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**WISCONSIN NATURAL RESOURCES BOARD
BRIEF OF ACTION**

The regular meeting of the Wisconsin Natural Resources Board was held on Wednesday, August 3, 2016 at AmericInn, 3009 Lakeshore Drive, Ashland, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-2 and 5-6. The meeting adjourned at 3:30 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	Gary Zimmer – present
Julie Anderson – present	Preston Cole – present
Dr. Prehn – present	Terry Hilgenberg – present
Greg Kazmierski – present	

1.B. Approval of agenda for August 2-3, 2016

Mr. Bruins MOVED, seconded by Dr. Prehn, approval of the August 2-3, 2016 agenda. The motion carried unanimously.

Chair Hilgenberg thanked the 2,200 plus employees of the department who daily go about their great work and have continued commitment to the natural resources of the state of Wisconsin. The Board is very appreciative of that. He then called City of Ashland Mayor Lewis to the podium.

Deb Lewis, City of Ashland Mayor, welcomed the Board and department to the heart of Chewaumegan Bay - Ashland. She reviewed the recent storms, touted local businesses, and addressed agricultural runoff. She was glad that the Board kept their meeting in Ashland.

Cathy Stepp, Department Secretary, presented Mayor Lewis with four brownfield grants for the City of Ashland.

Chair Hilgenberg then thanked Northern Wisconsin staff, Secretary's Director John Gozdzialski, his assistant Deb Benson, and regional staff for their outstanding effort in hosting the Ashland area tours and meeting.

1.C. Approval of Brief of Action from June 21-22, 2016

Dr. Prehn MOVED, seconded by Mr. Bruins, approval of the June 21-22, 2016 Brief of Action. The motion carried unanimously.

2. Action Items

2.A. Air, Waste, Water, and Enforcement
None

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

2.B.1. Request adoption of Board Order WM-13-15, proposed rules modifying Ch. NR 16 related to captive deer farm fence regulations

Discussion followed on the standards of testing and the herd status program.

Public Appearances:

1. **Larry Bonde**, Kiel, representing Wisconsin Conservation Congress as Chair
2. **Al Horvath**, Superior, representing self (**Handout**)
3. **Bruce Prentice**, Ashland, ~~representing self~~ He withdrew his request to testify.
4. **Rick Vojtik**, Fairchild, representing Whitetails of Wisconsin as President
5. **Laurie Seale**, Gilman, ~~representing self~~ She withdrew her request to testify.
6. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director (**Handout**)
7. **Michael J. Isham Jr.**, Odanah, representing Great Lakes Indian Fish and Wildlife Commission (GLIFWC) (**Handout**)

Discussion followed on one of Wisconsin Wildlife Federation's requests that if a captive cervid farm becomes infected by CWD, that unless double fenced, the entire cervid population on the property be depopulated within 30 days (Outside of scope of DNR). The discussion continued on how hobby farmers and hunting preserves would be affected by this proposed rule, a reminder that this is an emergency rule (If not passed, WI DATCP and federal standards would go into effect), the need to tighten up the management plan, whether the department will have the CWD Management Plan available at the December 2016 meeting, and whether WI Wildlife Federation recommendations will be considered (Yes, along with WI Conservation Congress's Biosecurity Measures.).

Mr. Cole requested a timeline on the CWD Management Plan be on the September 28, 2016 Board meeting agenda.

Dr. Prehn made it clear that making this rule permanent today does not preclude the Board from changing it down the road.

Dr. Prehn MOVED, seconded by Mr. Kazmierski, approval of the department's recommendations.

Mr. Zimmer stated that we need to take major precautions that we have not taken before. If we are going to have this in your backyard, we need to think about something more preventative that protects the hobby farm herd and the people's herd. He struggles with supporting these changes.

Mr. Cole followed up with Mr. Zimmer's comment that hobby farmers and enthusiasts that keep these types of facilities are on notice. We are not interested in jeopardizing the herd because of a fence. We will use the full breadth of the law along with their willingness and partnership to protect the herd.

Discussion followed on escapes, preventing CWD and understanding the nature of the disease, containment and double fencing, whether there is a grace period on enforcement for fence standards and herd status, clarification of how most escapes have happened (Gates have been left open.), use of electric fences, and the importance of thinking through a long-term strategy.

Chair Hilgenberg stated that he believes the Department has gotten the message. The Board is very interested in a comprehensive plan and will have a schedule update in September. The Board is extremely concerned about this issue.

Mr. Kazmierski stated one of the issues here is two agencies working together. A lot of what is going on is part of WI DATCP's responsibility. When we have the September update, he would like to see Dr. McGraw from WI DATCP also available so we can start working together.

Dr. Prehn stated that the tribal side of the debate should be in these discussions as well.

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

2.B.2. Request adoption of Emergency Board Order FH-12-16(E), proposed rules affecting chapter NR 25 related to cisco (lake herring) harvest in Lake Superior

Discussion followed on freezing the cisco harvest for a number of years, whether the framework is designed to bring the population up or keep it at the current level, department discussions with stakeholders on reducing the harvest, and increasing the cisco populations for generations to come.

Public Appearances:

1. **Craig Hoopman**, Bayfield, representing Craig Hoopman Fisheries, LLC (**Handout**)
2. **Bruce Prentice**, Ashland, representing self (**Handout**)
3. **Bob Jauch**, Poplar, representing self (former Senator)
4. **Dave Sorenson**, Ashland, representing North Wisconsin Rod and Gun Club as President

Mr. Zimmer MOVED, seconded by Dr. Prehn, approval of the department's recommendations.

Discussion followed on understanding the dynamic with tribal relations and the ongoing conversation.

The motion carried unanimously.

2.B.3. Request approval of the Lower Wisconsin State Riverway Master Plan (PowerPoint)

Discussion followed on the department's collaboration with the Wisconsin State Riverway Board, and increased recreational opportunities,

Chair Hilgenberg stated that he and the Board emphasize the importance of facilitating public comment before, during, and after our consideration of all board matters, including master plan approvals.

When concerns were raised by southwestern Wisconsin residents that they would not be able to travel to Ashland as easily as they could travel to Madison, he asked the department to make a video conference accommodation in Madison at DNR headquarters. It should be noted, though, a significant number of decisions also are made by NRB while meeting in Madison that specifically impact northern Wisconsin residents, including high-profile changes to master plans. Video conferencing has been used in the past for these issues, as well.

It is important to the Board and the citizens of Wisconsin that our decision making and workload flows in a manner that respects work-done-to-date and work-yet-to-happen on any item of public concern. Delaying consideration of the Lower Wisconsin Riverway master plan, in this instance, will impact the ability of the department and the Board to work on other important matters in each of our upcoming monthly meetings.

He emphasized that the board gives equal weight of consideration to public testimony regardless of how it is transmitted to us. Some citizens send letters via USPS, email, or facsimile; some citizens call us; some citizens talk to us in the grocery store; some citizens participate in a DNR public meeting or hearing; some citizens physically attend Board meetings; finally some citizens joins us via teleconference. All of their thoughts are considered equally in our decision making.

Any citizen of Wisconsin interested in the Lower Wisconsin Riverway master plan can rest assured that if they contact us, by whatever means, the Board will consider their thoughts as if they attend in person, as has been done since the board's inception.

Remote Presentations from Madison DNR Office:

1. **Mark E. Cupp**, Muscoda, representing Lower Wisconsin State Riverway Board as Executive Director

Discussion followed on the Lower Wisconsin State Riverway Board's concerns and whether a variance would need to go back to the Board for action (No.).

2. **Donna Schmitz**, Sauk City, representing self
3. **Nicolas Wooton**, Madison, representing Badger Naturists
4. ~~**Shirley Noles**, Middleton, representing self~~ She withdrew her request to testify.

Presentations from meeting in Ashland:

1. **Larry Bonde**, Kiel, representing Wisconsin Conservation Congress as Chair
2. **Robert Morton**, Oshkosh, representing Naturist Action Committee as Executive Director
3. ~~**Cory White**, Madison, representing self~~ He withdrew his request to testify.
4. ~~**Zoe White**, Madison, representing self~~ She withdrew her request to testify.
5. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director (**Handout**)
6. **James C. Dickey**, Middleton, representing Friends of Mazo Beach (replaced A. Steven Porter) (**Handouts**)

Ms. Anderson MOVED, seconded by Mr. Bruins, approval of the department's recommendations.

Discussion followed on clothing optional outdoor recreation, whether it is part of the department's SCORP (Statewide Comprehensive Outdoor Recreation Plan), and whether enforcement of illegal activities is in state statute.

Mr. Zimmer MOVED to amend, seconded by Dr. Prehn, to clarify language on page 10 of the State Water Trail language to read "The department will consider ~~support~~ ~~any~~ future initiatives to designate the Lower Wisconsin River as a State Water Trail."

Discussion followed on the intent of the motion.

The motion to amend carried unanimously.

The original motion as amended carried unanimously.

Mr. Kazmierski asked for a discussion on the zoning concerns from Mr. Cupp, Lower Wisconsin State Riverway Board

Secretary Stepp stated this was a semantics issue. The department will investigate further. She committed that if there are any minor wording changes that need to be done for clarification, the department will work with Mr. Cupp to correct.

Dr. Prehn requested that the record show that the wording change does not change the intent.

The motion carried unanimously.

2.B.4. Land Acquisition – Peshtigo River State Forest – Marinette County

Public Appearances:

1. **Larry Bonde**, Kiel, representing Wisconsin Conservation Congress as Chair

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

2.B.5. Land Exchange and Donation – Scattered Forest Lands and Northern Highland State Forest – Vilas County (PowerPoint)

Discussion followed on the shoreline zoning of the proposed land exchange, local zoning regulations, history of adding prescriptive language, and stocking of game.

Public Appearances:

1. **Larry Bonde**, Kiel, representing Wisconsin Conservation Congress as Chair. He spoke in support of agenda items 2.B.5., 2.B.6., and 2.B.7.
2. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director (**Handout**)

Discussion followed on the substantive impact of a conservation easement on the Rest Lake parcel.

3. **Michael J. Isham Jr.**, Odanah, representing Great Lakes Indian Fish and Wildlife Commission (GLIFWC) (**Handout**)

Discussion followed on tribal access to harvest wild rice on Rest Lake.

4. **Amy Kobussen**, Manitowish Waters, representing EAU Holdings
Available to answer questions.
5. **Rick Zordani**, Manitowish Waters, representing Rest Lake Apartments, LLC
Available to answer questions.

Discussion followed on appraisals of the varying properties and whether a conservation easement would impact riparian rights and value.

Mr. Cole questioned Mr. Zordani whether the owners would consider a conservation Easement (It is ultimately the decision of the owners.).

Discussion followed on the usability of the Rest Lake property for the department and citizens with no access, the quality of the Mann Lake property, and a petition received by the Board in opposition to the land exchange.

Mr. Kazmierski MOVED, seconded by Dr. Prehn, approval of the department's recommendations.

Chair Hilgenberg read the petition signed by 54 citizens (included a letter from the Skiing Skeeters) into the record as follows:

"We, the undersigned, are vehemently opposed to the land deal between the State of Wisconsin and Richard and Elizabeth Uihlein, in which they would obtain 765 feet of lake frontage on Rest Lake in the town of Manitowish Waters, Wisconsin, adjacent to their 11 unit condominium complex which borders Rest Lake Park.

We feel that it would substantially increase boat traffic on Rest Lake decreasing public safety.

We do not want to see protected shoreline developed or destroyed for commercial use.

It usurps property used for 61 years by the Manitowish Waters Skiing Skeeters [a local youth program].

It will be detrimental to the environment and contrary to the land stewardship policies of both Vilas County and the State of Wisconsin.

The proposed land sale does not comply with the policies and procedures set forth by the DNR."

Discussion continued on the land exchange and donation, and on the qualities of the Mann Lake property.

The motion carried unanimously.

2.B.6. Land Acquisition – Kettle Moraine State Forest, Northern Unit IANSR

Public Appearances:

1. **Larry Bonde**, Kiel, representing Wisconsin Conservation Congress as Chair
(He commented on this item during his testimony at 2.B.5.)

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

2.B.7. Land Acquisition – Lower Chippewa River State Natural Area – Dunn County
(PowerPoint)

Mr. Bruins stated to Doug Haag, Facilities and Lands Deputy Bureau Director, that this is a great place for him to step away from his current position with this proposed land transaction. He did not recall any land purchase more popular or positive than this one

Public Appearances:

1. **Larry Bonde**, Kiel, representing Wisconsin Conservation Congress as Chair
(He commented on this item during his testimony at 2.B.5.)
2. **David Donovan**, Eau Claire, representing Xcel Energy
3. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director

Secretary Stepp acknowledged Xcel Energies for their patience in working with the department. This was a very significant purchase. She gave a shout-out to Xcel for the fantastic working relationship they engaged in with West Central Secretary's Director Dan Baumann. She appreciates the company's support and patience in waiting for the time the department needed to plan this out according to our fiduciary restrictions and responsibilities. This property is indeed a gem and she was glad to have taken part in this.

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

Dr. Prehn stated to Doug Haag, Facilities and Lands Deputy Bureau Director, that you are a stellar individual, do a first class job, you explain things well, are articulate, and are fiscally responsible with the taxpayers' money. Secretary Stepp will have a hard time filling your shoes. We are going to miss you. Each time real estate came up, it was done well and done properly with no shenanigans. Congratulations.

Mr. Haag stated that he owes his work ethic in part to the Board and to the high bar they hold at their meetings. He has learned a lot in his current position. Certainly, we listen closely to the Board and take your direction in policy and then bring back real estate deals that you are looking for. It really helped shape his professional career and he really appreciated that.

Dr. Prehn stated to division staff who Mr. Haag will oversee that he hopes they understand that they have quite a captain coming their way.

Chair Hilgenberg added to those who are not aware, Mr. Haag was recently appointed as the Department's Division Administrator for Internal Services. We are very happy to have him in that position. Doug and he worked closely together for several years and echoed Dr. Prehn's comments. Mr. Haag has done an outstanding job and we will expect even more from him in his new position.

Chair Hilgenberg moved the meeting to agenda item 3. – Citizen Participation with the noticed closed session immediately following. He will return the meeting to agenda item 2.C.1. at approximately 1:00 p.m.

3. Citizen Participation

3.A. Public Appearances:

1. ~~**Bruce Prentice**, Ashland, representing self~~ He withdrew his request to testify.
Topic: Spring Hearing resolutions – legislative action
2. **Sue Hodges**, Ashland, representing League of Humane Voters Wisconsin Chapter (LOHVWI)
Topic: 2016 anti-wildlife legislation (**Handouts**)
3. **Dave Sorenson**, Ashland, representing North Wisconsin Rod and Gun Club as President
Topic: Depletion of natural resources by tribes
4. **Mary Dougherty**, Bayfield, representing Sustain Rural Wisconsin Network
Topic: the CAFO situation in WI, the LAB report, AG Schimel's opinion (and the DNR's subsequent incorporation of his opinion) on high cap wells and the manure workgroup recommendations
5. ~~**Tribal Representative** (TBD), Bayfield, Red Cliff Band of Lake Superior Chippewa~~
~~*Topic:* Legislative Audit Bureau's audit of Wastewater Permitting and Enforcement~~
The tribe withdrew their request to testify.
6. ~~**Richard Ketring**, Ashland, representing self~~
~~*Topic:* Agricultural runoff contamination of tributaries to Chequamegon Bay of Lake Superior~~ He was moved to testify under agenda item 2.C.1.
7. **Gene Lemmenes**, Herbster, representing self
Topic: Agricultural point source wastewater treatment and Chequamegon Bay watershed non-point source modeling
8. **Mark Pederson** spoke in place of **Kellie Pederson**, Washburn, representing the Greater Chequamegon Bay National Marine Sanctuary Nomination Initiative Steering Committee
Topic: Providing information and update regarding the local effort to nominate Wisconsin's Lake Superior Waters for designation as a National Marine Sanctuary through NOAA's National Marine Sanctuary program. (**Handout**)

Mr. Cole noted to Secretary Stepp that the department should move on this interesting project.
9. **Fawn Youngbear-Tibbets**, Ashland, representing self
Topic: The proposed CAFO the Bayfield resolution and encouraging enforcement of complaints and violations
10. **Daniel Hansen**, New Richmond, representing the Upper Willow River Rehabilitation District
Topic: Issuance of non-point source permits and self-reporting

11. **Sandra Gokee**, Ashland, representing self

Topic: Mutual stewardship of resources in ceded territory by tribes and WI DNR

Chair Hilgenberg requested a motion and second to go into Closed Session under the authority of s.19.85(1)(g) Wisconsin Statutes for the purpose of discussing litigation matters.

Mr. Bruins MOVED, seconded by Ms. Anderson that the Board convene into closed session under the authority of s.19.85(1)(g) Wisconsin Statutes for the purpose of discussing litigation matters. The motion carried on a roll call vote.

William Bruins – yes

Gary Zimmer – yes

Julie Anderson –yes

Preston Cole – yes

Dr. Prehn – yes

Terry Hilgenberg – yes

Greg Kazmierski – yes

Chair Hilgenberg stated to those in the audience and viewing on-line that the meeting will reconvene at approximately 1:00 p.m.

Ms. Anderson MOVED, seconded by Mr. Cole to reconvene the meeting into session. The motion carried unanimously.

Chair Hilgenberg reported that during the Closed Session, no action was taken.

2.C. Scope Statements

- 2.C.1. Request approval of the Statement of Scope for Board Order WT-15-16 and conditionally approve the public hearing notice and notice of submittal of proposed rules to Legislative Rules Clearinghouse for proposed rules affecting chapter NR 151 and NR 243 related to runoff management and non-point source performance standards and Concentrated Animal Feeding Operation (CAFO) rule revisions to incorporate by reference those performance standards

Secretary Stepp thanked Russ Rasmussen, Policy and External Relations Director, for his presentation today and for articulating clarifications that needed to be heard. She emphasized her appreciation to the Board for their leadership on this issue and thanked Russ for his leadership throughout all of this. This is not a new problem and has existed for decades, specifically in Kewaunee County. This is a new way of actually solving the problem by putting the money behind the science. This is important in the rulemaking process. She then especially thanked the Kewaunee County folks who reached out to her very early in her tenure. The department is going to come up with real answers for these families. This is something the Governor feels passionately about. She expressed her appreciation to him for allowing the department to be leaders on this. She also thanked the members of the study committee and their commitment to stay at the table. That is how real solutions come about. In closing, she thanked Russ Rasmussen, Pat Stevens, and Mark Aquino and their leadership teams for putting together the staff resources in order to be able to accomplish this today and move it forward.

Chair Hilgenberg then noted that public testimony should be confined to the specific items within the scope statement, which is focused on implementing the Kewanee County work group recommendations and shallow soils overlaying fractured bedrock (Karst

geology). However, given that there may have been some lack of clarity as to whether some of the speakers should have registered to testify under this item or during our public participation item for a specific project, and given the Board's interest in ensuring we hear from the public, the Board will hear all testimony registered under this item, even if some of the speakers' comments do not relate directly to the scope statement.

Public Appearances:

1. **Paul Zimmerman**, Madison, representing Wisconsin Farm Bureau Federation as Executive Director of Governmental Relations **(Handout)**

Mr. Bruins stated that the Wisconsin Farm Bureau Federation is a general commodity farm organization that represents all kinds and types of farm of all sizes. This organization has a long history of putting certain issues on the top of their priority list and questioned whether this issue would be on the top of their priority list.

Mr. Zimmerman stated from the organization's perspective, this is at the top of their list for the upcoming 1.5 to 2 years. We have to address groundwater contamination concerns that may be derived from agriculture. We have to prevent it from happening if possible and if it does happen, to do what we can to help correct it.

2. ~~**Bruce Prentice**, Ashland, representing self~~ He withdrew his request to testify.
Richard Ketring, Ashland, representing self, was added here from agenda item 3.A. – Citizen Appearances.
3. **Missy Stevens**, Bayfield, representing Farms Not Factories
4. **Jennifer Giegerich**, Madison, representing Wisconsin League of Conservation Voters as Legislative Director **(Handout)**
5. **Diane M. Greenweller**, Nekoosa, representing self
6. **Lynn Utesch**, Kewaunee County, representing self
7. **Elizabeth Wheeler**, Madison, representing Clean Wisconsin
8. **Scott Griffiths**, Washburn, representing City of Washburn as Mayor **(Handout)**
9. **Colleen Geisen**, Washburn, representing self **(Handout)**
10. **Colene Lee**, Washburn, representing self
11. ~~**Roger Aiken**, Bayfield, representing self~~ He withdrew his request to testify. **(Handout)**
12. ~~**Rave Lahti**, Cable, representing self~~ He withdrew his request to testify. **(Handout)**

13. **Dorene Dimick** spoke in place of **Helen Donahue** who lost her voice, Wisconsin Rapids, representing self (**Handout**)
14. **Criste Greening**, Wisconsin Rapids, representing Protect Wood County & Its Neighbors (**Handout**)
15. **Joe Greening**, Wisconsin Rapids, representing self (**Handout**)
16. **Tressie Kamp**, Madison, representing Midwest Environmental Advocates (**Handouts**)
17. **Bruce Dimick**, Wisconsin Rapids, representing self (**Handout**)
18. ~~**Doreen Dimick**, Wisconsin Rapids, representing self~~ She withdrew her request to testify.
19. **Virginia Drath**, Emerald, representing self
20. ~~**Cory White**, Madison, representing self~~ He withdrew his request to testify.
21. ~~**Zoe White**, Madison, representing self~~ She withdrew her request to testify.
22. **Michael Mertes**, Washburn, representing self
23. **Mary Rehwald**, Ashland, representing self (**Handout**)
24. **Mary Kenosian**, Eau Claire, representing self
25. **Jerry Meissner**, Chili, representing Dairy Business Association as President Emeritus (**Handout**)

Mr. Cole questioned Mr. Meissner whether he would be the person to represent the Dairy Business Association in a working group on this issue.

Mr. Meissner responded yes and that he would be happy to help out in any capacity.
26. ~~**Rhonda Carrell**, Wisconsin Rapids, representing self~~ (**Handout**)
She was not in attendance.
27. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director
28. ~~**Rev. Daniel J. Hoy**, Eau Claire, representing self~~ He was not in attendance.
29. **Tom Lager**, Neenah, representing Wisconsin State Council of Trout Unlimited
30. **Stacy Craig**, Mason, representing self (**Handout**)
31. **Katherine Morrisseau**, Washburn, representing self

Discussion followed on why the department is not doing an emergency rule and why the Board is not jumping into NR 243.

Dr. Prehn reported the following into the record: “He thanked the Governor and the department for initiating this scope statement at the Board’s urging. It is encouraging to continue to see the good work of the Kewaunee work groups coming to fruition. He also thanked everyone that spoke or wrote us on this very important issue.

Up to this point, NR 151 and 243 reflected general guidance to a standardized policy approach to agricultural runoff control standards that could be characterized as “one size fits all”. The statement of scope before us today is reflecting the realization that it might be time to “target” regulatory standards and guidance to fit unique geography and hydrogeology; in this case it is Karst geology in areas of shallow soil.

Based on recommendations made in the Kewaunee Groundwater Workgroup report, today we are moving to strengthen water quality performance standards in sensitive areas that feature karst type geology with shallow soil, not just in Kewaunee and adjacent counties but other areas with variable soil depths around the state. These proposed rule revisions will define targeted performance standards and establish nonpoint performance standards that may apply to these areas. Standards may include: reduced manure spreading rates; incorporation and injection requirements; fertilizer and manure application timing requirements; emergency spreading restrictions; manure pathogen reduction requirements; soil map depth verification; manure and fertilizer setback requirements from public and private wells and from direct conduits to groundwater.

Once we approve the NR 151/243 Scope Statement, the department will begin the process of updating and revising the rule to implement the performance standards necessary to attain ground and surface water quality standards. The Board expects to have this updated rule ready for public hearings in spring or early summer of 2017. As the Board’s point person on water issues, he will keep the Board informed on the department’s progress toward that goal.

Recent reports have suggested that this scope isn’t enough, well; it is a very good first step. We are addressing a long standing water quality issue in timely manner. We are doing so deliberately, and we are doing so in an inclusive way making sure industry and citizens are at the table out of the gate. In order to provide consistency and ensure that groundwater standards will be achieved, the department will revise NR 243 to incorporate these performance standards by reference. That said, I want to make sure that the department will revisit the rest of NR 243 at an appropriate time.

Within the policy conversation are three major themes:

1. Scale of livestock agriculture:
 - a. Does simple scale or consolidation of livestock inherently create additional environmental challenges?
 - b. If yes, does the concern vary throughout the state because of unique landscape characteristics? This can be appropriately addressed through identifying and implementing best management practices designed specifically to reduce

environmental risk in areas identified as more susceptible to contamination of ground or surface waters. For example, limiting spreading rates in sensitive areas will require additional land base for a given manure volume and have the effect of extending the carrying capacity of a given number of livestock across a larger land base.

2. Landscape characteristics:

- a. Areas with karst geology with shallow soils (depth to be determined) and those predominated by sandy soils have been identified to date as more sensitive. While new information is always being developed, there are many BMPs that can be implemented to be more protective of these unique landscapes. Reduced spreading rates, pathogen reduction techniques and increasing the solids content of the manure are examples.

3. Best Management Practices:

- a. Wisconsin will need to be more targeted relative to BMP selection and compliance monitoring to ensure environmental protections of waters.
- b. We will need to continue to develop and refine our BMPs and our evaluation and calibration of BMP performance to reduce and predict the impact of agricultural runoff to the waters of Wisconsin. Note that models do not always accurately predict for major episodic releases which seem to be more frequent due to changing storm patterns.

The policy discussion will need to include:

- Initial and long-term outcomes for resource protection that include soil health, water quality, and public health parameters with measurable results.
- Targeting of administrative standards and program guidance to recognize the uniqueness of diverse landscapes to assimilate diverse livestock and crop production models and their respective capacity to produce runoff.
- Partnerships (private and public) and their specific roles that will need to be accountable for supporting agricultural producers and communities.
- Financial support that will directed to education, administration, technical assistance, and monitoring of soil and water conservation to ensure that the agricultural industry continues to thrive while adapting to new social and performance expectations.

In conclusion, he believes the statement of scope is adequate and only a start for what we are trying to address, clearly, opening further scope statements are necessary. It reflects our realization that agriculture and its impact on the environment and public health and demand a more refined policy statement. This rule revision effort will initiate and be a part of a statewide conversation that should consider not only environmental protection from a farm and watershed scale, but farm productivity and profitability and agriculture's benefits to the broader economy.”

Dr. Prehn MOVED, seconded by Mr. Zimmer, approval of the department's recommendations.

Discussion followed on the importance of agriculture, clean water, and the importance of working together.

Mr. Cole asked that the two department team leaders on this pay attention to the FTEs (full time employees) required for implementation, inspections, and monitoring. Budget cycle should include FTEs to carry out practical rules and inspections.

Chair Hilgenberg stated that the department is committed to working with the Board. This is a high priority and we need money to get this done.

The motion carried unanimously.

- 2.D. Department Wide
None

Chair Hilgenberg moved the meeting to agenda item 4 – Information Items.

4. Information Items
4.A. Air, Waste, Water, and Enforcement
4.A.1. Industrial Sand Mining Strategic Analysis update (PowerPoint)

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

- 4.B. Land Management, Recreation, Fisheries, and Wildlife
4.B.1. Harvest of lake trout and other species by commercial and recreational anglers in Lake Superior

Chair Hilgenberg thanked Terry Margenau, Lake Superior Fisheries Supervisor, and staff for the wonderful tour yesterday and for all the work they do up here.

Discussion followed on lake trout stocking.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

5. Department Secretary's Matters
5.A. Retirement Resolutions
5.A.1. Daniel (Dan) Fuller
5.A.2. John F. Olson
5.A.3. Kurt I. Welke

Secretary Stepp recognized John Olson for his service to the state and congratulated him for an exemplary career. He is known nationally for his work in Wisconsin and has put his mark on management of trapping issues.

Mr. Olson thanked Cathy Stepp, told the story of his bear scat tie, and noted two of his mentors who were past-DNR Secretaries who stressed science and community: Buzz Bezdany and George Meyer.

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

5.B. Donations

- 5.B.1 Andrew F. Bell & Edith M. Bell Charitable Trust will donate \$39,494 to continue support of endangered species priorities and to fund activities associated with wetland habitat

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

5.C. Department Secretary's Matters

- 5.C.1. Acts of the Department Secretary – Real Estate Transactions

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

5.C.2. Department Secretary's Matters

Secretary Stepp updated the Board on the Ashland area flooding. She thanked and recognized all those who assisted. The Northwoods community is resilient - they are open for business and want people to come up and enjoy the resource. They are happy that the Board kept their meeting plans in Ashland.

Chair Hilgenberg thanked everyone for their wonderful hospitality and wished the people up here the very best during the recovery.

6. Board Members' Matters

- 6.A. Approval of the 2017 Meeting Calendar

Chair Hilgenberg stated that he received a request to move the February meeting to Tuesday, February 28 and Wednesday, March 1.

Dr. Prehn MOVED, seconded by Mr. Kazmierski, approval of the 2017 meeting calendar and to move the February meeting to February 28 and March 1. The motion carried unanimously.

6.B. Board Members' Matters

Ms. Anderson commented that initially we did not realize we were going to have a robust agenda. We had approximately 84 people signed up to testify. It is really important that when people want to get on that agenda and speak that they strictly adhere to the timeline and if they miss the timeline, they do not speak. Laurie Ross does a yeomans job of trying to manage all these requests. The public needs to understand that if they miss the deadline, they miss the deadline.

Chair Hilgenberg noted that he received a couple requests to speak longer than the given three minutes. He fully supports the three minute rule. He is hopeful the media recognizes the value of why we travel to various locations in Wisconsin to receive public input in the process as well as hear what is important to them. He personally thanked all

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the staff involved for their great work. He applauded staff for their enthusiasm, creativity, and getting their arms around it to make it happen.

Dr. Prehn MOVED, seconded by Mr. Zimmer, to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 3:30 p.m.

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

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