

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, August 15, 2007 at the Port Superior Marina in Bayfield, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 4:25 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

David Clausen – present

Jonathan Ela – present

John Welter – present

Jane Wiley - present

Dan Poulson – present

Gerald O'Brien – present

Christine Thomas – present

Gary Sherman, Wisconsin Representative, welcomed the Board to his District. He stressed the beauty and recreational opportunities of the Bayfield area, but said that it has unique economic problems and opportunities. He urged the Board to keep both in mind, and to help find ways for residents to take advantage of opportunities.

Larry MacDonald, Mayor of Bayfield, welcomed the Board on behalf of everyone from the Bayfield area including Red Cliff, Washburn, Madeline Island, Ashland, and Bad River. He thanked the Board for its work helping sustainability in the area.

He pointed out that Lake Superior happens to be down 18". He asked the Board do what they can to support the Great Lakes Compact and help Wisconsin lead the way.

James Zorn, Executive Administrator Great Lakes Indian Fish and Wildlife Commission, welcomed the Board to the 1842 ceded territory on behalf of Chairwoman Rose Gurnoe Soulier from Red Cliff, Chairman John Wilmer from Bad River and the other members of the Great Lakes Indian Fish and Wildlife Commission. Chairwoman Soulier extends her regrets for not being able to be here.

He said that the relationship between people and place is deep for these people. The job the Board does is very important to them.

He then stated to the Board that Secretary Hassett has represented the Department well, and that it had been a pleasure to work with him. He wished the Secretary well in new endeavors.

Dr. Thomas thanked the northern staff and the communities for welcoming and hosting the Board.

1.B. Approval of minutes from May 23, 2007

Mr. Poulson MOVED, seconded by Mr. Welter approval of the minutes as presented. The motion carried unanimously.

1.C. Approval of agenda for August 15, 2007

Dr. Clausen MOVED, seconded by Mr. Ela approval of the agenda for August 15, 2007. The motion carried unanimously.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Poulson MOVED, seconded by Ms. Wiley approval of the real estate transactions.

Mr. Ela asked Mr. Steffes to explain the two exchanges involving Burnett County - Gandy

Dancer State Trail and Mutz and Harry's Kids LLC.

Mr. Steffes, Real Estate Director, stated the Burnett County - Gandy Dancer is a bike trail that was acquired some years ago in the middle 1990's. The trade involves an exchange that will reroute the trail from going through the airport so they can deal with such matters as runway safety. It will go around the perimeter of the airport. We are trading out the land that was a railroad corridor to the county and they will use that land for airport purposes and the trail will be relocated.

He stated he is not as familiar with Mutz and Harry's Kids LLC. It looks like it is less than ½ acre in each case.

The motion carried unanimously.

3. Action Items

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

3.A.1 Request adoption of Board Order AM-04-06, proposed rules affecting chs. NR 433 and 484 pertaining to the Best Available Retrofit Technology (BART) requirements for visibility protection.

Larry Bruss, Section Chief, Regional Pollutant and Mobile Sources Section, Air Management Bureau, stated that Federal regulations require all states, including Wisconsin, to develop State Implementation Plans to address visibility impairment in mandatory Class I Federal Areas by December 2007. One of the provisions of the federal regulations is the application of Best Available Retrofit Technology (BART) requirements for major stationary sources that meet certain criteria relating to amount and type of emissions, installation date and source type.

BART would be determined for each individual source based on a site-specific engineering analysis considering the following five factors:

- The costs of compliance
- The energy and non-air quality environmental impacts of compliance
- Any pollution control equipment in use at the source
- The remaining useful life of the source
- The degree of visibility improvement that would be achieved as a result of the emission reductions.

EPA has indicated in the federal regional haze program that states may choose to use implementation of the Clean Air Interstate Rule (CAIR) as a substitute for application of BART related NOx and SO2 controls at power plants. In conformity with the federal regional haze program, the Department proposes to allow CAIR as a BART-substitute for the BART-eligible power plants participating in the CAIR cap-and-trade programs. BART affected power plants must still complete the BART analysis for particulate matter (PM). The decision to allow CAIR as a substitute for BART will be controversial.

The net effect of the proposed rule would be to examine potential PM emission controls for boilers subject to BART at 10 power plants and potential SO2, NOx and PM emission controls for sources subject to BART at up to 3 pulp and paper mills in Wisconsin.

Ms. Wiley asked if there is a limited time for the trade.

Mr. Bruss stated the emission reductions will go on in perpetuity. Even if the BART source goes out of service, their control program for BART will be written into their Title 5 permit and they will have to maintain the emission reduction at that source that they chose to control.

Ms. Wiley asked that with more equipment, is the assumption that eventually the older equipment will not be used.

Mr. Bruss stated that may be a presumption or it may be the fact that it is used only occasionally. Whatever they do, they have to achieve an additional 10% emission reduction in order to take advantage of the trading program.

Ms. Wiley stated that the trade becomes a 10% premium.

Mr. Bruss stated correct.

Dr. Clausen asked when this rule is revised, is it also subject to public hearing, comment, and public input.

Mr. Bruss stated if the Department would revise the BART rule in the future it would be the same

as any rule that the Department would do.

Dr. Clausen asked if the Department would require public input when revising BART for a particular source.

Mr. Bruss stated it would need public comment, then the public hearing process, and a new Title 5 permit.

Mr. Ela stated that obviously the biggest change is the BART=CAIR provision. BART=CAIR is aggregating wilderness areas and natural parks. Under BART=CAIR, no particular natural resource would automatically be protected from visibility impairment.

Mr. Bruss agreed. The CAIR states are in the eastern United States. There is no clear source that has to control emissions for CAIR because it is a national trading program and emissions can go up and go down depending on the whim, so to speak, of the power plants. There is no particular protection for the Boundary Waters or Rocky Mountain National Park or Acadia National Park.

Mr. Ela asked if he is correct in stating that depending on the CAIR strategies of the utilities in Wisconsin, Minnesota, Michigan, and perhaps Illinois, you could see Acadia, for example, improving its visibility dramatically because of investment in "low hanging fruit," such as Ohio Valley coal burning power plants, while conceivably there could be no improvement of visibility in Isle Royale or the Boundary Waters.

Mr. Bruss said that was correct.

Mr. Ela asked if he is also correct that to a certain extent these Class 1 areas are markers for a regional visibility improvement program, with the assumption, for example, that if you improve visibility in The Boundary Waters and Isle Royale, and have a program for doing so, places like The Apostle Islands and the Bayfield Peninsula are going to be benefited because they are also downwind from some of the same sources.

Mr. Bruss stated that is correct.

Mr. Ela observed that if you just look at BART=CAIR, there is no assurance at least for the foreseeable future that there would be any improvement either in the 4 Class 1 areas or in other areas within Wisconsin where Wisconsin's citizens would benefit by having visibility improvement.

Mr. Bruss stated that is correct.

Mr. Ela said that he understand that the justification for adopting the BART=CAIR policy was that we would then rely on the Reasonable Progress Report that will be submitted to EPA in 2008 for correcting any inadequacies.

Mr. Bruss stated that is correct.

Mr. Ela asked if Mr. Bruss could describe what the EPA standards are for how one measures reasonable progress, what the reasonable progress goals are for 2018, or for what the procedures are for the states to create a reasonable progress report.

Mr. Bruss stated that unfortunately EPA does not have any hard and fast milestones or limits that you can apply. The Clean Air Act requires a 4 factor analysis that is very similar to BART where we would look at cost and visibility improvement. In EPA's words, we have to do whatever is reasonable in order to improve visibility at the Class 1 areas that we affect. Principally, we affect those four northern Class 1 areas. Unfortunately, he has been on national calls with EPA and they categorically refuse to say "if you do this, this will meet reasonable progress for your state."

Mr. Ela asked if it is a moving target.

Mr. Bruss stated it may not be moving but it is awfully squishy.

Mr. Ela stated BART affects a very small universe of electrical generating units. It does not make sense, perhaps, not to look at units that were built before 1962 or after 1977. It is good to give the utilities the opportunity and flexibility for meeting the visibility standards in a more comprehensive way. Still, it is a tool. If we go to BART=CAIR on the assumption that this squishy stationary target is going to in fact produce greater benefits, we may not get any benefits at all because the reasonable progress report may be so impotent that it does not actually benefit places like the Apostle Islands. This presents a quandary.

He asked Mr. Bruss to describe the other air rules or processes that are likely to be coming up in the next couple of years.

Mr. Bruss stated we have a requirement to demonstrate attainment of the ozone standard in the eastern part of the state. That will include regional reductions in nitrogen oxide compounds.

Utilities will probably be a major component of that. RACT pretty well controlled those utilities inside the nonattainment area. But to demonstrate attainment, we will likely have to go beyond the nonattainment area and look at contributing areas. There will be some control for power plants associated with meeting the current ozone standard. Also, EPA revised the fine particulate matter standard in September 2006. There are likely to be several nonattainment areas identified in this state for fine particulate matter.

The best way to achieve attainment of those standards is to control sulfur dioxide and nitrogen oxide emissions from major stationary sources. Again, that would address power plants or point at power plant emission reductions. Additionally, EPA is in the process of revising the ozone standard. They are likely to significantly drop the standard by about 10-15% lower. They are also likely to add a secondary standard which may result in nonattainment areas in many locations in the state. They have a very wide range that they are asking for comment. If they went into the middle of the range, that would result in a number of areas like Dane County and even as far north as Forest County to be identified as a nonattainment area for the secondary standard. That would require basically statewide control of nitrogen oxide compounds. Again, the focus would be on power plant emissions since they are such large sources of both sulfur dioxide and nitrogen oxide compounds. This all happens within a very short space of time and different rule making processes. We have a major effort that is focused on control of emissions from power plants.

Mr. Ela asked for an explanation of the difference between a primary standard and a secondary standard is.

Mr. Bruss stated a primary standard is developed to protect public health. Cost is not a factor in setting the standard. A secondary standard is designed to protect welfare related issues. There is a secondary standard for sulfur dioxide that is designed to protect plants. The secondary standard for ozone would be designed to protect forest health, ecosystem health, and to protect from crop loss. Soybeans for instance are particularly susceptible to ozone. There may be in the state of Wisconsin probably close to \$1 billion or so per year lost in crop loss due to exposure to ozone. That is one of the things that the secondary standard is designed to protect. There is no hard and fast date for achieving the standard. It is as expeditiously as practicable.

Mr. Ela stated that all of these presumably will have some beneficial impact on visibility but visibility is not an explicit standard for the development of strategies for meeting these additional standards. He asked if there were a way that we can use the visibility reasonable progress procedure and tie it in with these other more tangible things is to develop an explicit program outside of BART=BART in conjunction with these other proceedings?

Al Shea, Administrator, Air and Waste Division stated they would take a look at this. They cannot predict what the results of that will be.

Mr. Ela asked if it would be helpful ultimately if the reasonable progress procedure and goals were established by this Board under rule.

Mr. Shea stated the Board would be doing that.

Mr. Ela stated in other words it would be more than the Department responding to EPA's squishy stationary target but is something this Board would mandate in a tangible way.

Mr. Shea stated absolutely.

Mr. Ela MOVED, seconded by Dr. Clausen to table this for one month or two and request the Department to return with a more detailed description of the procedures that could be used for the new ozone standards, the new fine particulate standard, the ongoing nonattainment issues and a recommendation for how reasonable progress can be folded in to this suite of rules so we can move on this all at once rather than having the option of potentially doing nothing on visibility, which is BART=CAIR, or returning to the pre-hearing rule which has some real problems with it as well.

Mr. O'Brien asked what effect of holding this up this for a couple months would have on various power plants and their ability to meet rules eventually or modify.

Mr. Bruss stated holding it up for a few months will not have a significant effect. The Department needs to submit the BART determinations along with our visibility rule. It does not matter much when we do BART designations. We still need to do the reasonable progress portion

of visibility along with it. Holding it up for a few months to take another look at this will not significantly affect our ability to meet EPA requirements or meet air quality units.

Mr. O'Brien asked if it would affect the producers' ability to plan.

Mr. Bruss stated no. If the rule is delayed significantly, we will certainly look at the time they have in order to comply and adjust that accordingly.

Mr. O'Brien asked Mr. Ela the reason for delaying now. Can you make that clearer?

Mr. Ela stated that when Congress acted on a number of these provisions of the Clean Air Act they were not always thinking of how they interrelated. Now we are considering BART as a separate program from everything else that is going on in the clean air field. He said that it was his recollection that the BART provisions were passed in response to very specific concerns about the impact of coal burning power plants in the southwest on the Grand Canyon. BART ended up looking at visibility issues in national parks in a very stovepiped way without looking at how it ties in with the other visibility concerns or more general air pollution issues. This is the complaint people have on BART. It only applies to a small number of sources.

If we go with BART in its pre-hearing form we are going with what is essentially an inadequate approach on visibility because it is taken in isolation from everything else. If we adopt the rule as it is today, we have the potential of doing nothing on visibility. If BART=CAIR there is no assurance that the areas we care about in the Midwest will get any improvement in visibility. It is not just those four Class 1 units. What he is asking for today is to come back in the relatively near future and look at how we integrate visibility protection with other EPA mandated changes so we go forward with a more comprehensive strategy that assures that the reasonable progress approach will actually accomplish visibility protection.

Dr. Thomas requested that, based on last months experience where neither the staff nor any of the Board could agree on what we voted on, Mr. Ela state his motion very explicitly in a couple of sentences.

Ms. Wiley stated her concern that we needed a deadline.

Mr. Shea proposed the following motion for clarity:

Mr. Ela moved, seconded by Dr. Clausen, to table the request for adoption of Board Order AM-04-06, proposed rules affecting chs. NR 433 and 484 pertaining to the Best Available Retrofit Technology (BART) requirements for visibility protection and delay returning the BART rule to the Board until the following is completed: No later than December 2007, Department staff return to the Board with a comprehensive analysis of the potential emission reductions posed by EPA's Reasonable Progress requirements, new particulate matter standards, and proposed new ozone standards. The Department will include in this analysis a description of the process and timing proposed for meeting these federal requirements.

Mr. Ela accepted that as the motion.

Dr. Thomas asked if the seconder willing to accept that.

Dr. Clausen agreed.

Dr. Thomas asked whether we would be seeing this analysis for the first time in December, or whether we would be voting on a package then after having had a chance to review the analysis.

Mr. Shea recommended that the Department would shoot for October because you would want a sequence. The Board would be best informed by a briefing on what those requirements look like and then you would have time to contemplate direction that you would like to go in, and so any further rule action would be in December or at a subsequent meeting.

Ms. Wiley asked if this then would have to go out to hearing.

Mr. Shea said that if we brought BART back as we proposed it you could take actions either to accept it or send it back for revision. Subsequent Board action on other rules would occur in 2008 and 2009. He said that what he understood Mr. Ela to be saying is before we take action on any additional air rules, in this case the BART rule, we should have a more comprehensive review of what is out there and what it is going to look like for emission reductions.

Mr. Ela stated that the second part of that is a firmer understanding of how we are proceeding on the visibility component. He would think that as BART comes back, there might be procedures

that could be added. Not a final rule on what reasonable progress is or how it is defined, but a procedure and a timetable for how we get there. That could be done by rule in December.

Mr. Shea stated correct.

Dr. Thomas asked for any other discussion. She suggested that between now and October that the Department be working with Mr. Ela's committee so that they are up to speed on how this is all fitting together before you do the full Board briefing so that everybody is on the same page as we are moving forward.

The motion carried unanimously.

3.A.2 Request adoption of Board Order DG-33-06, revisions to ch. NR 809 relating to the regulation of public drinking water systems.

Lee Boushon, Section Chief, Drinking Water Systems, Drinking Water and Ground Water Bureau, stated that on January 14, 2002, U.S. EPA published National Drinking Water Regulations for Long-Term 1 Enhanced Surface Water Treatment (LT1); these changes impact all public drinking water systems using surface water or groundwater under the direct influence of surface water (GWUDI) and serve fewer than ten thousand (10,000) people. In order to maintain primacy, Wisconsin must adopt all federal requirements under the Safe Drinking Water Act (SDWA) or have requirements that are equal to or more stringent than the SDWA.

This rulemaking also included revisions to correct minor errors in and updates to the following:

1. the existing interim enhanced surface water treatment rule (IESWTR);
2. the stage 1 disinfection and disinfection byproducts rule (DDBPR);
3. the lead and copper rule (LCR);
4. the drinking water public notification rule (PNR);
5. the radionuclide rule; and
6. analytical methods.

Additionally, language was clarified with regard to total coliform rule (TCR) maximum contaminant level (MCL) determinations impacting systems collecting less than 40 samples per month.

On April 11, 2007 public hearings were held, in person, in Madison and by video feed in Eau Claire, Spooner, Milwaukee and Green Bay. No one attended any of the hearings. The department received comments from the Wisconsin Legislative Council Rules Clearinghouse and one public comment. All comments have been addressed and incorporated in to the rule order.

Mr. O'Brien MOVED, seconded by Ms. Wiley approval of the request for adoption of Board Order DG-33-06, revisions to ch. NR 809 relating to the regulation of public drinking water systems. The motion carried unanimously.

3.A.3 Request adoption of Board Order DG-18-07, revisions to NR 140 relating to groundwater quality standards.

Michael Lemcke, Section Chief, Groundwater Management, Drinking Water and Groundwater Bureau, stated that amendments are being proposed to Wisconsin Administrative Code Chapter NR 140, Groundwater Quality. Ch. NR 140, Wis. Adm. Code, establishing Wisconsin state groundwater quality standards for substances of public health or welfare concern. Amendments to NR 140 are proposed to add groundwater quality standards for a substance of public health concern, alachlor ethane sulfonic acid (alachlor-ESA).

Wisconsin's groundwater law, State Statute Chapter 160 was created in May of 1984. This statute requires that the Department develop groundwater quality standards for substances detected in, or having a reasonable probability of entering, the groundwater resources of the state. NR 140 was adopted by the Natural Resources Board in 1985 to comply with ch. 160, Stats. In accordance with the provisions of ch. 160, Stats., amendments to NR 140 groundwater quality standards are based on recommendations received from the Department of Health and Family Services (DHFS).

The only known controversy associated with these amendments to NR 140 relates to the groundwater standard recommendations developed by DHFS. Comments have been received by

the Department questioning DHFS' application of the statutory process used to develop their recommendations for alachlor-ESA groundwater quality standards.

The Board has approved amendments to NR 140 in the past to add and revise groundwater quality standards, and to clarify rule language. There are currently groundwater quality standards for 122 substances of public health concern, 8 substances of public welfare concern and 15 indicator parameters in NR 140.

Mr. Poulson MOVED, seconded by Mr. Welter approval of the request for adoption of Board Order DG-18-07, revisions to NR 140 relating to groundwater quality standards.

Mr. Ela stated that at the Department's request, he will have a follow-up motion. Basically, this has been contentious within the legislature and within a rather narrow segment of industry. He said that it was his understanding that the opposition to this would at least be greatly diminished if we passed a separate resolution stating that in the event the federal government establishes its own Alachlor-ESA standard the Department would initiate rulemaking to recognize this, and either conform or go to the other procedures within chapter 160 which allow for nonconforming with a federal standard. This basically does not do anything new. This is all in chapter 160 of the code as it exists now but it offers a clarification that the industry would find helpful.

Dr. Thomas asked if it would be more helpful to just make that part of this motion as an amendment so that in the event that standards are set at the federal level that we will move automatically to conformation without public hearing.

Mr. Ambs stated that under chapter 160, if the federal government does adopt a number, right now under state statutes we are required to move forward with rule revisions. We would do that anyway. There were some concerns that if there was a federal number identified it might take 2-4 years to get that process going. The request was that we initiate that action on that rule revision within 60 days after the federal government adopts the rule. The Department is comfortable with that.

Mr. Ela stated he has no parliamentary preference whether we put this into the motion or make it a separate motion. Does it matter?

Mr. Ambs stated the effect, whether you did it as a resolution or as a note to the rule, either way it has the same impact.

Mr. Ela clarified that he intended this not as a note to the rule but as an instruction from the Board. He does not think it matters whether it is an amendment to the adoption of the rule motion or a separate motion.

Ms. Wiley stated she disagreed. If we have an amendment it is much stronger and less contentious.

Mr. Ela MOVED, seconded by Dr. Clausen, approval of the request for adoption of Board Order DG-18-07, revisions to NR 140 relating to groundwater quality standards, with an additional instruction to the Department that in the event that a reference dose or federal number, as defined in s. 160.01(3), Stats., is adopted by the federal Environmental Protection Agency for alachlor ethane sulfonic acid (alachlor-ESA) the Department shall, within 60 days, initiate rulemaking in accordance with the applicable provisions ch. 160, Stats., to revise existing state groundwater quality standards for alachlor-ESA to incorporate the new reference dose or federal number.

Mr. O'Brien asked Mr. Ambs who this request came from. Was it legislature or staff? Where is it coming from?

Mr. Ambs stated the suggestion was from Monsanto, the manufacturer of Alachlor-ESA. Again, the only suggestion from them was relative to the 60 day time frame. They had some other suggestions that we did not agree with. Again, this is part of a state statute that we have to do anyway. Monsanto's only point was if they could have some assurance that you will move forward expeditiously with that rule revision.

Mr. O'Brien asked if Monsanto said then that they would not oppose it in the legislature when it gets over there.

Mr. Ambs stated they had indicated that they would be much less likely to have any problems with it when it goes over to legislature.

Dr. Thomas stated she has this in her drinking water in her private well. Mr. O'Brien, her neighbors, and a number of residents of their community in central Wisconsin have it in their drinking water. If the federal government comes in with a number that is higher than ours, less restrictive, do they want to more quickly be able to start putting more of it in my drinking water?

Mr. Ambs stated he could not speak for them but what Chapter 160 says is that we need to move forward with a rule revision, and we look at that federal number as we are moving forward with that rule revision. The Department of Health looks at it as well. It is then determined whether or not that new number is the number that the Department adopts or something equivalent.

Mr. Ela stated there is a provision in Chapter 160 "notwithstanding...but the Department of Health and Family Services may recommend an enforcement standard different from the federal number if there is significant technical information which is scientifically valid and which was not considered when the federal number was established, upon which the Department of Health and Family Services concludes utilizing the methodology...and with reasonable scientific certainty that such a standard is justified."

The amendment carried in a vote of 6-1, with Dr. Thomas opposed.

The amended motion carried unanimously.

3.A.4 Request authorization for public hearing on Board Order AM-23-07 on proposed revisions to chs. NR 404 and 484, Wisconsin Administrative Code, pertaining to ambient air quality standards for particulate matter

Larry Bruss, Section Chief, Regional Pollutants and Mobile Sources Section, Air Management Bureau, stated that the EPA has 1) revoked National Ambient Air Quality Standards (NAAQS) for total suspended particulate matter (TSP) and annually-averaged particulate matter less than 10 micrometers in diameter (PM₁₀), and 2) promulgated new NAAQS for particulate matter less than 2.5 micrometers in diameter (PM_{2.5}). Related to these NAAQS changes EPA revised the monitoring requirements. The proposed rule revisions would update the ambient air standards for particulate matter in ch. NR 404, Wis. Adm. Code, and the monitoring requirements in ch. NR 484, Wis. Adm. Code to reflect the NAAQS changes. This would assure that Wisconsin's Administrative Code is consistent with the NAAQS for particulate matter, as required under s. 285.21 (1)(a), Stats., and reflect the science of particle pollution effects on human health.

If any areas in the state are designated as nonattainment for the new air quality standards, the Department is required to develop an air quality state implementation plan to ensure that the ambient air quality standards are attained and maintained in those areas.

If the TSP air standard is repealed, the air permitting process may be shortened since the modeling and analysis for particulate matter impacts would focus solely on PM₁₀ emissions. The fugitive dust provisions in s. NR 415.04, Wis. Adm. Code, would not be directly affected by the repeal of the TSP air standard, since these provisions are not expressly related to having a TSP ambient air standard, but rather are focused on "fugitive dust" as defined in s. NR 415.02(2), Wis. Adm. Code.

Ms. Wiley asked if this would be related to the fold-in with BART-CAIR.

Mr. Bruss stated there is really no change to BART or other things. This is basically doing what is required in Department statutes.

Mr. O'Brien MOVED, seconded by Dr. Clausen approval of the request for authorization for public hearing on Board Order AM-23-07 on proposed revisions to chs. NR 404 and 484, Wisconsin Administrative Code, pertaining to ambient air quality standards for particulate matter. The motion carried unanimously.

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

3.B.1 Request adoption of Board Order WM-16-07, revisions to NR 10, 12, and 16, the Wildlife Management housekeeping rule package

Scott Loomans, Staff Specialist, Wildlife Management Bureau, stated that annually the Department updates administrative code language to correct inconsistencies, update outdated language and provide clarification where appropriate. This year, the department is proposing the following changes related to hunting, nuisance wild animal removal, and captive wild animals:

- Clarify that a disabled person is a person who holds a Class A, B or C disabled permit.
- Establish that the rabbit hunting season closes on the last day in February rather than February 28.
- Correct a cross reference in the firearm deer hunting season.
- Update the fisher zone map which is based on the recently updated Deer Management Zone Map.
- Relax bear carcass registration so that bear may be registered at stations that are adjacent to highways that form the boundary of the bear management zone in which it was killed.
- Correct drafting errors in the rule that establishes small game hunting in state parks.
- Clarify that landowners who are removing certain nuisance wild animals are not subject to hunting or trapping seasons.
- Update cross references and terminology so that the Department of Agriculture, Trade and Consumer Protection's (DATCP's) animal diseases and movement and DNR's captive wildlife rules are consistent.

Mr. Poulson MOVED, seconded by Mr. Ela approval of the request for adoption of Board Order WM-16-07, revisions to NR 10, 12, and 16, the Wildlife Management housekeeping rule package. The motion carried unanimously.

3.B.2 Request adoption of Board Orders WM-19-07 and WM-19-07(E), 2007 migratory game bird seasons

Kent Van Horn, Migratory Bird Staff Specialist, Wildlife Management Bureau, stated that this rule order establishes the seasons and regulations for the 2007 migratory game bird season. For ducks, the state is divided into two zones with 60-day seasons. The season begins at 9:00 a.m. September 22 in the north and closes on November 20. In the South the season begins at 9:00 a.m. on September 29 and continues through October 7, followed by a 5-day split, reopening on October 13 and continuing through December 2. The dates of the youth waterfowl hunt are Sept. 15 and 16. The daily bag limit is 6 ducks including no more than: 4 mallards (one hen), one black duck, one pintail, 2 canvasbacks, 2 wood ducks, 2 redheads and 2 scaup.

For Canada geese, the state is apportioned into the Horicon, Collins and Exterior zones plus four subzones within the Exterior Zone. Season lengths are: Collins Zone - 62 days (3 periods, first period beginning Sept. 16); Horicon Zone - 92 days (4 periods, first period beginning Sept. 16); Exterior Zone in the Northern Duck Zone - 85 days (Sept. 16 - Dec. 9); Exterior Zone in the Southern Duck Zone - 85 days (Sept. 16 - Oct. 7 followed by a 5-day split and Oct. 13 - Dec. 14); and Mississippi River subzone - 85 days (Sept. 29 - Oct. 7 and Oct. 13 - Dec. 27). The Burnett County subzone is closed to Canada goose hunting. The statewide daily bag limit for Canada geese is 2 birds per day.

In addition to these annual regulatory issues this rule; 1) Requires the use of non-toxic shot for rail, snipe, and moorhen statewide in 2007; 2) Requires the use of non-toxic shot for mourning doves on department managed lands beginning in 2008; 3) Allows the placement of decoys and shooting at birds that are within a 75 yard area around the boundary of the Horicon National Wildlife Refuge as long as the hunter is more than 75 yards from the boundary; 4) Relaxes Canada goose nuisance control requirements for airports (permanent order only).

Mr. Poulson asked why the lead shot rule is just on state lands. Why not across the state? Why not have non-toxic shot there?

Mr. Van Horn said that since we have begun Mourning Dove hunting we have begun to adapt management techniques on Department lands to attract the doves so that hunters have an increased

opportunity on state lands. This concentrates the doves, the hunters, and thus the shot. We felt like the first responsible step was for us as managers to reduce the concentration of the lead shot on state lands because we are intentionally concentrating the birds. The Department proposal is to go with only state property as the initial step.

Mr. Poulson stated he lives next to state land and has not noticed that doves concentrate any more on state land than they do on his.

Ms. Wiley asked if this would be the sort of issue that should be put out at the spring hearings whether we should have steel shot.

Dr. Clausen stated it was on last year and this one passed and the other on statewide on all land was narrowly defeated.

Ms. Wiley stated that maybe it should be asked again.

Dr. Thomas stated she got a call on the north/south zones for bird hunting last night. Does anyone from the north zone ever go south? In other words, could the northerners cross the line and crowd the other people on the other weekend? No one from the south is complaining about that?

Mr. Van Horn stated yes they could. It could go either way. No, they do not have many complaints. In fact, those who want to hunt late have that opportunity to go away. If it freezes in their county up north they have the opportunity to go south and find open water.

Dr. Thomas stated the person who called her raised the issue that it is better to open it later because the coloring on the feathers of the young ones is more developed and it is easier to tell which is which. Is there anything to this issue?

Mr. Van Horn agreed. For some species, primarily Mallards, that can be an issue.

Dr. Thomas stated this person raised it in terms of identification.

Mr. Van Horn stated generally speaking that is not too much of an issue

Dr. Thomas stated they keep hearing about climate change and it is not freezing up, up here. Do our weather records show that it is freezing up or does it show that it is not?

Mr. Van Horn stated he took input from hunters and some Department managers at Crex and elsewhere and the feedback that he has from them was that last year it started freezing up right about at the end of duck season. Last year when we opened early it ended up timing out just about right. Now if you hunt a creek or river in the north, you do not have that experience. If you hunt the marshes, you do.

Mr. Van Horn noted that next year the federal framework will jump. We are going to be five days later no matter what we do.

Mr. Welter stated you had talked previously about four waterfowl groups supporting the earlier opener and three supporting the later opener. Who are the waterfowl groups that are weighing in on this and who are the ones that are out there do not?

Mr. Van Horn stated he has a number of groups that are relatively active that come to the meetings. He knew the Wisconsin Wildlife Federation Waterfowl Committee are always actively involved. The LaCrosse County Conservation Alliance has a good contingent of later season hunters so they generally make later season recommendations. The Wisconsin Waterfowl Association does internet sampling of their members and he thought they ended up going with the 29th by a narrow margin.

Mr. Welter asked if Ducks Unlimited does not take a position on season regulation.

Mr. Van Horn stated that as an organization they have made it a policy to talk about funding duck habitat and restoring duck habitat. They stay out of discussions about regulations.

Mr. O'Brien stated that maybe in the future you should be clearer as to who the groups are and whether each group represents 1 person or 150 people.

Mr. Van Horn stated yes, that is a good suggestion. It is always hard to summarize everything but he would say about half the groups the Department gets input from are statewide groups like the Wisconsin Wildlife Federation Waterfowl Committee and the other half regional like the Green Bay Duck Hunters, and LaCrosse County Conservation Alliance.

Public Appearances:

1. **George Meyer**, Madison, representing the Wisconsin Wildlife Federation (WWF), addressed Secretary Hassett, saying that at the WWF's board meeting last weekend there was great discussion about his tenure. He was asked to share the great appreciation of the WWF Board for the work Secretary Hassett has done.

The WWF does support the recommendations of the Department for the season. They appreciate Kent Van Horn, his work, and his staff's work to put this together. They agree with recommendations for a 60 day duck season for all species, a 6 duck daily bag, and WWF has a different opinion on the opening time. We favored noon over 9 a.m. but that is more of a relatively minor issue.

He then addressed the two issues that had some controversy. WWF is a strong proponent and strong supporter of the northern duck zone season starting September 22. He then talked on the issue of non-toxic shot on doves. The research definitely does support expanding it to doves on Department properties and they do support that. They would also support it going statewide.

2. **Peter Peshek**, Madison, representing himself. He requested the duck hunt split in the southern zone should run from October 7 through October 19. This extension would have the southern zone season end on December 9, 2007 – the same day as closure of the regular goose hunting season. A long split in the southern zone with a September 29 opening serves both the early marsh hunters and the late season grain field hunters, as well as the big water duck hunters of the Mississippi River and Lake Michigan/Green Bay. It also allows coordination of goose and duck hunting in the southern zone.

3. **Professor Ben Niemann**, Hayward, representing himself. He stated his concerns of the warming of the climate and the big drought. The wetlands do not have water in them anymore. He stated that the 22nd is too early up here and he really thinks the 29th comes closer and thought it should be later than that.

4. **Dick Koerner**, Neenah, Chairman of the Wisconsin Conservation Congress Migratory Committee (WCCMC). They support the early Canada goose season and the daily bag of 5, Youth Waterfowl Hunt, 60 day duck season length and daily bag of 6. On zone dates: on the northern zone WCCMC rejected September 22 – November 20 60 days no split as proposed by the Department. On a new motion for the northern zone, a statewide opener September 29 at 9:00 a.m. – November 27 with no split, 60 day season passed.

Having the same opener north and south will help crowding in some areas, especially near the north and south zone line. In some areas, the ducks will be feathered out better later and easier to identify. The same opener will prevent zone jumping, a complaint by many for years both ways. On the other hand, the north zone will lose one week of warmer weather and a chance for Blue Wing Teal and Wood Ducks, both of which migrate south early.

In the south zone, he asked the Board to adopt the Department's position on dates where the zone was adopted, September 29 at 9:00 a.m. – October 7 and then a five day split to reopen one-half hour before sunrise on October 13 – December 2. On Canada Geese, they supported the Department's proposal in all zones: the exterior, Horicon, and Collins with the dates and bag limits. On other geese, they supported the Department's proposal.

In important changes from 2006 – 2007, they supported the five bullet points that will be noted in the 2007 waterfowl regulations. Nontoxic shot requirement for dove hunting on all state lands managed for hunting was passed. On a side note, the Natural Resources Board had an advisory question #67 on this year's spring questionnaire and that vote on nontoxic shot on state lands was supported. The committee also recommended that the Department exclude the Mississippi River Zone from the youth deer hunt October 6 and 7, 2007 due to safety concerns. There will be many duck hunters in the area who are not wearing blaze orange to make them visible to the youth deer hunters. This resolution was also asked to be presented to the Wisconsin Conservation Congress Big Game Committee for future consideration. Lastly, the WCCMC supported the Department's Waterfowl Strategic Plan, "The Past, The Present, The Future."

5. **Jerry Merryfield**, Drummond, representing himself. He feels very strongly that we need to keep the one week early opener as do most of the duck hunters he has talked to that live and hunt in his area. It gives them an opportunity to shoot teal that are early migrants. They welcome the influx of southern hunters to the north. There are no problems in his area with overcrowding. The business establishments appreciate and welcome their business. Wardens should have an easier job of enforcement with the two seasons rather than being spread very thin with just one.

Mr. Welter MOVED, seconded by Dr. Clausen approval of the request for adoption of Board Orders WM-19-07 and WM-19-07(E), 2007 migratory game bird seasons.

Mr. Welter stated he had heard about the Mississippi River concerns for some time. As a result of that he did some checking around. The youth hunt is a mentor hunt where the youth needs to be within arms' length of their mentors. They are hunting with rifles. Density is a good question. He asked folks who were concerned with the safety aspect about whether or not they expected or considered the position of the duck hunt and the youth hunt in that area to be a legitimate safety concern. Tim Lawhern, Hunter Education Administrator for the Law Enforcement Bureau suggested that it did not represent a safety hazard in his opinion.

He suggested that the Wisconsin Conservation Congress get together its various study committees that are concerned with different aspects of this issue and bring the Board a comprehensive recommendation that could be worked through over the period of the next year and see if there is something that we want to do to address this. The alternative is to consider taking action in time for this season, but we could not do that in relation to this waterfowl regulation at this meeting because the youth deer hunt is not part of that recommendation. It is not noticed. We could theoretically do it as part of an emergency rule preceding the September meeting. Then we would be considering a rule on or about September 26 that would be in effect for October 6-7. That does not represent adequately prepare to get things in place for that time period.

Dr. Thomas suggested the Board deal with the motion on the framework and then if we want to discuss this request from LaCrosse County we take that up as a separate issue. Unless we are going to change the framework and close the season for seven days instead of five over that particular weekend, then that becomes a non-issue – the safety issue.

Mr. Welter suggested that it should be done as an amendment to the motion.

Dr. Thomas asked for further discussion on the actual season framework for the waterfowl season.

Mr. O'Brien asked, if we are going to change anything would we not change the waterfowl regulations rather than the deer hunting regulations?

Dr. Thomas stated correct because that is on the table right now.

Mr. Welter stated our alternative here would be to either adjust the split or close the season that weekend which he is not sure would be an appropriate move.

The motion carried unanimously.

Ms. Wiley said that once the Conservation Congress came back with their recommendation that the Board could deal with that separately from the Waterfowl rules at the last minute. Could we do that anytime, presumably sooner rather than later so that people would know?

Mr. Ela stated he thought it would be too late to do it this season and through the deer hunting rule development process for the following season.

Ms. Wiley stated she is talking for 2008. It does not have to be tied in to what we are voting today.

3.B.3 Request adoption of Board Order LF-17-07, revisions to Ch. 1, 45, and 51, Wisconsin Administrative Code

Peter Biermeier, Trails and External Relations Section Chief, Park and Recreation Bureau stated that the Natural Resources Board approved holding public hearings on this rule package related to the use of Department properties at the February, 2007, meeting. The Department held public hearings on the package in April, 2007, in Fitchburg, Milwaukee and Wausau. Comments were also received through the Department's internet site, posted to the DHFS Administrative Rules

website, and received as a result of media coverage. The package contained a number of changes affecting fees and reservations in state parks and forests, an increase of the annual State Trail Pass fee from \$15 to \$20, rules on the management and use of State Ice Age Trail Areas (SIATAs), requirements for off-road and dual-sport Motorcycles, some property specific rules, as well as some amendments designed to improve or clarify existing rules.

Almost 100 comments were received and considered. The vast majority of comments were in support of the proposed changes. Some comments asked for modifications to the language related to off-road and dual sport motorcycles. There were only four comments on the fee proposals and those all pertained to the proposed increase in the annual state trail pass. Many comments were received which supported the language on SIATA management with some wanting the inclusion of additional protections. The Department evaluated all comments and some changes were made to the proposed motorcycle provisions in response to the input provided.

The proposed changes to NR 1.29 regarding state Ice Age trail areas have been amended in this version of the rule package. The focus has been narrowed to define the purpose of the Ice Age Trail (IAT) and no longer includes requirements on the management and use of the IAT and SIATAs.

Mr. Welter asked for Mr. Biermeier to elaborate on what we are protecting the parcels from. **Mr. Biermeier** stated these parcels are small parcels and sort of outliers. The main concern the Department has as managers of those parcels is protecting the trail tread primarily. Trail tread damage in most cases would come from inadvertent or illegal motorized use, sometimes equestrian use, occasionally mountain bike use. There also was a concern about hunting seasons and when they would apply in State Ice Age Trail areas. The prescriptive language in the rule outlines what could be and what could not be. Due to a new legal opinion, we withdrew all that and put in only a statement that elaborates what the purpose of the Ice Age Trail is, which is a premiere hiking experience. That allowed us to remove the original language and insert simple language that they are now a state park.

Mr. Welter stated he reads that legal opinion to say effectively that they are state parks because we classify them as state parks under our administrative codes. Theoretically, this Board or a successor Board could change that determination.

Mr. Biermeier asked Mr. Lutz to respond to Mr. Welter.

Mr. Lutz, DNR attorney stated he authored the opinion. He probably should have stopped with the statute that said that the Ice Age Trail is part of the state park system because that is pretty clear. Unfortunately he included a few other things, among them was an Administrative Code that was consistent with that outcome. The bottom line is, it is not the Administrative Code that makes them state parks. It is a statute, in chapter 23 where it discusses the state trail system saying that the state trail system, including the Ice Age Trail, are designated. It is really not subject to modification except by the Legislature.

Dr. Thomas stated understands that the actual tread of the trail and safety zone on either side probably needs some control with regard to hunting. When you have 150 acres out there, why should it not be open? Should we only bring the trail tread to the Ice Age Trail system and add adjacent land base to wildlife areas, state forests, etc? We cannot just automatically have hunting in these places because now they are state parks and it takes some specific action by the Board to make that happen.

Mr. Lutz stated the long term protection of the Ice Age Trail is afforded by its status as a state park. The management philosophy for the trail will be guided by the management philosophy in rules that are applicable to a state park. However, in the meantime the Department has decided to delay the implementation of this opinion. The reason for that is that the Ice Age Trail consists of, at times, handshake agreements to site the Ice Age Trail on private property. It consists of easements over private property held by entities other than the Department. It consists sometimes of easements held by the Department. It consists of a stray corridor. Other times it consists of a corridor plus adjacent lands. It consists of a trail going across wildlife areas, going through state forests, going through existing state parks. The core of the Ice Age Trail will be a state park. What does this opinion really mean? We have been operating for years without this opinion. It is a change in our status quo. We are looking at changing the way we view the Ice Age Trail but should we blindly go into this without determining its impacts? He would expect it is going to

take some time, probably about a year or so, to figure out “what is the Ice Age Trail? What kinds of properties make up the Ice Age Trail?” In some cases, we have Ice Age Trail purchased with monies that require it be open to hunting.

If you have a purchase that is with Ice Age Trail monies and with federal Land and Water Conservation Fund (LAWCON) monies that mandate hunting, you just cannot say this is now a state park and prohibit hunting. Basically, we have to sit down and look at the trail as a whole, decide how we can implement the opinion, which he certainly thinks is correct, that in the end the core of the Ice Age corridor is a state park but we have to make sure we are not conflicting with other laws that would require hunting. He has no quarrel with the decision to delay the implementation of that. That would even impact new purchases to say we are not going to jump into this. The Department would need to go through a rule process. to open Ice Age Trail related properties to hunting.

Mr. Welter asked that if in the meantime, would we assume that the status quo would remain in place.

Mr. Lutz stated yes.

Mr. O'Brien asked what the Department's timetable is.

Mr. Lutz stated in the next year or so.

Mr. Biermeier added that the Department is at the point where it will endorse the Nine Day deer hunting season for all of our properties. Vegetative management is such a huge concern.

Mr. Ela asked when the Department opens a park for hunting, does the rule specify the details or is that left to the property manager?

Mr. Biermeier stated it is not in the rule. The rule states that the Department can set the areas where people can hunt and it is done for all state parks.

Mr. Lutz stated the Department has different categories of hunting. Typically at a park for an open park, we add it to a category and that category has the rules that go with it.

Mr. Ela stated the Board could pass a rule authorizing hunting on the Ice Age Trail and then the Department could figure out what areas are best.

Mr. Lutz stated yes. It is the current protocol for state parks.

Mr. Ela asked why the Board could not just do that.

Mr. Lutz stated he would probably suggest it.

Mr. Ela asked if there are other trails where the Department has these nodules of associated land.

Mr. Biermeier stated no.

Mr. Ela asked if this was an issue only on the Ice Age Trail.

Mr. Biermeier stated it is. It is a big issue when we are buying larger ones. The average size is 103 acres. We have a lot of them that are 10 or 12 acres. When we are buying 500 acres to 600 acres, and you will probably see one in the next few months up to 900 acres, traditionally hunted, traditionally used by local hunters, it will be an issue. We need to think through this.

Mr. Ela asked if it is usual procedure to delay implementation of a statutory interpretation. It seems rather dubious.

Mr. Lutz stated it is reasonable and justified given the scenario he had stated. He cannot say what kinds of properties we all have which are suddenly going to become state parks.

Ms. Osterndorf Administrator, Lands Division asked for clarification. When the Board says it would like staff to come back, would the scenario be should you pass this rule, staff has a directive to investigate how this would impact various Ice Age Trail areas. We can come back to you with that.

Mr. Ela stated exactly.

Dr. Thomas stated she is not sure she is willing to say they are state parks right now. I know that is just a legal opinion. One way is what you just suggested. Another way is to make the trail corridor a state park and make the associated lands something else - a wildlife area or whatever. She did not suggest that is where she would go. There are lots of different ways of looking at this. She is not sure she is willing to vote to make them a state park today.

Mr. O'Brien stated statute says it. We do not have to pass a rule.

Mr. Ela asked if he is correct in saying the only thing we have up today is basically a statement of purpose of the trail.

Ms. Osterndorf stated yes.

Mr. Lutz stated there are other parts to the rule.

Mr. Welter asked if a camping unit is a campsite.

Mr. Biermeier stated a camping unit would be a tent or an RV you are staying in. A camping unit is not the campground. What this rule would provide for is no butchering of large animals unless you are within your closed camping unit.

Mr. Ela asked if this is to keep from offending your neighbors.

Mr. Biermeier stated basically. Again it was a problem at one state property. The Department has not heard of it being a problem anywhere else. The rule advanced through the system from a number of managers.

Mr. Welter asked if the concern that they are going to be littering and leaving scraps.

Mr. Biermeier stated the forest manager indicated the concern was the high visibility of butchering to neighboring campers. The property in question was Black River Falls State Forest and it was during the September to October deer hunt bow season when you still have a lot of family campers at the camp sites. There was a question about what people were seeing. There was very little question of remains left behind.

Dr. Thomas inquired if this means you could not skin out a squirrel, rabbit, or pheasant.

Mr. Biermeier stated this is only large animals such as deer, elk, and bear.

Mr. Ela assumed the other property managers have commented on this package. What is the general feeling with the property managers to the necessity or appropriateness of this?

Mr. Biermeier stated truthfully he did not think the property managers have any real strong ownership on this issue. The Black River Falls unit was pretty strong toward it. They feel it was an issue and there were numerous complaints written to the Department on it. Again, it was very localized to Black River Falls. Maybe the Board would like to choose to use this rule only at Black River Falls which you have the ability to do. The Department did not have any complaints.

Public Appearances:

1. **George Meyer**, Madison, representing Wisconsin Wildlife Federation (WWF) stated they have two specific concerns. The first was the requirement that "no person may butcher a large game animal. i.e. deer, elk or bear, in any state park or state campsite or campground unless the butchering takes place entirely within a camping unit." He asked the Board to delete this because it could be a serious issue if this goes through. It is very common for deer hunting parties to camp at a state park or forest campgrounds.

The second issue is the legal opinion declaring the Ice Age Trail part of the state park system. We agree this is a legally correct opinion but it has a serious consequence of actually eliminating hunting in certain areas. There are somewhere between 1,200 acres and 2,000 acres that were hunted last fall would not be able to be hunted this fall. WWF does appreciate the idea of delayed implementation of the legal opinion. One of the ideas they would suggest is that for Ice Age Trail properties the authority be given to the Secretary to post open Ice Age Trail properties. It would give you the same flexibility that is being exercised in parts of state parks right now.

Mr. O'Brien asked if the Ice Age Trail by statute is being designated as state park lands, how can we ignore that?

Mr. Meyer stated there are statutes passed and discretion is applied during the first year. This practice has been in place for a while. It would be very difficult to implement a new rule before the start of hunting season next month.

Dr. Clausen MOVED, seconded by Ms. Wiley approval of the request for adoption of Board Order LF-17-07, revisions to Ch. 1, 45, and 51, Wisconsin Administrative Code.

Mr. Biermeier stated the Department also believes that this could also be addressed through education at the front door of the parks with flyers and hand-outs on clean-up and hauling out.

Mr. Welter MOVED, seconded by Mr. Poulson to amend the approval of the request for adoption of Board Order LF-17-07, revisions to Ch. 1, 45, and 51, Wisconsin Administrative Code to delete section 16 NR 45.09 (8), relating to the butchering of large animals from the package.

Mr. Ela stated it would surely be possible to have one or more centralized butchering locales away from the campground, away from high public visibility, that campers could use rather than their campsite. Is this an excessive burden?

Mr. Meyer stated that the hunters have to clean up or be issued a citation.

Mr. O'Brien stated it was not the clean-up as much as a family located next to a hunting site. Our campsites were not intended for butchering animals. It should not be done in front of families.

Ms. Wiley stated it would seem to her that the Department could deal with this internally. They know which parks are of concern.

Mr. Biermeier stated we have the ability in the manual code. We have a recreation property manager's handbook where we could explain that there are designated area for butchering animals which would probably take care of this. He did not think NR 45 is needed for this.

Dr. Thomas stated with that in mind, Mr. O'Brien, the Department will deal with it administratively. Are you willing to vote for Mr. Welter's amendment or do you want this left in?

Mr. O'Brien asked if they are going to deal with it by providing a separate area for butchering the animal.

Dr. Thomas stated we have a motion to amend the original motion and we have a second to delete this section.

Mr. Ela offered a clarification. Following up on what was being said before, if the Black River State Forest Property Manager feels this is a problem can he or she not only provide a butchering place but direct that butchering would only take place at the butchering station?

Mr. Biermeier stated the Department can do that. We can state that in the rules as a Manual Code, and asked the Mike Lutz if we have the power to do this. If butchering is to take place on the property, this is where it should occur.

Mr. Lutz stated we need decisive language, we need a rule.

Mr. Biermeier asked if it could be a Manual Code. Or would it be an Administrative rule?

Mr. Lutz stated the Manual Code can only dictate. It cannot force someone to use the central location.

Mr. O'Brien asked if this solves the problem. Is that in the rule or code that you cannot butcher in the campground and let the manager provide a separate area and tell the hunters that is where they go?

Mr. Welter stated his concern is that deer season opens in a month and bear season opens in a month. We are going to have people using state forest campgrounds for entirely legal purposes and they are going to be in a situation where they will need to process these animals relatively quickly or they are going to lose them. He does not think this language serves us at all. If people need to do something to get through this season then recommend a place to butcher a deer to get that meat into the cooler before it spoils. We recommend you go over here. Be warned, if you are going to do it in your campground, you are going to be held to strict standards of clean up or we are going to cite you littering. That penalty is already in place. He does not think that we need to have this in here now. If people think they want to have a rule for which people can be cited, we better come back with something that does not say you have to do it in your tent.

The amended to the motion carried in a vote of 6-1. Mr. O'Brien opposed.

Dr. Thomas asked for further discussion.

Mr. O'Brien asked what was decided as to the state parks on the eight Ice Age Trails. That is still kind of an open question. He stated we cannot get around this because it is a statute.

Mr. Biermeier said we are going to take time to implement it. We need to back that up with a rules package and some explanation.

Dr. Thomas stated we are going to get into the fray again. We are going to have another chance at this when you bring the rules package.

Mr. Biermeier stated yes.

The motion carried unanimously.

Dr. Thomas adjourned the meeting for lunch and reconvened at 1:00 p.m.

4. Citizen Participation

4.A. Citizen Participation

Public Appearances

1. **Charlie Ray**, Washburn, representing the Living Forest Cooperative (LFC). LFC has 150 members in nine counties that represent approximately 15,000 acres. The LFC's focus is on managing our forests responsibly, with an eye towards restoring the diversity and quality of our forests through stewardship plans, timber harvest administration, and tree planting. One of the practices they seek cost sharing for is protecting seedlings from deer browse which can be extreme in the region. Under the current grant program, DNR Foresters are not able to cost share for fencing for deer protection. He urged the Board to take the simple action of including deer enclosure fencing as an approvable practice in the Wisconsin Forest Landowner Grant Program.

He then asked for the Board to ask Department staff to provide recommendations on conservation forestry options to include in the Managed Forest Law (MFL) Program. MFL is a big part of their work with forest landowners. The world of forestry is moving quickly beyond even age management to recognize the multiple values and goals achieved with all age management. MFL should recognize this as well.

2. **Scott Bagley**, Ashland, representing the National Network of Forest Practitioners. He stated that the findings from the Next Generation Landowner Study conducted by the Pinchot Institute will be available later this year or in early 2008. He urged the Board to look at these cooperatives and others that might develop as partners in developing proactive forest conservation initiatives. He asked the Board to consider setting aside a special pool of funding for supporting the implementation of innovative outreach and on-the-ground projects involving forestry cooperatives.

Mr. Ela said that he is not familiar with the concept of forestry cooperatives. Could you describe this.

Mr. Bagley stated it is a private sector approach, for-profit but for the profit of the members who own the business.

Mr. Ela asked if it is for marketing.

Mr. Bagley stated they are set up for a variety of ways to aggregate resources and then put them on the market. Most of the forestry cooperatives to-date that have been successful and still around are service based. They are going out and helping develop management plans and then helping to administer timber sales and develop projects on the land but mostly just from a forestry services point of view. That is where the challenge comes in is that most of the revenue is coming in from billable hours, which is a slim margin.

3. **Pam Troxell**, Mason, representing Northland College in Ashland welcomed the Board to the north and thanked them for being vigilant with safekeeping our state's valuable natural resources. As a private college, Northland has never hesitated to address the spiritual and humanistic dimensions of our relationships with this planet.

The DNR's support of the college wolf research team has been paramount to its success. Through the kind of support the Wisconsin DNR and other agencies and the strength of our faculty and staff, Northland College believes that our relationship with the environment gives students the skills and courage necessary to act as responsible citizens and environmental leaders in a globally interdependent world. All of us here have one thing in common and that is the land of which water is key. This common denominator binds us together and demands our attention to continually preserve the North Country environment where we so passionately learn, teach, and live.

4. **Dave Martinson**, Bayfield, representing himself stated that the relationship of the whitetail deer herd and the decline of certain forest species from browsing are of particular interest to him. He suggested every Wisconsin DNR forester, ecologist, and silviculturist be sent a letter requesting them to answer a series of questions regarding deer browse.

5. **Larry Deragon**, representing the Red Cliff Band of Lake Superior Chippewa Indians stated he is the Chief Warden for Red Cliff Band of Lake Superior Chippewa and is submitting these comments on behalf of Rose Gurnee Soulier who could not be here today. The Red Cliff Band continues to oppose the preparation of docks within and adjacent to the Red Cliff Reservation. Based upon their concerns related to the protection of the fisheries resource, impact to the treaty, fisheries and adverse impacts to the aesthetic beauty of the Band's traditional fishing grounds, particularly the impact to Buffalo Bay. These concerns are echoed by private land owners and have been voiced publicly at public hearings required by state law.

The Red Cliff Band questions the conditional aspects of awarding permits. If there are any remaining concerns over detrimental effects on fish habitats or to the surrounding area due to the change of the shoreline, why issue the permits in the first place. Adequate research should have been completed prior to the construction taking place on the shoreline rather than allowing construction to continue, monitoring efforts, and then taking action after the damage has occurred. There are many docks of this type located on and adjacent to the Reservation that could have been evaluated to assist in predicting the impact of these docks.

The tribes' interest in protecting its traditional fishing grounds from deterioration and environmental degradation from unwanted structures will not disappear. Further, the right of the tribal members to engage in treaty fishing is protected by federal law and reflected in state law. They ask that the Tribes' interest be specifically taken into account as part of the permitting process, especially with respect to lands located on or near Reservation boundaries. The Red Cliff Band of Lake Superior Chippewa urge the Board to send a message to the Department that it cannot pretend that tribal interests do not exist and urges this Board to recommend to the Governor policy and standards that will take Tribal interest into account when addressing applications for the construction of docks on or near the Reservation lands.

Mr. Ela stated that his understanding is that at the Department level the permits were denied and that it was then appealed to an Administrative Law Judge who made the ruling on behalf of the land owner. He is not sure how many options we have in terms of that case. He asked Mr. Ambs if he would like to comment in general on where these kinds of matters stand and where we are trying to go.

Mr. Ambs Administrator, Division of Water stated Mr. Ela identified some key points. The Department did deny the permit. The landowners appealed. The Administrative Law Judge (ALJ) ruled, with a very carefully worded opinion, saying that he did not think he had enough grounds at present to reject the dock application. Grounds for rejection typically include adverse impacts on fish habitat, interference with navigation and adverse impacts on natural scenic beauty. Because Lake Superior, particularly in this area, has no shallow fish habitat issues, adverse impacts on fish habitat is really negligible. No navigation corridors were impacted so that left the natural scenic beauty concern. The ALJ's opinion basically found that the docks by themselves did not yet severely compromise natural scenic beauty but in the future the cumulative effect could change this view if more docks were placed in the same proximity.

The Department certainly shares the concern about the proliferation of piers as it relates to the eleven sovereign nation Tribes in the state. We have worked very closely with them on a wide range of issues, including this one. He knows that the northern region staff spent a lot of time working on this issue and it is one that the Department is very concerned about. There are processes under the law that we have to follow. As he understands it, these piers are considerably smaller than a number of other piers that are already out there.

Mr. Ela noted that the Department is trying to pursue an overall rule on piers.

Mr. Ambs stated yes.

Mr. Deragon stated that right where the dock is being constructed is at traditional fishing grounds for their members. They do not fish it for commercial use.

3.B.4 Request approval of the Ice Age Trail Corridor Master Plan for Waushara County

Peter Biermeier, Trails and External Relations Section Chief, Parks and Recreation Bureau, introduced the agenda item and Tom Gilbert, Superintendent of the Ice Age National Scenic Trail. He is also the Superintendent of the North Country National Scenic Trail. He then introduced Pam Schuler, manager of the National Ice Age Scenic Trail and spoke on the results of the planning work that has taken place in Waushara County for the Ice Age Trail.

Mr. Gilbert and Ms. Schuler stated that the National Park Service, Ice Age Park and Trail Foundation, East Central Planning Commission and the Department have conducted planning process in Waushara County, Wisconsin, to identify a corridor and possible route options for the Ice Age National Scenic Trail (NST). Depending on the route selected, it is expected that the Waushara County portion of the completed trail will total between 35 and 45 miles in length. Today, approximately 18 miles of the Ice Age Trail have been built within the county. This proposed trail corridor generally follows the Almond Moraine deposited approximately 16,000 years ago through the townships of Coloma, Richford, Hancock, and Deerfield, Wautoma and Oasis. The corridor has the potential to link four state fishery areas, a state wildlife area, a county park, two city parks, and the Waushara County School Forest.

An extensive public participation effort was undertaken during this planning process involving both public open houses and meetings with individual landowners. Overall, positive support was shown for establishment of the trail corridor including letters of support from Waushara County and State Representative Joan Ballweg.

Estimated costs to complete the Ice Age NST in Waushara County range from \$2.1 -3.5 million which is dependent on the willing cooperation of land owners within the corridor.

The goal of the National Park Service, Ice Age Park and Trail Foundation, and the Department is to acquire, develop, operate, maintain and protect, through public and private partnerships, the Ice Age National Scenic Trail.

Mr. Ela stated that some months ago when the Board did the Sheboygan-Manitowoc-Kewaunee portions, the general public receptivity was good but the landowner receptivity was less than enthusiastic. Is that the same in Waushara or are you getting a better landowner tie-in?

Ms. Schuler stated we actually did a more intensive contact with individual landowners within this corridor. Between identifying the corridor and actually coming up with possible route options, we identified those landowners that we thought were critical to us, either because they had very significant features or because they are at a junction of where the route options converged. We are also very lucky in that we have an Ice Age Trail Foundation chapter that has a lot of people that own land within the corridor and they know other landowners within the corridor. We sent these people out on kind of a mission to talk to as many people as they possibly could. By the second series of open house meetings there was really very little negative input that was received. At the very first open meetings we did have some comments about ATV's but that was about it.

Mr. O'Brien asked logistically how much flexibility you have to place a trail as you go along. You must have a plan.

Ms. Schuler stated they typically look for specific geologic features that we want to follow and then we get out aerial photographs and our topographical maps and try to stay away from people's homes. We look mostly at property boundaries. When we are actually looking to buy something, then that point almost becomes a bit moot if they want to sell their land. They are not so particular about where you put your trail. If we have a handshake agreement, it is really part of locating the Ice Age Trail.

Ms. Wiley asked that by approving this plan, is this kind of the blueprint then that the Department uses when they are purchasing land in Waushara County.

Ms. Schuler stated that it is the start of it. We will also be doing what we call a trailway protection strategy which we will look at the very fine points of each individual property that we do want to purchase and we would do a plan for that so that the land acquisition agent can go out and just buy the piece of land without having to consult us because there are 30 counties the trail goes through.

Mr. Gilbert stated that is why the corridor is wide. You have to work on a "willing seller" basis. We cannot say the trail is going to go there.

Mr. Ela asked how much Land and Water Conservation Fund (LAWCON) money has been spent since 2000.

Ms. Schuler stated just under \$11 million.

Ms. Wiley asked if the LAWCON funds are earmarked.

Mr. Gilbert stated it does not affect the normal Land-Water Conservation Fund that the state gets because this money is earmarked out of the federal side as if we were a typical national park like Apostle Islands. Since we do not have authority to acquire land, we have to use that in a grant fashion and grant it to someone who can spend it. It is really an ideal partnership and the grant arrangement and flexibility that we have is kind of unprecedented in the Land-Water Conservation Fund Program in the sense that we have the authority under the grant to vary the federal match up to and including 100% of the price of the land. Of course, we would normally want to do 50%-50% because the money will go further. There was one case requested by the DNR for a 70% federal funding for one of the properties.

Mr. Ela MOVED, seconded by Mr. Welter approval of the request for approval of the Ice Age Trail Corridor Master Plan for Waushara County.

The motion carried unanimously.

3.B.5 Request approval of modification to 2006 Wolf Plan Addendum to include reference to recent report.

Dr. Thomas stated there has been a lot of confusion over this issue over the last month. Board members do not even agree on what we did last time and staff got caught up in the confusion.

Laurie Osterndorf, Administrator, Lands Division stated that in June 2006 the Natural Resource Board approved an Addendum to the 1999 Wisconsin Wolf Management Plan. The Board also instructed the Wisconsin Wolf Science Committee to conduct a review of secondary effects of wolves on livestock. On June 27, 2007, DNR wolf biologist Adrian Wydeven presented the Board with the report, "Effects of Wolves and Other Predators on Farms in Wisconsin: Beyond Verified Losses." The Board requested that this report be added as a literature citation to the 2006 Wolf Plan Addendum. The Department presented an updated version of the 2006 Wolf Plan Addendum to the Board with the inclusion of this additional literature.

Mr. O'Brien stated he was under the impression that Dr. Thomas asked that it be much broader. He thought we were going to have the entire Lehmkuhler paper as an appendix to the Wolf Management Plan.

Mr. Ela asked for a clarification on what it was Dr. Thomas suggested at the last meeting.

Dr. Thomas stated what she thought she had suggested was that those issues are that are listed in the Agriculture Damage Report be individually enumerated in the Plan. For example, if Jones and Smith in a 1997 peer reviewed paper documented that low birth weight of calves has occurred anywhere in the world as a result of harassment by wolves, Jones and Smith would be cited in the Management Plan and not Lehmkuhler. Anything that was documentable from the report would be listed in our literature review. Her view of that was then we were including peer reviewed literature in our literature review and we were not including things that could not be substantiated.

Mr. Ela said that he must not have been paying very close attention in June because he thought the consensus was what the Department did. He certainly thinks what Dr. Thomas is suggesting is an alternative option that we can discuss.

Dr. Clausen stated he had the same understanding as Dr. Thomas.

Mr. O'Brien suggested the entire report be put in as an appendix. If what Dr. Thomas is suggesting is acceptable to the Board, he would certainly go along with that.

Dr. Thomas asked Mr. Wydeven how practical her suggestion was.

Mr. Wydeven stated that there would be very little in this review that would be specific to the non-lethal effects of wolves to livestock because there is not a lot of direct information on this. We looked at data on other predators and non-lethal effects that they might have on livestock but very little in here would be specific to non-lethal wolf impact on livestock. His recommendation is to continue to cite it and use it as a literature source. What we had hoped with

this was that this would stimulate and encourage additional research. He thought the committee looked at this as a support or document to review and use for future considerations. We did not look at it as something that we are specifically adding to the plan.

Dr. Thomas stated that what you are telling her is that mostly the literature does not exist.

Mr. Wydeven stated the very specific data you are talking about may not exist.

Mr. Ela said that he gathered that what this document then represents is a research needs inventory.

Mr. Wydeven stated in a sense.

Mr. O'Brien asked what would be the damage or bad effects of attaching it as an appendix as opposed to referencing it as a literature source. Why would that damage the document?

Mr. Wydeven stated his concern is that it does not fit in with the other appendices, which are information that is directly used in the plan or elaborations of data that are referred to in the plan. This goes outside that. That could open us up to claims that "well, we should have added this document and that document." It is not that specific to the plan, plus it is somewhat speculative, hypothesized, and has a lot of anecdotal information. We could be criticized as to the scientific soundness of our plan by adding this document.

Mr. Ela said that it is one of the very few pieces of literature cited that actually has a link so it would be very easy to access.

Mr. Wydeven stated yes, it is very easy to access.

Dr. Clausen stated that he does not think anyone here denies that there are indeed some non-lethal effects from wolves. There are things in here that we do not have good supporting evidence for one way or another. Those are additional research needs and things that need to be looked at. He would like to try to quantify and document some of these things in the future so that we do have something that we can hang our hat on. He did not want to get into a place where we are challenged on our Wolf Management Plan by some group pointing out a specific thing that is inaccurate. They could then say: "We have all of this data that says your conclusion is false. How many other things in the Plan are false?"

Mr. O'Brien MOVED, seconded by Mr. Poulson, to approve the request of approval of modification to 2006 Wolf Plan Addendum to include the Lehmkuhler Report as an appendix, but with an asterisk that states this document is not peer reviewed and are areas where further research is needed.

Dr. Thomas asked if the Wolf Science Committee had reviewed this document.

Mr. Wydeven stated yes.

Dr. Thomas asked what they had to say about it.

Mr. Wydeven stated that he did not get hold of two members but the rest of the members all agreed that they felt it should be a cited literature and not a part of the Plan.

Dr. Thomas stated she meant to ask whether or not the Wolf Science Committee reviewed this document and agreed with it.

Mr. Wydeven stated yes but as a review paper. He does not think that the Science Committee reviewed it from the standpoint that it would be added to our plan.

Mr. Ela stated that the appendices as he understands it are documentations of what is in the Plan. If we include this as an appendix, one of the audiences that we are reaching is the Fish & Wildlife Service. How are they likely to view this?

Mr. Wydeven stated he did not know at this point. We asked them about inserting it as a citation and they are comfortable with that. We have not asked them as far as adding it as part of the plan.

Dr. Thomas asked if Appendix H2 - *Public Opinion of Wolf Management in Wisconsin*, Treves, Naughton, Schanning, and Wydeven, has been peer reviewed and published anywhere.

Mr. Wydeven stated that none of the appendices are peer reviewed reports but they are summaries of peer reviewed literature. Treves and Schanning both conducted actual studies and their studies are cited in that document which summarizes several of the research projects, sociological studies that they conducted in Wisconsin on attitudes towards wolves.

Dr. Thomas asked if Appendix K – *Wisconsin Wolf Management Questionnaire 2004* was a peer reviewed piece of work.

Mr. Wydeven stated that is a review we did as part of the Wolf Plan update. That is all the comments we got from 1,300 people who were responding on our Wolf Plan. The appendices are not peer reviewed, per se, no.

Dr. Thomas called the Board to vote on the pending motion from Mr. O'Brien of appending the Lehmkuhler Report. The motion is to append the Lehmkuhler Report.

Mr. O'Brien stated with the qualifications that Dr. Clausen listed.

Dr. Thomas stated they do not have those qualifications on any of the other not peer reviewed appendices.

The motion failed on a voice vote.

Ms. Wiley MOVED, seconded by Mr. Ela to approve the proposed modification of the 2006 Wolf Management Plan Addendum, with the additional insertion of links to the Lehmkuhler Report at each place in the text where it is cited.

Mr. Poulson that he is willing to vote yes on this and take what he can get. This brings a part of the subject matter into the thesis. Wolves around cattle are not the greatest thing on Earth. He just wants to be sure that we keep an open mind as we go ahead and that if matters come that we can add to this, we ought to leave it so we can make those additions.

Mr. O'Brien states he would join Mr. Poulson with those remarks. The Lehmkuhler Report contains information that is important as we try to manage these wolves. Last time he asked Mr. Wydeven they started with 250 wolves and then we were at 350 wolves and now we are up to 550 wolves and the only way we are reducing the number of wolves we have is by killing trouble-makers. Next year it could be 650 wolves. Sooner or later we are going to bite the bullet and we should have all the information necessary that is available. It is more than just a number of beef that are killed by wolves. If you talk to these people who are raising beef, it is a terrible disturbance and he is sure Dr. Clausen can verify that as a veterinarian in what it is doing: the abortions and other impacts. This is a real thing and he has trouble figuring out why we cannot let the world know about that. Why are we trying to hide it from everybody? Evidently we are. He would vote yes just as a needed directive. He feels bad that we do not let the world know what is going on.

Dr. Thomas stated that before we go on, we had a request from the media for a roll call on the previous vote that failed. This was Mr. O'Brien's motion to append the Lehmkuhler Report to the Wolf Management Plan.

Dr. Clausen – no

Mr. Poulson - yes

Mr. Ela – no

Mr. O'Brien - yes

Mr. Welter – no

Dr. Thomas - yes

Ms. Wiley - no

Dr. Thomas stated we are now back to the motion of accepting the amendments to the Wolf Management Plan by Ms. Wiley with Mr. Ela's suggestion that every place that it is cited in the literature of the Plan that there be a link to it on the web.

The motion carried unanimously.

3.B.6 Land Acquisition – Statewide Natural Area – Spur Lake, Oneida County; Jay Creek State Natural Area, Jackson County; Crex Meadows Wildlife Area, Burnett County; White River Fishery Area, Bayfield County; Northern Highland - American Legion State Forest, Oneida County.

Dr. Clausen MOVED, seconded by Mr. Welter approval of the Land Acquisition – Statewide Natural Area – Spur Lake, Oneida County; Jay Creek State Natural Area, Jackson County;

Crex Meadows Wildlife Area, Burnett County; White River Fishery Area, Bayfield County; Northern Highland - American Legion State Forest, Oneida County.

Mr. Ela asked if the Crex property is in the area of where we did the border extension.

Ms. Steffes stated yes.

The motion carried unanimously.

3.B.7 Land Acquisition – Spread Eagle Barrons Natural Area and Statewide Remnant Area – Florence County

Mr. Ela asked if the purchase price for the majority of it is the remaining value after the dedication donation.

Mr. Steffes stated that is correct. The 80 acres on Woods Creek was not affected by that dedication but the other four parcels that are near the Menomonee and Pine River were dedicated in the early 1990's as part of a larger dedication along the core area along the Pine River. That did reduce the value.

Mr. Ela MOVED, seconded by Mr. Poulson approval of the Land Acquisition – Spread Eagle Barrons Natural Area and Statewide Remnant Area – Florence County. The motion carried unanimously.

3.B.8 Land Acquisition, Acreage Goal and Project Boundary Modification – Governor Dodge State Park – Iowa County

Mr. Welter MOVED, seconded by Mr. Ela approval of the Land Acquisition, Acreage Goal and Project Boundary Modification – Governor Dodge State Park – Iowa County.

Mr. Poulson asked for clarification on the map. Above the 80 acres there is a portion that states DNR. What is this property?

Mr. Steffes stated that map was from 2004 and the colored map is up-to-date. That is DNR property to the north.

Mr. Ela asked what Cox Hollow SBP is.

Mr. Steffes stated Stream Bank Protection. That was an effort under Stewardship to add some projects with the authority of the first Stewardship Program for Stream Bank Protection. We either did Trout stream type things or we did some of these around our state projects that were for water quality.

Mr. Ela asked if Cox Hollow is not part of the park.

Mr. Steffes stated it is not part of the park. It is under the authority of Stream Bank Protection. His suggestion for our new Parks Director is that next time they Master Plan this or do an update is to just include that because that is going to be who will be managing that land.

The motion carried unanimously.

3.B.9 Land Acquisition – Glacial Habitat Restoration Area – Fond du Lac County

Ms. Wiley MOVED, seconded by Mr. Welter approval of the Land Acquisition – Glacial Habitat Restoration Area – Fond du Lac County.

Mr. Poulson asked how long the Bank of Oakfield has owned this property.

Mr. Steffes stated they had this for about one year. The Department worked with a Realtor who had this listed from the previous owner. We had appraisal work done. An offer was made on this property and another owned by the owners at that time. The report that he got was that the broker could not get in touch with the owner or could not get a response. The Broker understood that it was being foreclosed on by the bank. The Broker went to the bank and said the DNR is willing to

pay \$215,000 for this and the bank said fine. That is how that happened. It is not the normal way we buy land but it was sort of out of the Departments' control.

Mr. Poulson asked if \$215,000 what was owed to the bank.

Mr. Steffes stated he asked that question and was not able to get an answer.

Mr. Poulson stated that that we should not be in the business of profiting a bank. How do we know what the profit is? He stated he would vote no on this. The bank took it over and then the Broker went to DNR and to the bank and said they would buy it.

Mr. Steffes stated we do not want to enrich short term owners and he asked the question and was told while this individual had farmland and he severed off the buildings. He had a Certified Survey Map (CSM) done and he sold them. He got the bank to release that and then he did not pay the bank funds on this one. He certainly does not have a problem if the Board wanted to defer this and go back to the bank for more history and then come back to the next Board meeting. It is a good piece of property. He certainly wants to honor the interest of the Board members in knowing more about it.

Mr. Poulson stated that on that basis, he would make a substitute motion that we put this on the shelf until we know exactly what situation is here involving the bank.

Mr. Poulson MOVED, seconded by Dr. Clausen deferral of the Land Acquisition – Glacial Habitat Restoration Area – Fond du Lac County.

Dr. Thomas asked for further discussion. Frankly, she would like to know if maybe the guy cut a deal with the bank and got out of his problem and we came along later. She would like to know that. She should like to know that the bank did not knock him out of the sale knowing we were out there.

Mr. Steffes stated we will find out more about it and try to give you a better background.

Mr. Poulson stated that similarly along the line, he thought there was a position of property ownership over a period of time that one had to own it.

Mr. Steffes stated this is an old interest of the Board that goes back many years. If you look at the Administrative Code under NR 1.41, it gives a list of criteria of what is routine and delegated to the Secretary for approval and what is a Board item. A purchase for \$150,000 and more is one of those items. One of those items is short tenure and substantial increase in value. It is not defined any better than that. We as a Department have always said three years or less we want to know what happened. If it is three years or less and the Department comes forth with a transaction that is a substantial increase in value, it is a Board item for that reason. This one, because the code is getting sort of old, we are seeing these come to the Board anyway because of the triggering of the \$150,000. It is not as meaningful as it once was. It was an effort by the Board and whoever wrote this code many years ago to get at the business of speculation and that we do not want to enrich speculators. We are sensitive to it. This one was foreclosed due to something the Department had nothing to do with.

Dr. Thomas stated we have a seconded motion to defer for more information.

Ms. Wiley withdrew her original motion.

The motion to defer carried unanimously.

3.B.10 Land Acquisition – Ice Age Trail – Polk County

Dr. Clausen MOVED, seconded by Mr. Ela approval of the Land Acquisition – Ice Age Trail – Polk County.

Dr. Thomas stated that she believes they are buying this parcel of property with the view that it will be open to a variety of hunting opportunities as it says in the green sheet package.

Mr. Steffes stated the Board has had this discussion earlier. He thought the Department needs to examine the use or categories and Ice Age Trail perhaps should be defined more narrowly, in other words a corridor in some of these parcels.

The motion carried unanimously.

3.B.11 Land Acquisition, Governor Knowles State Forest - Polk County

Mr. Ela MOVED, seconded by Mr. Poulson approval of the Land Acquisition, Governor Knowles State Forest - Polk County. The motion carried unanimously.

3.B.12 Land Exchange – Peninsula State Park – Door County

Mr. Ela stated this is the sort of transaction that sometimes raises eyebrows. He was up at this park earlier in the summer. He met with the park property manager and had a tour of the area. He thought the constraints that are being written into the agreement are such that our interests are protected. There is one that is not mentioned here and he is not sure how it is phrased, but only people who are present or past residents of the Town of Gibraltar will have the right to be interred there so it does not become a destination cemetery. Given that restriction the seven additional acres will be adequate for a very long time.

Mr. Ela MOVED, seconded by Mr. Welter approval of the Land Exchange – Peninsula State Park – Door County. The motion carried unanimously.

5. Board Members' Matters

5.A. Committee Assignments

Mr. Ela stated he and his wife toured the Northern Highlands – American Legion (NHAL) proposed ATV trail. He does not want to talk about the substance of it since that will be before the Board in the future. While in the area he received the impression that there was a misperception in at least portions of the community that the Board had directed the forest to establish an ATV trail route using a stakeholders' process. That is not what we did according to his memory, which he verified by reviewing the October 2005 minutes. He suggested a clarifying letter for either the Secretary's or the Chair's signature that could be sent to the supervisor and the members of the Stakeholders' group.

Mr. O'Brien asked where the letter would be sent.

Mr. Ela suggested to the stakeholders' group and to the forest.

Mr. O'Brien stated that is a good idea. He had looked back at the minutes also. The Board approved the plan with the exception of the ATV trail.

Mr. Welter stated he would work with Mr. Ela on this.

Ms. Wiley recalled that at the prior Board meeting in June the Fish and Wildlife Plans and Outreach was discussed. She thought it was a nice segue to pass out something from the Friends of Rib Mountain State Park. This is the 2nd edition of the Rib Mountain Teachers Study Guide which had to be revised for a number of reasons. Firstly because as you recall you have done the master plan and the reason we have it in a loose leaf binder is so teachers can add things to it as they see fit and secondly as the master plan progresses we can change our maps and so forth inside of it. We also had to change a really cute picture on the front of a little girl feeding deer. That might have been politically correct a few years ago but not anymore. What she asked the Board to do with these is to take a look at them and if you are interested in keeping it, fine. If you do not want to, please pass it on to a school, a scout group, or other organization. These are sold at cost for \$10. We also sell them in our local bookstore so people can pick them up. The activities are really geared to 1st – 4th graders. We developed this when we lost our park manager who had been in fact leading the kids groups at the park. We then got this developed. We will use it more when we get more involved with it again when we get the nature center done. Use it, pass it on, but please do not let it sit in your closet.

6. Special Committees' Reports

None

7. Department Secretary's Matters

Secretary Hassett stated that today is his last Board meeting. He has an appropriate analogy since we did our yearly discussion of ducks again this year. He got a kick out of the person who said he is now a lame duck instead of a sitting duck. He thanked the Governor for appointing him to this position. It has been an incredible five years. It was like squeezing 25 years into 5 years. There were many wonderful experiences and travels. There are not many jobs in the world that you can come into contact with so many interesting people and so many challenging varieties of issues. He has traveled all over this state. He had thought he knew the state pretty well but he had not. There is a lot to see out there. He had the opportunity with some federally sponsored trips to pretty much travel around world from Moscow to Beijing and Mongolia and Siberia in between. He led a delegation to Bavaria and London. Many years ago his father was a newspaper man and he wrote a syndicated column around the state that was called "See Wisconsin First." He has to say he could not agree with him more. If you look out that window all of us would agree as well.

There have been some very memorable moments in his five years. They were moments where he was so proud of the professional staff and some of the jobs they did and some of the challenges they met. The most recent one was when VHS hit us out of nowhere in our inland waters and the incredible work that was done among three or four different programs: fisheries, law enforcement, communications, working with other agencies, getting emergency rules put through, getting the message out to the public and everyone stepped in. It was an amazing thing to watch for those two weeks. It was an incredible job.

He will never forget the call he got on a Sunday afternoon, the second day of the deer season, saying that someone in the northwoods was shooting and killing deer hunters and that the Department was looking for him. Our agency led that hunt and made the apprehension. It was just another shining example of our people out there at work. Same thing with the Cottonville fire, the biggest fire in 25 years. It was a classic textbook example of how to do things right. It was a tragedy in the sense that it was a huge fire and there was loss of buildings, but there was no loss of life. We coordinated efforts among multiple jurisdictions, multi-agencies, emergency rescue, and sheriff's departments. It was a textbook example from a professional and technical standpoint of what people can do in crisis and the wonderful things that this agency can do.

That was a burning issue and there is another slow burning issue. That is Chronic Wasting Disease (CWD). He has watched people here for five years. People that go to school and learn biology and wildlife management and that is what they want to do is to work on habitat but their resources are strained. They are off on this tangent. They are fighting this fight. It is a thankless fight. They do not get the reward. Instead they get criticism and they get their budgets cut. He wanted to salute those people because of their dedication to the resource and the fight that they have fought and the fight that will go on.

Speaking of deer, he loves to hunt them but he is not so sure he will miss managing them. What you learn very quickly about deer is that really you are managing people, you are not managing deer. Their religion just happens to be deer hunting.

He wishes everyone well in the future. There really have been some enjoyable issues. He can now publicly admit that he hugely enjoyed the feral cat issue. Other than the failure to eliminate baiting and feeding on his watch, a fight which goes on, he has no regrets. He is trying to be modest, but the proudest achievement that he had is the management team staff that he put together. It is the best group of people this agency has ever had, with incredible talent and chemistry.

He thanked everyone present. It has been an honor to work with so many dedicated people who love their work and their dedication to protecting our natural resources. He has been much blessed to have this incredible opportunity and thanked all for your dedication, support and your friendship.

Secretary Hassett received a standing ovation from all in the room.

- 7.A. Retirement Resolutions
- 7.A.1 Kathryn A. Kahler
- 7.A.2 Robert Queen
- 7.A.3 Donald Streiff

- 7.A.4 Paul J. Lochner
- 7.A.5 James W. Whipple
- 7.A.6 Darlene K. Reeson
- 7.A.7 Thaddeus J. Pyrek
- 7.A.8 Michael J. Bartz

Mr. Welter MOVED, seconded by Mr. Ela approval of the retirement resolutions. The motion carried unanimously.

- 7.B. Memorial Resolution
- 7.B.1 David A. Weitz

Mr. O'Brien MOVED, seconded by Mr. Poulson approval of the memorial resolution. The motion carried unanimously.

- 7.C. Donations
- 7.C.1 Andrew F. Bell and Edith M. Bell Charitable Trust will donate \$47,286.50 to the Endangered Resources Fund and to the Wildlife Management Wetland Program.

Mr. Welter MOVED, seconded by Mr. Ela approval of the Andrew F. Bell and Edith M. Bell Charitable Trust donation of \$47,286.50 to the Endangered Resources Fund and to the Wildlife Management Wetland Program. The motion carried unanimously.

- 7.C.2 The National Wild Turkey Federation, Blackhawk Toms Chapter, will donate \$7,500 for habitat equipment purchase.

Dr. Clausen MOVED, seconded by Mr. Poulson approval of The National Wild Turkey Federation, Blackhawk Toms Chapter, donation of \$7,500 for habitat equipment purchase. The motion carried unanimously.

- 7.C.3 The National Wild Turkey Federation will donate \$5,200 for habitat maintenance.

Mr. Ela MOVED, seconded by Mr. Welter approval of The National Wild Turkey Federation donation of \$5,200 for habitat maintenance. The motion carried unanimously.

- 7.C.4 Mary Livingston Griggs and Mary Griggs Burke Foundation will donate \$5,000 to the Bureau of Endangered Resources to monitor Wisconsin's Trumpeter Swan breeding flock.

Mr. O'Brien MOVED, seconded by Mr. Ela approval of the Mary Livingston Griggs and Mary Griggs Burke Foundation donation of \$5,000 to the Bureau of Endangered Resources to monitor Wisconsin's Trumpeter Swan breeding flock. The motion carried unanimously.

- 7.C.5 Windway Capital Corporation will donate \$5,000 to the Bureau of Endangered Resources to monitor Wisconsin's Trumpeter Swan restoration flock and the nesting success of the state's growing breeding population.

Dr. Clausen MOVED, seconded by Mr. Welter approval of the Windway Capital Corporation donation of \$5,000 to the Bureau of Endangered Resources to monitor Wisconsin's Trumpeter Swan restoration flock and the nesting success of the state's growing breeding population. The motion carried unanimously.

- 8. Information Items
- 8.A. Air, Waste, and Water/Enforcement

8.A.1 Summary of public comments received on AM-32-05 – control of mercury emissions from coal-fired power plants

Jon Heinrich, Natural Resources Program Manager, Air Management Bureau stated that the purpose of this informational item is to provide the Board with a summary of the public comments received on proposed revisions to the state's air mercury rule for coal-fired power plants. Public hearings on these proposed revisions were held in May 2007 at five locations throughout the state and written comments were accepted until June 11, 2007. In addition to obtaining public comment on rule revisions, public comments were also requested on three alternative approaches to controlling mercury emissions from coal-fired power plants in the state. There is significant public interest in this action and the Board has requested a summary of public comments received from staff to be presented at their August 2007 meeting. Mr. Heinrich summarized the public comments.

Mr. Ela thanked Mr. Heinrich for a job well done.

Dr. Thomas echoed Mr. Ela's comment and added it was very straight forward.

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

8.B.1 Wisconsin Bird Conservation Initiative

Andy Paulios, Wildlife Biologist, Wildlife Management Bureau, stated that in 2000, the Wisconsin Bird Conservation Initiative (WBCI) was created. It is a voluntary coalition of 160 different governmental and non-governmental partners from across the state and region. WBCI partners have committed to delivering the full spectrum of bird conservation, for both game and nongame birds, by working together on voluntary, cooperative initiatives. To date, WBCI is widely regarded as a model for other state-based All-bird Conservation partnerships. The WBCI is actively engaged in a wide range of bird conservation efforts including:

- Constructing an All-bird Conservation Plan for Wisconsin
- Writing a coordinated research and monitoring plan for Wisconsin
- Engaging Wisconsin and regional partners in important non-breeding grounds conservation projects for "our" neotropical migrants
- Creating numerous white papers on important bird conservation issues
- Officially recognizing Important Bird Areas across the state.

Dr. Thomas thanked Mr. Paulios.

8.B.2 Northern Initiatives Project Update

Tom Jerow, Regional Water leader, Northern Region spoke in place of John Gozdziwski. He stated that in September, 1995, the Natural Resources Board approved the report, "Northern Initiatives A Strategic Guide for DNR Management in Northern Wisconsin in the next decade, 1996-2006." At that time, staff committed to return before the Natural Resources Board on an annual basis to report on the progress of implementing portions of the strategic guide. This informational item fulfills that request.

Dr. Thomas said that she had been co-chair of the northern Future of Farming and Rural Life Initiative conference at Ashland last year, and the character of it was very different than you might expect from the other seminars around the state. Almost everyone who showed up was focused on "rural life" as opposed to emphasizing the farming. "Keeping the north the north" was the theme that came through from almost every person that participated in that Ashland meeting last summer.

Mr. Jerow stated that certainly the farmer we talked to on the tour yesterday had that viewpoint – keeping the landscape and the character the way it is. He appreciates the support.

Mr. Ela noted that when you developed the Northern Initiative, you had extensive interactions with public bodies. What kind of systematic ongoing contact you have with the same sorts?

Mr. Jerow stated they have talked about going back to maybe redoing some of those surveys but really it is the staff out there working with the people

Dr. Thomas thanked Mr. Jerow.

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Mr. O'Brien MOVED, seconded by Mr. Welter to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 4:25 p.m.