

## NATURAL RESOURCES BOARD

### Minutes

The regular meeting of the Natural Resources Board was held on Wednesday, December 4, 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. for action on Items 1 and 2. The meeting recessed at 8:40 a.m. and reconvened at 4:30 p.m.

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

Chairman Solberg recognized and welcomed Mr. David Ladd, new Board Member to the meeting.

#### ORDER OF BUSINESS

1. Minutes to be approved.

1.A. Full Board Minutes of October 23, 2002.

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

1.B. Full Board Conference Call Minutes of November, 2002.

**Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, approval of the Full Board Conference Call Minutes of November 25, 2002 as presented. The motion was carried unanimously by those members present.**

1.C. Agenda for December 4, 2002.

**Secretary Bazzell requested the following changes:** following lunch, the NRB will meet in Executive Session; under the Land Committee a correction to item 3.B.4., Adoption of Order FH-14-02 should read as FH-48-02; addition of item 3.B.20., Land transaction/project establishment negotiations with the federal government, the Ho Chunk Nation, and the State of Wisconsin for land in Sauk and Jackson Counties; and under Department Secretary's Matters an addition of 7.C. DONATION – from Friends of High Cliff State Park for a gift of \$11,700 for hiring an educator.

**With those changes, Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of the agenda for December 4, 2002, 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 Mr. Poulson, approval of the real estate transactions, as printed. The motion was carried unanimously by those members present.**

3. Operating Committees.

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

3.A.1. Minutes. There were no Committee minutes for October 2002 since all agenda items were taken up during the Full Board Meeting.

- 3.A.2. Adoption of Order FH-28-02 – creation of NR 109, Wis. Adm. Code, pertaining to aquatic plants: introduction, manual removal and mechanical control regulations.

Committee Chair Willett requested clarification of 19.09(1) wild rice conservation. A written document regarding this clarification was presented to the Board. Deputy Secretary Fennessy will forward an additional clarifying memo to reconcile this clarification.

**The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson, adoption Order FH-28-02 - creation of Chapter NR 109, Wis. Adm. Code, pertaining to aquatic plants: introduction, manual removal and mechanical control regulations, as presented. The order was carried unanimously by those members present.**

- 3.A.3. Authorization for hearing on revision of Chapter NR 520, Wis. Adm. Code, pertaining to solid waste license and plan review fees.

Committee Chairman Willett stated that until the new administration clarifies to mean no new taxes including fees, this rule will probably not pass. What they need to do in this hearing process is also to try and determine from the Legislature and/or the new administration how fees are going to be treated.

**The Committee recommended and Mr. Willett MOVED, seconded by Mr. Ladd authorization for hearing on revision of Chapter NR 520, Wis. Adm. Code, pertaining to solid waste license and plan review fees. The motion was carried unanimously by those members.**

- 3.A.4. Authorization for hearing on revision of Chapter NR 809, Wis. Adm. Code, pertaining to safe drinking water.

Committee Chairman Willett stated there was concern of the Committee that it is becoming more and more difficult for individuals and municipalities to seek drinking water sources.

**The Committee recommended and Mr. Willett MOVED, seconded by Mr. Poulson authorization for hearing on revision of Chapter NR 809, Wis. Adm. Code, pertaining to safe drinking water. The motion was carried unanimously by those members.**

- 3.A.5. Authorization for hearing on revision of Chapters NR 400, NR 409, NR 410, NR 415, NR 419, NR 420, NR 422, NR 423, NR 424, NR 431, NR 439, NR 447, NR 448, NR 449 and NR 484, Wis. Adm. Code, pertaining to air management program to clarify compliance related to rule revisions.

**The Committee recommended and Mr. Willett MOVED, seconded by Mr. Ladd authorization for hearing on revision of Chapters NR 400, NR 409, NR 410, NR 415, NR 419, NR 420, NR 422, NR 423, NR 424, NR 431, NR 439, NR 447, NR 448, NR 449 and NR 484, Wis. Adm. Code, pertaining to air management program to clarify compliance related to rule revisions. The motion was carried unanimously by those members.**

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

- 3.B.1. Minutes. There were no Committee minutes for October 2002 since all agenda items were taken up during the Full Board Meeting.

**Committee Chairman Behnke stated that he wished to incorporate, after consulting with Staff Attorney Jim Christenson, items 3.B.2. through 3.B.20. in one motion of approval. In offering the agenda items, he stated that although the entire Board was present for most of the discussion, they could act on any one of these items separately. He stated that he would move approval based on Committee recommendations of items 3.B.2. through 3.B.20. unless a member wished to act separately on an item. Mr. Tiefenthaler seconded the motion.**

- 3.B.2. Approval of the Brule River State Forest Master Plan and Environmental Impact Statement.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler approval of the Brule River State Forest Master Plan and Environmental Impact Statement to include a summary. The motion was carried unanimously by those members present.**

3.B.3. Approval of the Articles of Dedication of the Spikehorn Property.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler approval of the Articles of Dedication of the Spikehorn Property. The motion was carried unanimously by those members present.**

3.B.4. Adoption of Order FH-48-02 - revision of Chapter NR 20.20(64)(h)10, Wis. Adm. Code, pertaining to proposed fishing regulation change on Escanaba Lake.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, adoption Order FH-48-02 - revision of Chapter NR 20.20(64)(h)10, Wis. Adm. Code, pertaining to proposed fishing regulation change on Escanaba Lake, as amended to include the effective date of May 3, 2003. The order was carried unanimously by those members present.**

3.B.5. Authorization for hearing on revision of Chapter NR 25, Wis. Adm. Code, pertaining to commercial whitefish trap nets in outlying waters.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler authorization for hearing on revision of Chapter NR 25, Wis. Adm. Code, pertaining to commercial whitefish trap nets in outlying waters. The motion was carried unanimously by those members.**

3.B.6. Authorization for hearing on revision of Chapter NR 25, Wis. Adm. Code, pertaining to commercial trawling for smelt in Green Bay.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler authorization for hearing on revision of Chapter NR 25, Wis. Adm. Code, pertaining to commercial trawling for smelt in Green Bay. The motion was carried unanimously by those members.**

3.B.7. F. G. Wilson State Nursery land acquisition – Grant County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler , that the Board approve the purchase of 22.98 acres from Starlite Sawmill, LLC for \$164,000 for the F. G. Wilson State Forest Nursery in Grant County, as presented. The motion was carried unanimously by those members present.**

3.B.8. Statewide Natural Area land acquisition – Juneau County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 306.77 acres from Joseph Lehman, Jr. and Ferd Aramovich for \$345,000 for the Statewide Natural Area in Juneau County, as presented. The motion was carried unanimously by those members present.**

3.B.9. Statewide Natural Area (Big Marsh) land acquisition – Door County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 2.55 acres from Raymond Hansen and Barbara Hansen Trust for \$163,000 for the Statewide Natural Area (Big Marsh) in Door County, as presented. The motion was carried unanimously by those members present.**

3.B.10. Statewide Natural Habitat Area land acquisition – Sauk County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 3.5 acres from Evan and JoAnne Clingman for \$240,000 for the Statewide Habitat Area in Sauk County, as presented. The motion was carried unanimously by those members present.**

3.B.11. Turtle Flambeau Scenic Waters Area land acquisition – Iron County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 80 acres from Roy and Sue Schulz for \$96,400 for the Turtle Flambeau Scenic Waters Area in Iron County, as presented. The motion was carried unanimously by those members present.**

3.B.12. Turtle Flambeau Scenic Waters Area land acquisition – Iron County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 160 acres from Charles and Dorothy Johnson for \$167,200 for the Turtle Flambeau Scenic Waters Area in Iron County, as presented. The motion was carried unanimously by those members present.**

3.B.13. Moose Lake State Natural Area land acquisition – Iron County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 100.77 acres from David Freitag for \$143,000 for the Moose Lake State Natural Area in Iron County, as presented. The motion was carried unanimously by those members present.**

3.B.14. Glacial Habitat Restoration Area land acquisition – Fond du Lac County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 241 acres from Daniel and Andrea Baber for \$246,275 for the Glacial Habitat Restoration Area in Fond du Lac County, as presented. The motion was carried unanimously by those members present.**

3.B.15. Glacial Habitat Restoration Area land acquisition – Dodge County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 85 acres from William and Marilyn Popp for \$182,750 for the Glacial Habitat Restoration Area in Dodge County, as presented. The motion was carried unanimously by those members present.**

3.B.16. Glacial Habitat Restoration Area land acquisition and donation – Dodge County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 16 acres from Peter and Linda Geertsma for \$26,400 and accept a donation of \$3,200 from Pheasants Forever and Wings Over Wisconsin to be used for the purchase for the Glacial Habitat Restoration Area in Dodge County, and that a certificate of appreciation be sent to the donors and an expression of appreciation be made part of the official records of the Natural Resources Board, as presented. The motion was carried unanimously by those members present.**

3.B.17. Mead Wildlife Area land donation – Marathon County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the land donation of 591.04 acres in Marathon County from Stora Enso North America Corporation for Mead Wildlife Area, and that a certificate of appreciation be sent to the donor and an expression of appreciation be made part of the official records of the Natural Resources Board, as presented. The motion was carried unanimously by those members present.**

3.B.18. Willow Flowage Area land donation – Oneida County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the land donation of 48 acres land in fee and a 6,211 acre easement from the Wisconsin Valley Improvement Corporation in Oneida County for the Willow Flowage Area, that a certificate of appreciation be sent to the donors, and that an expression of appreciation be made part of the official records of the Natural Resources Board, as presented. The motion was carried unanimously by those members present.**

3.B.19. Ice Age Trail Area land donation – Waushara County.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the land donation of 80 acres in Waushara County from Lois and George Siler for the Ice Age Trail, that a certificate of appreciation be sent to the donors, and that an expression of appreciation be made part of the official records of the Natural Resources Board, as presented. The motion was carried unanimously by those members present.**

3.B.20. Land transaction/project establishment negotiations with the federal government, the Ho Chunk Nation, and the State of Wisconsin for land in Sauk and Jackson Counties.

**The Committee recommended and Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the land transaction/project establishment negotiations with the federal government, the Ho Chunk Nation, and the State of Wisconsin for land in Sauk and Jackson Counties, as presented. The motion was carried unanimously by those members present.**

**Chairman Solberg reconvened to Full Board requesting a motion to go into Executive Session following lunch. Mr. O'Brien MOVED that the Board convene into Executive Session following the lunch break under the authority of s.19.85(1)(g), Wisconsin Statutes, for the purpose of discussing potential land acquisitions. Mr. Tiefenthaler seconded the motion. The motion was carried by a roll call vote by those members present.**

**Chairman Solberg reported that during the Executive Session no action was taken.**

4. Committee of the Whole.

4.A. Adoption of Emergency Order WM-03-03(E) – creation of NR 14, Wis. Adm. Code, pertaining to the transfer of standards previously applicable to captive wildlife holders licensed under Chapter 29, Stats., captive wildlife holders licensed under Chapter 169, Stats., and the creation of new standards for deer farm fences.

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

**Mr. Willett MOVED, seconded by Mr. O'Brien, adoption Order WM-03-03(E) – creation of Chapter NR 14, Wis. Adm. Code, pertaining to the transfer of standards previously applicable to captive wildlife holders licensed under Chapter 29, Stats., captive wildlife holders licensed under Chapter 169, Stats., and the creation of new standards for deer farm fences, as presented. The order was carried unanimously by those members present.**

4.B. INFORMATIONAL ITEM – Chronic Wasting Disease Update and Deer Season Status.

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

**No action taken on this informational item.**

4.C. INFORMATIONAL ITEM – Wetland Compensatory Mitigation Program Update.

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

**No action taken on this informational item.**

4.D. Retirement Resolutions.

4.D.1. Donna Arndt.

4.D.3. Lyle Gast.

4.D.3. Roger Hanson.

- 4.D.4. Gary Kulibert.
- 4.D.5. James Kurtz.
- 4.D.6. Janet Libby.
- 4.D.7. Richard Miles.
- 4.D.8. John Telisczak

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

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

- 5. Board Members' Matters.
- 5.A. Memorial Resolution for Jay Reed.

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

**Mr. Poulson MOVED, seconded by Mr. Ladd, approval of the memorial resolution, as presented. The motion was carried unanimously by those members present.**

- 6. Special Committees' Reports.

**There were no Special Committees' Reports.**

- 7. Department Secretary's Matters.
- 7.A. Request from the Assembly Committee on Environment for Modification to Order CF-30-02 creating Chapter NR 549, Wis. Adm. Code, pertaining to the creation of a Recycling Efficiency Incentive grant program. (Adopted by NRB on August 14, 2002) (Item 6.A.7., Minutes of August 14, 2002).

**This item has been deferred to a future meeting.**

- 7.B. DONATION – from The Wisconsin Wildlife Federation for a gift of \$10,000 for the producing of the Into the Outdoors kids TV show.

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

- 7.C. DONATION – from The Friends of High Cliff State Park for a gift of \$11,700 for hiring an educator.

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

\* \* \* \* \*

The meeting adjourned at 4:45 p. m.