above and beyond minimum requirements. Mr. Webb called Mr. Burns to accept the award for Registered Lab of the Year.

Dan Burns, Treatment Plant Operator and Laboratory Analyst, thanked his supervisor, Ray Weiland, and to the Cadott Village Board for their support in trying to meet all the requirements. He also thanked Steve Thon and Camille Johnson of the DNR Office in Eau Claire.

Mr. Webb stated the lab at Ansul Incorporated in Marinette won the large Registered Lab of the Year Award. The attention to detail by lab staff is what motivated Rick Mealy of the Department to nominate the Ansul lab. Quality systems at their lab enable problems to be identified and corrected in an expedient manner. A challenge which many labs struggle with and Ansul seems to have mastered. As a result, this lab has proven to be a lab of the highest caliber. Mr. Webb called on Judy Rost, Senior Laboratory Technician, and George Rogers, Environmental Control Manager, to accept the award for Large Registered Lab of the Year.

Mr. Rogers, Environmental Control Manager of Ansul, stated that Judy Rost, Senior Environmental Technician, is actually responsible for this award and she has been a long time valued employee at Ansul. He stated that her work is very much appreciated. He also stated that Ms. Carol Calo, Environmental Technician, is also responsible. He thanked the Board and the Department on behalf of Ansul.

3.B. Authorization for hearing on revision of Chapter NR 2, Wis. Adm. Code, pertaining to procedure and practice for petitioning for conducting both contested case and non-contested case hearings.

Charles Hammer, Legal Services Attorney, presented the authorization for hearing on revision of Chapter NR 2 pertaining to procedure and practice for petitioning for conducting both contested case and non-contested case hearings. Attorney Hammer stated this authorization includes the forms that need to be submitted by people needing to obtain informational hearings, contested case hearings, and for those that would like to petition the Natural Resources Board for rules. It also contains the Department's procedures for managing public records, including both requests by people who have records housed with the Department for confidentiality and also, more importantly, the procedures that are used when members of the public would like to request copies of public records. The rule also houses the procedures for administrative hearings. Mostly it has the procedures followed for conducting contested case hearings. Attorney Hammer reviewed the history of NR 2 and why it is necessary to have it changed. He further presented examples of some of the changes that would take place. Attorney Hammer reviewed the level of participation of the attorneys and members of the public.

Attorney Hammer further presented **an amendment** to NR 2.08(6) to read as: "The department or the administrative law judge shall identify and maintain a list of persons who are recognized as parties to the contested case hearing. A person does not need to be represented by legal counsel to be a party to or participate in a contested case hearing. This list may be adjusted by the department or the administrative law judge as necessary through the course of the hearing. The list of parties required by s. NR 2.155(3), for purposes of review under s 227.53, Stats., may differ from the list required by this section".

He further reviewed the area he felt that would ensue the most controversy that being contested case hearings and explained why.

Discussion pursued regarding date of receipt by the Department and effective date of service.

Mr. Willett - I applaud the council and am glad to see uniformity. The more that you can allow to make it a procedure without lawyers and make it clear to people with a given procedure the better. You need to continue to strive to be as uniform with the Department of Workforce Development and their procedures, the Department of Commerce, and so on. I would like to see a draft of this be sent to the judicial council. They are currently redoing the appellate procedure and this interfaces with the court system at an appellate level.

Charles Hammer - We sent this draft to the Division of Hearings and Appeals that conducts our contested case hearings for the majority of administrative agencies. They reviewed this draft and we are comforted in that they saw how other agencies are operating. They commented back to us and we incorporated their comments. They very much like this draft and we think that we are being consistent. I will send this to the judicial council.

Mr. O'Brien MOVED, seconded by Mr. Willett authorization for hearing on revision of Chapter NR 2, Wis. Adm. Code, pertaining to procedure and practice for petitioning for and conducting both contested case and non-contested case hearings, as amended. The motion was carried unanimously by those members.

3.C. Retirement Resolutions.

- 1) Gary LeRoy.
- 2) Judith Patton. **This retirement resolution was deferred to a future meeting.**
- 3) David Rasmussen.
- 4) David Shouder.
- 5) Tom Bainbridge. **This retirement resolution was added under agenda repair.**

Secretary Darrell Bazzell, reviewed the careers of each retiree and commended them for their excellent years of service to the Department and to the State of Wisconsin.

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

4. Board Members' Matters.

4.A. Herbert Behnke - Nothing.

4.B. Catherine Stepp - Nothing.

4.C. **Gerald O'Brien** - Add to the April Board Meeting as an action item, s.23.12, Wis. Stats., to Article II, Authority and Responsibilities and Amend article VII of the 1103.1 Manual Code, to read as: "Individual Board members shall have authority to do whatever is reasonably necessary to carry out the powers and duties of the Board set forth in s.15.02(1)(b), Wis. Stats., (. . .the powers and duties of the Board shall be regulatory, advisory, and policy making. . .). Such action shall include but not be limited to attending meetings, visiting sites, and meeting with individuals and groups as required. Provided, however, that no statements or representations made by individual Board members shall be considered the position of or bind the Board unless specifically authorized. Interim work by standing committees may be conducted by the assigned committee of the Board between regular Board meetings. The chair person of each committee shall have the power to conduct meetings and public hearings when necessary." And add paragraph 15.02.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval to add this amendment to Article VII of the and add paragraph 15.02 to the 1103.1 Manual Code for the April NRB meeting agenda as an action item, as presented. The motion was carried unanimously by those members present.

4.D. **Stephen Willett** - Mr. Chairman and Secretary Bazzell, I have watched with great interest the budget repair bill and recognize that there are extremely difficult decisions that you need to make and the Department needs to make. I think it is incumbent upon me, a Board Member who is in charge of policy, to talk about my concerns so you can incorporate those in your considerations. In the eleven years that I have been on the Board, repeatedly, the citizenry have come before us and indicated that though it was tantalizing on occasions to have programs implemented by the Environmental Protection Agency as opposed to us where we would have to go to the extensive hearing processes, rule making processes, and substantial research. The citizens, almost universally, indicated that they would prefer to work with the Wisconsin Department of Natural Resources to come up with a mutually agreeable approach to various environmental issues. That has worked well, I think. I think that we have sustained our role as a leader, not only nationwide but worldwide as an agency protecting environment. The reason that we have been able to do that is that our system is geared towards inclusion and it is geared toward allowing the environment to be the stewardship of all. The Board system is an example. My concern is that, in the budget cuts, the easy answer is to say well there are a number of programs many of which are in the water program, for example, which we just do not have the resources to govern so we need to just turn that responsibility over to the Environmental Protection Agency. Again, it is my experience, that the citizens of the state would actually be poorly served if that happened. They, the Environmental Protection Agency, does not have the resources to properly do the evaluation, to do the research necessary. So, as a result of it, they tend to be much more directive, much more regulatory, and much more one glove fits all. I am particularly concerned about one area. If we eliminate the states animal waste permitting program I think what will happen is that the Environmental Protection Agency will be required, therefore, to fill the gap and the breach. And, therefore, they will ostensibly be involved in issuing permits. It is my belief that they won't. They don't have the resources to do so, they don't have the will to do so, they don't have the good will of the communities within which they will be working. Again, it is from my experience from being in all corners of this wonderful state that each area is extremely proud of their area. They have unique issues when it comes to this particular program as to geography, water sheds, etc. So, as a result, it seems to me that it is dangerous for us to do this. It is dangerous for the health of agriculture, it is dangerous for the health of the Wisconsin economy. Agriculture is still our largest economy, contrary to what the University of Wisconsin thinks, it is our future. It is what will allow us to remain an exporter competitively, internationally. I don't think that we want persons other than the Department of Agriculture and the Department of Natural Resources making statewide decisions in conjunction with our citizens, our agricultural community and our economy. I am really concerned about this. My belief would be, they wouldn't do it, they wouldn't issue permits, and all of a sudden agriculture would be stagnated. I have sympathy for your position. There is just no money. Turning over our management and regulatory authorities to outsiders is not in the best interest of our citizens.

Secretary Bazzell - I couldn't state the issue better than you have Mr. Willett. What is on the table now is a series of options that I and Susan Sylvester, Administrator of the Division of Water, are looking at to respond to the current fiscal situation. Just to provide a brief overview in terms of what we are dealing with in this state budget. The first thing that I need to indicate is that it is our job, like every other state agency, to step up and bear our brunt of the cuts that are inevitable. In the context of doing that, there are some concerns that we have with respect to how we are being asked to absorb those cuts. In the Governor's budget that he signed on August 30, there was a five percent across the board cut administered to all the GPR agencies in the state. In our agency, that cut was primarily the water program, even though we had the opportunity to go to legislature to ask to move some of those cuts to other parts of the agency that also have GPR spending. We were not allowed to do that. We are now going through a process, we are looking at additional cuts, three and half percent this year with an additional five and half percent next year. Again, the way the budget is being constructed thus far, we have been through joint finance and through the assembly, once again they are saying that the water program, perhaps is showing the brunt of those cuts. For Susan Sylvester's program, that is very difficult for us to continue to absorb without really getting the impact of a very important program, such as the ones that you spoke of. We are looking at some very difficult situations. What we hoped to have come out of the budget process from the legislature is the discretion that we see other agencies being given to figure out where we can best absorb those cuts. Just so the Board understands, these kinds of agencies focus primarily in four areas. It is in our water program,

obviously, our parks program, our conservation wardens, and our administrative overhead function. The problem is again, that the water program is being asked apparently again to bear the brunt of those cuts and we would like to see some discretion to allow us not to have us consider the kinds of things that Board Member Willett spoke so articulately to. That is where the discussion is right now, these cuts are not shifted and we are not given the broad discretion that other agencies have been provided. Certainly we will have to look at some very difficult choices and I would be the first to say that giving up delegation of a program, particularly animal waste at a time when we were trying to focus more on non-point source of pollution, would not be a desirable thing to do. Certainly we would take every step, even under the current scenario, to try and avoid such a situation. But, I want to make sure that the Board understands at this juncture of what is going on, what the discussion is, and why we are being forced to consider some of the reductions that are in fact, being made public at this point in time.

Mr. Willett - It is a very serious issue because I don't think the legislature has the time, they are a very busy group and they are dealing with such merited issues to analyze the impact of micromanaging. For example, I understand they are talking about delaying the implementation of the state drinking water act. So long as we are allowed to do that within the context of the safety and the health of the citizens and the economy, that is one thing. It, therefore, gets turned over to an outside agency. I don't think they recognize how devastating that could be to the citizens. It goes right down the list. You talk about total maximum dated goals, program in reducing the wetland ecology work, talking about reducing lake management work, all of those have understandable merit. But, so long as we, the State of Wisconsin, maintain control of our own ship my concern is that the answer for the legislature is that the EPA will take care of it.

Chairman Solberg - Are you suggesting that maybe the Board should send some type of resolution to the legislature?

Mr. Willett - I think we have to meet with them. I think we need to meet with them in conjunction with the Secretary so they understand it. I can't believe, it is very enticing to say to the agricultural community that this state waste permit system is going to be very expensive to implement so we are just going to do away with it. It is going to be good for you because you don't have to go through the process. If in fact that is correct, that would be one thing, but it is not. What happens is, this allows the EPA to have to fill the gap and they will. Then there will be no work being done. Either they won't issue the permits so, therefore, there will be no expansion in management of agriculture or they will make it so burdensome that it will be impossible to work with them.

Ms. Stepp - Why can't we be given the same discretion as other agencies?

Secretary Bazzell - I wish I had a good answer. The way the process is set up, the budget the Governor passed and enacted in August, every agency had five percent taken from their largest appropriations, for us that is our water program. But, we are also invited, each agency to go back to the Joint Committee on Finance and to distribute those cuts across the agency based on our management discretion. We did that and we were denied.

Ms. Stepp - Who denied you, is it the Joint Committee of Finance, and do they ever give you a reason of why you weren't allowed to do that?

Secretary Bazzell - Yes, the Joint Committee of Finance. I am not aware of an explanation of what was given as part of the rejection. The way the budget is being constructed now, we will not be given that discretion again even up front. There is, out of a several million dollar cut that we are facing, less than a million even falls under the provision that allows us to even ask for permission to move those cuts elsewhere. Most of those cuts are specifically mandated on the water program. Even the example I gave where we cut a significant program of the water integration team that have eight or nine staff and several hundred thousand dollars of expenditures, in terms of meeting requirements the very same program was cut again. I am not sure why that occurred but, obviously, if that program is already cut we will still need to cope with that level of expenditure cut within the water program. We have to wait and see what happens

on the senate side of the equation and hopefully the issue will be resolved and how the Governor decides to use his veto authority. Right now, I think staff are advising us in tern letting the Natural Resources Board Members know that there are significant concerns in terms of the impact on the water program.

Mr. Poulson - If this happens, we watched what happened with the Texas dairy industry, and that happened because the state didn't have rules. But, what does happen in a situation like this where the EPA comes in, do they have overriding authority over us here as the DNR?

Secretary Bazzell - If we are talking animal wastes, absolutely. Most of the water regulatory programs that we operate now are done, as you know, under delegated authority by EPA. So even with delegation they still have an oversight responsibility the change that is being considered is basically just having EPA work very directly with permitting and really taking us out of the equation all together. I don't know how they would administer. But, it would certainly have an impact. I think that we do an excellent job and again with the increasing emphasis replacing on this issue at this juncture, and with the inference made a couple of meetings ago, we certainly would like to find a way to retain this important program. Even within the water program, we don't have complete discretion. We only can look at the GPR funded activities within the water program, which gives us a very narrow window of things to even consider. There aren't a lot of options.

- 4.E. **Howard Poulson** - In Winnebago County there has been a potential ethanol plant being sited. My understanding is that the town has adopted and is ready to go but they can't get the air quality permit. The original site has an air quality permit issued. Why are we having a problem issuing this permit?

Secretary Bazzell - I will check on that.

- 4.F. **James Tiefenthaler** - Regarding the runoff rule that we already passed. I have heard from Brown County about the provision they had in place for over ten years concerning 35 foot buffer strips and that was essentially a moratorium on buffer strips until the CREP Program expired. Where are we on that right now, what feed back are we getting with this new information? Had I known that at the time, I think we would have had a lot more spirited discussion about buffer strips.

Secretary Bazzell - I became aware of that subsequent to today. In fact, I had a discussion with the conservationists in Brown County. He had a letter from the Farm Services Administration here in Wisconsin very recently indicating that they could, in fact, implement a CREP Program without jeopardizing that fund. You should also be aware that the senate, in their review, of the non-point rules in fact sent that provision back to us and have asked us to reconsider. That we ought to have a mandatory buffer program at this time. I have written a letter to the USDA in Washington asking them to clarify this very issue for us. I don't know that the Brown County letter is enough for us, in fact, to go forward. We are talking about \$200,000,000, basically the primary funding source for this entire program. I want to make sure that we have a high degree of confidence. That we would not be jeopardizing important federal money that we need. I am hopeful that we get a response in the near future. It would be my intention, if we would get such a letter affirming that we would not jeopardize our CREP status if we had a mandatory buffer program to bring that issue back before the Board for your reconsideration. I certainly have the impression from our earlier Board discussions that you didn't want to consider a mandatory program unless we had some confidence that we were not jeopardizing those federal dollars. We have not gotten that affirmative response from the federal government at this time.

Mr. Behnke - That opens up the whole issue again. It is not just a matter of whether we loose the money or don't loose the money. We are in for quite a process if we reexamine this entire issue.

Secretary Bazzell - It is not just the process but there are significant costs associated with mandatory buffer strips in non CREP counties. The thing to remember is that in all the areas that we have demonstrated problems are part of the CREP Program at present. So, we are getting at the most critical issues. Clearly there is a lot of interest in going beyond that, and I certainly understand the sentiment. We

recognize the value of buffers in improving water quality. At the same time, I would certainly entertain some direction from the Board if you would like us to reconsider the rule.

Mr. Tiefenthaler - Are we going to get this back from the senate committee?

Secretary Bazzell - It has come back to the Department. The question is, do you folks, at this juncture as a Board, want to reconsider the rule at this time. I would suggest to wait for the response from USDA.

Mr. Tiefenthaler - I would suggest that we wait to hear from the USDA before we consider this.

Mr. Poulson - I think there are some good things going on in this state. If we jump into some of this we are not going to have some of this information and we need to give it a chance to work and study it. If there is any one area in the State of Wisconsin that has been deprived of resource dollars it is the agricultural community. We would be going into this without any research having been done on buffers. There are a lot of things on the buffer issue that we should know before we go back and demand large buffer strips that aren't going to do the job for us. Lets be sure that we know. Lets get the research on our side. We have the work going on in Plattville and on the Discovery Farms. Lets try and prove some points and understand the issue.

Secretary Bazzell - Early results from the voluntary CREP Program are very encouraging. We know already, in the very short couple months that we already have 14 percent of the buffer strips already agreed to by landowners. I am very pleased with the progress that we are making already under the volunteer program. We are having some impact, the question is what is that eventual environmental benefit to these kinds of practices. Certainly with the Discovery Farms, the Plattville farms, and the progress that we are already seeing in the voluntary CREP Program, I think that we will get an answer to that question in the near future.

4.G. Chairman Solberg - Nothing.

5. Special Committees' Reports.

There were no Special Committees' Reports this month.

6. Operating Committees.

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

6.A.1. Minutes. There were no committee minutes for February 2002 since all agenda items were taken up during the Full Board Meeting.

6.A.2. Adoption of Order DG-46-00 - revision of Chapter NR 809, Wis. Adm. Code, pertaining to new public notice regulations.

This item was deferred to the April NRB Meeting.

6.A.3. Authorization for hearing on revision of Chapter NR 336, Wis. Adm. Code, pertaining to small and abandoned dam removal grant program.

Meg Galloway, Water Regulation and Zoning Engineer, presented the authorization for hearing on revision of Chapter NR 336 pertaining to small and abandoned dam removal grant program. Ms. Galloway stated this is a rule implementing a small grant program to remove small and abandoned dams. This provides, especially in the small removal dam program which is where most of the money is, a chance to work cooperatively with dam owners. This program would allow the Department to fund these grants for any municipality, lake district, or private owner who owned a dam and wants to remove it. It is a small amount

of money, \$250,000 of bonded money that was segregated out from the municipal dam grant program in 1999. Owners could apply for grants, it would be a 50-50 grant program up to a maximum of \$50,000 for any particular project. Ms. Galloway further stated their experience with dam removal that most of the projects would come in the \$15,000 to \$50,000 range. Anyone wanting to abandon a dam would still need to go through the statutory process which requires public notice and the opportunity for someone to intervene that would not want the dam. There are approximately 10 projects in the \$15,000 to \$50,000 range.

Discussion pursued regarding removing a dam, building a dam according to the DNR specs, dam codes, costs, conservation projects, maintenance, and Wisconsin statutes.

Mr. Behnke MOVED, seconded by Mr. Poulson authorization for hearing on revision of Chapter NR 336, Wis. Adm. Code, pertaining to small and abandoned dam removal grant program. The motion was carried unanimously by those members.

6.A.4. Approval of the Laboratory Certification Program's budget and fee schedule for FY 2003.

Greg Pils, Audit Chemist, presented the approval of the Laboratory Certification Program's budget and fee schedule for fiscal year 2003. With an overhead presentation Mr. Pils reviewed revenue numbers, percentages, and individual items regarding: salary and fringe benefits, supplies and services, and information and technology. He indicated that the Laboratory Certification Program's spending authority for fiscal 2003 is \$572,000. The program is projecting expenses for 2003 of \$526,846 and they are seeking only to recover revenues equal to that amount. This is a 1.8 percent increase over the amount they requested for fiscal year 2002, but is still \$45,000 less than what they could recover under Chapter 20.

Mr. O'Brien MOVED, seconded by Mr. Willett approval of the Laboratory Certification Program's budget and fee schedule for FY 2003, as presented. The motion was carried unanimously by those members present.

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

6.B.1. Minutes. There were no committee minutes for February 2002 since all agenda items were taken up during the Full Board Meeting.

6.B.2. INFORMATIONAL ITEM - Update on 2002 Zone T herd control deer management units.

Bill Mytton, Deer and Bear Ecologist, presented the update on 2002 Zone T herd control deer management units. Mr. Mytton stated they had one meeting scheduled with the general public where they went over every unit in the state, whether it was going to be a zone T unit or not and they worked with the public at that meeting. Mr. Mytton showed a powerpoint presentation which revealed the 45 management units that are recommended for 2002. He showed the watch units in the state which will be monitored and determined if they should be included in the zone T status. He further stated that all the metro units will have the same season structure as the 77M unit in Milwaukee, which is an expanded season. He showed the difference between last year and this year with the number of units, a large reduction. Metro units have unlimited tags available, so it is a bonus tag situation, there are no free tags in them this year, but any hunter hunting there can get as many tags as they want, it is unlimited.

Mr. Tiefenthaler - Do we want to look at the metro areas and issue some tags in those areas that might need it?

Mr. Mytton - I would need to look at our rule maker if we can actually do that without giving them the zone T status. I don't think we can. Why we didn't include them was because of the expanded season structure and that 77M was primarily not associated with any other zone Ts, was a larger area in size, and that is why we made that decision this year. I think in future years, after we get out of this initial year, my

recommendation has always been to put them into a zone T status so they have that tag availability to them. I think you will see that in the future.

Mr. Tiefenthaler - I think we should really consider that because of the deer numbers in that area.

Mr. Mytton - As in the past we will have an October season, the zone T December antlerless hunt will be discussed under the WM-40 order later. This year, as last year, one free antlerless permit is issued with each license. So if you are an archer you get one, if you are a gun hunter you get one, and if you do both you get two. There will be additional bonus permits available at particular prices beyond the free tags in the zone Ts. One of the things that is new this year is that if you are hunting in a state park you will have the option of buying additional antlerless tags if you are one of the selected hunters.

Chairman Solberg - How do you get selected in the state parks?

Mr. Mytton - Through the hunters' choice drawing process. In the past we have always limited the number of hunters in state parks and that is what we will be doing again, but we will offer each of those hunters up to three permits this year. We still limit the number of hunters, they get a free tag if they are in a zone T.

Chairman Solberg - How do you figure the number of bonus tags in some of the units that are not in the T zone this year?

Mr. Mytton - They are based on the herd population in that unit, the quota. We look at past success rates and base the bonus permits upon that. In some units we have unlimited permits because there isn't the market for them. We do cap what we put out there as far as what we are going to show you. In reality they are unlimited because there has never been a demand for them.

No action was taken on this informational item.

6.B.3. Adoption of Order ER-32-01 - revision of Chapter NR 18, Wis. Adm. Code, pertaining to falconry rules.

Signe Holtz, Director of Endangered Resources, introduced Mr. Randy Jurewicz as the presenter.

Randy Jurewicz, Legislation and Grants Biologist, presented the adoption of Order ER-32-01 revision of NR 18 pertaining to falconry rules. The rule revisions are being proposed because currently there is no permit fee for residents and nonresidents engaging in the sport of falconry, except that nonresidents must obtain a valid small game or general hunting license when hunting with a raptor and improvements and clarifications are made to definitions, application procedures, and the use of raptors for educational purposes. The proposed rule establishes a fee for residents and nonresidents engaging in the sport of falconry, clarifies definitions, and modifies restrictions on the types of raptors used for educational purposes. Mr. Jurewicz reviewed the proposed revisions.

Discussion pursued regarding what other states do, the cost of the nonresident fees, and determining the \$100 fee.

Mr. O'Brien MOVED, seconded by Mr. Poulson, adoption of Order ER-32-01 - revision of NR 18, Wis. Adm. Code, pertaining to falconry rules. The order was carried unanimously by those members present.

6.B.4. Authorization for hearing on revision of Chapter NR 6, and creation of NR 6.41(4) and (5), 6.43(1) and (3) and 6.45, Wis. Adm. Code, pertaining to snowmobile rail crossings.

Larry Freidig, Recreation Specialist, presented authorization for hearing on revision of Chapter NR 6, and creation of NR 6.41(4) and (5), 6.43(1) and (3) and 6.45 pertaining to snowmobile rail crossings. Mr. Freidig reviewed the history of snowmobile rail crossings. He reflected on the changes which include: distinctions in the areas of responsibility for construction and maintenance between the snowmobile

organization and the rail authority; repeal major sections on construction materials and their installation; establish sign specifications and posting distances for signs used at the crossing and prior to the crossing; describe construction scheduling and supervision responsibilities for both a snowmobile organization and a rail authority; and further clarify the obligations of a snowmobile authority regarding the purchase of liability insurance to indemnify a rail authority. Mr. Freidig stated these changes would catch up with new laws. The proposed rule changes are a type III action under Chapter NR 150, Wis. Adm. Code, therefore no environmental assessment is required. The proposed rule will not have a significant economic impact on a substantial number of small businesses and, therefore, a small business analysis is not required. The proposed rule does not offer an opportunity for pollution prevention and no prevention analysis has been prepared.

Discussion pursued regarding liability insurance, snowmobile organizations, counties, clubs, trails, current law, and rail authority.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson authorization for hearing on revision of Chapter NR 6 and creation of NR 6.41(4) and (5), 6.43(1) and (3) and 6.45, Wis. Adm. Code, pertaining to snowmobile rail crossings. The motion was carried unanimously by those members.

6.B.5. Authorization for hearing on revision of Chapter NR 324, Wis. Adm. Code, pertaining to Wolf River fishing rafts.

Dan Helf, Wolf Basin Leader, presented the authorization for hearing on revision of Chapter NR 324 pertaining to Wolf River fishing rafts. He stated there is a real problem on the Wolf River, these are structures that are being built on the shoreline of the Wolf River in the flood way contrary to County zoning rules. These buildings and structures are being built because of unintended interpretations or misuse of the existing raft law. A major part of the solution is to require fishing rafts to be floated annually. Mr. Helf reflected upon the visit the Board Members had on June 23, 2000, on which Warden Beilfuss and Warden Young took them for a ride on the Wolf River. During that tour, they pointed out many natural resource issues, some of which were surprising to the Board.

Mark Beilfuss, Warden, showed a powerpoint presentation on the Wolf River fishing rafts. This slide presentation revealed that the Wolf River was and still is a beautiful area with rich natural resources and is located within easy reach of the heavily populated Fox Valley. Warden Beilfuss spoke of the history of the Wolf River and the farming surrounding it. He showed pictures of rafts and shacks on the shoreline. He spoke of grandfathered buildings on the shore, some having decks over the water. He stated that county zoning and water regulation laws do not allow new structures like these to be built in the floodway.

Mr. Helf reviewed numerous citizen complaints and outcome directed to water regulation staff, wardens, and zoning officials at the meeting held June 28, 1999. This meeting was between DNR, Outagamie, and Waupaca County zoning offices. He further showed a map of townships showing the areas where known rafts are located. Many of these structures were placed on the Wolf River prior to the County implementing the shoreline flood plane zoning regulations. As such they are grandfathered or allowed to remain there as long as they are not improved up to 50 percent of their assessed value. This becomes a county enforcement issue and a county decision as to how they take their actions against these kinds of facilities. Mr. Helf stated that he hoped by tightening up the raft permit application process they could help county zoning go after some of these so that, indeed, there can be opportunities for them to be removed.

Mr. Helf spoke of the process they took and the involvement of citizens and sportsmen groups in that process to come up with a solution. They confirmed there was a problem and agreed they needed to maintain the tradition of Wolf River fishing but the decision was that they needed to work and better define what a Wolf River raft was, that is where they ran into problems in the court system. They also wanted to work toward a fair and uniform river system along the whole stretch of the river maintaining the program at the township level. The small committee also expanded to include a representative of each township along the way, having three meetings. Mr. Helf reported the results of these meetings. They decided that the

proper tool was to draft and implement a new Wolf River ordinance. They came up with a new ordinance that was acceptable with all the townships. An annual meeting was held to bring together the raft officials to talk about any issues, problems, or concerns that the towns might have. Mr. Helf reviewed the ordinance.

Discussion pursued regarding the history of the rafts, negative looking rafts to the environment, and the embarrassment to the waterways of Wisconsin.

Mr. Poulson MOVED, seconded by Mr. Tiefenthaler authorization for hearing on revision of Chapter NR 324, Wis. Adm. Code, pertaining to Wolf River fishing rafts. The motion was carried unanimously by those members.

6.B.6. INFORMATIONAL ITEM - Chronic Wasting Disease in Wisconsin.

Tom Hauge, Director of Wildlife Management, introduced the speakers. Dr. Sarah Hurley covering Chronic Wasting Disease, Mr. Bill Mytton addressing the helicopter survey in unit 78, and Dr. Linda Glaser, covering the health side of the Chronic Wasting Disease (CWD). The Board was to be briefed as were the 1100 people at the Mt. Horeb Townhall meeting on CWD.

Dr. Sarah Hurley, Deputy Administrator for Division of Land, gave an overview of Chronic Wasting Disease in Wisconsin and then spoke for the Department of Agriculture, Trade, and Consumer Protection of one of the populations of deer and elk in the state, the captive groups. Dr. Hurley stated the initial portion of this presentation on CWD was presented to the Board members that visited the CWD Command Center in Dodgeville on March 26, 2002. With a powerpoint presentation, Dr. Hurley stated that Chronic Wasting Disease (CWD) is:

- a nervous system disease found in cervidae
- found in white-tailed deer, mule deer, black-tailed deer, and elk
- belongs to the family of diseases known as transmissible spongiform encephalopathies (TSE's), or prion disease
- is a slowly progressive disease and signs are not noticeable until the deer is 18 plus months of age.

A slide of a normal prion found in mammals compared to an abnormal prion, thought to cause diseases such as CWD was shown. This slide of brain tissue showed what the holes associated with CWD.

She further stated that signs of CWD are they:

- attacks the brain causing emaciation
- display of abnormal behavior
- loss of bodily functions
- in captive deer there is loss of appetite, progressive weight loss, excessive thirst and urination, head fixed in a lowered position, and drooping ears.

The mode of transmission between deer is not understood. It is thought that the disease can be passed between animals in a herd. Research continues on other modes of transmission: mothers to offspring, or from a contaminated environment.

Dr. Hurley continued with a map of the United States showing where CWD infected wild deer and elk populations are located, which included the states of Wyoming, South Dakota, and Wisconsin. She continued with a slide of testing samples taken at deer registration stations. She stated that the Department has been sampling deer across the state during the deer gun season since 1996. They began primarily for tuberculosis, not because they thought they had disease in the free ranging wild herd but to get a base line on the herd health. In 1999, when CWD rose to national prominence and became clear there were some captive herds of elk in North and South Dakota, the Department started testing for CWD but again they were not expecting to find it. They were trying to get a baseline and make sure everything was all right.

With a State of Wisconsin map, Dr. Hurley showed in which counties deer brains had been collected and had been sampled. Each year they select six registration stations and their goal was to sample 100 deer at each of those stations. There are about 1000 deer sampled, counting the deer sampled last fall, but not including the ones that the Department is in the process of collecting in unit 78 and the surrounding units. It was part of that routine sampling that three samples collected last fall were shown to be positive for CWD. That is one reason the results were not received until the end of February because routine testing was being done with no indication that there was a problem. The National Veterinarian Services Lab would test our samples when they had space in their procedures. Dr. Hurley showed a map of the State of Wisconsin and where the problem area is within the surveillance area. She reflected on sections 21 and 19 in the Town of Vermont, which is where the three deer came from, they were about two miles apart. They are now in the process of collecting 500 samples from the surveillance area. Deer collection could take three to four weeks. Test results could take six to eight weeks. As of this morning, Dr. Hurley stated they have about 328 deer collected and are beginning the process of using sharp shooters to augment that sample.

Dr. Hurley stated that at this time they have no indication that farm-raised deer and elk have anything to do with the situation in the free ranging white-tail deer in Dane County. This is another population of deer and elk in the state and she wanted to give the Board an overview of what is known and what has been done with that population. She showed a slide of the United States indicating where CWD is known to exist. Infected herds slaughtered or depopulated include seven in South Dakota, one in Colorado, one in Montana, and one in Nebraska. The quarantine was lifted on one Nebraska herd. She further showed a map of the State of Wisconsin where animals were received involved with Colorado (Stoneham Conglomerate) CWD trace-outs. These included one in Chippewa, 11 in Waupaca, two in Brown, two in Outagamie, and five in Washington Counties. Of those 21 animals they were either purchased by the federal government, slaughtered and found to be negative or held under quarantine for five years and then when still healthy, released from quarantine. Two of the animals died before the Stoneham Conglomerate were put under quarantine for CWD so they were not tested and the cause of death is not known. Dr. Hurley stated that 19 of the 21 deer the Department has some resolution on. A slide of the United States was presented showing the level of farmed elk surveillance for 2001. Wisconsin is the sixth highest state in terms of the numbers of elk being tested. There are 46 participating herds, four of which are white-tailed deer herds, and they are in 36 counties around the State of Wisconsin. This program is overseen by the Department of Agriculture, Trade, and Consumer Protection. It is a voluntary program at this point. Dr. Hurley gave an overview of how many farms of susceptible animals and species the state has. She then spoke of the voluntary monitoring program. Effective immediately, new regulations include, no import permits except from monitored herds free of CWD at least five years. Emergency and permanent rules may include: import and movement restrictions; testing all animals that die or go to slaughter; tighter restrictions on ID, monitoring, and movement; CWD testing requirements and procedures; and CWD herd certification program. Dr. Hurley stated there is a meeting on April 1 with the deer and elk farming industry folks, Department of Natural Resources staff, and Department of Agriculture, Trade, and Consumer Protection staff to talk about these issues.

Bill Mytton, Deer and Bear Ecologist, stated that one of the first things done when these positives were discovered was to put together a helicopter survey area with a minutes notice. There was a good snow storm and they knew they needed to capitalize on that. Mr. Mytton showed a slide of the CWD surveillance area in the state. He stated that DNR is using the helicopter in the CWD surveillance area to count deer and identify areas of deer concentration. The DNR needed to count the deer because it is important for the planning of the DNR's response to the disease discovery; information on deer abundance and distribution in this local area will help with the planning of the initial follow-up sampling; and can serve as a base line for monitoring the effect on the deer population of the disease, and in evaluating the effectiveness of efforts to control the disease.

Mr. Mytton further stated that current population estimates aren't good enough because:

- the population estimates generated by the SAK model represent average densities for the entire management unit (average size of Wisconsin's 120 deer management units is about 450 square miles)

- deer densities may vary greatly within a deer management unit due to differences in habitat quality, hunting, pressure, and other factors
- because this area of concern is a small portion of the entire management unit, local deer density may be much different from the average density for the entire management unit
- moreover SAK estimates for deer management units provide no information on deer distribution. Helicopter counts coupled with slightability estimates provide a direct estimate of the deer population within the surveillance area and can provide vital information on deer distribution that can be used to guide deer sampling and disease monitoring.

Mr. Mytton then showed a slide illustrating the selection area of the surveillance, the county boundaries, section numbers, and the deer management units. He stated that what they saw and what it told them about deer density in this area was that:

- DNR biologists counted 2,925 deer in 63 mile sections, with as many as 112 deer in a single section
- this equals a minimum average of 46 deer per mile of land area or 52 deer per mile of deer range
- in surveys recently conducted during February 2002 in Wisconsin and Minnesota (Ludwig 1981), biologists determined that they were able to observe white-tailed deer under similar environmental conditions and in similar habitat to the CWD surveillance area from helicopters at between 45-76 percent efficiency
- during the four day helicopter survey flown over the core CWD surveillance area in Iowa and Dane Counties, with a slightability index for white-tailed deer was between 45-76 percent, results in a minimum population estimate of between 61-103 (63 miles) deer per mile of total land area which equates to 68-115 deer per mile of deer range (55.5 miles).

Mr. Mytton further stated that the Department will continue to use aerial surveys and other deer population estimating techniques to assist population ecologists in coming up with the best possible method for monitoring deer populations in this part of Wisconsin. The Department is hoping to begin some intensive field research studies on white-tailed deer to document birth rates, sex-specific, survival, movements, and other population characteristics of the herd in the affected area. These studies should aid us in even more precisely defining sightability indexes for the CWD area.

Dr. Hurley stated that in the west, primarily Colorado, Wyoming, and Nebraska, where they are having problems in free ranging surveys, they have deer densities that range from one and ten deer per square mile. They are having immense problems with control. White-tail deer appear to be the most susceptible of all the species that are susceptible to the disease. In an area out west where they don't have very many white-tail deer, they find about a three percent infection rate in the elk, about 15 percent infection rate in the white-tail deer that occur there, and in research settings about 50 to 60 percent of the white-tail deer that are exposed to the disease die within a year and a half to two and a half years.

Dr. Linda Glaser, D.V.M., Bureau of Communicable Diseases, Division of Public Health, Department of Health and Family Services, spoke on the Chronic Wasting Disease and human health implications. She started out by speaking of the group of prion diseases called the transmissible Spongiform Encephalopathies (TSEs). TSEs are all caused by prions, and all cause fatal diseases of the nervous system which is scrapie in sheep and goats; mink transmissible encephalopathy, bovine spongiform encephalopathy known as mad cow disease, chronic wasting disease of deer and elk, and creutzfeldt-jakob disease of humans (CJD). Dr. Glaser stated that creutzfeldt-jakob disease is a progressive symptom of confusion, dementia, involuntary muscle contractions, and loss of coordination and balance. It is fatal with no treatment, and has an incubation period of 15 months to 20 years. The diagnosis of creutzfeldt-jakob disease is not detectable prior to illness onset, has clinical signs, you can measure brainwave patterns, and it is only with examining brain tissue that this disease can be confirmed.

Dr. Glaser showed a slide demonstrating a human brain infected with prions showing the same characteristic, a sponge like appearance, of holes being produced by this agent in the brain. She stated there are two types of CJD. The classic form has been known for over 70 years but probably has occurred

in people for a much longer period of time. The incidence has been world wide and for every 1,000,000 there is one case of CJD, mostly seen in older people typically greater than 63 years of age. It is not known how we get CJD but most appear spontaneously, are heredity, may come from certain medical procedures, and ingestion. New Variant CJD (NVCJD) is fairly new. It was first reported in 1995 in England and has never been found in the United States. Typically it is found in younger people and can be distinguished from classic CJD. This new variant CJD came from an epidemic of bovine sponiform encephalopathy in the United Kingdom during the 1980s and 1990s between 200,000 - 500,000. Infected cattle may have entered the human food chain. Eating beef products containing BSE prion likely caused the NVCJD. She further stated so far new variant CJD had not been detected in the United States (the Center for Disease Prevention have been investigating people under the age of 56 that are showing these clinical symptoms that are similar to CJD infections). Classic CJD is not more frequent in states where CWD occurs. No scientific evidence that CWD causes human illness. Infected cattle and CWD infected deer have not been found to be infectious. Dr. Glaser stated that they know some things, but they don't give an absolute guarantee of safety. An animal prion has crossed the species barrier to humans at least once with mad cow disease. Mice that were injected with a type of lab animal-adapted prion had detectable prions in certain muscle tissue. It is impossible to prove that chronic wasting disease will absolutely never cause human disease. She further stated that there is no evidence that CWD has ever caused human illness. The World Health Organization has specifically addressed this situation where food from deer and elk are used for human consumption and the possibility that there is CWD in these species. They do recommend that no part of an animal known to have CWD or known to have clinical signs of this disease be eaten at all. In general, with any deer or elk that people would be consuming they recommend avoiding consumption of certain tissues which are the nervous system and the lymph tissues which are known to have prions in animals that are infected. This includes brain, spinal cord, eyes, spleen, tonsils, and lymph nodes. There is no way to absolutely guarantee safety and what they want to do is actively convey what they know, what is unknown, and then let each person make the decision of how comfortable they are with the information that they have.

Discussion pursued regarding mad cow disease, cow parts being eaten, and cooking to destroy the prions. It was determined that cooking does not destroy the prions. Also, dressing a deer, the recommended matter of destroying bacteria on these utensils, deer feeding regulations, advising the public with a pamphlet, possibility of birds being a source of transfer of CWD, number of feeding areas in this surveillance area, cost to the state for CWD, and the approach the Department has taken with CWD, the number of deer and elk farms that we have, and the recent legislation on captive wildlife.

Dr. Hurley stated they are working with other agencies, meat inspection folks, DATCP are going to take the lead on this issue. She stated that the bleach does a reasonably good job of disinfecting but it is not perfect. It is recommended the use of bone saws and other instruments that actually cut through the spinal column or that are used to cut into the skull be bleached. There will be recommendations coming out on this issue. She stated that birds as a source of transfer of this disease isn't their biggest problem right now. There is a possibility that a bird of some sort could pick something up. They are not likely to be picking up the spinal column or big chunks of brain tissue. Coyotes, things like that, might drag the carcass some distance and one of the things that we are looking into is how those carcasses might be involved in the disease but it certainly isn't our biggest issue right now. Our biggest issue right now is finding where the live animals are and moving around of those animals.

Dr. Hurley further stated that in general, anything that congregates animals and maintains artificial contact in high densities poses a risk when you get a disease in an area. It increases the likelihood that it will be transmitted from one animal to another. In a situation like this where we clearly have a disease problem, it is a great significance to the health environment, I believe that our recommendation would be that Board policy that we in some way would try to limit the feeding in this area and reduce the risk. There obviously needs to be some discussion about if we need to reduce deer numbers or manage the deer herd in some way with some sort of baiting of bringing animals together make it easier to have access to an issue. Clearly, the artificial aggregation of animals isn't good in a situation like this.

Mr. Hauge - There is a lot of that common sense knowledge out there already. Mr. Mytton has even been in contact with locals and they have volunteered to pull their feeding in. It is going on already, I don't know that a media blitz is going to do much. We have it on our website and we will be putting information in our hunting regulation pamphlets. Most of the media folks here today are not only writing just for the hunting audience. So it has really gotten a lot of coverage. One of the first things that we were asked to do was put together a cost estimate, Secretary Bazzell was involved with this. We put together a letter where Governor McCallum requested USDA assistance upward to about \$15,000,000 over the projected cost to fiscal year 2006. I can't speak to what it costs other agencies to date. But, to date, in our Department since the 28 days that we have been responding to this we have probably spent more than \$125,000 to \$150,000 so far.

Mr. Mytton - What I think Dr. Hurley is trying to say here is the densities that we are dealing with, the rate of transmission will be much higher than other states because of that contact feeding. As Mr. Poulson would know in the agriculture arena, that is your big concern. If we had two deer per square mile it would be one thing, but I think 15,000,000 and the ramifications to the State of Wisconsin can't be understated, this is serious. I also agree with Mr. Behnke, this is not statewide, and that we should focus on this surveillance area and do what we can there and learn more around the state. We all like to see wildlife in our backyards and I would contend that most of us have some sort of feeding operation. We saw everything from gravity boxes that hold several hundred bushels of corn being feed to turkeys and deer to the spin feeders, many backyard feeders. There were clearly some where you would have great concern where you have some 40 or 50 to 100 animals to one spot. The others were maybe just a can of corn going out behind to look at two or three deer. I think we need to be clear on where we head with that and not lump everything into being bad because people live in the country to see these things. But, feeding is very prevalent.

Dr. Hurley - The captive wildlife rule is right now, it was passed in the assembly and is waiting for the Governor's signature. The primary change on how we manage CWD over the next several years, is that it transfers all of the deer farms under the jurisdiction to the Department of Agriculture (DATCP). White-tail deer farms, in addition to the elk and red deer parks, be registered with DATCP. That will make it much easier for DATCP, which has the primary health certification role in whatever diseases that we are looking at, to work with that industry and to develop monitoring programs and other standards for health care within that industry. In general, what it will do for us is that we can hope, over the next several years, it will help us put in place more comprehensive health certification standards. It clearly directs DATCP and DNR to work together on issues that involve health issues. It is really going to strengthen the State of Wisconsin's ability to anticipate and respond to things in the future. What we have right now, right here, with the free ranging deer in the Town of Vermont, it isn't going to do much.

Ms. Stepp - So we can't, as a Board, do an emergency rule in just the area where we found this disease to temporarily put a stop to the feeding of deer?

Mr. Hauge - Currently we don't have the authority.

Ms. Stepp - So it would be up to the legislature not this body to do that?

Secretary Bazzell - That is in the budget bill right now.

No action was taken on this informational item.

- 6.B.7. Authorization for hearing on revision of Chapter NR 46.30, Wis. Adm. Code, pertaining to timber stumpage rates and language adjustments for Forest Crop Law and Managed Forest Law.

Kenneth Hujanen, Chief of Forest Tax Section, presented the authorization for hearing on revision of Chapter NR 46.30 pertaining to timber stumpage rates and language adjustments for Forest Crop Law and Managed Forest Law. Mr. Hujanen stated that the stumpage figures for stumpage price change for soft

timber is an increase of 2.85 percent and of cordwood price of 8.63 percent and requested the Board's approval.

Mr. Behnke MOVED, seconded by Mr. Poulson authorization for hearing on revision of Chapter NR 46.30, Wis. Adm. Code, pertaining to timber stumpage rates and language adjustments for Forest Crop Law and Managed Forest Law. The motion was carried unanimously by those members.

Doug Haag, Chief of Real Estate Operations Section, presented the following land items:

6.B.8. French Creek Wildlife Area land acquisition - Marquette County.

Discussion pursued regarding the expansion of the boundary and the agricultural land in that boundary.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 135.6 acres from Berneice Killoran for the French Creek Wildlife Area for \$245,000 in Marquette County, as presented. The motion was carried unanimously by those members present.

6.B.9. Lower Chippewa River State Natural Area land acquisition – Dunn County.

Mr. Behnke MOVED, seconded by Mr. O'Brien, that the Board approve the purchase of 118.2 acres from the Martha G. Cook Family Trust for the Lower Chippewa River State Natural Area for \$200,000 in Dunn County, as presented. The motion was carried unanimously by those members present.

7. Department Secretary's Matters.

7.A. Request from the Joint Legislative Committee for Review of Administrative Rules for Modifications to Order WM-40-00, Wis. Adm. Code, pertaining to Deer 2000 Administrative Rule recommendations (adopted by NRB January 24, 2001) (Item 3.E. Minutes of January 24, 2001) (Modifications of Order WM-40-00 May 23, 2001) (Item 7.C. Minutes of May 23, 2001) (Modifications of NR 10 deer season frameworks October 24, 2001) (Item 7.B. Minutes of October 24, 2001) (Resolution by NRB December 5, 2001) (Item 4.1 Minutes of December 5, 2001).

Secretary Bazzell requested the Board to consider modification to Deer 2000 rule package based on review by Mr. Bill VanderZouwen, Chief of Wildlife and Landscape Biology.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, the Request from the Joint Legislative Committee for Review of Administrative Rules for Modifications to Order WM-40-00, Wis. Adm. Code, pertaining to Deer 2000 Administrative Rule recommendations, as presented. The motion was carried unanimously by those members present.

7.B. DONATION - \$100,000 second installment payment from Count Giovanni Auletta Armentise of Italy to be used for continuation of the Green Bay Basin Lake Sturgeon Recovery Project.

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

7.C. DONATION - Kamie Sports Products, Inc. of Abrams, Wisconsin, wishes to donate 350 gun cases, valued at \$8,700, to each instructor group in the state for demonstrations of transporting firearms.

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

- 7.D. DONATION - The Natural Resources Foundation of Wisconsin is donating \$20,000 to the Bureau of Endangered Resources on behalf of the National Fish and Wildlife Foundation to support the Whooping Crane Reintroduction efforts by DNR staff.

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

- 7.E. DONATION - Trout Unlimited, Northwoods Chapter, is donating \$6,000 towards the restoration of trout stream habitat on the Brule Creek in Forest County.

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

Chairman Solberg requested a motion to go into Executive Session during lunch break.

Mr. Tiefenthaler MOVED to go into Executive Session, seconded by Mr. O'Brien. A roll call vote was taken. The motion was carried unanimously by those members present.

Returning back to Full Board Chairman Solberg announced there was no action taken during the Executive Session.

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The Board Meeting was adjourned at 1:10 p.m.