

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Tuesday, February 22, 2005 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 12:30 p.m. for action on items 1-7. The meeting adjourned at 4:30 p.m.

Tuesday, February 22, 2005

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

Gerald O'Brien – present

Dan Poulson - absent

Jonathan Ela - present

Herb Behnke - present

Christine Thomas – present

Duke Welter- present

Steve Willett arrived at 2:05

1.B. Approval of minutes from January 26, 2005

Mr. Welter MOVED, seconded by Mr. Ela approval of the minutes from January 26, 2005. The motion passed unanimously by all members present. Mr. Poulson was absent.

1.C. Approval of agenda for February 22, 2005

Secretary Hassett asked that item 7.B.2. be moved to citizen recognition because a representative from Culvers will be present to receive the donation certificate.

Mr. Welter MOVED, seconded by Mr. Ela approval of agenda for February 22, 2005 as amended. The motion carried unanimously by all members present. Mr. Poulson was absent.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Behnke MOVED, seconded by Mr. Welter approval of the real estate transactions. The motion carried unanimously by all members present. Mr. Poulson was absent.

3. Action Items

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

3.A.1. Adoption of Board Order WA-58-04 – revisions to NR 500 related to recycling programs and related recycling facilities.

Cynthia Moore, Waste Management Program Planning and Evaluation Section Chief stated that at the September 2004 meeting, the Board authorized the department to hold public hearings to solicit input on the proposed revisions to recycling rules. The department convened public hearings on November 15, 2004 and accepted public comment through November 29, 2005. The department has made changes to the recycling rules, in response to public comments and comments from the Legislative Rules Clearing House. In addition, a number of minor technical changes were made as a result of further rule review by department staff. The changes made to the proposed revisions do not substantially impact the substance of revisions proposed initially by the department. The proposed recycling rules revisions will eliminate obsolete language and clarify the original intent and scope of rules related to recycling and recycling services. Because these revisions will clarify original intent and because the Department has worked extensively with the public in drafting the proposed revisions, we do not anticipate significant controversies from local governments. Waste Management Inc. submitted a statement of opposition to provisions requiring haulers to notify their clients of recycling requirements under state law and local ordinances. The Department reworded these provisions to address specific issues raised by WMI, but did not remove the provisions from the proposed rule revisions. The Department received five written statements in support of the hauler notification provisions. She distributed an amendment to the rule.

Mr. Behnke asked if all recyclables will now go into a box instead of a blue bag.

Ms. Moore stated that they go into one container, not necessarily a box or a bag. It depends on the local government.

Mr. Behnke stated this rule puts a lot of responsibility on haulers, what about local units of government.

Ms. Moore stated that the Department will be working with local units of government on hauler contracts.

Mr. Ela asked how many communities are doing single stream recycling.

Ms. Moore stated that under 100 that do single stream.

Mr. Ela asked if the Department is giving up tool in the quality of the responsible unit.

Ms. Moore stated that there is a self-certification process. Any Materials Recycling Facility (MRF) that goes on line as a single stream facility, the Department will inspect them.

Mr. Ela asked if the MRFs favor single stream.

Ms. Moore stated that some of the larger companies are switching to single stream. It requires a different level and complexity.

Mr. Ela asked if there is any substantive changes in the language that Ms. Moore distributed or is it just better language

Ms. Moore stated that it is just better language.

Mr. Behnke asked what is the effective date of these changes and discretion for the recycle center about whether they will collect separated recyclables or go to single stream.

Ms. Moore stated that the revisions would go into effect right away. The local governments will make arrangement with haulers about what they are set up to do.

Mr. Behnke asked how the public will be notified of these changes.

Ms. Moore stated that the local unit of government makes a big decision about recycling that not implemented overnight.

Mr. Ela observed that it was his understanding that the Department is not mandating single stream, but simply simplifying the process for a local unit of government to adopt it.

Ms. Moore stated that we are not mandating single stream recycling, only removing approval requirements for each community.

Mr. Behnke MOVED, seconded by Mr. Welter adoption as amended, of Board Order WA-58-04 – revisions to NR 500 related to recycling programs and related recycling facilities. The motion carried unanimously by all members present. Mr. Poulson and Mr. Willett were absent.

- 3.A.2. Adoption of Board Order AM-31-04, revisions to NR 410 related to asbestos abatement project inspection fees.
Patrick Kirsop, Section Chief, Emissions Inventory and Small Source stated that revisions of Chapter NR 410.05 specifies increases in asbestos inspection fees. There have been no increases to permit exemption fees. The fee increases are being created in response to Wisconsin Act 33 and have been incorporated in s. 285.69(3), Stat. Public Comment was generated through a combination of a June 17 meeting with the regulated community, four public hearings, an e-mail survey, and a presentation at the annual DNR asbestos conference. The regulated community has showed general support for the increases in fees. As a result of efforts already made to reduce costs, public comment, and cost benefit concerns, the Department has removed the asbestos sample analysis fee portion of the proposed rule revision. Interested groups or parties include public health agencies, the WI Department of Health and Family Services, building owners, demolition and asbestos abatement contractors, environmental consultants, fire departments and the public.

Mr. Ela MOVED, seconded by Dr. Thomas adoption of Board Order AM-31-04, revisions to NR 410 related to asbestos abatement project inspection fees. The motion carried unanimously by all members present. Mr. Poulson and Mr. Willett were absent.

- 3.A.3. Request authorization for public hearing for Board Order WA-15-05 – revisions to NR 500, streamlining.
Dennis Mack, Section Chief, Technical Support, Waste Management Bureau stated that these proposed rules are the result of two years of collaboration between the Department and a small group of external stakeholders and the Department. They also clarify existing requirements, correct errors in existing code language, and include minor fee adjustments. In addition, the Department is taking this opportunity to provide clarification between the Drinking Water and Groundwater program's and the Waste Management program's rules concerning granting a variance and exemption to private wells located within 1200 feet of a landfill. The Department is also making minor revisions to the Medical Waste rules (NR 526) to clarify the US DOT rules pre-empt Department rules and

how the rules apply to different wastes and generators. The only items that may be slightly controversial are changes concerning the setback from landfills to private wells and the changes to borrow source requirements.

Mr. Ela MOVED, seconded by Mr. Welter approval of request authorization for public hearing for Board Order WA-15-05 – revisions to NR 500, streamlining. The motion carried unanimously by all members present. Mr. Poulson and Mr. Willett were absent.

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

3.B.1. Adoption of Board Order FH-57-04, revisions NR 25, Commercial Fishing in Outlying Waters.

Bill Horns, Great Lakes Fisheries Coordinator, Fisheries Management and Habitat Protection Bureau stated that under current rules commercial whitefish trap nets must be removed from waters of Lake Michigan south of Kewaunee from June 28 through Labor Day, except in designated areas near Manitowoc and Sheboygan. Emergency order FH-49-04(E) moved the Manitowoc area several miles to the north for the summer of 2004. This rule would make that change permanent.

Public Participation

1. **Pete LeClair**, Two Rivers, The Central Lake Michigan Commercial Fishermen stated they are able to work out their problems with the sport fishermen. The commercial fishermen are responsible for supplying food for people of Wisconsin. He would like to continue to serve the tourists fresh whitefish. If this emergency rule is passed, they won't be able to continue fishing. He wants the current rule to stay as is for this year and then review it again, rather than make this emergency rule permanent.
Mr. Behnke asked if the area the commercial fishermen are now fishing, is the bottom is not conducive to trap netting.
Mr. LeClair stated there is too much currant and clay. It's impossible to fish there.
2. **Mike LeClair**, Two Rivers, Susie Q Fish Company stated that two years ago they got the Southern area approved for fishing. Then last year, two weeks before the commercial fishermen were to start fishing in that zone, someone called and said the sport fishermen were threatening to take that area away. The Northern area isn't a good area to fish. The commercial fishermen were fishing there during a sports fishing derby. The Department received no complaints from any fishermen.
Mr. Behnke asked about number of days fished in 2004 compared to 2003 and the number of fish caught.
Mr. LeClair stated when he fished the Southern area, they caught 1900 lbs. In the Northern zone, we did a lift and caught 700 lbs. It decreased after that.
Mr. Behnke asked if a sports fishing boat can go through the commercial fishing zone without fishing or disturbing the nets.
Mr. LeClair stated yes, the nets are 30 feet off the bottom, so if the sports fishermen keep their gear above that, they can fish.
3. **Steve Kulba**, Two Rivers, Kulba Fisheries stated that they always are willing to sit down with the sports fishermen and there is no compromise. The sports fishermen don't want commercial fishermen out in the lake. The production dropped by two-thirds. He couldn't provide fish for the market.
Mr. Behnke asked how close do you find the sport fishermen to your nets.
Mr. Kulba stated they can be 600 ft from nets.
4. **Dan Paulizki**, Two Rivers, Economic Development the city has a vested interest in both commercial and sport fishing. We are opposed to this rule order as it is proposed. They are in support of the summer whitefish fishery area as originally passed under FH-46-02. The depth at the end of the harbor is about 5 feet. Commercial boats can make it out but they drag bottom coming into the harbor. The City of Two Rivers uses tonnage harvested out of Lake Michigan as evidence that Two Rivers has a commercial use of the harbor, thus qualifying for federal funds to dredge the harbor.
5. **Louie Kowieski**, West Allis, Great Lakes Sport Fishing Federation stated that there isn't a difference in the lbs. pulled by commercial fishermen. The issues are user conflict and safety. Sea Grant developed a brochure about how not to get trapped, so there must be an issue. This rule being proposed today is a compromise they everyone can live with.
Mr. Ela asked is 75-100 ft contour especially good for sports fishing.

Mr. Kowieski stated that the 30-ft. height of the nets is a danger. There are user conflict and safety issues.

Mr. Ela asked if the marking standards are adequate.

Mr. Kowieski stated that it was a long overdue need. It's too soon to tell if they are adequate, but they seem to be good.

6. Chuck Weier, Two Rivers, Great Lakes Sport Fishing Federation is concerned about southern zone user conflict and safety issues. He stated that the Two Rivers and the Sheboygan catches are almost identical if you average them out. The sports fishermen who come into Two Rivers during July and August have an economic impact on the community.
7. Phil Moy, Manitowoc, Sea Grant stated they have offered to work with both groups to develop maps and brochures about how to fish around nets. Our organization is responsible for educating anglers about fishing issues. Most people who are concerned about the non-resident anglers.

Mr. Behnke asked if there is no real safety hazard if nets are properly marked and anglers are properly informed about where the nets are.

Mr. Moy stated that the danger is trolling that is when there is risk of entanglement. It can be minimized if the anglers are willing to cut their gear rather than trying to retrieve it.

Mr. Ela asked about Lake Superior and the commercial fishing in that area.

Mr. Moy stated there has been fishing up there and he isn't saying there hasn't been conflict there. The commercial and sports fishermen were able to come up with an agreement.

Mr. Behnke asked if the net marking is adequate for fishermen who are approaching the nets.

Mr. Horns stated that some people express concern in low light. During the daytime the marking is adequate.

Mr. Behnke asked if there could be reflective material added to the markings.

Mr. Horns stated that it's possible, but there is no proposal for that right now.

Mr. Behnke asked about Mr. Mike LeClair's comments stating the compromise had changed after they had agreed on the zones that are just north of red area. He asked what caused the change, who did it and why.

Mr. Horns stated he was not part of those negotiations.

Mr. Behnke stated he spoke with Tom Hanson who indicated that the Department wasn't involved in establishing boundaries changes. He asked about the whitefish population in this area.

Mr. Horns stated there are harvest limits in the zones, but whitefish are fairly abundant.

Mr. Behnke asked if we reject this proposal, then what happens to the area the commercial fishermen can fish.

Mr. Horns stated that they can fish the area identified in the previous rule.

Mr. Behnke MOVED, seconded by Dr. Thomas to REJECT adoption of Board Order FH-57-04, revisions NR 25, Commercial Fishing in Outlying Waters. The motion carried unanimously by all members present. Mr. Poulson and Mr. Willett were absent.

3.B.2. Adoption of Board Order FH-55-04, revisions to NR 20 related to establishing rules including live-well standards for the bass fishing tournament pilot program. (postponed from January meeting)

Pat Schmalz, Fisheries Policy and Operations, Fisheries Management and Habitat Protection Bureau stated that the passage of 2003, WI Act 249 establishes a bass fishing tournament pilot program that creates a study in which the sorting/culling of bass by tournament anglers in 4 permitted bass tournaments per year is allowed and the impacts are evaluated. Act 249 requires that the Department create a live well standards rule that all pilot program boats must meet to be considered for the program. It also calls for the creation of an advisory committee to advise the Department in tournament rule promulgation. The Fishing Tournament Advisory Committee (FTAC) has been created and met in Stevens Point on August 28, 2004 to discuss and recommend live well specifications. Those specifications have been translated into the attached rule order. Recommended live well standards include 1. Must be an original manufactured part of the boat and have a capacity of at least 25 gallons; 2. Must be in working condition and its operation must be demonstrated prior to fishing in the tournament; 3. Must be capable of continuously pumping freshwater into it; 4. Must be capable of holding, re-circulating, and aerating water. The pilot program sunsets on December 31, 2006, as will the live well standard rules. FH-55-04 was presented at the January NRB meeting, where the Board tabled the rule pending submission of an evaluation plan for the bass fishing tournament pilot program, including plans on financing the evaluation. The research funding proposal is included in this rule package.

Mr. Welter asked if the Department will be evaluating the economic analysis difference in impact of culling versus non-culling tournaments.

Mr. Schmalz stated no, the Department is going to take the specific fishery in the pilot program and estimate the economic impact of that fishery in general.

Mr. Welter asked if it would be useful if you did study the economic impact on culling versus non-culling events.

Mr. Schmalz stated yes, potentially, but ESPN bass elite 50 event would not come to Wisconsin without an exemption. The Department could get an expert that would evaluate bass tournaments in regards to the fishery, social, and economic impacts.

Mr. Ela asked how many participants are in the tournament.

Mr. Schmalz stated there are 50 anglers and boats.

Mr. Behnke stated this is a legislative directive. He questions spending any money on research to determine tournament mortality. This is commercializing the resource. The economic impact is just a small consideration. Who will replace the resource? It won't be the community or the tournament sponsors. He stated he is not going to vote because he objects to commercializing the resource.

Mr. Schmalz stated having worked with Wisconsin State Bass Federation, unfortunately tournaments are their focus, but there are also beneficial factors too, such as the kids programs and fundraising efforts.

Mr. Welter suggested that the tournament sponsors should carry the study fees.

Mr. Ela inquired about the statement that there were ethical issues surrounding funding sources for the study.

Mr. Schmalz stated that the results may show favor of tournaments.

Dr. Thomas stated she is concerned about state matching study fees. As long as it's peer reviewed, then it doesn't matter where money comes from.

Mr. Ela asked Mr. Schmalz to address Mr. Behnke's observation that we aren't going to learn much more than we already know.

Mr. Schmalz stated that tournament fishing is more popular in the south. In general, there have been a lot of studies that give a range of what tournament mortality is and can be. The Department wants to work hard to further science about tournaments.

Mr. Ela MOVED, seconded by Mr. Willett Adoption of Board Order FH-55-04, revisions to NR 20 related to establishing rules including live-well standards for the bass fishing tournament pilot program. The motion passed with a vote of 4-1. Dr. Thomas voted no and Mr. Behnke abstained. Mr. Poulson was absent.

3.B.3. Request authorization for public hearing for Board Order WM-14-05 - revisions to NR 10 related to Chronic Wasting Disease.

Bill Vander Zouwen Section Chief, Wildlife and Landscape Ecology, Wildlife Management Bureau, In 2002, the first CWD hunting rule was approved. At that time, we anticipated only needing to change the CWD zones map each year based on sampling results. However, we have annually reviewed all of the CWD hunting rules each year to see if changes are prudent. This review has involved analyses of both biological and social information. As you may remember, our approach was to have herd reduction for disease control as our first priority, with recreational interests being second. As we have learned and interacted with the public, we continue to modify the hunting rules for the best combination of disease control and social acceptance. This rule order presents a compromise on 2 areas that have been most controversial-the earn-a-buck regulation and the long, continuous gun season. This rule order includes the following proposed changes in the CWD hunting rules: 1) Expand the Western Disease Eradication one (WDEZ) around new positives near Plain and Blanchardville. 2) Expand the Eastern Disease Eradication Zone (EDEZ) around new positives found near the north and east border of last year's EDEZ. 3) Remove most of the Richland County portion of the WDEZ from the WDEZ. 4) Expand the Herd Reduction Zone (HRZ) to include all of Deer Management Unit (DMU) 76A rather than just the south half. 5) Create a 5 day split in the gun season of the DEZs so that there is no gun deer hunting the 5 days prior to the Saturday before Thanksgiving. 6) Apply either sex hunting regulations to the archery and gun seasons beginning on the Saturday before Thanksgiving through January 3 in both the DEZs and the HRZ. 7) Allow earning of buck hunting authority in any earn-a-buck unit in the state by shooting an antlerless deer in any earn-a-buck unit in the state. 8) Establish a deer hunting season for Belmont Mound State Park, which is located in the HRZ.

Mr. Behnke MOVED, seconded by Mr. Ela approval of request authorization for public hearing for Board Order WM-14-05 - revisions to NR 10 related to Chronic Wasting Disease The motion passed unanimously. Mr. Poulson was absent.

Mr. Willett requested a more comprehensive update on the progress with CWD research in March.

3.B.4. Land Acquisition, Ice Age Trail, Washington County
Public Participation

1. **Angie Curtes**, West Bend, Ozaukee Washington Land Trust supports the purchase of this land. Their organization has protected over 26,000 acres. This is a challenging area to purchase land because of the high cost. This may be a last chance purchase due to the urban sprawl in this area.
Mr. Welter asked if the Ozaukee Washington Land Trust has a financial stake in the purchase of this property.
Ms. Curtes stated no not for this acquisition
2. **Wally Thiel**, Hartland, Mid-Kettles Partners stated he supports the acquisition. It would be instrumental in protecting a portion of the Holy Hill Woods, a natural area of county and regional significance. It is a true gem that buffers the Holy Hill property.

Mr. Welter MOVED, seconded by Mr. Behnke approval of Land Acquisition, Ice Age Trail, Washington County. The motion passed unanimously. Mr. Poulson was absent.

3.B.5. Land Acquisition, Statewide Public Access, Waukesha County (postponed from January meeting)

Richard Steffes, Real Estate Director stated that since the last meeting some of the Board members have visited the site. There have been meetings with North Lake Management District, Yacht Club officials and other private owners for alternative sites.

Gloria McCutcheon, Regional Director, Southeast Region stated the Southeast Region staff have been busy since the last Board meeting. They did site reviews at the Kraus and Kuchler sites, took 4 Board members on two different days to the sites for a visit, had two meetings with the North Lake Yacht Club, obtained an extension on the Kraus option, answered general public and media inquiries, answered public records request, and had several other meetings with interested parties. Waukesha County has 83 lakes and North Lake is the 9th largest. The Southeast region has 269 lakes and there are only 24 larger than North Lake. She polled her key staff about which site is preferred and they continue to believe the Krause site is preferred. The site has year-round access, it meets minimum standards of 15 car-trailer plus 1 disabled parking spot, preferred water depth is met, adequate room for screening, it has 6.59 acres with 233 feet of frontage, it's flat, no floodway, and there are low maintenance costs.

Public Participation

1. **John Mehan**, North Lake Yacht Club stated he is concerned about the safety of boaters and sailors. There is a North Lake Sailing school that has 90 students ages 5-16 years. The Yacht Club supports the Kuchler site. The Yacht Club would work with groups to provide winter access. He asked the Board to consider delaying the purchase of Kraus site to give more time to work out a different deal.
Mr. Ela stated he doesn't understand why one site versus another is going to contribute to that safety issue.
Mr. Mehan stated it is an assurance of number of parking spots of 15 plus one at the Kuchler site, whereas at the Kraus site it could be as large as 29 plus one.
Mr. Ela stated the proposal is for 15 plus one.
Mr. Mehan stated that's the discussion today. It could change in the future.
Mr. Behnke asked how many total boats are there on the lake now.
Mr. Mehan stated he doesn't know, but the Yacht Club encourages parents to be on the lake at the same time their kids are sailing.
Mr. O'Brien stated that last month someone said that there are about 265 properties with the potential of at least one boat per residence. How does 15 more boats create a potential safety hazard?
Mr. Mehan stated that only 10% of those boats are on the lake at a time and it would double the number of boats on the water.
2. **Mike Warwick**, Delafield, Welch-Hanson Associates, North Lake Management District gave a presentation of a potential boat launch diagram at the Kuchler site. He stated the site works and gave a recommendation of the Kuchler site.
Dr. Thomas asked if there any standards that this site doesn't meet.
Mr. Warwick stated no.
Mr. Willett asked if there would be dredging required at this site.
Mr. Warwick stated yes.
Mr. Ela asked about maneuverability with a car and trailer.
Mr. Warwick explained that yes the car and trailer unit would be required to back down to the water for reloading.

3. **Sam Bradt**, Chenequa, North Lake Management District stated he sent a letter to the Board outlining the progress towards public access on North Lake. There have been discussions with the condo association to provide additional land to the south of the Kuchler site, although there have been no commitments yet. He clarified that some pictures shown at the last meeting of solid ice were actually on condo land and not the Kuchler site. He would like a further review of the environmental impacts before a purchase is made.
4. **Richard Morris**, Oconomowoc, Chairman, Town of Merton stated he supports the purchase of the Kuchler site. He reviewed the available emergency services and stated the emergency services are more accessible from the Kuchler site. He encouraged the Board to delay the decision another month to gather more information.

Dr. Thomas asked how the boat patrol accesses the lake now.

Mr. Morris stated they use the Yacht Club part time and the private access.

Mr. Behnke asked if \$8,000 would be taken out of the property tax base for this site.

Mr. Steffes explained the payment in lieu of taxes program and stated the local government will gain on property taxes.

Mr. Welter asked about other lakes of similar size in Waukesha County, what kind of parking facilities with boat launches

Ms. McCutcheon stated that the number one goal is to get access to a lake that doesn't have access. The second goal is to meet minimum standards.

Dr. Thomas asked about support from local groups.

Ms. McCutcheon stated yes, the local sportsmen alliance supports the purchase.

Mr. Ela stated that four of the Board members have visited the two sites and he is convinced that the Kraus site is the more feasible site. The purchase isn't the irreversible action, it's the development of the site. If another more feasible site becomes available before development, we can always resell this site.

Mr. Ela MOVED, seconded by Mr. Behnke approval of Land Acquisition, Statewide Public Access, Waukesha County. The motion passed unanimously. Mr. Poulson was absent.

3.B.6. Land Acquisition, Merrill Ranger Station, Lincoln County.

Mr. Willett MOVED, seconded by Mr. Ela approval of Land Acquisition, Merrill Ranger Station, Lincoln County. The motion passed unanimously. Mr. Poulson was absent.

3.B.7. Land Acquisition and Project Boundary Modification, Tom Lawin Wildlife Area, Chippewa County.

Mr. Behnke MOVED, seconded by Mr. Welter approval of Land Acquisition and Project Boundary Modification, Tom Lawin Wildlife Area, Chippewa County. The motion passed unanimously. Mr. Poulson was absent.

3.B.8. Easement Donation and articles of dedication, Statewide Natural Areas, Marquette and Kenosha Counties.

Mr. Willett MOVED, seconded by Dr. Thomas approval of Easement Donation and articles of dedication, Statewide Natural Areas, Marquette and Kenosha Counties. The motion passed 6-0, Mr. Ela abstained. Mr. Poulson was absent.

3.B.9. Adoption of legislative requested changes to Board Order WM-34-04 - revisions to NR 10 and NR 19 – feeding for hunting and non-hunting purposes.

Kurt Thiede, Wildlife Biologist, Wildlife Management Bureau stated that the Assembly Committee on Natural Resources has requested minor modifications to the Department's rule relating to the baiting and feeding of wildlife. The Department has reviewed this request and recommends Board adoption of the recommended modification. Although minor, it is a detail that would modify how the rule and statute are enforced. Under the Department's current language a hunter could place only one feed/bait site per 40 acres and that site may not contain more than 2 gallons of feed. What is being proposed by the legislature is to allow a person to place, use or hunt over a maximum of 2 gallons per 40 acres. This 2 gallons may be placed at one site or the bait could be placed in a series of smaller sites around the property. For instance a hunter under this proposal could place two 1 gallon feed sites on a 40 acre parcel. This would allow the hunter the ability to establish and maintain two hunting locations, but would not increase the amount of feed placed on the property. In addition, a similar change is being

proposed for the regulations on feeding. The proposed modification would allow no more than 2 gallons to be placed per owner-occupied residence or business, rather than just one feed site per building or business.

Dr. Thomas MOVED, seconded by Mr. Willett adoption of legislative requested changes to Board Order WM-34-04 - revisions to NR 10 and NR 19 – feeding for hunting and non-hunting purposes.

Mr. Behnke asked about the arrests for the last deer season were for too much bait/feed. What will the impact of this change be on enforcement.

Tom Van Haren, Natural Resources Policy Officer, Law Enforcement Bureau stated it will not have a large impact. It's difficult to enforce who placed bait. The arrests made were for way over the allowed amount.

The motion carried unanimously. Mr. Poulson was absent.

4. Citizen Participation

4.A. Citizen Recognition

4.A.1. Shikar Safari Club International Officer of the Year Award

Randy Stark, Director, Law Enforcement Bureau introduced Mr. John Pearson, representative from the Shikar Safari Club.

John Pearson presented Administrative Warden Thomas Van Haren with the Shikar Safari Club International Officer of the Year Award.

5. Board Members' Matters

5.A.1. Require Natural Resources Board approval of Zone T, Earn-A-Buck deer management units, and associated deer quotas.

Tom Hauge, Director, Wildlife Management Bureau stated that this proposal would direct the Department to seek NRB approval of annual recommendations related to Zone-T and Earn-A-Buck (EAB) season structures for Deer Management Units. If approved the Board would have the final authority on season structure based on the scientific recommendations of the Department and the social desires of the public.

Public Participation

1. **Steve Oestreicher**, Harshaw Chairman, Executive Council of the Conservation Congress stated the conservation congress is requesting that this resolution be passed by the Board. The reason the congress passed this resolution was because of angry deer hunters' concerns from the 2004 gun deer season. He has received [130 what? Phone calls?] 130 and 67 letters from concerned hunters and landowners. One message is perfectly clear. All of the hunters he has heard from are utterly disgusted by the management of the deer herd by the DNR. These hunters fear the traditions and lifelong sport are quickly fading from their lives. The creation of a kill-at-all-cost season in the name of deer management programs like Zone T and EAB have destroyed the sport and white tail deer herd. Record deer herd is reported, but we don't see as many deer every year. Clearly something is wrong.
2. **Ed Harvey**, Vice-Chairman, Executive Council of the Conservation Congress stated that the Sex-Age-Kill model (SAK) doesn't work. It is based on 1960s research and it needs maintenance. The landscape and hunter behavior is much different than in the 1960s.

Mr. Behnke asked what effect does baiting have on the deer herd. What about all the corn that is feeding the deer through the winter. We should get rid of it.

Mr. Oestreicher stated baiting is definitely a contributing factor we need to revisit this baiting and feeding issue.

Mr. Willett MOVED, seconded by Mr. Behnke to require Natural Resources Board approval of Zone T, Earn-A-Buck deer management units, and associated deer quotas.

Mr. Welter stated he has talked to many hunters since the season ended. He has not heard the unanimous disgust that Mr. Oestreicher describes. Hunters still enjoy themselves. Zone T and Earn a Buck are difficult tools to use and not necessarily popular. Many hunters understand this is a process and are willing to work with the groups and the Department as this process is ongoing. He believes baiting is having an impact in the northern part of the state.

Mr. Ela stated that it is part of our responsibility to approve this, but he asks the Congress to work with Department staff to structure this discussion when it comes up, so we don't have to mediate endless unit-by-unit arguments.

Mr. Behnke stated this motion will put discipline into process, which is now lacking because the Department has the final word.

The motion carried unanimously. Mr. Poulson was absent.

5.A.2. Require Natural Resources Board approval of bear season structure, quotas, and permit levels.

Tom Hauge, Director, Wildlife Management Bureau stated that this proposal would require final approval of the NRB on bear harvest quotas and permit levels determined by the Department. Approval of this proposal would compress the timeline for the bear quota/permit setting process and may bring additional conflict to NRB meetings. The Board would have the final authority on permit levels and quotas based on the scientific recommendations of the Department and the social desires of the public.

Public Participation

1. **Steve Oestreich** stated this resolution was passed by the congress because of a discussion from December 2003 when the congress stated the bear population may be larger than what the Department estimates. That discussion was for the most part ignored. On November 12, 2004, the Department met with the bear committee met to discuss the 04 bear season harvest and 2005 bear season recommendations. The Department's proposal for 2005 was to lower the bear quotas. After lengthy discussion all 29 bear committee members disagreed with the recommendation to lower quotas, but all unanimously agreed to modestly increase quotas. The Department has blown off the committee recommendations. There is something seriously wrong.
2. **Ed Harvey** discussed problems with bears such as them hitting traps.
3. **Rich Kirchmeyer**, Bear Committee Chair, Conservation Congress stated bait surveys are not an adequate method of estimating bear populations. With the increased interest in bear hunting, hunters can start baiting on April 15th. Bears don't need to hit the Department's bait because there is plenty of food available. The bear committee members disagreed with the Department's bear population estimates and they felt unheard and not acknowledged in their efforts in helping to set the quotas and permits.

Mr. Welter asked if he has looked at other states to see how they estimate bear populations.

Mr. Kirchmeyer stated in Minnesota where they use an entirely different method.

Mr. Willett MOVED, seconded by Mr. O'Brien to require Natural Resources Board approval of bear season structure, quotas, and permit levels.

Mr. Behnke stated that he is not a bear hunter, he believes this will put discipline into the process.

Dr. Thomas stated that she has sat on the Department Bear Committee and has seen the data showing a downtrend in the bear population and the congress represented advocated to up harvest anyway and the Department went along with it. She stated that it's important to go with science.

Mr. Willett stated this is why the Board exists. It allows citizens to have an avenue to voice their opinion. He doesn't think the deer herd is mismanaged. The Department is doing the best they can.

The motion carried unanimously. Mr. Poulson was absent.

5.A.3. Approve the NRB Summer Meeting Calendar

Dr. Thomas MOVED, seconded by Mr. Behnke approval of the NRB Summer Meeting Calendar. The motion carried unanimously. Mr. Poulson was absent.

Mr. Ela stated that the Natural Resource Committees of the Senate and Assembly are holding a joint hearing on the Act 118 rules that the Board passed. The committees will be asking for some clarifications. One item in particular is a request by the realtors association a clarification in notes on NR 1 and pier rule. The staff can rewrite notes without Board approval. He passed out the proposed changes.

Dr. Thomas stated she understands that staff is getting ready to discuss what they are going to cut out of the budget at various levels of the license fee increase. She asked if those specific cuts need to be approved by the Board before they are implemented.

Secretary Hasset stated that last time when the Department didn't get the license fee increase we asked for it was decided internally what was going to be cut. It doesn't come back before the Board.

Dr. Thomas stated that seems odd that the Board has budget oversight and we have opportunity to have input on the front end, but not the tail end.

Secretary Hassett stated it's not quite the same thing. The Department receives the budget from the Governor and that's it. We are told what we have in terms of money. There could be hundreds of individual things being cut and he isn't sure the Board wants to get involved in that. The Board oversees the overall budget process. He thinks the individual cuts are administration and not policy.

Dr. Thomas stated that's exactly what we did at the December meeting with the crane coordinator position and other such positions.

Mr. O'Brien stated the statute states the Board will supervise the Department, then the Secretary will administer the policies. The Board will also regulate, set policy and advise.

Secretary Hassett stated that perhaps this is a new phenomenon because we haven't faced these kind of budget cuts in the past. It may be a good discussion to have.

Dr. Thomas stated if each Board member gets 100 phone calls about a particular issue, the Department will be hearing from the Board. She wants to be kept in the loop of where and when the Board can help.

Mr. Behnke stated it should be an administrative decision, but the Board should be informed of what is happening when it is happening.

Secretary Hassett stated that the Department has to give people some feeling of the impacts of the budget cuts and he will keep the Board informed.

6. Special Committees' Reports

7. Department Secretary's Matters

7.A. Retirement Resolutions

7.A.1. Sharon C. Strohm

7.A.2. James A. Brien

7.A.3. Richard T. Wallin

7.A.4. George Albright

7.A.5. Mark D. Shepherd

Mr. Willett MOVED, seconded by Mr. Welter approval of the retirement resolutions. The motion carried unanimously. Mr. Poulson was absent.

7.B. Donations

7.B.1. The Friends of Rock Island State Park will donate \$5,900 for the purchase and installation of a reproduction fourth order lens for the Potawatomie Light House on Rock Island.

Mr. Welter MOVED, seconded by Mr. Willett approval of donation by The Friends of Rock Island State Park of \$5,900 for the purchase and installation of a reproduction fourth order lens for the Potawatomie Light House on Rock Island. The motion carried unanimously. Mr. Poulson was absent.

7.B.2. Culver's Restaurant will donate \$63,600 in coupons for custard cones to the DNR to be issued to young children that are wearing their lifejackets or boating in a safe manner.

Secretary Hassett presented Barbara Behling, Director of Public Relations for Culver's with a certificate of appreciation.

Barbara Behling thanked the Department for the certificate and looks forward to a positive and long-standing relationship with the Department.

Mr. Welter MOVED, seconded by Mr. Behnke approval of donation by Culver's Restaurant of \$63,600 in coupons for custard cones to the DNR to be issued to young children that are wearing their lifejackets or boating in a safe manner. The motion carried unanimously. Mr. Poulson was absent.

7.B.3. Willow River State Park's Organization for Wildlife Learning (OWLs) will donate approximately \$16,000 annually for limited term Environmental Educator position at the park.

Mr. Welter MOVED, seconded by Mr. Behnke approval of donation by Willow River State Park's Organization for Wildlife Learning (OWLs) of approximately \$16,000 annually for limited term Environmental Educator position at the park. The motion carried unanimously. Mr. Poulson was absent.

7.B.4. Four organizations will donate \$18,000 for the purchase and installation of playground equipment at three state park system properties.

Mr. Welter MOVED, seconded by Mr. Ela approval of donation by four organizations of \$18,000 for the purchase and installation of playground equipment at three state park system properties. The motion carried unanimously. Mr. Poulson was absent.

7.B.5. The Racine County Conservation League (RCCL) will donate time and materials valued at \$6,772 to renovate the Amphitheater at Richard Bong State Recreation Area.

Mr. Willett MOVED, seconded by Mr. Behnke donation by the Racine County Conservation League (RCCL) will donate time and materials valued at \$6,772 to renovate the Amphitheater at Richard Bong State Recreation Area. The motion carried unanimously. Mr. Poulson was absent.

8. Information Items

8.A. Air, Waste, and Water/Enforcement
None.

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

8.B.1. Yellow Perch harvest limits in Green Bay. POSTPONED FROM THE AGENDA

The meeting adjourned at 4:30.

**DEPARTMENT OF AGRICULTURE, TRADE, AND CONSUMER PROTECTION BOARD
AND
NATURAL RESOURCES BOARD**

MINUTES

The joint meeting of the Department of Agriculture, Trade, and Consumer Protection (DATCP) Board and Natural Resources Board (NRB) was held on Wednesday, February 23, 2005 in Room 106, State DATCP Building, 2811 Agriculture Drive, Madison, Wisconsin. The meeting was called to order at 8:30 a.m. for discussion on items 1-5. The meeting adjourned at 12:00 p.m.

ORDER OF BUSINESS

Introductions by Board Chairs and Department Secretaries

Members Present

DATCP Board

Mike Dummer
Richard Cates, Jr.
Cindy Brown
Enrique Figueroa
Brian Rude
Margaret Krome
Andy Diercks
Shelly Mayer
Mike Krutza

NRB Board

Gerald O'Brien
Duke Welter
Herb Behnke
Jonathan Ela
Steve Willett

Mr. Dummer amended the agenda to move Livestock and Wildlife issues to be discussed after Land Use and Land Management Issues.

There were no objections from the Board members.

Land Use and Land Management Issues

- Agricultural grazing and DNR grassland initiatives
- North Branch Milwaukee River Wildlife and Farm Heritage projects

Mr. O'Brien asked how do the two Departments work together and what do they discuss.

Steve Miller, DNR, Director, Facilities and Lands Bureau said that the goal isn't to take agriculture land out of production. The DNR would like to work with agriculture community to continue agriculture production. To continue to have land to hunt and fish on, there needs to be large blocks of rural landscapes including agriculture land.

Todd Peterson DNR, Public Service and User Program, Wildlife Management Bureau stated another way the Departments work together is through the Conservation Reserve Enhancement Program (CREP).

Mr. Willett stated that the DNR has specific funding for various land programs such as stewardship. Does DATCP have similar programs where they can put farm heritage lands in restricted uses?

Jim Arts DATCP, Rural Land Use Policy and Economically and Environmentally Sound Agricultural Practices stated no, but it's a good idea for long-term farm protection.

Mr. Willett asked if the tax structure is the best way for you to protect this land. For example the DNR has the forestry tax. Has agriculture thought about a form of tax to generate funds to preserve farmland?

Mr. Arts stated he did not know.

Mr. Willett stated that Mr. Miller is the author of the land legacy program, which is when the second stewardship fund was put into place. It was requested that we prioritize how we spend stewardship money and those parcels that were unique and worthy of stewardship protection. Is there a similar type of program for farmland?

Mr. Arts stated that there is in a way. County by county and town by town have identified areas for exclusive agriculture zoning protection, but that was a long time ago and it hasn't been updated. There is increasing

fragmentation and all of them need blocks of land to protect the integrity of that resource. More work is need to identify long-term land protection.

Mr. Willett suggested there should be a program similar to the land legacy program developed to protect farmland.

Mr. Krutza asked if it is fair to say that 66% of Wisconsin land is farm and wood lands today. What was it about 75 years ago?

Keith Foye, DATCP, Land Management, Agriculture Resource Management stated agriculture land is usually describe around 16 million acres. 75 years ago stated it was much more.

Mr. Krutza asked philosophically, if it was more 75 years ago and 66% today, what will it be 20 years in the future.

Mr. Peterson stated that the conversion of marginal farmland to forestland is economically driven. What drives the economics of farming is the federal farm bill and international trade agreements. He predicted 20 years from now farmland will account for 55% of Wisconsin lands.

Mr. Willett asked if Wisconsin can sustain agriculture at 55%.

Mr. Miller stated he isn't qualified to answer the question, but it is an issue that the two boards should consider: how will we sustain agriculture in the future. Some of the issues the DNR and DATCP staff addresses are: where is agriculture going, how much agriculture land is enough and should the state have a program to protect soils that produce crops.

Mr. Behnke stated that one of the questions from Mr. Poulson when the Board is considering agriculture land purchase is what are we going to do with this land. He asked Mr. Miller to explain how the DNR buys development rights from farmers to protect lands that are at risk for development.

Mr. Miller stated the DNR can use stewardship dollars to buy development rights to land if it's within the project boundaries. There is also some federal money available for the protection of farmland. Another program that the DNR has worked with DATCP on is where the state buys the whole farm and then sells the farming rights back to the farmer.

Ms. Krome stated that she appreciates the grassland project. She asked how do we get farmers into grazing operations. The impediment to the adoption of grazing is the lack of technical assistance. The Departments should look at some of the obstacles that need to be overcome to adoption of a system of agriculture.

Mr. Peterson stated that a couple of weeks ago there was a meeting of agencies for central Wisconsin grassland area. There were three grazing specialists from Natural Resources Conservation Service (NRCS). One stated that his area of responsibility is one million acres. He suggested that the DNR hire a grazing specialist because it's important to the prairie chicken project and other grassland birds. It's important that DATCP identify what areas should be protected as agriculture land and develop a plan to protect the land.

Secretary Nilsestuen stated we don't have a complementary program to the stewardship program. He suggested that we need a more comprehensive approach to protecting working lands, but there needs to be funding beyond public dollars.

Mr. Welter asked about coordination of efforts of soil conservation through CREP and the DNR. He stated there are CREP projects that purchase buffers along streams. How can the Departments coordinate ways of paying additional money for public access easements?

Mr. Peterson stated that's pretty easily done. He gave an example about a wetland preserve project.

Mr. Cates stated that another example of cooperation in grassland, trials with managed grazing livestock in trout stream areas to control the woody brush. It was productive for farmer and agency. It was a positive development. The question is if agriculture is going to get involved in what acreage to save, how does that preempt the comprehensive planning process in place now that the local government currently has authority over?

Mr. Willett stated that the DNR faces the same question in doing or stewardship and land legacy programs with smart growth at local levels. The DNR is trying to work with various counties as they implement smart growth. Sometimes it doesn't work, but the DNR takes the role of facilitator, educator, and coordinator. We don't know how it's going turn out.

Ms. Krome stated these issues depend upon informed, comprehensive land use at the local level. The departments should try to shift the debate to point out the importance of empowering local government. There is a need for state leadership to advance the land use issues to the local level. The two agencies should develop a program to move forward on a strategic plan. The federal policy is an important issue as well, we need to deal with it as best we can. The Conservation Securities Program is designed to pay farmers around the country for stewardship. It would be helpful for the DNR help DATCP encourage the federal government to not cut funding to that program.

Mr. Peterson stated that in 1990 the DNR and DATCP wrote a letter to the congressional delegations for the 1990 farm bill. We did it again in 1996. It didn't get out of the governor's office. There is a short history of the agencies working together to communicate our goals to congressional delegation.

Mr. Dummer stated that at DATCP we have subcommittee structure to the Board. This is a significantly serious issue with potential for a lot of joint participation. He would commit our sub-committees to develop position papers with logical action. The Boards could decide where they want to direct staff and energy. Specifically, work on a comprehensive land use planning on state and local level, use of conservation and agriculture land and designate how to use and preserve it, Conservation Security Program, CREP-commonality and joint use.

Mr. Willett stated that when it comes to agricultural lands, DATCP should be the leader because the DNR isn't always welcomed with open arms.

Secretary Nilsestuen stated DATCP is willing to put significant energy into this issue. It's a long-term issue that needs a vision.

Ms. Mayer stated she hopes that as two Boards that we don't separate wildlife/farmland, and preserving it. Without economy do we have the resources to protect our environment? We need to show profitability to young farmers and producers to trigger a desire to do farming.

Livestock and Wildlife Issues

- Chronic Wasting Disease
- Bovine Spongiform Encephalopathy etc.
- Wolf Depredation

Mr. Willett stated that DNR and DATCP share the issue of wolves and the federal lawsuits affect the wolf population in Wisconsin. Has the U. S. Fish and Wildlife Service (USFWS) asked for an exemption for Wisconsin, Minnesota, and Michigan. He thinks the two Boards need to take a position.

Laurie Osterndorf, DNR, Administrator, Division of Land explained the federal delisting of the wolf and how the recent court ruling in Oregon affects Wisconsin's wolf management plan. The delisting process gave Wisconsin additional tools to control wolves. Depredating wolves could be euthanized. Since then, 41 wolves have been removed from the landscape. Now wolves are classified as endangered again, we can't use those tools. Wisconsin is trying to regain the ground that has been lost with that ruling. We are trying to get a recovery permit. It won't do what delisting would do, but it will help control wolves. The strategy is to segment out our region out of the endangered listing.

Mr. Willett stated that the USFWS doesn't have the power to exempt Wisconsin from the endangered status.

Secretary Hassett stated we are taking an administrative approach, where the USFWS can exempt Wisconsin from the endangered status because our population is recovered. . It is the quickest way to resolve this.

Mr. Behnke asked Dave Nelson, USDA-Wildlife Services to comment on the discussion.

Mr. Nelson stated since the court ruling we had to pull our traps that were being used to catch problem wolves. We have had two complaints that we are just sitting on because we can't euthanize these wolves.

Signe Holtz, Director, Endangered Resources Bureau stated that USFWS is still in the process of delisting and they are deciding whether or not they should continue. The language in the Oregon court ruling states that the Midwest is recovered, so the DNR is encouraging the USFWS to go from endangered to delisted there. It would be difficult for groups to sue on that action because the judge already said Midwest is recovered.

Mr. Willett states he thinks the case will go to the ninth district court of appeals where it will just sit. It would be helpful if the DNR would be at the table.

Mr. Dummer asked if there is a number of wolves and livestock kill ratio. As the wolf population grows, will the kill rate stay the same?

Ms. Osterndorf stated the Wisconsin Wolf Management Plan population goal is 350. It is a winter number that can double in the summer. It was approved by USFWS. As far as how many livestock kills there are, we are hoping to issue landowner permits to control that. That won't happen until the federal government turns the authority over to the State of Wisconsin.

Mr. Behnke stated he is concerned about how will we continue to pay for depredations from the Endangered Resources fund. We don't have the money necessary to reimburse the farmers for their loss. The genetic value not paid for, only the amount that would be if it would be slaughtered.

Mr. Nelson stated that the cost of production is much more than the dead livestock. The verified complaints are three times what they were three years ago. As the workload goes up, the funding is going down.

Mr. Behnke stated there is a large amount of deer and there isn't a food shortage for deer. This problem isn't going to go away. When they get tired of chasing deer, they will go after calves. We need to decide how to pay these farmers for their losses.

Mr. O'Brien stated that wolves are a problem for both Boards. He gets letters on a regular basis from beef producers. Our hands are tied right now because of the court decision.

Dr. Bob Ehlenfeldt, DATCP, State Veterinarian stated that for a diseased animal, we pay 2/3 of the value with a cap of \$1,500. Even a bull that is valued at \$90,000 is still capped at \$1,500.

Mr. Figueroa asked what do we know today for the forecast of how much CWD is spreading in the deer herd.

Ms. Osterndorf stated that in the western zone there is an 8-12% prevalent rate of CWD.

Alan Crossley, DNR, Wildlife Biologist, South Central Region stated that the geographic spread is relatively small. We are just on the cusp of understanding this disease. We only have data from 2002, 2003, and soon 2004. There is a lot of research going on right now. We just don't have the data right now to draw conclusions because it's such a new disease. We need to continue surveillance: in 2002 surveillance was statewide, in 2003 it was in the herd eradication and reduction zone and in 2004 in the disease eradication zone and in 2005 we plan on beginning surveying statewide again beginning with the Northeast Region.

Mr. Figueroa asked about the process for controlling the disease if you find it in other areas of the state.

Mr. Crossley stated we don't have that articulated yet. If it does pop up somewhere else in the state, we will have to decide if we can be successful to eradicating this disease, which is still our goal. We can see the implications, if we don't do anything by looking at Colorado and Wyoming. We need to make every effort to control this disease.

Mr. Behnke stated he supports the DNR on how they are handling the CWD, but he is concerned that the funding for research and control of this disease are coming out of the segregated hunting and fishing license fund. We have spent \$20 million on this disease and funded for another \$4 million this year. We are putting other resource management programs aside so we can devote the money to the work that needs to be done on CWD. It's a bigger and broader problem that goes beyond the DNR and those who buy hunting and fishing licenses. We need GPR dollars to fund CWD.

Ms. Brown asked if we agree that our priorities are public health, economic health, and animal health. How much does hunting contribute to the state economy.

Secretary Hassett stated around \$1.7 billion related to hunting in general, with \$1 billion for deer hunting.

Ms. Brown asked how much does dairy and livestock contribute to the state's economy.

Secretary Nilsestuen stated around \$38 billion is taken to the shelf.

Ms. Brown asked how much have we spent on combating wildlife and livestock diseases.

Tom Hauge, DNR Director, Wildlife Management Bureau stated the other high profile wildlife diseases include West Nile virus and monkey poxes. Over the same time period where we've spent \$20 million on CWD, we've spent maybe an additional \$1 million for all the other diseases combined. We have put our energy and funds into CWD.

Dr. Ehlenfeldt stated for livestock diseases the budget is \$2-3 million and we supplemented by a similar amount from the USDA.

Ms. Brown asked if this spending reflects our priorities. As policy makers do we need to do something different to align where our spending on the various diseases with where the economic priorities are.

Mr. Willett stated that is the legislature's responsibility. We are agencies that implement. We can suggest, but it's not our role to determine the priorities of the budget. Our role is to analyze our needs and be advocates for our needs.

Mr. Krutza stated that he met with a cervid grower and their concern is that the testing process is very complex and a single test can be a death sentence to their herd. We could be putting an industry out of business due to some flawed testing.

Dr. Ehlenfeldt stated there is a double testing process. As far as a death sentence of a herd, that's correct, a positive is an elimination of a herd. He gave statistics of herds that have had to be destroyed. If we leave these animals in the herd and on the landscape, the prevalence incident levels are going to increase in those herds. There's no live animal test. That's the sad part.

Mr. Figueroa asked if the best science points to the way it spreads in the wild herd through mucus.

Mr. Crossley stated it's still not known. The feeling is that it's animal to animal contact, but the exact mechanism of transmission is still not known.

Ms. Krome stated that this was a useful discussion. She asked how do we work collaboratively as two agencies to tackle this issue.

Mr. O'Brien stated he thinks that these were education discussions and the department is doing what they can. Funding seems to be the issue.

Mr. Ela stated that on the issues of CWD and wolves, the programs are fairly completely described. There is less room for creative invention than in the field of land use.

Mr. Crossley asked the Boards to encourage the federal government to provide federal funds for CWD research in Wisconsin. In addition, to use the Boards' positions to say we need to stay the course and give time to do the research.

Nonpoint Pollution Program

- Program Priorities and Resource Allocation

Kathy Pielsticker, DATCP, Administrator, Agriculture Resources Management

Mr. Willett stated that one of the hot button issues is streams and animals. What is the current status of that and where are we going in the future?

Russ Rasmussen, DNR, Director, Watershed Management Bureau stated the issue is the streams and what the animals leave behind. We are making progress with the nonpoint performance standards that the agencies have worked together on and many groups support it. The challenge is implementing them. Some of the standards include limiting livestock direct access to streams, nutrient management, T standards, clean water diversions, and buffer standard. We are trying to target efforts where buffers will do the most good. Nonpoint isn't an overnight solution. It takes time for this to work.

Mr. Willett asked how do the departments determine success whether the program working or not.

Mr. Rasmussen is concerned about how to exhibit success. He distributed a report that is given to legislators and stakeholders to highlight the successes.

Mr. Willett asked him to project when the Boards should revisit this issue.

Mr. Rasmussen stated the next opportunity would be around the 2006-7 timeframe because the University will reopen performance standards to draft policy for agriculture buffers. As far as other portions of the rule, we don't plan on looking at it more often than every 5 years.

Ms. Krome stated that she had met with conservation leaders over the past year. One of the questions asked was if we are targeting the right people on nonpoint. Perhaps we should target the bad actors that are violating the appropriate standards of stewardship. Do we have meaningful enforcement? She hears a loud and clear message that there is a lack of enforcement. She proposed using the conservation security program that raises up people who are considered to be excellent stewards. We should raise these stewards up.

Mr. Willett stated he thinks we are succeeding in identifying those people who have excessive violations. Our approach is to identify them, sensitize them to the issue, and provide education and funding to resolve issue. If that fails, we prosecute them. This process isn't going to happen overnight.

Mr. Rasmussen stated that we are making progress with certain tools that are in place. Counties are supposed to target greatest needs and apply for grants. It's a competitive process with limited funding. He gave an example of a local success story. He stated the DNR is lacking tools for enforcement because the notice of discharge program isn't funded.

Mr. Foye stated DATCP is working to provide a county with the opportunity to plan. There is also the opportunity to use state cost sharing available through DATCP.

Ms. Krome stated she isn't blaming either Department for the issues. It is a question of resources.

Secretary Nilsestuen stated that there are many players involved in this issue from the federal to the local level. It is a long-term effort. As an agency, we need to take a look at program and its limitations and figure out what's working best, what partnering changes can we make to increase the effectiveness to reaching our goals. He has been working with Secretary Hassett about the nutrient management rules and where we are going with those.

Ms. Krome stated that we need to dig deeper. The Board should get more involved.

Ms. Mayer stated that regulators and other interested partners such as proactive producers get involved. There isn't enough dollars to enforce and protect the environment. Bring these partners to the table to work with policy makers and regulators will only work with if there is a true solution.

Mr. Ela stated he would like a tutorial arranged so that those Board members who are interested can learn in a systematic fashion about the nonpoint programs.

Mr. O'Brien stated that when the Board passed the nonpoint pollution rule he learned a lot about farming, polluting the rivers, spreading manure, etc. He was also concerned about the farmers that would be put out of business because of passing the rule. It's good to bring it back to the forefront of our minds.

Mr. Behnke asked isn't the problem the lack of money to get this rule implemented.

Mr. Dummer stated that cost sharing is one of the requirements on a lot of those issues.

Mr. Rasmussen stated that when this rule was passed we predicted a 30-year implementation process. Funding has gone down because of budget issues since then. Based on current funding, it will probably take more like 45 years to implement the rules.

Mr. Dummer stated that agriculture producers continue to advance in their practices many of these injustices are self corrected and sometimes it is a generation change before that actually does take place.

Regulatory Innovation

- Green Tier
- Dairy Gateway

Will Hughes, DATCP, Administrator, Division of Agricultural Development gave an overview of the Dairy Gateway.

Mark McDermid, Director, Cooperative Environmental Assistance Bureau gave an overview of Green Tier.

Mr. O'Brien asked if participation is mandatory or voluntary.

Mr. McDermid stated that it is voluntary.

Mr. O'Brien asked how does the Department get people involved

Mr. McDermid stated through neighbor projects where farmers and neighbors get together to set a common environmental goals. Other farmers have stepped forward and asked to be recognized under Green Tier, a law that recognizes farmers as operating in an environmentally responsible way.

Mr. Hughes stated that through this process where a couple of farmers step forward to become discovery farms.

Mr. Figueroa asked who recognizes the farmer, DNR or DATCP and what is the benefit to being recognized.

Mr. McDermid stated DNR recognizes the farmer. There will be a branding (logo) that will formally recognize as a green tier farm. The organization will be formally recognized on the website and we will provide publicity at local and statewide level.

Mr. Cates stated that this is an exceptional program. He asked for an example of a specific project. Are the two discovery farms in Manitowoc County the ones that are the example?

Mr. McDermid stated that Green Tier is new to everyone and it's a discovery process for everyone. He described the two different approaches of the discovery farms. A lot of non-farming people were involved.

Mr. Diercks asked how much of dairy gateway is getting people who don't want to necessarily participate.

Mr. Hughes stated it is a voluntary program where mediators bring neighbors together. Mediation by nature is voluntary. It involves people who are proactive.

Mr. McDermid stated that there are many different players represented including a banker, a processor, and environmental groups.

Mr. Diercks stated that the market aspect and economic value needs to be addressed.

Mr. McDermid stated that there is an opportunity for premiums on economic side.

Mr. Hughes stated trying to get people to be proactive by helping them realize their investment opportunities.

Mr. Cates stated there are labels that identify environmental practice that aren't organic such as food alliance. It takes into account social responsibility and environmental practices.

Mr. McDermid stated he would like to incorporate those type of labels into this program.