

NATURAL RESOURCES BOARD

BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, October 22, 2008 at the Eagle River Inn & Resort, 5260 Highway 70 West, Eagle River, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 3:50 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

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

1.B. Approval of agenda for October 22, 2008

Mr. Welter MOVED, seconded by Dr. Clausen approval of the agenda for October 22, 2008. The motion carried unanimously.

1.C. Approval of minutes from August 13, 2008

Mr. Ela MOVED, seconded by Mr. Rohde approval of the minutes as presented. The motion carried unanimously.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Ela MOVED, seconded by Mr. Welter approval of the real estate transactions. The motion carried unanimously.

3. Action Items

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

3.A.1 Request authorization for public hearing for Board Order AM-19-08, proposed rules affecting Chapters NR 422 and 423 pertaining to Reasonably Available Control Technology (RACT) for VOC sources engaged in solvent cleaning, lithographic and flexible package printing, and certain coating source categories;

3.A.2 Request authorization for public hearing for Board Order AM-24-08, proposed rules affecting chs. NR 419 and 484, pertaining to establishing VOC emission control requirements for industrial wastewater collection and treatment operations from major VOC sources in Wisconsin ozone nonattainment areas; and

3.A.3 Request authorization for public hearing for Board Order AM-20-08, proposed rules affecting Chapter NR 428 pertaining to modifications to address USEPA's concerns relative to SIP approval with the adopted NOx RACT rule and to incorporate minor revisions

Mr. Cole MOVED, seconded by Ms. Wiley approval of the requests for authorization for public hearing for: 3.A.1 (Board Order AM-19-08, proposed rules affecting Chapters NR 422 and 423 pertaining to Reasonably Available Control Technology (RACT) for VOC sources engaged in solvent cleaning, lithographic and flexible package printing, and certain coating source categories); 3.A.2 (Board Order AM-24-08, proposed rules affecting chs. NR 419 and 484, pertaining to establishing VOC emission control requirements for industrial wastewater collection and treatment operations from major VOC sources in Wisconsin ozone nonattainment areas); and 3.A.3 (Board Order AM-20-08, proposed rules affecting Chapter NR 428 pertaining to modifications to address USEPA's concerns relative to SIP

approval with the adopted NOx RACT rule and to incorporate minor revisions). The motion carried unanimously.

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

3.B.1 Request adoption of Board Order FR-11-08, revisions to NR 47 related to Urban Forestry Grants

Mr. Ela MOVED, seconded by Ms. Wiley approval of the request for adoption of Board Order FR-11-08, revisions to NR 47 related to Urban Forestry Grants. The motion carried unanimously.

3.B.2 Request approval of expanded Pershing Wildlife Management Area project boundary

Dr. Clausen MOVED, seconded by Mr. Rohde approval of the request for approval of expanded Pershing Wildlife Management Area project boundary. The motion carried unanimously.

3.B.3.a. Briefing on Commercial Fisheries and their Management

INFORMATION ITEM – NO ACTION WAS TAKEN

3.B.3.b. Request adoption of Board Order FH-13-08, revisions to NR 25 related to Great Lakes Commercial Fishing and Wholesale Fish Dealing

Mr. Ela MOVED, seconded by Dr. Clausen approval of the request for adoption of Board Order FH-13-08, revisions to NR 25 related to Great Lakes Commercial Fishing and Wholesale Fish Dealing.

Mr. Rohde MOVED, seconded by Ms. Wiley to amend the rule to include the following language as underlined at NR 25.13(5) (a) 3. and (b) on pages 23 and 24:

3. The person shall immediately notify the department if the unit issued to that person malfunctions or is damaged or lost. The department shall promptly replace the malfunctioning, damaged or lost unit with a replacement unit. After notifying the department that the person's portable electronic reporting unit is malfunctioning, lost, or damaged, the person may continue to engage in commercial fishing activities without possessing a functioning portable electronic reporting unit until the replacement unit arrives, provided that the person follows the procedures of sub. (c) 2., 3. and 4. Upon receiving the replacement unit, the person shall enter all required daily fishing activity information and submit it electronically to the Department as required under sub. (d) 2. The person shall deliver or arrange shipment of the malfunctioning or damaged unit back to the department as directed by the department.

(b) A person who is notified that he or she is responsible for reimbursing the department for the replacement cost for any unit may seek a hearing before the department by filing a petition with the department within 30 days after the date of the notice. The petition shall set forth specifically why the damage or loss was not preventable, the reasons why a hearing is warranted and the relief desired. Following receipt of a complete petition, the department shall hold a hearing after at least 10 days' notice. The hearing shall be a contested case under ch. 227, Stats. At the beginning of the hearing the petitioner shall present evidence in support of the relief sought in the petition. Following the hearing the department's action may be affirmed, modified or withdrawn. Until a decision is issued by the department following the hearing, the person may engage in commercial fishing provided that the person has a functioning replacement portable electronic reporting unit issued by the department, or is authorized under par. (a) 3. to engage in commercial fishing activities without possessing a functioning portable electronic reporting unit.

OCTOBER 22, 2008

Mr. Ela and Dr. Clausen accepted as a friendly amendment.

The motion as amended carried unanimously.

Dr. Thomas moved to Agenda item 3.B.13.

3.B.13 Reconsideration of Board Order FH-22-06A, revised fishing tournament regulations **ADDED**

Mr. Rohde MOVED, seconded by Mr. Ela approval of the Reconsideration of Board Order FH-22-06A, revised fishing tournament regulations. The motion carried unanimously.

Dr. Thomas continued the meeting with agenda item 3.B.4.

3.B.4 Land Acquisition – Kettle Moraine State Forest/Southern Unit – Walworth County

Mr. Ela MOVED, seconded by Dr. Clausen approval of the Land Acquisition – Kettle Moraine State Forest/Southern Unit – Walworth County. The motion carried unanimously.

3.B.5 Land Acquisition – Central Wisconsin Grassland Conservation Area – Adams County

Dr. Thomas MOVED, seconded by Dr. Clausen adoption of the Land Acquisition – Central Wisconsin Grassland Conservation Area – Adams County. The motion carried unanimously.

3.B.6 Land Acquisition - Ice Age Trail - Polk County

Dr. Clausen MOVED, seconded by Mr. Welter approval of the Land Acquisition - Ice Age Trail - Polk County. The motion carried unanimously.

3.B.7 Land Acquisition – Brule River State Forest – Douglas County

Mr. Ela MOVED, seconded by Mr. Rohde approval of the Land Acquisition – Brule River State Forest – Douglas County. The motion carried unanimously.

3.B.8 Land Acquisition - Black River State Forest - Jackson County

Dr. Thomas MOVED, seconded by Mr. Welter approval of the Land Acquisition - Black River State Forest - Jackson County. The motion carried unanimously.

3.B.9 Land Acquisition & Partial Donation - South Shore Lake Superior Fish & Wildlife Area - Bayfield County

Mr. Ela MOVED, seconded by Mr. Rohde approval of the Land Acquisition & Partial Donation - South Shore Lake Superior Fish & Wildlife Area - Bayfield County. The motion carried unanimously.

3.B.10 Land Donation - Lower Wolf River Bottomlands Natural Resources Area - Winnebago County

Ms. Wiley MOVED, seconded by Mr. Ela approval of the Land Donation - Lower Wolf River Bottomlands Natural Resources Area - Winnebago County. The motion carried unanimously.

3.B.11 Land Donation – Theresa Wildlife Area – Washington County

Dr. Clausen MOVED, seconded by Dr. Thomas approval of the Land Donation – Theresa Wildlife Area – Washington County. The motion carried unanimously.

OCTOBER 22, 2008

3.B.12 Land Donation - Rowan Creek Fishery Area - Columbia County

Mr. Ela MOVED, seconded by Mr. Welter approval of the Land Donation - Rowan Creek Fishery Area - Columbia County. The motion carried unanimously.

Dr. Thomas requested a motion to go into Executive Session following the briefing on the statutory authority of the Board during lunch.

Mr. Welter MOVED that the Board convene into Executive Session following the lunch briefing on the statutory authority of the Board under the authority of s.19.85(1)(e), Wisconsin Statutes, for the purpose of discussing potential real estate transactions. Mr. Ela seconded the motion. The motion was carried by a roll call vote by those members present.

David Clausen – yes Preston Cole – yes
Jonathan Ela – yes Gary Rohde –yes
John Welter – yes Christine Thomas – yes
Jane Wiley – yes

Dr. Thomas reconvened the meeting at 1:15 p.m. Chair Thomas reported that during the Executive Session no action was taken.

- 4. Citizen Participation
- 4.A. Citizen Participation

- 5. Board Members' Matters

- 6. Special Committees' Reports

- 7. Department Secretary's Matters
- 7.A. Retirement Resolutions
- 7.A.1 Lyle Manteuffel
- 7.A.2 Larry G. Nelson
- 7.A.3 Thomas D. Pellett
- 7.A.4 Bruce Klang
- 7.A.5 David L. Brum
- 7.A.6 Raymond J. Broennimann
- 7.A.7 Celeste J. Hoze

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

- 7.B. Donations
- 7.B.1 The Navarino Nature Center, Inc. will donate a "Green" building addition to the current nature center valued at \$623,943.00

Mr. Welter MOVED, seconded by Mr. Rohde approval of the Navarino Nature Center, Inc. donation of a "Green" building addition to the current nature center valued at \$623,943.00. The motion carried unanimously.

- 7.B.2 Kiap-TU-Wish Trout Unlimited Chapter will donate \$15,000 to the Bureau of Fisheries Management for a Pine Creek Trout Habitat Restoration Project in Maiden Rock, Pierce County

Dr. Clausen MOVED, seconded by Mr. Rohde approval of the Kiap-TU-Wish Trout Unlimited Chapter donation of \$15,000 to the Bureau of Fisheries Management for a Pine

OCTOBER 22, 2008

Creek Trout Habitat Restoration Project in Maiden Rock, Pierce County . The motion carried unanimously.

7.B.3 Janet Flynn will donate an original watercolor painting valued at \$12,000 in support of the Endangered Resources Program

Mr. Welter MOVED, seconded by Mr. Ela approval of the Janet Flynn donation of an original watercolor painting valued at \$12,000 in support of the Endangered Resources Program. The motion carried unanimously.

7.B.4 The Friends of Horicon Marsh International Education Center, Inc. will donate a 2009 John Deer "Gator" valued at \$11,000 to the wildlife education program at Horicon Marsh

Mr. Welter MOVED, seconded by Ms. Wiley approval of the Friends of Horicon Marsh International Education Center, Inc. donation of a 2009 John Deer "Gator" valued at \$11,000 to the wildlife education program at Horicon Marsh. The motion carried unanimously.

7.B.5 The Lower Wisconsin State Riverway Fund, through the Natural Resources Foundation, will donate \$7,616 to the Bureau of Wildlife Management for management and restoration of native plant communities and wildlife

Mr. Ela MOVED, seconded by Dr. Clausen approval of the Lower Wisconsin State Riverway Fund, through the Natural Resources Foundation, donation of \$7,616 to the Bureau of Wildlife Management for management and restoration of native plant communities and wildlife. The motion carried unanimously.

7.B.6 The Natural Resources Foundation of Wisconsin will donate \$7,000 to the Department's ongoing osprey work

Mr. Cole MOVED, seconded by Mr. Ela approval of the Natural Resources Foundation of Wisconsin donation of \$7,000 to the Department's ongoing osprey work. The motion carried unanimously.

8. Information Items

8.A. Air, Waste, and Water/Enforcement
None

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

8.B.1 Informational Update on Lead in Hunter Harvested Venison **ADDED**

INFORMATION ITEM – NO ACTION WAS TAKEN

Dr. Clausen MOVED, seconded by Mr. Ela to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 3:50 p.m.

NOTE: Each Natural Resources Board meeting is recorded. Tapes of each meeting are available for purchase by contacting the Natural Resources Board at 608-267-7420. The following resources are also available: Agenda Item Packets (green sheets), supporting documents, and public comment.