

MARCH 25, 2009

NATURAL RESOURCES BOARD

BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, March 25, 2009 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 1-7. The meeting adjourned at 12:45 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

David Clausen – present	Preston Cole – present
Jonathan Ela – present	Gary Rohde – present
John Welter – present	Christine Thomas – present
Jane Wiley – present	

1.B. Approval of agenda for March 25, 2009

Dr. Clausen MOVED, seconded by Mr. Ela approval of the agenda for March 25, 2009. The motion carried unanimously.

1.C. Approval of minutes from February 24-25, 2009

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

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Rohde requested staff give a fiscal year-end report on real estate transactions at the August 12, 2009 meeting.

Mr. Welter added to Mr. Rohde's request that staff also report back on priorities.

Mr. Ela MOVED, seconded by Dr. Clausen approval of the real estate transactions. The motion carried unanimously.

3. Action Items

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

3.A.1 Presentation of the 2009 Laboratory of the Year Awards

Small Registered Facility Award: Spencer Wastewater Treatment Plant

Large Registered Facility Award: Sheboygan Wastewater Treatment Plant

INFORMATION ITEM – NO ACTION WAS TAKEN

3.A.2 Request approval of the FY 2010 Laboratory Certification Program Fee Adjustment

Mr. Cole MOVED approval, seconded by Mr. Welter. The motion carried unanimously.

- 3.A.3 Request Adoption of Board Order AM-19-08, proposed rules affecting NR 422 and 423 pertaining to Reasonable Available Control Technology for VOC sources engaged in solvent cleaning; lithographic printing; flexible package printing; flat wood panel coating; paper, film and foil coating; large appliance coating and metal furniture coating.

Dr. Clausen MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

- 3.A.4 Request Adoption of Board Order AM-23-08, proposed rules affecting chs. NR 421 and 439, pertaining to establishing volatile organic compound (VOC) emission control requirements for synthetic organic chemical manufacturing industry facilities classified as major VOC sources in Wisconsin's ozone nonattainment areas.

Mr. Ela MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.

- 3.A.5 Request Adoption of Board Order AM-24-08, proposed rules affecting chs. NR 419 and 484, pertaining to establishing volatile organic compound (VOC) emission control requirements for industrial wastewater collection and treatment operations from major VOC sources in Wisconsin ozone nonattainment areas

Mr. Ela MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.

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

- 3.B.1 ~~Request Adoption of Board Order IS 34-06, creating ch. NR 40 relating to the identification, classification, and control of invasive species~~ **DELETED**

- 3.B.2 Request Adoption of expanded project boundary for the Paradise Valley addition to Southern Unit of the Kettle Moraine State Forest and review of feasibility study

Mr. Cole MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

- 3.B.3 Request Authorization for Public Hearing for Board Order FR-09-09, revisions to NR46, related to stumpage rates and administration of the MFL program

Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.

Dr. Thomas requested staff to obtain an official ruling from the Government Accountability Board regarding potential Board member conflict of interest related to voting on MFL and other possible items.

- 3.B.4 Land Acquisition – Flambeau River State Forest – Sawyer County

Mr. Cole MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.

- 3.B.5 Land Acquisition & Donation – Statewide Natural Areas – Door County

Mr. Ela MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.

- 3.B.6 Land Acquisition – Rush Creek Natural Area – Crawford County

Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.

- 3.B.7 Land Acquisition – Clam River Fishery Area – Burnett County

Dr. Clausen MOVED approval, seconded by Mr. Welter. The motion carried unanimously.

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3.B.8 Land Acquisition – Prairie River Fishery Area – Lincoln County

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

3.B.9 Land Donation – Ice Age Trail – Waushara County

Mr. Cole MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.

3.B.10 Land Acquisition & Project Boundary Modification – Nicolet State Trail – Forest County

Ms. Wiley questioned if funds could be taken out of the Department's ATV Fund.

Ms. Wiley MOVED approval and to amend, seconded by Mr. Welter, that funds for this purchase will be taken out of the Department's ATV Fund instead of the Stewardship Program. The motion, as amended, carried unanimously.

4. Citizen Participation – 11:00 a.m.

4.A. Citizen Participation

Public Appearances:

1. **Dan Pawlitzke** and **Mike LeClair**, representing **Lake Michigan Commercial Fishing Board** (LMCFB) as Board Members *Topic: Whitefish Quota (HANDOUT)*

NOTE: In accordance with s. 15.345, Wis. Stats., the Lake Michigan Commercial Fishing Board shall serve in an advisory capacity to the Natural Resources Board and therefore is uniquely granted the permission to address the Board without a time restriction.

Mr. Welter stated the structure of the Lake Michigan Commercial Fishing Board is troublesome and must be addressed by the legislature. Due to a ruling by the Government Accountability Board, members who have a financial interest in an issue cannot vote on issues on which the Legislature directed that they advise the Natural Resources Board.

Dr. Thomas requested staff bring this item back in the form of a public hearing authorization request at the August 12, 2009 Board meeting with final rule adoption timed to take effect at the beginning of the 2010 fishing season. She stated the Board is respectful of science, but the public needs answers on a timely basis.

2. **Lois Swain**, Deerfield, representing self *Topic: Hunting with rifles;*
3. **Mike Henneberry**, Watertown, representing Shotgun Only Deer Hunting (S.O.D.) *Topic: We support S.O.D. and want to return to the "pre-CWD era" weapon use rules for hunting Deer; and*
4. **Howard Olson**, Cambridge, representing Shotgun Only Deer Hunting (S.O.D.) *Topic: Returning 11 deer management counties that allowed rifles for deer in 2008 to shot-gun only.*

Dr. Thomas requested John Welter, Land Management, Recreation, and Fisheries/Wildlife Committee Chair review the issue and consult with interested people and staff and report back to the Board with a report and recommendation.

5. Board Members' Matters

Dr. Clausen stated his concerns about the contaminated CWD deer farm in Portage County. There has been some debate as to the best way to do this. He distributed and read a resolution for Board approval that would be submitted to the Department for legislative action and public discussion.

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STATE OF WISCONSIN
NATURAL RESOURCES BOARD
RESOLUTION

RELATING TO: Recommending prompt development of a proposal to the legislature for action to strengthen state agency authority and capability to prevent the spread of animal diseases harmful to Wisconsin's wild and farm-raised deer herds.

WHEREAS, The Natural Resources Board understands that Wisconsin's wild white-tailed deer herd is one of the state's most valuable natural resources, and that deer are a resource of recreational, economic, and ecological significance to all citizens; and,

WHEREAS, chronic wasting disease (CWD) is a serious threat to Wisconsin's deer herd and is transmitted by prions from animal to animal, and,

WHEREAS, scientific studies are providing new evidence of the persistence of CWD prions in the soil of captive deer enclosures over a period of years and the role of transmission of prion diseases through those CWD prions, and,

WHEREAS, one or more de-populated deer farm sites in Wisconsin present the risk of prion diseases spreading to wild deer outside of the area where the disease is currently found, and potentially in turn spreading CWD from newly-infected wild deer herds to nearby deer farms; and,

WHEREAS, the Department of Natural Resources (DNR) and Department of Agriculture, Trade and Consumer Protection (DATCP) have only limited authority to address this ongoing, significant risk of spread of CWD, especially including the lack of authority to require that fencing of CWD-positive depopulated deer farms be maintained until it can be scientifically proven that those sites no longer pose a threat of infection to adjacent wild deer herds;

NOW, THEREFORE BE IT RESOLVED, that the Natural Resources Board requests the State Legislature take action to strengthen the authority of the Department of Natural Resources and Department of Agriculture, Trade and Consumer Protection, as appropriate, to take action to prevent the spread of animal diseases from de-populated deer farm sites.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the chairs of the Natural Resources Committees of the State Senate and Assembly.

ADOPTED IN MADISON, WISCONSIN, THIS 25TH DAY OF MARCH, 2009

NATURAL RESOURCES BOARD

Christine Thomas, Board Chair

John Welter, Chair
Land Management, Recreation &
Fisheries/Wildlife Committee

Dr. Clausen MOVED approval, seconded by Mr. Welter. The motion carried unanimously.

Ms. Wiley thanked the Natural Resources Foundation for an excellent experience of seeing the whooping cranes and snorkeling with the manatees in Florida a few weeks ago as part of their Foundation tour. She encouraged other Board members to participate in the trip in future years.

Mr. Rohde requested that the Board receive deer season recommendation briefings as soon as possible. He noted there has been a lot of activity and interest by people around the state. This is a topic of concern.

Dr. Thomas requested the Board receive the deer season information that has already been taken out to the public.

Mr. Welter reported that 28% of the Board has gone paperless (e-documents instead of paper) and asked other Board members to consider this method.

6. Special Committees' Reports
None

7. Department Secretary's Matters

7.A. Retirement Resolutions

7.A.1 David R. Lundberg

7.A.2 Roger Larson

7.A.3 Greg Hill

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

7.B. Donations

7.B.1 The Natural Resources Foundation will donate \$313,988 in support of the Department of Natural Resources

Mr. Welter MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

7.B.2 The Whooping Crane Eastern Partnership will donate \$55,500 in support of whooping crane management activities

Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.

7.B.3 Windway Foundation, Inc. will donate \$5,000 to the Endangered Resources Trumpeter Swan Program

Mr. Ela MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.

7.B.4 The Mark Opgenorth family will donate \$5,000 to be used towards the Strawberry Creek Renovation Project

Mr. Rohde MOVED approval, seconded by Mr. Welter. The motion carried unanimously.

8. Information Items

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

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

1. Nature is Our Business

INFORMATION ITEM – NO ACTION WAS TAKEN

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Mr. Welter MOVED, seconded by Mr. Ela to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 12:45 p.m.

NOTE: Each Natural Resources Board meeting is recorded. Tapes of each meeting are available for purchase by contacting the Natural Resources Board at 608-267-7420. The following resources are also available: Agenda Item Packets (green sheets), supporting documents, and public comment.