

AUGUST 10, 2011

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## NATURAL RESOURCES BOARD

### MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, August 10, 2011 at the House on the Rock Resort, 400 Springs Drive, Spring Green, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 3:40 p.m.

#### ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	Preston Cole – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	David Clausen – present
Greg Kazmierski – present	

1.B. Approval of agenda for August 9-10, 2011

**Mr. Kazmierski MOVED approval, seconded by Mr. Hilgenberg. The motion carried unanimously.**

1.C. Approval of minutes from May 25, 2011

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

1.D. Approval of minutes from June 22, 2011

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

**Chair Clausen** thanked staff at South Central Region for a good tour on the water that was unfortunately cut short by high winds. It was a very enjoyable learning experience.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

**Ms. Wiley MOVED approval, seconded by Mr. Cole.**

Discussion followed on the Forest Legacy Program approvals.

**The motion carried unanimously.**

3. Action Items

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

3.A.1 Revised request for adoption of Board Order AM-44-10, proposed rules affecting NR 400, 419, 421, 422, 423, 439, and 484 pertaining to the correction of deficiencies identified by the U.S. EPA with a portion of the state's current volatile organic compound (VOC) reasonably available control technology (RACT) rules

**Chair Clausen** thanked Joe Hoch and staff for their hard work on this item.

**Joseph Hoch**, Air Pollution Control Specialist, stated that the proposed rule is to correct SIP deficiencies identified by EPA on April 22, 2010 with a portion of the state's VOC RACT rules.

He reviewed why the rule revisions are necessary, the Department's stakeholder outreach and collaboration, and public hearings and comments. He also reviewed the five major rule components: Industrial Solvent Cleaning Rule Improvements, Synthetic Organic Chemical Manufacturing Industries (SOCMI) Rule Improvements, Industrial Wastewater Rule Improvements, New Letterpress Printing Rule, and Revision of Applicable Recordkeeping Requirements. Lastly, he introduced and distributed a Department amendment to Board Order AM-44-10, as follows:

**b. Any emissions unit that is not subject to an emission limitation under s. NR 419.05, 419.06, or 419.08; ch. NR 421, 422, or 423; or s. NR 424.04, or 424.05 ch. NR 420; s. NR 421.03, 421.04, and 421.07; s. NR 422.05 to 422.08, 422.09, 422.10 to 422.125, 422.13, 422.131, 422.14, 422.141, and 422.143, 422.144, and 422.15 to 422.16; and s. NR 423.03, 423.037, and 423.05, except if the emissions unit is regulated under 40 CFR part 60, subpart BBB, III, NNN, or RRR, or 40 CFR part 63, subpart T.**

He requested the Board adopt Board Order AM-44-10. **(PowerPoint)**.

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

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

3.B.1 Request adoption of Board Order WM-02-11, the Wildlife Management housekeeping rules package

**Scott Loomans**, Regulation Policy Specialist, stated the Department is proposing changes that would:

- Clarify that the definitions of "animal part or animal byproduct" and "carcass" are general definitions not limited to deer baiting regulations.
- Relax deer registration requirements in the CWD management zone.
- Eliminate the April 10 elk permit application deadline in order to allow more time for people to Submit applications.
- Allow the use of no. 8 gauge shotguns for waterfowl hunting when the gun is modified for no. 10 gauge cartridges.
- Repeal a trap tagging requirement that is unnecessary because there is a specific statutory requirement.
- Correct the location information of Vernon Marsh Wildlife Management area in Waukesha County.
- Clarify that the prohibition on the placement of personal property on department lands also applies to items left out to mark or "reserve" trap locations if the season is not open.

He requested the Board adopt Board Order WM-02-11.

Discussion followed on whether it was legal to hunt over a carcass that was not placed there by the hunter.

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

3.B.2 Request adoption of Emergency Board Order WM-12-11(E) and Board Order WM-11-11, the 2011 migratory game bird hunting seasons

**Kent Van Horn**, Migratory Bird Specialist, began with reviewing the Active Waterfowl Hunters Harvest Information Program (HIP) data, the estimated harvest by species from 1999-2009, the continental status of season frameworks, the 2011 USFWS framework, and 2011 WI duck status. He then reviewed the WI Canada goose harvest, and the 2011 Canada goose outlook. He then reviewed the 2011 waterfowl regulatory process including public involvement and the Department's proposal. He requested the Board adopt Emergency Board Order WM-12-11(E) and Board Order WM-11-11. **(PowerPoint)**

Discussion followed on deep water hunting equipment, the growing issues and concerns related to Canadian geese populations that are moving from farms to urban areas, parks, and golf courses; whether people in the Horicon zone can hunt in early season; and whether there are any options available to target local nuisance geese.

**Secretary Stepp** recognized Kent Van Horn for the extraordinary task that he has had to contend with in a tight time period.

Discussion followed on the amount of resources needed to go through this rules process and whether there is a more efficient way of doing this.

**Public Appearances:**

1. **Dick Koerner**, Neenah, representing WCC Migratory Waterfowl Committee as Chair. He stated their support to include the early Canada goose season, the youth waterfowl hunt, the 60 day duck season with a bag of 6 ducks and opening day shooting hours to begin at 9 a.m., the Canada geese Exterior Zone to have a daily bag of 2 and an 85 day season, the Horicon Zone to have a daily bag of 2 and 6 tags per hunter, that the Collins Zone be eliminated and be part of the Exterior Zone. For duck zones, the WCC supports the current North-South Zone with the Mississippi River as the 3<sup>rd</sup> Zone with option to split.
2. **Gregory Egan**, La Crosse, representing self. He requested the Department establish zones based on resource ecology, to establish zones for hunters with input from hunters, and to use splits to increase recreational opportunity. He spoke in support of the Department's proposal for the Mississippi River Zone and encouraged the Board to approve it. **(Handout)**
3. **Ray Heidel**, Onalaska, representing self. He spoke in support of the Department's proposal for the Mississippi River Zone as a third zone and encouraged the Board to approve it. He then discussed and distributed data on sea duck seasons in other states and offered his assistance in creating a sea duck season in WI. **(Handout)**
4. **Marc Schultz**, La Crosse, representing La Crosse County Conservation Alliance. He spoke in support of the Department's proposal for the Mississippi River Zone as a third zone and encouraged Board approval. Public ownership and existing developed public access to the River would ensure that thousands of waterfowlers will always have a premier place to hunt. **(Handout)**
5. **Tony Tove**, Boscobel, representing Big River Guide Service as owner. **(Handout)** Note: He preregistered to testify but was not able to attend the meeting.
6. **Peter Peshek**, Madison, representing self. He requested the Board approve a separate Lake Michigan zone for duck hunting as the approved alternative. He noted that a sea duck hunt is not in the interest of Lake Michigan hunters. **(Handout)**
7. **Andrew Limmer**, Milwaukee, representing self. He requested the Board approve the north zone season from September 24 – November 22; The south zone season from October 1 – October 9 and from October 15 – December 4; and a Lake Michigan season from October 22 – December 20. **(Handout)**
8. **George Meyer**, Madison, representing Wisconsin Wildlife Federation (WWF) as Executive Director. He spoke in support of the proposed 3 zone with splits season framework for duck hunting in Wisconsin including a new Mississippi River Zone with a 12 day split. WWF also strongly supports the 2-day youth hunt on September 17 & 18. **(Handout)**

**Secretary Stepp** thanked Mr. Meyer and the WWF for their assistance in facilitating good productive discussions. They provided leadership and kept conversations moving forward.

**Ms. Wiley MOVED approval, seconded by Mr. Hilgenberg.**

Discussion followed as to whether the Department is on record with USFWS for 4 zones.

**Mr. Kazmierski MOVED to give the Department authority to negotiate with Michigan and other states to support a Great Lakes sea duck season and to send a letter requesting the addition of a Great Lakes zone to the US F&WS and congressional delegation.**

Chair Clausen stated there was already a motion before the Board and requested Mr. Kazmierski take this up during Item 5-Board Members Matters.

Mr. Kazmierzki withdrew his motion.

**The original motion carried unanimously.**

3.B.3 Request adoption of Board Order CF-28-09, Chapter NR 51 relating to Administration of Stewardship Grants

Mary Rose Teves, Community Financial Assistance Bureau Director. She reviewed the new language added due to statutory requirements of 2007 Wis. Act 20, administrative details, codifying past practices, historical issues, the new policies, and internal/external partner input. She requested the Board adopt Board Order CF-28-09. **(PowerPoint and Handout)**

**Public Appearances:**

1. Jane Severt, Merrill, representing Wisconsin County Forests Association as Executive Director. She stated that counties appreciate access to the Knowles-Nelson Stewardship Program land acquisition dollars for county forest lands. Because of the 50% match Requirement, County Forest land purchases under NR 51 provide a “two for one” acreage benefit for Stewardship Program dollars. **(Handout)**

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

3.B.4 Request approval of Allocation Plan for Grant Subprograms of Knowles-Nelson Stewardship Program

Mary Rose Teves, Community Financial Assistance Bureau Director, reviewed the proposed allocations per subprogram for nonprofit conservation organizations (NCOs) and local units of government (LUGs). She then reviewed historical data on NCO grant awards from 2000 – 2010. She requested the Board approve the Allocation Plan for Grant Subprograms of the Knowles-Nelson Stewardship Program. **(PowerPoint)**

Discussion followed on whether funding can be moved from one category to another and what the differences are between a Natural Area and a Habitat Area.

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

3.B.5 Ratification of Department decision to issue a Stewardship grant that will prohibit at least one nature-based outdoor activity (NBOA) on non-department land: The Nature Conservancy-Baileys Harbor (North Bay State Natural Area), Door County; The Nature Conservancy-Liberty Grove (North Bay State Natural Area), Door County; and The Nature Conservancy-Liberty Grove (Mink River Estuary State Natural Area), Door County

Pam Foster Felt, Stewardship NCO Grant Manager, stated that all three of these grant ratifications are for The Nature Conservancy for acquisition of three parcels in Door County. All three parcels are within the boundaries of State Natural Areas. On all three properties, water trapping would be prohibited to protect the federally endangered Hine’s emerald dragonfly. The prohibition against water trapping would be relevant only to the wetland sections of each parcel, each of which is less than an acre in size and which represent 6%, 3.6% and .4% of the total acreage on each parcel, respectively. There is an established breeding population of the Hine’s emerald dragonfly in this area. All three parcels are situated within a quarter mile of identified critical habitat and contain known features or indicators of breeding habitat for this species. DNR staff review determined that these acquisitions would protect watershed habitat needed to sustain the Hine’s emerald dragonfly, and that the water trapping prohibition is necessary and reasonable to avoid potential “take” of this endangered species. She requested that the Board

ratify the decision to issue Stewardship grants to The Nature Conservancy for acquisition of these parcels. **(PowerPoint)**

Discussion followed on the difference between a trapper and non-trapper walking through the wetland sections; whether any trapping is currently taking place on these areas; and whether all foot traffic should be restricted in the wetland sections.

**Public Appearances:**

1. **Sandy Heidel**, Onalaska, representing self. She requested that the Board remove the prohibition on water trapping and also the requirement that hunters and trappers must register with the land trust prior to any approval of these grants. **(Handout)**
2. **George Meyer**, Madison, representing Wisconsin Wildlife Federation (WWF) as Executive Director. He stated that the prohibition on water trapping on these parcels to protect the larval habitat of the Hines emerald dragonfly would have far more credibility if access to the Hines larval habitat would be prohibited for all types of users. The WWF recommends that the Board not differentiate between the damage that may happen from different users of the property. **(Handout)**
3. **Casey Eggleston**, Madison, and **Mike Grimm**, Madison representing The Nature Conservancy (TNC) gave a joint presentation. They summarized TNC's registration system and reiterated that this system is not to monitor harvest and that there are no reporting requirements. They then reviewed the water trapping prohibition.

Discussion followed on TNC's website registration system; whether TNC registration at these properties could be done on-site; whether TNC would be opposed to closing sensitive areas to all users; whether these are time sensitive grants; whether any dragonfly larvae has been found on this acreage; and clarification of what Department actions will take place if the Board does not ratify the Department's decision on the NBOA prohibition and Hines emerald dragonfly larvae are eventually discovered on these parcels.

**Ms. Wiley MOVED approval, seconded by Mr. Cole.**

Discussion followed on where the grant matches are coming from.

**Secretary Stepp** stated the Department will do a better job summarizing and identifying funding source information earlier in the green sheet package.

Discussion followed on leveraging federal dollars and whether there is enough evidence shown for the prohibition on water trapping.

**Mr. Hilgenberg MOVED, seconded by Mr. Kazmierski to amend the rule to strike the water trapping prohibition on all three parcels and to mandate that registration be voluntary on all three parcels.**

Discussion followed on what TLC has to gain in requiring registration at these parcels but not at other locations; and what the potential is that the larvae is on these parcels due the presence of adult Hines emerald dragonfly and appropriate habitat.

**Tim Andryk**, Legal Services Bureau Director, clarified the motion to amend without a permit requirement. He stated that the standard, in order to say no to the permit requirement, is that the permit requirement be so onerous that it restricts or prevents a major or significant amount of activity to occur. If the Board agrees that is the case, then that standard has been met and the Board can say no to the permit requirement.

Discussion continued on the timeliness and reasonableness of registering for a permit.

**Attorney Andryk** stated that the permit has to be reasonably available to the general public, which is a judgment call and not a legal finding.

Discussion followed on whether registration could be available on-site.

**Mr. Bruins** requested the amendment be separated into two motions.

**Mr. Hilgenberg MOVED, seconded by Mr. Kazmierski to withdraw their motion.**

**Mr. Hilgenberg MOVED, seconded by Mr. Kazmierski to amend the rule to strike the water trapping prohibition on all three parcels.**

**The amendment passed on a roll call vote of 6-1.**

<b>William Bruins – yes</b>	<b>Preston Cole – yes</b>
<b>Christine Thomas – yes</b>	<b>Jane Wiley – no</b>
<b>Terry Hilgenberg – yes</b>	<b>David Clausen – yes</b>
<b>Greg Kazmierski – yes</b>	

Discussion followed on whether a person waiting one day or for a permit be classified as onerous.

**Secretary Stepp** stated that out of respect and deference to the Board, she would think this is more of a Board’s decision to decide what is or is not onerous. This is a policy direction and not a legal matter.

**Mr. Kazmierski MOVED, seconded by Mr. Hilgenberg to amend the rule to mandate that registration be available immediately on all three parcels.**

**Mr. Bruins** requested the amendment be modified to read “registration be available on-site” instead of immediately.

**Mr. Kazmierski and Mr. Hilgenberg accepted Mr. Bruins’ modification as a friendly amendment.**

**Mr. Kazmierski MOVED, seconded by Mr. Hilgenberg to amend the rule to mandate that registration be available on-site on all three parcels.**

**Ms. Wiley** called the question.

**The modified amendment passed on a roll call vote of 6-1.**

<b>William Bruins – yes</b>	<b>Preston Cole – yes</b>
<b>Christine Thomas – yes</b>	<b>Jane Wiley – yes</b>
<b>Terry Hilgenberg – yes</b>	<b>David Clausen – no</b>
<b>Greg Kazmierski – yes</b>	

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

<b>William Bruins – yes</b>	<b>Preston Cole – yes</b>
<b>Christine Thomas – yes</b>	<b>Jane Wiley – yes</b>
<b>Terry Hilgenberg – yes</b>	<b>David Clausen – yes</b>
<b>Greg Kazmierski – yes</b>	

3.B.6 Request approval of Secretary’s Order pertaining to modification of the deadline for counties to enact or amend a shoreland zoning and subdivision ordinance in compliance with the revised statewide minimum shoreland zoning standards under ch. NR 115, Wis. Admin. Code

**Russ Rasmussen**, Water Division Deputy Administrator spoke in place of Heidi Kennedy. He briefly reviewed the history of the shoreland zoning standards. He stated that the Department is proposing to extend the deadline by two

years to February 1, 2014 which would allow Counties additional time to pass zoning ordinances under NR 115. The revisions are somewhat complex and there are a number of policy questions that have been raised, most specifically by the County Code Administrators who are the folks that need to implement and administer these standards across the state. Time is needed to investigate their concerns and to try to determine solutions. The Department also wants to be sensitive to the Counties local process and the fact they need more time to get things in place. The most recently passed budget requires the Department to do an economic impact analysis on this particular rule. It will take additional time for the Department to put this together. The Department is also working with the legislature on issues they raised. He requested the Board approve the Secretary's Executive Order to extend the deadline for county adoption of updated ordinances under NR 115.

Discussion followed on how delaying the county deadline for two years will impact the counties and/or the local units of government that have already started working on this; and what the Department will do in the next two years to rectify the false information that is currently being distributed by certain stakeholders.

**Secretary Stepp** stated this rulemaking has been a long process. The County Code Administrators now needs to implement this. They have done an outstanding job of educating the Department on their struggles and how they are or not able to implement them. The Department is looking at addressing some of the misunderstandings out there and will do effective outreach in communities around the state on explaining it properly. The Department is engaged in making sure the proper information is getting out to the people that need to implement it.

Discussion followed on how changes to the administrative rules process due to Act 21 may affect this rule; and whether any county has already passed conforming ordinances.

#### **Public Appearances:**

1. **Julie Anderson**, Oak Creek, representing Racine County as Planning & Development Director. She spoke in support of the 2-year extension for implementation of the revised standards. Racine County looks forward to working with the Department to assist with the review of the revisions to make it more management and realistic for urban counties. **(Handout)**

Discussion followed on whether Racine County is looking for additional time to implement or wants a rewrite; and why the Board has not received comments from the WI County Code Administrators (WCCA).

**Secretary Stepp** stated that as a group, the WCCA and individual counties have been vocal. Confusion with the rule is the biggest concern. The Department's job is to clarify and support the different levels of government.

Discussion followed concerning the comment received from a surveyor and the June 2009 meeting minutes when WCCA testified on the rule adoption.

**Mr. Rasmussen** stated that WCCA did submit comments to the Department dated April 20, 2011 addressing their issues and concerns.

**Mr. Cole** requested the comments from the Wisconsin County Code Administrators be included in the permanent record.

Discussion followed on the problems the counties are having in implementing the revised standards.

2. **Lori Grant**, Madison, representing River Alliance of Wisconsin spoke in support of extending the deadline. She requested the Board direct the Department to provide the staff and resources necessary to ensure the counties get the assistance they need to get the job done. **(Handout)**

**Chair Clausen** spoke to Mr. Cole's concerns related to comments the Board received from a surveyor. He recommended Mr. Cole work with staff to address the concerns raised.

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

**Chair Clausen** moved the meeting to item 4A – Citizen Participation.

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

**Public Appearances**

1. **John Welter**, Eau Claire, representing Trout Unlimited

*Topic:* Impact of watershed restoration efforts in southwest Wisconsin

He distributed brochures and information on the Trout Unlimited Driftless Area Restoration Effort (DARE). This effort is working to greatly increase the amount of watershed restoration activity within the Driftless Area and link it to broader protection efforts to reduce soil erosion and pollution, benefit fish/habitat, and expand recreational opportunities. Currently, there are no resources available that combine information on the recreational opportunities, such as horse trails, hiking, biking, hunting, and trout fishing that this area has to offer in one map. This would be a great opportunity for the Department, Economic Development, and the counties to partner in. He invited the Board to take a look at their restoration work from Highway 14 west to Bear Valley. For further information on DARE, visit their website at [www.tu.org/driftless](http://www.tu.org/driftless). **(Handout)**

2. **William Howe**, Prairie du Chien, representing Upper Mississippi River Commission

*Topic:* Environmental concerns regarding plants and critters of the Mississippi

He stated that the biggest challenges and problems on the Mississippi River and other rivers in the Midwest are that of invasive fish species. Many of these species have been introduced to the Mississippi River system in the last 50 years. The other major issues along the Mississippi is hydropower and the placement of these facilities on the locks and dams. Hydropower does not care about the environment or the social activities of the river system. They are interested in providing hydropower. There is a need for a top notch investigation in Wisconsin of hydropower's impacts on the environment. He distributed a handout titled "Wisconsin Discussion of Free Flow Power Proposed Studies Plan". **(Handout)**

3. **Jay Hoeft**, Beaver Dam, representing self

*Topic:* Environmental terrorism, total disrespect for public safety, and corruption

He submitted documents to the Board and then reviewed each page. His concern relates to the 2008 Beaver Dam River flooding/dam failure and ensuing damage to his building which housed The Fountain Inn. **(Handout)**

**Chair Clausen** moved the meeting to item 3.B.7.

3.B.7 Easement Purchase – Forest Legacy Area – Sawyer County

**Paul DeLong**, Forestry Administrator, and **Richard Steffes**, Real Estate Director, gave a joint presentation. They reviewed the Wisconsin's Forest Legacy Program goals and the Chippewa Flowage Forest CE by Phase. They then reviewed the economic, recreation, and ecological benefits to the public. They requested the Board approve the easement purchase for the Forest Legacy Area in Sawyer County. **(PowerPoint)**

Discussion followed on whether these lands were vulnerable being held privately; whether this parcel is supported locally; whether this purchase supports Department policies and procedures as well as in the Silviculture Handbook and how the Department approaches private forests; does the purchase signal that private forests are not necessarily welcome in Wisconsin; why Plum Creek Timberlands is divesting many of its forestland; is there a difference whether a parcel is owned by Consolidated Paper vs. Plum Creek; the length of time Plum Creek has owned this property; what the state can and can not do with purchased easement rights; what Plum Creek paid for the land in 2002; and whether there is access to the interior of this property.

**Public Appearances:**

1. **Rick Olson**, Winter, representing self spoke in support of this purchase. This easement purchase is a good approach to keep the flavor of the North alive. This area is a jewel of the north. He stated that when large parcels are broken up into 40 acre parcels, it increases costs for their area due to increased expenses for services and roads. This purchase keeps it in the tax

base. This parcel will always be an active forest which will support local jobs, including tourism.

- 2. **Jane Severt**, Merrill, representing Wisconsin County Forests Association as Executive Director. She spoke in support of this purchase which will create a unified block of nearly one million acres of protected forest and natural lands in the Chippewa Flowage. It ensures continued public access to the property for a variety of recreational use. This is an important area for the local tourism industry. **(Handout)**
- 3. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director spoke in support of this project. This purchase is clearly of great significance. These large block management purchases are very farsighted. Better habitat management can be accomplished when you have a complete block of land like this.

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

3.B.8 Land Acquisition – Lower Wolf River Bottoms Wildlife Area – Outagamie County

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

3.B.9 Land Donation – Statewide Natural Area – Dane County

**Public Appearances:**

- 1. **Jim Welsh**, Madison, representing Natural Heritage Land Trust. On behalf of their 700 members, they are very pleased to offer this land to the state. The Westport Drumlin is a tremendous natural area which is ecologically rich, beautiful, and inspiring. Their local partners were Dane County Conservation Fund, Town of Westport, and Village of Waunakee. They had great collaboration with Department staff, including securing federal matching funds. They hope to stay involved at Westport Drumlin, assisting the state natural areas program, and the Prairie Enthusiasts in managing the property. He invited the Board and public to their open house scheduled for Saturday October 1 from 1:00 p.m. – 4:00 p.m. to unveil the kiosk, benches, and parking area.

**Ms. Wiley MOVED approval, seconded by Mr. Cole.**

Discussion centered on Department of Agriculture, Trade & Consumer Protection’s Working Lands Initiative on whether taking 180 acres of tillable farm land out of production is necessary; whether the Department will pursue selling off productive farm land and parcels not needed for conservation purposes; and a comparison to the late 1990s establishment of the Western Prairie Habitat Restoration Area.

**Chair Clausen** called the question based upon philosophical differences that were unlikely to be resolved during the meeting and agreed to schedule a discussion at a future meeting on the Working Lands Initiative.

**The motion passed on a roll call vote of 4-3.**

<b>William Bruins – no</b>	<b>Preston Cole – yes</b>
<b>Christine Thomas – yes</b>	<b>Jane Wiley – yes</b>
<b>Terry Hilgenberg – no</b>	<b>David Clausen – yes</b>
<b>Greg Kazmierski – no</b>	

**Mr. Hilgenberg** clarified that the Working Lands Initiative discussion would come before the Board as an agenda item at a future Board meeting.

**Mr. Cole** requested the Working Lands Initiative item be before the Board at their joint meeting with the Department of Agriculture, Trade and Consumer Protection (DATCP).

3.B.10 ~~Land Donation – Statewide Natural Area – Door County~~ **DELETED (moved to September agenda)**

3.B.11 ~~Easement Donation – Grassy Lake Wildlife Area – Columbia County~~ **DELETED (moved to September agenda)**

3.B.12 Land Donation – Rush Creek Natural Area – Crawford County

**Ms. Wiley MOVED approval, seconded by Mr. Bruins.**

Discussion followed on who would pay for the removal of the structures.

**The motion carried unanimously.**

3.B.13 ~~Land Acquisition – Glacial Habitat Restoration Area – Winnebago County~~ **ADDED DELETED**

5. Board Members' Matters

**Mr. Bruins** spoke on a bear attack on livestock that occurred in Sawyer County. He was concerned with the Department's response after the attack. He stated the Department needs to take more ownership of the fact that if wildlife attacks livestock or animals of any sort, the Department has to be more pro-active and make it a more positive response. It should be important for the Department to pay for those damages and put things back as close to normal as possible. There are growing concerns with wolves and depredation. The Department needs a better plan in place to deal with these situations. He requested the Department to do some investigating on procedures and see where things can be tightened up and improvements made.

**Chair Clausen** requested an update on bear and wolf depredation procedures be added to the agenda at a future meeting.

**Mr. Kazmierski** reported that he had the opportunity to attend the Great Lakes Forest Conference which primarily dealt with timber harvest on national forests. He was hopeful that the Board would help support the timber industry. There was also considerable talk about the Department's efforts on the 100,000 acres of blowdown in northern Wisconsin. It was all good.

There was also considerable talk regarding August item 3B7 - Forest Legacy easement. He stated that access to the interior of that property slipped through the cracks. He requested the Department set up a standard access criteria for the big block land acquisitions to ensure access to fishing holes and useable land.

He then requested the Department to hold off on drafting a letter regarding creating a separate migratory game bird hunting zone on the sea duck season. Instead, he requested the Department be given authority to work with some of the other states on supporting a sea duck type season. He would like the Department to aggressively go after this. He requested staff return before the Board in December and address this request.

**Chair Clausen** stated since Mr. Kazmierski's request was not noticed, the Board could not take action. Instead, he requested staff to get back to him with possible scenarios for access and on the sea duck issue.

**Mr. Hilgenberg** stated the easement issue is even more encompassing than just access. There are so many parts of what an easement can do and what can be included. He requested Mr. Kazmierski's request be expanded to an overview of what is negotiated in an easement, review it, and then work together towards a model.

**Mr. Cole** noted that in regards to August item 3.B.5, he was not able to locate the hunter registration form on The Nature Conservancy's website.

**Ms. Wiley** stated that while she attended the La Crosse Migratory Game Bird hearing, she met a man named Al Marotz who is a hunter education instructor. His hunter education group is putting together a book called "After the Hunt – a hunter education cookbook for those on the hunter's journey". He asked for anyone interested to email to him recipes, photographs, stories, etc. about hunting for this cookbook. Funds received on the sale of the cookbooks, she thought, would go to hunter education. She distributed his business cards. Al Marotz can be reached at 715-556-9717, or through email at [huntereducationcookbook@hotmail.com](mailto:huntereducationcookbook@hotmail.com). Their website is <http://www.chippewariverpearl.com/cookbook>

5.A. Approval of 2012 Meeting Calendar

**Mr. Cole MOVED approval, seconded by Ms. Wiley of the retirement resolutions. The motion carried unanimously.**

6. Special Committees' Reports

None

7. Department Secretary's Matters

7.A. Retirement Resolutions

7.A.1 Bruce Bacon

7.A.2 Steve Bade

7.A.3 Fred K. Bailey

7.A.4 Jim Bishop

7.A.5 Raymond Briggs

7.A.6 Don Bush

7.A.7 Gregory W. Dahl

7.A.8 James S. Dalton

7.A.9 J. Terry Dukerschein

7.A.10 Audrey Gantenbein

7.A.11 James Gobel

7.A.12 Paul F. Hainstock

7.A.13 Craig Hollingsworth

7.A.14 Terry R. Jensen

7.A.15 Neal H. Kephart

7.A.16 Dennis Kobes

7.A.17 Cheryl Krull

7.A.18 Ron Kurowski

7.A.19 Allen (Ross) Larson

7.A.20 Dennis McLain

7.A.21 Mark Putra

7.A.22 Bruce C. Rodger

7.A.23 Al Stranz

7.A.24 Tom Turner

7.A.25 Scott Wardell

**Mr. Cole MOVED approval, seconded by Ms. Wiley of the retirement resolutions. The motion carried unanimously.**

Discussion followed on the comparison of the number of retirements from this year to previous years.

**Secretary Stepp** stated that she did not have this information at hand but will get it to the Board.

**Secretary Stepp** then reported on the Department's hiring status. She stated the Governor is supporting filling of critical agency vacancies. The administration has given the Department the green light to start filling critical agency positions that previously have been held open. Since May of 2011 there have been 62 human resources transactions which includes some transfers. There have been six new appointments,

51 transfers, and 5 promotions. About half have occurred in the Central Office. The focus has now shifted to the regions in an effort to make sure that there are boots on the ground for proper oversight on sensitive environmental projects.

7.B. Donations

7.B.1 The Andrew F. Bell and Edith M. Bell Charitable Trust will donate \$35,214.50 to be split evenly between the Bureaus of Endangered Resources and Wildlife Management

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

8. Information Items

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

None

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

8.B.1 ~~Blue green algae in Wisconsin waters: cause and locations of blooms. Department monitoring program, ecology and ecological effects, and human health~~ **DELETED (moved to September agenda)**

8.B.2 Timeline and reassessment of predator management as a component of the Sharp-tailed Grouse Management Plan

**Scott Walter**, Upland Game Bird Biologist, reviewed the potential impacts of predators on Sharp-tailed Grouse. He then reviewed the efficacy of predator removal for upland game birds. He concluded that 1) removal of raptors is not likely to be approved by the U.S. Fish and Wildlife Service; 2) removal of mammalian predators is possible but with minimal benefit to grouse expected; 3) there are significant opportunity costs; and 4) there are social concerns. He then reviewed the potential timeline for implementation of a predator control program. **(PowerPoint)**

Discussion followed on maintenance levels; whether the Department has any insight as to what is killing the Sharp-tailed Grouse between the nest and the next year; brood survival; whether the Department has requested federal permits to reduce raptors in this area; and the need to fill in gaps in scientific knowledge.

**Dr. Thomas** stated that she would like to see an addendum to the plan to include the feasibility of various options and for the Department to make a recommendation to the Board. She also would like to see recommendations for research projects to help pinpoint the factors affecting survival rates. As an example, request for raptor control would require evidence that raptors were a problem. A February 2012 timeframe was agreeable to her.

**Mr. Kazmierski** stated that he has been in contact with the Trappers Association and they would love to partner with the Department on the predator management plan. The Department needs to explore these possibilities which could be implemented as early as next spring. He does not want the Department to worry about confounding research on the blow down event. The ultimate goal here is sharp-tail. If predator management and the blow down can help, that is a great thing. The Department can only do so much habitat management which the plan addresses.

**Mr. Bruins** requested a more fleshed out plan as to how the Department is going to create ideal habitat.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

8.B.3 Annual Update on Wisconsin Wolf Management

**Adrian Wydeven**, Mammalian Ecologist, reviewed the changes in Wisconsin's gray wolf population from 1980 through 2011 and the annual cycle of the wolf population. He then discussed the minimum statewide wolf counts and counts off Indian Reservations in Wisconsin

from 1980 through 2011. He summarized wolf complaints, dog depredations, and farms with verified livestock depredations. He reviewed the wolf-dog hybrid regulation that was enacted July 1, 2010. He summarized the history of the state gray wolf listing by the Department and the history of the federal wolf listing in Wisconsin. He discussed the federal wolf delisting process that began on May 5, 2011 and the Department's comments. In closing, he reviewed wolf management costs in Wisconsin from 2008 through 2010. **(PowerPoint)**

Discussion followed on whether there is any research on the success of relocating a bear or wolf once it has a taste for domestic livestock.

**Chair Clausen** requested a straw poll show of hands from the Board as to who is fed up with the wolf delisting issue

**The straw poll was unanimous.**

<b>William Bruins – yes</b>	<b>Preston Cole – yes</b>
<b>Christine Thomas – yes</b>	<b>Jane Wiley – yes</b>
<b>Terry Hilgenberg – yes</b>	<b>David Clausen – yes</b>
<b>Greg Kazmierski – yes</b>	

Discussion followed on whether Wisconsin is working with neighboring states on the wolf delisting issue and whether wolf-dog hybrids that mix with wolves may create a 3<sup>rd</sup> genetic species.

#### **INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

#### 8.B.4 Metallic Mining Update

**Ann Coakley**, Waste Management Bureau Director, presented information on metallic mineral deposits including deposit locations and characteristics, the status of work associated with deposits, and an overview of the Flambeau Mine. She then addressed ferrous minerals (hematite and magnetite), non-ferrous minerals (metallic and non-metallic) which cover every other mineral mined that does not contain economic quantities of iron, and sulfide minerals and sulfide waste rock management. **ADDED (PowerPoint)**

Discussion followed on the depth of iron ore mines; whether there are significant amounts of sulfides in ferrous minerals; and whether there are concerns with the frac sand process.

**Chair Clausen** requested an information item on frac sand at a future Board meeting.

#### **INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

**Mr. Cole MOVED, seconded by Ms. Wiley to adjourn the meeting. The motion carried unanimously.**

\*\*\*The meeting adjourned at 3:40 p.m.\*\*\*

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