

**NATURAL RESOURCES BOARD**

**BRIEF OF ACTION**

The regular meeting of the Natural Resources Board was held on Tuesday, January 22, 2008 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 2:00 p.m. for action on item 3.A. The meeting adjourned at 4:40 p.m.

**ORDER OF BUSINESS**

1. Organizational Matters

1.A. Calling the roll

David Clausen – present	Preston Cole – present
Jonathan Ela – present	Gerald O’Brien – present
John Welter – present	Christine Thomas – present
Jane Wiley - present	

1.B. Approval of agenda for January 22-23, 2008

**Dr. Clausen MOVED, seconded by Mr. Welter approval of the agenda for January 22-23, 2008. The motion carried unanimously.**

3. Action Items

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

3.A.1 Request Adoption of Board Order WT-33-07. Rule revisions to create new standards for the de-contamination of all equipment prior to use and after use for controlling the spread of invasive species and viruses for any project that is exempt or receiving a general permit under NR 320, NR 323, NR 328, NR 329, NR 341, NR 343, and NR 345

**Dr. Clausen MOVED, seconded by Ms. Wiley approval of the Request for Adoption of Board Order WT-33-07. Rule revisions to create new standards for the de-contamination of all equipment prior to use and after use for controlling the spread of invasive species and viruses for any project that is exempt or receiving a general permit under NR 320, NR 323, NR 328, NR 329, NR 341, NR 343, and NR 345.**

**Mr. O’Brien MOVED, seconded by Mr. Cole to table approval of the Request for Adoption of Board Order WT-33-07. Rule revisions to create new standards for the de-contamination of all equipment prior to use and after use for controlling the spread of invasive species and viruses for any project that is exempt or receiving a general permit under NR 320, NR 323, NR 328, NR 329, NR 341, NR 343, and NR 345.**

**The motion to table failed in a roll call vote of 2-5.**

David Clausen – no	Preston Cole – yes
Jonathan Ela – no	Gerald O’Brien –yes
John Welter – no	Christine Thomas – no
Jane Wiley – no	

**The original motion carried in a vote of 6-1.**

David Clausen – yes	Preston Cole – yes
Jonathan Ela – yes	Gerald O’Brien –no
John Welter – yes	Christine Thomas – yes
Jane Wiley – yes	

- 3.A.2 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.

**Dr. Clausen MOVED, seconded by Ms. Wiley approval of 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. The motion carried unanimously.**

- 3.A.3 Request adoption of Board Order AM-24-07, proposed rules affecting NR 406, 407 & 445 pertaining to the timeline for implementation of air permit and hazardous air pollutant requirements for emissions associated with agricultural waste.

**Mr. O'Brien MOVED, seconded by Ms. Wiley approval of the request for adoption of Board Order AM-24-07, proposed rules affecting NR 406, 407 & 445 pertaining to the timeline for implementation of air permit and hazardous air pollutant requirements for emissions associated with agricultural waste.**

**Mr. Welter MOVED, seconded by Mr. Ela to amend compliance deadline to December 31, 2009 with the understanding that once the Board receives the state report they have the option to extend this deadline to 2011.**

**Mr. Ela MOVED, seconded by Dr. Thomas to table until February 22-23, 2008 the request for adoption of Board Order AM-24-07, proposed rules affecting NR 406, 407 & 445 pertaining to the timeline for implementation of air permit and hazardous air pollutant requirements for emissions associated with agricultural waste. The motion carried unanimously.**

- 3.A.4 Request adoption of Board Order AM-37-07, proposed rules affecting ch. NR 462 pertaining to the national Emission Standards for hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers and Process Heaters in ch. NR 462, Wisconsin Administrative Code

**Mr. Cole MOVED, seconded by Ms. Wiley approval of the request for adoption of Board Order AM-37-07, proposed rules affecting ch. NR 462 pertaining to the national Emission Standards for hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers and Process Heaters in ch. NR 462, Wisconsin Administrative Code. The motion carried unanimously.**

8. Information Items

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

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

- 8.B.1 Briefing on Reauthorized Stewardship Program

**Dr. Thomas MOVED, seconded by Mr. Welter to defer until January 23, 2008 the request for adoption of Board Order AM-24-07, proposed rules affecting NR 406, 407 & 445 pertaining to the timeline for implementation of air permit and hazardous air pollutant requirements for emissions associated with agricultural waste. The motion carried unanimously.**

**The meeting adjourned at 4:40 p.m.**

The regular meeting of the Natural Resources Board was held on Wednesday, January 23, 2008 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 2, 3.B., 4-7.

Wednesday, January 23, 2008

**ORDER OF BUSINESS**

1. Organizational Matters

1.A. Calling the roll

David Clausen – present	Preston Cole – present
Jonathan Ela – present	Gerald O’Brien – present
John Welter – present	Christine Thomas – present
Jane Wiley - present	

1.B. Approval of minutes from October 24, 2007

**Dr. Clausen MOVED, seconded by Mr. O’Brien approval of the minutes as presented. The motion carried unanimously.**

**Dr. Thomas** requested the Brief of Action from December 4-5 meeting include, at 3.B.23, the reconstituted Stewardship sub-committee is directed to work through the Interim Protocol rule process with Department staff. The Stewardship sub-committee consists of John Welter as Chair with members Jane Wiley and Preston Cole.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

**Dr. Clausen MOVED, seconded by Mr. O’Brien approval of the real estate transactions. The motion carried unanimously.**

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

3.B.1 Request adoption of Board Order FH-22-06, proposed rules governing fishing tournament rules

**Mr. O’Brien MOVED, seconded by Ms. Wiley approval of the request for adoption of Board Order FH-22-06, proposed rules governing fishing tournament rules.**

**Mr. Ela MOVED to amend the proposal to change the effective application date for the 2009 permit lottery to January 1, 2009.**

**Mr. O’Brien and Ms. Wiley accepted as a friendly amendment.**

**Mr. Ela MOVED, seconded by Ms. Wiley to move and edit item (g) 1. on page 13 of the Order to (g) 8 as follows: “There ~~will~~ *may* be a daily bag limit of 3 walleye from the second Saturday in June to the first Sunday in September for all catch-hold-release tournaments on all waters with a daily bag limit of 3 walleye or greater. There ~~will~~ *may* be a daily bag limit of 3 bass from first Saturday in July to the second Sunday in August for all catch-hold-release tournaments for all waters with a daily bag limit of 3 bass or greater.” [Changes in italics.] The amendment carried unanimously.**

**Dr. Clausen MOVED, seconded by Mr. Ela to add language under (8) on page 12 to allow the Department to issue permits under certain conditions with up to 3 years in lead time for tournaments. The amendment carried unanimously.**

**Dr. Thomas MOVED, seconded by Mr. Cole to strike (6)(e) under Compliance from the rule, removing a conservation warden's authority for search and seizure. The amendment failed in a roll call vote of 3-4.**

David Clausen – yes      Preston Cole – yes  
Jonathan Ela – no      Gerald O'Brien – no  
John Welter – no      Christine Thomas – yes  
Jane Wiley – no

**Mr. Cole MOVED, seconded by Ms. Wiley to strike (4)(e) under Application from the rule, removing the \$2 per participant non-refundable permit surcharge. The amendment carried unanimously.**

**The original motion as amended carried unanimously.**

3.B.2 Request approval of bear harvest quotas for the 2008 season

**Dr. Clausen MOVED, seconded by Mr. Welter approval of the request for approval of bear harvest quotas for the 2008 season. The motion carried unanimously.**

3.B.3 Request adoption of Wisconsin's Double-crested Cormorant ~~Management Plan~~ Population Objectives

**Mr. O'Brien MOVED, seconded by Ms. Wiley approval of the request for adoption of Wisconsin's Double-crested Cormorant Population Objectives. The motion carried unanimously.**

3.B.4 Request authorization for public hearings on Board Order FH-02-08, related to 2008 proposed fisheries spring hearing rule changes

**Mr. Welter MOVED, seconded by Mr. O'Brien approval of the request for authorization for public hearings on Board Order FH-02-08, related to 2008 proposed fisheries spring hearing rule changes. The motion carried unanimously.**

**The Chair reconvened to Full Board requesting a motion to go into Executive Session following lunch. Mr. Ela MOVED that the Board convene into Executive Session following the lunch break under the authority of s.19.85(1)(g), Wisconsin Statutes, for the purpose of discussing litigation matters. Mr. Welter seconded the motion. The motion was carried by a roll call vote by those members present.**

David Clausen – yes      Preston Cole – yes  
Jonathan Ela – yes      Gerald O'Brien – yes  
John Welter – yes      Christine Thomas – yes  
Jane Wiley – yes

**Dr. Thomas reconvened the meeting at 1:10 p.m. Chair Thomas reported that during the Executive Session no action was taken.**

3.B.5 Request authorization for public hearings on Board Order WM-01-08, related to 2008 proposed wildlife management spring hearing rule changes

**Dr. Thomas MOVED, seconded by Mr. Ela approval of the request for authorization for public hearings on Board Order WM-01-08, related to 2008 proposed wildlife management spring hearing rule changes and to include the staff amendment to add "Question 7. Do you favor making duplicate copies of the trapper education course certificate of completion available through all license outlets and establishing a fee of \$2.75 for that service?" The motion carried unanimously.**

**Dr. Thomas MOVED, seconded by Dr. Clausen to add an advisory question to extend the fall turkey season “Do you support extending the turkey season to include the Monday following the 9-day deer gun season through December 31 in turkey management zones 1 – 5 for two years (Zones 6 and 7 would be excluded)?” The motion carried unanimously.**

3.B.6 Congress Matters: Wisconsin Conservation Congress 2008 Spring Hearing Advisory Questions

**INFORMATION ITEM: NO ACTION WAS TAKEN BY THE BOARD.**

3.B.7 Request authorization for public hearings on Board Order WM-04-08, related to hunting on state Ice Age Trail areas and state park hunting regulations

**Mr. Welter MOVED, seconded by Mr. Ela approval of the request for authorization for public hearings on Board Order WM-04-08, related to hunting on state Ice Age Trail areas and state park hunting regulations. The motion carried unanimously.**

3.B.8 Request authorization for public hearings on Board Order ER-39-07, revisions to NR 58, related to State Wildlife Grants Program

**Mr. O’Brien MOVED, seconded by Mr. Welter approval of the request for authorization for public hearings on Board Order ER-39-07, revisions to NR 58, related to State Wildlife Grants Program. The motion carried unanimously.**

3.B.9 ~~Land Acquisition – Ice Age Trail – Washington County (Richard Steffes, 5 minutes) DEFERRED FROM DECEMBER 2007 AGENDA~~ **DELETED**

3.B.10 Land Acquisition – Statewide Public Access – Sauk County

**Mr. O’Brien MOVED, seconded by Mr. Ela approval of Land Acquisition – Statewide Public Access – Sauk County. The motion carried unanimously.**

3.B.11 Land Acquisition – Buckhorn State Park – Juneau County

**Dr. Clausen MOVED, seconded by Ms. Wiley approval of Land Acquisition – Buckhorn State Park – Juneau County. The motion carried unanimously.**

3.B.12 Land Acquisition – Statewide Habitat Area – Shawano County

**Mr. Ela MOVED, seconded by Mr. Welter approval of Land Acquisition – Statewide Habitat Area – Shawano County. The motion carried unanimously.**

3.B.13 Land Donation – Statewide Wildlife Area – Chippewa County

**Mr. O’Brien MOVED, seconded by Dr. Thomas approval of Land Donation – Statewide Wildlife Area – Chippewa County. The motion carried unanimously.**

3.B.14 Land Donation – New Munster Wildlife Area – Kenosha County

**Mr. Welter MOVED, seconded by Dr. Clausen approval of Land Donation – New Munster Wildlife Area – Kenosha County. The motion carried unanimously.**

3.B.15 Land Transfer – New Munster Wildlife Area – Kenosha County

**Dr. Clausen MOVED, seconded by Mr. Ela approval of Land Transfer – New Munster Wildlife Area – Kenosha County. The motion carried unanimously.**

3.B.16 Land Sale – Pembine Ranger Station – Marinette County

**Mr. Welter MOVED, seconded by Dr. Clausen approval of Land Sale – Pembine Ranger Station – Marinette County. The motion carried unanimously.**

3.B.17 Request adoption of Emergency Board Order FH-07-08(E), related to proposed trout regulations in the Prairie River, Lincoln County

**Mr. O’Brien MOVED, seconded by Mr. Welter to table until February 26-27, 2008 the request for adoption of Emergency Board Order FH-07-08(E), related to proposed trout regulations in the Prairie River, Lincoln County. The motion carried unanimously.**

**Dr. Clausen MOVED, seconded by Mr. Welter to add to the April 2008 DNR spring rules hearings “Question 25 - Do you favor Category 5 trout regulations (aggregate daily bag limit of 1 trout; 18” minimum size limit on brown trout; 12” minimum size limit on brook and rainbow trout; artificial lures only) on the Prairie River in Lincoln County from R & H Road downstream to STH 17 (5 miles) through the 2010 season? At that time the Natural Resources Board can determine whether to permanently institute these Category 5 regulations based on results of the evaluation, or begin an evaluation of the Category 4 alternative. This will allow a full evaluation of the regulation and the capacity of this stretch of river to grow larger trout.” The motion carried unanimously.**

**Dr. Thomas** asked the Full Board for approval to have the information item follow 3.B.17 and 5.A. and 5.B. Board Members Matters to be taken up as the last item.

**The Board** agreed.

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

8.B.1 Briefing on Reauthorized Stewardship Program (Deferred from Tuesday, January 22, 2008)

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation  
None

6. Special Committees’ Reports  
None.

7. Department Secretary’s Matters

7.A. Retirement Resolutions

7.A.1 Janet Deprez

7.A.2 Michael Cain

7.A.3 Joseph E. AnceI

7.A.4 Kimberly T. Nash

7.A.5 Daniel J. Heath

7.A.6 Doral G. Richardson

7.A.7 Margaret A. Beaumier

7.A.8 David J. Edwards

**Mr. Welter MOVED, seconded by Mr. O’Brien approval of the retirement resolutions. The motion carried unanimously.**

7.B. Donations

- 7.B.1 The Natural Resources Foundation will donate \$10,000 to be used for the Department's bird migration stopover habitat project.

**Mr. Welter MOVED, seconded by Mr. Ela approval of the Natural Resources Foundation donation of \$10,000 to be used for the Department's bird migration stopover habitat project. The motion carried unanimously.**

**Dr. Thomas MOVED, seconded by Mr. Welter to adjourn the meeting. The motion carried unanimously.**

5. Board Members' Matters

- 5.A. Approval to amend the 2008 Natural Resources Board Meeting Dates

**Mr. Welter MOVED, seconded by Mr. Ela approval to amend the 2008 Natural Resources Board Meeting Dates by moving the December 2-3, 2008 meeting to December 9-10, 2008. The motion carried unanimously.**

5.B. Election of Officers

**Mr. O'Brien MOVED, seconded by Dr. Clausen to nominate the existing officers to serve a second term. The motion carried unanimously.**

\*\*\*The meeting adjourned at 3:46 p.m.\*\*\*