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NATURAL RESOURCES BOARD

BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, April 28, 2010 in the Iroquois North conference room at the Radisson Hotel & Conference Center, Green Bay, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 2:45 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 April 28, 2010

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

Mr. Ela requested a motion to go into Executive (Closed) Session.

Mr. Welter MOVED, seconded by Dr. Clausen that the Board convene into Executive Session under the authority of s.19.85(1)(e) Wisconsin Statutes, for the purpose of discussing potential real estate transactions and under the authority of s.19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters. The motion was carried by a roll call vote.

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

Mr. Ela reconvened the meeting at 9:20 a.m. and reported that during the Executive Session no action was taken.

1.C. Approval of minutes from February 24, 2010

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

1.D. Approval of minutes from March 16, 2010

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

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Dr. Thomas MOVED approval, seconded by Dr. Clausen.

Mr. Ela stated he would vote for approval for all items except for file PR 40074, which involves The Nature Conservancy. He abstains on that item.

The motion carried unanimously.

3. Action Items

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

- 3.A.1 Request Adoption of Board Order DG-19-09, repealing and recreating chapters NR 809 and NR 811; and creation of NR 810 all pertaining to public drinking water systems

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

- 3.A.2 Request Adoption of Board Order DG-24-09, revisions to ch. NR 140 Wis. Adm. Code, relating to groundwater quality standards

Mr. Cole MOVED approval, seconded by Mr. Rohde and to amend the rule to direct the Department to review all information related to aluminum and bring back their recommendations, as soon as possible, no later than August of this year.

Mr. Cole withdrew his motion and amendment. Mr. Cole then MOVED to table DG-24-09 until August, seconded by Mr. Rohde.

The motion to table DG-24-09 until August 2010 at the latest passed in a roll call vote of 4-3

David Clausen – no

Preston Cole – yes

Jonathan Ela – yes

Gary Rohde – yes

John Welter – no

Christine Thomas – no

Jane Wiley – yes

Dr. Thomas requested items 3A3 – 3A7 be taken in aggregate. No Department presentations were given.

- 3.A.3 Request authorization for public hearings for Board Order AM-06-10, proposed rules affecting NR 410.05 pertaining to the increase of asbestos inspection fees and the addition of fees for review of revised notifications and inspection of fire training burns

- 3.A.4 Request authorization for public hearings for Board Order AM-12-10, proposed rules affecting chs. NR 405 and 406 pertaining to permit requirements relating to non-federal Class I areas

- 3.A.5 Request authorization for public hearings for Board Order AM-16-10, proposed rules affecting NR 400, 404 to 408, and 484 pertaining to permit requirements for fine particulate matter emissions

- 3.A.6 Request Authorization for public hearings for Board Order AM-13-10, proposed rules affecting NR 484 and 485 pertaining to the vehicle inspection and maintenance program

- 3.A.7 Request Authorization for public hearings for Board Order AM-09-10, proposed rules affecting NR 410 pertaining to fees for reviewing applications for construction of air pollution sources

Mr. Welter MOVED approval, seconded by Ms. Wiley on 3.A.3 - Request authorization for public hearings for Board Order AM-06-10, proposed rules affecting NR 410.05 pertaining to the increase of asbestos inspection fees and the addition of fees for review of revised notifications and inspection of fire training burns; 3.A.4 - Request authorization for public hearings for Board Order AM-12-10, proposed rules affecting chs. NR 405 and 406 pertaining to permit requirements relating to non-federal Class I areas; 3.A.5 - Request authorization for public hearings for Board Order AM-16-10, proposed rules affecting NR 400, 404 to 408, and 484 pertaining to permit requirements for fine particulate matter emissions; 3.A.6 - Request Authorization for public hearings for Board Order AM-13-10, proposed rules affecting NR 484 and 485 pertaining to the vehicle inspection and maintenance program; and 3.A.7 - Request Authorization for public hearings for Board Order AM-09-10, proposed rules affecting NR 410 pertaining to fees for reviewing applications for construction of air pollution sources. The motion carried unanimously.

- 3.B. Land Management, Recreation, and Fisheries/Wildlife
3.B.1 Request Adoption of Emergency Board Order LF-14-10(E), creation of NR 45.13(lm)(d), establishment of a slow-no-wake zone on a 3,700 ft. stretch of the Wisconsin River (at the "narrows" upstream from WI Dells)

Mr. Rohde MOVED approval, seconded by Ms. Wiley.

The motion carried on a voice vote of 6-1.

David Clausen – yes	Preston Cole – yes
Jonathan Ela – yes	Gary Rohde – yes
John Welter – no	Christine Thomas – yes
Jane Wiley – yes	

- 3.B.2 Request authorization for public hearings for Board Order WM-02-10, the Wildlife Management housekeeping rules package

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

- 3.B.3 Request authorization for public hearings on Board Order WM-15-10 related to the use of archery deer hunting carcass tags

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

- 3.B.4 Request approval of Department recommendations for the 2010 deer hunting season structure and antlerless deer quotas

Dr. Clausen MOVED approval, seconded by Ms. Wiley. The motion carried on a voice vote of 6-1.

David Clausen – yes	Preston Cole – yes
Jonathan Ela – yes	Gary Rohde – no
John Welter – yes	Christine Thomas – yes
Jane Wiley – yes	

- 3.B.5 Request authorization for public hearings for Board Order FH-17-09, revisions to NR 21 and 22, Wis. Adm. Code, pertaining to WI/MN Boundary Waters Commercial Fishing Rules & Definitions

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

- 3.B.6 Presentation of the 2009 Wisconsin Ethical Hunter Award

Steve Dewald presented Peter Smith with the 2009 Wisconsin Ethical Hunter Award.

INFORMATION ITEM – NO ACTION WAS TAKEN

Mr. Cole requested items 3B7 – 3B10 be taken in aggregate. No Department presentations were given.

- 3.B.7 Land Acquisition – Statewide Natural Areas – Oneida County

- 3.B.8 Land Acquisition - Wild Rose Hatchery - Waushara County

- 3.B.9 Land Donation & Project Boundary Modification - Green Bay West Shores Wildlife Area - Marinette County

3.B.10 Land Donation - Glacial Habitat Restoration Area - Fond du Lac County

Mr. Cole MOVED approval, seconded by Mr. Welter on 3.B.7 - Land Acquisition - Statewide Natural Areas – Oneida County; 3.B.8 - Land Acquisition - Wild Rose Hatchery – Waushara County; 3.B.9 - Land Donation & Project Boundary Modification - Green Bay West Shores Wildlife Area - Marinette County; and 3.B.10 - Land Donation - Glacial Habitat Restoration Area - Fond du Lac County. The motion carried unanimously.

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

Public Appearances:

1. **Ralph Fritsch**, Townsend, representing Wisconsin Wildlife Federation
Topic: Wolf Management
2. **George Meyer**, Madison, representing Wisconsin Wildlife Federation
Topic: Bear Hunting legislation.

Mr. Ela requested that Board Members record their stance on Assembly Bill 371 regarding bear hunting legislation during Board Members Matters and to pursue individually.

5. Board Members' Matters

5.A. Approval of housekeeping changes and changes in operating procedures to allow for the elimination of and replacement for Operating Committees

Mr. Ela requested an edit to Guidelines for Citizen Participation on page 4: “Each organization will be limited to one spokesperson on any single subject matter.”

Mr. Rohde requested an edit to Authority and Responsibility of Individual Board Members on page 5: “Out of state Travel requests are subject to Department of Administration and Department of Natural Resources travel guidelines and must be approved by Board Chair. The Board Chair’s out of state travel request must be approved by Board’s Vice-Chair.”

Ms. Wiley requested an edit to Organization, Committees on page 1: “The Board Chairperson may assign two Issue Coordinators annually.”

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

Dr. Clausen reminded the Department of a June 2006 Board Resolution directing the Department to bring back before the Board recommendations from a panel of independent experts in the field of landfill design and operations on ways to improve the efficiency and effectiveness of Board Order WA-15-06, revisions to NR 500 related to requirements for landfill organic stability plans based on knowledge gained during the first five years of the rule’s implementation.

He then stated that Governor Doyle should veto 2009 Assembly Bill 371, bear hunting legislation.

Dr. Thomas stated that AB 371 should be vetoed by the Governor since it received no public testimony due to being circumvented through the normal rules process. She requested that the Board Chair and Department Secretary consider scheduling a meeting on this issue in order to take public testimony.

Mr. Welter stated the Governor has until May 17 to sign or veto AB 371. He is of the same opinion that the Governor should veto this legislation due to user conflict and Department rule procedures.

Mr. Rohde requested the Department further review the Big Muskego Lake 40” restriction on northerns.

Mr. Ela assigned John Welter as the Issue Coordinator for Land Management, Recreation, and Fisheries/Wildlife. He then assigned David Clausen as the Issue Coordinator for Air, Waste, and Water/Enforcement.

He then requested Mr. Welter review the Big Muskego Lake size restriction on northerns with staff and report back to the Board.

Mr. Rohde then stated that he agrees with other Board Members in that AB 371 should be vetoed by the Governor.

Mr. Cole stated that AB 371 disrespects the process. The Department and Conservation Congress work hard making sure good rules come forward.

Ms. Wiley stated she agrees with other Board Members in that AB 371 should be vetoed by the Governor.

Mr. Ela stated his agreement with other Board Members in that AB 371 should be vetoed by the Governor.

6. Special Committees’ Reports
None

7. Department Secretary’s Matters

Secretary Frank stated that Todd Ambs, Division of Water Administrator, has taken a position with the River Network as President. He thanked him for his service and wished him the best. Bruce Baker has been assigned as Acting Administrator of the Division of Water.

Mr. Ela MOVED, Seconded by Mr. Welter, to approve a Board Resolution thanking Todd Ambs for his service and wishing him the best in his future. The motion carried unanimously.

- 7.A. Retirement Resolutions
- 7.A.1 Tom Blackwood
- 7.A.2 Carol Schmidt
- 7.A.3 Jeff Tabat
- 7.A.4 Jeff Roth
- 7.A.5 Mary Ginnebaugh
- 7.A.6 James Wangerin

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

- 7.B. Donations
- 7.B.1 The Natural Resources Foundation will donate \$21,250 in support of Endangered and Threatened Species

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

- 7.B.2 The Windway Capital Corporation will donate \$10,000 in support of Trumpeter Swan Monitoring

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

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- 7.B.3 The Natural Resources Foundation will donate \$8,500 in support of the Citizen-Based Monitoring Program

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

- 7.B.4 NatureServe will donate \$7,600 in support of Wisconsin Natural Heritage Inventory Database Improvements

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

- 7.B.5 The Friends of Perrot, Inc. will donate \$10,000 to be used towards Naturalist Salaries at Perrot State Park for the 2010 summer camping season

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

8. Information Items

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

- 8.B. Land Management, Recreation, and Fisheries/Wildlife
None

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

The meeting adjourned at 2:45 p.m.

Natural Resources Board Contact and Public Appearance Information:

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<http://dnr.wi.gov/org/nrboard/publicappearance.htm>