

MAY 27, 2009

**SINCE THE POSTING OF THE B.O.A., THE FOLLOWING ITEM HAS CHANGED:
3.B.2 MODIFIED**

NATURAL RESOURCES BOARD

AMENDED BRIEF OF ACTION (revised 6/17/09)

The regular meeting of the Natural Resources Board was held on Wednesday, May 27, 2009 in the Lower Dells Conference Room, Ho-Chunk Casino Hotel & Convention Center, Baraboo, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 3:05 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

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

1.B. Approval of agenda for May 27, 2009

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

1.B. Approval of minutes from April 21-22, 2009

Mr. Welter MOVED approval, seconded by Ms. Wiley and to include the following revisions at Section 5 – Board Members Matters, Page 11.

Mr. Welter reported on the Swain – Shot gun/rifle issue and recommended that trees to the south east are obscuring the shot lines and should be tipped in that area to clarify the ~~site~~ sight lines. He will contact Lois Swain and update her on his findings. *He also reported that he spoke with various people regarding the rifle-shotgun issue in the CWD area and made a recommendation that no Board action be taken.*

Dr. Thomas thanked Mr. Welter for his report and for taking the time to view the property. *She requested Department staff contact Lois Swain on the findings.*

The motion carried unanimously.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

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

3. Action Items

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

3.A.1 Request Adoption of Board Order WT 28-04, revisions to NR 115 Wisconsin Shoreland Management Program (Gregory Breese, 60 minutes) DELETED

3.A.2 Request Adoption of Board Order WT-36-07, revisions to NR 102 and NR 106 relating to water quality standards for heat and associated procedures for the calculation of point source effluent limitations

Ms. Wiley MOVED approval, seconded by Mr. Ela, to include clarifying language as follows:

- 1) Amend section NR 106.59(4)(a) as created by Board Order WT-36-07 (page 31) –
(a) The daily maximum temperature of the effluent after mixing with the receiving water may be greater than the applicable sub-lethal water quality criterion specified in s. NR 102.25 or determined under s. NR 102.27. In making this determination the Department may review the following:
- 2) Amend section NR 106.59(5)(b), as created by Board Order WT-36-07 (page 32) –
(b) The Department shall establish acute effluent temperature limitations for a new POTW discharge or relocated POTW outfall to a surface water classified as cold water, warm water sport fish, warm water forage fish, or limited forage fish whenever the estimated daily maximum effluent temperature is greater than the applicable water quality criterion specified in s. NR 102.25 or determined under s. NR 102.27. The applicable acute water quality criterion shall be based on the ambient temperature in s. NR 102.25 or approved under s. NR 102.26.
- 3) Amend to make the following corrections to Board Order WT-36-07:
 - i) Section 26, Page 22: In the subdivision in s. NR 106.53(2)(a)1, the phrase “For and” is a typographical error and should be deleted.
 - ii) Section 26, Page 22: The paragraphs in s. NR 106.53(2) are relettered so they are consecutive and letters are not repeated.
 - iii) Section 26, Page 24: The variable definition for Q_e in s. NR 106.55(6)(b) refers to the wrong paragraph and should read “ Q_e = Effluent flow rate in mgd as specified in s. NR 106.53(2)(b)-(d).
 - iv) Section 26, Page 33: The paragraphs in s. NR 106.61(1) are relettered so they are consecutive and letters are not repeated.

The motion to amend to include the clarifying language carried unanimously.

Mr. Ela MOVED to amend, seconded by Dr. Clausen to include clarifying language on page 33 as follows:

- 1) Amend section NR 106.61(1)(f), as created by Order WT-36-07 – (f) Discharge does not contain a water treatment additive applied by the permittee, unless approved in writing by the department. *including biocides*. However, the department may approve in writing the use of water treatment additives that are not biocides.
- 2) Amend section NR 106.61(2)(a), as created by Order WT-36-07– (a) Coverage under the general permit for discharges containing water treatment additives, ~~including~~ *excluding biocides*, provided all other requirements of this chapter are met.

The motion to amend section 106.61 carried unanimously.

Mr. Ela MOVED to amend, seconded by Mr. Welter on page 8, Section 17: NR 102.04(4)(e) Temperature. Water quality criteria for temperature shall be determined and applied pursuant to subch. II. Heated effluent shall not cause lethality, *inside or outside the mixing zone*, to animal, plant or other aquatic life. The motion to amend NR 102.04(4)(e) carried unanimously.

Dr. Clausen and Mr. Ela requested that if this item comes back before the Board that all affected parties of the rule be allowed to fully participate.

The original motion as amended carried on a voice vote of 5 – 1. Dr. Thomas voted against due to the lack of public participation.

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

3.B.1 Request Adoption of Board Order WM-01-09, rule change proposals resulting from the wildlife management portion of the annual Spring Hearing Questionnaire, revisions to NR 10, 11, and 15

Dr. Thomas requested in future years a one page summary from Ed Harvey, Wisconsin Conservation Congress of where they differ with Department Recommendations.

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

- 3.B.2 Congress Matters: 2009 Conservation Congress Advisory Question Summary and Annual Convention Report

Dr. Thomas requested staff take a further look at the pros and cons of 2008 WCC Advisory questions ~~28, 42, 48, or 53~~ 46, 47, 50, or 56 and go from there. **MODIFIED**

#46 - Allowing the use of a bow under the authority of a gun deer license;

#47 - Creation of an either-sex Junior Gun Deer License tag;

#50 - Allowing the quartering of deer in the field; and

#56 - Allowing the use of colony traps for muskrat and beaver trapping.

INFORMATION ITEM – NO ACTION TAKEN

- 3.B.3 Request Authorization for Public Hearings for Board Orders WM-13-09 and WM-14-09(E), revisions to NR 10 establishing the 2009 Migratory Game Bird Hunting Seasons and Regulations

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

- 3.B.4 Request Approval of the Coulee Experimental State Forest Master Plan and Environmental Analysis

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

- 3.B.5 Land Acquisition - Pershing Wildlife Area - Taylor County

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

- 3.B.6 Land Acquisition - Turtle Flambeau Scenic Waters Area - Iron County

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

- 3.B.7 Land Acquisition - Lower Wisconsin Scenic Riverway - Sauk County

Mr. Welter requested at the end of the year an overall status on the WI State Riverway be given to the Board and how the Department is doing towards acquisition goals and legislation.

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

- 3.B.8 Land Acquisition - Hank Aaron State Trail - Milwaukee County

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

- 3.B.9 Land Acquisition - Lulu Lake Natural Area - Walworth County

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

- 3.B.10 Land Acquisition and Donation - Baraboo Hills Recreation Area - Sauk County

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

- 3.B.11 Land Acquisition - Peter Helland Wildlife Area - Columbia County

Dr. Thomas asked that staff continue discussions with Mr. Cook's family who testified under public appearances.

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

- 3.B.12 Land Acquisition and Donation – Kettle Moraine State Forest - Lowe Lake Unit - Washington County

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

- 3.B.13 Land Acquisition and Project Boundary Modification - Wild Rose Hatchery - Waushara County

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

- 3.B.14 Request Approval of Renaming of the Seymour – New London State Trail and Renaming of the Denmark – Rockwood State Trail **ADDED**

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

- 3.B.15 Request Approval of Plagge Woods Designation from a Parks Property to a Natural Areas Property **ADDED**

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

4. Citizen Participation – 1:00 p.m.

- 4.A. Citizen Participation

5. Board Members' Matters

Mr. Ela requested an update at the June meeting from Secretary Frank related to moving the Stewardship grant program from the CAES division to the Land Division to include the cost savings, why this is more efficient, what the problems are with the current arrangement and other issues.

Mr. Welter requested an update on his license plate proposal.

Ms. Wiley encouraged Board Members to be a sponsor at the Department's Leadership Academy.

- 5.A.1 Special Committee on Herd Management **ADDED**

Dr. Thomas requested staff work with her to draft and send a letter of invite to select one representation each from their organization to the special committee. These organizations are as follows: Conservation Congress, Wisconsin Farm Bureau Federation, Wisconsin Wildlife Federation, Wisconsin Deer Hunters Association, Whitetails Unlimited, Wisconsin County Forest Association, Wisconsin Woodland Owners Association, Quality Deer Management Association, Hunters' Rights Coalition, Wisconsin Bowhunters. Dr. Tim Van Deelen – UW Madison, and Mr. Robert Wilging – Deer Hunting Historian will be invited members. Department staff (Keith Warnke) will provide active technical support to the committee.

INFORMATION ITEM – NO ACTION WAS TAKEN

6. Special Committees' Reports

None

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- 7. Department Secretary's Matters
- 7.A. Retirement Resolutions
- 7.A.1 Roger L. Jasinski

Mr. Cole MOVED approval, seconded by Mr. Ela of the retirement resolution. The motion carried unanimously.

- 7.B. Donations
- 7.B.1 The Natural Resources Foundation will donate \$31,375 to the State Natural Areas Program

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

- 7.B.2 The Friends of Lapham Peak will donate \$15,000 for ski trails and snowmaking equipment at the park

Dr. Clausen MOVED approval, seconded by Mr. Cole. 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 Mink River Stewardship Grant

INFORMATION ITEM – NO ACTION WAS TAKEN

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

The meeting adjourned at 3:05 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.