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## WISCONSIN NATURAL RESOURCES BOARD

### BRIEF OF ACTION

The regular meeting of the Wisconsin Natural Resources Board was held on Wednesday, September 28, at Comfort Inn and Suites, W10170 Highway 54 East, Black River Falls, 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 11:38 a.m.

### ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present

Gary Zimmer – present

Julie Anderson – present

Preston Cole – present via conference call

Dr. Frederick Prehn – present

Terry Hilgenberg – present

Greg Kazmierski – present

1.B. Approval of agenda for September 28, 2016

**Dr. Prehn MOVED, seconded by Ms. Anderson, approval of the September 28, 2016 agenda. The motion carried unanimously.**

1.C. Approval of Brief of Action from August 3, 2016

**Mr. Bruins MOVED, seconded by Mr. Zimmer, approval of the August 3, 2016 Brief of Action. The motion carried unanimously.**

**Chair Hilgenberg** welcomed Greg Blackdeer, Ho-Chunk Nation District 1 Representative, host for the September meeting.

**Representative Blackdeer** welcomed the Board and department to Black River Falls, their regional headquarters. He wished the Board a good meeting and good luck.

**Chair Hilgenberg** thanked Representative Blackdeer for the wonderful hospitality and for the opportunity to develop our relationships at yesterday's meeting.

**Chair Hilgenberg** added to the record a letter of welcome the Board received from Ray Ransom, Jackson County Board Chair. He then thanked Secretary's Director Dan Baumann, his assistant Sue Snyder, and all the staff involved in coordinating yesterday's tours and today's meeting. He thanked Shelly Allness, DNR Tribal Liaison for moderating the meeting with tribal representatives. The Board was appreciative of the opportunity to exchange ideas and get to know each other better.

2. Action Items

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

2.B. Land Management, Recreation, Fisheries, and Wildlife  
None

2.C. Scope Statements

2.C.1. Request approval of the Statement of Scope for Emergency Board Order FH-17-16(E) and Board Order FH-19-16 and conditionally approve the public hearing notice for FH-19-16 and notice of Submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapters NR 20 and 25 related to fish harvest in Lake Superior

Discussion followed on the response from last year's situation regarding size slot for lake trout.

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

2.D. Department Wide

2.D.1. Request approval of the Department's 2017 - 2019 Biennial Budget including Operating, Capital, and Environmental Improvement Fund components

Discussion followed on the meaning of GPR [General Purchase Revenues] and where this pot of money comes from [Income tax and sales tax dollars. Deficit discussions are typically in relation to GPR.], reallocation of 4 positions to CAFO permitting, forestry relocation proposal and conclusions, and cost of staffing time to complete the forestry study.

**Chair Hilgenberg** thanked Joe Polasek, Management and Budget Bureau Director, for his thoroughness in briefing the Board on the 2017 – 2019 Biennial Budget.

Discussion continued on the forestry relocation proposal, budget constraints, the next steps in the budget process, concerns with debt service on land purchased over time [Approximately 70% in GPR.], and a thank you to DNR Secretary Cathy Stepp and her team for doing a terrific job and for making sure the department is using sound business practices.

**DNR Secretary Cathy Stepp** thanked the Board for their gracious comments. Her team has been working for well over one year on the core work analysis which has been very helpful to them in laying out priorities. She is very proud of them for staying within their means.

Discussion followed on the opportunities the public has in visiting state parks and utilizing the amenities which are second to none in the nation, putting investments in places where people are getting the maximum use, and concern for the growing list of capital development project needs.

**Dr. Prehn** challenged the department to look at the growing list of capital development maintenance needs and questioned maintaining structures that are not being used. There is risk in cutting maintenance in the short term.

**Ms. Anderson** stated regarding zero based budgeting that staff did an outstanding job in honing in on prioritizing capital items. The wish list is long and the money is short.

Discussion followed on the importance of scrutinizing allocations.

**Chair Hilgenberg** complimented Terry Bay, Facilities and Lands Bureau Director, for doing a very good and organized job. It was well done.

**Public Appearances:**

1. **George Meyer**, Madison, representing Wisconsin Wildlife Federation as Executive Director (**Handout**)

**Mr. Kazmierski MOVED, seconded by Mr. Zimmer, approval of the department's recommendations [Approval of the 2017 – 2019 operating and capital budgets, and the EIF Biennial Finance Plan; and to authorize the Secretary to make technical adjustments if necessary.].**

**Chair Hilgenberg** thanked Mr. Polasek, Mr. Bay and their staff for putting this budget together.

**The motion carried unanimously.**

3. Citizen Participation at 9:30 a.m.  
**Public Appearances**

1. **T. J. Dunn, Jr., DVM**, Rhinelander, representing self (**Handouts**)  
*Topic:* Testing for additional pollutants in Wisconsin's waterways

Discussion followed on what types of products the substance Triclosan is in, and the process the department will follow when a concern such as this is brought up.

2. ~~**Carl Landsness**, Madison, representing self.~~ He withdrew his request to testify.  
~~*Topic:* Conflict transformation~~

2. **Tom Lochner**, Wisconsin Rapids, representing Wisconsin State Cranberry Growers Association (**Handout**)  
*Topic:* Elk damage and abatement on farms

3. **Jim Bible**, Black River Falls, representing self  
*Topic:* Elk damage and abatement on farms

4. **Karen Doers**, Warrens, representing Hawkins Lake Corporation

*Topic:* Elk damage and abatement on farms

6. **Mark Pergande**, Warrens, representing self. He withdrew his request to testify.

*Topic:* ~~Elk damage and abatement on farms~~

Discussion followed on elk abatement for damage on cranberry farms, alternative electric fencing, and abatement funding.

**Mr. Bruins** questioned public speaker Tom Lochner (Wisconsin Cranberry Growers Association) as to whether, in his opinion, growers would consider an electric fence standard.

**Mr. Lochner** responded he felt the growers would be supportive of whatever works.

**Ms. Doers**, who owns a small grower, noted that the fencing she installed this year was costly (\$41,600) and has changed the landscape of her marsh. She would welcome a less intrusive and less costly alternative.

**Mr. Bible**, a local grower, stated his problem is putting a fence up and maintaining it down the road. They have a nice balance of an ecosystem and would hate to shut out other animals from visiting their reservoirs. We will not only fence out the elk but native animals in the area as well where they live and prosper. That is his big point.

**Dr. Prehn** stated that currently the department has authority to put fencing up with other agencies inside the elk zone. He was concerned whether growers located right outside the elk zone could receive abatement. He asked how the regulation could be changed to assist those growers outside of the elk boundary area.

**Sanjay Olson**, Fish, Wildlife and Parks Administrator, stated this is an important issue and that this discussion is not over. The department will work with other agencies to expand the conversation and will work with these growers to find a different solution and will try to meet their needs. We want this to be a success.

**Dr. Prehn** questioned whether changing the \$10,000 damage abatement (per incident) is statutory and needs to go through the legislation branch [Correct].

**Secretary Stepp** stated there is a lot of work from the front end that needs to be done on this. This is a great opportunity to sit down with people who love wildlife and who still want to be able to grow and produce. She believes we can do both together. She gave her commitment as Secretary that her team will be in communication with growers, the Association, and other interested parties to make sure we are coming up with the best balance and different ideas that work. We will move this forward, talk about options, and talk to other involved agencies.

**Dr. Prehn** requested during annual elk updates that the department keep the Board up to speed on elk damage from the perspective of the industry (grower) and department.

- 4. Information Items
- 4.A. Air, Waste, Water, and Enforcement  
None

- 4.B. Land Management, Recreation, Fisheries, and Wildlife
- 4.B.1. Update on the CWD Response Plan and steps moving forward

Discussion followed on whether the department will submit to the Board a plan at the March 1, 2017 meeting or an overview of results [Department will submit an addendum to the plan identifying the next five years of management options.], the importance of bringing public and media up to speed on the latest science to obtain a good work product, and the importance of not establishing unrealistic expectations as there are some issues in life that cannot be resolved to everyone's satisfaction.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 4.B.2. Overview of Southwest Deer and Predator Study  
**Scott Hull**, Wildlife and Forestry Research Section Chief, stated that to make sure the title accurately reflects the scope of this project, it was renamed to "Southwest Wisconsin CWD, Deer, and Predator Research Project"

**Secretary Stepp** stated the importance of bringing the public and citizen scientists in on the work we do. This is the new way we are doing science at the department. She congratulated and applauded Mr. Hull and expressed her excitement for this project. This administration has and will be making decisions on sound science.

Discussion followed on when the final report will be coming out, importance of getting results through the system to CDAC's and management practices, GPS collars and locations, whether GPS data will be utilized wrong by the public [Department is looking at ways to protect the animals.], and whether open houses/hearings are videotaped [Will look into You Tube videos.].

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 5. Department Secretary's Matters
- 5.A. Retirement Resolutions
- 5.A.1. Michael T. Anderson
- 5.A.2. Shirley Bargander
- 5.A.3. Jean Berens
- 5.A.4. Raymond Brockman
- 5.A.5. Randy C. Douglas
- 5.A.6. James E. Halvorson
- 5.A.7. Bonnie Kotila
- 5.A.8. Paul La Liberte
- 5.A.9. Eugene Van Dyck

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

5.B. Donations

- 5.B.1 Friends of Lapham Peak, Inc. will donate \$66,500 to be used to construct an “open air” shelter at the Homestead Hollow picnic area within Kettle Moraine State Forest – Lapham Peak Unit

**Dr. Prehn MOVED, seconded by Ms. Anderson, approval of the department’s recommendations and to acknowledge the donation. The motion carried unanimously.**

- 5.B.2. Friends of Lapham Peak, Inc. will donate \$42,000 to purchase snowmaking infrastructure and equipment to enhance and expand the current snowmaking operation to promote and encourage outdoor recreation during the winter months at Kettle Moraine State Forest – Lapham Peak Unit

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

**Dr. Prehn** requested that all retirement resolutions going forward include the program(s) that each retiree spent the bulk of their time in at DNR.

5.C. Department Secretary’s Matters

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

Discussion followed on the Lower Chippewa - Xcel Property that was put on hold after the last Board meeting [Department was made aware of concerns following the Board’s August 2016 approval. In order to keep the transaction in play, the department decided to put it on hold. The department is currently working with the landowner to address some of the questions that were raised. Updates will be provided as progress is made.].

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 5.C.2. Department Secretary’s Matters

**Secretary Stepp** shared the Beans and Brew video that highlights the results of collaboration between the department’s Remediation and Redevelopment Program, a rural Southwest Wisconsin community, and a thriving Milwaukee-based company. She stated the department produced the video in-house for about 25% of the cost of having it professionally done. That is the kind of talent we have at the department. She is very proud of staff.

Next, she highlighted the Cherish Wisconsin Outdoors Fund and distributed pins to the Board to help build awareness of this Fund.

She then stated that in recognition of Wisconsin’s public lands, Governor Walker proclaimed September 24, 2016 to officially be known as “Public Lands Day.”

6. Board Members' Matters

**Mr. Bruins** requested an information item on trout regulations as related to diverse fishing groups to fully understand if there is a proper balance between catch and release and those that fish for food.

**Dr. Prehn**, extending Mr. Bruins' request, requested a report on an overview of the department's general fish regulations and whether they can be simplified.

**Secretary Stepp** stated that these complex regulations come at the request of the public. She asked the public and the Wisconsin Conservation Congress to work with the department on this. We are doing the best to manage this.

**Dr. Prehn** stated that the Congress does bring forward a lot from the public. However, it is a select public that is very involved in the Congress. There also is a large percentage of the population that is not involved in the Congress and those are the people he is speaking for now. It is time to take a look at this. People are overwhelmed. Is there a way we can address that concern.

**Mr. Kazmierski** stated we tested the water with that with the new deer program. We need direction with the department to set sideboards up that when a person brings a question to the Congress, it has to fall within those sideboards. It may continue to get worse and worse.

The agency did that with the CDAC's (County Deer Advisory Committee's) in the deer management rules. They could not increase regulations more than they already are.

**Secretary Stepp** stated the Congress is a very valued advisor to the Natural Resources Board. She suggested the Board or designee have discussions with the Congress Chair as to whether there is a stakeholder interaction to get together to talk on. Those that attend the Congress hearings feel passionately about bringing their concerns forward around the state.

**Dr. Prehn** questioned how department biologists look at Congress resolutions. Are they scientifically driven? He is looking for a report on what percent of regulations are driven from the Congress and/or special interest groups. Propagating and maintaining species is our main responsibility.

**Mr. Bruins** stated he would like to refocus on his original request, possibly this could be used as a template for flaws in the entire system.

**Mr. Zimmer** shared his appreciation for the Beans and Brew video. He then commented on what the Board heard these past couple days from their tribal friends that they look forward seven generations. In a sense, the public at times is stuck looking two generations back. The Brownfields program is one that he had no knowledge of prior to coming onto the Board. The Board has seen remarkable changes during their tours around the state that have taken place over the years. We are the entity that has to look backwards to try to bring things forward to a proper level. We have to be flexible.

**Mr. Zimmer** then shared his experiences with the "Go Wild" system and his concerns on the on-line bonus permit process. He was not able to obtain, for the second year in a row, a bonus permit. It seemed to him that the on-line purchase did not work. He called in one minute early which he found out was a problem. He found out that the public could walk in to a department vendor location and purchase one. He requested an information update on this at a future meeting.

**Secretary Stepp** stated that the Go Wild system vendor has been working well with the department on issues. She is encouraged in the direction this is going moving forward and agrees that communication on how the system works could be improved.

**Mr. Kazmierski** requested that the Board follow-up with a letter to the tribes addressing each one of their specific concerns (e.g. Ho-Chunk Nation’s concern of industrial sand mining and water quality). The Board has heard their concerns. We need to give them the opportunity to see the research that has been done and what our standards are, so they know and understand we are also concerned. This should come from the Board.

**Mr. Cole** encouraged the public to view the Beans and Brew video shown at today’s meeting which highlights Colectivo Coffee (formerly Alterra Coffee) in Milwaukee and Potosi Brewery in Potosi. Link: <https://www.youtube.com/watch?v=QmCOX7zTnCo> or go to You Tube and search for “Beans and Brew”.

**Chair Hilgenberg** requested a motion to go into Closed Session under the authority of s.19.85(1)(g) Wisconsin Statutes to confer with legal counsel on strategy with respect to likely litigation.

**Mr. Zimmer MOVED, seconded by Mr. Bruins that the Board convene into Closed Session under the authority of s.19.85(1)(g) Wisconsin Statutes to confer with legal counsel on strategy with respect to likely litigation. The motion carried on a roll call vote.**

**William Bruins – yes**

**Julie Anderson –yes**

**Dr. Frederick Prehn – yes**

**Greg Kazmierski – yes**

**Gary Zimmer – yes**

**Preston Cole – yes**

**Terry Hilgenberg – yes**

**Chair Hilgenberg** stated to those in the audience and viewing on-line that the meeting will reconvene at approximately 11:35 a.m.

**Chair Hilgenberg** reconvened the meeting at 11:38 a.m. He reported that during the Closed Session, no action was taken.

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

\*\*\*The meeting adjourned at 11:38 a.m.\*\*\*

SEPTEMBER 28, 2016

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