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NATURAL RESOURCES BOARD

MINUTES

A special meeting of the Natural Resources Board was held on Tuesday, December 7, 2010 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 1. The meeting adjourned at 3:25 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

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

1.B. Approval of agenda for December 7-8, 2010

Mr. Welter MOVED approval, seconded by Dr. Clausen. The motion carried 6-0 with Mr. Cole absent.

1.C. Approval of minutes from October 27, 2010

Mr. Welter MOVED approval, seconded by Mr. Rohde. The motion carried 6-0 with Mr. Cole absent.

2. Information Items

2.A. Air, Waste, Water, and Enforcement

None

2.B. Land Management, Recreation, Fisheries, and Wildlife

2.B.1 Report and preliminary findings from the 2010 gun deer season

Kurt Thiede Customer Service Supervisor, spoke in place of **Diane Brookbank**, Customer Service Bureau Director. He stated they are proud of their customer service staff after a challenging year. He summarized enhancements to the call center system software and service centers for better efficiency. Call volume was up 31% and chats were up 28% from last year. He then reviewed gun and archery deer license sales and hunter demographics.

(POWERPOINT)

Discussion followed on the definition of “chat” and what was attributed to the 3% decline in gun-deer license sales.

Randy Stark, Law Enforcement Bureau Director, briefed the Board on hunting accidents and enforcement issues. He began with general observations of the hunting season noting that 2010 was the second time in recorded history that the season ended with no fatalities. He then summarized the 12 non-fatal hunting incidents, rifle use, tree stand safety, and mentored hunting. He addressed the most common violations in 2010, hunter harassment complaints, and search and rescue efforts. He then discussed ground blind safety, hot line calls, customer service and tagging system, and hunter frustrations. **(POWERPOINT)**

Discussion followed on whether Deputy Sheriff and municipal officers have authorization to make conservation arrests, whether "Text a Tip" is anonymous, and the need to continue outreach for the mentored hunt program.

Keith Warnke, Big Game Biologist, spoke on the CWD statewide sampling efforts and harvest numbers from the CWD control zones. He compared the 2010 deer season statistics to 2009 and reviewed the deer hunter web survey results. He then discussed CWD surveillance in the Ashland/Bayfield area, CWD management, and the deer donation program. He summarized planning efforts for 2011 to include unit specific data, population estimates, where population estimates are relative to goal, re-building herds where they are below goal, and antlerless harvest where available. Lastly, he spoke on the percent change in hunter participation rates by age groups. **(POWERPOINT)**

Discussion followed on whether a hunter can purchase a duplicate back tag.

Tom Hauge, Wildlife Management Bureau Director, gave a brief presentation as follow-up to the 2010 deer season.

INFORMATION ITEM – NO ACTION WAS TAKEN

Chair Ela requested a motion to go into Executive 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 the purpose 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	

The regular meeting of the Natural Resources Board was held on Wednesday, December 8, 2010 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 3:55 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	

Chair Ela reported that during the Executive Session on Tuesday, December 7, 2010, no action was taken.

Secretary Frank announced that Kari Lee Zimmerman accepted the position as the Conservation Congress Liaison and introduced her to the Board. Kari has a Bachelor of Science degree in biology and wildlife management from UW Stevens Point. In addition, Kari minored in Environmental Law Enforcement and completed the law enforcement academy at Midstate Technical College.

2. Ratification of Acts of the Department Secretary
- 2.A. Real Estate Transactions

Dr. Clausen 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 emergency Board Order AM-48-10(E) and authorization for public hearing for Board Order AM-17-10, proposed rules affecting NR 400, 405, 406, and 407 pertaining to major source permit thresholds for sources of greenhouse gas emissions
Andrew Stewart, Permits & Stationary Source Modeling Section Chief, stated that under current state statutes and administrative code, Wisconsin sources will be subject to permit and emission control requirements for greenhouse gas (GHG) on January 2, 2011. However, Wisconsin sources will not benefit from the federal tailoring rule limiting applicability under air permit and emission control regulations until revisions can be made to Wisconsin administrative code. This proposed rule will define the greenhouse gases subject to regulation, establish greenhouse gas emission thresholds, that if exceeded, will trigger permitting and emission control requirements, and establish global warming potential factors which are used to calculate individual greenhouse gas emissions on an equivalent and comparable basis. He requested that the Board adopt Emergency Board Order AM-48-10(E) and authorize public hearings for Board Order AM-17-10.

Marney Hoefler, Department Attorney, addressed the EPA-approved State Implementation Plans (SIP) gap issues raised by the WI Paper Council in their December 3 letter. She stated that EPA has proposed narrowing rules and will limit the effectiveness of Wisconsin's federally approved SIP. Essentially, the Department will deal with this issue at the federal level. EPA stated yesterday that this is on-track as it was presented in the WI Paper Council letter and will be effective by the end of the year so that this will not be a problem on January 2, 2011.

Discussion followed on how the narrowing rule would solve the SIP gap issue, whether the narrowing rule satisfies WI Paper Council's concerns, and the time table for the permanent rule.

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

Chair Ela requested staff combine their presentations on all three proposed bat rules. The proposed rules will be voted on individually at the conclusion of public testimony and Board discussion.

- 3.B. Land Management, Recreation, and Fisheries/Wildlife
- 3.B.1 Request adoption of Board Order ER-35-10, revisions to NR Ch. 27, addition of Wisconsin cave bats to the threatened species list; 3.B.2 Request adoption of Board Order IS-41-10, addition of the fungus Geomyces Destructans as a prohibited invasive species listed in ch. NR 40, Wis. Adm. Code; and 3.B.3 Request adoption of Board Orders IS-47-10, and IS-07-11(E) revisions to ch. NR 40, regarding the management of Geomyces Destructans, the fungus associated with white-nose syndrome (WNS) in bats

Erin Crain, Ecological Inventory and Monitoring Section Chief, stated their presentation goals today were to provide the science behind the proposed rules, give an update on outreach and field activities, and to summarize public comments and changes to the proposed rules. She then introduced David Blehert who has a Ph.D. in Bacteriology from the University of Wisconsin. **(POWERPOINT)**

David Blehert, Head of Diagnostic Microbiology at USGS National Wildlife Health Center (USGS) presented a summary on White-nose Syndrome, its continued expansion, the bat species affected by WNS, and their investigation of WNS. He stated that using improved diagnostic capabilities, USGS documented significant westward spread of the disease in 2009/2010. Laboratory evidence to date supports *G. destructans* as the causative agent of WNS and that viable

G. destructans found in cave soil indicate potential for environmental transmission. They are working to further understand pathogenesis, origin, and potential for further disease spread.

David Redell, Bat Biologist, gave an overview of what is at stake for Wisconsin's four cave bat species, how Wisconsin bat resources fit within national and regional planning, and applied and adaptive management tools in Wisconsin. He stated that support from the general public and landowners is greatly needed.

Ms. Crain summarized the comments from the public hearings process, Department responses, collaboration and consultation by the Department with partners and stakeholders, and reviewed changes to each proposed rule.

Discussion followed on whether the European bat population was decimated by this disease, whether surviving bats from WNS infected colonies are immune to the disease, whether the Department has working agreements with the owners of the nine commercial sites, whether there is research on the losses of eastern cave bat populations that suggest surviving bats are resistant to the disease or are dying off in a longer period, and the process and restrictions of bio-security on farms.

Chair Ela reviewed the ground rules for public testimony. He stated that Richard Geboy was speaking at the invitation of the Board and was exempt from the time limit.

Public Appearances:

1. **Richard Geboy**, Bloomington, IN, representing U.S. Fish & Wildlife Service (FWS) as Midwest Region White-nose Syndrome Coordinator commended the Department for taking a strong and proactive stance to protect native bat populations from WNS. The orders proposed in Wisconsin may be novel but few states have been in the same position relative to their resources and preparedness. The orders under consideration in Wisconsin have been developed in light of the most current information available to the WNS community. The precautionary principles guiding these proposed measures are in agreement with those endorsed by the FWS, and therefore FWS supports the adaptive approaches under consideration. **(Handout)**

Discussion followed on whether this plan is similar to the FWS plan and whether these decontaminations standards are similar to the FWS standards.

2. **Laura Olah**, Merrimac, representing Citizens for Safe Water Around Badger expressed their support for the protection of the bats of Wisconsin and requested the Board approve all three proposed rules. She presented two letters to the Board; one signed by 80 individuals. **(Handout)**

3. **Tony Huppert**, Baldwin, representing self, family, and Team Oil Travel Center stated his opposition to the proposed rules. He is concerned with the potential closing of Crystal Cave and stated they cannot afford to lose another business in their area.

Discussion followed on Mr. Huppert's assumption that Crystal Cave will close and concerns relating to permitting requirements to remove bats from private homes.

4. ~~**Michele Huppert**, Spring Valley, representing self~~ (not in attendance)
5. **Karen Etter Hale**, Lake Mills, representing Madison Audubon Society stated their support of all three rules and applauded the enormous effort that went into these proposed rules. The effects of WNS have been heartbreaking. She asked the Board and Department to do everything possible to keep this devastation from happening in WI.
6. ~~**William O'Connor**, Madison, representing Wisconsin Cave Coalition~~ (did not testify)

7. **Ed Harvey**, Waldo, representing WI Conservation Congress as Chair spoke in full support of all three proposed rules. The Congress commends the Department and particularly the staff who have worked on the bat project for their proactive and aggressive approach to the WNS crisis. They have set an example for the rest of the nation. **(Handout)**
8. **Jeannie Place Cunningham**, Spring Valley, representing Crystal Cave stated she was originally opposed to the proposed rules but now accepts them. She is pleased to have come to a consensus with the Department as to how they will approach the management issue. They will continue to educate every visitor on the seriousness of WNS.

Chair Ela voiced his appreciation to Ms. Cunningham for her work with the Department these past two months.

9. **Joseph Senulis**, Madison, representing self stated his agreement in declaring WI cave bats as threatened in order to protect the continental populations of these bats. He requested that Board Order IS-41-10 and Board Order IS-47-10 not be approved until the spring of 2012 to allow time to determine if this is the best course of action and to better educate the public about the fungus. **(Handout)**

Discussion followed on Mr. Senulis' reasoning for delaying approval of the permanent rules.

10. **Ralph Fritsch**, Townsend, representing WI Wildlife Federation as Chair stated their support for Board Order ER-35-10 and Board Order IS-41-10. He also stated their strong support for Board Order IS-47-10 to insure that the transfer of WNS into WI bat caves and hibernacula does not take place. The Department has the responsibility and duty to protect WI bats by preventing the spread of the disease into our valuable bat population. He thanked staff for their very proactive and diligent stance to prevent the spread of WNS into WI. **(Handout)**
11. **Andria Blattner**, Madison, representing self stated her support for all three proposed rules. Time is of the essence and this is an impending problem. She is very impressed with the amount of work that is being done. WI should be very proud.
12. **Joe Klimczak**, Town of Dunn, representing National Caves Association as Member of the Board of Directors stated they are gratified with the outcome of discussions with the Department and thanked staff for their efforts. The Department has granted written exemptions for show caves as provided in the rule. Cave of the Mounds has agreed to site specific management plans and will volunteer to expand their existing outreach on this crucial rule. **(Handout)**

Discussion followed on the Department's discussions with stakeholders over the last two months.

Chair Ela voiced his appreciation to Mr. Klimczak for his work with the Department these past two months.

13. **Mark B. Rooney**, Village of Mount Horeb, representing Cave of the Mounds as President (did not testify)
14. **Chet Gerlach**, Madison, representing Association of WI Tourist Attractions as Executive Director (did not testify)
15. **Ann Wescott**, Town of Dunn, representing self (did not testify)
16. **Dave Zaber**, Monona, representing Habitat Education Center (was not in attendance)

17. **Jeffrey Huebschman**, Madison, representing UW-Platteville Department of Biology spoke in support of all three proposed rules. He stated that we will all be impacted if WNS devastates our bat populations. Voting “yes” on these rules represents the best we can do at this time to prepare for WNS and respond to it as a threat. This is good policy based on good science.
(Handout)
18. **John Lovaas**, Woodstock, IL, representing Minnesota Speleological Survey spoke on Board Orders IS-47-10 and IS-07-11(E). He stated a lot has changed in the management plan over the past 60 days due to the ability to interact with Department staff. This version is livable and practical and he is much happier with what he sees today.
19. **Scott Craven**, Madison, representing UW-Madison Department of Wildlife Ecology stated support for the addition of WI cave bats to the threatened species list, declaration of *Geomyces destructans* as a prohibited invasive species, and support for the suite of preventative measures including the ability to survey caves on private land and the decontamination procedures to limit human assisted spread of the fungus. He stated his concerns over the scope and vague wording of the incidental take provisions. This section is critically important. All in all, these rules are very well considered and essential.
20. **Ethan Brodsky**, Madison, representing self spoke in opposition to Board Orders IS-47-10 and IS-07-11(E). He stated the proposal to exclude bats from many sites seems impossible due to the number of small or uncharted entries. He is also concerned with the ban of equipment, clothing, or other objects used in caves outside of WI. He stated these regulations are overkill and excessive.

Discussion followed on the type of caving Mr. Brodsky engages in, the type of equipment used, and whether the gear can be cleaned by FWS guidelines.

21. **Tamara Thomsen**, Madison, representing self. She owns a cave diving business and was not contacted by Department staff. Her clients are from all over U.S. and foreign countries. She also leads tours in others states and countries. A cave diver’s equipment is valued at approximately \$10,000. These proposed rules do not take their cave diving business into consideration. She requested the Board consider exemptions for cave diving.

Discussion followed on Ms. Thomsen’s communications with Department staff regarding permit requirements.

22. ~~**Bill Warner**, Town of River Falls, representing Pierce County Economic Development Corporation as Executive Director (was not in attendance)~~

Discussion followed on questions brought up by the public during their testimony which included broad incidental take, whether there was a provision for exemption in the rule for out-of-state gear, and whether protocols for decontaminating gear are in place.

Ms. Crain stated the Department will work with affected businesses on protocol for cleaning gear.

Discussion followed on the bat exclusion process as it pertains to a property owner.

Chair Ela requested individual motions on each of the bat rules.

- 3.B.1 Request adoption of Board Order ER-35-10, revisions to NR Ch. 27, addition of Wisconsin cave bats to the threatened species list

Mr. Welter MOVED approval, seconded by Dr. Thomas.

- 3.B.2 Request adoption of Board Order IS-41-10, addition of the fungus *Geomyces Destructans* as a prohibited invasive species listed in ch. NR 40, Wis. Adm. Code

Mr. Welter MOVED approval, seconded by Dr. Thomas.

- 3.B.3 Request adoption of Board Orders IS-47-10, and IS-07-11(E) revisions to ch. NR 40, regarding the management of *Geomyces Destructans*, the fungus associated with white-nose syndrome in bats

Mr. Welter MOVED approval, seconded by Dr. Thomas.

Chair Ela stated the Emergency rule was proposed due to modifications to the permanent rule which will be used to true-up the emergency rule as it exists.

Dr. Clausen MOVED, seconded by Ms. Wiley to amend Board Order IS-47-10 and emergency Board Order IS-07-11(E) under Section 3, NR 40.07 (8) (c) 4., (d) and (f) 2.

Discussion followed on a grammatical edit to Section 3.

Peter Flaherty, Department Attorney, stated that what the Department is intending to do is to provide that any person that owns or operates an active mine or a commercial cave or mine has to insure that each individual entering or exiting the person's commercial cave or mine complies with the other provisions. Inserting the word "active" would clarify this intent.

Mr. Welter MOVED to modify the amendment to include the word "active" between "person's" and "mine" on line three of NR 40.07(8)(c)4 under Section 3 of Board Order IS-47-10 and under Section 3 of Board Order IS-07-11(E).

Dr. Clausen and Ms. Wiley accepted as a friendly amendment.

Dr. Clausen's amendment as affected by Mr. Welter's amendment reads as follows:

SECTION 1. In SECTION 3. of Natural Resources Board order IS-47-10, amend NR 40.07 (8) (c) 4., (d) and (f) 2. as follows:

NR 40.07 (8) (c) 4. Except as provided in subd. 5. and par. (e), any person who owns or operates an active mine or a commercial cave or mine shall ensure that each ~~visitor to~~ individual entering or exiting the person's active mine or commercial cave or mine complies with par. (b) and subds. 1. to 3.

(d) *Protocols.* Individuals, equipment, gear, clothing and other objects of any kind to which the requirement of par. (c) 1., 2., or 3. applies shall be cleaned in accordance with protocols approved by the department. Unless it determines that emergency conditions require otherwise, the department shall provide notice and opportunity for public comment at least 14 days before it materially changes an approved protocol.

(f) 2. The prevention plan shall be submitted by the owner or operator to the department by the effective date of this subsection . . . [legislative reference bureau inserts date] for its review and approval. The department may set conditions for the approval of any plan required under this paragraph and shall include any exemption granted under par. (e) to the owner or operator of a cave or mine in a plan approval issued under this paragraph. In setting conditions for the approval of any plan, the department shall consider the site-specific risk of *Geomyces destructans* introduction and transmission along with the feasibility and reasonableness of alternative practices for the prevention of *Geomyces destructans* transmission or introduction.

SECTION 2. In SECTION 3. of Natural Resources Board order IS-07-11(E), amend NR 40.07 (8) (c) 4., (d) and (f) 2. as follows:

NR 40.07 (8) (c) 4. Except as provided in subd. 5. and par. (e), any person who owns or operates an active mine or a commercial cave or mine shall ensure that each ~~visitor to~~ individual entering or exiting the person's active mine or commercial cave or mine complies with par. (b) and subds. 1. to 3.

(d) *Protocols.* Individuals, equipment, gear, clothing and other objects of any kind to which the requirement of par. (c) 1., 2., or 3. applies shall be cleaned in accordance with protocols approved by the department. Unless it determines that emergency conditions require otherwise, the department shall provide notice and opportunity for public comment at least 14 days before it materially changes an approved protocol.

(f) 2. The prevention plan shall be submitted by the owner or operator to the department by March 1, 2011 for its review and approval. The department may set conditions for the approval of any plan required under this paragraph and shall include any exemption granted under par. (e) to the owner or operator of a cave or mine in a plan approval issued under this paragraph. In setting conditions for the approval of any plan, the department shall consider the site-specific risk of *Geomyces destructans* introduction and transmission along with the feasibility and reasonableness of alternative practices for the prevention of *Geomyces destructans* transmission or introduction.

Discussion followed on restrictions on out-of-state cave gear in WI and whether the written exemption in the rule would apply to this.

Mr. Flaherty stated that if a caver would want to use gear in a cave or mine outside of Wisconsin and they wanted to use that in Wisconsin, it would be prohibited. However, they could obtain a written exemption if the Department determines that it would not significantly increase the risk of transmission. The pathogen is not in WI now but it is present in other states thus the higher level of protection with respect to gear from other states as opposed to gear that has been used in other WI caves only.

Discussion followed on whether all caves would be posted with the gear restriction requirement and what the process is for obtaining a written exemption.

Mr. Flaherty stated the idea was that the consideration for a written exemption be on a case by case basis due to the wide variety of circumstances to decide whether an exemption or a conditional exemption would be suitable to prevent the risk the rule otherwise prohibits. There is nothing that prevents the Department from granting exemptions that are more general in nature that apply to a large event. Protocol would need to be followed by everyone that participates with their gear from out-of-state. The Department wants to have the case by case situation for higher risk situations.

Laurie Osterndorf, Land Administrator stated there is a concept of dedicating gear. The Department will provide to Crystal Caves six sets of dedicated gear. The Department has given dedicated gear elsewhere too. If someone arrived and did not know this protocol existed, this gear would be an alternative for them to use. The Department is trying to make this workable and yet deal with what seems to be the highest risk for human transmission.

Discussion continued on the high risk of transmission related to gear and creating a release form for certifying their gear had been cleaned in place of the written exemption.

Ms. Wiley requested the Department craft a release form for use by landowners and cavers to certify that cave gear and/or cave diving gear used outside the state of Wisconsin had been properly decontaminated prior to use in Wisconsin caves.

Ms. Crain and **Peter Flaherty** stated that gear may come from states where fungus is present and is at high risk. The proposed rules have a written exemption provision that could be used on a case by case basis or for more general situations.

- 3.B.1 **Chair Ela** requested the Board vote on Board Order ER-35-10, revisions to NR Ch. 27, addition of Wisconsin cave bats to the threatened species list.

The motion carried unanimously.

- 3.B.2 **Chair Ela** requested the Board vote on Board Order IS-41-10, addition of the fungus Geomyces Destructans as a prohibited invasive species listed in ch. NR 40, Wis. Adm. Code.

The motion carried unanimously.

- 3.B.3 **Chair Ela** requested the Board vote on the amendment to and Board Orders IS-47-10, and IS-07-11(E) revisions to ch. NR 40, regarding the management of Geomyces Destructans, the fungus associated with white-nose syndrome (WNS) in bats

Dr. Clausen's amendment as affected by Mr. Welter's amendment carried unanimously.

The original motion as amended carried unanimously.

Discussion followed on the importance of the Board receiving an update on these rules after one year and the necessity of education and voluntary compliance.

Chair Ela thanked the public appearances for making very good points in a very constructive tone, our friends from the U.S. Fish and Wildlife Service for lending us their expertise, and Department staff for a heroic job in pulling this together. There is a reason that Wisconsin is the only state taking this approach. Wisconsin is the only state having an invasive species statute and rule that allow the Department to take this approach. The Board has received at least two communications from other state's Department of Natural Resources saying to go for it and that they wished they could have done this.

- 3.B.4 Ratification of Department decision to issue a Stewardship grant for a project that will prohibit two nature-based outdoor activities (NBOA) on non-Department land

Carrie Mickelson, Customer and Employee Services Administrator briefed the Board on the background of the Knowles-Nelson Stewardship Program and Chapter NR 52. She then introduced Karen Blodgett.

Karen Blodgett, Community Services Specialist, stated that the Mississippi Valley Conservancy (MVC) has requested grant funds from the Knowles-Nelson Stewardship Program to acquire 30.78 acres (Elmwood parcel) located within the City of Onalaska for the purposes of natural wildlife habitat. The vegetated and undeveloped property performs the important services of holding soil in the upland and allowing water to infiltrate rather than run overland into streams. This parcel supports populations of many native wildlife species typical of the natural communities and surrogate habitats present. Dead trees throughout the property have been hollowed by foraging woodpeckers and for nesting cavities. MVC is not proposing to prohibit any of the five nature-based outdoor activities (NBOA) on the Elmwood parcel. MVC will abide by the city ordinance that prohibits the discharge of firearms and regulates trapping. Because MVC will transfer this parcel to the city after acquiring it, the Department is treating this project as if the city were acquiring it. Since the city has an ordinance that prohibits hunting and regulates trapping within the city limits, review under ch. 52 is necessary. She requested the Board ratify the Department's decision to award a grant to MVC for the acquisition of the Elmwood tract.

(POWERPOINT)

Discussion followed on what NBOA's are allowed on the adjacent property, whether the Department would have treated this grant differently if it was from a local unit of government (LUG), and the distinction between prohibition and restriction.

Tim Andryk, Department Attorney, stated there are things in NR 52 that address restriction versus prohibition. A restriction in which a major or significant amount of activity not allowed is viewed as a prohibition and would then go through the process of Department evaluation and Board approval. Further in the rule it says that these activities are required to be reported on a checklist. In terms of a close call, the Department would treat it as a prohibition and run it through the process for Board approval.

Discussion followed on why the city is not purchasing this property, whether a deed restriction is required to keep this property in restored habitat condition, what will happen if this item is not approved today, whether there was any opposition to this project, and whether there are other parks in Onalaska where hunting is allowed.

Public Appearances:

1. **Daniel Wick**, Onalaska, representing City of Onalaska spoke in support of this item. He stated this purchase is important to the city and is the key component to the Coulee region. This land is critical for the well being of youth in their community. The city has an urban deer management plan which has been very successful.

Discussion followed on whether the urban deer hunt is archery only, whether there are expectations to expand on the size of this project in the future, and whether the city contributed financially to this acquisition.

2. **Tim Jacobson**, La Crosse, representing Mississippi Valley Conservancy (MVC) spoke in support of this item. He stated this land is important because of its location and proximity to other protected natural areas. 100,000 people reside in the area and one million people visit each year. MVC is not proposing to prohibit any of the five nature-based outdoor activities. **(Handout)**

Discussion followed on the Kings Point Farm Tract Stewardship program donation, what the red line on the map defines, and whether this land is all within the city limits.

- ~~3. **Ed Harvey**, Waldo, representing WI Conservation Congress as Chair~~

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

3.B.5 Request approval of DNR Land Acquisition Strategy for the Stewardship Program

Paul DeLong, Forestry Administrator, and **Laurie Osterndorf**, Land Administrator gave a joint presentation. They stated that the draft Land Acquisition Strategy was presented to the Board at the September 2010 meeting. The Department was given approval to seek public input. The Department received comments on the Strategy from only eight individuals or organizations. Overall, there was strong support for both the Stewardship Program and the Stewardship Acquisition Strategy. Based on the comments received, the Department concluded that no changes to the draft strategy are warranted and requested the Board's approval of the Stewardship Acquisition Strategy. **(POWERPOINT)**

Public Appearances:

1. **Jane Severt**, Merrill, representing Wisconsin County Forests Association spoke in support of the Strategy. They are confident their interests will be met under the proposed strategy and are comfortable being included in the allotment to the Division of Forestry for existing land acquisition projects. They remain hopeful that new projects on county forests will be competitive with new state projects. **(Handout)**

2. **Mike Carlson**, Madison, representing Gathering Waters Conservancy spoke in support of the Strategy. He stated that with the current political and fiscal climate in Wisconsin, all conservationists who care about Stewardship need to renew efforts to show that Stewardship is being used strategically. The success of the Stewardship program will largely depend on the Department and partners' abilities to demonstrate that Stewardship is addressing the highest conservation and recreation needs throughout Wisconsin. The acquisition strategy provides an excellent framework that can be used to achieve this goal.
3. **Casey Eggleston**, Madison, representing The Nature Conservancy spoke in support of the Strategy. He stated that carefully considered and implemented strategies will increase protection of our natural areas, strengthen our tourist economy, and provide high quality recreational opportunities. The strategy provides the flexibility needed for this program to succeed.
4. **Ralph Fritsch**, Townsend, representing WI Wildlife Federation (WWF) as Chair spoke in support of the Strategy. The purchase of these lands is critically important. However, sound management of those lands is equally important. A true Stewardship program needs sound land management and not just land acquisition. Over the years, staff and financial resources to do the actual management of these lands has actually decreased. There needs to be an increase of public/private funding dedicated for personnel and materials to manage these properties by either government or non-government entities. WWF recommends that the Board direct staff to complete an in-depth study on the infrastructure and management needs on Department lands that have been purchased for wildlife, fisheries, parks, forest, and state natural areas.
(Handout)

Mr. Fritsch then made a presentation to Matt Frank who undertook the difficult challenge of serving as Department Secretary. The Federation deeply appreciates the work that he has done during his tenure. He stated a major percentage of the time WWF has been strong supporters of the Department and Secretary Frank's leadership, and at times they have been in strong disagreement. In either case, they still maintained ultimate respect for him, his staff, and the work that has been done by the Department. He presented Secretary Frank with the Wildlife Federation print of the year as a symbol of their appreciation for his efforts. The framed print will be given to him on January 3, 2011.

5. **Mike Wollmer**, Dane, representing Ice Age Trail Alliance as Executive Director spoke in support of this item. He addressed the economic value of the Stewardship program, developing long term local support of the Trail, and the long-term benefit of the tourism that the Ice Age Trail brings to newly constructed and existing sections of the Trail. The Ice Age Trail and the lands acquired on its behalf are gifts that keep on giving. **(Handout)**

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

Discussion followed on whether Dick Steffes, DNR Real Estate Director, played a role in the development of the strategy, whether staff have all the tools they need available to them, whether the availability for federal matches is included in the formula, and whether there are sufficient staff to properly manage acquired lands.

Secretary Frank stated that land management is an important issue that needs to be addressed and appreciates WWF's concern. Realistically, presenting something to this legislature in this budget to address this as a new expenditure is not in the cards. He expressed hope that as the economy turns around we will be positioned to do a good job managing these lands for the benefits they give to the public. An internal process has been started to review this very issue. In the short-term, we have vacancies. What happens in the next budget will not necessarily be about getting new positions. It will be about whether the vacancies we have are cut permanently.

Discussion followed on securing land for future generations, and working with partnerships and friends groups.

The motion carried unanimously.

3.B.6 Land Acquisition – Ice Age Trail – Dane County

Discussion followed on the issue of hunting in IAT areas.

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

3.B.7 Land Acquisition – Devil’s Lake State Park – Sauk County

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

3.B.8 Easement Acquisition and Project Boundary Modification – Stream Bank Protection Program – Racine County

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

3.B.9 Land Acquisition and Donation – Glacial Habitat Restoration Area – Winnebago County

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

3.B.10 Land Acquisition – Baraboo Hills Recreation Area – Sauk County

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

3.B.11 Land Acquisition - Statewide Natural Areas - Oneida County

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

3.B.12 Land Acquisition – Andrew Krakow Public Access and Fishery Area – Marquette County

Discussion followed on whether the house will be removed and whether the property would then be turned into a boat landing.

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

3.B.13 Land Acquisition and Donation – Lower Wolf River Bottomlands Natural Resource Area – Waupaca County

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

3.B.14 Land Donation – Statewide Natural Areas – Door County

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

3.B.15 Land Donation – Statewide Wildlife Habitat Area – Dunn County

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

3.B.16 Land Donation and Project Boundary Modification – Mekan River Fishery Area – Waushara County

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

- 3.B.17 Land Donation and Project Boundary Modification – Stream Bank Protection Program – Dane County

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

- 3.B.18 Land Donation and Project Boundary Modification – Lower Wisconsin State Riverway – Dane County

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

- 3.B.19 Easement Acquisition and Donation – Statewide Fishery Remnant Areas – Waupaca County

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

- 3.B.20 Land Acquisition – Statewide Natural Areas – Chippewa & Pepin Counties; Statewide Fish Habitat – Pierce and Dunn Counties; Ice Age Trail – Chippewa County; Lower Chippewa State Natural Area – Dunn County; Statewide Wildlife Habitat Area – Polk County; Western Prairie Habitat Restoration – St. Croix County (Richard Steffes, Real Estate Director, 5 minutes)

DELETED

4. Citizen Participation – 1:00 p.m.

- 4.A. Citizen Participation - None

5. Board Members' Matters

Chair Ela stated that this will be the last time the Board will gather in this room with the current Department leadership. He expressed his appreciation to senior Department staff that have done a fantastic job. Huge credit to the Governor, Secretary Hassett, and Secretary Frank in putting together an outstanding team. It was a pleasure working with all of you. He thanked them for their service.

- 5.A. Resolution related to CWD positive deer farm fencing **ADDED**

Dr. Clausen distributed the resolution for discussion.

NATURAL RESOURCES BOARD
RESOLUTION

RELATING TO: Recommending USDA-APHIS-Veterinary Services take action to ensure the deer enclosure fence surrounding the depopulated deer farm in Portage County remains in place until such time that the enclosed lands no longer pose a threat to infect free-ranging deer with chronic wasting disease (CWD).

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, over 1,200 free-ranging deer have been tested since 2002 in Portage County with no detections of CWD to date, and

WHEREAS, between 2002 and 2005, 82 farm-raised deer tested positive for CWD on this Portage County farm and the agreement between the landowners and USDA-APHIS to maintain the enclosure fence expires on May 24, 2011 and the property is currently up for sale, 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, Published research indicates that CWD prions can persist in soil for a minimum of 3 years and research on scrapie prions, a similar disease, remained bioavailable and infectious for at least 16 years in natural Icelandic environments, most likely in contaminated soil, and

WHEREAS, the Canadian Food Inspection Service has kept 8 CWD infected farms under quarantine indefinitely until there is additional research on detection of prions in soils and better understanding of the duration of persistence of disease-causing prion post depopulation of CWD-infected cervid farms, and

WHEREAS, the USDA-APHIS-Vet Services is a regulatory signatory to the Portage County agreement and is responsible for development of the national CWD management response.

NOW, THEREFORE BE IT RESOLVED, that the Wisconsin Natural Resources Board requests USDA-APHIS-Vet Services to take all possible actions to ensure that the enclosure fence is not removed at the end of the existing agreement, and that USDA-APHIS-Vet Services work cooperatively with Wisconsin's Department of Natural Resources and Department of Agriculture, Trade and Consumer Protection to prevent the spread of CWD from de-populated deer farm sites.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Governor's Office, the chairs of the Natural Resources Committees of the State Senate and Assembly, the Wisconsin Congressional Delegation, and the Secretary of the Department of Agriculture.

BE IT FURTHER RESOLVED, that Wisconsin Department of Natural Resources staff continue to pursue all possible avenues of retaining the fence including legislative, executive, administrative and judicial avenues.

ADOPTED IN MADISON, WISCONSIN, THIS 8TH DAY OF DECEMBER, 2010

NATURAL RESOURCES BOARD

Jonathan P. Ela
Chair, Wisconsin Natural Resources Board

Public Appearances:

1. **Gary Goyke**, Madison, representing Whitetails of WI and WI Commercial Deer & Elk Farmers Association. He stated that he was at a recent meeting with the Department of Agriculture, Trade, and Consumer Protection (DATCP) where their Board had wrestled with this subject. The Department of Natural Resources regulates the fencing on white-tail deer. The rest of the regulations pretty much are done through DATCP. An interagency task force was created in 2002 on CWD and captive wildlife. At their November 30, 2010 meeting, the professional staff from DNR explained to the task force some of what is in this resolution. He has not had a chance to read today's resolution but stated they will work with the Department. Science is the answer. He requested to come and speak to the Board in the future as to where the deer farm industry is going.

2. **Ed Harvey**, Waldo, Wisconsin Conservation Congress (WCC) stated they have developed a number of strong positions on issues related to this over the last couple of years. This spring, they had a couple questions on the questionnaire that he reminded the Board about that are related to this issue: double gating at active cervid farms and reimbursement by cervid farm owners to the Department for the cost of recovering escaped deer. Fencing costs a lot of money but it could be purchased with the intent of eventually disposing of it, even if that is 25 years down the line.

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

Discussion followed as to the real threat to Wisconsin if the fence comes down or if it is no longer properly maintained.

The motion carried unanimously.

Dr. Clausen requested a copy of the approved resolution be mailed to the Voigt Task Force.

5. Board Members' Matters – Continued

Dr. Clausen requested that the January 2011 agenda include an information item on ground water pumping presented by George Kraft.

Chair Ela asked that Dr. Clausen work with the NRB Liaison to get this scheduled.

Dr. Clausen requested that an information item on the Lake Superior Basin Brook Trout Plan be given at an upcoming Board meeting.

Chair Ela asked that Fisheries Management and Habitat Bureau Director work with Dr. Clausen to get this scheduled.

Mr. Cole asked when the turkey tag deadline was.

Tom Van Haren Law Enforcement Administrative Warden, stated the deadline was at the close of business on Friday, December 10.

Chair Ela requested an update on upping the dollar amount for Stewardship purchases to come before the Board. He asked that this item be reviewed at the January meeting.

6. Special Committees' Reports

None

7. Department Secretary's Matters

Secretary Frank updated the Board on the following items:

- Dan Ashe was named Director of the Fish & Wildlife Service (F&WS) last week.
- EPA is looking at rules to regulate coal ash stemming from the environmental disaster in Tennessee that the Department will track.
- EPA's announcement this week regarding Boiler MACT and Wisconsin's concern on how it would affect boilers here, how the rules might apply to biomass, and the growth of the industry away from fossil fuels.
- The Michigan DNR's Board approved moving forward on the Menominee River land purchases. They still have more steps to go through.
- Recent Green Tier event in Appleton announcing Green Tier Legacy Communities Initiative.
- A letter in considerable detail was mailed recently to the City of Waukesha regarding their Great Lakes Water Diversion Application requesting information needed to complete the application.
- Climate Change Adaptation (**Handout**)

He then summarized the accomplishments of the Department under the Doyle Administration:

- Great Lakes Compact and Water Conservation
- Clean Water action on mercury, phosphorous, shoreland preservation, and the Fox River PCB clean up.
- Preserving our Natural Heritage, including reauthorization of the Knowles-Nelson Stewardship fund for another decade with increased funding
- Two new Wild and Scenic Rivers designations – Totogatic and the Brunswiler – and the St. Louis River National Estuarine Research Reserve
- Partnering with DATCP's Working Lands Initiative
- New conservation efforts that include completion of new master plans
- Clean Air advancements to include the mercury multi-pollutant rule, reductions in sulfur dioxide and nitrogen oxide, and working closely with the Department of Administration to eliminate the use of coal at the state's largest coal plant – Charter Street Heating Plant at UW-Madison.
- Fisheries and Wildlife to include delisting the osprey and trumpeter swans, working to protect habitat and biodiversity, protecting bats from the deadly WNS disease, deer management, wildlife health issues, strengthening partnership with U.S. F&WS, development of a comprehensive lead action plan, Wild Rose Fish Hatchery upgrade and fisheries habitat restoration successes, revising the bear population estimates, and the ongoing battle to delist wolves.
- Taking strong action to prevent and control the spread of Invasive Species such as Emerald Ash Borer, VHS, Eurasian milfoil, zebra and quagga mussels, and Asian Carp.
- Forestry to include the largest amount of third-party certified sustainable forests in the country, increased collaboration with our neighboring states and expanding partnerships with the private sector.
- Supporting Sustainable Economic Growth through the Green Tier Program, improving the timeliness, consistency, and predictability of the permitting process for Wisconsin businesses, partnering with federal agencies and consolidated federal and state reviews where both are needed, and have become more business-friendly.
- Brownfields Redevelopment, Recycling, and Waste to include the clean-up of over 6,500 separate locations and Wisconsin's strong recycling programs.
- Science and Research changes to improve collaboration across program and division lines, improving research needs assessment, and to continue building on research relationships and partnerships.
- Law Enforcement and Emergency Response highlights include adoption of the wildlife violators compact, keeping guns out of the hands of felons, promoting safe outdoor activities, the prioritized hiring of law enforcement wardens, the spills team rapid response to prevent or contain potential environmental damage, assisting stranded travelers during the 2009 blizzard that shut down the Interstate from Janesville to Madison, monitoring flood waters, ensuring thousands of fires do not threaten our forests, life, and property, and rescuing seriously injured campers pinned under fallen trees from the 2010 tornado.
- Budget and Customer Service. During a tough economy, the Department made tough choices in setting priorities and found new ways to deliver services. The Department worked hard to avoid layoffs by finding the right job match for our excellent customer service staff impacted by budget cuts. There were no license fee increases for hunters and anglers. The Department was awarded more than \$150 million in American Recovery and Reinvestment Act funds to put people to work upgrading WI's clean water and drinking water infrastructure and other projects, and revamping the Department's Intranet site.
- Energy, Climate Change, and Growing a Green Economy to include providing support of the Governor's Task Force on Global Warming, developing sustainable harvest guidelines for forestry and assisted other agencies with guidelines for agricultural biomass, and wind turbines. The Department developed its own Facility Energy Efficiency Plan and through a unique partnership launched the WI Initiative on Climate Change Impacts (WICCI).
- Making a strong commitment to improve relationships with Wisconsin's eleven Native American tribes and instituted annual agency consultations.

- Connecting Youth to the Great Outdoors to prepare them to assume the responsibility they will someday inherit from us as conservationists and stewards of tomorrow. The Department formally adopted policy that encourages and supports staff to share their knowledge with kids in our schools and in the field. The WCC is moving to develop a Youth Hunting Congress.
- He thanked Laurie Ross, Winston Piotrkowski, and Mary Ellen Vollbrecht in particular for their tremendous work with the Board, Governor Doyle for the opportunity to serve this Department, the Natural Resources Board – a fine group of people who bring commitment to our natural resources – who do this with humility and by staying true to why we are here. He also publicly thanked the Management team, Leadership team, his Deputy, his Executive Assistant, Administrators, and every staff member of this Department. This is an amazing agency and it has been an honor to lead an agency that he thinks is the best Natural Resources agency in the country. This is what the people in this agency strive for and is the goal we should always keep. Through the vacancies, furloughs, and pay cuts, when you look at what the Department has accomplished, it is a great testament to the people who work here. It has been a great honor to have this job and to see the work being done statewide. He has met thousands and thousands of people who always restore your faith and energize you. Public service is a great honor and privilege.

Secretary Frank received a standing ovation from the Board, staff, and meeting attendees.

- 7.A. Retirement Resolutions
- 7.A.1 Russell H. Wilson
- 7.A.2 Gregory J. Treague
- 7.A.3 Richard Hamann
- 7.A.4 Sue Eley
- 7.A.5 Wayne A. Tappon

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

- 7.B. Donations
None
- 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 3:55 p.m.

DECEMBER 7-8, 2010

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Natural Resources Board Liaison: Laurie Ross at 608-267-7420 or laurie.ross@wisconsin.gov

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