

View Natural Resources Board agendas, meeting calendar, webcasts, biographies and public participation info online at: <http://dnr.wi.gov/about/nrb/overview.html>

## NATURAL RESOURCES BOARD

### BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, August 14, 2013 in the Circus Room, Clarion Hotel & Convention Center, 626 W. Pine Street, Baraboo, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-3 and 5-6. The meeting adjourned at 2:30 p.m.

### ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	Gary Zimmer – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	Preston Cole – present
Greg Kazmierski – present	

1.B. Approval of agenda for August 13-14, 2013

**Mr. Zimmer MOVED approval, seconded by Mr. Hilgenberg of the August 13-14, 2013 agenda. The motion carried unanimously.**

1.C. Approval of Brief of Action from June 25-26.

**Mr. Bruins MOVED approval, seconded by Mr. Kazmierski of the June 25-26, 2013 Brief of Action. The motion carried unanimously.**

**Chair Cole** reported on the live and archived usage of meeting recordings (Mediasite). 452 people viewed live while 282 citizens and 365 department staff viewed archived recordings. He read thru the city/state/country list of viewers.

**Chair Cole** then thanked regional staff Mark Aquino, Bob Manwell, and Bill Zwolanek for their coordination of the tour at Badger Army Ammunition plant and meeting logistics.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

**Ms. Wiley MOVED approval, seconded by Mr. Kazmierski of the Real Estate Transactions. The motion carried unanimously.**

3. Action Items

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

3.A.1 Request that the Board adopt Board Order WT-28-10, proposed rules affecting NR 211, related to General Pretreatment Requirements which regulates industrial wastewater discharges to publicly owned treatment plants (POTWs)

**Dr. Thomas MOVED approval, seconded by Mr. Kazmierski of the department's recommendations. The motion carried unanimously.**

- 3.A.2 Request that the Board authorize a public hearing for Board Order WA-14-13, proposed rules affecting chs. NR 130, 131, 132, 182, and 500 to 538, Wis. Adm. Code as well as other rules that contain exemptions for nonferrous mining (NR 103, 123, 135, 140, 213, 214, 406, 812, 815, Wis. Adm. Code), as required by section 103 of 2013 Wisconsin Act 1 (the new Ferrous Mining Law)

**Mr. Hilgenberg MOVED approval, seconded by Mr. Bruins of the department's recommendations. The motion carried unanimously.**

- 3.B. Land Management, Recreation, Fisheries, and Wildlife  
3.B.1 Request adoption of Emergency Board Order WM-07-13(E) and Board Order WM-06-13 related to establishing the 2013 migratory game bird hunting seasons and regulations (PowerPoint)

Discussion followed on comments received regarding Lake Butte des Morts, whether survey results will be used to ratify decisions, option of reviving issues during the WI Conservation Congress spring hearings process and annual meeting, law enforcement issues, and whether habitat reduction in North Dakota would affect Wisconsin's duck season.

**Public Appearances:**

1. **Al Shook**, Town of Genesee, representing WI Conservation Congress as Migratory Committee Chair. He reviewed the Committee's decisions from their August 3, 2013 meeting and spoke in support of the department's recommendations. He asked the department to consider a longer season split for ducks and geese as a result of local feedback, as follows: Mississippi zone duck season to September 21 – 29 and October 19 – December 8; and the Mississippi River Sub-Zone Canada geese season to September 21 – 29 and October 19 – January 9. **(Handout)**
2. **Jim Ramos**, Barneveld, representing self. He spoke in opposition to open water hunting.  
  
Discussion followed as to whether opportunities are diminished in states that allow open water hunting and the WI Conservation alternate proposal for a longer split.
3. **Linn Duesterbeck**, Milton, representing Lake Koshkonong Wetland Association. He spoke in opposition to expanding open water hunting. **(Handout)**
4. **Don Kirby**, Freedom, representing WI Waterfowl Association. He spoke in support of the proposed expansion of open water hunting opportunity to the ten lakes that remain on the list. **(Handout)**
5. **Dan Rudebeck**, Larsen, representing Lake Poygan Sportsmen's Club. He spoke in support of the proposed rule change regarding expanded open water hunting opportunities as proposed with Lakes Poygan/Winneconne and Butte des Morts not included in the list. **(Handout)**

6. **Matthew Harp**, Greenville, representing self. He spoke in support of the proposed rule change regarding expanded open water hunting opportunities as proposed with Lakes Poygan/Winneconne and Butte des Morts not included in the list.
7. **Terrill Knaack**, Beaver Dam, representing self. Open water hunting on waters such as Beaver Dam would hasten the departure of the few ducks that still land on these waters, rob them of a place to rest during their migration, and disrupt the hunting on sights that already exist. **(Handout)**

Discussion followed on the possibility of starting open water hunting at a later date.

**Ms. Wiley MOVED approval, seconded by Mr. Kazmierski of the department's recommendations and to recognize Dick Koerner, Chair of the WCC Migratory Bird Committee, who was in attendance at the meeting.. The motion carried unanimously.**

3.B.2 Land Acquisition – Lower Wolf River Bottomlands Natural Resource Area – Outagamie County

**Mr. Bruins MOVED approval, seconded by Dr. Thomas of the department's recommendations. The motion carried unanimously.**

3.B.3 Land Exchange – Northern Highland State Forest – Vilas County

**Public Appearances:**

1. **John Hanson**, Manitowish Waters, representing Manitowish Waters as Town Chair. He spoke in support of the department's recommendation.

**Mr. Kazmierski MOVED approval, seconded by Mr. Zimmer of the department's recommendations. The motion carried unanimously.**

Discussion followed on the fantastic job the township has done of maintaining the property and the challenging work done by appraisers in making the right adjustments.

3.B.4 Land Donation – South Shore Lake Superior Fish and Wildlife Area – Bayfield County

**Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski of the department's recommendations. The motion carried unanimously.**

3.B.5 Request that the Board adopt Fisheries Spring Hearing Board Order FH-18-12, proposed rules affecting chs. NR 20 and 23 related to recreational fishing regulations on inland, outlying, and boundary waters. All trolling proposals were removed and will be added to the 2014 spring hearings. A sunset date was also added to the proposed change to a one bag, 28-inch size limit for walleye on Silver Lake, Barron County **ADDED**

Discussion followed on amending the sunset date.

**Mr. Hilgenberg MOVED approval, seconded by Mr. Zimmer to amend the sunset date to April 2016. The motion carried unanimously.**

**Mr. Bruins MOVED approval, seconded by Mr. Kazmierski of the department's recommendations as amended. The motion carried unanimously.**

- 3.B.6 Request that the Board authorize public hearings for Board Order WM-05-13, proposed rules affecting NR Ch. 10 related to bobcat and elk management and hunting **ADDED**

**Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski of the department's recommendations. The motion carried unanimously.**

- 3.C. Scope Statements

- 3.C.1 Request that the Board approve the Statements of Scope for Board Orders WM-21-13 and WM-22-13(E) and conditionally approve the public hearing notice for WM-21-13 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chs. NR 10 and 45 related to firearm discharge across trails, requiring dog-proof traps on State Park properties, clean up chs. NR 10 and 45 to reflect Board determinations under Wis Act 168, and simply regulations

**Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg of the department's recommendations. The motion carried unanimously.**

4. Information Items

- 4.A. Air, Waste, Water, and Enforcement

- 4.A.1 Current state authorities for protecting groundwater quality and quantity **(PowerPoint)**

Discussion followed on the significance of the percentages in the 2012 Groundwater Total Withdrawals by Water Use chart, whether the static level of wells is monitored on an annual basis in the Central Sands, data collection, and balancing human benefit from food production vs. recreational value.

**Dr. Thomas** requested a presentation before the Board as soon as possible to review statutes and Board/department authority regarding groundwater withdrawals, how the department is using current authority, whether legislation is required, and what the department learned from Lake Beulah.

Discussion continued on the department's timeline and what will happen in the two year period, getting the right information/data to legislators to make decisions, project scope, and that this is an extremely important issue to the Board.

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

- 4.B. Land Management, Recreation, Fisheries, and Wildlife

- 4.B.1 Knowles-Nelson Stewardship Program 2013-2015 **(PowerPoint)**

Discussion followed on whether the total allotment is all bonded, clarification of the spike in Fiscal Year 2013 Property Development and Local Assistance, who determines allocations, why NCOs were at the same level and local assistance was reduced, whether statute states "shall", "must" or "may" regarding selling land outside of established boundaries, whether every stand-alone property outside a project boundary is potentially up for sale, whether proposed properties for sale would come before the Board for

approval, whether the department will give plenty of notice to the public prior to Board action, and expected timeline.

**Chair Cole** asked Mr. Hilgenberg to be the Board's point person for Manual Code and procedural changes. He noted that doing the early work will set this up for success.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 4.C. Department Wide
- 4.C.1. Final 2013-2015 Biennial Budget Update (PowerPoint)

Discussion followed whether the reconfiguration of state agencies would have an impact on the department's budget.

**Chair Cole** stated, for agenda repair, that the closed session for purposes of discussing potential real estate transactions and litigation matters will take place during the Board's lunch break instead of at 10:00 a.m. as noticed on the agenda.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 5. Department Secretary's Matters
- 5.A. Retirement Resolutions
- 5.A.1. David Beck
- 5.A.2. Martin (Marty) Kiepke
- 5.A.3. Richard Nikolai
- 5.A.4. Richard A. Weide
- 5.A.5. Shirley Zwolanek

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

- 5.B. Donations
- 5.B.1 Wisconsin Masonry Alliance will donate \$56,000 to be used to cover costs related to the project coordinated through the Bureau of Watershed Management titled "Evaluation of the Water Quality and Winter Salt Reduction Benefits of Permeable Pavement"

**Mr. Bruins MOVED approval of the department's recommendations and to acknowledge the donation, seconded by Dr. Thomas. The motion carried unanimously.**

- 5.B.2 Andrew F. Bell and Edith M. Bell Charitable Trust will donate \$37,510 to be used to support Natural Heritage Conservation priorities and to fund wetland habitat research

**Dr. Thomas MOVED approval of the department's recommendations and to acknowledge the donation, seconded by Mr. Kazmierski. The motion carried unanimously.**

- 5.B.3 The Willow River OWLs (Organization for Wildlife Learning) will donate \$30,000 to be used to pay the salary of the environmental educator and a seasonal assistant at Willow River State Park **ADDED**

**Mr. Hilgenberg MOVED approval of the department's recommendations and to acknowledge the donation, seconded by Mr. Zimmer. The motion carried unanimously.**

**Secretary Stepp** thanked Board Members Greg Kazmierski, Christine Thomas, and Gary Zimmer for participating in the wildlife biologist hiring process.

She then reported on her opening pitch at the DNR Days Milwaukee Brewers baseball game on Friday, 19, 2013.

In closing, she reviewed her July 10 – 11, 2013 visit with forestry partners in southwest Wisconsin. Opportunities for growth and challenges faced by the industry were the main topics of discussion.

6. Board Members' Matters  
6.A. Approval of the 2014 Meeting Calendar

**Dr. Thomas MOVED approval of the department's recommendations and to change the January meeting date to January 21-22, 2013, seconded by Mr. Hilgenberg. The motion carried unanimously.**

- 6.B. Board Members' Matters

None

7. Citizen Participation  
7.A. Citizen Participation – 11:00 a.m.

**Public Appearances:**

1. **Representative Fred Clark**, Sauk City, 81<sup>st</sup> Assembly District  
*Topic:* Badger Reuse Plan. He spoke on state authority for protecting groundwater, Knowles-Nelson Stewardship Program, and the Sauk Prairie Recreation Area (SPRA). **(Handout)**
2. **Senator Jon Erpenbach**, Middleton, 27<sup>th</sup> Senate District  
*Topic:* Badger Reuse Plan. He spoke on community involvement and Badger Oversight Management Commission's (BOMC) Alternative 4.
3. **Rick Antin**, Nekoosa, representing Rome Area Water Resource Alliance  
*Topic:* Manure spreading using irrigational pivot systems. He spoke of concerns related to health and social/family issues on neighboring landowners.
4. ~~**Adam Kassulke**, Madison, representing Wisconsin Wolf Front as Chair~~  
*Topic:* use of dogs to hunt wolves. He could not attend due to a family emergency. His intent was to review their 90 day poll of 6,500 citizens on the use of dogs and to announce the September 22, 2013 Motorcycle Ride for the Wolves in the Madison area. **(Handout)**
5. **Joan Fordham**, Baraboo, representing Sauk Prairie Conservation Alliance  
*Topic:* Badger Army Ammunition Plant/Sauk Prairie Recreation Area. She urged the removal of all high-impact use from the Master Plan and to include Alternative 4 in the final recommendation. **(Handout)**

6. **Ava Putnam**, Baraboo, representing self  
*Topic:* Badger Army Ammunition Plant/Sauk Prairie Recreation Area. She spoke in opposition to a shooting range and ATV use. **(Handout)**
  7. **Helen Judge**, Sauk City, representing self  
*Topic:* Badger Army Ammunition Plant/Sauk Prairie Recreation Area. She spoke in opposition to a shooting range and ATV use.
  8. **Kenneth Lange**, Baraboo, representing self  
*Topic:* Support of a low impact plan for the Badger Army Ammunition Plant. He spoke in support of BOMC Alternative 4. **(Handout)**
  9. **Laura Olah**, Merrimac, representing Citizens for Safe Water Around Badger (CSWAB)  
*Topic:* Status of environmental cleanup at the former Badger Army Ammunition Plant which includes land that has been designated as the Sauk Prairie Recreation Area (SPRA). She spoke in support of BOMC Alternative 4. **(Handout)**
- Discussion followed on the overall assessment of the Groundwater condition and remaining contaminated areas from Tuesday's tour and whether Ms. Olah agrees with the department's analysis.
10. **Will Stahl**, Neenah, representing Sierra Club – John Muir Chapter as Conservation Chair  
*Topic:* Badger Army Ammunition Plant/Sauk Prairie Recreation Area. He requested the Board support a Master Plan for SPRA that balances low-impact recreation with ecological restoration and high quality environmental education (BOMC Alternative 4). **(Handout)**
  11. **Mary Solum**, Town of Merrimac, representing self  
*Topic:* Badger Army Ammunition Plant/Sauk Prairie Recreation Area. She spoke in support of using the Badger Reuse plan and BOMC Alternative 4 as the blueprint for Badger. **(Handout)**
  12. **Don Hammes**, Middleton, representing WI Wildlife Federation  
*Topic:* Sauk Prairie Master Plan. He stated that at their Board of Directors meeting this past week, they voted to support BOMC Alternative 4. **(Handouts: testimony and Birds of the Badger Prairie Scroll)**
  13. **Margaret Lahti**, Prairie du Sac, representing self  
*Topic:* Options for Sauk Prairie Recreation Area She could not attend due to health concerns but requested to go on record as being in favor of the BOMC Alternative 4.
  14. **Donna Schmitz**, Sauk City, representing self  
*Topic:* Badger Reuse Plan. She spoke in support of BOMC Alternative 4. **(Handout)**
  15. **John Eric Allen**, Baraboo, representing self  
*Topic:* Badger Reuse Plan. He spoke in support of BOMC Alternative 4.

16. **Jeff Nass**, Pulaski, representing Wisconsin FORCE  
*Topic:* Sauk Prairie Recreation Area Master Plan. He spoke in support of a shooting complex. **(Handout)**
  17. **Edward Kraumenauer**, Prairie du Sac, representing self  
*Topic:* Badger Reuse Plan, Shooting Range, and ATV. He spoke in opposition to a gun range and ATV track. **(Handout)**
  18. **Virginia Kraumenauer**, Prairie du Sac, representing self  
*Topic:* Badger Reuse Plan, Shooting Range, and ATV. She spoke in favor of BOMC Alternative 4 and in opposition to a shooting range and ATV track. **(Handout)**
  19. **Charlie Luthin**, Lodi, representing self  
*Topic:* Various proposed options for Badger per draft plan. He spoke in support of low-impact recreation activities and ecological restoration. **(Handout)**
- Discussion followed regarding Dairy Forage Research Center's activities and whether use of a forage harvester would be acceptable.
20. **Bob Welch**, Redgranite, representing Hunters Rights Coalition  
*Topic:* Sauk Prairie Recreation Area Master Plan. He spoke in support of a shooting range.
  21. **Stanley Goldfarb**, Madison, representing self  
*Topic:* Sauk Prairie Recreation Area. He spoke in support of BOMC Alternative 4. **(Handout)**
  22. **Terrence McCormick**, Baraboo, representing Baraboo Range Preservation Area  
*Topic:* Sauk Prairie Recreation Area. He spoke against a shooting range and ATV trails. **(Handout)**
  23. **David Wernecke**, Baraboo, representing self  
*Topic:* Sauk Prairie Recreation Area. He spoke in support of the Badger Reuse Plan as detailed in BOMC Alternative 4.
  24. Laura Olah read **Wendy Carlson's** testimony, Sauk City, representing self. Ms. Carlson was required to serve on jury duty and could not attend.  
*Topic:* Badger recreational uses. Her testimony was in opposition to ATV trails and a shooting range. **(Handout)**
  25. Annette Olson spoke in place of **Scott Meyer**, Gleason, representing United Sportsmen of WI  
*Topic:* Sauk Prairie Recreation Area She spoke in support of the Outdoor Recreation Plan which includes a shooting range and ATV trail. **(Handout)**
  26. **Jeb Barzen**, Spring Green, representing self  
*Topic:* Badger Reuse Plan. He spoke in support of bringing conservation and farming together. **(Handout)**

27. **Susan Holmes**, Baraboo, representing self  
*Topic:* Shooting range and ATV use at Badger. She spoke in support of BOMC Alternative 4. **(Handout)**
28. **Patricia Kelly**, Baraboo, representing self  
*Topic:* Concerns regarding proposed recreational uses. She spoke in support of BOMC alternative 4. **(Handout)**
29. **Eugene Robkin**, Baraboo, representing self  
*Topic:* Some history of the Badger reuse process. He spoke in opposition to high-impact recreation.
30. **Craig Schlender**, Baraboo, representing Sauk County Pheasants Forever as Chapter President  
*Topic:* Importance of saving all of the prairie we can since this is the biggest loss of habitat around the country. He requested the ATV and shooting range be located on terrain that is more common to this area than natural prairie areas and supports low-impact activities. **(Handout)**

**Chair Cole** requested a motion to go into Executive under the authority of s.19.85(1)(e) Wisconsin Statutes for purposes of discussing potential real estate transactions and under the authority of s. 19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters.

**Mr. Kazmierski MOVED, seconded by Mr. Zimmer. The motion carried on a roll call vote of 7 – 0.**

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

**Chair Cole** reconvened the meeting at 2:29 p.m. He reported that during the Executive Session no action was taken.

**Mr. Bruins MOVED, seconded by Mr. Kazmierski to adjourn the meeting. The motion carried unanimously.**

\*\*\*The meeting adjourned at 2:30 p.m.\*\*\*

The Natural Resources Board and Department of Natural Resources are committed to serving people with disabilities. If you need Board information in an alternative format, please contact:

Natural Resources Board Liaison: Laurie Ross at 608-267-7420 or  
[laurie.ross@wisconsin.gov](mailto:laurie.ross@wisconsin.gov)

AUGUST 13-14, 2013

**NOTE: Each Natural Resources Board meeting is recorded and webcasts are posted to the Board webpage. Recordings are posted on-line at:**  
**<http://dnrmedia.wi.gov/main/Catalog/Full/5449d652227e46a8b511bfc430ca79ce21>**  
**The following resources also are available: Agenda Item Packets (green sheets), supporting documents, and public comment.**