

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, August 16, 2006 at the Lake of the Torches Resort, 510 Old Abe Road, Lac du Flambeau, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 4:06 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

Gerald O'Brien – present	Dan Poulson - present
Jonathan Ela – present	Dave Clausen - present
John Welter – present	Christine Thomas – present
Steve Willett – present – left at noon	

1.B. Approval of minutes from June 28, 2006

Mr. Welter MOVED, seconded by Mr. Poulson approval of the minutes from June 28, 2006. The motion carried unanimously by all members.

1.C. Approval of agenda for August 16, 2006

Mr. Clausen MOVED, seconded by Mr. Welter approval of the agenda for August 16, 2006. The motion carried unanimously by all members.

1.D. Welcome by the tribal leadership

Victoria Doud, Tribal President welcomed the Natural Resources Board and thanked them for meeting at Lac du Flambeau.

1.E. General Overview of Tribal Resource Management Programs

Larry Wawronowicz, Director, Fish and Game, Lac du Flambeau, gave an general overview of the Lac du Flambeau Resource Management programs including fish culture, fisheries management, wildlife management, conservation law enforcement, forestry, water resources, parks and recreation, environmental protection, land management, and tribal historic preservation.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Welter MOVED, seconded by Mr. Willett approval of the Real Estate Transactions. The motion carried unanimously by all members.

3. Action Items

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

3.A.1. Adoption of Emergency Board Order WA-31-06(E) and request authorization for public hearing on Board Order WA-30-06, revisions to NR 600 series to incorporate new national uniform federal hazardous waste manifest regulations.

Joan Burns, Section Chief, Hazardous Waste Prevention & Management Section Waste Management Bureau stated that the U.S. Environmental Protection Agency (EPA) recently promulgated significant revisions to the manifest regulations that take effect September 5, 2006. The new EPA regulations require the use of standard manifest forms in all states, and require certification from EPA in order to print the manifest forms. The new federal requirements will apply in all states, including Wisconsin, but will not override or supersede Wisconsin's current hazardous waste manifest requirements. To prevent legal confusion and potential conflicts with our current rules, they must be revised or the advantages of a single, uniform nationwide rule will be lost. An emergency order is required in order to change Wisconsin's manifest rules in time for the September 5, 2006 effective date of the new federal manifest regulations. The rule revisions parallel the new EPA regulations, which will standardize the content and appearance of the manifest form and continuation sheet make the forms available from a greater number of sources and adopt new procedures for tracking certain types of waste shipments with the manifest. The latter types of shipments include hazardous wastes that destination facilities reject, wastes containing of residues from non-empty hazardous waste containers, and wastes entering or leaving the United States.

Mr. Willett asked about the differences between the proposed changes and the current rule.

Ms. Burns stated that the main difference is clarification of what the industry is suppose to be doing by law.

Mr. Willett MOVED, seconded by Mr. Ela adoption of Emergency Board Order WA-31-06(E) and request authorization for public hearing on Board Order WA-30-06, revisions to NR 600 series to incorporate new national uniform federal hazardous waste manifest regulations. The motion carried unanimously by all members.

3.A.2. Adoption of Board Order AM-09-06, revisions to NR 406, 407, and 410 implementing s. 285.60(6)(b) to exempt certain minor air pollution sources from construction and operation permit requirements.

Caroline Garber, Section Chief, Environmental Analysis and Outreach, Air Management Bureau, stated that the Natural Resources Board authorized public hearings on the proposed rule at its April 2006 meeting. Three hearings were held in June 2006. The proposed rule changes contain the following three elements:

1. Exemption of all sources which have actual air emissions of criteria pollutants of less than 10 tons/year, and which are not subject to additional control requirements such as Federal hazardous air pollutant standards, from all air permitting requirements
2. Exemption of any project at a source which will have actual air emissions of criteria pollutants of less than 10 tons/year, and which is not subject to additional control requirements such as Federal hazardous air pollutant standards from air construction permitting requirements.
3. Add an \$800 exemption review fee for all projects which claim exemption under item 2.

These changes are being proposed to meet statutory requirements of s. 285.60(6)(b), Wis. Stats., (part of 2003 Wisconsin Act 118), which requires the Department to exempt sources which are not a risk to human health or the environment from air permitting requirements.

Prior to this rule package, the Board has not dealt with the general issue of permit exemptions since the early 1990s when the Federal operation permit program was established. At that time, the existing construction permit exemptions were included as operation permit exemptions. No significant new exemptions were added.

There is the possibility of controversy concerning: 1. the requirement to affirmatively claim the exemption from permitting, 2. the \$800 exemption fee for reviewing construction permit exemption and 3. the requirement that exempt facilities that use emission control devices to monitor those control devices to monitor those control devices in accordance with current air rule requirements.

Mr. Welter asked if there is a rule for more than 10 ton, but less than some other threshold.

Ms. Garber stated that the Department is developing a rule for presentation to the NRB that will require a registration permit for businesses with up to 25 tons.

Mr. Ela asked if this applies to criteria pollutants only.

Ms. Garber stated that is correct.

Public appearances

1. **Scott Manley**, Madison, Wisconsin Manufacturers and Commerce, stated that he supports a rule that exempts minor sources and the exemptions are based on actual emissions. He thinks the 10 ton threshold isn't a high enough threshold. 10 tons is not a significant risk to the environment. He supports the concept of the rule and it has potential, but there need to be changes made to the threshold number to realize the potential.

Mr. Welter asked about changing the threshold from 10 to 25 tons it would include 700 more businesses that would be exempt.

Mr. Manley stated that it would include many of those 700 facilities.

Dr. Thomas asked how many facilities are below 25 tons.

Mr. Manley stated he isn't sure.

Dr. Thomas asked about the 700-800 facilities.

Mr. Manley stated those are minor sources under the clean air act.

Mr. Ela asked for clarification about the permitting process.

Mr. Manley stated that we asked for the registration permitting threshold to be 50 tons, like Minnesota. We were told by the Department that we should start out at 25 tons and see how that goes and maybe at some point we will go up to 50 tons.

Mr. O'Brien asked Ms. Garber to respond.

Ms. Garber explained the permitting process further.

Dr. Thomas asked about the difference between 10 and 25 tons and the effects that would have on the environment and businesses.

Ms. Garber stated that the fee for a facility with 25 tons is \$1100 for the first year and then after that it's based on emissions. The 10 ton exemption facilities, they pay \$300 per year exemption fee. From an environmental perspective, the Department would like to monitor facilities who are at 25 tons per year.

Mr. Ela MOVED, seconded by Mr. Willett adoption of Board Order AM-09-06, revisions to NR 406, 407, and 410 implementing s. 285.60(6)(b) to exempt certain minor air pollution sources from construction and operation permit requirements. The motion carried unanimously by all members.

3.A.3. Adoption of Board Order WT-21-06, revisions to NR 320 pertaining to Bridges and Culverts in navigable waterways.

Mary Ellen Vollbrecht, Section Chief, Rivers and Habitat Protection, Watershed Management Bureau, stated that the purpose of the proposed revisions to NR 320 is to create an additional general permit to streamline the permit processes for temporary in-stream crossings, a technique used by the forest industry during logging projects. Revisions also include some housekeeping changes to consolidate standards that apply to all general permits in the rule, and to repeal unnecessary clearance standards for temporary bridges.

Forest landowners, land managers, and loggers will benefit from a streamlined general permit process, reduced permit fee, and clear standards for how to qualify. Conservation organizations and the public who use and enjoy Wisconsin's navigable waters will be interested in the proposed standards to ensure that they protect public rights in navigable waters.

Mr. Ela MOVED, seconded by Mr. Poulson adoption of Board Order WT-21-06, revisions to NR 320 pertaining to Bridges and Culverts in navigable waterways. The motion carried unanimously by all members.

3.A.4. Request authorization for public hearing on Board Order AM-03-06, revisions to NR 432 pertaining to adoption of state regulations regarding NO_x and SO₂ reductions from major electric generating units in Wisconsin to address interstate transport of pollutants.

Larry Bruss, Section Chief, Regional Pollutants and Mobile Sources Section, Air Management Bureau stated that the Clean Air Interstate Rule (CAIR) is a federal rule promulgated by the United States Environmental Protection Agency (USEPA) to reduce the interstate transport of ozone, fine particles and the precursors to those pollutants, NO_x and SO₂. To reduce interstate transport of the pollutants, the USEPA established emission budgets for NO_x and SO₂ for 28 states in the eastern US. The CAIR allows the affected states flexibility to meet the budgets in various ways and to capture a mechanism to meet budgets through a state implementation plan (SIP). To aid in compliance, USEPA created an interstate trading program that establishes emissions budgets for power plants and three separate power plant emission trading structures addressing annual NO_x emissions, ozone season NO_x emissions, and annual SO₂ emissions. The department proposes that the state participate in the federal CAIR trading programs, but the department also proposes some discretionary alterations to the federal CAIR model trading rule regarding the allocation of the NO_x allowances within the state. The CAIR specifically allows for state discretion in this area.

Proposed ch. NR 432 will specify the process for allocation of NO_x allowances for the NO_x Annual Trading Program and the NO_x Ozone Season Trading Program. Proposed ch. NR 432 also specifies that the remaining elements of the NO_x trading programs will be implemented and administered by the USEPA. The entirety of the SO₂ trading program will be implemented and administered by the USEPA and no state rules are proposed for addressing SO₂ emissions under the CAIR program.

Interested stakeholders include electric utilities, major electricity users, the Public Service Commission, Department of Commerce and the general public. Staff presented proposals regarding the NO_x allocation structure at public information meetings held on March 29, April 5 and April 6, 2006 and at the Clean Air Act Task Force meeting on June 5, 2006. The staff received comments regarding aspects of the optional NO_x allocation structures presented at the meetings.

Mr. Clausen MOVED, seconded by Mr. Ela approval of request authorization for public hearing on Board Order AM-03-06, revisions to NR 432 pertaining to adoption of state regulations regarding NO_x and SO₂ reductions from major electric generating units in Wisconsin to address interstate transport of pollutants. The motion carried unanimously by all members

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

3.B.1. Adoption of Board Order FR-19-06, revisions to NR 45 pertaining to transport of firewood onto Department managed properties.

Andrea Diss-Torrance, Gypsy Moth Program Coordinator, Forest Sciences Bureau stated that the purpose of this permanent rule is to regulate firewood entering properties managed by the department to reduce the risk of introduction and spread of emerald ash borer and other invasive insects and diseases of trees. Wisconsin is currently free of emerald ash borer (EAB) and several other invasive insects and diseases and prohibiting firewood from greater than 50 miles from the campground or from out-of-state sources will help prevent introduction of these invasives into our state parks and forests from which they could spread to private lands and our communities. Firewood from sources approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) would be allowed regardless of location of origin. Firewood in violation of this rule would be seized and treated or destroyed to prevent transmission of insects or disease. Currently, emerald ash borer is established in Michigan, Ohio, Indiana, Ontario and Illinois and is moving primarily on firewood. Parks and campgrounds have been sites of new introductions as a result. This rule will support the external quarantine on host materials of the emerald ash borer and three other pests and diseases proposed by the DATCP, provide additional protection for state parks and forests, set a good example for county, municipal and private campgrounds and reduce movement of firewood for use while camping. While this rule may cause some inconvenience for campers and firewood dealers that obtain firewood from areas distant to the campground, this inconvenience is dwarfed by the cost of infestation or establishment of emerald ash borer or other invasive pests to the public, industry and municipalities. To minimize any inconvenience, the department is working with firewood dealers and the Wisconsin DATCP to assure a sufficient supply of safe and affordable firewood at department campgrounds.

Public hearings authorized by the board have been held and this version of the rule incorporates changes suggested by the public and legislative clearinghouse. If approved by the legislature, the rule would go into effect in winter 2006-2007.

Mr. Welter asked about pallets and lumber and if they transport EAB.

Dr. Diss-Torrance stated that lumber has been processed thoroughly and isn't a threat. Pallets can be a threat, but not as likely as firewood.

Dr. Thomas asked what is being done about pallets to regulate them.

Dr. Diss-Torrance stated that is regulated by the federal government.

Dr. Thomas stated that she doesn't think this is enough protection for the ash trees. She suggested putting pressure on local legislators, the Department of Agriculture and the federal government.

Mr. Welter MOVED, seconded by Mr. Poulson adoption of Board Order FR-19-06, revisions to NR 45 pertaining to transport of firewood onto Department managed properties. The motion carried unanimously by all members

3.B.2. Adoption of Emergency Board Orders WM-27-06(E) and adoption of WM-26-06 pertaining to NR 10 related to 2006 migratory game bird seasons.

Kent Van Horn, Migratory Bird Staff Specialist, Wildlife Management Bureau stated that this rule order establishes the season length and bag limits for the 2006 Wisconsin migratory game bird seasons.

For ducks, the state is divided into two zones each with 60-day seasons. The North season begins at 9:00 a.m. on Sept. 23 and continues for 60 consecutive days in the north, closing on Nov. 21. In the South the season begins at 9:00 a.m. on Sept. 30 and continues through Oct. 6, followed by a 7-day split, and then reopens on Oct. 14 and continues through Dec. 5. The daily bag limit is 6 ducks including no more than: 4 mallards, of which only one may be a hen, one black duck, one pintail, one canvasback, 2 wood ducks, 2 redheads and 2 scaup. Daily bag of 5 for mergansers to include not more than 2 hooded mergansers and daily bag for coots is 15. The dates of the youth hunt are Sept. 16-17.

For Canada geese, the state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 63 days (3 periods, first period beginning September 16); Horicon Zone - 92 days (4 periods, first period beginning September 16); Exterior Zone - 92 days (North: Sept. 16 - 22 and Sept. 23 (9:00 a.m.) - Dec. 16 and South: Sept 16 - Sept. 29 and Sept. 30 (9:00 a.m.) - Dec. 16); and Mississippi River subzone - 70 days (Sept. 30 (9:00 a.m.)) - Oct. 6 and Oct. 14 - Dec. 15). The Burnett County subzone is closed to Canada goose hunting. The statewide daily bag limit for Canada geese in the Exterior, Horicon and Collins Zones is 2 birds per day during the open seasons within each zone.

In addition to these annual regulatory issues, we propose:

- 1) Elimination of the Canada goose Horicon Intensive Management Subzone directly adjacent to the Horicon National Wildlife Refuge.
- 2) Establishing a new North/South zone boundary for Wisconsin's duck zones for the 2006-2010 period.
Mr. Willett asked about changing the opener for both the North and the South to Sept. 30th.
Mr. Van Horn stated that there is a wide range of hunters who are seeking different hunts.

Public Appearances

1. **Dick Koerner**, Neenah, Conservation Congress, Migratory Game Bird Committee gave the congress' recommendations for the waterfowl hunting season.
2. **Ed Harvey**, Waldo, Conservation Congress, was not present.
3. **Peter Peshek**, Madison, Dewitt Ross and Stevens, stated that progress is being made with the waterfowl season, however, more can be done to solve late season conflict. He would like to see Dec. 10 split opener.
4. **Jim Evrard**, Grantsburg, representing himself, stated he supports opening the duck season in the northern duck hunting zone on September 23. It allows hunters to take advantage of locally produced blue-winged teal and wood ducks that migrate south early in the fall.

Dr. Thomas suggested that there be a sheet with the Congress' recommendations compared to the Department's recommendations.

Mr. Ela complimented Mr. Van Horn on his presentation

Mr. Welter MOVED, seconded by Mr. Poulson adoption of Emergency Board Orders WM-27-06(E) and adoption of WM-26-06 pertaining to NR 10 related to 2006 migratory game bird seasons. The motion carried unanimously by all members.

3.B.3. Approval of Northern Highland American Legion State Forest Master Plan Amendment Boulder Junction Winter Park.

Jeff Olsen, Forestry Team Leader, Northern Region gave a summary of the Proposed Amendment to the Master Plan including:

The proposed master plan amendment involves a land management classification change, 20 acres of Forest Production to 20 acres of Recreation Management to allow the Town of Boulder Junction, under a land use agreement with the Department, to develop a winter community park to serve local residents and area visitors. The proposed Recreation Management area is in Township 42N, Range 7E, Section 21, Vilas County, just east of the Town of Boulder Junction.. The winter park will include a warming shelter, lighted ice skating rink, 20 car gravel parking lot, and lighted one mile loop hiking/snowshoe/cross country ski trail.

The proposed development is consistent with the goals identified in the master plan including the goal to "provide a variety of recreational settings and activities, ranging from primitive to developed". The location of the proposed development is inconsistent with the sites current land management classification - Forest Production.

Anticipated Benefits of the Amendment:

- Increase opportunities for winter recreation areas for residents and visitors, particularly in the evening hours.
- Increase economic vitality of local and regional businesses.
- Provide a unique recreational experience not available in the area.
- Provide a destination point that connects to a larger network of trails.
- Meet growing demands for winter recreation activities.

Mr. Willett asked about justifying using stewardship money for this project

Mr. Olsen stated that it a stewardship grant that the town of Boulder Junction applied for and they have been accepted.

Mr. Poulson asked about the boundaries of the recreation area.

Mr. Olsen stated the entire area is within the border of the state forest.

Secretary Hassett suggested a memo or information item about the use of stewardship grants.

Mr. Ela asked about how much control the Department has over future recreational development on the forest.

Mr. Olsen stated that it's based on the 15 year renewable land use agreement we have with the town of Boulder Junction.

Mr. Willett MOVED, seconded by Mr. Clausen approval of Northern Highland American Legion State Forest Master Plan Amendment Boulder Junction Winter Park. The motion carried unanimously by all members.

3.B.4. Request authorization for public hearing for Board Order FH-22-06 relating to NR 20 pertaining to fishing tournament regulations.

Mike Staggs, Director, Fisheries and Habitat Bureau gave an introduction and distributed a history of fishing tournaments in Wisconsin

Patrick Schmalz, Staff Specialist, Fisheries Management Bureau stated The Department is requesting authorization to conduct public hearings relating to modification of fishing tournament regulations. The proposed rule revisions were developed with substantial input from the fishing tournament advisory committee (FTAC), established in July 2004 by the Department as required by 2003 Wisconsin Act 249. The Department concurrently established an internal fishing tournament working group (FTWG) that provided substantial input into these rule revisions. The rule revisions were also reviewed by other department staff represented by members of the FTWG.

This rule contains fishing tournament fee alternatives that include permit application fees for organizers ranging from \$60 to \$850 depending on the cost of the permit program and the size of the fishing tournament. Tournament participant permit fees of \$5 or \$10 are also presented. The rule also establishes tournament permit requirements, and limits on the size and number of fishing tournaments on water bodies based on the size of the water body are included in this rule.

Language established in Ch 20.40 for the purpose of s. 29.4035, Stats., is repealed in this proposal. The bass tournament pilot program expires December 31, 2006.

Dr. Thomas asked about the estimated costs under option two and is concerned that they are not high enough if ALIS vendor fees are taken into account.

Mr. Schmalz agreed to investigate the costs further.

Mr. Welter asked about option three and what happens if the tournament organizers underestimated number of anglers, will the fees be changed after the fact.

Mr. Schmalz stated that the committee discussed this at length and decided that tournament organizers will be encouraged to apply for the higher number if there is a chance there will be 450 anglers otherwise they will be in violation of their permit.

Mr. Welter asked about how tournaments that take place on rivers will be limited.

Mr. Schmalz stated that for lakes it's based on acreage and for rivers we have a specific number of tournaments per river.

Mr. Clausen expressed his concerns about costs to the Department and fish health including mortality.

Mr. Ela asked Department to consider Wisconsin Wildlife Federation and Wisconsin Association of Lakes comments.

Dr. Thomas stated that the cost should be burdened by the tournament participants rather than the Department. She is also concerned about the invasive species issue. She would like boat inspection and decontamination to be required at the larger tournaments.

Mr. Welter stated that fishing tournaments are designed for commercial purposes or for fundraising purposes. There is evidence that there are detrimental effects on fish populations. We should not be passing this burden onto the other anglers of the state. He distributed a list of questions to the NRB that he would like the Department to ask the public hearing attendees.

Mr. O'Brien asked if this rule will go to the legislature after the NRB adopts a final rule after the hearings.

Mr. Hassett stated that yes, there will be legislative review.

Dr. Thomas stated that the staff should have leeway how they conduct their public hearings. These questions are worded in a way to receive an answer in a certain direction.

Mr. Welter stated that if only tournament supporters show up for the hearings and vote not to support a moratorium on bass fishing tournaments during the months of July and August on waters in which Large Mouth Bass Virus is present, then they need to do that in the face of significant fish losses.

Mr. O'Brien also expressed concerns about requiring the staff to ask specific questions at the public hearings, instead perhaps we could tell the staff what information we would like to know and ask them to gather that information.

Mr. Welter stated that if there is specific information that we are seeking then we should require that questions to obtain that information be asked.

Mr. Staggs stated that many of the committee members has concerns just like the ones on this list of questions, and what we have brought before the NRB is our best recommendation on how to deal with them. If there are parts of this rule that you think we should change, then maybe we should amend the rule.

Mr. Ela stated that his biggest frustration of being on the NRB is sending rules out to public hearing that aren't quite what the NRB is looking for, but sending them out anyway. Then when the rule comes back to the NRB for adoption we are hesitant to change it because this is what the public commented on. Perhaps

we should use this rule as a model to find an alternative procedure that when we have concerns we can figure out some way to **instruct** the staff to address our concerns.

Mr. Ela MOVED, seconded by Mr. Welter to DEFER the request authorization for public hearing for Board Order FH-22-06 relating to NR 20 pertaining to fishing tournament regulations until the land and water subcommittee can work with staff to modify rule in accordance with the concerns expressed by the Board. The motion carried unanimously by all members. Mr. Willett was absent.

3.B.5. Request authorization for hearings for Board Order FH-32-06 on proposed changes to NR 22 regulating commercial harvest of shovelnose sturgeon in Wisconsin-Iowa boundary waters

Ron Benjamin, Regional Fisheries Team Leader, West Central Region stated Commercial fishing for shovelnose sturgeon has increased in popularity throughout the Mississippi River basin in response to a burgeoning market for sturgeon roe. In response to increased harvest pressure, the Iowa and Illinois Departments of Natural Resources began reviewing commercial fishing regulations in their shared portion of the Mississippi River. The Wisconsin Department of Natural Resources was subsequently invited to review commercial fishing regulations for Wisconsin-Iowa boundary waters. Population modeling suggests that more stringent regulations are necessary to preserve the long-term viability of shovelnose sturgeon stocks in the Mississippi River and to continue to provide commercial fishing opportunities. There are currently fewer than five commercial fishermen licensed in Wisconsin who primarily target shovelnose sturgeon.

The proposed rule would increase the minimum allowable size at harvest from 25 inches total length to 27 inches fork length and impose a 32 inch maximum fork length limit, creating a 27-32 inch (fork length) harvest slot for commercially caught shovelnose (hackleback) sturgeon in Wisconsin-Iowa boundary waters. Fork length is defined as that distance as measured from the tip of the snout of a fish to the posterior tips of the median caudal fin rays, as opposed to total length, which is that distance between the tip of the snout of a fish to the outermost end of the caudal fin, fully extended.

The rule also proposes to prohibit the removal of roe from commercial fish while on the water, bank or shore and prohibits cleaning or processing of fish until the fish reach the final processing facility or place of business of the commercial fishery.

Mr. Welter MOVED, seconded by Dr. Thomas approval of request authorization for hearings for Board Order FH-32-06 on proposed changes to NR 22 regulating commercial harvest of shovelnose sturgeon in Wisconsin-Iowa boundary waters. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.6. Approval of 17 State Trail Project Names, establishment of two State Trail Projects, elimination of one State Trail Project.

Richard Steffes, Real Estate Director stated that state trails are defined in Administrative Code NR 1.30(1)(e) as "continuous corridors not associated with a state park or other type of department property, utilized for recreation." Upon purchase, many of these trails have not yet been named. This request is simple housekeeping to update 17 State Trail property names (in the Department's Land Records System) to the trail's "common" name.

One State Trail project, the Urban State Trail, which was established in 1994, is no longer necessary due to the expansion of other trails in the area (including the Chippewa River State Trail and local trails) and can be eliminated. No land has ever been acquired for this project.

Additionally, there is a need to establish two trails which were purchased as extensions to existing trails (Cattail State Trail and White River State Trail) that are now to be operated by the cooperative County partner as a separate trail: the Amery to Dresser State Trail and the Burlington to Kansasville State Trail (respectively).

Mr. Welter MOVED, seconded by Dr. Thomas approval of 17 State Trail Project Names, establishment of two State Trail Projects, elimination of one State Trail Project. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.7. Land Acquisition, Willow Flowage, Oneida County.

Mr. Ela MOVED, seconded by Mr. Welter approval of Land Acquisition, Willow Flowage, Oneida County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.8. Land Acquisition, Statewide Natural Areas, Bayfield County.

Mr. Clausen MOVED, seconded by Mr. Poulson approval of Land Acquisition, Statewide Natural Areas, Bayfield County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.9. Land Acquisition, Ridgeway Pine State Natural Area, Iowa County.

Mr. Ela MOVED, seconded by Mr. Poulson approval of Land Acquisition, Ridgeway Pine State Natural Area, Iowa County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.10. Land Acquisition, Tiffany Wildlife Area, Buffalo County.

Mr. Clausen MOVED, seconded by Mr. Ela approval of Land Acquisition, Tiffany Wildlife Area, Buffalo County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.11. Land Acquisition, Lower Chippewa River Natural Area, Dunn County

Mr. Welter MOVED, seconded by Dr. Thomas approval of Land Acquisition, Lower Chippewa River Natural Area, Dunn County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.12. Land Acquisition, Upper Wolf River Fishery Area, Langlade County.

Mr. Ela MOVED, seconded by Mr. Welter to modify the boundary and approval of Land Acquisition, Upper Wolf River Fishery Area, Langlade County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.13. Easement Acquisition, Glacial Habitat Restoration Area, Fond du Lac County.

Mr. Ela MOVED, failed for lack of a second Easement Acquisition, Glacial Habitat Restoration Area, Fond du Lac County.

3.B.14. Land Acquisition and Donation, Statewide Fish Habitat Area, Marinette County.

Dr. Thomas MOVED, seconded by Mr. Welter approval of Land Acquisition and Donation, Statewide Fish Habitat Area, Marinette County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.15. Land Donation, Statewide Wildlife Habitat Area, Chippewa County

Mr. Welter MOVED, seconded by Dr. Thomas approval of Land Donation, Statewide Wildlife Habitat Area, Chippewa County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.16. Land Exchange, Ice Age Trail and Scattered Wildlife Area, Columbia County

Mr. Welter MOVED, seconded by Dr. Thomas approval of Land Exchange, Ice Age Trail and Scattered Wildlife Area, Columbia County. The motion carried unanimously by all members present. Mr. Willett was absent.

4. Citizen Participation 1:00 p.m.

4.A. Public Appearances

Larry Peterson, Park Falls, representing himself, stated he is concerned about motorized water recreation on inland lakes. He asked for changes to water recreation rules on small inland lakes. He is concerned about the shoreline erosion. He also asked the Department to change dawn to dark rules to more limited hours such as 10:00 a.m. to 2 hours before dusk so that silent users can enjoy the lake in silence. He asked for prohibition of inland motor, inland/outland motor and jet skis on lakes smaller than 150 acres.

Mr. Ela asked legal staff to write a memo about who sets boating rules.

5 Board Members' Matters5.A. Approve the 2007 NRB meeting schedule

Mr. Welter MOVED, seconded by Mr. Clausen approval of the 2007 NRB meeting schedule. The motion carried by all members present. Mr. Willett was absent.

5.B. Update on the Little Plover River

Dan Baumann, Regional Water Leader, West Central Region, stated that the drought in central Wisconsin, compounded by pumping groundwater from wells, has resulted in record low flows and dry stretches of the Little Plover River for the second year in a row.

Similar to many streams in Wisconsin, this trout stream near the Village of Plover depends on groundwater for most of its flow. Based on long term monitoring wells, ground water throughout the area is at its lowest levels since monthly recording began in the 1950s. Changes in rainfall patterns throughout the year have resulted in less precipitation in the summer months than was common in previous decades.

A locally-led workgroup, including Little Plover River basin farmers, officials from Portage County, the Village of Plover and Del Monte, UW-Stevens Point, environmental groups, the Friends of the Little Plover grassroots organization, and staff from Portage County and the Department of Natural Resources met in March and May of 2006 to explore local solutions for protecting the Little Plover River while meeting the water needs of the surrounding village, agricultural, industrial, and other interests. Some actions have already been taken to maintain groundwater levels in the basin. The next meeting is scheduled for August 22, 2006.

Mr. Clausen stated that this is a Public Trust issue, the dewatering of that stream was an adverse impact on the public rights in public waters and that we should not ignore any avenue that will prevent this from happening again.

Mr. Welter asked what the options are to solve this problem. Is one of the options to declare a public rights stage on that water?

Mr. Baumann stated that we have the right to pursue a public rights stage on any water. We may need to go there, but I don't know what effect that will have on the users.

Bob Martini, Water Regulations and Zoning Specialist, Watershed Management Bureau, stated that the Little Plover is just one of many streams across the state that are drying up. The idea is to set up options in each watershed. Some being voluntary and some being regulatory. It is a complicated issue due to many factors involved including many different users and the amount of rainfall.

Mr. Welter stated that one of the options available is to investigate a public nuisance order against the responsible party on the Little Plover.

Todd Ambs stated that is one of the options that we need to look at statewide. We prefer to address the problem through voluntary measures. Determining who the responsible party is very difficult.

Mr. Welter stated that perhaps it's appropriate for the NRB to express that at some point the Department should pursue this avenue.

Mr. O'Brien stated that there are close to 100 responsible parties in the case of the Little Plover and these parties are the economic backbone of that community and we need to look at the balancing that. It's only a 4 mile stream and they are voluntary complying so it's premature to threaten to go to the Department of Justice.

Mr. Welter stated that our responsibilities here don't allow us to spend unlimited time trying to find a voluntary solution or researching and gathering data. Time is valuable. Something needs to be done now before it happens again. He asked when the Department will come back with recommendations.

Mr. Ambs stated 2 months in October. Voluntary group, public trust implementation, ground water advisory group are meeting now and we will have the results of those meetings in a couple of months.

Mr. O'Brien appointed Dr. Thomas and Mr. Clausen to serve on a committee to fill the executive staff assistant position.

6. Special Committees' Reports

None.

7. Department Secretary's Matters7.A. Retirement Resolutions

7.A.1. Wayne D. Norris

7.A.2. Lloyd P. Dettwiler

7.A.3. Douglas R. Marlowe

7.A.4. Kenneth D. Markart

7.A.5. Gregg Stacey

7.A.6. Caryl M. Pfaff

Mr. Welter MOVED, seconded by Mr. Ela approval of the retirement resolutions. The motion carried by all members present. Mr. Willett was absent.

7.B. Donations

7.B.1. The River Valley Chapter of the National Wild Turkey Federation will donate \$5355 to the Bureau of Wildlife Management to be used on the French Creek Wildlife Area in Columbia and Marquette counties.

Mr. Welter MOVED, seconded by Mr. Poulson approval of the \$5355 donation from the River Valley Chapter of the National Wild Turkey Federation. The motion carried by all members present. Mr. Willett was absent.

7.B.2. Coca-Cola will donate \$58,000 to the Dasani Blue Bikes Program at the Capital Springs State Trail.

Mr. Clausen MOVED, seconded by Mr. Welter approval of \$58,000 donation from Coca-Cola. The motion carried by all members present. Mr. Willett was absent.

7.B.3. The Friends of High Cliff State Park will donate \$8,380 to High Cliff State Park to install a circulation pump in the marina.

Mr. Ela MOVED, seconded by Mr. Clausen approval of \$8380 donation from the Friends of High Cliff State Park. The motion carried by all members present. Mr. Willett was absent.

7.B.4. The National Wild Turkey Federation Blackhawk Toms Chapter will donate \$5000 for turkey habitat work in Rock and Green counties.

Mr. Welter MOVED, seconded by Mr. Ela approval of \$5,000 from the National Wildlife Turkey Federation Blackhawk Toms Chapter. The motion carried by all members present. Mr. Willett was absent.

8. Information Items

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

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

8.B.1. Northern Initiatives Update

John Gozdzialski, Director, Northern Region stated that each year since 1996, staff in Northern Region have provided the NRB with an update on the Northern Initiative project. This project is an outgrowth of a large public involvement effort in the mid-1990s that resulted in the development of a strategic guide for DNR management in Northern Wisconsin in the decade 19996-2006. This year's update provides details on the projects' result over the past year with a view to the next 12 months.

The meeting adjourned at 3:15 p.m.