

NATURAL RESOURCES BOARD

MINUTES

A special meeting of the Natural Resources Board was held on Tuesday, June 23, 2009 at WI Indianhead Technical College (WITC), New Richmond, Wisconsin. The meeting was called to order at 9:00 a.m. for action on items 1 - 3. The meeting adjourned at 11:35 a.m.

Joseph Huftel, WITC Vice President, Instructional Technology & New Richmond Campus Administrator welcomed the Board to campus and to New Richmond. WITC is the largest technical college in this portion of the state. He then thanked the Board and Department for the work they do. It plays out throughout the state.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

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

1.B. Approval of agenda for June 23-24, 2009

Dr. Thomas requested the agenda be amended due to allow moving Wednesday Department Secretary's Matters agenda items 7A-Retirement Resolutions and 7B-Donations to Tuesday, if time permits.

Dr. Clausen MOVED approval of the agenda as amended, seconded by Mr. Ela. The motion carried unanimously.

1.C. Approval of minutes from May 26 - 27, 2009

Approval of the minutes was deferred to the August 12, 2009 meeting.

3. Action Items

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

None

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

3.B.1 Request Adoption of Board Order FH-01-09, fishing and clamming regulation changes supported at the 2009 Spring Fish and Wildlife Rules Hearings

Mike Staggs, Bureau Director, Fisheries Management spoke in place of Joe Hennessy, Bureau of Fisheries Management Staff Specialist. He stated the Department is advancing eight changes of broad, statewide significance, and approximately 25 questions of local or regional interest, which affect fishing regulations on individual waters. Among the changes of statewide interest include a rule which will require background checks for adults who mentor children in the Department's angler education, aquatic education, and outdoor skills programs, and changes which will strengthen but codify rules related to recreational clamming in the St. Croix National Scenic Riverway and commercial clamming in the St. Croix and St. Louis Rivers where those rivers form the boundary between Wisconsin and Minnesota.

The Department further recommends elimination of rules which restrict anglers to using barbless hooks only in the early catch-and-release trout season. Barbless hooks have not proven to significantly reduce trout mortality when compared to conventional, barbed hooks. Anglers will still be restricted to using artificial lures only during the early trout season. Several of the supported proposals "of statewide interest" are rules which clarify portions of Administrative

Code without significantly changing the scope of existing rules, including changes which better define the upstream boundaries of the middle Wisconsin, Chippewa, Yellow, and other large rivers.

Two questions of local or regional interest advanced to hearing were not supported in the affected counties and thus are not recommended for adoption: rules affecting musky angling regulations on Kentuck Lake and rules related to walleye harvest in North and South Twin lakes (all in Vilas County). He requested the Board adopt Board Order FH-01-09. **(PowerPoint)**

Discussion followed on if the regulations for the local proposal are county-wide.

Public Appearances (1):

1. **Ed Harvey**, Waldo, representing WI Conservation Congress (WCC) as Chair stated the Congress supports this rule proposal in entirety.

NOTE: In accordance with s. 15.348, Wis. Stats., the Wisconsin Conservation Congress shall serve in an advisory capacity to the Natural Resources Board on all matters under the jurisdiction of the Board, and therefore is uniquely granted the permission to address the Board with no time restriction.

Dr. Clausen MOVED approval, seconded by Ms. Wiley. The motion carried unanimously.

3.B.2 Request Authorization for Public Hearings on Board Order FH-18-09, fisheries housekeeping rule revisions

Mr. Staggs spoke in place of Joe Hennessy. He stated that these proposals were suggested by the Bureau of Fisheries Management and Law Enforcement to address fisheries management and law enforcement issues related to management of recreational fishing on Wisconsin's outlying, inland, and boundary waters. The proposals were developed with input from the Bureau of Legal Services and are limited to clarifications of existing code or changes to pieces of code which do not accurately reflect the intent of rules previously adopted by the Natural Resources Board. Fisheries-related housekeeping of Administrative Codes last occurred in 2004. He requested the Board approve Board Order FH-18-09. **(PowerPoint)**

Discussion followed on the number and location of public hearings.

Dr. Clausen MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.

3.B.3 Easement Acquisition – Forest Legacy Program – Marinette County

Discussion followed on the history of this purchase dating back to 2006.

Mr. Welter MOVED approval, seconded by Mr. Rohde.

Mr. Ela disclosed that his wife works for The Nature Conservancy but was not involved in this transaction and will receive no benefit from it. He will not abstain from the vote.

The motion carried unanimously.

3.B.4 Land Acquisition – Northern Highland State Forest – Vilas County

Discussion followed on the possibility of the Department purchasing the 211.5 acres located in the "middle" of this parcel and how this parcel compares to the Rainbow Lodge mosaic.

Mr. Ela MOVED approval, seconded by Dr. Clausen. The motion carried unanimously.

3.B.5 Acquisition – Lulu Lake Natural Area – Walworth County

Mr. Welter MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

3.B.6 Land Acquisition – White River Marsh Wildlife Area – Green Lake County

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

3.B.7 Land Acquisition – Glacial Habitat Restoration – Dodge County

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

3.B.8 Land Acquisition – Glacial Habitat Restoration – Fond du Lac County

Discussion followed on possible hunting and issues with neighbors in the future on this parcel.

Dr. Clausen MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

3.B.9 Land Acquisition – Glacial Drumlin State Trail – Dane County

Discussion followed on encouraging Dane County to use Stewardship funds to purchase remaining gaps in the trail from Madison to Cottage Grove, whether Dane county allows hunting on adjacent parcels, and how much of this parcel would be open to hunting.

Dr. Clausen MOVED approval, seconded by Mr. Ela.

Mr. Welter MOVED, seconded by Dr. Thomas to amend the purchase to designate a 150' wide trail corridor of this parcel for the Glacial Drumlin State Trail with the remaining portion to be purchased but not assigned a land use designation until a determination of what uses would be appropriate is made.

Dr. Thomas requested that staff bring this item back to the Board at a future meeting with information on what Dane County is doing with its parcels, how management of this property would best fit in with what the County is doing, and a proposal to the Board for a land use designation.

The motion to amend carried unanimously.

The original motion as amended carried unanimously.

3.B.10 Land Acquisition – Rib River Fishery Area – Taylor County

Dr. Clausen MOVED approval, seconded by Dr. Thomas. The motion carried unanimously.

3.B.11 Land Acquisition and Project Boundary Modification – Crex Meadows Wildlife Area – Burnett County

Discussion followed on why this parcel was before the Board for approval at a price of \$85,000 and why the Department feels this purchase from the Board of Commissioners of Public Lands (BCPL) is important.

Dr. Clausen MOVED approval, seconded by Dr. Thomas.

Mr. Rohde requested staff update the Board as to how much of the remaining 80,000 acres with

the Board of Commissioners of Public Lands (BCPL) has a potential for purchase by the Department for recreation, and what BCPL's big picture goals are.

The motion carried unanimously.

3.B.12 Land and Easement Acquisition – North Branch Milwaukee River Wildlife and Farm Heritage Area – Sheboygan County

Dr. Thomas MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

3.B.13 Easement Purchase – North Branch Milwaukee River Wildlife and Farm Heritage Area – Ozaukee County

Discussion followed on if the Department has an option to purchase this parcel or has first right of refusal.

Mr. Ela MOVED approval, seconded by Dr. Clausen.

Mr. Rohde requested an end of fiscal year report in August on how the Department did overall, relative to appropriation and purchase/cost of program.

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 Annual Update on Wisconsin Wolf Management Plan

Adrian Wydeven, Bureau of Endangered Resources Conservation Biologist gave an overview of the goal and outline for a new wolf management plan. He provided updates on population growth, management plan implementation, development of a framework for a public harvest in the event that a wolf harvest is eventually authorized, depredation management, and the federal status of the wolf. He distributed a draft framework for a potential public harvest for gray wolves in Wisconsin. **((PowerPoint and Handout))**

Discussion followed on if there are any wolf packs on Sand Island (northern tip of Bayfield) and if the delisting is likely to be sustained.

Tim Andryk, Staff Attorney stated that de-listing is pretty questionable at this point. On Monday, June 15, 2009 a lawsuit was filed challenging the federal de-listing rule. The U.S. Fish and Wildlife Service is creating a response. The Department will be looking for it some time in July. Currently, the wolf is listed as endangered. The rule and permits to landowners may be suspended.

Discussion followed on U.S. Fish and Wildlife alternative permits to allow limited trapping, the criteria for obtaining a landowner permit, how many landowner permits had been issued with resulting harvest, if there is enough habitat in northeast Wisconsin for its wolf population, locations where wolf counts are increasing, locations where wolf populations will be discouraged, penalties for the illegal killing of a wolf, and the wolf harvest rule timeline.

Public Appearances (1):

1. **Ed Harvey**, Waldo, representing WI Conservation Congress (WCC) as Chair stated their concern as to the need to aggressively manage wolves before the plan is in place. They do not feel that this can be handled with government trapping alone and hope that for the benefit of the species and to control the population, the management program will include some level of public harvest. Wisconsin trappers are ready and willing to participate in a cooperative trapping program. They do not want to see wolves managed by emergency rule. However, even to do that will require a change in state statute. They need to begin work on the enabling legislation early in 2010, as that process will also cost valuable time. In 2008 Governor Doyle addressed the congress at the WCC annual convention. He told the delegation that "it is now time to start managing wolves." Conservation Congress echo's his words. **(Handout)**

NOTE: In accordance with s. 15.348, Wis. Stats., the Wisconsin Conservation Congress shall serve in an advisory capacity to the Natural Resources Board on all matters under the jurisdiction of the Board, and therefore is uniquely granted the permission to address the Board on any agenda item. No other public comment will be accepted.

Discussion continued on the harvest permit process and if it manages the wolf population.

Discussion followed on why the 10 year plan was not revised in 2009.

INFORMATION ITEM – NO ACTION WAS TAKEN

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

The meeting adjourned at 11:35 a.m.

The regular meeting of the Natural Resources Board was held on Wednesday, June 24, 2009 at Wisconsin Indianhead Technical College (WITC), New Richmond, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1 - 7. The meeting adjourned at 2:25 p.m.

Wednesday, June 24, 2009

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

David Clausen – present
Jonathan Ela – present
John Welter – present
Jane Wiley – present

Preston Cole – absent
Gary Rohde – present
Christine Thomas – present

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Welter MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

3. Action Items

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

3.A.1 Request Adoption of Board Order WT-28-04, revisions to NR 115 Wisconsin Shoreland Management Program Note: Moved from May Agenda

Todd Ambs, Water Division Administrator, gave a brief overview of the history of this rule. He thanked Russ Rasmussen, Greg Breese, Liesa Lehmann, Mary Ellen Vollbrecht, Pat Henderson, Carmen Wagner, Dave O'Malley, Toni Herkert, Linda Meyer, Richard Wedepohl and Al Shea for their diligent work.

Gregory Breese, Watershed Management Bureau Water Regulations Management and Zoning Specialist and **Russ Rasmussen**, Watershed Management Bureau Director gave a joint presentation. They stated the current proposal is a simplified code that recognizes the science of shoreland protection, the value of waterfront property, the past work that counties have put into creating and enforcing shoreland zoning ordinances, the desire for flexibility in development coupled with the demand that the current levels of protection not be reduced. This proposal follows key basic principles that property owners may maintain existing buildings and lawns and for new building, reconstruction or expansion, property owners will need to either save some space for fish and wildlife habitat and runoff absorption – or restore habitat or runoff absorption – in proportion to the project. Many familiar standards are unchanged, including the 75 foot setback and the 10,000 and 20,000 square foot lot sizes.

Major provisions of the proposal include adding definitions to the rule for clarity; providing exemptions for certain activities from shoreland setback and establishing impervious surface and mitigation standards that alter the regulation of nonconforming structures. These changes will significantly decrease the number of variance applications counties receive and allow landowners to undertake certain activities by obtaining a simple administrative permit from the county. They requested the Board approve Board Order WT-28-04. **(PowerPoint)**

Public Appearances (13):

1. **Jim Erdman**, Town of Oshkosh, representing Town of Oshkosh offered criticism on the proposed rule that it punishes owners of properties in older existing plats of unincorporated communities. There is no fairness or equality to every single shoreline property in Wisconsin i.e. cities, villages, and towns; the same standard/rules do not apply. The fate of property owners' land should be a decision of our elected officials; not a committee of unelected lawmakers when it comes to these radical changes. He requested the Board 1) eliminate mitigation when replacing a non-conforming structure with no increase in impervious surfaces; 2) Allow a 25% trigger for mitigation and a 50% cap in older/existing plats; 3) Coordinate with local governments to make relevant sensible guidelines; and 4) Address buffers locally. **(Handout)**
2. **Jay Verhulst**, Arbor Vitae, representing Taxpayers for Fair Zoning stated their opposition to the proposed rule due to the lack of participation and refusal of the Department to coordinate on this issue. On a legal question, he requested the Board table this rule due to the lack of coordination and that Environmental and Economic Impact Statements had not been given to towns **(Handout)**
3. **Sandra Verhulst**, Arbor Vitae, representing self stated her opposition to this rule. She handed out pamphlets on fire safety related to mowing 100' from any structure. She believes the rewritten rule would not allow homeowners to fireproof their property and homes. The Board should show concern of human environment and discussed West Nile and Lyme disease (handed out CDC brochure). She stated that the proposed rule prevents homeowners from fire control and preventing devastating diseases. She asked the Board to consider these concerns and readdress changes until proper studies can be done. **(Handouts)**
4. **Tami Jackson**, Columbus, representing Wisconsin Association of Lakes, was not in attendance.
5. **Clark Palmer**, Antigo, representing self, was not in attendance.
6. **George Meyer**, Madison, representing WI Wildlife Federation (WWF) as Executive Director stated that the WWF is strongly concerned with the protection and enhancement of fish and

wildlife habitat associated with WI's streams and lakes. Because of this interest, and the close correlation of the near shore area of lakes and streams to water quality and wildlife habitat, they support the proposed revisions to NR 115. Shoreland owners should be able to continue the use of their valuable lake and stream properties and in fact these rules do allow this. This code reaches a proper balance between private property rights and protection of our lakes and streams. The WWF asked the Board to vote in favor of the proposed rule.

7. **Pam LaBine**, Armstrong Creek, representing self, was not in attendance.
8. **Karl Kastrosky**, Washburn, representing WI County Code Administrators (WCCA). The WCCA is an organization of county employees who administer and enforce NR 115 through county shoreland and wetland zoning ordinances. The WCCA had specifically reviewed the draft and are still in opposition to certain code sections. His comments focused on the intent of the code revision process, who/what will be impacted by the code, and how the code will be implemented. He listed their reasons for opposition and gave their recommendations to the Board. (**Handout**)

Discussion followed on whether WCCA Committee's concerns represented all county administrators, who was involved in the advisory committee, definition of impervious surface, why WCCA requested moving the impervious surface requirement from 15% to 20%, mitigation for impervious surfaces, if implementing this proposed rule would be problematic, and details of WCCA concerns.

9. **Gary Baier**, Nokomis, representing Town of Nokomis as Chair, was not in attendance.
10. **Al Anding**, Monona, representing self, was not in attendance.
11. **Sue Shore**, Town of Maine, representing self, was not in attendance.
12. **Steve Margitan**, Hazelhurst, representing Town of Little Rice, was not in attendance.
13. **Tom Tiffany**, Hazelhurst, representing self, was not in attendance.

Discussion followed on how Department properties conform to shoreline regulations, additional discussion on the following WCCA requests: 1) 1,000/300 setback (mitigation and expanding up), 2) 15%/20% impervious surface (major concerns alleviated after staff discussion with Michelle Staff, president of WCCA), 3) deletion of NR 115.05(1)(g)6.g, (conflicts with statute in chapter 59), 4) follow Wis. Stats 235.02(12) which defines subdivision to eliminate inconsistent definitions (public access and noticing), 5) deletion of 3 sections within NR.115.05(4) that are administrative functions guided by codes (additional workload, if DNR can reject Ch. 30 permit after construction has begun and getting copies of Ch. 30 permits from county), and 6) opposition to the inclusion of the term "structural alteration" being subject to impervious surface limits in NR 115.05(1)(e) (how structural alteration fits in to impervious surfaces and its definition), and if a guidance document will be issued by the Department following the passage of this rule.

Mr. Welter MOVED approval, seconded by Ms. Wiley.

Mr. Ela MOVED, seconded by Dr. Clausen to amend the rule proposal to include technical amendments to Section 11 of the Board Order to correct cross-references and to provide clarity as follows:

- 1) Amend NR 115.05 (1)(d) to read:
(d) *Filling, grading, lagooning, dredging, ditching and excavating.* Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of ~~sub. (2)~~ **NR 115.04**, the requirements of ch. 30, Stats., and other state

and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

2) Amend NR 115.05 (1)(e) to read:

(e) Impervious surfaces. Counties shall establish impervious surface standards to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface, and shall require all of the following:

3) Amend NR 115.05 (1)(g)4. to read:

4. 'Maintenance of nonconforming principal structure.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b)1. may be maintained and repaired within its existing building envelope. Maintenance and repair includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding, or roof.

4) Amend NR 115.05 (1)(g)5.a. to read:

a. The use of the structure has not been discontinued for a period of 12 months or more.

Mr. Welter and Ms. Wiley accepted the motion as a friendly amendment to the original motion.

Discussion followed on clarification to NR 115.05(1)(g)5.e. and putting communities on notice.

Mr. Welter MOVED to amend the rule proposal to add a second note to:

1) NR 115.05 (1)(g)5.e.:

Note: This code does not supersede s. 59.692(1s), Wisconsin Statutes.

2) NR 115.05 (1)(g)6.g.:

Note: This code does not supersede s. 59.692(1s), Wisconsin Statutes.

Ms. Wiley accepted as a friendly amendment to the original motion.

Discussion followed on if the DNR has authority to deny a permit after the county approves it.

Secretary Frank stated the permit process is descriptive under current law. The context here is to establish a system to work earlier on disagreements on permit approvals.

Mike Lutz, DNR Attorney, stated he is not a variance lawyer. Variance approval is received prior to permit approval.

Discussion continued on how the variance application process works and reference to *new homes only* in the code.

Dr. Thomas tabled this item for ten (10) minutes and moved on to the next agenda items to allow staff time to create an additional amendment to the proposed rule.

- 3.A.2 Request Adoption of Board Order WA-22-08, proposed NR 528 relating to the Management of Accumulated Sediment from Storm Water Management Structures
Gene Mitchell Recycling & Solid Waste Section Chief spoke in place of Ann Coakley. He

stated the proposed rule is intended to provide a streamlined regulatory structure for the management of accumulated sediment that is both environmentally protective and administratively efficient. The approach features self regulation backed up by certification that the sediment manager has taken all necessary steps to properly evaluate and manage any risks associated with the sediment and the intended use. The sediment manager/environmental professional attests to the above, agrees to perform any necessary monitoring and ensures that all sediment management records are maintained. He requested the Board approve Board Order WA-22-28.

Discussion followed on oversight and how the Department would ensure this is working.

Mr. Ela MOVED approval, seconded by Mr. Welter. The motion carried unanimously.

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

3.B.14 Request Adoption of Board Order FR-09-09, revisions to NR 46 relating to the administration of the Managed Forest Law and Forest Crop Law

Kathryn Nelson, Forest Tax Section Chief, stated that the rule would repeal and recreate NR 46.30(2)(a) to (e) and create NR 46.30(2)(f) to (g). to revise the stumpage rates used in calculating severance taxes and yield taxes for timber harvested during the period of November 1, 2009 and October 31, 2010. Thirteen separate zones reflect varying stumpage rates for different species and products across the state. The average change from the current rate is an 11% decrease for saw timber, a 7% decrease in pulpwood, a 5% decrease in mixed products, and a 2% decrease in piece products. Two new stumpage tables are created to collect stumpage and yield taxes if the timber is sold by weight (tons). The new tables also include stumpage values for biomass.

The new tables based on weight (tons) are being included in NR 46 to reflect the business processes of Wisconsin's mills. Many pulp mills purchase pulpwood products based on weight instead of the measured cordwood volume. Landowners who are paid by weight from the mill will no longer need to convert their weight to cords for reporting their harvested volumes when under the FCL or MFL program. She requested the Board approve Board Order FR-09-09. (FAQ's)

Mr. Welter MOVED approval, seconded by Dr. Clausen.

Dr. Thomas stated that the Board requested a Government Accountability Board ruling that if Natural Resources Board (NRB) Members who participate in forest law are eligible to participate in voting. She asked if legal staff had received a response.

Mr. Lutz stated the Accountability Board's ruling was that the NRB member landholdings were not large enough for abstention in voting on this item.

Discussion followed on concerns of how the yield tax in the range of 3% - 7% is spread among participants and if this was based on a geographic area.

The motion carried unanimously.

3.B.15 Request Authorization for Public Hearings on Board Order WM-21-07, revisions to NR 10, 12 and 16 related to regulating captive wild or feral swine, mute swans, and wolf-dog hybrids under the Captive Wildlife Law

Scott Loomans, Bureau of Wildlife Management Staff Specialist stated that 2007 ACT 119 requires that the Department list by rule wild or feral hogs as harmful wild animals. In this rulemaking, the Department also proposes listing wolf-dog hybrids and mute swans because those species can also be a threat to the environment, public health, the health of domestic animals, or are capable of inflicting severe physical harm to humans or domestic animals. People who wish to possess these animals will need to obtain a Captive Wild Animal Farm License and meet minimum requirements for animal care, confinement, record keeping, and reporting of animals which are transferred or which escape.

Under this proposal only people who possessed wild or feral hogs prior to the effective date of the rule may continue to possess those animals and they may only be possessed for purposes of meat production. Wolf-dog hybrids are required to be sexually neutered. Mute swans were previously regulated under NR 16 and those regulations, which are not currently in effect because of modifications to Ch. 50 of the Federal Code of Regulations, are restored. These regulations will apply to captive wild animals which are privately owned. These rules would not apply to a public zoo, veterinarians for the purpose of providing medical treatment, or people who possess wild animals for less than 10-days for the purpose of resale or slaughter. He requested the Board authorize public hearings on Board Order WM-21-07. **(PowerPoint)**

Discussion followed on the legality of vaccinating a wolf-dog hybrid and if there is flexibility in its definition, the approximate number of feral swine in Wisconsin, and how a person could acquire a wolf-dog hybrid.

Dr. Clausen MOVED approval, seconded by Ms. Wiley. The motion carried unanimously.

- 3.B.16 Request Authorization for Public Hearings on Board Order WM-16-09, revisions to NR 10 relating to white-tailed deer population goals and deer management unit (DMU) boundaries
Keith Warnke, Bureau of Wildlife Management Staff Specialist stated that Administrative code requires the Department to conduct DMU boundary and goal reviews at three-year intervals. The most recent review was completed in January 2005.

The Department is requesting board approval to hold public hearings regarding proposed changes to the over winter population goal in 16 DMUs. In line with the recommendations of the DMU Review Stakeholder Advisory Panel, the proposal raises deer population goals in 13 DMUs and lowers them in three DMUs.

Over winter population goals and DMU boundaries serve as the foundation for managing the deer herd and determining deer hunting season structures. Proposed population goals are based on: (1) carrying capacity as determined by unit population responses to habitat quality and historic records of winter severity; (2) hunter success in harvesting and seeing deer and public deer viewing opportunities; (3) ecological and economic impacts of deer browsing; (4) disease transmission; (5) deer vehicle collisions; (6) Chippewa treaty harvest; (7) hunter access to land in a management unit; (8) ability to keep the herd in a management unit at goal; and (9) tolerable level of deer damage to crops. He requested the Board approve authorization for public hearings on Board Order WM-16-09. **(PowerPoint)**

Discussion followed on how many units are currently in goal, what is the scientific reason to raise goals, if disease transfer could impact goal, hunting in urban areas including Hudson area, cost of adverse impact to local governments from deer to trees and plants, and wheel analysis as related to deer population. He requested the board authorize public hearings for Board Order WM-16-09.

Ms. Wiley MOVED approval, seconded by Mr. Rohde. The motion carried on a vote of 4-0 with 2 abstentions.

David Clausen – abstained

Preston Cole – absent

Jonathan Ela – abstained

Gary Rohde – yes

John Welter – yes

Christine Thomas – yes

Jane Wiley – yes

Dr. Thomas returned the meeting to Item 3.A.1.

- 3.A.1 Request Adoption of Board Order WT-28-04, revisions to NR 115 Wisconsin Shoreland Management Program **CONTINUED**

Mr. Rasmussen read the newly created amendment to NR 115.05(4)(h).

Discussion followed on the county enforcement of ordinances, making permits available on request by the Department, and a general audit of counties by the Department.

Mr. Ela MOVED to amend Section 14 to read:

NR 115.05 (4) (h) Written notice to the appropriate ~~district~~ regional office of the department at least 10 days prior to ~~any hearings~~ hearing on a proposed ~~variances~~ variance, special ~~exceptions~~ exception or (conditional ~~uses~~ use) permit, ~~appeals~~ appeal for a map or text ~~interpretations~~ interpretation, and map or text ~~amendments~~ amendment, and submission to the same office of the department of copies of decisions on ~~variances~~, special ~~exceptions~~ (conditional ~~uses~~), ~~appeals~~ for map or text ~~interpretations~~, and map or text ~~amendments~~ within 10 days after they are granted or denied copies of all proposed land divisions submitted to the county for review under sub. (2). Upon request of the Department, a county shall provide to the appropriate regional office a copy of any permit issued under sub. (1)(g).

Mr. Welter and Ms. Wiley accepted as a friendly amendment to the original motion.

The original motion as amended carried unanimously.

Dr. Thomas recessed the meeting for lunch and reconvened the meeting at 1:10 p.m. with 4.A. Citizen Participation.

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

Public Appearances:

1. Rob Stafsholt, New Richmond, representing WI Bear Hunters Association *Topic: Bobcats and Wolf Lawsuit*. He stated their organization is not in favor of a season change for Bobcats and believes it would shorten the season. He then requested the Board, Department, and Governor to intervene in the federal wolf lawsuit and defend Wisconsin's plan.

3.B.17 Request Approval of a feasibility study and startup master plan for the Southwest Wisconsin Grassland and Stream Conservation Area

David Sample, Research Scientist, gave a brief background on grassland birds in this area.

Tom Hauge, Wildlife Management Bureau Director and Eric Lobner, South Central Region Program Manager gave a joint presentation. They stated the proposed property designation is a State Habitat Area. The project includes a 473,900 acre boundary with a 12,000 acre acquisition goal for the proposed Southwest Wisconsin Grassland and Stream Conservation Area (SWGSCA) in Southwestern Wisconsin.

The five project goals are 1) Natural resources: Protect, restore and manage priority natural communities and associated rare and declining species; 2) Recreation: Provide compatible recreation and educational opportunities such as hunting, bird-watching, fishing, trapping paddling, hiking and nature study; 3) Agriculture: Help sustain the area's rural agricultural landscape; 4) Development: Encourage ecologically friendly development; and 5) Historic Resources: Promote appreciation of the region's historical, cultural and archaeological resources. They requested the Board approve the feasibility study and startup master plan. **(PowerPoint)**

Discussion followed on access provisions and acquisition goals.

Public Appearances (3):

1. Mark Mittelstadt, Dodgeville, representing the Driftless Area Land Conservancy as President was not in attendance.
2. Doug Cieslak, Dodgeville, representing the Driftless Area Land Conservancy as Executive Director. He asked that any restrictions on the use of conservation easements on private

property be removed; that the Department clearly contrast and discuss in this master plan the public policy and public cost differences between conservation easements without access and the public recreation choices of fee title focused projects; and that the Board provide the Conservancy continued access to the Stewardship Fund. **(Handout)**

Discussion followed on access restrictions and use of conservation easements.

3. **Steve Richter**, Cross Plains, representing The Nature Conservancy (TNC) stated their support for this project. TNC has been active in the Military Ridge Prairie Heritage Area which is identified by the Department as a focus area within the SWGSCA. He encouraged the Department to work with non-profit and federal agencies to support two or three landowner Outreach positions (private lands biologists) and have a flexible acquisition strategy that recognizes the value of working with landowners to protect grasslands through the use of conservation easements. **(Handout)**

Discussion followed on conservation easements.

4. **Mike Carlson**, Gathering Waters (added by Board Chair on Wednesday, June 24). He stated that for the most part, he speaks for all partners and thanked the Department for all their hard work. They are supportive of the master plan, however, whether talking about fee simple or easement purchases the section of the master plan dealing with conservation easements by partners needs consistency and predictability. It is critical for partner land projects to know what will make the final cut. Easements will be an important tool across the large project landscape. He cautioned the Department to watch how it unfolds and to be prepared to change strategy.

Discussion followed on any opposition to project by neighboring landowners and project timetable.

Mr. Ela MOVED approval, seconded by Mr. Welter. The motion carried unanimously.

5. Board Members' Matters

Dr. Clausen requested the Department undertake an Environmental Impact Statement (EIS) on deer management to include the impacts on the environment from the deer herd, including financial impacts resulting from deer herbivory. He requested this come before the Board with the next deer management unit approval.

Mr. Ela thanked the Department for the timeliness of the green sheets.

Mr. Welter requested an information item at the August meeting on the 2009-2011 budget as to its impact on the Department and its mission.

Dr. Thomas stated the earn-a-buck special committee had its first meeting on Saturday, June 20 in Stevens Point. She reported it was a successful kick-off. The meeting made lots of headway and members were optimistic.

6. Special Committees' Reports

None

7. Department Secretary's Matters

Secretary Frank stated he will talk more on the budget at the August meeting. One of the large

budget issues is counter service. The Assembly voted to retain this service in GPR dollars. The Senate version passed following Joint Finance's recommendation. In the end, the decision is made through the legislative and budget process. It is premature to say how the budget will affect the Department.

Furlough days are a given and will be 16 days over the biennium. The Department is working closely with the Department of Administration (DOA) and will also work with employees unions. A furlough has different requirements in civil service rules. The goal is to come up with a plan that works for the Department, deliver services to the public, and to lessen the impact of furloughs on staff over the next two years.

In legislative matters, we have a very active legislature in terms of conservation. Green Tier was reauthorized through both houses and awaits the Governor's signature. Without action, it expires July 1. Another positive movement is that the mentor hunting bill passed with key committee chair support. The electronic waste recycling bill is moving forward and may be scheduled for final assembly vote. Another bill that was approved by the Board at your February meeting is updated hunting/trapping regulations to allow green skins.

In addition, the upcoming tribal and state partnership celebration with the Great Lakes Indian Fish & Wildlife Commission (GLIFWIC) is scheduled for July 2 in Bayfield to celebrate the 25th anniversary of the Voigt decision. He is looking at a good Department presence at this event. There is a lot to be proud of.

In other matters, the Stakeholder Advisory Committee and the Department is finishing up the Stewardship access rules which will come before the Board in August. The Department is also tracking and working with the congressional delegation on the federal budget. Two exciting items in this budget are the Great Lakes Initiative which has a \$475 million commitment to restoration efforts and \$28 million to the creation of the Youth Conservation Initiative to promote youth connection to outdoors. Lastly, he joined with others in thanking staff and the Board in the completion of NR 115. Its approval today is a historic and major step forward.

- 7.A. Retirement Resolutions
- 7.A.1 Buzz H. Vahradian
- 7.A.2 Gary L. Paplham
- 7.A.3 Eric T. Amlie
- 7.A.4 Eileen Kramer
- 7.A.5 Michael F. Sohasky
- 7.A.6 Douglas R. Bilgo

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

- 7.B. Donations
- 7.B.1 The Estate of John V. Hummel will donate \$47,200.01 to the Bureau of Endangered Resources to help protect and manage rare species, their habitats, and natural communities

Mr. Welter MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

- 7.B.2 The Yamaha Motor Corporation will donate up to \$38,000 to the DNR Bureau of Law Enforcement ATV Safety and Enforcement Programs

Dr. Clausen MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

- 7.B.3 The Jackson County Wildlife Fund will donate \$20,000 to restore the Lowe Creek ponds

Mr. Ela MOVED approval, seconded by Mr. Rohde. The motion carried unanimously.

- 7.B.4 The Natural Resources Foundation will donate \$13,500 to be used toward management of Chippewa Prairie in Kenosha County DELETED

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- 7.B.5 The Hugh Becker Foundation will donate \$7,000 to designate Critical Habitat on six Northern Region Muskellunge waters

Dr. Clausen MOVED approval, seconded by Mr. Ela. The motion carried unanimously.

8. Information Items

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

- 8.B. Land Management, Recreation, and Fisheries/Wildlife
None

Dr. Thomas, on behalf of the Board, thanked West Central region for the great tours, meals, and for their hard work in coordinating meeting logistics.

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

The meeting adjourned at 2:25 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.